



**ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ**

អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

Extraordinary Chambers in the Courts of Cambodia

Chambres Extraordinaires au sein des Tribunaux Cambodgiens

Kingdom of Cambodia

Nation Religion King

Royaume du Cambodge

Nation Religion Roi

អង្គជំនុំជម្រះសាលាដំបូង

Trial Chamber

Chambre de première instance

សំណុំរឿងលេខ: ០០២/១៩ កញ្ញា ២០០៧/អវតក/អជសដ

Case File/Dossier No. 002/19-09-2007/ECCC/TC

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Before: Judge NIL Nonn, President
Judge Silvia CARTWRIGHT
Judge YA Sokhan
Judge Jean-Marc LAVERGNE
Judge YOU Ottara

Date: 18 October 2011
Original languages: Khmer/English/French
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**SCHEDULING ORDER FOR OPENING STATEMENTS AND HEARING ON THE SUBSTANCE IN
CASE 002**

Co-Prosecutors
CHEA Leang
Andrew CAYLEY

Accused
NUON Chea
IENG Sary
IENG Thirith
KHIEU Samphan

Civil Party Lead Co-Lawyers
PICH Ang
Elisabeth SIMONNEAU FORT

Lawyers for the Defence
SON Arun
Michiel PESTMAN
Victor KOPPE
ANG Udom
Michael G. KARNAVAS
PHAT Pouv Seang
Diana ELLIS
SA Sovan
Jacques VERGÈS

THE TRIAL CHAMBER of the Extraordinary Chambers in the Courts of Cambodia (“ECCC”);

BEING SEISED of Case File No. 002/19-09-2007-ECCC/TC pursuant to the Decisions on Appeal Against the Closing Order¹ by IENG Sary, IENG Thirith, NUON Chea and KHIEU Samphan, rendered by the Pre-Trial Chamber on 13 January 2011;

FOLLOWING the Initial Hearing in Case 002 held on 27 to 30 June 2011;

HEREBY schedules the commencement of opening statements in Case 002 for Monday 21 November 2011;

FURTHER SCHEDULES the commencement and duration of the initial segment of the hearing of evidence in Case 002, from Monday 28 November 2011 until Friday 16 December 2011; and

PROVIDES the following additional information to the parties and the public regarding the modalities for the conduct of opening statements and hearing of the substance in Case 002:

Opening Statements and Hearing on the Substance

Opening statements in Case 002 will commence at 9:00 a.m. on Monday 21 November 2011 in the ECCC Main Courtroom and continue over the following days. They shall be heard in open session.

The hearing will commence with the reading of the counts against each Accused as envisaged by Internal rule 89*bis* (1). As the full factual analysis in the Indictment has already been notified to the Accused and the parties, it will not be read out.

Opportunity will then be given to the Co-Prosecutors to make their opening statement in accordance with Internal Rule 89*bis*. The Co-Prosecutors shall be allocated a total of two days for this purpose. As explained in the Chamber’s decision of 18 October 2011 (E124/7), the Accused must confront all allegations contained in the Indictment in Case 002, and while the Chamber’s Severance Order of 22 September 2011 (E124) separates proceedings into a series of smaller trials, it is envisaged that the first trial will provide a general foundation for all the charges, including those which will be examined in later trials. The Co-Prosecutors shall accordingly present opening statements in relation to all charges and factual allegations against the Accused in the Indictment.

In accordance with Internal Rule 89*bis*, each Accused or his/her lawyers will then be given an opportunity to respond to the opening statement of the Co-Prosecutors. The Trial Chamber has allocated one half-day to each Defence team for this purpose. Should any Accused wish

¹ Decision on IENG Sary’s Appeal Against the Closing Order, 13 January 2011, D427/1/26; Decision on IENG Thirith’s and NUON Chea’s Appeals Against the Closing Order, 13 January 2011, D427/2/12; Decision on KHIEU Samphan’s Appeal Against the Closing Order, 13 January 2011, D427/4/14; and Decision on IENG Sary’s Appeal Against the Closing Order’s Extension of his Provisional Detention, 13 January 2011, D427/5/9.

to make a statement in the course of this hearing, this shall form part of the half day allocated to that Defence team.

The Chamber notes that pursuant to Internal Rule 89bis, opening statements by the Lead Co-Lawyers or responses to the statements of other parties are not contemplated and will not be authorized by the Chamber. No restriction is placed on the attendance of a limited number of Civil Parties at the opening statements, in accordance with the usual practice. It is for the Lead Co-Lawyers to determine how many Civil Party Lawyers and Civil Parties, respectively, shall occupy the seating in the area allocated to Civil Parties in the courtroom.

Following the conclusion of opening statements, the hearing of evidence in Case 002 will commence at 9 a.m. on Monday 28 November 2011 in accordance with the witness order previously communicated to the parties. Pursuant to Internal Rule 79(6), the hearing of the substance will be presumptively public and conducted to the maximum extent possible in open session.

This first trial segment will conclude no later than Friday 16 December 2011. The Chamber will then recess for the christmas and new year period until Wednesday 4 January 2012, between which dates no filings will be accepted by the Court Management Section. Time limits for filing documents shall nevertheless run during the judicial recess. Where a time limit falls on a day during the above recess, the due date for filing will become Thursday 5 January 2012.

Trial proceedings will resume before the Trial Chamber on Monday 9 January 2012.

The Chamber will provide further information regarding the timing of later trial segments, including judicial recesses, in due course.

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Phnom Penh, 18 October 2011
President of the Trial Chamber



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Nil Nonn