

**BEFORE THE TRIAL CHAMBER
EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA**

FILING DETAILS

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**CO-PROSECUTOR'S REQUEST FOR A TRIAL MANAGEMENT MEETING AND
REGULAR TRIAL STATUS MEETINGS FOR CASE 002**

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I. INTRODUCTION

1. The Co-Prosecutors request that the Trial Chamber schedule a trial management meeting, pursuant to Rule 79 (7), within the next two weeks and further request weekly trial status meetings with the Trial Chamber's Senior Legal Officer and representatives of the parties commencing in the week of the 24 October 2011. These meetings are requested to provide a further mechanism for the parties to communicate on issues relating to the fair and expeditious conduct of the trial.

II. TRIAL MANAGEMENT MEETING

2. Specifically, the request for the trial management meeting is to enable the Co-Prosecutors and possibly other parties to seek clarification on the Severance Order issued on 22 September 2011 and related scheduling and procedural rulings issued in the week of 18 October 2011.¹ These orders and rulings affect the structure of the trial and the evidentiary procedures to be applied. These clarifications are required to assist the Co-Prosecutors in their trial preparations.
3. The clarifications sought and the issues the Co-Prosecutors would like to raise at the trial management meeting include :
 - (1) the nature and scope of the notice to include additional counts or charges to the first trial;
 - (2) the type, number and order of witnesses to be presented at trial;
 - (3) the time allocated to question the Accused and witnesses by the Trial Chamber and the parties;
 - (4) the presentation of documentary evidence for admission prior to or between Accused or witness testimony;

¹ **E124** Severance order pursuant to Rule 89ter, 22 September 2011; **E131** Scheduling order for opening statements and hearing on the substance in Case 002, 18 October 2011; Trial Chamber Memorandum to All Parties, Case 002, Subject Witness lists for early trial segments, deadline for filing of admissibility challenges to documents and exhibits, and response to Motion E109/5, 18 October 2011 (courtesy copy by Trial Chamber); **E124/7** Decision on Co-prosecutors' request for reconsideration of the terms of the Trial Chamber's severance order (E124/2) and related motions and annexes, 18 October 2011; **E124/7** Decision on Co-prosecutors' request for reconsideration of the terms of the Trial Chamber's severance order (E124/2) and related motions and annexes, 18 October 2011; **E124/7.1** Annex: List of paragraphs and portions of the closing order relevant to Trial One in Case 002, 18 October 2011.

- (5) the allowable scope of examination on policies and the accused's participation in those other policies other than forced transfer;
- (6) the question of whether the Accused will testify at the beginning of the trial or exercise their right to remain silent;
- (7) the procedures regarding leave to reply to responses in order to ensure a full judicial record is preserved ;
- (8) the issue of balancing translation priorities between the parties and Chambers ; and
- (9) other relevant matters.

III. REGULAR TRIAL STATUS MEETINGS

4. In addition, the Co-Prosecutors request that the Trial Chamber appoint the Senior Legal Officer to convene meetings with representatives of the parties on a regular basis where issues can be raised and clarifications sought on the complex and evolving issues that have arisen since the Severance Order, Scheduling Order and related Trial Chamber rulings as well as those that are likely to arise once the substantive proceedings commence.
5. Such meetings although not explicitly provided for by the ECCC Rules, are part of the procedure of the International Criminal Tribunal for the Former Yugoslavia (ICTY) pursuant to Rule 65^{ter} D (iii) of their Rules of Procedure and Evidence (RoPE) which allow less formal and more frequent discussions to assist in facilitating a fair and expeditious trial.



~~(m) Acting under the supervision of the pre-trial Judge, the Senior Legal Officer shall oversee the implementation of the work plan and shall keep the pre-trial Judge informed of the progress of the discussions between and with the parties and, in particular, of any potential difficulty. He or she shall present the pre-trial Judge with reports as appropriate and shall communicate to the parties, without delay, any observations and decisions made by the pre-trial Judge.~~

6. These meetings would allow parties to more frequently and effectively communicate with the Trial Chamber and facilitate the smooth progression of proceedings and avoid delays. At these meetings clarifications or concerns on significant and other procedural aspects of the trial can be discussed in a more detailed but less formal style than is otherwise possible during the substantive hearings or through written motions or emails. They also avoid or reduce lengthy debate in the Trial Chamber on procedural issues preserving that time for the hearing of evidence and substantive legal argument.

IV. REQUEST

7. For the above mentioned reasons, the Co-Prosecutors respectfully request that a trial management meeting and regular weekly status meetings be held to assist the Co-Prosecutors and the parties to prepare more efficiently and effectively for trial and thereby assisting the Trial Chamber in its duty to ensure that the trial is both fair and expeditious.

Respectfully submitted,

Date	Name	Place	Signature
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