



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

Extraordinary Chambers in the Courts of Cambodia

Chambres Extraordinaires au sein des Tribunaux Cambodgiens

ព្រះរាជាណាចក្រកម្ពុជា

ជាតិ សាសនា ព្រះមហាក្សត្រ

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/អជសជ

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

Before:

Judge NIL Nonn, President

Judge Jean-Marc LAVERGNE

Judge YA Sokhan

Judge Claudia FENZ

Judge YOU Ottara

Date:

19 September 2014

Original languages:

Khmer/English/French

Classification:

PUBLIC

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du dossier:.....Sann Rada.....

SCHEDULING ORDER FOR HEARING ON THE SUBSTANCE IN CASE 002/02

Co-Prosecutors

CHEA Leang

Nicolas KOUMJIAN

Accused

NUON Chea

KHIEU Samphan

Civil Party Lead Co-Lawyers

PICH Ang

Marie GUIRAUD

Lawyers for the Defence

SON Arun

Victor KOPPE

KONG Sam Onn

Arthur VERCKEN

Anta GUISSÉ

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 Order by IENG Sary, IENG Thirith, NUON Chea and KHIEU Samphan, rendered by the Pre-Trial Chamber on 13 January 2011;¹

FOLLOWING the further Initial Hearing in Case 002 held on 30 July 2014 and considering the parties’ submissions made therein;

CONSIDERING the Co-Prosecutors’ request that the evidentiary hearings in Case 002/02 be reduced to two or three days per week in order to permit the parties to prepare the appeals from and responses to the Trial Chamber’s judgement in Case 002/01;²

CONSIDERING the Civil Party Lead Co-Lawyers’ submission that the number of hearing days per week should be reduced during the time that the appeal in Case 002/01 is being finalised;³

CONSIDERING the NUON Chea Defence request that hearings in Case 002/02 commence at 7:30 am and that hearings be scheduled for the morning hours only because NUON Chea is said to be best able to concentrate at that time of day;⁴

CONSIDERING the KHIEU Samphan Defence requests that the hearings in Case 002/02 be stayed until the Supreme Court Chamber issues a final judgement in Case 002/01 and, in the alternative, that the judges of the Trial Chamber be disqualified;⁵

RECALLING the Trial Chamber’s Decision of 19 September 2014, denying the KHIEU Samphan Defence request to stay the proceedings and referring the alternative request for disqualification to the Special Panel of the Trial Chamber composed by the Judicial Administration Committee;⁶

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.

² T. 30 July 2014, p. 37.

³ T. 30 July 2014, p. 38.

⁴ T. 30 July 2014, p. 38.

⁵ T. 30 July 2014, p. 39; *Demande de réexamen de M. KHIEU Samphân sur la nécessité d’attendre un jugement définitif dans le procès 002/01 avant de commencer le procès 002/02 et sur la nomination d’un nouveau collège de juges*, E314/1, 25 August 2014.

⁶ Decision on KHIEU Samphan’s Request to Postpone Commencement of Case 002/02, E314/5, 19 September 2014.

FURTHER RECALLING Internal Rule 34(5) which permits the continued participation of a judge or judges pending a decision on their disqualification;

CONSIDERING the Parties were granted an extension of time to file notices of appeal of the Case 002/01 Judgement which are now due before the Supreme Court Chamber on 29 September 2014 and no decision has been made on the Parties' requests to extend the deadline for filing of the appeal briefs;⁷

CONSIDERING the significant resources currently required by the parties to prepare their notices of appeal and appeal briefs in Case 002/01;

FINDING that the parties would benefit from starting the evidentiary proceedings after the filing of the Case 002/01 notices of appeal and from a reduced hearing schedule while preparing appeal briefs, at least through December 2014, after which the issue will be revisited;

RECALLING the Medical Experts report on NUON Chea of 27 March 2014 indicating NUON Chea is "frail" but in good health given his age and chronic medical conditions and recommending that he is able to "participate in the full duration of the trials with the usual breaks in between";⁸

FURTHER RECALLING the Medical Experts' report on KHIEU Samphan of 27 March 2014 indicating he is in good health despite his existing medical conditions and recommending that he is able to "participate for the full duration of the trial sessions with the usual breaks in the hearings";⁹

CONSIDERING that, despite the Medical Experts' findings, the Accused would likely benefit from a slightly reduced hearing schedule during this time frame;

RECALLING the Trial Chamber's Decision on Sequencing of Trial Proceedings in Case 002/02 and its decision to prioritise a hearing of evidence on the Tram Kok Cooperatives and Kraing Ta Chan Security Centre;¹⁰

⁷ Decision on Defence Motion for Extension of Time and Page Limits on Notices of Appeal and Appeal Briefs, F3/3, 29 August 2014.

⁸ Expert Medical Report NUON Chea, E301/10/6, 27 March 2014; *See also*, Decision on Fitness of the Accused NUON Chea to Stand Trial, E301/11, 25 April 2014, para. 7.

⁹ Expert Medical Report KHIEU Samphan, E301/10/7, 27 March 2014, para. 38; *See also*, Decision on Fitness of the Accused KHIEU Samphan to Stand Trial, E301/12, 25 April 2014, para. 7.

¹⁰ Decision on Sequencing of Trial Proceedings in Case 002/02, E315, 12 September 2014.

NOTING that a separate decision will be issued announcing the order of the first witnesses, experts, and Civil Parties to testify on these topics;

HEREBY:

SCHEDULES the commencement and duration of the initial segment of the evidentiary proceedings in Case 002/02, from Friday 17 October 2014 until Thursday 18 December 2014;

ANNOUNCES that unless otherwise specified, the Chamber will sit three days each week following the same daily schedule as in Case 002/01, beginning each day at 9:00 am and ending at 4:00 pm with a lunch break from 12:00 pm to 1:30 pm and a morning and afternoon break as determined by the President;

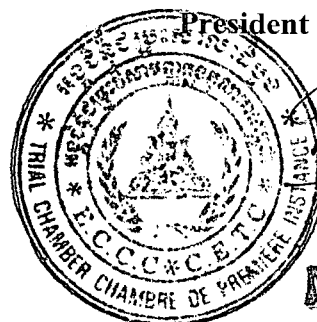
FURTHER ANNOUNCES that in light of public holidays from 5 November until 10 November 2014, and in order to provide the parties with an extended period of time to dedicate to the preparation of their appeal briefs in Case 002/01, the Trial Chamber will not sit between 31 October 2014 and 11 November 2014 inclusive;

NOTIFIES the parties that on 17 October 2014 and pursuant to Internal Rule 89 *bis*, the Co-Prosecutors will be afforded an opportunity to make a brief opening statement and the Accused and/or their lawyers may respond briefly;

FURTHER NOTIFIES the parties that the first witness will be called to testify on 20 October 2014;

ATTACHES a schedule for the evidentiary hearings in Case 002/02 for the remainder of 2014.

Phnom Penh, 19 September 2014
President of the Trial Chamber



[Handwritten signature]
Nil Nonn