



**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

**ឯកសារដើម**

ORIGINAL DOCUMENT/DOCUMENT ORIGINAL

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មន្ត្រីទទួលបន្ទុកសំណុំរឿង /Case File Officer/L'agent chargé  
du dossier: ..... SAN N RADA .....

**Before:** Judge NIL Nonn, President  
Judge Silvia CARTWRIGHT  
Judge YA Sokhan  
Judge Jean-Marc LAVERGNE  
Judge THOU Mony

**Date:** 14 June 2011  
**Original language(s):** Khmer/English/French  
**Classification:** PUBLIC

**AGENDA FOR INITIAL HEARING**

**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 Order by Ieng Sary, Ieng Thirith, Nuon Chea and Khieu Samphan,<sup>1</sup> rendered by the Pre-Trial Chamber on 13 January 2011;

**RECALLING** its previous directions concerning the Initial Hearing (E93, E86 and E51/7);

**DECIDES** to hold the Initial Hearing between 09.00 a.m. and 16.00 p.m. in the main ECCC Courtroom on each day;

**PROVIDES** the following detailed agenda in advance of the Initial Hearing. All dates and times are indicative only and are subject to change by the Trial Chamber.

Monday 27 June 2011

1. *Announcement of tentative list of witnesses for the first phases of the trial.*

Based on the lists and supplemental information requested of the parties by the Chamber by 20 June 2011 (E93), as well as lists of witnesses and experts filed earlier pursuant to the Chamber’s Order to File Materials (E9), the Chamber will endeavour to provide a tentative list of witnesses and experts it proposes to hear during the first phases of the trial. The parties will be given an opportunity to comment on this list during the final day of the Initial Hearing.

2. *Oral argument on preliminary objections (non bis in idem).*

The parties are reminded, in relation to all preliminary objections, that the Chamber is familiar with all written submissions filed in advance of the Initial Hearing and are consequently urged not to merely repeat these submissions in oral argument.

One hour will be allotted to the IENG Sary Defence for the presentation of this preliminary objection. The Co-Prosecutors will be allotted 45 minutes and the Civil Party Lead Co-Lawyers 30 minutes in response, and the IENG Sary Defence 15 minutes in reply.

3. *Oral argument on preliminary objections (amnesty/pardon).*

One hour will be allotted to the IENG Sary Defence for the presentation of their preliminary objection in relation to amnesty/pardon. The Co-Prosecutors will be allotted 45 minutes and

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<sup>1</sup> 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.

the Civil Party Lead Co-Lawyers 30 minutes in response, and the IENG Sary Defence 15 minutes in reply.

The Chamber advises that oral argument will be limited at this stage to legal submissions and that it does not intend at the Initial Hearing to hear witnesses sought by the IENG Sary Defence (E85) in support of this preliminary objection.

Tuesday 28 June 2011

4. *Oral argument on preliminary objections (Statute of Limitations in relation to Grave Breaches of the Geneva Conventions).*

The Chamber invites the IENG Sary Defence (and the Co-Prosecutors and Civil Party Lead Co-Lawyers in response) to address the following specific questions pertaining to this preliminary objection:

- Were statutory limitations in relation to Grave Breaches of the Geneva Conventions envisaged and permissible within customary international law, in particular between 1975 and 1979?
- The IENG Sary Defence is invited to expand orally on the issues raised in paragraph 6 its supplementary filing E83 at the Initial Hearing if it so chooses.

The Chamber has noted the IENG Sary Defence's request in filing E83 to make supplementary submissions in relation to further issues. The Chamber advises that it does not at this stage require further submissions on these issues.

A total of one hour will be allocated to the IENG Sary Defence for the presentation of these preliminary objections. The Co-Prosecutors will be allotted 45 minutes and Civil Party Lead Co-Lawyers 30 minutes in response, and the IENG Sary Defence 15 minutes in reply.

5. *Oral argument on preliminary objections (statutory limitations in relation to offences contained in the Criminal Code of the Kingdom of Cambodia (1956)).*

The Chamber notes the request of the IENG Sary Defence to file supplementary submissions to its preliminary objection to the ECCC's jurisdiction over national crimes (E94). The Chamber advises that it does not require further written submissions in these areas. The IENG Sary Defence may, however, address these issues in oral argument at the Initial Hearing if it so chooses.

A total of two hours will be allocated to the Defence for the presentation of these preliminary objections (with 30 minutes allocated to each Defence team, unless agreed to the contrary amongst themselves). The Co-Prosecutors and Civil Party Lead Co-Lawyers will then each be

allotted one hour in response, and the Defence 30 minutes in reply (time allocation to be agreed amongst themselves).

Wednesday 29 June 2011

6. *Oral argument on preliminary objections (statutory limitations in relation to offences contained in the Criminal Code of the Kingdom of Cambodia (1956)) (continued).*

7. *Initial specification of the substance of the reparations awards the Civil Party Lead Co-Lawyers intend to seek within the final claim for collective and moral reparation pursuant to Internal Rule 23 quinquies (3)(b).*

Up to one hour will be allocated to the Civil Party Lead Co-Lawyers for this purpose. Later opportunity will be provided to the Lead Co-Lawyers to update these specifications once the Pre-Trial Chamber has concluded all Civil Party admissibility appeals.

Thursday 30 June 2011

8. *Oral argument in relation to objections, if any, to the proposed witness list for the early segments of trial.*

Having heard the submissions of the parties, the Chamber will issue a final list of witnesses and experts for the early phases of the trial and will schedule the commencement of the hearing of the substance at a date following the Initial Hearing.

Other alleged preliminary objections and envisaged future hearings

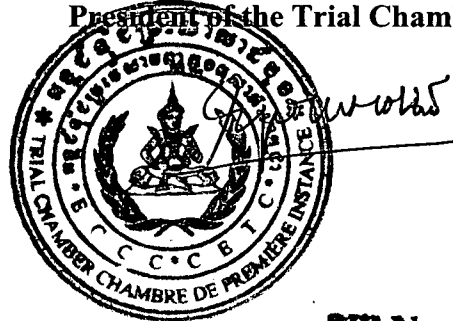
Only the above preliminary objections will be heard orally at the Initial Hearing. A number of issues alleged by the NUON Chea Defence to constitute preliminary objections (alleged political interference in the work of the ECCC, alleged defects in the judicial investigation in Case 002, and challenges to the constitutionality of the ECCC Internal Rules) will be decided by the Chamber in due course on the basis of the written pleadings alone.

The Chamber considers that it is not necessary at this stage to hear oral submissions on the other legal challenges raised by the parties under the heading of preliminary objections. Where early clarification of these issues may assist in the fair and expeditious conduct of the trial, the Chamber may, pursuant to its earlier direction (E86), schedule further hearings in August 2011 prior to the commencement of the hearing of the substance.

Further directions pertaining to these hearings will follow in due course. *nu*

Phnom Penh, 14 June 2011

President of the Trial Chamber



**NU Nonn**