

ឯកសារដើម

ORIGINAL DOCUMENT DOCUMENT ORIGINAL

Date of receipt (Date of receipt and declassification):

24 / 12 / 2013

13:30

ANN RADA

E301/5

សាធារណៈ / Public

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

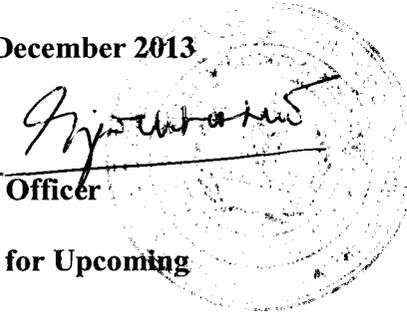
TRIAL CHAMBER

TO: All Parties, Case 002 24 December 2013

FROM: NIL Nonn, President of the Trial Chamber

CC: All Trial Chamber Judges; Trial Chamber Senior Legal Officer

SUBJECT: Trial Chamber Workplan for Case 002/02 and Schedule for Upcoming Filings



Introduction

1. On 20 December 2013, the President of the Trial Chamber issued a memorandum in which he determined that appointing a second Trial Chamber panel to hear the remaining charges in Case 002 would be less expeditious than proceeding with the existing bench which is already familiar with the case. In that memorandum, the President noted that the Trial Chamber would issue a workplan for Case 002/02 as soon as possible. The Trial Chamber attaches its workplan to this memorandum.
2. The Trial Chamber workplan for Case 002/02 highlights the major stages and activities necessary prior to the commencement of the substantive hearing in Case 002/02. It provides information on the timing of these stages and the actions to be taken by the Trial Chamber. The workplan is not intended to comprehensively outline all steps to be taken during the trial, but to provide more general guidance to the Parties and a broad overview for the public of the stages of the proceedings.

Further information on the initial stages of the Trial Chamber's Workplan

3. The Trial Chamber notes that several additional fundamental procedural steps must be considered and completed before the evidentiary hearings may commence. These steps include a possible re-assessment of the fitness of the Accused, the filing of lists of relevant witnesses, experts and civil parties proposed to appear at trial, the filing of relevant document lists, the determination of any outstanding preliminary objections, the holding of further Trial Management Meetings and the disposition of any other relevant submissions advanced by the Parties. While acknowledging that the scope of the trial must be determined, the Co-Prosecutors do not allocate time for this in their calculation of a proposed start date. This stage will require time for adversarial hearings on the issue and for the issuance of a Severance Decision. The steps outlined below and in the

workplan take into account these issues, all of which must be assessed before the Chamber can determine the date for the commencement of the evidentiary hearings.

4. The information detailed below addresses the first matters arising in the initial stages of the Case 002/02 proceedings.

5. *Determination of the scope of Case 002/02*: Any written submissions on the scope of Case 002/02 are to be filed by 31 January 2014. No written responses will be accepted for filing. The Chamber will then hear oral arguments on the scope of the trial on 11 February 2014. These oral arguments should focus on responding to the submissions filed in writing.

6. *Assessment of the fitness of the Accused*: Defence counsel are invited to file short submissions in writing by 15 January 2014, indicating whether they consider that the medical condition of their clients has changed and whether it is necessary to reassess their fitness to stand trial and/or their physical ability to participate during all scheduled trial days.

7. *Khieu Samphan Defence Team submissions on the commencement of Case 002/02*: During the Trial Management Meeting for Case 002/02, the Khieu Samphan Defence Team reiterated its view that Case 002/01 should be finally adjudicated, including the appeal process, if any, before the evidentiary hearings in Case 002/02 can start. The Khieu Samphan Defence Team must file any written submissions on this issue by 5 February 2014. The Chamber will then hear oral arguments by the other Parties on 11 February 2014, which should focus on responding to the submissions filed in writing.

Other Relevant stages of the Workplan

8. Thereafter, the Chamber will schedule the following:

- (a) An opportunity for the parties to file written, or make oral submissions on the fate of facts/charges not included in case 002/02;
- (b) an opportunity to discuss any preliminary objections which have not been the subject of an adversarial hearing and which are as yet undetermined;
- (c) filing of lists of witnesses, civil parties and experts sought to be heard at trial by all parties; and
- (d) an initial hearing.

9. Further Trial Management Meetings will also be scheduled, where necessary, to address remaining pre-trial management issues.

10. The parties are advised that the President has directed the Office of Administration to prioritise translation of the verdict in Case 002/01 and will therefore adjust times for filing any written submissions from now until the delivery of the verdict in Case 002/01 to accommodate this.

11. In order to schedule all pre-trial procedures expeditiously, the Chamber may either seek written submissions or schedule hearings and will advise the parties sufficiently in advance of each deadline imposed by it to allow adequate time for preparation.