

E 449



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

Extraordinary Chambers in the Courts of Cambodia
Chambres Extraordinaires au sein des Tribunaux Cambodgiens

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du dossier: **SANN RADA**

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

Kingdom of Cambodia
Nation Religion King
Royaume du Cambodge
Nation Religion Roi

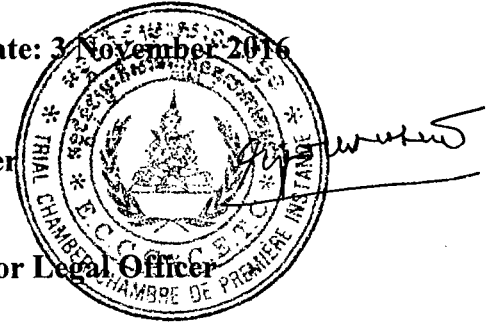
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TRIAL CHAMBER

TO: All Parties, Case 002

Date: 3 November 2016

FROM: Judge NIL Nonn, President of the Trial Chamber



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

SUBJECT: Closing Briefs, SCC judgement in Case 002/01 and TMM

1. The Trial Chamber is seised of a request pursuant to Internal Rule 39 and Article 5.4 of the Practice Direction on Filing of Documents, filed on 11 October 2016 by the NUON Chea Defence (E421/5, "Request"), for (1) an extension of the time and page limits for the closing briefs in Case 002/02; (2) leave to file final submissions on applicable law either in the closing briefs or separately, in advance thereof; and (3) a Trial Management Meeting ("TMM") to be held in public as soon as possible and prior to 23 November 2016, on which date the Supreme Court Chamber ("SCC") will render judgement on appeal in Case 002/01. Responses were filed by the KHIEU Samphan Defence (E421/5/1, on 14 October 2016), the Civil Party Lead Co-Lawyers (E421/5/2, on 20 October 2016) and the Co-Prosecutors (E421/5/3, on 21 October 2016). The Trial Chamber here addresses the more urgent issues raised in the Request as well as related scheduling matters.

2. In view of the scheduled delivery of the appeal judgement in Case 002/01 on 23 November 2016, the Chamber will not hold hearings from 23-25 November 2016 in order to allow the parties and the Chamber to review the SCC judgement.

3. The Chamber grants the Request to hold a TMM on the following issues:

- (1) Page length of closing briefs;
- (2) Deadline for filing closing briefs;
- (3) Scheduling of closing statements following closing briefs;
- (4) Modalities and timing of submissions on applicable law; and

- (5) The impact, if any, of the SCC judgement on the conclusion of evidentiary proceedings in Case 002/02.

The subjects of the final claim for reparations and the remaining charges in Case 002 will not be addressed in this TMM.

4. Noting that an informed discussion will only be possible following the rendering of the judgement on appeal in Case 002/01, the Chamber considers that the TMM should be scheduled after 23 November 2016. The Chamber considers that it would be of assistance to receive written submissions from the parties limited to the impact of the SCC judgement, if any, on the conclusion of evidentiary proceedings in Case 002/02 (“Submissions on Appeal Judgement”), which would serve as a basis for submissions at the TMM. At present, the Trial Chamber envisages that submissions on any impact of the appeal judgment on the factual and legal merits of Case 002/02, other than those which may immediately affect evidentiary proceedings, should be made later, in particular in the Parties’ closing briefs and statements.

5. Accordingly, the Chamber directs the parties to file Submissions on Appeal Judgement by Monday, 5 December 2016 at latest. The TMM will be held on Thursday, 8 December 2016 beginning at 9:00 a.m.

6. The Chamber notes that evidentiary hearings will continue pursuant to the normal schedule (i.e. 4 days per week) from 28 November until 7 December 2016, inclusive. No evidentiary hearings will be held on 8 December 2016, the day of the TMM. Instead, hearings will take place on Friday, 9 December 2016.