



ព្រះរាជាណាចក្រកម្ពុជា **E5**  
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: ០០១/១៨ កក្កដា ២០០៧/អវតក/អជសដ  
Case File/Dossier No. 001/18-07-2007-ECCC/TC

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

Date: 11 December 2008

Classification: PUBLIC

<b>ឯកសារដើម</b>
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C.A. Fay

NOTIFICATION OF A TRIAL MANAGEMENT MEETING AND ORDER TO THE PARTIES TO FILE  
ADDITIONAL MATERIALS

Co-Prosecutors

CHEA Leang  
Robert PETIT

Accused

KAING Guek Eav alias "DUCH"

Lawyers for the Civil Parties

KONG Pisey  
HONG Kimsuon  
YOUNG Panith  
KIM Mengkhy  
MOCH Sovannary  
Silke STUDZINSKY  
Martine JACQUIN  
Philippe CANNONE

Lawyers for the Defence

KAR Savuth  
François ROUX

<b>ឯកសារច្បាប់សម្រាប់ប្រើប្រាស់</b>
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*ES*

**I, Judge NIL Nonn**, President of the Trial Chamber of the Extraordinary Chambers in the Courts of Cambodia (“ECCC”);

**ON BEHALF** of the Trial Chamber;

**PURSUANT** to the provisions of Rule 79 and 80 of the Internal Rules (“Rules”);

**BEING SEISED** of Case File No. 001/18-07-2007-ECCC/TC pursuant to the “Decision on Appeal Against the Closing Order Indicting Kaing Guek Eav Alias Duch,” rendered orally by the Pre-Trial Chamber on 5 December 2008 and filed in Khmer on 9 December 2008 (“Decision”);

**NOTING** that the said Decision indicts **KAING Guek Eav** alias **DUCH**, male, Khmer, born on 17 November 1942 at Peou Veuy Village, Peam Bang Sub-district, Stong District, Kampong Thom Province, sending him for trial before the Trial Chamber of the ECCC for:

“having through his acts or omissions in Phnom Penh and within the territory of Cambodia, between 17 April 1975 and 6 January 1979, as Deputy Secretary or Secretary of S21, planned, instigated, ordered, committed, or aided and abetted, or is responsible by virtue of superior responsibility for the following crimes:

#### **1. CRIMES AGAINST HUMANITY**

- Murder
- Extermination
- Enslavement
- Imprisonment
- Torture
- Rape
- Persecutions on political grounds
- Other inhumane acts

Offences defined and punishable under Articles 5, 29(New) and 39(New) of the Law on the Establishment of the Extraordinary Chambers in the Courts of Cambodia for the Prosecution of Crimes Committed during the Period of Democratic Kampuchea.

#### **2. GRAVE BREACHES OF THE GENEVA CONVENTIONS OF 194**

- Willful killing
- Torture or inhumane treatment



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- Willfully causing great suffering or serious injury to body or health
- Willfully depriving a prisoner of war or civilian the rights of fair and regular trial
- Unlawful confinement of a civilian

Offences defined and punishable under Articles 6, 29(New) and 39(New) of the Law on the Establishment of the Extraordinary Chambers in the Courts of Cambodia for the Prosecution of Crimes Committed during the Period of Democratic Kampuchea.

### 3. VIOLATIONS OF THE 1956 PENAL CODE

- Premeditated Murder (Articles 501 and 506)
- Torture (Article 500)

Offences defined and punishable under Articles 3(New), 29(New) and 39(New) of the Law on the Establishment of the Extraordinary Chambers in the Courts of Cambodia for the Prosecution of Crimes Committed during the Period of Democratic Kampuchea.”

**MINDFUL** that, pursuant to the provisions of Article 33(New) of the ECCC Law, the Trial Chamber shall ensure that trials are fair and expeditious and are conducted in accordance with existing procedures in force, with full respect for the rights of the accused and for the protection of victims and witnesses;

With a view to facilitate the fair and expeditious conduct of the proceedings in Case No. **001/18-07-2007-ECCC/TC** concerning the accused **KAING Guek Eav** alias **DUCH**:

### HEREBY DECIDE

1. **TO HOLD** a Trial Management Meeting (“Meeting”) on Thursday, 15 January 2009 and Friday, 16 January 2009 in the main Courtroom of the Extraordinary Chambers in the Courts of Cambodia;
2. **TO INVITE PARTICIPATION** in the Meeting by the Co-Prosecutors or their representatives, the Accused and his Defence team, the Civil Parties and their lawyers;
3. **TO INVITE PARTICIPATION** in the Meeting, limited to the agenda items relevant to them, of up to two representatives of the following Sections and Units of the ECCC:
  - The Court Management Section (“CMS”);
  - The Defence Support Section (“DSS”);
  - The Detention Unit, through the Detention Liaison Officer;



- The Victims Unit;
- The Witness and Expert Support Unit (“WESU”);

In accordance with Rule 79(7) of the Rules, the Meeting will be held *in camera*. Parties to the proceedings and other participants to the meeting shall not be robed. Written record as well as full transcript and audiovisual recording of the Meeting will be taken. A public version of the transcript will be subsequently made available upon redactions as necessary.


The preliminary agenda of the Meeting is annexed to the present document. In case it will not be possible to complete the Meeting on the prescribed dates, the Meeting will continue on the following day/s as necessary.

**4. TO ORDER** with a view to ensuring that appropriate preparations have been made for the holding of the Initial Hearing, that the Parties file with the Greffier of the Trial Chamber, at the same time of the filing of the list of witnesses referred to in Rule 80 of the Rules, the following additional materials:

- a). Together with the list of witnesses referred to in Rule 80 of the Rules:
  - i) A summary of the facts on which each witness is expected to testify. Subject to any protective measures that might have been ordered, the summary should be sufficiently detailed to allow the Chamber and the other Parties to understand fully the nature and content of the proposed testimony;
  - ii) The points of the Indictment to which each witness is expected to testify, including the exact paragraph/s and the specific count/s;
  - iii) The estimated length of time required for each witness to testify;
  - iv) An indication of which witnesses are currently covered by protective measures, with reference to the relevant decision providing for such measures; and
  - v) An indication of the language in which each witness will testify.
- b). A list of exhibits, namely any tangible objects, they intend to offer in the case, containing a brief description of their nature and contents;
- c). A list of the new documents they intend to offer in the case, containing a brief description of their nature and contents, and
- d). An indication of the legal issues, if any, they intend to raise at the Initial Hearing.

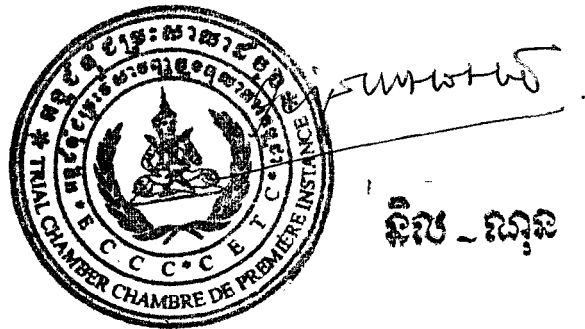


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5. **TO ENJOIN** the Parties who intend to add any additional item to the agenda, to inform the Greffier of the Trial Chamber in writing no later than Monday, 5 January 2009. In particular, any Party should indicate whether they have any specific question pertaining to the activity of a Section and/or Unit of the ECCC in connection with the conduct of the trial that they intend to raise at the meeting;
6. **TO ENJOIN** the Parties who want to participate in the said meeting by video or teleconference (subject to availability) to inform the Greffier of the Trial Chamber in writing no later than Monday, 29 December 2008;
7. **TO FURTHER ORDER** that the present decision shall be notified to the Parties and to the concerned Sections and Units of the ECCC in accordance with Rule 46 and 47 of the Rules and shall be published on the ECCC's official website. 

Phnom Penh, 11 December 2008

President of the Trial Chamber





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**ANNEX – PRELIMINARY AGENDA FOR TRIAL MANAGEMENT MEETING**

**Co-Prosecutors**

CHEA Leang  
Robert PETIT

**Accused**

KAING Guek Eav alias “DUCH”

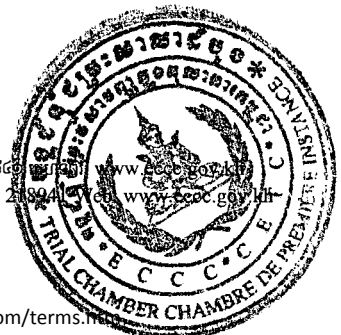
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**Lawyers for the Defence**

KAR Savuth  
François ROUX



The preliminary agenda of the Trial Management Meeting, including the relevant Sections and/or Units of the ECCC invited to attend together with the Parties to the proceedings as well as the indicative time set aside for discussion on each agenda item is as follows:

(1) Review of the Status of each Party of the Proceedings - with DSS, Detention Unit and Victims Unit (2 hours):

- Health status and other relevant information concerning the Accused;
- Composition and availability of the Defence team;
- Update on Civil Party applications and their legal representation;
- Composition and availability of the Co-Prosecutors and their team.

(2) Witnesses Related Issues - with WESU and CMS (1.5 hours):

- Issues relating to the protective measures regime and logistics for witness testimony at trial;
- Issues relating to the list of witnesses from a logistical point of view.

(3) Rules of Evidence - with CMS (1 hour):

- Procedure for submission of evidence under Rule 87(2) of the Internal Rules.

(4) Management of Hearings - with CMS (1 hour):

- Hearings regulations;
- Sitting hours, trial days, official holidays and trial recess;
- Possible dates for the commencement of the trial and hearings schedule.

(5) Any Other Matters the Parties Intend to Raise

A finalized version of the Agenda will be distributed to the Parties of the proceedings, as well as to the other participants to the Trial Management Meeting, on Friday, 9 January 2009.

