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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  
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Nation Religion Roi  
សាធារណៈ / Public

**TRIAL CHAMBER**

Date: 8 January 2013



**TO:** All parties, Case 002

**FROM:** NIL Nonn, President, Trial Chamber

**CC:** All Trial Chamber Judges; Trial Chamber Senior Legal Officer and Expert Support Unit (WESU)

**SUBJECT:** Consolidated schedule of witnesses and experts for early 2013

1. On 25 May 2012, the Trial Chamber scheduled the testimony of Philip SHORT (TCE-65) and Elizabeth BECKER for October 2012 (E172/24). Due to the hospitalisation of the Accused IENG Sary, the Chamber deferred the hearing of both witnesses on 24 September 2012 until further notice (E233). On 26 November 2012, the Chamber notified the parties that the hearing of military structure witnesses, including Philip SHORT and Elizabeth BECKER, would recommence in December 2012 and later trial sessions. The Chamber also informed the parties that Stephen HEDER (TCE-33) would be summoned to testify (E236/2). The Chamber now schedules their testimonies for the following dates:

- a. Elizabeth BECKER (TCE-80) - 11, 12, 13, 14 February 2013 (4 days);
- b. Philip SHORT (TCE-65) - 4, 5, 6, 7 March 2013 (4 days); and
- c. Stephen HEDER (TCE-33) - 25, 26, 27, 28 March 2013 (4 days).

2. The Trial Chamber will initiate the questioning of TCE-80 and TCE-65 for 1 day each. The Co-Prosecutors and Lead Co-Lawyers will have 1,5 days to question TCE-80 and TCE-65 and the Defence teams will have 1,5 days for questioning. The Trial Chamber delegates responsibility for the questioning of TCE-33 to the Co-Prosecutors. The Co-Prosecutors and Lead Co-Lawyers will together have 1,5 days to question TCE-33 and the Defence teams will collectively have 1,5 days. The Chamber may also require one day to question TCE-33. The Chamber notes that it has reduced the length of testimony from that originally announced in E172/24 and encourages the parties to limit questioning only to those topics relevant to Case 002/01. The Chamber also notes that it remains seized of E236/2/2 and will issue a decision on it in due course.

3. The Chamber further notes that it has granted the NUON Chea and KHIEU Samphan Defence teams requests to call TCW-126 and TCW-570 (E236, E236/2). The

Chamber delegates responsibility for the questioning of these witnesses to the NUON Chea Defence (TCW-126) and KHIEU Samphan Defence (TCW-570).

4. The Chamber will initiate the questioning of TCW-536, and this is likely to require one day. The Co-Prosecutors and Lead Co-Lawyers will then be allocated 0,5 days to question the witness and all Defence Teams shall be allocated one day for their questioning. The Chamber had previously granted the Co-Prosecutors' motion E236/1/2 to call TCW-161 and TCW-565 *in lieu of* TCW-285 (who has since died) and TCCP-45. However, the Chamber has since been notified that TCW-161 is unavailable to testify on medical grounds (*see* E236/2/1 and E236/2/1.1). He will accordingly not be summoned.

5. Finally, the Chamber notes that it has rescheduled the medical experts to review the health and fitness to stand trial of the Accused during the week of 18 March 2013 (*see* E256). The Chamber has allocated the parties as much time as possible to review the reports prior to the testimony of the experts, subject to the experts' availability and other scheduling constraints. The medical experts will assess the Accused on 17-19 March 2013. By close of business on 19 March 2013, the parties shall be notified of the experts' report on the Accused IENG Sary and a hearing will be held on IENG Sary's health fitness to stand trial on 21 March 2013. By close of business on 20 March 2013, the parties shall notified of the experts' report on the Accused NUON Chea and a hearing will be held on NUON Chea's health and fitness to stand trial on 22 March 2013.

6. The consolidated schedule for the first months of 2013 is therefore as follows:

<u>8,9,10,11 January 2013</u> TCW-620 (OCP/CP 1 day; Δ 1 day) TCW-754 (OCP/CP 1 day; Δ 1 day)	<u>5,6,7,8 February 2013</u> TCW-126 (OCP/CP 0,5 day; Δ 0,5 day) TCW-570 (OCP/CP 0,5 day; Δ 0,5 day) TCW-752 (OCP/CP 0,5 day; Δ 0,5 day) Witness or Civil Party TBD
<u>14,15,16 January 2013</u>  TCW-100 (OCP/CP 1 day; Δ 1 day)  TCW-548 (OCP/CP 0,5 day; Δ 0,5 day)	<u>11,12,13,14 February 2013</u> TCE-80 (4 days) (TC 1 day; OCP/CP 1,5 days; Δ 1,5 days)
<u>21,22,23,24 January 2013</u> TCW-536 (TC 1 day; OCP/CP 0,5 day; Δ 1 day) TCW-253 (OCP/CP 0,5 day; Δ 0,5 day) TCW-565 (OCP/CP 0,5 day; Δ 0,5 day)	<u>18,19,20,21 February 2013</u>  Document Hearing**
<u>28,29,30 January 2013</u> TCCP-94 (OCP/CP 0,5 day; Δ 0,5 day) TCW-110 (OCP/CP 1 day; Δ 1 day)	<u>25 Feb-1 March 2013</u> Recess
	<u>4, 5, 6, 7 March 2013</u> TCE-65 (TC 1 day; OCP/CP 1,5 days; Δ 1,5 days)

Δ = All Defence Teams

\*\* Further particulars regarding the modalities of the 18-21 February document hearing will be communicated shortly.

All dates are subject to change where required for effective trial management.