

E236/5

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

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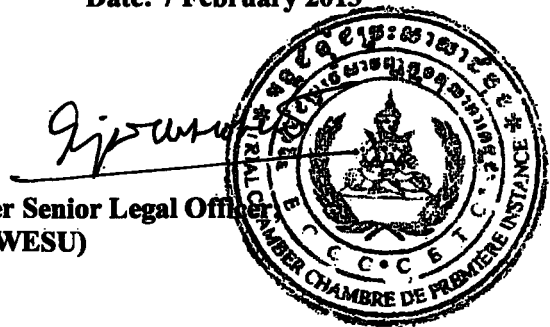
Date: 7 February 2013

TO: All Parties, Case 002

FROM: NIL Nonn, President, Trial Chamber;

**CC: All Judges of the Trial Chamber; Trial Chamber Senior Legal Officer
Coordinator, Witness/Expert Support Section (WESU)**

SUBJECT: Further information regarding trial scheduling



1. On 31 January 2013, the Chamber determined that the Accused NUON Chea would be unable to attend trial for a fortnight on the basis of medical advice obtained. The Accused NUON Chea waived his right to be present during the testimony of TCCP-116 during his absence from the proceeding, but chose not to waive his presence for the testimony of TCW-100. TCCP-116 will therefore be heard on Thursday 7 February 2013 and TCW-100 at a later date.

2. The Chamber recalls its indications to the parties that the concluding phases of Case 002/01 will include *inter alia*, testimony regarding victim impact and the character of the Accused. The parties were further informed that each Defence team would have three days to present character evidence and the Civil Parties would have one week (i.e. 4 courtroom days) to present victim impact testimony (E218, paragraphs 16-18). The Chamber has since decided to advance the scheduling of character evidence in relation to the Accused KHIEU Samphan and IENG Sary.

3. The Chamber notes the KHIEU Samphan Defence has provided an indication of the witnesses they wish to be called as character witnesses (E236, indicating an intent to call TCW-277, TCW-673, TCW-84, TCW-665 and TCW-742 as character witnesses). The Chamber shall request WESU to advise the Chamber and the parties of the earliest dates upon which these five character witnesses may be brought to Phnom Penh or heard by video link so that their testimony may be scheduled shortly. The Chamber further orders the IENG Sary and NUON Chea Defence teams to indicate which character witnesses (if any) they wish to testify during the three days allocated to them by 22 February 2013 so that they may also be called at an appropriate juncture.

4. In addition, the Chamber orders the Civil Party Lead Co-Lawyers to provide to the Chamber a list of Civil Parties they wish to testify for the purpose of victim impact by 22 February 2013. Upon receiving this list, the Chamber will request an indication from

the NUON Chea Defence as whether he objects to the hearing of this testimony (which shall be limited exclusively to victim impact) in his absence. In view of this request, the Lead Co-Lawyers are reminded of the Chamber's earlier request that the relevant Civil Party lawyers ensure that the evidence so lead be limited to the purpose for which it is intended.

5. Finally, the Chamber intends to continue the presentation of documents in relation to those documents considered most relevant to the alleged joint criminal enterprise related to IENG Sary and KHIEU Samphan as soon as possible. The Co-Prosecutors and any other parties who wish to do so are requested to indicate the earliest date on which they will be prepared to present these documents.

6. The Chamber appreciates the parties' flexibility in light of current scheduling constraints.