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E301/9

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

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

សាធារណៈ / Public

MEMORANDUM – TRIAL CHAMBER

Date: 7 February 2014

TO: **All parties, Case 002**

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

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

SUBJECT: **Adversarial hearing prior to commencement of evidentiary hearing in Case 002/02 (11 February 2014)**

1. On 24 December 2013, the Trial Chamber scheduled an adversarial hearing on 11 February 2014, to hear oral arguments on the scope of Case 002/02 and on the Khieu Samphan Defence Team's request that Case 002/01 should be finally adjudicated before the evidentiary hearing in Case 002/02 commences (E301/5). The Parties filed their written submissions on the scope of Case 002/02 on 31 January 2014 (E301/5/1, E301/5/2, E301/5/3, E301/5/4). The Khieu Samphan defence team filed submissions on the commencement of Case 002/02 on 5 February 2014 (E301/5/5). The oral arguments presented during the hearing should be limited to responding to these submissions.

2. The Trial Chamber informs the Parties that the order and time allocations to be followed at the hearing shall be:

Item One: Responses to the Khieu Samphan Defence Team's request on the commencement of Case 002/02:

- Co-Prosecutors: 30 minutes;
- Civil Party Lead Co-Lawyers: 30 minutes;
- Nuon Chea defence team: 30 minutes; and
- Khieu Samphan defence team's reply to the other Parties' responses: 30 minutes.

Item Two: Responses on the Scope of Case 002/02:

- Nuon Chea defence team: 45 minutes;

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- Khieu Samphan defence team: 45 minutes;
- Civil Party Lead Co-Lawyers: 45 minutes; and
- Co-Prosecutors: 45 minutes.

3. The Trial Chamber expects to hear focused legal submissions on the above items and will not entertain oral argument on any additional issues. In particular, the Chamber notes that the fate of any remaining charges will be addressed, if necessary, after the scope of Case 002/02 has been determined. Administrative aspects of the trial, including financial considerations, which are currently being discussed separately, will also not be addressed during the hearing. Finally, the Chamber has received submissions on the status of the health of the Accused (E301/6, E301/7 and E301/8). The Chamber is currently evaluating the possibility of ordering a health assessment. Having received full briefing from the Parties, there will be no need to address this issue during the 11 February hearing.

4. Should the hearing not conclude on 11 February 2014 as planned, it will continue on the following day, from 9am.

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