



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
Royaume du Cambodge
Nation Religion Roi

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

សំណុំរឿងលេខ: ០០២/១៩ កញ្ញា ២០០៧/អវតក/អជសជ
Case File/Dossier No. 002/19-09-2007/ECCC/TC

ឯកសារដើម
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/date de reception):
..... ០៣ / ១១ / ២០១៤
ម៉ោង (Time/Heure) :
..... 15 : 20
មន្ត្រីទទួលបន្ទុកសំណុំរឿង / Case File Officer/L'agent chargé
de dossier..... UCH..... ARUN

Before: Judge NIL Nonn, President
Judge Jean-Marc LAVERGNE
Judge YA Sokhan
Judge Claudia FENZ
Judge YOU Ottara

Date: 3 November 2014
Original languages: Khmer/English/French
Classification: PUBLIC

SCHEDULING ORDER FOR EVIDENTIARY PROCEEDINGS

Co-Prosecutors
CHEA Leang
Nicolas KOUMJIAN

Accused
NUON Chea
KHIEU Samphan

Civil Party Lead Co-Lawyers
PICH Ang
Marie GUIRAUD

Lawyers for the Defence
SON Arun
Victor KOPPE
KONG Sam Onn
Arthur VERCKEN
Anta GUISSÉ

THE TRIAL CHAMBER of the Extraordinary Chambers in the Courts of Cambodia (“ECCC”);

BEING SEISED of Case File No. 002/19-09-2007-ECCC/TC pursuant to the Decisions on Appeal Against the Closing Order by IENG Sary, IENG Thirith, NUON Chea and KHIEU Samphan, rendered by the Pre-Trial Chamber on 13 January 2011;¹

FOLLOWING the Trial Management Meeting of 28 October 2014 during which the parties made submissions regarding *inter alia* the Defence teams’ respective reasons for their previous conduct and their stated unwillingness to attend future substantive hearings prior to the occurrence of certain specific events;

CONSIDERING the Chamber has rejected the reasons put forward by the Defence teams for their unwillingness to attend proceedings and that there is no legal justification for the continued absence of Defence counsel during the proceedings in Case 002/02;²

RECALLING the Chamber’s earlier finding that the parties would benefit from starting the evidentiary proceedings after the filing of the Case 002/01 notices of appeal and from a reduced hearing schedule while preparing appeal briefs, at least through December 2014;³

CONSIDERING the Chamber’s further attempt to balance the needs of the KHIEU Samphan Defence with the rights of other parties to an expeditious trial by decreasing the number of sitting days to two per week during the months of November and December;

RECALLING the Trial Chamber’s Decision on Sequencing of Trial Proceedings in Case 002/02 and its decision to prioritise a hearing of evidence on the Tram Kok Cooperatives and Kraing Ta Chan Security Centre;⁴

CONSIDERING the disclosure of additional witness and Civil Party statements related to the Tram Kok Cooperatives on 16 October 2014 and the notice of refusal of acceptance by the NUON Chea and KHIEU Samphan Defence teams;

¹ Decision on IENG Sary’s Appeal Against the Closing Order, 13 January 2011, D427/1/26; Decision on IENG Thirith’s and NUON Chea’s Appeals Against the Closing Order, 13 January 2011, D427/2/12; Decision on KHIEU Samphan’s Appeal Against the Closing Order, 13 January 2011, D427/4/14; and Decision on IENG Sary’s Appeal Against the Closing Order’s Extension of his Provisional Detention, 13 January 2011, D427/5/9.

² Ruling following TMM of 28 October 2014, E302/1, 31 October 2014.

³ Scheduling Order for Hearing on the Substance in Case 002/02, E316, 19 September 2014.

⁴ Decision on Sequencing of Trial Proceedings in Case 002/02, E315, 12 September 2014.

RECALLING that pursuant to the Practice Direction on the Filing of Documents a document is deemed to have been duly served upon refusal of a recipient to acknowledge service of the notice;⁵

CONSIDERING that the NUON Chea and KHIEU Samphan Defence teams are therefore deemed to have received the additional witness and Civil Party statements on 16 October 2014;

HEREBY:

SCHEDULES the commencement and duration of the initial segment of the evidentiary proceedings in Case 002/02, from Monday 17 November 2014 until Tuesday 16 December 2014;

ANNOUNCES that unless otherwise specified, the Chamber will sit two days each week following the same daily schedule as in Case 002/01, beginning each day at 9:00 am and ending at 4:00 pm with a lunch break from 12:00 pm to 1:30 pm and a morning and afternoon break as determined by the President;

NOTIFIES the parties that the Chamber will inform them by email of the order for the appearance of witnesses and Civil Parties for the first trial topic;

FURTHER NOTIFIES the parties that the Chamber will restart the proceedings after the judicial recess on 8 January 2015;

ATTACHES a schedule for the evidentiary hearings in Case 002/02 for the remainder of 2014.

Phnom Penh, 3 November 2014
President of the Trial Chamber



Nil Nonn

⁵ Practice Direction on the Filing of Documents Before the ECCC, Article 11.3.