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E315/1

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

TRIAL CHAMBER

TO: **All Parties, Case 002/02** **Date: 17 December 2014**

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

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

SUBJECT: **Information on (1) Key Document Presentation Hearings in Case 002/02 and (2) Hearings on Harm Suffered by the Civil Parties in Case 002/02**

1. The Trial Chamber takes this opportunity to provide the parties with information about the holding of Key Document Presentation Hearings in Case 002/02, as well as hearings on harm suffered by the Civil Parties in Case 002/02.

(1) Key Document Presentation Hearings

2. In Case 002/01, the Trial Chamber established a practice of holding Key Document Presentation Hearings, which provided the parties with an opportunity to present key documents they considered to be particularly relevant to each trial topic (*see e.g.* E170, E288/1/1). These hearings took into account that documentary evidence need not necessarily be tendered during the examination of individuals appearing before the Chamber and also served to ensure a greater measure of public accessibility to the documentary aspect of the trial.

3. The Chamber notifies the parties that it will continue this practice in Case 002/02. At the end of each trial topic (*see* E315), the Chamber will hold a Key Document Presentation Hearing. Each Key Document Presentation Hearing will be limited to discussing documents relevant to the trial topic it follows.

4. The Chamber notes that Key Document Presentation Hearings are distinct from the document admissibility process. During the Key Document Presentation Hearings, parties may refer to documents already before the Chamber (that is, documents with an existing E3 designation), as well as to documents previously identified by the parties as relevant to Case 002/02. The Chamber will follow its previous practice of permitting the parties and the Accused to comment on the documents presented by the other parties if they wish to do so (*see, e.g.* T. 9 July 2013, pp. 69-70, 89-90).

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5. The Chamber directs the parties to select a limited number of key documents relevant to each trial topic for presentation and to circulate a list of these documents to the Chamber and all parties prior to each Key Document Presentation Hearing. The parties are requested to avoid repetition by not selecting documents which have already been discussed in detail in earlier proceedings.

6. The Chamber will announce the schedule for and amount of time to be allocated to each Key Document Presentation Hearing in due course.

(2) Hearings on Harm Suffered by the Civil Parties

7. The Trial Chamber notifies the parties that at the end of each trial topic (*see* E315), following the holding of a Key Document Presentation Hearing, the Chamber will allocate two days to hearing a representative selection of Civil Parties who are primarily relevant to the topic examined, on the harm they suffered during the Democratic Kampuchea period (*see also* E218, para. 18).

8. The Chamber recalls its practice of distinguishing between Civil Party hearings on facts at issue in a case and general statements of suffering (*see e.g.,* E267/3, para. 14). Pursuant to this practice, the Chamber will require the hearing of Civil Parties to be confined to facts relevant to Case 002/02, while statements of suffering will not be required to differentiate between harm suffered in consequence of facts within the scope of the case and overall harm suffered during the DK period, to the extent that this does not infringe the Accused's right to a fair trial. In the event that Civil Party statements on suffering introduce new facts or allegations against the Accused which have not been subject to adversarial debate, the Chamber may consider it to be in the interests of justice to allow the parties an opportunity to question the relevant Civil Party in relation to those allegations.

9. The Chamber will schedule hearings on harm suffered by the Civil Parties in due course. The Chamber notifies the Lead Co-Lawyers for the Civil Parties that, as per practice in Case 002/01, it will request the provision of a prioritised list of Civil Parties they wish to be heard for each trial topic prior to the hearings on harm suffered (*see* also E236/5, para. 4). The Chamber notes that it is for the Lead Co-Lawyers for the Civil Parties to determine how the allocated time will be designated and no extensions of time will be granted.

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