



សាធារណៈ / Public

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

TRIAL CHAMBER

TO: All parties, Case 002 **Date:** 15 December 2011
FROM: Susan LAMB, Trial Chamber Senior Legal Officer
CC: All Trial Chamber Judges
SUBJECT: Next group of witnesses and experts to be heard in Case 002/01

The Chamber advises the parties that upon resuming on Tuesday 10 January 2012, the Chamber will recall the Civil Parties whose evidence was not concluded during the 5-16 December 2011 session (namely, TCCP 185 and 123) to enable questioning by the Defence. The Chamber will then hear TCW 542 (originally scheduled to be heard during the first trial session) but will defer the hearing of TCW 564 and 583 until later in the trial. The Trial Chamber shall also conclude the questioning of the Accused on these paragraphs of the Closing Order (18-32) if this questioning is not concluded during the present trial session. Finally, and in order to conclude this segment of Case 002/01, it will then hear a small number of additional witnesses or experts (below).

Once this segment is concluded, the Chamber will then move to the next trial segments described in Annex E124/7.2 (list of paragraphs and portions of the Closing Order relevant to Case 002/01), namely administrative structures and communications structure (Closing Order paragraphs 33-112). It will first question the Accused on these topics, before proceeding to the witnesses listed below.

Upon resumption on 10 January 2012, the Chamber will therefore proceed in the following approximate order:

- Historical background*
- TCP 185 and 123¹
- The Accused²
- TCW 542
- [TCW 797]³

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¹ Conclusion of questioning commenced during 5-16 December 2011 trial session
² If questioning of the Accused on this subject is not concluded by 16 December 2011

*Administrative structures and communications structure
(Closing Order paragraphs 33-112 (E124/7.2))*

The Accused

TCW 480

TCW 780

TCW 695

TCW 307

TCW 679

TCW 645

TCW 398

Where any Accused is unable to be questioned for an entire court day, the Chamber will proceed to the questioning of the remaining Accused or, as the case may be, a witness (in the order listed above). It follows that the major focus of the next trial session may be on the questioning of the Accused, and that comparatively few witnesses may be heard.

In addition to the above indicated witnesses and Civil Parties, the Trial Chamber shall also endeavour to hear experts TCE 44 and TCE 38. As the Chamber has not to date been able to confirm the availability of either expert during January and February 2012, the parties will be advised of the approximate dates on which these experts may be heard as soon as more information is available. Should they be unavailable during the next trial session, the Chamber will instead hear witness TCW 797, but will otherwise hear TCW 797 later in the trial. Pursuant to Internal Rule 90, the Chamber delegates responsibility for the questioning of all above witnesses and experts to the Office of the Co-Prosecutors.

Whilst the above order of call is intended to guide preparation by the parties, the Chamber may need to vary this order on short notice. In particular, this order may need to be varied or this list further supplemented following recommendations of the Witness/Expert Support Unit regarding an individual's availability or fragile health. The parties are accordingly put on notice that considerable flexibility may be required.

The Trial Chamber also expects to allow documents (relevant to historical background, administrative structures and communication structure) to be put before the Chamber, and objections to be heard, during the next trial session. The Chamber will provide a more concrete indication of the date on which this will occur shortly.

The Trial Chamber confirms that the next trial session will run from Tuesday 10 January 2012 until Thursday 16 February 2012, inclusive. The Chamber will then recess, resuming on Monday 12 March 2012.

³ Only should TCE 44 and TCE 38 be unavailable during the next trial session (below). Should either expert testify, TCW 797 will instead be heard later in the trial.