



Severance and Scope of Case 002/02

Co-Accused Nuon Chea and Khieu Samphan



The Trial Chamber must balance requirements that the trial be fair and expeditious as well as remain reasonably representative of Closing Order (Supreme Court Chamber, [Decision E284/4/8](#))

25 November 2013: Supreme Court Chamber indicates that the minimum charges and crime sites to be included in Case 002/02 are S-21, a worksite, a cooperative and genocide
[Decision E284/4/8](#)

24 December 2013: Trial Chamber Releases Workplan for Case 002/02.
[Decision 301/5](#)

31 January 2014: Parties submit Case 002/02 Scope Submissions. Parties vary in their views on additional severance of Case 002/02

4 April 2014: Trial Chamber Decision on Additional Severance of Case 002/02 and Scope of Case 002/02
[Decision E301/9/1](#)

In its 4 April 2014 Decision, the Trial Chamber...

"GRANTS the Co-Prosecutors' and Lead Co-Lawyers' requests and SEVERES the proceedings in this case pursuant to Internal Rule 89ter"

Rule 89ter allows the Trial Chamber, "in the interest of justice," to separate the proceedings to concern only parts of the indictment.
[Internal Rules](#)

"GRANTS the Co-Prosecutors' and Lead Co-Lawyers' requests in part and DECIDES, pursuant to the Supreme Court Chamber order of 25 November 2013, that the scope of Case 002/02 crime base shall comprise the portions of the Closing Order pertaining to:

- S-21 Security Centre
- 1st January Dam Worksite,
- Tram Kok Cooperative,
- genocide (Vietnamese and Cham peoples)"

"GRANTS the Co-Prosecutors', Lead Co-Lawyers', and NUON Chea Defence requests in part and DECIDES to include within the scope of Case 002/02 crime base:

- Kraing Ta Chan Security Centre, Kampong Chhnang Airport Construction site,
- Au Kanseng Security Centre,
- Phnom Kraol Security Centre,
- Trapeang Thma Dam Worksite
- the charges of Forced Marriage and Rape (nationwide)
- Internal Purges"

REJECTS the Lead Co-Lawyers' requests to include within the scope of Case 002/02 North Zone Security Centre, the Koh Kyang Security Centre, and forced movement of population phase three and to expand the charges related to the treatment of Buddhists to a nationwide geographic scope.

REJECTS the NUON Chea Defence requests to include within the scope of Case 002/02 forced movement of population phase three and Wat Kirirum or Wat Tlork Security Centre

Findings of the Trial Chamber in its Decision ([E301/9/1](#)) to Sever, Limit Scope

- Chamber finds "that the rights of the Accused would not be negatively impacted by lack of foreseeability or any other concerns in the event of severance" (13)
- Chamber finds "any risk of inconsistencies between separate phases [of trial] will be minimal and do not constitute an impediment to severance" (15)
- Chamber finds "that it is possible to deal with the crimes outlined above within a reasonable time" (18)
- Chamber finds that the resulting evidentiary record from Case 002/01 will serve as the foundation for the remaining charges in Case 002. Many charges of the Closing Order not covered in Case 002/01 will be "expressly included within the scope of Case 002/02 insofar as they contain factual allegations previously or fully examined" (19)