



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

Extraordinary Chambers in the Courts of Cambodia

Chambres Extraordinaires au sein des Tribunaux Cambodgiens

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

Kingdom of Cambodia

Nation Religion King

Royaume du Cambodge

Nation Religion Roi

អង្គជំនុំជម្រះតុលាការកំពូល

Supreme Court Chamber

Chambre de la Cour suprême

សំណុំរឿងលេខ: ០០១/១៨ កក្កដា ២០០៧-អ.វ.ត.ក/អ.ជ.ត.ក

Case File/Dossier N°. 001/18-07-2007-ECCC/SC

ឯកសារដើម

ORIGINAL DOCUMENT/DOCUMENT ORIGINAL

ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Date de réception):

25 / 03 / 2011

ម៉ោង (Time/Heure): 16:35

អ្នកទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé

du dossier: SANN RANA

Before:

Judge KONG Srim, President

Judge Motoo NOGUCHI

Judge SOM Sereyvuth

Judge Agnieszka KLONOWIECKA-MILART

Judge SIN Rith

Judge Chandra Nihal JAYASINGHE

Judge YA Narin

Date:

25 March 2011

Classification:

PUBLIC

DECISION ON REQUESTS BY CO-LAWYERS FOR ACCUSED AND CIVIL PARTIES GROUPS 1, 2, 3 TO ADMIT ADDITIONAL EVIDENCE

Co-Prosecutors

CHEA Leang

Andrew CAYLEY

Accused

KAING Guek Eav alias
'DUCH'

Lawyers for the Accused

KAR Savuth

KANG Ritheary

Lawyers for Civil Parties

Group 1

TY Srinna

Karim KHAN

Alain WERNER

Brianne McGONIGLE

Lawyers for Civil Parties

Group 2

KONG Pisey

HONG Kimsuon

YUNG Phanit

Silke STUDZINSKY

Lawyers for Civil Parties

Group 3

KIM Mengkhy

MOCH Sovannary

Martine JACQUIN

Annie DELAHAIE

Philippe CANONNE

Elizabeth RABESANDRATANA

Fabienne TRUSSES-NAPROUS

Christine MARTINEAU



THE SUPREME COURT CHAMBER of the Extraordinary Chambers in the Courts of Cambodia (“ECCC”):

BEING SEISED of requests by the Co-Lawyers for the Accused and Civil Parties Groups 1, 2, and 3 to admit additional evidence (“Requests”);¹

RECALLING Internal Rule 108(7);

RECALLING that, on 22 February 2011, the Supreme Court Chamber, on its own initiative, reminded the Co-Lawyers for the Accused and Civil Parties Group 3 to comply with Internal Rule 108(7) should they wish to admit additional evidence in their respective appeals,² and sought confirmation from Co-Lawyers for Civil Parties Group 1 whether or not it intended to file a request to admit additional evidence;³

HAVING received and reviewed the written response filed by the Co-Prosecutors to the request by the Co-Lawyers for the Accused to admit additional evidence, in which the Co-Prosecutors ask the Chamber to dismiss the Co-Lawyers’ request;⁴

CONSIDERING the interests of justice and the circumstances of this case;

NOTING that a decision by the Supreme Court Chamber to admit additional evidence is without prejudice to the weight to be accorded to the additional evidence in deciding the appeals;

FOR THE FOREGOING REASONS, the Supreme Court Chamber:

DECIDES to grant the Requests and to admit the following additional evidence:

¹ Request of the Co-Lawyers for KAING Guek Eav alias Duch to Admit Additional Evidence, Khmer filed 25 February 2011, English filed 28 February 2011, F2/2; Request for Correction to Document F2/2, 24 March 2011, F2/2/Corr-1 (improved English translation); Group 1 – Civil Parties’ Co-Lawyers’ Request to File Additional Evidence in Support of their Appeal Against the Judgment, 11 March 2011, F2/3; Appeal Against Rejection of Civil Party Applicants in the Judgment Co-Lawyers for Civil Parties – Group 2, 22 October 2010, F11 (requests to admit additional evidence in paragraphs 71-86, 105, 107-08); Request to Submit Additional Evidence in Support of Appeal Brief by the Co-Lawyers for Civil Parties Group 3, 4 March 2011, F2/1.

² Inter-Office Memorandum from Greffiers of Supreme Court Chamber to Co-Lawyers for the Accused, 22 February 2011, F17; Inter-Office Memorandum from Greffiers of Supreme Court Chamber to Co-Lawyers for Civil Parties Group 3, 22 February 2011, F18.

³ E-Mail by Greffier of the Supreme Court Chamber to Co-Lawyers for Civil Parties Group 1, 23 February 2011, 10:17 AM (Phnom Penh time).

⁴ Co-Prosecutors’ Response to the Co-Lawyers for Kaing Guek Eav Alias Duch’s Request to Admit Additional Evidence and Annex A Against the Trial Chamber Judgment, 25 March 2011, F2/2/1, paras. 2, 10.



a) **For the Accused:**

Item	KH ERN, KH Doc #	EN ERN, EN Doc #	FR ERN, FR Doc #
Document “Khmer Rouge Prisons”	00635393-00635720, F2/2.1 (same as F14/4/2.2.1) (328 pages); pages 81-83 are 00626197-00626199, F14.2.1	00651494-00651496, F2/2.1 (same as F14/4/2.2.1) (3 pages)	00656082-00656085, F14.2.1 (4 pages)
Document “Selected 31 Biographies”	00656093-00656096, F14.2.4 (4 pages)	00626210-00626212, F14.2.4 (3 pages)	00656491-00656493, F14.2.4 (3 pages)

b) **For Civil Parties Group 1:**

Item	Doc. #	KH ERN	EN ERN
Confirmation letter	F2/3.2.1	00651489-00651489 (1 page)	00651488-00651488 (1 page)
Confirmation letter	F2/3.2.2	00651491-00651491 (1 page)	00651490-00651490 (1 page)
Confirmation letter	F2/3.2.3	00651493-00651493 (1 page)	00651492-00651492 (1 page)

c) **For Civil Parties Group 2:**

Item	Doc. #	KH ERN	EN ERN
Confirmation letter	F11.2	00616410-00616410 (1 page)	00636519-00636519 (1 page)
Confirmation letter	F11.3	00616411-00616412 (2 pages)	00636520-00636520 (1 page)
Confirmation letter	F11.4	00616413-00616413 (1 page)	00636521-00636521 (1 page)
Confirmation letter	F11.5	00616414-00616414 (1 page)	00636522-00636522 (1 page)
Confirmation letter	F11.6	00616415-00616416 (2 pages)	00636890-00636891 (2 pages)

d) **For Civil Parties Group 3:**

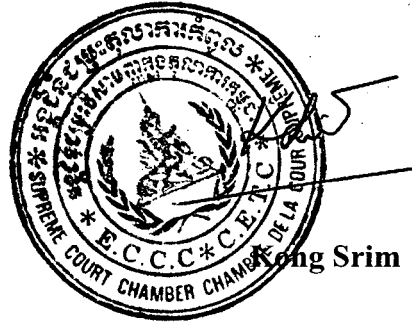
Item	Doc. #	ERN
Photograph	F2/1.1	P 00649714-00649714 (1 page)
Photograph	F2/1.2	P 00649715-00649715 (1 page)
Photograph	F2/1.3	P 00649716-00649716 (1 page)
Photograph	F2/1.4	P 00649717-00649717 (1 page)
Photograph	F2/1.5	P 00649718-00649718 (1 page)



Photograph	F2/1.6	P 00649719-00649719 (1 page)
Photograph	F2/1.7	P 00649720-00649720 (1 page)

Phnom Penh, 25 March 2011

President of the Supreme Court Chamber



CM
CB
PS