



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

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 reception): 25 / 03 / 2011
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អង្គបុគ្គលបន្តកសំណុំរឿង/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
Brienne 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

am
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am



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.



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

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)

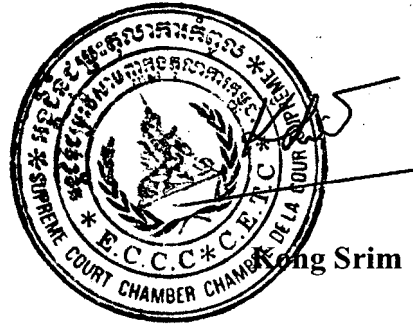
DECISION ON REQUESTS BY CO-LAWYERS FOR ACCUSED AND CIVIL PARTIES GROUPS 1, 2, 3 TO ADMIT ADDITIONAL EVIDENCE



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



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