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ឯកសារដើម
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/date de reception): 24 / 05 / 2012
ម៉ោង (Time/Heure) : 11:50
មន្ត្រីទទួលបន្ទុកសំណុំរឿង /Case File Officer/L'agent chargé du dossier: UCH Arun

E199

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

TRIAL CHAMBER

Date: 24 May 2012

TO: **All parties, Case 002**

FROM: **Judge NIL Nonn, Trial Chamber President**

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

SUBJECT: **Directions regarding documents sought for impeachment purposes**

On 30 April 2012, extensive discussion took place in court regarding documents which a party intends using for impeachment purposes. The NUON Chea Defence team submitted that such documents need not be proposed for admission before the Chamber (T., 30 April 2012, pp. 83-86).

All material sought for use before the Chamber, in accordance with the ECCC's legal framework and that established by the Chamber's document decisions to date (E185 and E190), must satisfy the criteria contained in Internal Rule 87(3), irrespective of the purpose for which the material in question is intended to be used.

It follows that any document the parties intend to use in court and which has not been accorded an E3 classification (granted to documents put or considered as having been put before the Chamber) or which is not mentioned on any list of documents proposed to be put before the Chamber must instead satisfy the requirements of Internal Rule 87(4) for putting new documents before the Chamber. In accordance with recognized fair trial principles, the minimum condition for in-court reference to a document not already before the Chamber or proposed to be put before it is therefore a timely application to place that document on the Case File and/or to seek its admission pursuant to this sub-rule.

The burden to ensuring the timely filing and sufficient advance notice to the Chamber and the other parties of all documents relied on by a party in their examination of a witness, Civil Party or Expert lies on the party seeking to rely on the material in question.

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