



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

សាធារណៈ / Public

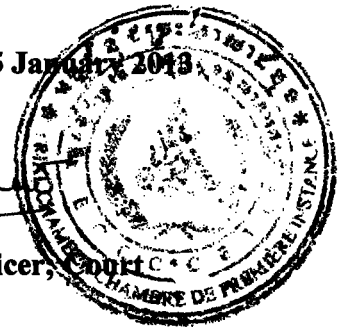
MEMORANDUM - TRIAL CHAMBER

Date: 15 January 2013

TO: All parties, Case 002

FROM: NIL Nonn, President, Trial Chamber

CC: All Trial Chamber Judges; Trial Chamber Senior Legal Officer,  
Management Section



SUBJECT: Response to Rule 87(4) Requests to Place New Documents on the Case File concerning the Testimony of Witness HUN Chhunly (E236/3)

1. The Trial Chamber is seised of a request from the Co-Prosecutors to place a document on the Case File for use during the testimony of Witness HUN Chhunly (E236/3). By email communication dated 5 December 2012, the acting Trial Chamber Senior Legal Officer informed all parties that the Co-Prosecutors' Request had been denied. This memorandum provides the Trial Chamber's reasons for such denial.

2. To admit documents under Rule 87(4), the requesting party must ordinarily satisfy the Chamber that the proposed evidence was either not available before the opening of the trial or could not have been discovered with the exercise of due diligence (e.g. E190). The document proposed by the Co-Prosecutors is a record of an interview conducted with the Witness on 14 February 2007. By their own admission, the Co-Prosecutors have been in possession of this document since then. The Co-Prosecutors have therefore not satisfied the requirements of Internal Rule 87(4).

3. Accordingly, the Chamber denies the request by the Co-Prosecutors to put this document before the Chamber. The Chamber also instructs the Court Management Section to remove the proposed document from the Case File, where it currently appears as an attachment to the Co-Prosecutors' Request (E236/3.1).

<b>ឯកសារដើម</b>	
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL	
ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Date de reception):	
..... 15 / 01 / 2013 .....	
ពេលវេលា (Time/Heure):..... 16.5.00 .....	
មន្ត្រីទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé	
du dossier: ..... ANN RA DA .....	