

ឯកសារដើម	
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL	
ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/date de reception): ១០ / ០៦ / ២០១៣	
ម៉ោង (Time/Heure) : ១៤ : ៣៥	
មន្ត្រីទទួលបន្ទុកសំណុំរឿង / Case File Officer/L'agent chargé du dossier:.....	ព្រះរាជាណាចក្រកម្ពុជា
.....	ជាតិ សាសនា ព្រះមហាក្សត្រ



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា
 Extraordinary Chambers in the Courts of Cambodia
 Chambres Extraordinaires au sein des Tribunaux Cambodgiens

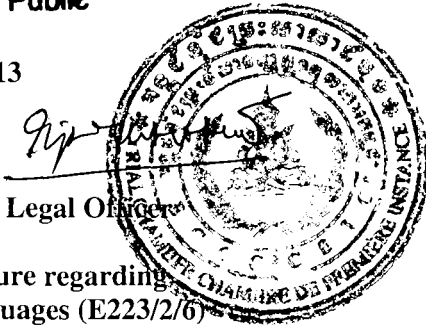
Kingdom of Cambodia
 Nation Religion King
 Royaume du Cambodge
 Nation Religion Roi

TRIAL CHAMBER **សាធារណៈ / Public**

TO: All Parties, Case 002 **Date: 17 June 2013**

FROM: NIL Nonn, President, Trial Chamber;

CC: All Judges of the Trial Chamber; Trial Chamber Senior Legal Officer



SUBJECT: Decision on Co-Prosecutors' request to establish procedure regarding admission of documents not translated in all ECCC languages (E223/2/6) and Lead Co-Lawyers' response to Trial Chamber directives on tendering Civil Party statements and other documents (E223/2/7 and E223/2/7/1)

1. Over the course of the trial in Case 002/01, the Chamber granted considerable latitude to the parties to make use of documents at trial even where translations were unavailable in all official ECCC languages. It indicated, however, that all pending translations would be required by 4 March 2013 (*see e.g.* E185/1, E223/2 and E246/1). In view of the large quantities of material before it, the Chamber also issued other supplementary directions, including requests that the parties reduce the quantity of information tendered that is purely corroborative, and instead consider proposing representative samples of evidence in this category (*see e.g.* E96/7, para. 35(c)).

2. On 28 February 2013, the Co-Prosecutors identified 280 documents already before the Chamber whose translation requests were still outstanding. They requested that the Chamber not exclude these documents and allow the Interpretation and Translation Unit ("ITU") to continue translating them until the conclusion of the evidentiary proceedings (E223/2/6, paras 5-6, 23). The Co-Prosecutors also identified three categories of documents for which translation is unnecessary, such as photos, diagrams, drawings or maps, and video excerpts played in court that have already been translated in the transcripts (E223/2/6, para. 17). On 9 April 2013, the Co-Prosecutors submitted revised Annexes 12 and 13 to their Rule 80(3) Document List, comprising 1,040 documents which they seek to put before the Chamber, noting that the vast majority (all but two into Khmer and 37 into French) were already available in all three ECCC official languages and that translations of the remainder continue (E278, paras 43-44).

3. On 5 March 2013, the Civil Party Lead Co-Lawyers, also citing difficulties in complying with the Chamber's 4 March 2013 deadline, requested the Trial Chamber to declare admissible the totality of Annexes 1 and 1(a) (consisting of 522 written statements of Civil Parties) and sought an extension of the translation deadline until the close of the hearing of evidence (E223/2/7, paragraphs 11-12). They further requested

until Friday 12 April 2013 to identify the translation status of other types of documents either before the Chamber or proposed to be put before it (E223/2/7, paragraphs 15-19). On 26 April 2013, the Civil Party Lead Co-Lawyers filed a list of all other categories of documents tendered and all material proffered, listing 264 documents, of which 39 remained to be translated (E223/2/7/1, paras 4 and 6).

4. At the final Trial Management Meeting (“TMM”) on 13 June 2012, the Trial Chamber noted that “the parties have [since the filing of the above motions] indicated that considerable progress has been made on all pending [translation] requests. The Chamber [has] also indicated in advance of the TMM that it agreed with the Co-Prosecutors’ submission that certain categories of documents self-evidently do not require translation, such as photos, diagrams, drawings or maps, and video excerpts played in court that have already been translated in the transcripts” (T., 13 June 2013, p. 48). The Chamber requested the parties to confirm that all pending translation matters were therefore well on their way to being resolved and able to be concluded at the latest by the likely date of closing arguments in Case 002/01, namely early October 2013 (T., 13 June 2013, p. 48).

5. At the TMM, the Defence teams provided no indication of any difficulty in obtaining all necessary translations within this suggested deadline. The Civil Party Lead Co-Lawyers confirmed that only 60 documents (comprising approximately 317 pages) tendered by them remained to be translated and that this should be concluded within the next 1-2 months (T., 13 June 2013, p. 52). The Co-Prosecutors indicated that all translations sought by them in Case 002/01 were also likely to be concluded well before the conclusion of the trial in Case 002/01, but requested that S-21 prisoner lists be added to the list of documents exempted from the requirement of translation into all three official languages. Although noting the Chamber’s previous directions regarding books and other lengthy documents (namely, that only excerpts identified as relevant and available in translation (rather than the entirety of these sources) are considered to be put before the Chamber), the Co-Prosecutors request a degree of “flexibility” should other portions of these sources be identified by the parties as relevant in preparation of their closing briefs (T., 13 June 2013, p. 51).

6. The Chamber grants both requests. S-21 prisoner records are lengthy lists of names in the original Khmer, which in translation are readily understood in either English or French. Translation into both languages is therefore superfluous. Regarding the second request, the Chamber infers that what is intended is the ability to correct minor errors in pagination or other inadvertent errors in identifying the relevant portions of books and other lengthy documents put before the Chamber. Where these are discovered in the course of preparing closing briefs, the relevant party may notify the Chamber and the other parties of this error, providing where necessary translation of the excluded portions. Reference to any new portions of books or other lengthy documents that have the effect of expanding the scope or nature of the allegations against the Accused will be disregarded by the Chamber in its evaluation of all evidence in the verdict.

7. The Chamber extends the deadline for the translation into all three ECCC official languages of the documentary evidence admitted or soon to be admitted at trial (save for the excluded categories above) until the filing of closing briefs in Case 002/01.

8. This constitutes the Trial Chamber’s official response to E223/2/6, E223/2/7 and E223/2/7/1.