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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

TO: All Parties, Case 002 **Date:** 15 August 2013

FROM: NIL Nonn, President of the Trial Chamber

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

SUBJECT: Decision on KHIEU Samphan Request for revision of translation evidence on the case-file concerning "870" (E296)



1. The Chamber is seized of a request from the KHIEU Samphan Defence to order the Interpretation and Translation Unit (ITU) to review the French and English translations of 98 Khmer documents on the case-file insofar as they reference "870" (E296). They submit that the testimony of TCE-33 (Stephen HEDER) revealed there were discrepancies between the Khmer originals and their French and English translations concerning references to "870". No response motions were filed.
2. In the interests of ensuring an accurate trial record, the Chamber refers the present request to ITU to review the references to "870" as identified in Annex A of the Request, and to file revised translations, where necessary, as soon as possible.
3. The Chamber otherwise recalls that it is established practice that a party which identifies discrepancies in trial transcripts may have direct recourse to the ITU (E195/1; *see also* T., 15 February 2012, p. 64). The Chamber considers that the practice applies equally to alleged discrepancies identified in translations of evidence on the case-file (*see* E223/2/6/1, para. 6 concerning correcting minor errors in pagination). As such, the Chamber reminds the parties to liaise directly with ITU in the first instance concerning alleged discrepancies in translations, and directs ITU to file revised translations where appropriate. In drafting the Closing Briefs in this case, counsel should rely on the original documents in Khmer where discrepancies in translations have been identified. The Chamber will do the same in its evaluation of evidence (E294/1, para. 17).
4. This constitutes the Chamber's official response to E296.