



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

Extraordinary Chambers in the Courts of Cambodia

Chambres Extraordinaires au sein des Tribunaux Cambodgiens

**ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ**

Kingdom of Cambodia
Nation Religion King

Royaume du Cambodge
Nation Religion Roi

អង្គជំនុំជម្រះតុលាការកំពូល

Supreme Court Chamber

Chambre de la Cour suprême

សំណុំរឿងលេខ: ០០២/១៩-កញ្ញា-២០០៧-អ.វ.ត.ក/អ.ជ.ត.ក

Case File/Dossier N°. 002/19-09-2007-ECCC/SC



Before:

Judge KONG Srim, President

Judge Chandra Nihal JAYASINGHE

Judge SOM Sereyvuth

Judge Agnieszka KLONOWIECKA-MILART

Judge MONG Monichariya

Judge Florence Ndepele MWACHANDE-MUMBA

Judge YA Narin

Date:

12 January 2015

Language(s):

Khmer/English

Classification:

PUBLIC

**DECISION ON NUON CHEA’S REQUEST TO FILE AN ADDENDUM TO HIS
APPEAL AGAINST THE TRIAL JUDGEMENT IN CASE 002/01**

Co-Prosecutors

CHEA Leang

Nicholas KOUMJIAN

Co-Lawyers for NUON Chea

SON Arun

Victor KOPPE

Accused

KHIEU Samphân

NUON Chea

Co-Lawyers for KHIEU Samphân

KONG Sam Onn

Anta GUISSÉ

Arthur VERCKEN

Civil Party Lead Co-Lawyers

PICH Ang

Marie GUIRAUD

THE SUPREME COURT CHAMBER of the Extraordinary Chambers in the Courts of Cambodia for the Prosecution of Crimes Committed during the Period of Democratic Kampuchea between 17 April 1975 and 6 January 1979 (“Supreme Court Chamber” and “ECCC”, respectively):

BEING SEISED of appeals¹ against the Judgement of the Trial Chamber in Case 002/01 (“Trial Judgement”);²

BEING SEISED of a request filed on 23 December 2014 by the Co-Lawyers for NUON Chea (“Defence”) seeking permission to file an addendum to their appeal against the Trial Judgement (“Request”);³

NOTING that the Defence expresses its intention of further developing the arguments put forth in its appeal brief in light of the Special Panel’s “Decision on Applications for the Disqualification of Trial Chamber Judges”,⁴ including the prospective Judge Rowan Downing’s dissenting opinion⁵ – the reasons of which are yet to be notified;

RECALLING that the Disqualification Decision disposed of applications seeking to disqualify some or all judges of the Trial Chamber from the Case 002/02 trial⁶ as well as “any further proceeding against Nuon Chea”,⁷ given that the Disqualification Decision concerns Case 002/02 and not the present case, it is first and foremost within those proceedings that the Defence must put forward its complaints in this regard;

CONSIDERING that the Defence – whose appeal brief has already set out a number of grounds and arguments questioning the fairness of proceedings⁸ – despite maintaining that the projected reasons of the Disqualification Decision “are of particular importance to its

¹ Co-Prosecutors’ Appeal against the Judgment of the Trial Chamber in Case 002/01, F11, 28 November 2014; NUON Chea’s Appeal against the Judgment in Case 002/01, F16, 29 December 2014 (“NUON Chea Appeal Brief”); [*Corrigé I*] *Mémoire d’appel de la Défense de M. KHIEU Samphân contre le jugement rendu dans le procès 002/01*, F17, 31 December 2014.

² Case 002/01 Judgement, E313, 7 August 2014.

³ NUON Chea’s Request to File an Addendum to its Appeal against the Judgment in Case 002/01, F15.

⁴ E314/12, 14 November 2014 (“Disqualification Decision”).

⁵ Disqualification Decision, pp. 3-4.

⁶ *Demande de réexamen de M. KHIEU Samphân sur la nécessité d’attendre un jugement définitif dans le procès 002/01 avant de commencer le procès 002/02 et sur la nomination d’un nouveau collège de juges*, E314/1, 25 August 2014, para. 54; NUON Chea Application for Disqualification of Judges NIL Nonn, YA Sokhan, Jean-Marc LAVERGNE, and YOU Ottara, E314/6, 29 September 2014 (“NUON Chea Application for Disqualification”), para. 138; *Requête réitérée en récusation des juges composant actuellement la Chambre de première instance devant statuer sur le procès 002/02*, E314/8, 10 October 2014, p. 6.

⁷ NUON Chea Application for Disqualification, para. 138.

⁸ See e.g. NUON Chea Appeal Brief, paras 40-111.

Appeal”,⁹ fails to substantiate their connection and/or relevance to any grounds of appeal set out in its notice of appeal;

HEREBY

DISMISSES the Request.

Phnom Penh, 12 January 2015

President of the Supreme Court Chamber



KONG Srim

⁹ Request, para. 4.