



**អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា**

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

**Request for Correction**

**Case :** 002/19-09-2007-ECCC/TC

To Document No(s):	ERN(s):	Request Date:	Correction Type:
E223/2	00852923-00852926	03/12/2012	<input checked="" type="checkbox"/> Change to Original <input type="checkbox"/> Change to Translation <input type="checkbox"/> Reclassification

**Reason for changes:**  
Incorrect date.

**Details:**  
paras 12-13 - Change filing deadline from 29 February to 4 March 2012 (the next available filing date).

**Filed by:** Roger L. Phillips

**Signature:** *[Handwritten Signature]*

**Approved by Greffier (for originals):**

**Signature:** *[Handwritten Signature]*

**Approved by ITU (for translations):**

**Signature:** *[Handwritten Signature]*

<b>ឯកសារដើម</b>
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ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Date de reception): ..... 04 / 12 / 2012 .....
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paragraph d). They nonetheless fail to indicate in that filing which applications fall within that sample, or to provide any of the other specifications requested by the Chamber in paragraph 35 of E96/7. They further request an extension of 1-2 months in order to file submissions regarding Civil Party applications relevant to population movement phases 1 and 2 that they seek to tender into evidence (E208/4, disposition, paragraph e).

12. The Trial Chamber notes that it did not rule upon the legal characterisation of Civil Party applications or their admissibility as Civil Parties in Decision E96/7: a competence which the Lead Co-Lawyers correctly identify as belonging to the Co-Investigating Judges during the pre-trial phase. Decision E96/7 instead addressed certain practical realities and fair trial considerations that stem from the consequences of putting large volumes of written statements or Civil Party applications before the Trial Chamber as evidence in connection with the verdict absent the testimony of their authors. This is distinct from the issue of the admissibility of Civil Parties. In consequence, compliance with the Trial Chamber's directives in paragraph 35 of E96/7 is a pre-requisite for Civil Party applications to be considered to be put into evidence in Case 002/01 for the following reasons:

- A significant number of the 3866 Civil Party applications are as yet untranslated. The ITU advise that its resources are insufficient to ensure that all can be translated within the likely lifespan of the ECCC. As submission of all evidence at trial requires its availability in all ECCC official languages, the Lead Co-Lawyers are also therefore directed, in consultation with the ITU, to tailor the number of Civil Party applications they seek to tender so as to ensure that only those Civil Party applications which can be made available in all official ECCC languages by ~~Friday 29 February~~Monday 4 March 2013 are sought to be put into evidence.
- As it may be impracticable for all Civil Party applications to be tendered into evidence in Case 002/01, it is essential for the Lead Co-Lawyers to specify which statements they ultimately seek to have placed into evidence in order to permit adversarial argument in relation to them. As, in accordance with the ECCC's legal framework, no evidence may be adduced against an accused unless it has been subject to adversarial challenge, proper identification of which Civil Party applications the Lead Co-Lawyers wish to tender is a necessary prerequisite to their being put before the Chamber.

13. The Trial Chamber shall nonetheless grant the Lead Co-Lawyers until ~~29 February~~4 March 2013 to indicate which Civil Party applications form part of the representative sample of Civil Party applications they wish to tender into evidence (in relation to all trial segments), in addition to all other information sought by the Chamber in E96/7, paragraph 35. Failure to do so will have the consequence that no Civil Party applications shall be considered as having been proposed into evidence by the Lead Co-Lawyers.

14. Pursuant to paragraph 36 of Decision E96/7, and where parties wish to pose objections to any material tendered in accordance with this decision, they may do so by written motion at any stage of proceedings but in any event no later than Friday 26 April 2013. The Chamber shall weigh these objections when considering the material proffered in accordance with the criteria outlined in Decision 96/7.

15. This constitutes the Chamber's official response to E208/4 and those portions of E223 and E223/1 concerning evidence tendered following Decision E96/7.