



ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

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

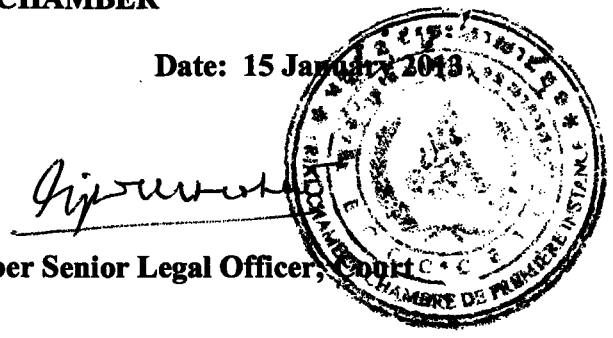
Kingdom of Cambodia
Nation Religion King
Royaume du Cambodge
Nation Religion Roi

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)

- The Trial Chamber is seized 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.
- 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).
- 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).

ឯកសារដើម	
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:	NIL NONN