

**BEFORE THE TRIAL CHAMBER  
EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA**

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**LEAD CO-LAWYERS' UPDATE TO THE TRIAL CHAMBER ON THE  
TRANSLATION STATUS OF WRITTEN & OTHER EVIDENCE  
(WITH CONFIDENTIAL ANNEX)**

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**Before:**

**Trial Chamber**

Judge NIL Nonn, President  
Judge Silvia CARTWRIGHT  
Judge YA Sakhan  
Judge Jean-Marc LAVERGNE  
Judge YOU Ottara

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## I. BACKGROUND

1. In their submission of 4 March 2013 on documents tendered into evidence,<sup>1</sup> Civil Parties indicated that they would submit to the Trial Chamber (“the Chamber”) a list of documents for “all other categories of documents tendered and all material proffered”<sup>2</sup> with the objective of updating the Chamber on the status of outstanding translation requests for these documents and their progress in meeting the Chamber’s directive that “all material proffered can be made available before the Chamber in all three official ECCC languages prior to the conclusion of the hearing of evidence in Case 002/01.”<sup>3</sup>
2. In this same submission, Civil Parties stipulated that their list updating the Chamber would include the following types of documents:
  - a) documents included on document and exhibit lists submitted before the Chamber;
  - b) documents put before the Chamber in key documents hearings;
  - c) documents used in the examination of witnesses, Civil Parties and experts; and
  - d) Civil Party written statements of Civil Parties who *have* given oral testimony.

## II. DISCUSSION

### *A. Description of the List on All Other Documents Tendered & All Material Proffered*

3. In annex 1 to this submission, Civil Parties provide the document list for all other documents and all material proffered before the Chamber. The list is divided into those documents for which translation is complete (Section A) and those for which translation is incomplete (Section B). Within these sections the document number; the E3 number (where available); the document title; and the ERNs in Khmer, English and French are specified. Where a partial translation has been made of only the relevant portion of a document, this is indicated by the “partial translation” notation in the ERN field.

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<sup>1</sup> Lead Co-Lawyers’ Response to Trial Chamber Directives on the Tendering into Evidence of Civil Party Written Statements & Other Documents (with Confidential & Strictly Confidential Annexes), **E223/2/7**, 4 March 2013.

<sup>2</sup> Ibid, p. 7.

<sup>3</sup> Trial Chamber Memorandum, Response to Motions E246 and E185/1/1 and Other Sundry Requests Concerning Documents and Deadlines, **E246/1**, para. 3, 13 February 2013.

4. Civil Parties note that of the 264 documents on this list, the translation of 225 of these documents (or the relevant portion of the document) has been completed. Of the totality of these documents, only 15% remain to be translated. Among these are a small number of documents for which translation is not yet requested, as Civil Parties are selecting the relevant excerpts of these lengthy documents to allow for its timely translation or translation is not required (e.g. videos). These documents have been marked with an asterisk (\*) in Annex 1. Civil Parties are confident that the documents contained in Annex 1 will be timely translated in accordance with the Chamber's directives on the point. They will continue to work with the Interpretation and Translation Unit to coordinate translation of these documents and make adjustments to their translation requests as necessary to facilitate timely translation.

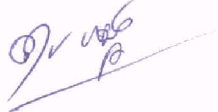

#### ***B. Reservations***

5. As indicated in their 4 March 2013 submission,<sup>4</sup> Civil Parties have reserved the right to tender additional documents into evidence in conjunction with their examination of as yet unheard Civil Parties, experts and witnesses. Furthermore, Civil Parties reserve the right to tender additional documents in conjunction with any future hearings on key documents. In both of these instances, Civil Parties will request the timely translation of the documents tendered in accordance with the Chamber's directives.<sup>5</sup>

#### **IV. CONCLUSION**

6. By way of this update, Civil Parties report that we anticipate the timely translation of all their other documents tendered and all material proffered by the close of the substantive hearings.

Respectfully submitted,

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<sup>4</sup> *Supra*, note 1.

<sup>5</sup> *See supra*, note 3.