



ឯកសារដើម
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..... SA VIN RAVDA

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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

សាធារណៈ / Public

TRIAL CHAMBER

TO: All Parties, Case 002/02 **Date:** 11 December 2014

FROM: NIL Nonn, President of the Trial Chamber *[Signature]*

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

SUBJECT: Scheduling of Objections to Documents Relevant to Case 002/02



1. In response to the Trial Chamber's Order E305, the Co-Prosecutors (E305/13 and E305/13/1), the KHIEU Samphan Defence (E305/12), the NUON Chea Defence (E307/5), and the Lead Co-Lawyers for the Civil Parties (E305/14 and E307/6) have each filed their proposed list of documents relevant to Case 002/02.
2. The Trial Chamber recalls its jurisprudence on the admissibility of documents within the ECCC framework (*see e.g.* E185, E185/1, E185/2), including the admissibility of witness, victim, and civil party statements as well as transcripts (E96/7 and E299). In particular, the Trial Chamber has previously found that subject to certain conditions, written statements and transcripts are admissible absent the opportunity for confrontation in place of oral testimony. Written statements or transcripts which go to proof of the acts or conduct of an accused as charged in the indictment are, subject to limited exceptions, inadmissible without the opportunity for in-court examination of the author (*See* E96/7, paras 21-22; E299, paras 17-19).
3. Any party proposing written statements or transcripts in its proposed documents list for Case 002/02 shall therefore indicate whether it intends to use them as evidence of the acts and conduct of the accused in a filing to the Trial Chamber to be submitted no later than 12 January 2015. Parties are reminded that statements or transcripts that may *inter alia* contain evidence relating to the acts and conduct of the accused may be proposed for admission for purposes other than providing the personal acts and conduct of the Accused. In case of admission of such documents and absent an opportunity for the parties to examine their author, the Chamber will not rely on those portions of the evidence in order to prove the acts and conduct of the Accused. (*See also* E299, paras 23, 28).

4. In order to determine the admissibility of the documents proposed by the parties as relevant to Case 002/02, the Trial Chamber hereby grants the parties an opportunity to submit written objections to documents on the respective parties' lists.
5. The Trial Chamber also recalls its oral decision of 26 January 2012, in which it accorded a presumption of relevance and reliability to documents cited in the Closing Order. The Trial Chamber also grants the parties the opportunity to rebut this presumption by filing an objection providing reasoned argument in relation to any document referenced in the footnotes of the paragraphs in the Closing Order relevant to Case 002/02 (*see* E301/9/1.1).
6. Any objections to documents on the parties' proposed lists or the Closing Order shall be filed no later than 2 February 2015. The Trial Chamber will thereafter issue a decision on the admissibility of these documents in due course.
7. The Chamber reiterates that the parties have the responsibility to ensure the timely availability in all ECCC official languages of the documents that are to be put before the Chamber during Case 002/02 (*See also* E315, para. 13) and directs them to cooperate with the Interpretation and Translation Unit, as necessary.