



**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

អង្គជំនុំជម្រះសាលាដំបូង

Trial Chamber
Chambre de première instance

សំណុំរឿងលេខ: ០០២/១៩ កញ្ញា ២០០៧/អវតក/អជសដ

Case File/Dossier No. 002/19-09-2007/ECCC/TC

Before: Judge NIL Nonn, President
Judge Silvia CARTWRIGHT
Judge YA Sokhan
Judge Jean-Marc LAVERGNE
Judge YOU Ottara

Date: 8 June 2012
Original language(s): Khmer/English/French
Classification: PUBLIC

ឯកសារដើម
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/date de reception): 16 / 07 / 2012
ម៉ោង (Time/Heure) : 15:00
មន្ត្រីទទួលបន្ទុកសំណុំរឿង /Case File Officer/L'agent chargé du dossier: UCH ARUN

DECISION ON PLACEMENT OF NEW DOCUMENTS ON THE CASE FILE

Co-Prosecutors
CHEA Leang
Andrew CAYLEY

Accused
NUON Chea
IENG Sary
KHIEU Samphan

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THE TRIAL CHAMBER of the Extraordinary Chambers in the Courts of Cambodia (“ECCC”);

BEING SEISED of Case File No. 002/19-09-2007/ECCC/TC pursuant to the Decisions on Appeal Against the Closing Order by IENG Sary, IENG Thirith, NUON Chea and KHIEU Samphan, rendered by the Pre-Trial Chamber on 13 January 2011¹;

NOTING its Decision Concerning New Documents And Other Related Issues of 2 May 2012 (E190) (“Decision”), which ordered the parties to upload to the Shared Materials Drive or otherwise make accessible by 11 May 2012 the 37 new documents identified in paragraph 28 of the Decision;

NOTING that the Decision was filed in French on 11 May 2012, and that the parties were unable to upload documents to the Shared Materials Drive between 12 and 16 May 2012 because of ECCC staff holidays;

NOTING that the IENG Sary Defence uploaded one new document (document #8 in E109/6.2) to the Shared Materials Drive on 10 May 2012;

NOTING the Co-Prosecutors’ Response To Trial Chamber Decision Concerning New Documents And Other Related Issues of 11 May 2012 (E190/1), which specified the location of two new documents (documents #233 in E109/4.1 and #17 in E109/4.5);

NOTING that the KHIEU Samphan Defence uploaded 17 new documents (documents #1, #7, #11, #14, #15, #16, #17, #18, #19, #20, #21, #22, #23, #25, #26, #27 and #28 in E109/1.1) to the Shared Materials Drive on 17 May 2012;

NOTING that document #233 in E109/4.1 is already on the Case File as document number E109/2.3R, in consequence of the Decision;

CONSIDERING that the KHIEU Samphan Defence uploaded its documents to the Shared Materials Drive as soon as reasonably practicable after the filing of the French version of the Decision;

¹ Decision on Ieng Sary’s Appeal Against the Closing Order, 13 January 2011, D427/1/26; Decision on Ieng Thirith’s and Nuon Chea’s Appeals Against the Closing Order, 13 January 2011, D427/2/12; Decision on Khieu Samphan’s Appeal Against the Closing Order, 13 January 2011, D427/4/14; and Decision on Ieng Sary’s Appeal Against the Closing Order’s Extension of his Provisional Detention, 13 January 2011, D427/5/9.

CONSIDERING that the 19 new documents provided by the IENG Sary Defence, the Co-Prosecutors and the KHIEU Samphan Defence are *prima facie* conducive to ascertaining the truth in Case 002;

PLACES on the Case File the 19 new documents listed in the Annex to this decision;

REMINDS the parties that it may consider any attempt to rely on any of the remaining 18 new documents identified in paragraph 28 of the Decision to be an application to admit new evidence under Internal Rule 87(4).

Phnom Penh, 8 June 2012
President of the Trial Chamber



Nil Nonn