

**BEFORE THE SUPREME COURT CHAMBER
EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA**

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**GROUP 1--CIVIL PARTIES' CO-LAWYERS' REQUEST TO FILE ADDITIONAL
EVIDENCE IN SUPPORT OF THEIR APPEAL AGAINST THE JUDGMENT**

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I. INTRODUCTION

1. Civil Party Lawyers for Group 1 (CPG-1) respectfully request that in accordance with Internal Rule 108(7) (Rev. 6) they be allowed to submit additional evidence in support of their appeal against the Trial Chamber Judgment of 26 July 2010.¹

II. BACKGROUND

2. In its 26 July 2010 Judgment the Trial Chamber carried out a re-assessment of Civil Party applications and subsequently revoked Civil Party status from nine Civil Parties represented by CPG-1.²
3. In accordance with Internal Rule 104(4) (Rev. 3), on 24 August 2010 the CPG-1 filed its Immediate Appeal of Civil Party Status Determinations in the Trial Judgment (Immediate Appeal) on behalf of these nine individuals, including LY Hor (E2/61); Joshua ROTHSCHILD (E2/88); Jeffrey JAMES (E2/86); (E2/62); SUON Seang (D25/15); NGET Uy (E2/74); THIEV Neab (E2/75); LIM Yun (E2/69); and NORNG Sarath (E2/73).³
4. On 24 August 2010 the Greffiers of the Supreme Court Chamber (SCC) instructed CPG-1 to re-file their appeal with inclusion of the authorizations for powers of attorney. CPG-1 subsequently re-filed its Immediate Appeal on 14 September 2010 with the attached authorizations for power of attorney.
5. On 30 September 2010 the SCC rendered its decision on the characterization of CPG-1's Immediate Appeal,⁴ finding that the appeal falls within the procedural regime applicable to appeals against the final judgment. Thereafter, the SCC, in the interests of justice, characterized the Immediate Appeal as a notice of appeal and appeal brief.
6. In preparation for the appeal hearing scheduled for 28-31 March 2011, on 25 February 2011 the Greffiers of the SCC informed CPG-1 to try to file any request to submit additional evidence by Friday, 11 March 2011.

¹ F18.

² E188, pp. 225-229.

³ E188/10.

⁴ F811.

III. RELIEF SOUGHT

7. CPG-1 respectfully requests to submit two additional witness statements attesting to the family link between E2/62 and her brother, a direct victim of S-21. The two witness statements are from the sister of E2/62 and of a village chief who was a friend of the direct victim. CPG-1 also respectfully requests to submit the thumbprint of LY Hor (E2/61), which the SCC can then compare to the thumbprint on his confession taken at S-21.⁵
8. Internal Rule 108(7) (Rev. 6) reads, in relevant part, that “the parties may submit a request to the Chamber for additional evidence provided it was unavailable at trial and could have been a decisive factor in reaching the decision at trial. The request shall clearly identify the specific findings of fact made by the Trial Chamber to which the additional evidence is directed.”
9. Civil Party E2/62 submits that her brother was detained and executed at S-21. She can provide a photograph from the Tuol Sleng Museum archives.⁶ However, the Trial Chamber found that the photograph is unidentified and does not establish who the photograph depicts.⁷ The Trial Chamber further found that no document exists to substantiate the nature of her relationship with the direct victim,⁸ and as a result revoked the Civil Party status of E2/62.
10. Civil Party LY Hor (E2/61) submits that he was detained first at S-21 and later at S-24, from where he escaped.⁹ The Trial Chamber accepted that a EAR Hor had been detained at S-21 on the basis of documents submitted but doubted whether the Civil Party LY Hor was in fact EAR Hor and for this reason found that his application was not established the required standard.
11. The additional evidence, which CPG-1 seeks to put before the SCC, was not available at trial due to the fact that the Trial Chamber failed to adequately and in a timely manner inform the parties of the criteria it intended to apply in re-considering Civil Party status determinations.¹⁰ The Trial Chamber also failed to

⁵ “Confession of EAR Hor,” E2/61.2/ERN 00361722.

⁶ See “Photograph at S-21,” E165/1/1.2; “Letter of certification by Chief of Tuol Sleng genocide museum,” E165/1/1.3.

⁷ E188, par. 648.

⁸ *Id.*

⁹ T., 6 July 2009, p. 9.

¹⁰ See E188/10.

inform parties of the standard of review and proof it would apply for reassessing applications.¹¹

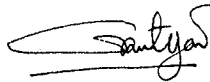
12. In order to help substantiate the claims made by these two Civil Parties, CPG-1 respectfully requests the SCC to admit the additional evidence in support of their appeal against the Trial Chamber Judgment of 26 July 2010.

Respectfully submitted by

Co-Lawyers for Civil Parties (Group 1)



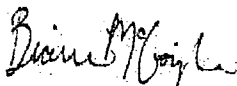
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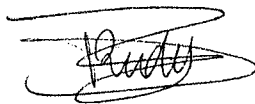
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¹¹ *Id.*