



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

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

Request for Correction

ឯកសារដើម
ORIGINAL/ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ (Date): 14-Feb-2013, 16:00
CMS/CFO: Sann Rada

Case : STRICTLY-CONF-002/19-09-2007-ECCC/SC

To Document No(s):	ERN(s):	Request Date:	Correction Type:
E232/3	00887098-00887102 (EN)	14 February 2013	<input checked="" type="checkbox"/> Change to Original <input type="checkbox"/> Change to Translation <input type="checkbox"/> Reclassification

Reason for changes:
Mistake in footnote 2

Details:
In footnote 2 add a phrase "The Interpretation and Translation Unit has indicated that these pages will be translated into French by Friday, 15 February 2013."

Filing Party: Mosseny SO

Signature:

Approved by Greffier (for originals):

Signature:

Approved by ITU (for translations):

Signature:

Mr. IENG Sary, through his Co-Lawyers (“the Defence”), pursuant to Rule 87(4) of the ECCC Internal Rules (“Rules”), hereby requests to put certain additional¹ material before the Trial Chamber and to be afforded the opportunity to use such material during the examination of Expert Elizabeth Becker. This Request is made necessary because there is relevant and probative material which the Defence may consider necessary to put to Ms. Becker and which has not yet been put before the Trial Chamber or accorded an E3 number.

I. LAW

1. Rule 87(1) states that “[u]nless provided otherwise in these IRs, all evidence is admissible.”

2. Rule 87(3) states in relevant part:

The Chamber may reject a request for evidence where it finds that it is:

- a. irrelevant or repetitious;
- b. impossible to obtain within a reasonable time;
- c. unsuitable to prove the facts it purports to prove;
- d. not allowed under the law; or
- e. intended to prolong proceedings or is frivolous.

3. Rule 87(4) states:

During the trial, either on its own initiative or at the request of a party, the Chamber may summon or hear any person as a witness or admit any new evidence which it deems conducive to ascertaining the truth. Any party making such request shall do so by a reasoned submission. The Chamber will determine the merit of any such request in accordance with the criteria set out in Rule 87(3) above. The requesting party must also satisfy the Chamber that the requested testimony or evidence was not available before the opening of the trial.

II. ARGUMENT

4. The Defence seeks to put the preface and certain pages from the epilogue of the first edition of Ms. Becker’s book, *WHEN THE WAR WAS OVER*,² and certain pages from the epilogue of the second edition of Ms. Becker’s book (translated into Khmer)³ before the Trial Chamber for possible use during the examination of Ms. Becker. The first edition

¹ See IENG Sary’s Rule 87(4) Request Regarding Material Which May Be Used During the Examination of Expert Elizabeth Becker, 12 October 2012, E232/1.

² ELIZABETH BECKER, *WHEN THE WAR WAS OVER* 13-17, 443-46 (1st ed. 1986), English ERNs: 00885970-00885974, 00886408-00886411; Khmer ERNs: 00885898-00885900. The Interpretation and Translation Unit has indicated that these pages will be translated into French by Friday, 15 February 2013.

³ ELIZABETH BECKER, *WHEN THE WAR WAS OVER* 508-517 (2nd ed. 1998), E3/20, English ERNs 00238221-00238230. The Interpretation and Translation Unit has indicated that these pages will be translated into Khmer by Friday, 15 February 2013.