

E225



ឯកសារដើម
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL

ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Date de reception):
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ម៉ោង (Time/Heure): ១១ : ០០

អ្នកទទួលបានឯកសារនេះ/Case File Officer/L'agent charge
..... **SAMN RADA**

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

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

Kingdom of Cambodia
Nation Religion King
Royaume du Cambodge
Nation Religion Roi

សាធារណៈ / Public

TRIAL CHAMBER

Date: 3 September 2012

TO: All parties, Case 002

FROM: Nil Nonn, President, Trial Chamber;

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

SUBJECT: Decision on Presentation of Certain Documents



On 20 August 2012, the Trial Chamber issued an oral decision on the presentation of certain documents by the NUON Chea Defence. The Chamber now provides the full reasons supporting this oral decision:

Document D366/7.1.564:

The Chamber acknowledges a need to clarify the indication provided by the President to international counsel for Nuon Chea. The President said: "you can rely -- refer to the content of a document when you put question to the witness, but you cannot use the exact quote from that document" (T., 15 August 2012, p. 37). As the document in question was put before the Chamber, it was permissible to quote it without any limitation (except relevance). However, it appears that the NUON Chea Defence used the contents of this document to put many questions to the witness. The Chamber therefore authorizes the Nuon Chea Defence, if they wish to do so to, to quote from the document but only if they have further questions to ask of the witness. They may not revisit topics which have already been canvassed, particularly where these questions were found to be irrelevant or repetitious.

Document D22/185.5:

The only issue stems from the fact that the document was not displayed on the screen and was taken away from the witness. The Defence was not limited in its use of this document in questioning and the document was quoted extensively. The Chamber therefore sees no need to authorize any further questioning on it.

Document E3/1435:

This document was put before the Chamber but was not displayed on the screen and was taken away from the witness. The document contains a list of the members of the Government of Democratic Kampuchea following a decision of the Assembly of the Kampuchean People's Representatives dated December 1979 (mentioning among others Mr. Keat Chhon as minister of the Prime Minister's office). During questioning, the

Defence quoted the entire list of members of this government. It therefore cannot be said that they were limited in the use of the document; there was merely a contested decision made by the President on the relevance of the question based on this document. (The witness was asked if, based on his own knowledge, this list was an accurate description of the composition of the Government of Democratic Kampuchea and the President ruled that the witness shall not answer this question because it was outside the scope of Case 002/01) (T. 15 August 2012, p. 35). The Defence contested this ruling, arguing that this document was used by the Co-Prosecutors in its questioning of Witness Sar Kimlomouth (who was also mentioned in this list as secretary of state for supply and transportation). Judge Lavergne, on behalf of the Trial Chamber, clarified that the permissibility of this question depended upon its relevance (T., 15 August 2012, p. 96). There is no need for further questions by the NUON Chea Defence on this topic.