

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

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

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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

I. 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.
7. On 11 March 2011, CPG-1 filed its Request to File Additional Evidence in Support of their Appeal against the Judgment. On 23 March 2011, the SCC

¹ F18.

² E188, pp. 225-229.

³ E188/10.

⁴ F811.

informed CPG-1 that they would be permitted to submit supplemental information just obtained by Friday, 25 March 2011.

II. RELIEF SOUGHT

8. CPG-1 respectfully requests to submit two additional witness statements attesting to the family link between NORNG Sarath, *alias* Por (E2/73) his cousin NORNG Saruoth and his uncle NORNG Sang, both of whom were detained and executed at S-21.⁵ Trial Chamber found that NORNG Sarath had provided “neither documentary proof in support of his alleged detention nor any attestation establishing kinship.”⁶
9. 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.”
10. The supplemental evidence concerns two witness statements, attesting to the positions held by NORNG Saruoth and NORNG Sang’s during the Khmer Rouge era, their familial relationship with NORNG Sarath.
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.⁷ The Trial Chamber also failed to inform parties of the standard of review and proof it would apply for reassessing applications.⁸ The evidence was further not available at the time of the last filing, as it was only made available to CPG-1, 25 March 2011.
12. In order to help substantiate the claims made by this Civil Party, CPG-1 respectfully requests the SCC to admit the supplemental evidence in support of his appeal against the Trial Chamber Judgment of 26 July 2010.

⁵ See “Victim Information Form – NORNG Sarath”, E2-73.

⁶ E188, p.227.

⁷ See E188/10.

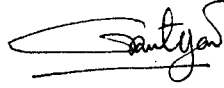
⁸ *Id.*

Respectfully submitted by

Co-Lawyers for Civil Parties (Group 1)



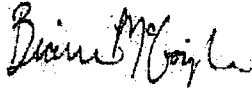
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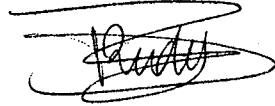
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