



**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

**អង្គជំនុំជម្រះតុលាការកំពូល**

Supreme Court Chamber

Chambre de la Cour suprême

សំណុំរឿងលេខ: ០០២/១៩-០៩-២០០៧-អ.វ.ត.ក/អ.ជ.ត.ក

Case File/Dossier N°. 002/19-09-2007-ECCC/SC

**ឯកសារដើម**  
**ORIGINAL/ORIGINAL**  
ថ្ងៃ ខែ ឆ្នាំ (Date): 12-Jan-2015, 14:03  
CMS/CFO: Sann Rada

**Before:**

**Judge KONG Srim, President**

**Judge Chandra Nihal JAYASINGHE**

**Judge SOM Sereyvuth**

**Judge Agnieszka KLONOWIECKA-MILART**

**Judge MONG Monichariya**

**Judge Florence Ndepele MWACHANDE-MUMBA**

**Judge YA Narin**

**Date:**

**12 January 2015**

**Language(s):**

**Khmer/English**

**Classification:**

**PUBLIC**

**DECISION ON NUON CHEA’S REQUEST TO FILE AN ADDENDUM TO HIS  
APPEAL AGAINST THE TRIAL JUDGEMENT IN CASE 002/01**

**Co-Prosecutors**

CHEA Leang

Nicholas KOUMJIAN

**Co-Lawyers for NUON Chea**

SON Arun

Victor KOPPE

**Accused**

KHIEU Samphân

NUON Chea

**Co-Lawyers for KHIEU Samphân**

KONG Sam Omn

Anta GUISSÉ

Arthur VERCKEN

**Civil Party Lead Co-Lawyers**

PICH Ang

Marie GUIRAUD

**THE SUPREME COURT CHAMBER** of the Extraordinary Chambers in the Courts of Cambodia for the Prosecution of Crimes Committed during the Period of Democratic Kampuchea between 17 April 1975 and 6 January 1979 (“Supreme Court Chamber” and “ECCC”, respectively):

**BEING SEISED** of appeals<sup>1</sup> against the Judgement of the Trial Chamber in Case 002/01 (“Trial Judgement”);<sup>2</sup>

**BEING SEISED** of a request filed on 23 December 2014 by the Co-Lawyers for NUON Chea (“Defence”) seeking permission to file an addendum to their appeal against the Trial Judgement (“Request”);<sup>3</sup>

**NOTING** that the Defence expresses its intention of further developing the arguments put forth in its appeal brief in light of the Special Panel’s “Decision on Applications for the Disqualification of Trial Chamber Judges”,<sup>4</sup> including the prospective Judge Rowan Downing’s dissenting opinion<sup>5</sup> – the reasons of which are yet to be notified;

**RECALLING** that the Disqualification Decision disposed of applications seeking to disqualify some or all judges of the Trial Chamber from the Case 002/02 trial<sup>6</sup> as well as “any further proceeding against Nuon Chea”,<sup>7</sup> given that the Disqualification Decision concerns Case 002/02 and not the present case, it is first and foremost within those proceedings that the Defence must put forward its complaints in this regard;

**CONSIDERING** that the Defence – whose appeal brief has already set out a number of grounds and arguments questioning the fairness of proceedings<sup>8</sup> – despite maintaining that the projected reasons of the Disqualification Decision “are of particular importance to its

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<sup>1</sup> Co-Prosecutors’ Appeal against the Judgment of the Trial Chamber in Case 002/01, F11, 28 November 2014; NUON Chea’s Appeal against the Judgment in Case 002/01, F16, 29 December 2014 (“NUON Chea Appeal Brief”); [*Corrigé I*] *Mémoire d’appel de la Défense de M. KHIEU Samphân contre le jugement rendu dans le procès 002/01*, F17, 31 December 2014.

<sup>2</sup> Case 002/01 Judgement, E313, 7 August 2014.

<sup>3</sup> NUON Chea’s Request to File an Addendum to its Appeal against the Judgment in Case 002/01, F15.

<sup>4</sup> E314/12, 14 November 2014 (“Disqualification Decision”).

<sup>5</sup> Disqualification Decision, pp. 3-4.

<sup>6</sup> *Demande de réexamen de M. KHIEU Samphân sur la nécessité d’attendre un jugement définitif dans le procès 002/01 avant de commencer le procès 002/02 et sur la nomination d’un nouveau collègue de juges*, E314/1, 25 August 2014, para. 54; NUON Chea Application for Disqualification of Judges NIL Nonn, YA Sokhan, Jean-Marc LAVERGNE, and YOU Ottara, E314/6, 29 September 2014 (“NUON Chea Application for Disqualification”), para. 138; *Requête réitérée en récusation des juges composant actuellement la Chambre de première instance devant statuer sur le procès 002/02*, E314/8, 10 October 2014, p. 6.

<sup>7</sup> NUON Chea Application for Disqualification, para. 138.

<sup>8</sup> See e.g. NUON Chea Appeal Brief, paras 40-111.

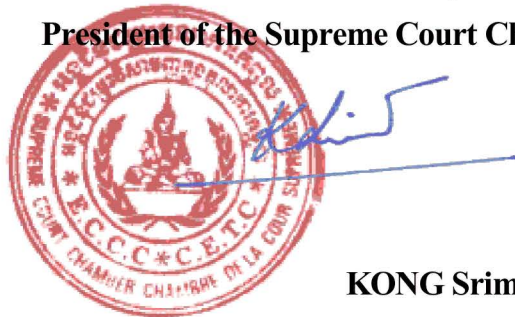
Appeal”,<sup>9</sup> fails to substantiate their connection and/or relevance to any grounds of appeal set out in its notice of appeal;

**HEREBY**

**DISMISSES** the Request.

**Phnom Penh, 12 January 2015**

**President of the Supreme Court Chamber**



**KONG Srim**

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<sup>9</sup> Request, para. 4.