

**BEFORE THE OFFICE OF THE CO-INVESTIGATING JUDGES
EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA**

FILING DETAILS

Case No: 004/2/07-09-2009-ECCC/OCIJ **Party Filing:** International Co-Prosecutor

Filed to: The Co-Investigating Judges **Original Language:** English

Date of Document: 26 May 2017



CLASSIFICATION

**Classification of the document
suggested by the filing party:** CONFIDENTIAL

Classification by OCIJ: សម្ងាត់/Confidential

Classification Status:

Review of Interim Classification:

Records Officer Name:

Signature:

**INTERNATIONAL CO-PROSECUTOR'S URGENT REQUEST TO MODIFY THE
SCHEDULE FOR THE FILING OF THE FINAL SUBMISSION IN CASE 004/2 IN
LIGHT OF LIMITED TRANSLATION RESOURCES**

Filed by:

**International
Co-Prosecutor**
Nicholas KOUMJIAN

Distributed to:

Co-Investigating Judges
Judge YOU Bunleng
Judge Michael BOHLANDER

Co-Lawyers for AO An
MOM Luch
Richard ROGERS
Göran SLUITER

Copied to:

National Co-Prosecutor
CHEA Leang

**All Civil Party Lawyers
in Case 004/2**

Co-Lawyers for YIM Tith
SO Mosseny
Suzana TOMANOVIĆ
Neville SORAB

I. BACKGROUND AND REQUEST

1. On 19 May 2017, the Co-Investigating Judges (“CIJs”) forwarded Case File 004/2 to the Co-Prosecutors for the purpose of the preparation of their final submissions.¹ Under the terms of the Forwarding Order and Rule 66(5), the Co-Prosecutors have three months from the date of the notification of the Forwarding Order to file their final submissions.² Because 19 August 2017 is a Saturday, the final submission is currently due on 21 August 2017.³
2. Recently, when the CIJs filed the disposition of their Closing Order in Case 004/1, they noted that the limited translation resources at the ECCC could affect the timing of a filing.⁴ The International Co-Prosecutor (“ICP”) faces the same constraints with respect to the Khmer version of his final submission. The ICP currently expects his final submission to be approximately 650 pages in length, with the majority of that consisting of endnotes with citations and references. Given the importance of the issues, the complexity and scope of the case, and the breadth of the OCIJ investigation, the ICP does not believe that it would be possible to shorten the submission without affecting the quality. Recognizing that such a lengthy submission will require substantial translation resources, lawyers from the Co-Prosecutors’ office consulted this week with the ECCC and UNAKRT translation services. They have indicated that a translation of the full submission (650 pages) will require approximately five months, while a translation of the text portion only (which is expected to be approximately 200-250 pages) could be completed in approximately one month.
3. Given this situation, the ICP therefore respectfully requests, pursuant to Internal Rule 39(4), that the CIJs modify the schedule for the filing of his final submission in order to allow time for the submission to be translated into Khmer and requests the Co-Investigating Judges to consider any of the three following practical solutions:
 - i. allow the ICP to file his final submission in English only on the current due date of 21 August 2017;

¹ **D351** Forwarding Order Pursuant to Internal Rule 66(4), 19 May 2017 (“Forwarding Order”).

² ECCC Internal Rules, Rev. 9, 16 January 2015, (“Rules”) Rule 66(5); **D351** Forwarding Order, para. 11.

³ Rule 39(3); Practice Direction on the Filing of Documents Before the ECCC, ECCC/01/2007/Rev.8, 7 March 2012, art. 8.5.

⁴ Case 004/1-**D308** Closing Order (Disposition), 22 February 2017, para. 12.

- ii. allow the ICP to submit the entire final submission to the translation unit on 21 August 2017 (the deadline currently set for submission in two languages), with both versions filed together to the OCIJ as soon as CMS is able to deliver a translation in Khmer; or
 - iii. allow the ICP to meet the current 21 August deadline by filing a full version of the submission in English and a Khmer version containing a translation of only the main body text, with English endnotes. The endnotes would then be translated into Khmer as soon as possible after 21 August. The ICP notes that many (though not all) references in the endnotes will refer to WRI answer numbers, which are consistent in all language versions of the WRIs.
4. The ICP notes that the third option would allow roughly two-thirds of the available time for drafting and one-third for translation, a ratio that roughly corresponds to the usual division of time for the preparation of pleadings requiring translation.
5. The resolution of this issue is important to the work planning of the ICP and the translation services. The ICP therefore respectfully requests that the CIJs issue a decision on an urgent basis. The ICP further submits that the urgency of the matter constitutes an extraordinary circumstance and for that reason seeks leave to file this request in English only with the Khmer version to follow at the first opportunity.

Respectfully submitted,

Date	Name	Place	Signature
26 May 2017	Nicholas KOUMJIAN International Co-Prosecutor	Phnom Penh	