

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

**FILING DETAILS**

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**DEFENCE REQUEST FOR TRANSLATION OF CERTAIN DOCUMENTS BEFORE THE CLOSE OF THE INVESTIGATIONS**

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**ឯកសារត្រូវបានបញ្ជាក់ថាជាកម្រិតដើម**  
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1. On 19 June 2008 the Office of the Co-Investigating Judges (**OCIJ**) issued its 'Order on Translation Rights and Obligations of the Parties' (**Translation Order**).<sup>1</sup> This Translation Order provides that the Introductory Submission (Document Number D3) must be translated into the Court's three languages, including the footnotes and indexes of said document, i.e. D3 and D3/I-V.<sup>2</sup>
2. Document D3/Annex C is an index of all documents underlying the Introductory Submission. Most of these are currently available in Khmer and English (the two languages Madame Ieng Thirith's defence team works in). However, there are still a number of documents that are, according to the brief description thereof in Annex C, directly related to Madame Ieng (**Charged Person**) that have not yet been translated in English. The defence submits that this Translation Order must relate to the translation of the actual documents pertaining to D3/Annex C, as the translation of the actual index without the underlying documents would be meaningless. The documents that, according to Annex C, relate directly to the Charged Person's alleged responsibility include:

- 5.37	- 16.84	- 16.109	- 16.141
- 5.72	- 16.86	- 16.110	- 16.142
- 5.81	- 16.94	- 16.111	- 16.143
- 7.6	- 16.95	- 16.112	- 16.144
- 16.9	- 16.98	- 16.114	- 16.147
- 16.15	- 16.100	- 16.117	- 16.153
- 16.43	- 16.102	- 16.120	- 16.154
- 16.44	- 16.103	- 16.122	- 16.156
- 16.47	- 16.104	- 16.124	- 16.159
- 16.61	- 16.105	- 16.128	- 19.214
- 16.66	- 16.106	- 16.129	
- 16.68	- 16.107	- 16.130	
- 16.78	- 16.108	- 16.132	

<sup>1</sup> OCIJ, Order on Translation Rights and Obligations of the Parties, 19 June 2008, Document No. A190.

<sup>2</sup> Translation Order, p. 5.

3. The defence submits that these documents form the essence of the Co-Prosecutors' case against the Charged Person and therefore the defence submits it is crucial to obtain an English version of these before the end of the investigations. The defence must be in a position to make requests of the OCIJ for investigative action based on these particular documents which, according to Annex C, provide proof as to the charges set out in the Introductory Submission against the Charged Person.
4. For the cooperation between the Cambodian and international members of the Charged Person's defence team to be meaningful it is necessary that these particular documents are available in both the team's working languages.
5. On several occasions over the last few months, the international Co-Investigating Judge has announced publically his intention to notify the parties of the end of the investigations pursuant to Internal Rule 66(1) by December of this year. This makes it critical that the translations are undertaken forthwith.
6. It is the defence submission that an English translation of the above documents is required for the team to analyse these and to decide on an investigative strategy based on this information.
7. For this reason the defence respectfully submits that these documents be translated before the close of the investigations are announced, so as to allow the defence sufficient opportunity to properly prepare its defence in accordance with Article 14(3)(b) ICCPR, which guarantees the right '[t]o have adequate time and facilities for the preparation of his defence'.

Party	Date	Name Lawyers	Place	Signature
Co-Lawyers for Ieng Thirith	27 November 2009	PHAT Pou Seang Diana ELLIS, QC	Phnom Penh	