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មន្ត្រីទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé du dossier: Uch Arun

E35



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

INTEROFFICE MEMORANDUM – TRIAL CHAMBER

TO: All parties, Case 002

Date: 3 February 2011

CC: President and Judges of the Trial Chamber

FROM: Susan Lamb, Senior Legal Officer, Trial Chamber

SUBJECT: Advance notification of Chamber's disposition of Motions E14, E15, E9/2, E9/3, E24 and E27

Reference is made to the following motions, all of which are presently pending before the Trial Chamber, and their accompanying responses and replies:

- Urgent (Ieng Thirith and Nuon Chea) Defence Request to Determine Deadlines (E14), filed on 14 January 2011 and accompanying response and reply (E14/1 and E14/2, respectively);
- Ieng Sary's Expedited Request for the Time Period for Preliminary Objections not to Commence until the Pre-Trial Chamber has given reasons for its Decision on Ieng Sary's Appeal against the Closing Order and Expedited Request for Extension of Time and Page Limit to file Rule 89 Preliminary Objections (E15), filed on 17 January 2011 and accompanying response and reply (E15/1 and E15/2, respectively);
- (Ieng Thirith) Defence Request for Variation of Internal Rule 80 to Order the Co-Prosecutors to Disclose the List of Exhibits prior to the Defence Providing an Additional List of Witnesses (E9/2), filed on 27 January 2011;
- Ieng Sary's Motion for the Trial Chamber to conduct the trial in Case 002 by following a proposed revised procedure and Request for an Expedited Stay on the Order to File Materials in Preparation for Trial (E9/3), filed on 28 January 2011;
- Urgent Ieng Thirith Defence Request for Additional Time and Pages for Preliminary Objections (E24), filed on 25 January 2011 and accompanying response and reply (E24/1 and E24/2, respectively); and
- (Khieu Samphan) Request for extension of page limit and extension of time for preliminary objections (E27), filed on 28 January 2011.

These requests seek an extension or stay of the deadlines for compiling witness lists under Internal Rule 80, and for raising preliminary objections (Internal Rule 89), in addition to requests for extensions of page limits for preliminary objections. Others request the Chamber to depart from the order for the filing of materials currently envisaged in the Internal Rules.

Although a consolidated decision will soon be rendered in relation to all motions, the first of the applicable deadlines mentioned in the motions falls on Monday 14 February 2011. In order to provide maximum notice to the parties and facilitate effective trial preparation, I am authorized to provide advance notification of the Chamber's disposition of all matters:

- Pursuant to the Chamber's Order to File Materials in Preparation for Trial (E9), the time limits set by Internal Rules 80(1) and (2) and 89 start to run from Friday 14 January 2011;
- The Chamber will reject all requests to extend the present deadlines in relation to the filing of materials in preparation for trial. The Chamber, however, acknowledges that prejudice may stem from the Pre-Trial Chamber's failure to provide reasons in relation to those preliminary objections relevant to the Pre-Trial Chamber's decisions. The Chamber will in due course address whether limited, supplementary submissions will be required and accepted once the Pre-Trial Chamber's full reasons are issued;
- The Chamber will reject all requests to adopt a modified procedure to that presently envisaged by the Internal Rules;
- The Chamber will reject all requests to extend present page limits for the filing of preliminary objections (15 pages in English or French, or 30 pages in Khmer) and requests the parties to present arguments in summary form. Should the Chamber consider that more extensive submissions are required, these will be requested in due course. Reference to previous filings considered relevant by the parties to their preliminary objections may also be made.

The Chamber further notes that many of the above motions are duplicated or overlap. Many requests for extension of time are, in addition, motivated in part by translation constraints. To minimize such constraints, the Chamber encourages Defence teams to coordinate their requests wherever possible and, where strategies are common, to file consolidated motions before the Chamber.

Best regards.