

**BEFORE THE TRIAL CHAMBER OF THE
EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA**

FILING DETAILS

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**DEFENCE REQUEST FOR RESULTS OF THE INTERPRETATION AND TRANSLATION UNIT'S
REVIEW OF WRITTEN RECORDS OF WITNESS INTERVIEWS**

Defence for Ieng Thirith:

PHAT Pouv Seang
Diana ELLIS, QC

Trial Chamber Judges:

NIL Nonn, President
Silvia CARTWRIGHT
THOU Mony
Jean-Marc LAVERGNE
Ya SOKHAN

Civil Party Co-Lead Lawyers:

PICH Ang
Elisabeth SIMONNEAU FORT

Co-Prosecutors:

CHEA Leang
Andrew CAYLEY

I INTRODUCTION AND PETITION

1. On 19 October 2010, the defence for Madame Ieng Thirith (**Accused**) filed its 'Urgent Defence Notification of Errors in Translations of Certain Documents and Request to Direct that the OCIJ Has Jurisdiction or Alternatively to Assume Jurisdiction over the Verification of the Accuracy of Translations of Evidentiary Documents' (**Notification**)¹ before the Pre-Trial Chamber (**PTC**). In its Notification, the defence notified the PTC of specific translation problems and requested the PTC, or alternatively that the PTC ordered the Co-Investigate Judges, to ensure that the documents upon which the Closing Order is based are correctly translated in order to accurately reflect the contents in all the working languages of the ECCC.

2. On 17 December 2010, the defence was notified of the PTC's 'Decision on Defence Notification of Errors in Translations' (**PTC Decision**),² in which the PTC considers itself in an appropriate position to examine the issue raised by the defence. In its Decision, the PTC directed the Interpretation and Translation Unit (**ITU**) of the ECCC to:
 - a. Review the English and French translations of 10% of the written records of witness interview (original Khmer) in the Case 002 file;
 - b. File the necessary requests for correction with the Court Management Section (**CMS**); and
 - c. Report the results of such review to the Pre-Trial Chamber along with any requests for correction that have been filed.³

The PTC directed the ITU to complete such work within 30 working days of being notified of this Decision. The Decision was notified to the parties to the proceedings on 17 December 2010.

¹ Defence Notification of Errors in Translations of Certain Documents and Request to Direct that the OCIJ Has Jurisdiction or Alternatively to Assume Jurisdiction over the Verification of the Accuracy of Translations of Evidentiary Documents, 19 October 2010, Doc No. 1.

² Pre-Trial Chamber, Decision on Defence Notification of Errors in Translations, 17 December 2010, Doc. No. 2.

³ PTC Decision, p. 5.

3. The PTC informed the defence that the ITU confirmed with the PTC that two French-English translators and a Khmer interpreter were available to assist with the review.⁴

II ADMISSIBILITY

4. In its Decision, the PTC informed the parties that it remained seized of the defence's Notification to the extent that it will, as appropriate, report the results of the ITU's review to the parties in due course.⁵
5. On 13 January 2011, the PTC issued its 'Decision on Ieng Thirith's and Nuon Chea's Appeals against the Closing Order'.⁶
6. On 17 January 2011, the Trial Chamber issued its 'Order to File Material in Preparation for Trial',⁷ in which the Trial Chamber declared itself seized of Case File No. 002 from 13 January 2011.
7. The defence hereby files its request to the Trial Chamber as it is now seized of Case File No. 002.

III SUBMISSION

8. It has now been more than 30 working days since the PTC issued its Decision in which it ordered the ITU to review the English and French translation of 10% of the written records of witness interviews which are on the case file, to file the requests for correction to CMS where necessary and to report the results of such review to the PTC.

⁴ PTC Decision, para. 10.

⁵ PTC Decision, para. 12.

⁶ PTC, Decision on Ieng Thirith's and Nuon Chea's Appeals against the Closing Order, 13 January 2011, Document No. D427/2/12.

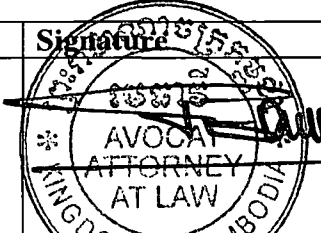
⁷ TC, Order to File Material in Preparation for Trial, 17 January 2011, Document No. E9.



9. Although the PTC ordered the ITU, where necessary, to file requests for correction with the CMS when discrepancies between French and English languages are found in the translations,⁸ the defence has not been notified of any request for correction of written records of witness interviews through CMS since 17 December 2010.⁹
10. In addition, the PTC stated that it would report the results of the ITU's review to the parties in due course.¹⁰ The defence has not been informed of such results yet, even though the deadline for the ITU to report such results has passed.
11. As a result, the defence requests the Trial Chamber to ensure that the order of the PTC has been enforced by the ITU and, subsequently, that the Trial Chamber informs the defence on the results of the review of the 10% of written records of witness interviews.

IV CONCLUSION

12. The defence respectfully requests the Trial Chamber to inquire of the ITU as to what the results of the review of the translations of 10% of the written records of witness interviews has revealed and to subsequently inform the defence on such results.

Party	Date	Name Lawyers	Place	Signature
Co-Lawyers for Ieng Thirith	10 February 2011	PHAT Pou Seang Diana ELLIS, QC	Phnom Penh	 AVOCAT ATTORNEY AT LAW KINGDOM OF CAMBODIA

⁸ PTC Decision, para. 10.

⁹ Since 17 December 2010, the defence has been notified of 20 requests for correction on documents. None of the request for correction concerned written records of written interviews.

¹⁰ PTC Decision, para. 12.