

ឯកសារទទួល	
DOCUMENT RECEIVED/DOCUMENT REÇU	
ថ្ងៃ ខែ ឆ្នាំ (Date of receipt/Date de reception): 21 / 02 / 2011	
ម៉ោង (Time/Heure): 10: 00	
មន្ត្រីទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé du dossier: Uch Arun	



ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

Extraordinary Chambers in the Courts of Cambodia
Chambres Extraordinaires au sein des Tribunaux Cambodgiens

Kingdom of Cambodia
Nation Religion King
Royaume du Cambodge
Nation Religion Roi

MEMORANDUM – TRIAL CHAMBER

TO: All parties, Case 002 **Date: 18 February 2011**

CC: President and Judges of the Trial Chamber

FROM: Susan Lamb, Senior Legal Officer, Trial Chamber

SUBJECT: Preliminary objections

1. The Trial Chamber notes that for reasons associated with the burden on the translation services, it has been necessary to limit page numbers for all filings by the parties. The limit of 15 pages applies also to preliminary objections, which must be consolidated into one document with that maximum page limit.

- a. The Trial Chamber thanks the Defence team for Ieng Thirith for complying with its direction.
- b. The Chamber notes that the Defence team for Nuon Chea has filed two documents (E36 and E42) with a total of page 26 pages in English and 50 pages in Khmer. It appreciates the undertaking given by his Defence team to file a replacement consolidated document totaling 15 pages (English) incorporating these two motions and a third already foreshadowed for filing.
- c. The Khieu Samphan defence team has filed two motions under the references E46 and E47 containing 33 pages in total in Khmer and 25 pages in French. Rather than further burden ITP with a requirement that a new, consolidated filing of no more than 15 pages be prepared in French or English and 30 in Khmer, the Trial Chamber will as an exception to its rulings accept these documents as filed.
- d. The Ieng Sary defence team has filed advance courtesy copies of motions with a total of 101 pages in English only. In view of the total of number pages filed by the Ieng Sary defence team and despite its previous orders, the Trial Chamber now requires it to file a consolidated preliminary objection with a limit of no more than 25 pages in English or French and 50 pages in Khmer.

2. The Trial Chamber recalls that the time limit for the filing of the consolidated preliminary objection has been extended to Friday 25 January 2011. The Trial Chamber also indicates that "advance courtesy copies" of documents filed, while appreciated as an indication of the subject of future filings, cannot be treated as formal filings, particularly as they were accompanied by a note that they were still being proof-read and could not therefore be treated as in final form. A consolidated document that meets the filing guidelines indicated by the Trial Chamber is the only filing that will be considered as formally filed.

3. Noting the Co-Prosecutors' Request for Clarification on Procedure for Response to Preliminary Objections (E35/1), the Trial Chamber reminds the parties that all filings in response must be completed by 7 March 2011. Before that date, the Trial Chamber will advise the parties which issues it considers require early determination and which will be determined at a later date. 4

4. Finally, the Trial Chamber notes the letter from the Defence team for Ieng Sary addressed to the Acting Director and Deputy Director of the ECCC dated 16 February 2011, and forwarded to the Trial Chamber. One misinterpretation of the Trial Chamber's earlier directions needs correction. In paragraph 2 of the letter, the assumption is made that the reference to duplicate or overlapping preliminary objections is a reference to all preliminary objections filed by all Defence teams. This is clearly not the case. The reference is to overlap and duplication in the Ieng Sary preliminary objections only.