

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

FILING DETAILS

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| TRANSLATION/TRADUCTION | |
| ថ្ងៃ ខែ ឆ្នាំ (Date): | 23-Mar-2011, 15:33 |
| CMS/CFO: | Uch Arun |

Case No: 002/19-09-2007-ECCC/TC
Filed to: Trial Chamber

Party Filing: Civil Party Lead Co-Lawyers
Original Language: Khmer

Date of Document: 21 March 2011

CLASSIFICATION

Classification of the document STRICTLY CONFIDENTIAL

suggested by the filing party:

សាធារណៈ/Public

Classification by Chamber:

Classification Status:

Review of Interim Classification:

Records Officer Name:

Signature:

**REQUEST FOR ADMISSION OF BELATED FILING ACCORDING TO
ARTICLE 10.2 AND 9 OF THE PRACTICE DIRECTION**

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REQUEST FOR ADMISSION OF BELATED FILING ACCORDING
TO ARTICLE 10.2 AND 9 OF THE PRACTICE DIRECTION

1. On 16 March 2011, the greffiers of the Trial Chamber declared the electronic filing of a document titled “CIVIL PARTIES’ CO-LAWYER WITNESS AND CIVIL PARTY LIST- ANNEX 5” as deficient.
2. In fact, on 14 February 2011, Ms. Silke STUDZINSKY, International Civil Party Lawyer, sent a document Annex 5 and Annex 6 with the title” CIVIL PARTIES’ CO-LAWYER WITNESS AND CIVIL PARTY LIST” to the Lead Co-Lawyers for Civil Parties (LCLs).
3. On 15 February 2011, Ms. STUDZINSKY made some modifications upon the documents.
4. On 19 February 2011, Ms. STUDZINSKY submitted the documents directly to the Trial Chamber by splitting the brief into Annex 5 and Annex 6. So, LCLs could not sign the documents, because Ms. STUDZINSKY decided not to do the submission of the documents through LCLs.
5. On 21 February 2011, Ms. STUDZINSKY made a new modification on the documents by putting the name of Mr. SAM Sokong, a national civil party lawyer.
6. On 24 February 2011, Ms. STUDZINSKY asked Ms. Susan LAMB, senior legal officer, if the Trial Chamber will consider the documents filed as timely received.
7. On 24 February 2011, in response to Ms. STUDZINSKY’s email, Ms. LAMB, declared that the documents filed by Ms. STUDZINSKY were inadmissible, as they had to be signed and sent by LCLs.
8. On 24 February 2011, Ms. STUDZINSKY responded to Ms. LAMB that it is not the common interest of the consolidated group of civil parties; therefore, LCLs still cannot sign the documents because these documents were in the hands of Ms. STUDZINSKY.
9. On 25 February 2011, Ms. LAMB confirmed her previous email. Ms. STUDZINSKY maintained also her position in front of the LCLs, arguing that there were still particular interests not included in the LCLs’mandate. LCLs answered that rule 23.3 stated the consolidated group of civil parties. Meanwhile, they precise that they agree to sign documents if they are not opposite of the interest of the consolidated group.
10. In this regards, Ms. STUDZINSKY kept her position.



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11. Concerning the documents, Ms. STUDZINSKY has sent them directly to the greffiers. On 3 March 2011, Ms. LAMB informed Ms. STUDZINSKY that the purposed filing is considered inadmissible by the Trial Chamber, and that the manner in which she seeks to instruct other court officials to act is entirely unacceptable and does nothing to assist her cause.
12. On 9 March 2011, Ms. STUDZINSKY asked to the LCLs to make an appeal against the declaration of documents as deficient filing and requested LCLs to sign the appeal.
13. LCLs refused to sign the appeal as it neglect the mandate of the Lead Co-Lawyers. After that, Ms. STUDZINSKY asked LCLs to submit the 2 documents to the Trial Chamber under their signatures and they accepted. That the reason of the delay.
14. Briefly, the documents were first submitted to LCLs and while examining the documents by LCLs, Ms. STUDZINSKY refused the mandate of LCLs on this work by submitting directly these documents herself to the Trial Chamber. In addition, when the deadline to submit the documents was over, she returned to LCLs and still insisted that this work is not within the mandate of LCLs. Finally she accepted to submit them through the LCLs. It is important to note that it was the first incident of a submission through the civil party lawyers, due to the fact that some of them still believed that with the power of attorney they have the rights to submit motions as individuals. Even so, for particular clients, it should be noted that the civil parties have a huge interest that both documents would be submitted.

Therefore, in spite of this wrong understanding, the Civil Party Lead Co-Lawyers respectfully request the Trial Chamber,

- (1) To accept for both documents the attached deficiency declarations,
- (2) To admit the belated filing of Annex 5 and the document, Annex 6,
- (3) To place the two documents as accompanying briefs to Annex 5 and 6 in the Case File.

Respectfully submitted by:

| Date | Names | Place | Signatures |
|---------------|--|------------|---|
| 21 March 2011 | Pich ANG National Lead Co-Lawyer | Phnom Penh |  |
| | Elisabeth Simonneau-Fort International Lead Co- Lawyer | Phnom Penh |  |

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