

E9/7/1



**ឯកសារដើម**  
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មន្ត្រីទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé  
du dossier: Uch Arun ជាតិ សីហនុ 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

**សាធារណៈ / Public**

**TO: IENG Sary Defence team**

**Date: 28 February 2011**

**CC: All Judges of the Trial Chamber; Susan Lamb, Senior Legal Officer**

**FROM: Judge NIL Nonn, President, Trial Chamber**

**SUBJECT: Trial Chamber's disposition of requests for extension of deadlines (E9/7 and E9/4/9)**

Reference is made to Motion E9/7, filed by the IENG Sary Defence on Wednesday 16 February 2011, which requested an extension of time on the filing of objections to Office of the Co-Prosecutor (OCP) proposed witnesses, Civil Parties and experts, which were notified in English and Khmer on 28 January 2011. On 24 February 2011, the IENG Sary Defence filed its initial objections to the proposed experts by the OCP, seeking leave to file supplementary submissions within 30 days of notification of the OCP's summary of the qualifications and expertise of each proposed expert (E9/4/9). In its Motions E9/4/3/2 and E9/4/7, the IENG Sary Defence reserved its right to object to proposed witnesses and experts until provided with all relevant annexes. These were filed by the OCP on 23 February 2011 (E9/13). This Memorandum constitutes the Chamber's official response to Motion E9/7, as well as the request for extension of time in Motion E9/4/9.

Motion E9/7 seeks an extension for the deadline to file objections to OCP proposed witnesses, Civil Parties and experts. It is argued that such extension is necessary in order to have adequate time to consider the summary of the qualification and expertise of each proposed expert and the summary of the facts on which each proposed witness is expected testify or on which each Civil Party is to be heard, because these summaries are not required until 23 February 2011, leaving only five days to examine the relevant information before filing objections. The Chamber notes that most of the experts, witnesses or Civil Parties proposed by the OCP have already been heard during the investigation phase. In addition, in several cases, the OCP has provided the reference numbers of the written record of interview or the reference of other relevant documents already in the case-file. The Ieng Sary Defence team was on notice of the relevant deadlines ordered by the Chamber since the issuing of the Order to File Materials (E9) on 17 January 2011, has had access to the case file and to most of the relevant information since the start of the judicial investigation and cannot therefore claim a lack of sufficient time for the preparation of its objections.

In relation to Motion E9/4/9, the Chamber notes that the OCP filed its summary of the qualifications and expertise of each proposed expert within the deadlines set by the Chamber's earlier Order (E9).

In consequence the Trial Chamber denies both requests for extension of time. *Nil*

