

**BEFORE THE SUPREME COURT CHAMBER
EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA**

FILING DETAILS

Case No: 004/2/07-09-2009-ECCC-TC/SC

Party Filing: The Defence for YIM Tith

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**YIM TITH'S REQUEST FOR AUTHORISATION TO FILE A REQUEST FOR
LEAVE TO INTERVENE IN CASE 004/02 IN ONE LANGUAGE**

Filed by:

The Co-Lawyers:

SO Mosseny
Suzana TOMANOVIĆ

Distribution to:

Supreme Court Chamber Judges:

Judge KONG Srim, President
Judge C. N. JAYASINGHE
Judge SOM Sereyvuth
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Judge MONG Monichariya
Judge Maureen HARDING CLARK
Judge YA Narin

Co-Prosecutors:

CHEA Leang
Brenda J. HOLLIS

The Co-Lawyers for Mr AO An

Civil Parties in Case 004/2

1. Mr YIM Tith, through his Co-Lawyers ('the Defence'), hereby requests permission from the Supreme Court Chamber ('SCC') to file *Yim Tith's Request for Leave to Intervene in Case 004/02 on The Jurisdiction of the Supreme Court Chamber* ('Request') in English with the Khmer translation to follow.

I. APPLICABLE LAW

2. Article 7 of the Practice Direction ECCC/01/2007/Rev.8 ('Practice Direction on Filing') states:

Article 7: Language and Translation of documents

- 7.1 All documents shall be filed in Khmer as well as in English or French. Parties may seek translation into the other language. Such translation will be provided at a later time.
- 7.2 In exceptional circumstances, the Co-Investigating Judges or a Chamber of the ECCC may authorise a party to file a document in French or in English in the first instance, provided however, that a Khmer translation must be filed before the Chamber at the first opportunity.
- 7.3 Any party who has notified the relevant greffiers under Article 2.2 shall duly file all documents in Khmer and the other chosen official language(s). The Court Management Section shall ensure the timely translation of documents filed in accordance with this Practice Direction.
- 7.4 Where the filing party is the author of documents, the filing party shall submit each language version of the document separately, provided that where there are terms which require precise definition in another language, such terms shall be stated in brackets.


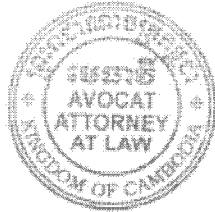
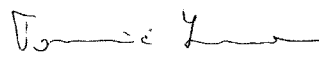
II. REQUEST

3. Article 7.2 of the Practice Direction on Filing allows the SCC to authorise filing in one language under exceptional circumstances. While the Practice Direction does not require parties to file a separate request for authorisation, the Request is filed in accordance with established practice, and the absence of any specific guidance in the Internal Rules or Practice Directions.
4. The Immediate Appeal raises important, complex, and novel matters of law and procedure in Case 004/02 that have never been litigated at the ECCC. The Co-Lawyers are required by their professional due diligence obligation to seek leave to intervene on these matters. The Defence has taken all appropriate steps to endeavour to file the

Request in two languages and has obtained an estimate from the Interpretation and Translation Unit that the Request would be translated into Khmer by 8 June 2020.¹

WHEREFORE, for all the reasons stated herein, the Defence respectfully requests the Supreme Court Chamber to allow the Defence to file the Request in English with the Khmer translation to follow.

Respectfully submitted,

SO Mosseny

Suzana TOMANOVIĆ

Co-Lawyers for Mr YIM Tith

Signed in Phnom Penh, Kingdom of Cambodia on this 3rd day of June 2020.

¹ Email from Interpretation and Translation Unit to the Defence, 'RE: Translation of Motion', 3 June 2020.