

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

**FILING DETAILS**

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**REQUEST TO THE TRIAL CHAMBER REGARDING FUTURE  
SCHEDULING OF COURT HEARINGS**

**Defence for Ieng Thirith:**

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

1. The defence respectfully requests the Trial Chamber to consult with the national and international lawyers prior to scheduling dates for future hearings in the forthcoming trial known as Case 002.

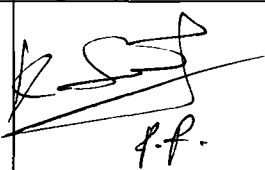
## II BACKGROUND

2. The date for the Initial Hearing of 27 June 2011 was set only a few weeks ago. This was done without any consultation with the lawyers for the four Accused. As a result, due to prior commitments, the international co-lawyer for Madame Ieng Thirith will be unable to be present at the Initial Hearing.
3. As soon as the international co-lawyer was informed by the Trial Chamber of the proposed date of 27 June a request was made, through Ms Susan Lamb, to the Trial Chamber to enquire whether the date could be altered subject to agreement between all the parties. The Trial Chamber indicated that the date would stand.
4. The international co-lawyer for Madame Ieng Thirith wishes to bring this matter to the attention of the Trial Chamber in order to avoid the same problem arising in the future. It is understood that the Trial Chamber has indicated that there may be other hearings before the case is formally opened by the co-prosecutors and the evidence commences.

## III THE LAW

5. The relevant general principle is set out in Rule 21 of the Internal Rules of the ECCC which provides, *inter alia*, that an Accused:
  1. The applicable ECCC Law, Internal Rules, Practice Directions and Administrative Regulations shall be interpreted so as to always safeguard the interests of Suspects, Charged Persons, Accused and Victims and so as to ensure legal certainty and transparency of proceedings, in light of the inherent specificity of the ECCC, as set out in the ECCC Law and the Agreement. In this respect: [...]
  - d) [...] Any such person has the right to [...] be defended by a lawyer of his/her choice [...].

6. This right can only be meaningfully accorded to the Accused if the Trial Chamber takes into account that, at this stage in the proceedings, lawyers representing the Accused may well have other professional and personal commitments which make their attendance impossible where there is no consultation as to the suitability of dates.
7. In the circumstances, the international co-lawyer for Madame Ieng Thirith respectfully requests that the Trial Chamber consults with the national and international lawyers before scheduling any further hearings to avoid this problem arising in the future. This will ensure that Madame Ieng Thirith, in accordance with fair trial principles and pursuant to Rule 21 1(d) of the Internal Rules, is not denied her right to have representation of her choice, due the absence of her international co-lawyer at the hearing.
8. The international co-lawyer intends no discourtesy to the Trial Chamber by her absence at the Initial Hearing.

Party	Date	Name Lawyers	Place	Signature
International Co-Lawyer for Ieng Thirith	22 June 2011	Diana ELLIS, QC	Phnom Penh	 D.E.