



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

Extraordinary Chambers in the Courts of Cambodia

Chambres Extraordinaires au sein des Tribunaux Cambodgiens

ឯកសារដើម  
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL

ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Date de reception):

16 / 02 / 2011

ម៉ោង (Time/Heure): 12:45

មន្ត្រីទទួលបន្ទុកឯកសារ/Case File Officer/L'agent chargé  
du dossier: Uch A. CUN

ព្រះរាជាណាចក្រកម្ពុជា

ជាតិ សាសនា ព្រះមហាក្សត្រ

Kingdom of Cambodia

Nation Religion King

Royaume du Cambodge

Nation Religion Roi

### MEMORANDUM – TRIAL CHAMBER

TO: All parties, Case 002

Date: 14 February 2011

CC: President and Judges of the Trial Chamber

FROM: Susan LAMB, Senior Legal Officer, Trial Chamber

SUBJECT: Trial Chamber's amended procedures for the filing of preliminary objections and clarification of envisaged response deadlines

Reference is made to the Trial Chamber's notifications regarding applicable deadlines for the filing of materials in preparation of trial (E9 and E35). In consequence of these notifications, and the Chamber's advice that it considers deadlines to run from the day following the notification of a filing (E45), the deadlines for the filing of preliminary objections fall on Tuesday 15 February 2011. Following notification to the Chamber of translation constraints, the Chamber has also further authorized a number of teams to file their preliminary objections in French or English in the first instance, provided the Khmer translation is filed before the Chamber at the first opportunity.

Having since received a number of preliminary objections in English or French, in addition to the Co-Prosecutor's Request for Clarification on Procedure for Response to Preliminary Objections (E35/1), the Chamber provides the following additional directions to the parties:

1. The Chamber has rejected various requests to extend page limits for the filing of preliminary objections (E35). It requested the parties to instead present their preliminary objections, in summary form, within a page limit of no more than 15 pages (English or French) or 30 pages (Khmer). Despite this, some (but not all) parties have responded by filing multiple documents, many of which are individually of the maximum permitted length for filings in English or French.
2. The Chamber is, in consequence, now aware that a number of these preliminary objections are duplicative or overlap. Further, it is apparent that a number of these submissions raise doubts as to whether they are jurisdictional and whether they will therefore be viewed as admissible as preliminary objections by the Chamber. Notification to the parties as to which of these filings are proportions of filings, are



considered inadmissible as preliminary objections will follow by the end of this week (Friday 18 February 2011).

3. Pending these determinations, the ITP have accordingly been directed in the meantime to suspend translation into Khmer of all pending preliminary objections filings not in accordance with the above guidelines.

In consequence of the above, the Trial Chamber:-

- a) Directs all parties (who have yet to do so) to file (in English or French in the first instance, with Khmer to follow as soon as possible) or re-file (if applicable) a single, consolidated document containing an outline of all their preliminary objections, no later than Friday 25 February 2011;
- b) Invites responses, if desired, to these submissions (in English or French in the first instance, with Khmer to follow as soon as possible) no later than Monday 7 March 2011. Responses to each parties' preliminary objection should not exceed five pages (which may be consolidated should the parties wish to respond to all or some parties' submissions within one consolidated response).

The rationale for requesting from each party a single, consolidated filing setting out all preliminary objections in summary form was two-fold: first, to alleviate translation burdens, and secondly, to enable the Chamber to make an initial assessment of the number, scope and significance of all preliminary objections before it.

Following this initial assessment, the Chamber may at a later date request further, more detailed submissions in relation to those preliminary objections which the Chamber believes warrant more detailed consideration before the Chamber.

Further directives regarding the filing of any such supplementary briefs, and applicable response times, will follow in due course.

