

BEFORE THE TRIAL CHAMBER
EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA

FILING DETAILS

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**CO-PROSECUTORS' REQUEST FOR CLARIFICATION REGARDING THE TRIAL
CHAMBER'S "DECISION ON OBJECTIONS TO DOCUMENTS PROPOSED TO BE PUT
BEFORE THE CHAMBER IN CO-PROSECUTORS' ANNEXES A6-A11 AND A14-A20
AND BY THE OTHER PARTIES"**

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I. REQUEST FOR CLARIFICATION

1. On 22 July 2011, the Co-Prosecutors provided the Trial Chamber with 20 Annexes of documents that they sought to be put before the Trial Chamber.¹ On 3 December 2012, the Trial Chamber issued its decision on the admissibility of the documents identified in Annexes A6-A11 and A14-A20 (the “Decision”).² In that decision, the Trial Chamber admitted all documents contained in those selected Annexes with the exception of seven documents indicated in Annex C of that decision.³
2. The Office of the Co-Prosecutors respectfully seeks clarification of paragraph 16 of the Decision, which states:

*Regarding the availability of translations of documents into all ECCC official languages, the Trial Chamber has previously indicated that parties seeking the introduction of documents at trial bear the burden of ensuring their timely availability in all three official languages. Although the Chamber has previously granted some latitude where the parties are precluded from doing so due to workload constraints of the Interpretation and Translation Unit (“ITU”), it has recently directed parties, in consultation with the ITU, to adjust the quantity of material that they seek to tender into evidence to that which can be made available in all official ECCC languages by Monday, 4 March 2013. The Chamber rejects the objections raised in paragraph 5(viii) but advises the parties that material for which translations are unavailable by this date cannot be considered to have been put before the Chamber.*⁴

3. The second sentence of the above paragraph, which references the deadline of 4 March 2013, cites to a previous Trial Chamber decision that indicated that date only for Civil Party applications that could be translated into all three official ECCC languages, and witness statements (including complaints) that could be translated into all three official ECCC languages by 29 February 2013.⁵ The Co-Prosecutors note that witness statements proposed for admittance are contained in Annexes 12 and 13, and therefore are not addressed by the Decision.⁶

¹ E109/4 Co-Prosecutors’ Response to the Trial Chamber’s request for Documents relating to the First Phase of Trial, 22 July 2011 (and related annexes A1-A20).

² E185/1 Decision on Objections to Documents Proposed to be Put Before the Chamber in Co-Prosecutors’ Annexes A6-A11 and A14-A20 and by the Other Parties, 3 December 2012 (hereinafter “Decision”).

³ E185/1.3 Annex C: Documents Proposed by the Co-Prosecutors.



⁴ E185/1 Decision at para. 16 (internal citations omitted).

⁵ E185/1 Decision at fn. 42, citing E223/2 Forthcoming document hearings and response to Lead Co-Lawyers’ memorandum concerning the Trial Chamber’s request to identify Civil Party applications for use at trial (E208/4) and Khieu Samphan defence request to revise corroborative evidence lists (E223), 19 October 2012, paras. 9, 13.

⁶ See E109/4.12 Witness Statements, and E109/4.13 Complaints.

4. The Co-Prosecutors respectfully request confirmation that only witness statements (including complaints) and Civil Party applications must be translated into all three official ECCC languages by Monday, 4 March 2013, in order to be admissible, and not other documents identified in Annexes A6-A11 and A14-A20 that were admitted by the Decision.

Respectfully submitted,

Date	Name	Place	Signature
7 December 2012	YET Chakriya Deputy Co-Prosecutor		
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