

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

FILING DETAILS

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**DEFENCE REPLY TO CO-PROSECUTORS' RESPONSE TO URGENT IENG THIRITH
DEFENCE REQUEST FOR ADDITIONAL TIME AND PAGES
FOR PRELIMINARY OBJECTIONS**

Defence for Ieng Thirith:
PHAT Pouv Seang
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
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Co-Prosecutors:
CHEA Leang
Andrew CAYLEY

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1. On 25 January 2011, the defence for Madame Ieng Thirith filed its 'Urgent Ieng Thirith Defence Request for Additional Time and Pages for Preliminary Objections'¹ (**Request**). The Co-Prosecutors filed their 'Co-Prosecutors' Observations on Ieng Thirith's Request for Additional Time and Pages for Preliminary Objections' on 31 January 2011 (**Response**).² The defence herewith files its Reply to that Response.
2. Whilst the Co-Prosecutors in their Response do not object to the defence request for additional pages, they do object to the request for additional time, given that

The Rules specifically anticipate that parties may raise preliminary objections, including as to the jurisdiction of the Trial Chamber. [...] This does not constitute an "exceptional circumstance"; indeed, it is quite an ordinary circumstance and must have been contemplated by the drafters of the ECCC Internal Rules.³
3. However, if the defence were allowed to expand the length of its Preliminary Objections from 15 to 45 pages, which request the Co-Prosecutors do not object to, this in itself creates an exceptional circumstance. For it will not be feasible to file a 45-page document with the Khmer translation of the English original within two weeks. In fact, the time will be even shorter than that when the Trial Chamber rules on the underlying urgent Request. On a recent occasion, the Co-Prosecutors themselves requested an extension of time, partly basing their request on translation issues.⁴
4. The Interpretation and Translation Unit (ITU) has informed the defence that it takes 12 working days to translate a 45-page document; that is two and a half weeks.⁵

¹ Urgent Ieng Thirith Defence Request for Additional Time and Pages for Preliminary Objections, 25 January 2011, Document No. E24.

² Co-Prosecutor's Observations on Ieng Thirith's Request for Additional Time and Pages for Preliminary Objections, 31 January 2011, Document No. E24/1.

³ Response, para. 6.

⁴ Co-Prosecutors' Request for an Extension of Time to Reply to Ieng Sary's Application to Disqualify Judge Nil Nonn, 24 January 2011, Document No. E5/1, para. 3.

⁵ Email from Sopheap En to Sitha Chhinh, which was forwarded to Vera Manuello, see Attachment 1.

5. For the reasons stated in the Request and above, the defence respectfully requests the Trial Chamber to allow the defence:
- a. To file their preliminary objections within sixty days after receipt of the Pre-Trial Chamber's reasoning; and
 - b. A total of 45 pages to formulate their preliminary objections.

Party	Date	Name Lawyers	Place	Signature
Co-Lawyers for Ieng Thirith	4 February 2011	PHAT Pou Seang Diana ELLIS, QC	Phnom Penh	

