

BEFORE THE SUPREME COURT CHAMBER**EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA****FILING DETAILS****Case No:** 002/19-09-2007-ECCC-TC/SC () **Party Filing:** The Defence for IENG Sary**Filed to:** The Supreme Court Chamber**Original language:** ENGLISH**Date of document:** 29 January 2013**CLASSIFICATION****Classification of the document
suggested by the filing party:** PUBLIC**Classification by OCIJ
or Chamber:** សាធារណៈ/Public**Classification Status:****Review of Interim Classification:****Records Officer Name:****Signature:**

**IENG SARY'S EXPEDITED REQUEST TO FILE APPEAL IN ENGLISH ONLY
WITH KHMER TRANSLATION TO FOLLOW**

Filed by:Distribution to:**The Co-Lawyers:**ANG Udom
Michael G. KARNAVAS**The Supreme Court Chamber Judges:**Judge KONG Srim
Judge SOM Sereyvuth
Judge Agnieszka KLONOWIECKA-MILART
Judge MONG Monichariya
Judge Chandra Nihal JAYASINGHE
Judge YA Narin
Judge Florence Ndepele Mwachande MUMBA**Co-Prosecutors:**CHEA Leang
Andrew CAYLEY**All Defence Teams****All Civil Parties**

Mr. IENG Sary, through his Co-Lawyers (“the Defence”), hereby requests to file an Appeal against the Trial Chamber’s Decision on the IENG Sary Defence to Audio and/or Video Record IENG Sary in the Holding Cell (E254/3) (“Appeal”) in English only by the filing deadline, with the Khmer translation to follow as soon as it is completed. This Request is made necessary because:

1. The Appeal has a 15-day filing deadline (pursuant to Rules 104(4)(b) and 107(2));
2. The Appeal is expected to be 30 pages in length;
3. The Interpretation and Translation Unit (“ITU”) requires approximately one day to translate four to five pages;
4. ITU currently has a heavy workload and is unable to complete translation requests in the normal one day per four/five page period¹ (the instant Request has been translated by a Defence Support Section case manager, in order to avoid adding to ITU’s current translation burden. This translation option is not available for lengthy submissions, such as the Appeal);
5. Therefore, the Defence would have been required to submit the Appeal for translation more than six working days prior to its filing deadline;
6. This would have left the Defence with less than one week to draft the Appeal;
7. Less than one week was insufficient time, considering that during the drafting period the Defence was also engaged with drafting two Replies filed with the Supreme Court Chamber² and two submissions to the Trial Chamber,³ one of which was lengthy and required significant preparation as it involved objecting to 196 documents in five annexes;

¹ See Email from ITU to IENG Sary Defence, “Re: Translation Request”, 29 January 2013.

² See IENG Sary’s Reply to the Co-Prosecutors’ Response to his Appeal against the Trial Chamber’s Decision on Fitness to Stand Trial, 28 January 2013 (not yet notified); IENG Sary’s Reply to the Co-Prosecutors’ Response to his Appeal against the Trial Chamber’s Decision on Defence Requests Concerning Irregularities Alleged to Have Occurred During the Judicial Investigation (E221, E223, E224, E224/2, E234, E234/2, E241 and E241/1), 28 January 2013, E251/1/3.

³ IENG Sary’s Objections to the Admission of Certain Documents, 23 January 2013, E223/2/2, and accompanying annexes; IENG Sary’s Request to Reclassify E238/4 as Public, 29 January 2013, E238/4/1.

8. Rule 39(4) of the ECCC Internal Rules states that the Supreme Court Chamber may, at the request of a concerned party or on their own motion, extend any time limits set by them or recognize the validity of any action executed after the expiration of a time limit prescribed by the Internal Rules.
9. Given the above circumstances, it would be in the interests of justice to accept the filing of the Appeal in English only, with the Khmer version to follow as soon as translation is complete.

WHEREFORE, for all the reasons stated herein, the Defence respectfully requests the Supreme Court Chamber to GRANT it an extension of time to file the Khmer version of its Appeal.

Respectfully submitted,

ANG Udom



Michael G. KARNAVAS

Co-Lawyers for Mr. IENG Sary

Signed in Phnom Penh, Kingdom of Cambodia on this 29th day of **January, 2013**