



ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

Extraordinary Chambers in the Courts of Cambodia

Chambres Extraordinaires au sein des Tribunaux Cambodgiens

Kingdom of Cambodia
Nation Religion King

Royaume du Cambodge
Nation Religion Roi

អង្គជំនុំជម្រះតុលាការកំពូល

Supreme Court Chamber

Chambre de la Cour suprême

សំណុំរឿងលេខ: ០០២/១៩-កញ្ញា-២០០៧/អ.វ.ត.ក/អ.ជ.ត.ក

Case File/Dossier N°. 002/19-09-2007/ECCC/SC

Before:

Judge KONG Srim, President

Date:

14 November 2014

Language(s):

Khmer/English/French

Classification:

PUBLIC

**ORDER ON DEFENCE FOR KHIEU SAMPHÂN REQUEST TO REINFORCE
INTERPRETATION AND TRANSLATION UNIT**

Co-Prosecutors

CHEA Leang

Nicholas KOUMJIAN

Co-Lawyers for NUON Chea

SON Arun

Victor KOPPE

Accused

KHIEU Samphân

NUON Chea

Co-Lawyers for KHIEU Samphân

KONG Sam Onn

Anta GUISSÉ

Arthur VERCKEN

Civil Party Lead Co-Lawyers

PICH Ang

Marie GUIRAUD

1. **I, THE PRESIDENT OF THE SUPREME COURT CHAMBER** of the Extraordinary Chambers in the Courts of Cambodia for the Prosecution of Crimes Committed during the Period of Democratic Kampuchea between 17 April 1975 and 6 January 1979 (“Supreme Court Chamber” and “ECCC”, respectively) am in receipt of a motion filed by the Defence for KHIEU Samphân (“Defence”) seeking to reinforce the capacity and resources of the Interpretation and Translation Unit (“ITU”).¹

2. In its Request, the Defence indicates that, as the only party to work in French and Khmer, it requires an inordinate amount of documents to be translated into French, and that its needs in this respect are not being adequately met.² The Defence adds that it has begun to place requests for translations of its own filings into English for the benefit of the Supreme Court Chamber, and alleges that the Chief of the ITU has shown resistance to the fulfilment of such requests for being superfluous.³ The Defence further submits that it has found hundreds of disparities in the different linguistic versions of the transcripts of oral hearings, and that the majority of its requests for revision and correction of these transcription errors remain unfulfilled.⁴ The Defence warns that failure to reinforce the ITU risks affecting timely submission and consideration of filings on appeal.⁵

3. The Defence accordingly requests that the Supreme Court Chamber order: (i) the Office of Administration to urgently reinforce the ITU’s capacity; and, (ii) the ITU to address all of the Defence’s past and future requests as quickly as possible.⁶

4. Details of staffing, funding, division of responsibilities, or other administrative issues, including the provision of translation and transcription services, fall under the Office of Administration’s ambit of responsibility.⁷ The Supreme Court Chamber concerns itself with administrative support with the focus on the result. With respect to the Defence’s requests for translations into English, its presumption that the Supreme Court Chamber is incapable of working on the basis of submissions written in French is not quite accurate. The Defence is, in any event, advised to refrain from hypothesizing about the translation needs of others, and to limit its translation requests to those which it strictly requires for its purposes. In this

¹ *Demande tendant à enjoindre à l’Administration de renforcer en urgence les capacités de l’Unité de traduction*, F8, 8 October 2014 (“Request”).

² Request, paras. 7, 9-11.

³ Request, paras. 16-19.

⁴ Request, paras. 20-22.

⁵ Request, paras. 12, 23, 26.

⁶ Request, para. 28.

⁷ See Rule 9 of the Internal Rules of the ECCC, Revision 8, 3 August 2011.

respect, I recall that two of KHIEU Samphân's current Co-Lawyers have indicated fluency in English (in addition to French or Khmer),⁸ and that the members of the Defence as composed should be capable of working together to jointly comprehend filings made in English and Khmer.⁹ All parties and Chambers of the ECCC are expected to optimally use the language resources available to them within their own teams to work in parallel with the ITU so as to increase the expeditiousness of all proceedings.¹⁰

5. I nevertheless note with concern the Defence's indicated difficulties in securing adequate and timely assistance from the ITU for translations into French, as such a situation could result in delays in the appellate proceedings in Case 002/01 and in possibly forthcoming immediate appeals in Case 002/02. I therefore consider that the Office of Administration's attention to the matter is warranted.

6. For the foregoing reasons, I hereby **FORWARD** the Request to the Office of Administration for its consideration and such action as appropriate.

Phnom Penh, 14 November 2014

President of the Supreme Court Chamber



KONG Srim

⁸ See Foreign Co-Lawyer Application Form for Anta GUISSÉ and Cambodian Co-Lawyer Application Form for KONG Sam Onn. See also Decision on Request by the Defence for KHIEU Samphân for Trilingual Notification of the Supreme Court Chamber's Decisions, E163/5/1/15, para. 4; Decision on Request by Co-Lawyers for KHIEU Samphan for Extension of Time to Respond to Co-Prosecutors' Immediate Appeal of Decision Concerning the Scope of Trial in Case 002/01, E163/5/1/2/1, 20 November 2012 ("Decision on Extension"), para. 6.

⁹ Decision on Extension, para. 6.

¹⁰ See Decision on Motions for Extensions of Time and Page Limits on Appeal Briefs and Responses, F9, 31 October 2014, para. 19.