

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

FILING DETAILS

Case No.: 004/1/07-09-2009-ECCC-OCIJ (PTC) **Party Filing:** Civil Party Co-Lawyer
SAM Sokong

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**NATIONAL CIVIL PARTY CO-LAWYER'S REQUEST FOR AN EXTENSION OF
TIME AND FOR LEAVE TO FILE A RESPONSE TO THE INTERNATIONAL CO-
PROSECUTOR'S APPEAL OF CLOSING ORDER (REASONS) IN ENGLISH WITH
KHMER TO FOLLOW**

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BEAUVALLET Judge NEY
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004/1/07-09-2009-ECCC-OCIJ (PTC)

1. The National Civil Party Co-Lawyer respectfully requests that the Pre-Trial Chamber grant him an extension of time, pursuant to ECCC Internal Rule 39(4), to file a Response to the *International Co-Prosecutor's Appeal of Closing Order (Reasons)* (ICP Appeal Brief).¹ The National Civil Party Co-Lawyer also respectfully requests leave, pursuant to Article 7.2 of the Practice Direction on Filing of Documents before the ECCC (Practice Direction),² to file the Response to the ICP Appeal Brief in English only, with Khmer translation too follow as soon as possible.

2. The request for an extension of time is justified by compelling reasons. On 10 July 2017, the OCIJ issued its *Closing Order (Reasons)* (OCIJ Decision),³ finding that IM Chaem did not fall within the personal jurisdiction of the ECCC. The English version of the OCIJ Decision runs 132 pages over 325 paragraphs, not counting the annexes. The ICP Appeal Brief addressing the issue of personal jurisdiction was filed on 9 August 2017 and runs 29 pages in its English form (one page shy of the 30-page maximum permitted by Article 5.2 of the Practice Direction). Both the OCIJ Decision and the ICP Appeal Brief tackle complex issues related to the ECCC's personal jurisdiction (or lack thereof), which have profound implications for the viability of the Civil Parties' claims. The National Civil Party co-lawyer respectfully submits that he needs additional time, beyond the short ten-day timeframe set out in Article 8.3 of the Practice Direction,⁴ to properly respond to the ICP Appeal Brief, particularly in light of the diminished resources currently afforded the Civil Party lawyers. Failure to grant the request would forever deprive the Civil Parties of an opportunity to have their voices heard on the core issue of personal jurisdiction as interpreted by the OCIJ in Case 004/1. Further, granting the extension of time request would not cause unwarranted delays in Case 004/1 nor would it unduly harm the interests of the parties, particularly since IM Chaem is not currently in detention.

3. Moreover, the request to file in English in the first instance is justified by exceptional circumstances. The National Civil Party co-lawyer does not have the internal capacity to translate his Response to the ICP Appeal Brief. The ECCC Interpretation and Translation

¹ D308/3/1/1 International Co-Prosecutor's Appeal of Closing Order (Reasons),

² ECCC/01/2007/Rev.8 Practice Direction on Filing of Documents before the ECCC, 7 March 2012

³ D308/3 Closing Order (Reasons), 10 July 2017


⁴ ECCC/01/2007/Rev.8 Practice Direction on Filing of Documents before the ECCC, 7 March 2012

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Unit (ITU) has indicated that, due to its current backlog, it is unable to start translating the Response to the ICP Appeal Brief until November 2017 at the earliest, as stated in the attached email.⁵

4. In light of the foregoing, the National Civil Party co-lawyer respectfully requests that the Pre-Trial Chamber extend the filing deadline for his Response to 8 September 2017 and grant leave to file the Response in English only, with the Khmer translation to follow at the first opportunity.

Respectfully submitted,

Date	Name	Place	Signature
15 August 2017	SAM Sokong Cambodian Civil Party Co-Lawyer	Phnom Penh, Cambodia	

⁵ Email from ITU (Attachment A .