

**BEFORE THE SUPREME COURT CHAMBER
EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA**

FILING DETAILS

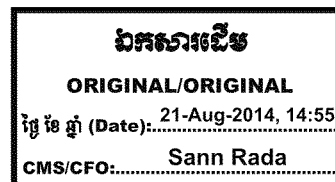
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**CO-PROSECUTORS' RESPONSE TO THE KHIEU SAMPHAN AND NUON CHEA
DEFENCE REQUEST FOR EXTENDED DEADLINES AND PAGE LIMITS IN REGARDS
TO CASE 002/01 JUDGMENT APPEALS**

Filed by:

Co-Prosecutors
CHEA Leang
Nicholas KOUMJIAN

Distribute to:

Supreme Court Chamber
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Judge YA Narin
Judge Florence Ndepele MUMBA

Accused
NUON Chea
KHIEU Samphan

Lawyers for the Defence
SON Arun
Victor KOPPE
KONG Sam Onn
Anta GUISSÉ
Arthur VERCKEN

Copied to:

Civil Party Lead Co-Lawyers
PICH Ang
Marie GUIRAUD

I. INTRODUCTION

1. The Co-Prosecutors hereby respond to the joint motion by the Khieu Samphan and Nuon Chea Defence (“Defence”) requesting extensions of the page and time limits for the notices of appeal and appeal briefs from Judgment in Case 002/01¹ (“Request”).
2. As explained further below, the Co-Prosecutors do not oppose the requested extension of page limits. While the Co-Prosecutors are not opposed to a reasonable extension of time limits to file the appeal briefs, they submit that the current request is manifestly excessive. The Co-Prosecutors also request that the time for preparation and page limits granted for the appeal ariefs be reflected in equivalent page and time limits for responses to appeal briefs.

II. RESPONSE

A. Page Extensions

3. The Co-Prosecutors do not object to the requested extension of page limits for notices of appeal to 50 pages in English or French.²
4. The Co-Prosecutors do not object to the requested page extension for the appeal briefs to 150 pages in English or French³, however they request that whatever page limit is ordered by this Chamber for the individual defence team appeal briefs, the same cumulative page allowance be granted for the Co-Prosecutors’ response to the Defence appeals (*i.e.* if the Chamber grants each defence team 150 pages for the appeal, it allows the Co-Prosecutors 300 pages in total for a response covering both appeals).⁴

B. Time Extensions

5. In considering any requests for extensions of time, a Chamber must balance the rights of the parties to adequately prepare submissions with the Chamber’s obligation to ensure proceedings are conducted efficiently and expeditiously. Internal Rule 21, dealing with “Fundamental Principles”, provides that “ECCC proceedings shall be fair” and “preserve a balance between the rights of the parties.”⁵ The Rule also provides that “[p]roceedings before the ECCC shall be brought to a conclusion within a reasonable time.”⁶ The Trial Chamber issued the Judgment in

¹ F3 Demande urgent de la Défense de M. Khieu Samphan et de la Défense de M. Nuon Chea aux fins de prorogation des délais et d’extension du nombre de pages des conclusions en appel, 13 August 2014 (hereinafter “Request”).

² F3 Request at para. 31.

³ F3 Request at para. 31.

⁴ To be clear, if each defence team is granted 150 pages for their appeal brief, the OCP submits that equality between the parties requires that the Co-Prosecutors be granted 300 pages for their response brief.

⁵ Internal Rule 21(1)(a).

⁶ Internal Rule 21(4) (emphasis added).

Case 002/01 on 7 August 2014.⁷ Internal Rule 107(4) provides 30 days for filing a notice of appeal, and 60 days from the filing of the notice of appeal for the filing of the appeal brief. The Defence request 74 days to file their notices of appeal, and 117 days thereafter to file their appeal briefs.⁸ The schedule they propose would mean that instead of appeal briefs being filed within 90 days of the judgment, they would be filed 191 days, or over six months, after the judgment was delivered. If the Chamber granted an equal time for Parties to prepare their responses as requested for the filing of the Defence Appeal briefs (117 days later), the responses would not be due until 15 June 2015. Such a protracted schedule would fail to ensure that proceedings are “brought to a conclusion with a reasonable time.” It would mean that victims who have already been waiting 39 years for justice on these events will be forced to wait significantly longer and some may not even live to see the final result.

6. The Co-Prosecutors submit that an extension of the time for notice of appeal is unnecessary. Although the Judgment in this case is not particularly lengthy by the standards of international criminal law cases and the charges dealt with in the trial were limited in scope due to the trial severance, the Co-Prosecutors recognize the complexity and importance of the case and believe a reasonable extension of time to file the appeal briefs is warranted. We suggest an additional 30 days for each party to file an appeal brief (90 days total), with an equal time of 90 days for other parties to respond would be reasonable.⁹

III. RELIEF SOUGHT

7. For these reasons, the Co-Prosecutors request that the Supreme Court Chamber:
 - 1) Grant extensions of currently applicable page limits for the notices of appeals, appeal briefs, and responses, in keeping with the submissions above;
 - 2) Deny the request to extend the time to file notices of appeal;
 - 3) Grant all Parties a 30 day extension of the time limits to file appeal briefs, resulting in a 90 day period from the notice of appeal to the filing of appeal briefs; and


⁷ E313 Case 002/01 Judgement, 7 August 2014.

⁸ F3 Request, para. 31.

⁹ The Co-Prosecutors submit that under the circumstances the request to extend the time for responses to 90 days is a very moderate request given that, should the Chamber accept the Co-Prosecutors' suggested extension of 30 days, the Co-Prosecutors will be responding to appeals from two defence teams, each of which will have had 120 days (including the notice period) to prepare their appeal. .

- 4) Grant all Parties 90 days from the filing of appeal briefs to respond to any other Parties' appeal briefs.

Respectfully submitted,

Date	Name	Place	Signature
21 August 2014	CHEA Leang Co-Prosecutor	Phnom Penh	
	Nicholas KOUMJIAN Co-Prosecutor		