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

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CO-PROSECUTORS' RESPONSE TO NUON CHEA'S REQUEST FOR PAGE LIMIT EXTENSION F27

Filed by:

Co-Prosecutors
CHEA Leang
Nicholas KOUMJIAN

Distribute to:

Supreme Court Chamber
Judge KONG Srim, President
Judge A. KLONOWIECKA-MILART
Judge SOM Sereyvuth
Judge C. N. JAYASINGHE
Judge MONG Monichariya
Judge YA Narin
Judge Florence Ndepele MUMBA

Copied to:

Civil Party Lead Co-Lawyers
PICH Ang
Marie GUIRAUD

Accused
NUON Chea
KHIEU Samphan

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

I. Response

1. The Co-Prosecutors hereby respond to "Nuon Chea's Urgent Request for an Extension of the Page Limit for its [*sic*] Forthcoming Sixth Request to Consider and Obtain Additional Evidence in Connection with the Appeal Against the Trial Judgement in Case 002/01" ("Request").[1] The Co-Prosecutors make the following brief observations.

2. First, nowhere in the Request does Nuon Chea identify the exact number of documents he will be submitting as new evidence, the number of pages, or provide a definitive quantification of each type of document he will be submitting. Nuon Chea only states that he will seek[] to introduce "a number of documents"[2] that "are of diverse forms including written records of interviews, transcripts, DC-Cam interviews, biographies, etc."[3] In the view of the Co-Prosecutors, this failure to provide adequate information of the quantity of material to be addressed in the forthcoming new evidence request makes an assessment of the reasonableness of the requested page extension difficult.

3. Second, based on his previous five additional evidence requests, it is predictable that Nuon Chea will devote a substantial amount of text in the sixth additional evidence request to arguing how the additional evidence advances his position on appeal.[4] Indeed, he verifies as much by stating in the Request that he will be providing "summaries" of what he claims are "the most relevant parts of the documents in the main text of its request so that the relevance of the documents to the Defence case is easier to apprehend."[5] The Co-Prosecutors recognize that there is some logical necessity to attempting to make a connection between the new evidence being submitted and the party's positions on appeal. However, given that a substantial part of each of these additional evidence filings is essentially devoted to supplementary appellate argument, it may be useful to place the extension in the context of the appeal as a whole.

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1 **F27** Nuon Chea's Urgent Request for an Extension of the Page Limit for its Forthcoming Sixth Request to Consider and Obtain Additional Evidence in Connection with the Appeal Against the Trial Judgement in Case 002/01, 12 August 2015 ("Page Extension Request").

2 **F27** Page Extension Request, para. 4.

3 **F27** Page Extension Request, para. 4.

4 *See* **F2** Request to Obtain and Consider Additional Evidence in Connection with the Appeal Against the Trial Judgment in Case 002/01, 1 September 2014; **F2/1** Second Request to Consider Additional Evidence in Connection with the Appeal Against the Trial Judgment in Case 002/01, 2 September 2014; **F2/4** Third Request to Consider and Obtain Additional Evidence in Connection with the Appeal Against the Trial Judgment in Case 002/01, 25 November 2014; **F2/6** Nuon Chea's Fourth Request to Consider Additional Evidence in Connection with the Appeal Against the Trial Judgement in Case 002/01, 15 June 2015; **F2/7** Nuon Chea's Fifth Request to Consider and Obtain Additional Evidence in Connection with the Appeal Against the Trial Judgement in Case 002/01, 25 June 2015.

5 **F27** Page Extension Request, para. 8.

4. This Chamber originally allowed Nuon Chea 210 pages for his entire appeal from Judgment,[6] later extended at Nuon Chea's request to 270 pages.[7] Therefore, if the full extension is granted, this 60 page filing would be the equivalent of over 25% of the original page limit for Nuon Chea's entire appeal from Judgment. Indeed, combined the additional evidence requests filed to date comprise approximately 75 pages of additional argument. Should the additional 60 pages be granted, that would bring the total to over half the pages originally allowed for the appeal itself.

5. Finally, the Co-Prosecutors note that should Nuon Chea be granted a page extension it is likely the Co-Prosecutors will also need a page extension in order to adequately respond to the sixth additional evidence request, as well as a time extension in order to do so. The Co-Prosecutors will, of course, make requests in those regards should they prove necessary.

IV. Conclusion

6. For the reasons set forth above, the Co-Prosecutors respectfully request that the Supreme Court Chamber consider their observations in making its decision as to whether to grant a page extension, and the amount of any extension granted, to Nuon Chea for his sixth additional evidence request.

Respectfully submitted,

Date	Name	Place	Signature
17 August 2015	CHEA Leang Co-Prosecutor	Phnom Penh	
	Nicholas KOUMJIAN Co-Prosecutor		

[6] **F9** Decision on Motions for Extension of Time and Page Limits for Appeal Briefs and Responses, 31 October 2014.

[7] **F13/2** Decision on Defence Motions for Extension of Pages to Appeal and Time to Respond, 11 December 2014.