

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

FILING DETAILS

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**CO-PROSECUTORS' REQUEST FOR ADDITIONAL PAGES AND TO FILE IN
ONE LANGUAGE IN RESPONSE TO NUON CHEA'S SIXTH ADDITIONAL
EVIDENCE REQUEST**

Filed by:

Co-Prosecutors

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Distribute to:

Supreme Court Chamber

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I. Introduction

1. Pursuant to Articles 5.4 and 7.2 of the relevant Practice Direction,¹ the Co-Prosecutors respectfully request the Supreme Court Chamber (“Chamber”) to grant an extension of 15 pages for their response to Nuon Chea’s sixth additional evidence request (Nuon Chea Request),² and permission to file in English only, with the Khmer translation to follow at the first opportunity.

II. Submissions

2. The requested page extension and authorisation to file in English in the first instance are both justified by exceptional circumstances. First, there are no translation options available to the Co-Prosecutors that allow for the response to the Nuon Chea Request to be translated before the filing deadline. The response falls due on 14 October 2015, being the first available filing day following 15 calendar days from the date of notification of the Nuon Chea Request in two languages.³ While the Co-Prosecutors try to have filings translated within the office to ease the burden on the Court Management Section (“CMS”), this is not possible in regards to this response due to the OCP translators’ engagement in translating other submissions. Consequently, on 28 September 2015, the Co-Prosecutors contacted CMS to enquire whether the response could be translated into Khmer prior to the filing deadline. As shown in Annex A,⁴ CMS have indicated that it will not be possible to do so.
3. Second, the additional pages are necessary to adequately respond to the Nuon Chea Request, which is 60 pages in length – having been granted an extension to double the normally applicable page limits.⁵ It is Nuon Chea’s sixth request for additional evidence on appeal and is described by the Nuon Chea Defence as “a highly densely formulated request that took us considerable resources to write.”⁶ By his own admission, Nuon Chea combined what were to be three separate additional evidence requests (which under the Internal Rules would have given the Co-Prosecutors 90 pages

¹ ECCC/01/2007/Rev.8, Practice Direction: Filing of Documents Before the ECCC, 7 March 2012.

² F2/8 Nuon Chea’s Sixth Request to Consider and Obtain Additional Evidence in Connection with the Appeal Against the Trial Judgement in Case 002/01, 11 September 2015.

³ Rule 108(7) of the Internal Rules (Rev.8), 3 August 2011.

⁴ Email from the Co-Prosecutors office to CMS, dated 28 September 2015.

⁵ F27/1 Decision on Nuon Chea’s Request for an Extension of the Page Limit for his Prospective Sixth Request for Additional Evidence, 17 August 2015.



⁶ E1/349.1 at 01148631, Ins. 12-17. The Nuon Chea Defence also describes the request as “probably one of our most important submissions since 2008, with the Supreme Court Chamber.”

to respond) into a single request.⁷ The Co-Prosecutors therefore submit that just cause for the page extension is established, given the scope of the Nuon Chea Request and the need to properly respond thereto. Although Nuon Chea requested, and received, double the normally applicable page limit, the Co-Prosecutors have restricted themselves to a request for only half as much.

III. Conclusion

4. For the reasons set out herein, the Co-Prosecutors respectfully request the Chamber to authorise a page extension of 15 pages and permit the Co-Prosecutors to file their response in English only in the first instance, with the Khmer translation to follow as soon as possible.

Respectfully submitted,

Date	Name	Place	Signature
30 September 2015	CHEA Leang Co-Prosecutor	Phnom Penh	
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⁷ 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, paras. 4, 6.