

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

FILING DETAILS

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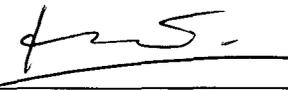
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CO-PROSECUTORS' REQUEST FOR AN EXTENSION OF TIME TO REPLY TO IENG SARY'S APPLICATION TO DISQUALIFY JUDGE NIL NONN

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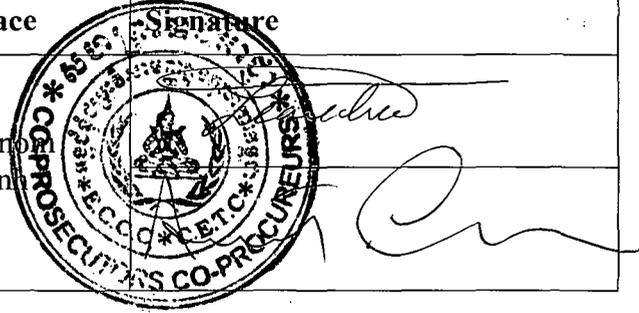
REQUEST

1. Pursuant to ECCC Rule 39 (4) the Co-Prosecutors ask for an extension of time to respond to Ieng Sary's Rule 34 (2) application to disqualify Judge Nil Nonn (the Application) notified to the parties on 18 January 2011.¹ The Application raises complex factual and legal issues, the outcome of which could have a significant impact on the trial of Ieng Sary and his three co-accused. The Co-Prosecutors believe their response may assist the Trial Chamber in reaching their decision on this Application.
2. It is unclear when the Trial Chamber will deal with this Application as the Internal Rules provide conflicting regulations as to when the judge in question would be entitled to present written submissions in response to it. Although Rule 34 (7) entitles the the Judge to present these submissions within 10 days of notification of the Application it is unclear whether that time starts from the time the Application is filed pursuant to Rule 34 (3) or from the time the Application becomes admissible, at the initial hearing pursuant to Rule 34 (4) (c).
3. More specifically, Article 8.3 of the Practice Direction for the Filing of Documents Before the ECCC (Revision 5) (the Practice Direction) provide the parties five days to respond to an application and 15 days to respond to a pleading. It is submitted that 5 days to respond to this Application for disqualification would be inadequate bearing in mind the complexity of the issue, the research and translation required and, in particular, the fact that these five days fall over a weekend.
4. In light of this procedural uncertainty and the brief time period provided by the Practice Direction to respond to matters of such significance, the Co-Prosecutors request that they be granted an extension of time to file their response to the Application, if they believe it is necessary. Such extension would be within 15 days after the Judge in question has provided his written submissions or, alternatively, if written submissions are not being provided 15 days after the Co-Prosecutors are notified of that fact. The Co-Prosecutors agree with the

¹Ieng Sary's Application to Disqualify Judge Nil Nonn due to his Purported Admission that he has Accepted Bribes & Request for a Public Hearing or in the Alternative for Leave to Reply to any Submissions Presented by Judge Nil Nonn in Response to this Application, 14 January 2011, E5.

Defence that this Application should be dealt with as expeditiously as possible. As for the request for the additional investigation requested by Ieng Sary to support their Application² the Co-Prosecutors will respond within the normal 15 day period from notification as regulated by the Practice Direction.

Respectfully submitted,

Date	Name	Place	Signature
24 January 2011	CHEA Leang Co-Prosecutor	Phnom Penh	
	Andrew CAYLEY Co-Prosecutor		

² Ieng Sary's Request for Investigative Action Regarding Ieng Sary's Application to Disqualify Judge Nil Nonn for Purportedly Admitting to Accepting Bribes by Requesting or Ordering Filmmaker Amanda Pike to Disclose the Video Footage of her Interview with Judge Nil Nonn and his Signed Release Form, 14 January 2011, E6.