



**អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា**

Extraordinary Chambers in the Courts of Cambodia

Chambres Extraordinaires au sein des Tribunaux Cambodgiens

**ព្រះរាជាណាចក្រកម្ពុជា  
ជាតិ សាសនា ព្រះមហាក្សត្រ**

Kingdom of Cambodia  
Nation Religion King

Royaume du Cambodge  
Nation Religion Roi

**អង្គជំនុំជម្រះតុលាការកំពូល**

Supreme Court Chamber

Chambre de la Cour suprême

**ឯកសារដើម**  
**ORIGINAL/ORIGINAL**  
ថ្ងៃ ខែ ឆ្នាំ (Date): 17-Aug-2015, 15:06  
CMS/CFO: Sann Rada

សំណុំរឿងលេខ: ០០២/១៩-កញ្ញា-២០០៧-អ.វ.ត.ក/អ.ជ.ត.ក

Case File/Dossier N°. 002/19-09-2007-ECCC/SC

**Before:**

**Judge KONG Srim, President**

**Judge Chandra Nihal JAYASINGHE**

**Judge SOM Sereyvuth**

**Judge Agnieszka KLONOWIECKA-MILART**

**Judge MONG Monichariya**

**Judge Florence Ndepele MWACHANDE-MUMBA**

**Judge YA Narin**

**Date:**

**17 August 2015**

**Language(s):**

**Khmer/English**

**Classification:**

**PUBLIC**

**DECISION ON NUON CHEA’S REQUEST FOR AN EXTENSION OF THE PAGE  
LIMIT FOR HIS PROSPECTIVE SIXTH REQUEST FOR ADDITIONAL EVIDENCE**

**Co-Prosecutors**

CHEA Leang

Nicholas KOUMJIAN

**Co-Lawyers for NUON Chea**

SON Arun

Victor KOPPE

**Accused**

KHIEU Samphân

NUON Chea

**Co-Lawyers for KHIEU Samphân**

KONG Sam Onn

Anta GUISSÉ

Arthur VERCKEN

**Civil Party Lead Co-Lawyers**

PICH Ang

Marie GUIRAUD

**THE SUPREME COURT CHAMBER** of the Extraordinary Chambers in the Courts of Cambodia for the Prosecution of Crimes Committed during the Period of Democratic Kampuchea between 17 April 1975 and 6 January 1979 (“Supreme Court Chamber” and “ECCC”, respectively);

**BEING SEIZED** of “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”);<sup>1</sup>

**NOTING** that NUON Chea indicates that he intends to file a sixth request for additional evidence and seeks the Supreme Court Chamber’s leave for this request to exceed the 30-page statutory limit mandated under Article 5.2 of the Practice Direction on Filing by up to 30 additional pages,<sup>2</sup> submitting that “exceptional circumstances” warrant the application of Article 5.4 of the Practice Direction on Filing;<sup>3</sup>

**NOTING** that NUON Chea contends that the exceptional circumstances justifying an extension of the page limit are: (i) “the amount and complexity of information” to be included in the prospective request;<sup>4</sup> (ii) the interest in furthering judicial efficiency by combining three potentially separate but effectively interrelated requests into a single request;<sup>5</sup> and (iii) the need to lay out a meaningful and intelligible presentation of the documents proposed as additional evidence, which necessitates summaries and background information thereof;<sup>6</sup>

**CONSIDERING** that, given the limited scope and simple nature of the Request, it is in the interests of judicial economy to issue the present decision without waiting for the filing deadline for eventual responses to expire;

---

<sup>1</sup>12 August 2015, F27.

<sup>2</sup> Practice Direction on Filing of Documents Before the ECCC, ECCC/01/2007/Rev.8, 7 March 2012 (“Practice Direction on Filing”).

<sup>3</sup> Request, introductory paragraph and paras 3, 9. Although it is not explicitly specified in the Request, it is clear from its context that the Request refers to the page limit mandated in respect of filings in English and French, and extends to the corresponding limit for Khmer filings.

<sup>4</sup> Request, para. 5.

<sup>5</sup> Request, paras 4, 6.

<sup>6</sup> Request, paras 7, 8.

**RECALLING** that Article 5.2 of the Practice Direction on Filing prescribes a 30-page limit for documents filed in English or French before the Supreme Court Chamber, unless stipulated otherwise;

**RECALLING** that Article 5.4 of the Practice Direction on Filing permits the relevant Chamber to extend the statutory page limits, subject to the moving party demonstrating the existence of exceptional circumstances;

**CONSIDERING** that page limits “however necessary, are to be tailored according to the needs of the parties in balance with the tenets of judicial efficiency”;<sup>7</sup> and that, in this regard, the requesting party must establish “just cause” by demonstrating a “concrete legal interest” warranting the page extension sought;<sup>8</sup>

**CONSIDERING** that previous decisions on requests for page extension sanctioned the scope and complexity of the moving party’s upcoming filing as just cause satisfying the test under Article 5.4 of the Practice Direction on Filing, taking into account the possible overlap with other filings and the need to ensure sufficient space for meaningful pleadings;<sup>9</sup>

**CONSIDERING** that, in the present case, NUON Chea has demonstrated a concrete legal interest for an extension of the above-mentioned page limit for his prospective request, and has thus fulfilled the test under Article 5.4 of the Practice Directions on Filing;

---

<sup>7</sup> Decision on Defence Motions for Extension of Pages to Appeal and Time to Respond, 11 December 2014, F13/2, para. 15.

<sup>8</sup> Decision on Defence Motion for Extension of Time and Page Limits on Notices of Appeal and Appeal Briefs, 29 August 2014, F3/3 (“Extension Decision”), para. 10.

<sup>9</sup> Decision on Civil Party Lead Co-Lawyers’ Requests Relating to the Appeals in Case 002/01, 26 December 2014, F10/2, para. 22; Decision on Motions for Extensions of Time and Page Limits for Appeal Briefs and Responses, 31 October 2014, F9, para. 13; Extension Decision, para. 10.

**HEREBY:**

**GRANTS** the Request;

**ALLOWS** NUON Chea a total of 60 pages to file his prospective request for additional evidence in English or French, with its equivalent in Khmer.

**Phnom Penh, 17 August 2015**

**President of the Supreme Court Chamber**



**KONG Srim**