



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): 28-Aug-2015, 15:05
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 MONG Monichariya, Delegate Judge
Judge Chandra Nihal JAYASINGHE, Delegate Judge

Date: 28 August 2015
Language(s): Khmer/English
Classification: PUBLIC

DECISION PURSUANT TO INTERNAL RULE 39(4)(A)

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

WE, Judge MONG Monichariya and Judge Chandra Nihal JAYASINGHE, Delegate Judges of 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”);

BEING APPOINTED pursuant to the “Interim Decision on Part of NUON Chea’s First Request to Obtain and Consider Additional Evidence in Appeal Proceedings of Case 002/01”;¹

RECALLING the “Third Interim Decision on the Additional Investigation” (“Third Interim Decision”),² in which we requested Robert Thomas Fitzgibbon LEMKIN (“Robert LEMKIN”) to provide some documents potentially relevant to Case 002/01 to the Witnesses and Experts Support Unit (“WESU”) no later than Sunday, 30 August 2015;³

RECALLING that, in the same decision, the WESU was instructed, *inter alia*, to report the outcome of its activity no later than Monday, 31 August 2015, submitting any materials it received;⁴

NOTING the communication received from the WESU, indicating that Robert LEMKIN has “continued to show his willingness to cooperate fully with the Chamber and has indicated his intention to comply with the Supreme [Court] Chamber[’s] order to provide the documents” requested in the Third Interim Decision;⁵

NOTING that the WESU indicated that Robert LEMKIN, due to his pre-existing engagements and the time and efforts needed to fulfil the Delegate Judges’ request, is unable to comply with the Third Interim Decision within the time limit set therein, and thus asks that such deadline be extended to Monday, 14 September 2015;⁶

CONSIDERING that the grounds adduced by Robert LEMKIN to justify his request for extension of time are reasonable, and that the length of the extension is not such to unduly delay the proceedings;

¹ 1 April 2015, F2/4/3, paras 25-26.

² 20 August 2015, F2/4/3/3/5.

³ Third Interim Decision, first operative paragraph.

⁴ Third Interim Decision, second operative paragraph.

⁵ Electronic mail sent from WESU to Greffiers of the Supreme Court Chamber, entitled “Re: SCC Delegate Judges Decision Concerning Mr. Lemkin’s Interviews”, on 28 August 2015 at 09:58AM, on file with the Supreme Court Chamber (“E-mail of 28 August 2015”).

⁶ E-mail of 28 August 2015.

HEREBY:

EXTEND the time limit imposed on Robert LEMKIN by the Third Interim Decision to Monday, 14 September 2015;

EXTEND the time limit imposed on the WESU by the Third Interim Decision to Tuesday, 15 September 2015.

Phnom Penh, 28 August 2015

The Delegate Judges of the Supreme Court Chamber



Chandra Nihal JAYASINGHE

MONG Monichariya