

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

FILING DETAILS

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**CO-PROSECUTORS' JOINT RESPONSE TO NUON CHEA'S AND KHIEU
SAMPHAN'S URGENT REQUESTS FOR EXTENSIONS OF TIME TO RESPOND TO
THE CO-PROSECUTORS' APPEAL AGAINST THE CASE 002/01 JUDGEMENT**

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Distribute to:

Supreme Court Chamber
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JOINT RESPONSE

1. The Co-Prosecutors are in receipt of the requests by Khieu Samphan and Nuon Chea for extensions of time to respond to the Co-Prosecutors' appeal from the Case 002/01 Judgement. Khieu Samphan requests thirty days from 29 December 2014, or from the date that the French translation of the Co-Prosecutors' appeal brief is available, whichever is later.¹ Nuon Chea requests thirty days from 29 December 2014.²
2. The responses to the Co-Prosecutors' appeal are currently due to be filed by 8 December 2014. The Co-Prosecutors believe that an extension is warranted and under the current circumstances, an extension of 51 days, from 8 December to 28 January 2015, is reasonable. Consequently they do not oppose the request by Nuon Chea for 30 days from 29 December 2014 to file his response.
3. Khieu Samphan's counsel, however, have so far defied Trial Chamber orders to participate in trial proceedings in Case 002/02 on the premise that, unlike other parties, they are unable to work on an appeal and a trial concurrently.³ Their request for a time extension does not indicate whether they will abandon this strategy and thus whether an extension of time by the Supreme Court Chamber could further compromise the Supreme Court Chamber's order of 25 November 2013 that the trial in Case 002/02 should begin "as soon as possible."⁴
4. The trial in Case 002/02 is scheduled to resume on 8 January 2015.⁵ Given the past conduct of Khieu Samphan and his Counsel, the Co-Prosecutors request that prior to granting a time extension to Khieu Samphan, this Chamber obtain assurances from his Counsel that they will not further impede the trial proceedings in Case 002/02 on the basis that they are occupied with appeal proceedings.

¹ **F12** Demande urgente de la Défense de M. Khieu Samphan aux fins de prorogation du délai de réponse au mémoire d'appel des co-Procureurs, 1 December 2014, para. 7.

² **F14** Nuon Chea's Urgent Request for an Extension of Time to Respond to the Co-Prosecutor's *[sic]* Appeal Against the Case 002/01 Judgement, 2 December 2014, para. 4.


³ See **E320/2** Decision on the Appointment of Court Appointed Counsel for Khieu Samphan, 21 November 2014; **E1/246.1** Transcript of Trial Proceedings, 24 November 2014.

⁴ **E284/4/8** Decision on Immediate Appeals Against Trial Chamber's Second Decision on Severance of Case 002, 25 November 2013, para. 76.

⁵ **E1/246.1** Transcript of Trial Proceedings, 24 November 2014, at ENG ERN 01040220.

5. Therefore, the Co-Prosecutors respectfully:
- a. **inform** the Supreme Court Chamber that they do not oppose granting each Accused a 51 day extension to file responses to the Co-Prosecutors' appeal; and
 - b. **request** that the Supreme Court Chamber only grant an extension to Khieu Samphan after receiving written confirmation that he and his Counsel will not use such an extension to impede trial proceedings in Case 002/02.

Respectfully submitted,

Date	Name	Place	Signature
4 December 2014	CHEA Leang Co-Prosecutor	Phnom Penh	
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