

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

FILING DETAILS

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**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**

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Pursuant to Article 5.4 of the Practice Direction on Filing of Documents before the ECCC¹ (“Practice Direction”), the Co-Lawyers for Mr. Nuon Chea (the “Defence”) submit this request for an extension of the page limit to a total of 60 pages to file Nuon Chea’s sixth request for additional evidence (“Sixth Request”) in relation to the appeal against the trial judgement in Case 002/01:

I. APPLICABLE LAW

1. Article 5.2 of the Practice Direction stipulates that in general a document filed to the Supreme Court Chamber (the “Chamber”) of the ECCC shall not exceed 30 pages in English or French or 60 pages in Khmer, “unless otherwise provided in the Internal Rules or this Practice Direction or ordered by the ECCC”.
2. Article 5.4 of the Practice Direction provides that “in exceptional circumstances” the Chambers may, at the request of a participant, extend the page limit.

II. SUBMISSIONS

3. The Defence submits that, based on the reasons set out beneath, there are exceptional circumstances warranting an extension of the page limit to 60 pages.

A. The Extension Is Warranted Due to the Complexity and Quantity of the Documents and the Considerations of Judicial Efficiency

4. In the Defence’s upcoming Sixth Request, the Defence seeks to introduce a number of documents that the Defence originally intended to introduce in three separate requests. The documents concern various witnesses and geographical locations of the Democratic Kampuchea (“DK”) and are of diverse forms including written records of interviews (“WRIs”), transcripts, DC-Cam interviews, biographies, etc.
5. Considering the amount and complexity of information that the Sixth Request seeks to address, it is not unreasonable for the Defence to be permitted an extension to a total of 60 pages, which only amount to two-thirds of the total pages that the Defence would be otherwise entitled to, had it chosen to file three separate requests.
6. The Defence’s decision to combine three requests into one was based on the consideration that the topics touched upon by the documents that the Defence seeks to introduce in the three requests are closely connected to each other. The Defence

¹ Practice Direction ECCC/01/2007/Rev.8, 7 March 2012.

believes that the Chamber would benefit from a single, more concentrated presentation of a series of documents that are interrelated. In any event, the combination of requests into a single request would save the Chamber from going through repetitive background introductions and arguments which would be inevitable if the Defence filed three separate requests. Indeed, as previously remarked by the Chamber, “judicial efficiency” is one rationale behind the imposition of page limit in the first place.²

B. The Extension is Necessary for A Meaningful Presentation of the Proposed Evidence

7. Mindful of the page limit, the Defence has endeavoured to be succinct in drafting the request. Despite its best efforts, the Defence finds it unrealistic to introduce all the documents properly within the 30-page limit. So far, the mere summary of the most relevant parts of some, not all, of the documents that the Defence intends to introduce has already taken up 25 pages. There are still more WRIs and transcripts of approximately five witnesses not yet summarised. In addition to the summary of the proposed documents, the Defence envisages that the background introduction, the discussion of law and the submissions would also take up a substantive number of pages.
8. While the documents themselves would be attached to the Sixth Request, some of the documents are lengthy and the relevant information is scattered throughout the documents. The Defence believes, therefore, that it is not only necessary for the Defence to present a “meaningful”³ request but also to the Chamber’s and the parties’ benefit that the Defence summarises the most relevant parts of the documents in the main text of its request so that the relevance of the documents to the Defence case is easier to apprehend.

III. RELIEF

9. Based on the foregoing, the Defence submits that the Chamber grant an extension of the page limit to 60 pages for it to file its Sixth Request.

² Doc No. **F9**, ‘Decision on Motions for Extensions of Time and Page Limits for Appeal Brief and Responses’, 31 October 2014, para. 15.

³ *ibid.*, paras. 13, 18.

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