

Xiaoyang NIE

From: Xiaoyang NIE
Sent: Wednesday, May 04, 2016 10:32 AM
To: Kenneth William ROBERTS
Cc: Leang Chea; [REDACTED] Arun Son; Dale Lysak; Eleonor FERNANDEZ; Marie CAPOTORTO; Phalla Prum; Ang PICH; Sambath Pich; [REDACTED] Bunkheang Seng; Socheata Seng; Victor Koppe; Vincent De Wilde d'Estmael; William Smith; Nicholas KOUMJIAN; Chanthan Bou; Joseph Andrew BOYLE; Doreen CHEN; Marie Guiraud; Sovanna LIV; Sothearith SNGUON; Sothy Kun; Lauren TIPTON; Soumeya MEDJEBEUR; Matteo Crippa; Calvin Saunders; Voleak Touch; Suy-Hong Lim; Russell HOPKINS; Travis Michael FARR; Chorvoin SONG; Rattanak Srea; Leang Seng; Pov VEN; Vanny Keo; Sreyath OUCH; Marina HAKKOU; Clement BOSSIS; Cecile ROUBEIX; Fergal GAYNOR; Lea KULINOWSKI; Ruth Mary HACKLER; Nisha PATEL; Helen Susanne WORSNOP; Coman Kenny; Mayuri ANUPINDI
Subject: Request for Extension of Time and One Language Only to File Replies

Dear Ken,

Pursuant to Rule 93, the Co-Lawyers for Mr. Nuon Chea (the "Defence") urgently request the Chamber's leave to file replies to the Civil Party Lead Co-Lawyers' and the Co-Prosecutors' responses (E399/1 and E399/2, notified on 2 and 3 May 2016 respectively) to Mr. Nuon Chea's Rule 92 request to use certain S-21 statements (E399) on 13 and 16 May 2016 respectively, and to do so only in English, with Khmer translations to follow as soon as possible.

The Defence submits that the request is justified for the following reasons:

1. The deadlines for replying to the two responses are both on Monday (the 9th of May).
2. The arguments raised in the two responses do not overlap each other.
3. The responses (9 pages and 15 pages in length) refer to a large amount of evidence as well as jurisprudence of other courts and tribunals.
4. The responses raise complex legal issues which are extremely important to the case and to Mr. Nuon Chea's defence.
5. The defence team of Mr. Nuon Chea is especially under-resourced at this moment due to, *inter alia*:
 - the Chamber's decision yesterday rejecting Nuon Chea Defence's request to adjourn the trial before the testimony of 2-TCW-906 and granting only one extra week out of the four weeks requested for Defence to prepare for the upcoming witnesses; and
 - the Chamber's request (E404, notified on the 3rd of May) for the parties to file written submissions by the 14th of May on their positions as to the admissibility of certain forensic evidence which is of large quantity and most which is in Khmer only.

The Defence thanks the Chamber in advance for its consideration and response.

Kind regards,

Xiaoyang Nie

Legal Consultant

Nuon Chea Defence Team

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