

**BEFORE THE TRIAL CHAMBER  
EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA**

**FILING DETAILS**

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**CO-PROSECUTORS' REQUEST FOR AN EXTENSION OF TIME TO REPLY TO  
DEFENCE RESPONSES ON ADMISSION OF WRITTEN WITNESS STATEMENTS  
BEFORE THE TRIAL CHAMBER**

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**Distributed to:**  
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Judge Silvia CARTWRIGHT  
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## REQUEST

1. Pursuant to ECCC Internal Rule 39(4) the Co-Prosecutors respectfully request an extension of time to file their reply to the responses to the Co-Prosecutors' Rule 92 Submission Regarding the Admission of Written Witness Statements Before the Trial Chamber<sup>1</sup> ("OCP Submission").
2. On 7 July 2011, the Trial Chamber extended the deadline for responses to the OCP Submission until 22 July 2011, and directed that any replies by the Co-Prosecutors were to be filed by 1 August 2011.<sup>2</sup> On 21 July 2011, the Co-Prosecutors received notification of the Nuon Chea Co-Lawyers' response, which had been filed in Khmer and English that day.<sup>3</sup> However, they did not receive notification of Ieng Thirith's response, which had been filed on 22 July 2011 in English only, until 25 July 2011.<sup>4</sup> On 26 July 2011 the Co-Prosecutors received notification of the following filings, all of which had been filed on 22 July 2011: the response by the Ieng Sary Defence team, in English only;<sup>5</sup> the response by Khieu Samphan, in Khmer and French;<sup>6</sup> and response by the Civil Party Lead Co-Lawyers, in English only.
3. Article 8.5 of the Practice Direction on the Filing of Documents provides that "time limits commence on the first calendar day following the day of service of the Notification of the document in Khmer and one other official language of the ECCC." As of the time of filing this request, with six days remaining until the deadline set by the Chamber, the Co-Prosecutors are yet to receive notification of the Khmer version of three of the five responses to which they intend to reply. The Co-Prosecutors note that the Chamber provided a period of more than 1 month for the filing of the responses.
4. In the interests of promoting judicial efficiency, the Co-Prosecutors propose to file one joint reply to the responses (which total more than 60 pages in English / French). However, as indicated above, with the exception of the Nuon Chea filing, all the

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<sup>1</sup> **E96**, Co-Prosecutors' Rule 92 Submission Regarding the Admission of Written Witness Statements Before the Trial Chamber, 15 June 2011.

<sup>2</sup> **E107** Decision on Extension of Time, 7 July 2011.

<sup>3</sup> **E96/1** Response to OCP submission regarding the Admission of Written Witness Statements, 21 July 2011,

<sup>4</sup> **E96/2** Ieng Thirith Defence Response to "Co-prosecutors' Rule 92 Submission Regarding the Admission of Written Witness Statements Before the Trial Chamber," 22 July 2011.


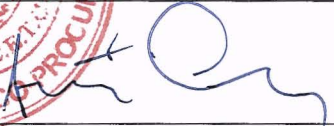
<sup>5</sup> **E96/3** Ieng Sary's Response to the Co-prosecutors' Rule 92 Submission Regarding the Admission of Written Witness Statements Before the Trial Chamber and Request for a Public Hearing, 22 July 2011.

<sup>6</sup> **E96/4** Observations en Réponse aux Conclusions des Co-Procureurs Concernant la Recevabilité de Déclarations Ecrites de Témoins, 22 July 2011.

responses were delivered with a three or four day delay. The Co-Prosecutors respectfully submit that it is not possible to prepare an effective joint reply given that the responses have been distributed late, and that three of them are not available in the Khmer language.

5. The issues raised in these submissions are complex and require careful deliberation. However, where filings are not available in the Khmer language, the Khmer-speaking lawyers in the Office of the Co-Prosecutors are not in a position to fully participate in the preparation of responses or replies.
6. For the reasons above, the Co-Prosecutors respectfully request the Trial Chamber to extend the deadline for the filing of a joint reply to seven days from the date when the Khmer translations of all responses are available. This extension would facilitate the expeditious conduct of the proceedings and the efficient use of translation resources (by the filing of a single reply), while enabling the Khmer-speaking lawyers in this Office to contribute effectively to the formation of the reply on an important procedural issue.

Respectfully submitted,

| Date         | Name                                | Place         | Signature   |
|--------------|-------------------------------------|---------------|---|
| 27 July 2011 | Yet Chakrya<br>Deputy Co-Prosecutor | Phnom<br>Penh |  |
|              | Andrew CAYLEY<br>Co-Prosecutor      |               |  |