

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

**FILING DETAILS**

**Case No:** 002/19-09-2007-ECCC/SC **Party Filing:** Co-Prosecutors

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**CO-PROSECUTORS' REQUEST FOR EXTENSION OF TIME TO RESPOND TO  
NUON CHEA'S APPEAL AGAINST THE TRIAL CHAMBER DECISION  
REGARDING THE FAIRNESS OF THE JUDICIAL INVESTIGATION**

**Filed by:**

**Co-Prosecutors**  
CHEA Leang  
Andrew CAYLEY

**Distribute to:**

**Supreme Court Chamber**  
Judge KONG Srim, President  
Judge MOTOO NOGUCHI  
Judge SOM Sereyvuth  
Judge A. KLONOWIECKA-MILART  
Judge MONG Monichariya  
Judge C. N. JAYASINGHE  
Judge YA Narin

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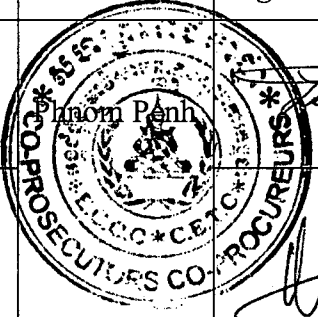
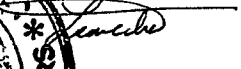
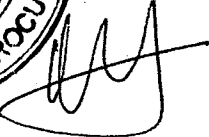
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1. On 10 October 2011 the Defence team for Accused Nuon Chea (the "Defence") filed its *Immediate appeal against the Trial Chamber decision regarding the fairness of the judicial investigation* (the "Appeal")<sup>1</sup>. According to the standard timeframe for responses, set out in the Practice Direction on Filing, the Co-Prosecutors' response to the Appeal would fall due on 21 October 2011 being 10 calendar days from the date of notification of the Appeal.
2. Pursuant to ECCC Internal Rule 39(4) the Co-Prosecutors ("OCP") respectfully request until 10 November 2011, being an extension of 20 calendar days, to file a response to the Appeal. An extension of time is necessary in order for the Co-Prosecutors to submit a well reasoned and comprehensive response to the complex legal and factual issues raised in the Appeal. In particular, the Appeal incorporates by reference the factual issues contained in a series of requests, applications, objections, and appeals filed between March 2009 and April 2011. Any meaningful response to the Appeal will necessitate a review of the factual issues contained in these prior submissions in addition to analysing and responding to the legal arguments underpinning the Appeal. It is simply not realistic for this to be done within 10 days, which includes translation time.
3. The Co-Prosecutors further note that as the Appeal does not have the effect of an automatic stay of the proceedings in Case 002,<sup>2</sup> no prejudice to the accused's right to an expeditious trial would result from an extension of time for the Co-Prosecutors to submit their response.

Respectfully submitted,

Date	Name	Place	Signature
13 October 2011	CHEA Leang Co-Prosecutor		
	William SMITH Deputy Co-Prosecutor		

<sup>1</sup> E116/1 Immediate appeal against the Trial Chamber decision regarding the fairness of the judicial investigation, 10 October 2011 ("Nuon Chea Appeal"), notified to the parties on 11 October 2011.

<sup>2</sup> Internal Rule 104 provides "[u]nless otherwise provided in the IRs or decided by the Trial Chamber, an immediate appeal does not stay the proceedings before the Trial Chamber."