

**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 AND PAGE LIMIT TO RESPOND TO PRELIMINARY OBJECTIONS OF THE ACCUSED**

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Judge NIL Nonn, President  
Judge Silvia CARTWRIGHT  
Judge YA Sokhan  
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## I. INTRODUCTION

1. The Co-Prosecutors respectfully request that the deadline for a joint response to the preliminary objections of the Accused be extended to 21 March 2011, and that the page limit for such joint response be increased to 40 pages so that the Co-Prosecutors may properly respond to the preliminary objections.

## II. BACKGROUND AND RELIEF SOUGHT

2. On 16 February 2011, the Trial Chamber issued a Memorandum directing each Party intending to submit preliminary objections to do so via a single filing (of up to 15 pages in English or French, and 30 pages in Khmer), containing an outline of the Party's preliminary objections, by 25 February 2011.<sup>1</sup> This Memorandum set the deadline of 7 March 2011 for any responses by the Co-Prosecutors, with a limit of five pages for each response, initially to be filed in English or French if necessary (20 pages in total).
3. Prior to the issuance of the Trial Chamber's Memorandum, Nuon Chea filed preliminary objections (15 pages in English and 31 pages in Khmer) on 8 February 2011,<sup>2</sup> and then further objections (11 pages in English and 19 pages in Khmer), on 11 February 2011.<sup>3</sup> On 14 and 15 February 2011, the Co-Prosecutors received: 1) Ieng Thirith's preliminary objections (13 pages in English, 20 pages in Khmer);<sup>4</sup> 2) Ieng Sary's two preliminary objections, (10 pages total in English, 17 pages in Khmer);<sup>5</sup> and 3) Khieu Samphan's two preliminary objections (25 pages in French and 33 pages in Khmer).<sup>6</sup> On 9 February 2011 Ieng Sary had attempted to file advance courtesy copies of preliminary objections in English, apparently 101 pages in length.<sup>7</sup>
4. On 21 February 2011, the Trial Chamber issued a Memorandum indicating that Nuon Chea was to resubmit his preliminary objections within the original 15 page requirement

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<sup>1</sup> Trial Chamber Memorandum entitled "Trial Chamber's Amended Procedures for the Filing of Preliminary Objections and Clarification of Envisaged Response Deadlines," 14 February 2011 (filed on 16 February 2011), E51.

<sup>2</sup> Preliminary Objection Concerning the Jurisdiction of the Trial Chamber, 8 February 2011, E36.

<sup>3</sup> Preliminary Objection Concerning the Legality of the Internal Rules and Effect of the Trial Chamber's Order of 17 January 2011, 11 February 2011, E42.

<sup>4</sup> IENG Thirith Defence's Preliminary Objections, 14 February 2011, E44.

<sup>5</sup> IENG Sary's Rule 89 Preliminary Objection (Statute of Limitations for Grave Breaches), 14 February 2011, E43; IENG Sary's Rule 89 Preliminary Objection (Rule 89(1)(C)), 14 February 2011, 14 February 2011, E48.

<sup>6</sup> Exceptions Préliminaires Portant Sur la Compétence, 14 February 2011, E46; Exceptions Préliminaires Portant Sur l'extinction de l'action Publique (Crimes Nationaux), 14 February 2011, E47.

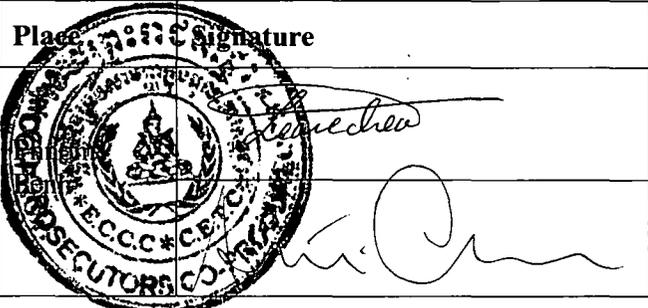
<sup>7</sup> Letter of IENG Sary defence team, 22 February 2011, E51/1/1.1.2.

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(English), accepting Khieu Samphan's two filings referred to above, and granting Ieng Sary a page extension (to 25 pages in English / French, and 50 pages in Khmer), due on 25 February 2011.<sup>8</sup>

5. On 22 February 2011 the Trial Chamber issued a Memorandum which: 1) granted Ieng Sary a time extension to file his preliminary objections by 28 February 2011; 2) granted Nuon Chea a page extension to 35 pages, due 25 February 2011; and 3) denied Khieu Samphan any additional pages beyond his previously accepted filings.<sup>9</sup> On 28 February the Chamber issued an Order confirming the deadline of 28 February for Ieng Sary, but indicating a page limit of 35 pages in English and 50 in Khmer.
6. The Co-Prosecutors note the Chamber's efforts to ensure efficiency in these proceedings, and will continue to do their utmost to facilitate this. However, the Co-Prosecutors submit that, in light of the page limit and time extensions granted to Nuon Chea, Ieng Sary and Khieu Samphan, and the multitude of the preliminary objections that have been filed, it is not possible to provide a meaningful joint response by 7 March 2011, and within the original 20-page limit. The Co-Prosecutors respectfully request that the deadline for their joint response to the preliminary objections be extended to 21 March 2011, and that the page limit for that response be extended to 40 pages.

Respectfully submitted,

| Date         | Name                           | Place and Signature  |
|--------------|--------------------------------|--|
| 1 March 2011 | LEANG Chea<br>Co-Prosecutor    |  |
|              | Andrew CAYLEY<br>Co-Prosecutor |  |

<sup>8</sup> Trial Chamber Memorandum entitled "Preliminary Objections," 18 February 2011, E51/1.

<sup>9</sup> Trial Chamber Memorandum entitled "Preliminary Objections," 22 February 2011.