



**អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា**

Extraordinary Chambers in the Courts of Cambodia  
Chambres extraordinaires au sein des tribunaux cambodgiens

**ព្រះរាជាណាចក្រកម្ពុជា  
ជាតិ សាសនា ព្រះមហាក្សត្រ**

Kingdom of Cambodia  
Nation Religion King  
Royaume du Cambodge  
Nation Religion Roi

**អង្គបុរេជំនុំជម្រះ**

Pre-Trial Chamber  
Chambre Preliminaire

D308/3/1/3

*In the name of the Cambodian people and the United Nations and pursuant to the Law on the Establishment of the Extraordinary Chambers in the Courts of Cambodia for the Prosecution of Crimes Committed During the Period of Democratic Kampuchea*

Case File N° 004/1/07-09-2009-ECCC/OCIJ (PTC50)

**Before:** Judge PRAK Kimsan, President  
Judge Olivier BEAUVALLET  
Judge NEY Thol  
Judge Kang Jin BAIK  
Judge HUOT Vuthy

**Date:** 17 August 2017

<b>ឯកសារដើម</b>	
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL	
ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Date de reception):	
..... 17 / 08 / 2017 .....	
ម៉ោង (Time/Heure):..... 14:00 .....	
អង្គបុរេជំនុំជម្រះសំណុំរឿង/Case File Officer/L'agent chargé	
du dossier:..... SANN R. B. D. ....	

**PUBLIC REDACTED**

**DECISION ON [REDACTED] URGENT REQUEST FOR AN EXTENSION OF TIME AND PAGES TO RESPOND TO THE APPEAL OF THE CLOSING ORDER**

**Co-Prosecutors**

CHEA Leang  
Nicholas KOUMJIAN

**Co-Lawyers**

**for** [REDACTED]  
BIT Seanglim  
Wayne JORDASH

**Civil Party Lawyers**

CHET Vanly	Laure DESFORGES
HONG Kimsuon	Isabelle DURAND
KIM Mengkhy	Emmanuel JACOMY
LOR Chunthy	Martine JACQUIN
SAM Sokong	Lyma NGUYEN
SIN Soworn	
TY Srinna	
VEN Pov	



**THE PRE-TRIAL CHAMBER** of the Extraordinary Chambers in the Courts of Cambodia (the “ECCC”) is seized of the “██████████ Urgent Request for an Extension of Time and Pages to Respond to the International Co-Prosecutor’s Appeal of the Closing Order (Reasons) (D308/3/1/1)” dated 14 August 2017 (the “Request”).<sup>1</sup>

1. On 10 July 2017, the Co-Investigating Judges issued the Closing Order (Reasons) in Case File 004/1 (the “Closing Order”),<sup>2</sup> against which the International Co-Prosecutor filed an appeal on 9 August 2017 (the “Appeal”).<sup>3</sup>

2. On 14 August 2017, the Co-Lawyers for ██████████ (the “Co-Lawyers”) filed the Request. On the same day, the International Co-Prosecutor informed that he did not intend to file any response.

3. The Co-Lawyers request an extension of time of one month and an additional 30 pages to respond to the Appeal.<sup>4</sup> They submit that the Request is both reasonable and proportionate in light of exceptional circumstances,<sup>5</sup> taking into consideration: (i) the high degree of complexity and novelty of the case, that is personal jurisdiction in the context of a dismissal order, and the wide-ranging factual and legal issues raised in the Appeal;<sup>6</sup> (ii) the current operation of the Defence team at a reduced capacity and the commitment of the International Co-Lawyers to appear in court in another case, based on the initial schedule of the revised Completion Plan;<sup>7</sup> and (iii) the lack of capacity to translate the response by the required deadline.<sup>8</sup> The Co-Lawyers underline that the Appeal, while being short in length (29 pages), engaged a substantial volume of the Co-Prosecutor’s resources and that a comprehensive response will require the review and analysis of a considerable body of material.<sup>9</sup>

<sup>1</sup> Case No. 004/1/07-09-2009-ECCC/OCIJ (“Case 004/1”), ██████████ Urgent Request for an Extension of Time and Pages to Respond to the International Co-Prosecutor’s Appeal of the Closing Order (Reasons) (D308/3/1/1), 14 August 2017, D308/3/1/2 (“Request”).

<sup>2</sup> Case 004/1, Closing Order (Reasons), 10 July 2017, D308/3.

<sup>3</sup> Case 004/1, International Co-Prosecutor’s Appeal of Closing Order (Reasons), 9 August 2017, D308/3/1/1, notified on 10 August 2017.

<sup>4</sup> Request, paras 1, 15-16.

<sup>5</sup> Request, para. 7.

<sup>6</sup> Request, para. 8.

<sup>7</sup> Request, paras 12-13.

<sup>8</sup> Request, para. 14.

<sup>9</sup> Request, paras 9-10.



4. Pursuant to Internal Rules 39(2) and (4), the Pre-Trial Chamber may set and/or extend any time limits for the filing of documents relating to an appeal. It may also, based on Article 5(4) of the Practice Direction on Filing of Documents, extend the page limit of a document in exceptional circumstances. In the present case, the Pre-Trial Chamber finds appropriate to grant the Request for extension of time until 22 September 2017<sup>10</sup> in light of the scope and significance of the factual and legal issues addressed in the Closing Order, of the current working capacity of the Defence team due to the revised schedule of the case, as well as of translation constraints. It is not convinced, however, that the Appeal is of such complexity that the Co-Lawyers need double the number of pages (60 pages) to respond in a comprehensive manner. Nonetheless, in view of the significance of the case to the jurisprudence of the ECCC, of the explanations given as to the exhaustive research and analysis involved in drafting the response, and in the absence of objection of other parties, the Pre-Trial Chamber finds that exceptional circumstances do justify granting a limited extension of 15 additional pages.

**FOR THESE REASONS, THE PRE-TRIAL CHAMBER UNANIMOUSLY HEREBY:**




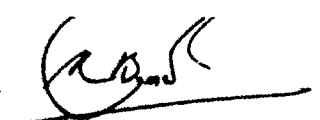
- **GRANTS** the Request in part;
- **ALLOWS** the Co-Lawyers to file their response to the Appeal by 22 September 2017;
- **GRANTS** an extension of 15 additional pages for the Co-Lawyers' response.

In accordance with Internal Rule 77(13), the present decision is not subject to appeal.

**Phnom Penh, 17 August 2017**

**President**

**Pre-Trial Chamber**

**PRAK Kimsan Olivier BEAUVALLET NEY Thol Kang Jin BAIK HUOT Vuthy**

<sup>10</sup> The date suggested in the Request, 21 September 2017, is an official public holiday at the ECCC.