

E163/5/7



Re: Request for Extension of Time to File Submissions Concerning Applicable Law

Matteo Crippa to: William Smith

14/12/2012 02:28 PM

a.vercken.cetc, antaguisse, CHAN.Dararasmey, Chea.Leang,
Cc: CHIFFERT.Mathilde, Andrew CAYLEY, Andrew Ianuzzi, Arun Son,
Bouchard Claude, Dale Lysak, Jasper PAUW, Keith RAYNOR, Marie

Dear Bill and Elisabeth,
thank you for your follow up emails.

សាធារណៈ / Public

You are correct. In granting the request by the NUON Chea Defence, the Judges have extended the applicable deadline to file any written submissions of the applicable law portion of the closing briefs to 18 January 2013. This deadline applies to all parties.

Regards,
Matteo

-----William Smith/UNAKRT wrote: -----

To: Matteo Crippa/UNAKRT@UNAKRT

From: William Smith/UNAKRT

Date: 12/14/2012 01:19PM

Cc: Andrew CAYLEY/UNAKRT@UNAKRT, Andrew Ianuzzi/UNAKRT@UNAKRT, antaguisse@yahoo.fr, Arun Son/UNAKRT@UNAKRT, a.vercken.cetc@gmail.com, Bouchard Claude/UNAKRT@UNAKRT, CHAN.Dararasmey@eccc.gov.kh, Chea.Leang@eccc.gov.kh, CHIFFERT.Mathilde@eccc.gov.kh, Dale Lysak/UNAKRT@UNAKRT, diabloir@wanadoo.fr, FERNANDEZ.Eleonor@eccc.gov.kh, Helen SULLIVAN@ECCC, Jasper PAUW/UNAKRT@UNAKRT, Keith RAYNOR/UNAKRT@UNAKRT, Marie CAPOTORTO/UNAKRT@UNAKRT, Matteo Crippa/UNAKRT@UNAKRT, Michael Karnavas/UNAKRT@UNAKRT, Michiel Pestman/UNAKRT@UNAKRT, Mosseny So/UNAKRT@UNAKRT, Natale.KatrinaMarie@eccc.gov.kh, NGORN.Rothna@eccc.gov.kh, Phalla Prum/UNAKRT@UNAKRT, PHANG.Vichet@eccc.gov.kh, PICH.Ang@eccc.gov.kh, Pich.Sambath@eccc.gov.kh, Roger PHILLIPS/UNAKRT@UNAKRT, ROSENSWEIG.Joshua@eccc.gov.kh, samonnk@yahoo.com, Seng.Bunkheang@eccc.gov.kh, Sheherazade BOUARFA/UNAKRT@UNAKRT, SIMONNEAU-FORT.Elisabeth@eccc.gov.kh, Socheata Seng/UNAKRT@UNAKRT, Susan Lamb/UNAKRT@UNAKRT, Tanya Rene PETTAY/UNAKRT@UNAKRT, Tarik Abdulhak/UNAKRT@UNAKRT, Udom Ang/UNAKRT@UNAKRT, VENG.Huot@eccc.gov.kh, Victor Koppe/UNAKRT@UNAKRT, Vincent De Wilde d'Estmael/UNAKRT@UNAKRT, Yet.Chakriya@eccc.gov.kh

Subject: Re: Request for Extension of Time to File Submissions Concerning Applicable Law

Dear Matteo

As these briefs were intended to be filed by the parties simultaneously I assume this extension applies to all parties in the case. Can you please confirm that this is the case or advise us otherwise.

Regards Bill

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ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Date de reception):	
..... 17 / 12 / 2012	
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..... 11:30	
មន្ត្រីទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé	
du dossier: U.Chh A.Cum	



Mr. William Smith
 International Deputy Co-Prosecutor
 United Nations Assistance to the Khmer Rouge Trial
 Extraordinary Chambers in the Courts of Cambodia

National Road 4, Chaom Chau, Dangko, PO Box 71,
 Phnom Penh, Cambodia
 Telephone: 855 (0)23 219 814
 Fax: (0)23 219 841
 Mobile: +855 (0) 12 488 193
 Extn: 6004
 Room 328B

Email: smith5@un.org
 Web: www.unakrt-online.org
www.eccc.gov.kh

Matteo Crippa--14/12/2012 12:56:40 PM--Dear Josh, as indicated, I have informed the judges of your initial request below.

From: Matteo Crippa/UNAKRT

To: Matteo Crippa/UNAKRT@UNAKRT

Cc: a.vercken.cetc@gmail.com, PICH.Ang@eccc.gov.kh, antaguisse@yahoo.fr, Seng.Bunkheang@eccc.gov.kh, Yet.Chakriya@eccc.gov.kh, Andrew CAYLEY/UNAKRT@UNAKRT, Andrew Ianuzzi/UNAKRT@UNAKRT, Arun Son/UNAKRT@UNAKRT, Bouchard Claude/UNAKRT@UNAKRT, Dale Lysak/UNAKRT@UNAKRT, Jasper PAUW/UNAKRT@UNAKRT, Keith RAYNOR/UNAKRT@UNAKRT, Marie CAPOTORTO/UNAKRT@UNAKRT, Michael Karnavas/UNAKRT@UNAKRT, Michiel Pestman/UNAKRT@UNAKRT, Mosseny So/UNAKRT@UNAKRT, Phalla Prum/UNAKRT@UNAKRT, Roger PHILLIPS/UNAKRT@UNAKRT, Sheherazade BOUARFA/UNAKRT@UNAKRT, Socheata Seng/UNAKRT@UNAKRT, Susan Lamb/UNAKRT@UNAKRT, Tanya Rene PETTAY/UNAKRT@UNAKRT, Tarik Abdulhak/UNAKRT@UNAKRT, Udom Ang/UNAKRT@UNAKRT, Victor Koppe/UNAKRT@UNAKRT, Vincent De Wilde d'Estmael/UNAKRT@UNAKRT, William Smith/UNAKRT@UNAKRT, CHAN.Dararasmey@eccc.gov.kh, diablenoir@wanadoo.fr, FERNANDEZ.Eleonor@eccc.gov.kh, SIMONNEAU-FORT.Elisabeth@eccc.gov.kh, Helen.SULLIVAN@ECCC, VENG.Huot@eccc.gov.kh, ROSENSWEIG.Joshua@eccc.gov.kh, Natale.KatrinaMarie@eccc.gov.kh, Chea.Leang@eccc.gov.kh, CHIFFERT.Mathilde@eccc.gov.kh, NGORN.Rothna@eccc.gov.kh, Pich.Sambath@eccc.gov.kh, samonnk@yahoo.com, PHANG.Vichet@eccc.gov.kh

Date: 14/12/2012 12:56 PM

Subject: Re: Request for Extension of Time to File Submissions Concerning Applicable Law

Dear Josh,

as indicated, I have informed the judges of your initial request below.

Upon deliberating, the Judges instructed me to inform you and the other parties that your request for an extension of time for the filing of written submissions of the applicable law portion of the closing briefs is granted, in part.

The Chamber considered your request and decided to extend the original deadline of 21 December 2012, as indicated in Trial Chamber Memoranda E163/5, E163/5/4 and particularly E163/5/6, to Friday 18 January 2013. Preliminary discussions on the possible advanced filing of the applicable law portion of the closing briefs were already held on 27 August 2012, during the Trial Management Meeting. As reiterated in the memoranda referred above, the filing of the applicable law portion of the closing briefs in advance of the conclusion of the hearing of evidence in Case 002/01 will also assist the Chamber in the organization of the concluding phases of the trial.

The Chamber recalls that it has already disposed of a prior motion by the KHIEU Samphan Defence to reconsider the original deadline (E163/5/4), although premised on different grounds. The Chamber also wish to indicate that no further extension of the deadline for the filing of written submissions on the applicable law will be entertained.

Ordinarily, requests for extension of time shall be filed in accordance with the Internal Rules and the Practice Direction on Filing of Documents. Exceptionally and for completeness of the record, this email exchange will be placed in the case file as soon as practicable.

Regards,

Matteo Crippa
Legal Officer
Trial Chamber - ECCC

-----Matteo Crippa/UNAKRT wrote: -----

To: Joshua ROSENSWEIG@ECCC

From: Matteo Crippa/UNAKRT

Date: 12/11/2012 03:43PM

Cc: Andrew CAYLEY/UNAKRT@UNAKRT, Andrew Ianuzzi/UNAKRT@UNAKRT, Ang PICH@ECCC, antaguisse@yahoo.fr, Arun Son/UNAKRT@UNAKRT, a.vercken.cetc@gmail.com, Bouchard Claude/UNAKRT@UNAKRT, Bunkheang Seng@ECCC, Chakriya Yet@ECCC, Dale LYSAK/UNAKRT@UNAKRT, Dararasmey CHAN@ECCC, diablnoir@wanadoo.fr, Eleonor FERNANDEZ@ECCC, Elisabeth SIMONNEAU-FORT@ECCC, Helen SULLIVAN@ECCC, Huot VENG@ECCC, Jasper PAUW/UNAKRT@UNAKRT, Katrina Marie Natale@ECCC, Keith RAYNOR/UNAKRT@UNAKRT, Leang Chea@ECCC, Marie CAPOTORTO/UNAKRT@UNAKRT, Mathilde CHIFFERT@ECCC, Michael Karnavas/UNAKRT@UNAKRT, Michiel Pestman/UNAKRT@UNAKRT, Mosseny So/UNAKRT@UNAKRT, Phalla Prum/UNAKRT@UNAKRT, Rothna NGORN@ECCC, Sambath Pich@ECCC, samonnk@yahoo.com, Sheherazade BOUARFA/UNAKRT@UNAKRT, Socheata Seng/UNAKRT@UNAKRT, Susan Lamb/UNAKRT@UNAKRT, Tanya Rene PETTAY/UNAKRT@UNAKRT, Tarik ABDULHAK/UNAKRT@UNAKRT, Udom Ang/UNAKRT@UNAKRT, Vichet PHANG@ECCC, Victor Koppe/UNAKRT@UNAKRT, Vincent De Wilde d'Estmael/UNAKRT@UNAKRT, William Smith/UNAKRT@UNAKRT, Roger PHILLIPS/UNAKRT@UNAKRT, Susan Lamb/UNAKRT@UNAKRT
Subject: Re: Request for Extension of Time to File Submissions Concerning Applicable Law

Dear Josh,

i will inform the Judges of your request below.

It goes without saying that, in the meantime and unless any request for extension of time is granted, the current deadline remains applicable.

Matteo

Joshua ROSENSWEIG---11/12/2012 03:11:32 PM---Dear Matteo:

From: Joshua ROSENSWEIG@ECCC

To: Matteo Crippa/UNAKRT@UNAKRT

Cc: William Smith/UNAKRT@UNAKRT, Tanya Rene PETTAY/UNAKRT@UNAKRT, Leang Chea@ECCC, Andrew CAYLEY/UNAKRT@UNAKRT, Andrew Ianuzzi/UNAKRT@UNAKRT, antaguisse@yahoo.fr, Arun Son/UNAKRT@UNAKRT, a.vercken.cetc@gmail.com, Dararasmey

E163/5/7

CHAN@ECCC, Dale LYSAK/UNAKRT@UNAKRT, diabloir@wanadoo.fr, Eleonor FERNANDEZ@ECCC, Jasper PAUW/UNAKRT@UNAKRT, Marie CAPOTORTO/UNAKRT@UNAKRT, Michael Karnavas/UNAKRT@UNAKRT, Michiel Pestman/UNAKRT@UNAKRT, Mosseny So/UNAKRT@UNAKRT, Phalla Prum/UNAKRT@UNAKRT, Vichet PHANG@ECCC, Ang PICH@ECCC, Sambath Pich@ECCC, samonnk@yahoo.com, Bunkheang Seng@ECCC, Sheherazade BOUARFA/UNAKRT@UNAKRT, Elisabeth SIMONNEAU-FORT@ECCC, Socheata Seng/UNAKRT@UNAKRT, Tarik ABDULHAK/UNAKRT@UNAKRT, Udom Ang/UNAKRT@UNAKRT, Huot VENG@ECCC, Victor Koppe/UNAKRT@UNAKRT, Vincent De Wilde d'Estmael/UNAKRT@UNAKRT, Keith RAYNOR/UNAKRT@UNAKRT, Chakriya Yet@ECCC, Helen SULLIVAN@ECCC, Mathilde CHIFFERT@ECCC, Katrina Marie Natale@ECCC, Rothna NGORN@ECCC, Bouchard Claude/UNAKRT@UNAKRT, Susan Lamb/UNAKRT@UNAKRT
Date: 11/12/2012 03:11 PM
Subject: Request for Extension of Time to File Submissions Concerning Applicable Law

Dear Matteo:

Further to the Trial Chamber's memoranda E163/5, E163/5/4 and E163/5/6, the Nuon Chea Defence hereby seeks a three-month extension of the time to file briefs concerning the 'legal elements of all crimes and forms of responsibility applicable to Case 002/01' until 21 March 2013. This request is supported by the following considerations.

First, in light of the series of clarifications sought by the parties and provided by the Chamber since E163/5 was first issued, we (along with other parties) have had limited notice of the need to prepare legal submissions at this time. We did not anticipate prior to 8 October 2012 that the issues described by the Chamber might need to be addressed by 21 December 2012 and were not clear, prior to 7 December 2012, whether we were required to do so and if not, what would be the consequences of failing to act.

Second, the possibility of an extension was contemplated by the Chamber's initial memorandum on October 8. We indicated on 26 November 2012 (E163/5/5) that we intended to make such a request should the Chamber clarify that the failure to file legal submissions by 21 December 2012 would adversely affect parties' overall entitlement to final submissions. The Chamber's memorandum issued this past Friday, December 7 (E163/5/6) clarifies that parties who do not file submissions concerning the applicable law by 21 December 2012 will forego their 20 page allowance in that regard.

Finally, as the hearing of the evidence is scheduled to continue well into 2013, the extension sought would not delay the proceedings in any way.

Thanks in advance for your consideration of our request.

Best,
Josh