

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

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**CIVIL PARTY LEAD CO-LAWYERS' RESPONSE TO NUON CHEA'S REQUEST
REGARDING THE PAGE LIMIT, TIME LIMIT, AND CONTENT OF HIS
CLOSING BRIEF IN CASE 002/02**

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Before:

Trial Chamber

Judge NIL Nonn, President
Judge YA Sokhan
Judge Jean-Marc LAVERGNE
Judge YOU Ottara
Judge Claudia FENZ

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I. RESPONSE

1. The Lead Co-Lawyers for the Civil Parties (“Lead Co-Lawyers”) hereby respond to Nuon Chea’s Request Regarding the Page Limit, Time Limit, and Content of his Closing Brief in Case 002/02.¹
2. The Civil Party Lead Co-Lawyers do not oppose the Request with respect to page and time limits as requested by the Nuon Chea Defence. The Lead Co-Lawyers, however, urge that any reasonable extensions should also extend to all of the parties to the extent that some considerations and interests as set forth by the Defence overlap, particularly with respect to the large amount of evidence, the range of crime sites and crimes charged, the complexity of legal issues and the ability to meaningfully plead.² For example, with respect to interests of the consolidated group of civil parties, 57 civil parties testified before the Chamber in Case 002/02 in relation to the first five trial segments (both facts and impact), with another five selected to testify as to the Role of the Accused. This is in contrast to 31 civil parties who testified in Case 002/01.
3. The Lead Co-Lawyers also do not oppose the Request with respect to the holding of a Trial Management Meeting. However, the Lead Co-Lawyers submit that it would be more efficient to hold such a meeting after the rendering of the Case 002/01 appeal judgement, and that other outstanding trial management issues should be addressed at the same time.³ Regarding the filing of briefing on the applicable law, the Lead Co-Lawyers support the indications provided by the Trial Chamber in its memorandum *Final Stages of Case 002/02 – Notice of Deadlines*.⁴

¹ Nuon Chea’s Request Regarding the Page Limit, Time Limit, and Content of his Closing Brief in Case 002/02, **E421/5**, 11 October 2016.


² Nuon Chea’s Request Regarding the Page Limit, Time Limit, and Content of his Closing Brief in Case 002/02, **E421/5**, 11 October 2016, paras 17, 27-30.

³ See e.g., Civil Party Lead Co-Lawyers’ Request for Clarification Relating to Remaining Charges in Case 002, **E439**, 9 September 2016.

⁴ Trial Chamber Memorandum, *Final Stages of Case 002/02 – Notice of Deadlines*, **E421**, 28 June 2016, para. 5 (‘[T]he Chamber informs the parties that it will request advanced briefing on the applicable law including (1) to supplement prior submissions based on any new legal developments and (2) to make submissions on any crimes or modes of liability that did not form part of Case 002/01. Briefing will be scheduled following the delivery of the Case 002/01 appeal judgement.’).

4. The Lead Co-Lawyers note that similar reasoning and interests apply to the Final Claim for Reparation. The range of crimes and harms in Case 002/02 has justified five separate impact hearings in which 24 civil parties have testified thus far about the harm they suffered as a result of crimes charged in Case 002/02, and a further three civil parties are pending with respect to the Fifth Trial Segment. The range of crimes further necessitated the development of a broader range of proposed reparation projects to benefit civil parties who have suffered a range of harm. The Lead Co-Lawyers therefore submit that the Trial Chamber also considers these factors in its assignment of deadlines and page limits with respect to the Final Claim for Reparation.
5. The Lead Co-Lawyers, therefore, request that the Chamber consider the interests of all of the parties in the granting of extensions with respect to page and time limits as further arrangements are made with respect to the final pleadings in Case 002/02.

Respectfully submitted,

Date	Name	Place	Signature
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