

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
Filed to: Supreme Court Chamber **Original Language:** English
Date of document: 14 September 2012

CLASSIFICATION

Classification of the document suggested by the filing party: PUBLIC

Classification by Supreme Court Chamber: សាធារណៈ/Public

Classification Status:

Review of Interim Classification:

Records Officer Name:

Signature:



**CO-PROSECUTORS' REQUEST FOR EXTENSION OF TIME TO FILE
SUPPLEMENTARY SUBMISSIONS IN SUPPORT OF THE IMMEDIATE APPEAL
AGAINST THE TRIAL CHAMBER'S DECISION TO UNCONDITIONALLY
RELEASE IENG THIRITH**

Filed by:

Co-Prosecutors
CHEA Leang
Andrew CAYLEY

Distributed to:

Supreme Court Chamber
Judge KONG Srim, President
Judge SOM Sereyvuth
Judge A. KLONOWIECKA-MILART
Judge MONG Monichariya
Judge C. N. JAYASIINGHE
Judge YA Narin
Judge SIN Rith
Judge F.N.M. MUMBA

Copied to:

Accused
IENG Thirith

Lawyers for the Defence
PHAT Pouv Seang
Diana ELLIS

Civil Party Lead Co-Lawyers
PICH Ang
Elisabeth SIMONNEAU FORT

I. INTRODUCTION

1. Pursuant to Rules 82(6), 104, 39(4) and 107 of the Internal Rules¹ and Article 8.1 of the Practice Direction on Filing of Documents², the Co-Prosecutors have today submitted an immediate appeal (“Appeal”) against the Trial Chamber’s *Decision on Reassessment of Accused Ieng Thirith’s Fitness to Stand Trial following Supreme Court Chamber Decision of 13 December 2011* (“Impugned Decision”)³ together with a Request for Immediate Stay of Proceedings (“Request for Stay”).
2. The Co-Prosecutors now seek the leave of the Supreme Court Chamber (“Chamber”) for extension of time to file supplementary written submissions in support of the Appeal.

II. ARGUMENT

3. Pursuant to Rule 82(6) of the Internal Rules, the Request for Stay and corresponding Appeal were duly filed with the Chamber within 24 hours of the notification of the Impugned Decision.
4. The Chamber has the authority to grant extensions of time. The Co-Prosecutors refer to Rule 39(4) of the Internal Rules, which provides that the Chambers may, at the request of a concerned party:
 - a) *extend any time limits set by them; or*
 - b) *recognise the validity of any action executed after the expiration of a time limit prescribed in these IRs on such terms, if any, as they see fit.*
5. This Chamber, in granting a similar request from the Co-Prosecutors in connection with the previous decision of the Trial Chamber to unconditionally release Accused Ieng Thirith (“Accused”), has considered: “...the importance of whether and under what

¹ Extraordinary Chambers of the Courts of Cambodia, Internal Rules (Rev. 8), as revised on 3 August 2011 (“Rules”).

² Practice Direction on Filing of Documents before the ECCC (Rev. 7), as revised on 3 August 2011.

³ **E138/1/10** Decision on reassessment of Accused Ieng Thirith’s fitness to stand trial following Supreme Court Chamber Decision of 13 September 2012.



conditions, if any, the Accused ought to be released from detention and the short timeframe ...”⁴

6. The Co-Prosecutors’ Appeal is directly concerned with the extent of the conditions that should apply to any order releasing the Accused, who faces charges of exceptional gravity alleging crimes of concern to the international community as a whole. The applicable timeframe for appeal has significantly limited the ability of the Co-Prosecutors to provide the Chamber with a comprehensive submission, setting out legal argument in sufficient detail and with references to relevant supporting materials.

III. REQUEST

7. For these reasons, the Co-Prosecutors respectfully request the Chamber to grant leave to file supplementary written submissions in support of this Appeal within seven (7) days.

Respectfully submitted,

Date	Name	Place	Signature
14 September 2012	CHEA Leang Co-Prosecutor	Phnom Penh	
	Andrew CAYLEY Co-Prosecutor		

⁴ E138/1/3 Decision on Co-Prosecutor’s Request to File Supplementary Submissions and Direction Regarding Appeal Findings, 21 November 2011.