



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

Extraordinary Chambers in the Courts of Cambodia
Chambres Extraordinaires au sein des Tribunaux Cambodgiens

C26/5/9

អង្គបុរេជំនុំជម្រះ

PRE-TRIAL CHAMBER
CHAMBRE PRELIMINAIRE

Criminal Case File No: 002/19-09-2007-ECCC/OCIJ (PTC15)

Before: Judge PRAK Kimsan, President
Judge Rowan DOWNING
Judge NEY Thol
Judge Katinka LAHUIS
Judge HUOT Vuthy

Date: 8 January 2009

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PUBLIC

DECISION ON THE CO-PROSECUTORS' APPLICATION FOR EXTENSION OF TIME TO FILE THEIR RESPONSE TO KHIEU SAMPHAN'S APPEAL AGAINST EXTENSION OF PROVISIONAL DETENTION

Co-Prosecutors

CHEA Leang
Robert PETIT
YET Chakriya
William SMITH
PICH Sambath
Vincent de WILDE d'ESTMAEL

Charged Person

KHIEU Samphan

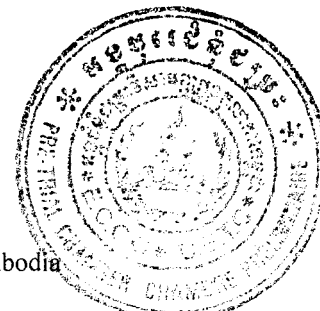
Lawyers for the Civil Parties

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Co-Lawyers for the Charged Person

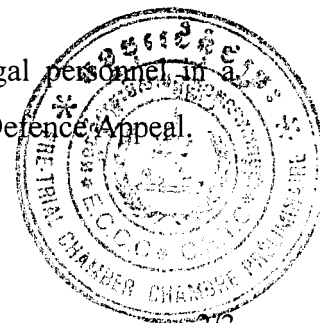
SA Sovan
Jacques VERGÈS

ឯកសារចម្លងត្រឹមត្រូវតាមច្បាប់ដើម
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កាលបរិច្ឆេទ (Certified Date/Date de certification): 08 / JAN / 2009
មន្ត្រីទទួលបន្ទុកឯកសារ (Case File Officer/L'agent chargé du dossier): C.A. Fuy



026/5/9

1. **THE PRE-TRIAL CHAMBER** of the Extraordinary Chambers in the Courts of Cambodia (“ECCC”) is seized of the “Co-Prosecutors’ Application for Extension of Time to File Their Response to Khieu Samphan’s Appeal Against the Order on Extension of Provisional Detention” filed on 29 December 2008 (“Application”).
2. On 31 December 2008, the Pre-Trial Chamber directed the Parties to file any response to the Application by 5 January 2009, 12:00 pm.
3. On 5 January 2009, the Co-lawyers for the Charged Person filed a response in which they submit that appeals in relation to provisional detention shall proceed expeditiously and emphasize that the reason for the Application is the lack of resources in translation. They point out that should the Application be granted, forty-two (42) days would have elapsed between the filing of the Appeal Brief and the filing of the Co-Prosecutors’ Response as it already took twenty (20) days for the Appeal Brief to be translated into English. While the Co-Lawyers request the Pre-Trial Chamber to acknowledge the delays caused by the lack of personnel and translation means, they hand over to justice the specific issue of extension of time.
4. No response was filed by the Civil Parties.
5. The Pre-Trial Chamber observes that the Charged Person’s “Appeal Brief against the Order on Extension of Provisional Detention” (“Defence Appeal”) was filed to the Pre-Trial Chamber on 4 December 2008 in Khmer and French. It was notified to the Co-Prosecutors in English on 23 December. Consequently, the fifteen (15) days time limit for the Co-Prosecutors to file their response would normally expire on 6 January 2009.
6. By their Application, the Co-Prosecutors request to be granted one additional week to file their response to the Defence Appeal, thus extending the deadline to 13 January 2009.
7. The Application is made for the reasons that additional time is needed to translate the Co-Prosecutors’ response to the Defence Appeal. The Co-Prosecutors indicate that their in-house translators will not be able to translate the document before the due date because of the need to translate responses to six (6) other pleadings with near simultaneous deadlines.
8. The Co-Prosecutors also indicate that the pre-approved absence of legal personnel in a period of Court holiday further diminishes their ability to respond to the Defence Appeal.



9. Pursuant to Internal Rule 39(4)(a), the Pre-Trial Chamber may, at the request of the concerned Party, extend time limits.
10. The Pre-Trial Chamber acknowledges the fact that four Court holidays and simultaneous due dates of filings of a number of pleadings has considerably diminished the time for the Co-Prosecutors to prepare their response to the Defence Appeal in their two working languages.
11. However, taking into consideration the observations made by the Defence and that the application concerns the liberty of a person, the Pre-Trial Chamber finds that the reasons put forward by the Co-Prosecutors are insufficient to extend the deadline by an entire week. The Pre-Trial Chamber emphasizes that procedures shall not be slowed down by lack of translation resources.
12. Thus, the Pre-Trial Chamber will extend the deadline for the Co-Prosecutors to file their response to the Defence Appeal until Friday, 9 January 2009, at 4:00 pm.

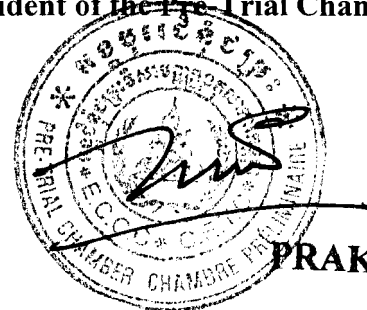
THEREFORE, THE PRE-TRIAL CHAMBER HEREBY:

GRANTS the Application.

DIRECTS that the Co-Prosecutors shall file their response to the Defence Appeal by **9 January 2009 at 4:00 pm.**

Phnom Penh, 8 January 2009

President of the Pre-Trial Chamber



PRAK KIMSAN