



**អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា**

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

០១៧/១៤/២  
ព្រះរាជាណាចក្រកម្ពុជា

ជាតិ សាសនា ព្រះមហាក្សត្រ

Kingdom of Cambodia  
Nation Religion King

Royaume du Cambodge  
Nation Religion Roi

**អង្គបុរេជំនុំជម្រះ**

Pre-Trial Chamber  
Chambre Préliminaire

<b>ឯកសារដើម</b>
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**Criminal Case File No:** 002/19-09-2007-ECCC/OCIJ (PTCS5)

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

**Date:** 22 December 2009

**PUBLIC**

**DECISION ON CO-LAWYERS' APPLICATION FOR EXTENSION OF TIME TO FILE IENG SARY'S APPEAL AGAINST THE OCIJ'S ORDER ON THE APPLICATION AT THE ECCC OF THE FORM OF LIABILITY KNOWN AS JOINT CRIMINAL ENTERPRISE**

**Co-Prosecutors**

CHEA Leang  
Andrew CAYLEY

**Lawyers for the Civil Parties**

HONG Kim Suon  
LOR Chunthy  
NY Chandy  
KONG Pisey  
YONG Phanith  
KIM Mengkhy  
MOCH Sovannary  
SIN Soworn  
Silke STUDZINSKY  
Martine JACQUIN  
Philippe CANONNE  
Pierre Olivier SUR  
Elizabeth RABESANDRATANA  
Olivier BAHOUGNE  
David BLACKMAN  
Annie DELAHAIE  
Fabienne TRUSSES-NAPROUS  
Patrick BEAUDOIN  
Marie GUIRAUD  
Lyma NGUYEN

**Charged Person**

IENG Sary

**Co-Lawyers for the Charged Person**

ANG Udom  
Michael G. KARNAVAS

<b>ឯកសារបានថតចម្លងត្រឹមត្រូវតាមច្បាប់ដើម</b>
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**Unrepresented Civil Parties**

**THE PRE-TRIAL CHAMBER** of the Extraordinary Chambers in the Courts of Cambodia (“ECCC”) is seized of an “Application for Extension of Time to file Ieng Sary’s (the “Charged Person”) Appeal against the [Co-Investigating Judges]’ Order on the Application at the ECCC of the Form of Liability known as Joint Criminal Enterprise”, filed pursuant to Internal Rules 39(4)(a) and 75(3) by the Co-Lawyers for the Charged Person on 17 December 2009 (the “Application”).<sup>1</sup>

1. On 8 December 2009 the Co-Investigating Judges issued an Order on the Application at the ECCC of the Form of Liability known as Joint Criminal Enterprise (the “Order”).<sup>2</sup> The Order was notified on 9 December 2009.
2. On 15 December 2009, the Co-Lawyers for the Charged Person filed a Notice of Appeal against the Order.
3. On 17 December 2009, the Co-Lawyers filed an Application for Extension of Time to file an Appeal. In attached Annex to the Application it is shown that the Co-Prosecutors do not oppose to this request. On 18 December, the Lawyers for the Civil Parties also indicated that they have no objection to the request.
4. By their Request, the Co-Lawyers for the Charged Person request an extension of the time to file an appeal until 22 January 2010.
5. The Pre-Trial Chamber observes that the Co-Lawyers’ Request is made for the following reasons: 1) the issues raised in the appeal are expected to be complex; 2) the period leading up to this deadline includes two international holidays during which time staff members and translators will not be fully available.
6. Pursuant to Internal Rule 39(4)(a), the Pre-Trial Chamber may, at the request of the concerned Party, extend time limits.
7. The Pre-Trial Chamber notes that it is in the interest of the Charged Person to have adequate time and facilities to prepare. The Pre-Trial Chamber further notes that the Request was filed before the time limit expired.
8. The Pre-Trial Chamber is satisfied by the reasons given for the Request and notes the fact that there is no objection by the Co-Prosecutors or the Lawyers for the Civil Parties.

<sup>1</sup> Co-Lawyers’ Application for Extension of Time to file Ieng Sary’s Appeal against the OCIJ’s Order on the Application at the ECCC of the Form of Liability known as Joint Criminal Enterprise”, 17 December 2009 (the “Application”), D97/14/1.

<sup>2</sup> Order on the Application at the ECCC of the Form of Liability known as Joint Criminal Enterprise”, 9 December 2009 (the “Order”), D 97/13.




**THEREFORE, THE PRE-TRIAL CHAMBER HEREBY:**

**GRANTS** the Request for Extension of Time to file an Appeal.

**DIRECTS** the Co-Lawyers for the Charged Person to file their Appeal by **22 January 2010 at 12:00 pm.**

Phnom Penh, 22 December 2009

**President of the Pre-Trial Chamber**



*[Handwritten signature]*

**PRAK KIMSAN**