



ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

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

Kingdom of Cambodia
Nation Religion King
Royaume du Cambodge
Nation Religion Roi

អង្គជំនុំជម្រះតុលាការកំពូល

Supreme Court Chamber
Chambre de la Cour suprême

សំណុំរឿងលេខ: ០០២/១៩-០៩-២០០៧-អ.វ.ត.ក/ អ.ជ.ស.ជ/អ.ជ.ត.ក(៩)

Case File/Dossier N°. 002/19-09-2007-ECCC-TC/SC(09)



Before: Judge KONG Srim, President
Judge MOTOO NOGUCHI
Judge SOM Sereyvuth
Judge Agnieszka KLONOWIECKA-MILART
Judge MONG Monichariya
Judge Chandra Nihal JAYASINGHE
Judge YA Narin

Date: 21 November 2011
Language(s): English/Khmer
Classification: PUBLIC

DECISION ON CO-PROSECUTORS' REQUEST TO FILE SUPPLEMENTARY SUBMISSIONS AND DIRECTION REGARDING APPEAL FILINGS

Co-Prosecutors

CHEA Leang
Andrew CAYLEY

Accused

IENG Thirith
NUON Chea
IENG Sary
KHIEU Samphan

Civil Party Co-Lead Lawyers

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Diana ELLIS, QC
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Jacques VERGÈS



THE SUPREME COURT CHAMBER of the Extraordinary Chambers in the Courts of Cambodia:

BEING SEISED of the Co-Prosecutors' appeal¹ ("Appeal") against the Trial Chamber's decision of 17 November 2011 ordering the release of the Accused, IENG Thirith, from the ECCC Detention Facility ("Release Order"),² in which the Co-Prosecutors request the Supreme Court Chamber to amend the Release Order "by ordering the Accused to remain in detention and to undergo medical and other remedial treatment as recommended by the medical experts, subject to review in six months";³

NOTING the Co-Prosecutors' request in their Appeal to file supplementary written appeal submissions "within seven (7) days" from the filing of the Appeal for the reasons that "[g]iven the extremely short timeframe [of 24 hours] applicable under the Rules for the filing of this Appeal, not all the supporting arguments and evidence could be sufficiently addressed in this Appeal" ("Request");⁴

CONSIDERING the importance of whether and under what conditions, if any, the Accused ought to be released from detention, and the short timeframe within which the Supreme Court Chamber must issue its decision on the Appeal;⁵

PURSUANT to Internal Rule 39(2) (Rev. 8) and Article 8.1 of the Practice Direction on Filing of Documents before the ECCC (Rev. 7);

HEREBY:

GRANTS the Co-Prosecutors' Request in part, such that they are permitted to file supplementary written appeal submissions no later than Tuesday, 22 November 2011, and **ORDERS** that any such supplementary submissions may not exceed 10 pages in English or French and 20 pages in Khmer;

¹ Immediate Appeal Against Trial Chamber Decision to Order the Release of Accused IENG Thirith, E138/1/1, 18 November 2011.

² Decision on IENG Thirith's Fitness to Stand Trial, E138.

³ Appeal, para. 19.

⁴ Appeal, para. 20.

⁵ Internal Rule 82(6) ("such appeal shall be decided by the Supreme Court Chamber within 15 (fifteen) days of receipt of the case file by the Greffier of the Supreme Court Chamber").



DIRECTS that the Accused must file any response to the Appeal, any supplementary written appeal submissions, and/or any appeal submissions from other parties by Monday, 28 November 2011, and **ORDERS** that any such response from the Accused may not exceed 20 pages in English or French and 40 pages in Khmer;

ORDERS that no party other than the Accused shall file a response to the Co-Prosecutors' Appeal and any supplementary written appeal submissions; and

ORDERS that no reply shall be filed to the Accused's response.

Phnom Penh, 21 November 2011

President of the Supreme Court Chamber



Kong Srim