



ព្រះរាជាណាចក្រកម្ពុជា

ជាតិ សាសនា ព្រះមហាក្សត្រ

Kingdom of Cambodia
Nation Religion King

អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

Extraordinary Chambers in the Courts of Cambodia
Chambres extraordinaires au sein des Tribunaux cambodgiensRoyaume du Cambodge
Nation Religion Roi

ការិយាល័យសហចៅក្រមស៊ើបអង្កេត
Office of the Co-Investigating Judges
Bureau des Co-juges d'instruction

Case File No.: 003/07-09-2009-ECCC-OCIJ

Before:

Judge YOU Bunleng

Judge Mark B. HARMON

Date:

2 May 2013

Original:

English

Classification:

Strictly Confidential

Declassified to Public

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SAVAN R. D.

**DECISION ON CO-LAWYERS' REQUEST FOR LEAVE TO EXCEED PAGE
LIMIT AND TO FILE THEIR RESPONSE IN ENGLISH**

Distribution to
Co-Prosecutors
CHEA Leang
Andrew Cayley

Copied to
Co-Lawyers Designate
ANG Udom
Michael Karnavas



1. **Noting** the Law on the Establishment of the Extraordinary Chambers in the Courts of Cambodia, dated 27 October 2004 (the “ECCC Law”);
2. **Noting** Rules 21, 39(6), 55 and 72 of the ECCC Internal Rules (the “Internal Rules”) and the Practice Direction on Filing of Documents before the ECCC (the “Practice Direction on Filing”);
3. **Noting** the Second Introductory Submission, dated 20 November 2008, relating to Case File 003,¹ which was placed on the case file on 7 September 2009;²
4. **Noting** the judicial investigation opened in relation to alleged violations of the **1956 Penal Code, Crimes against Humanity and Grave Breaches to the Geneva Conventions of 12 August 1949**, punishable under Articles 3 (new), 5, 6, 29 (new) and 39 (new) of the ECCC Law; and Articles 209, 210, 500, 501, 503, 504, 505, 506, 507 and 508 of the 1956 Penal Code;

DISCUSSION

Procedural History

5. On 23 April 2013, the Co-Lawyers Designate requested *Leave to Exceed Page Limitation* along with their *Response to International Co-Prosecutor's Supplementary Submissions on Conflict of Interest of Co-Lawyers-Designate* (“the Response”). In the said request, and pursuant to Articles 5.4 and 7.2 of the applicable Practice Directions³, the Co-Lawyers Designate requested the Co-Investigating Judges to allow the filing of their response to the *International Co-Prosecutor's Supplementary Submissions* in English only (with the Khmer version to follow as soon as possible) and to extend the applicable page limit for this Response.

Applicable Law

6. Internal Rule 39(6) read together with Articles 5.1 and 5.4 of the Practice Direction on Filing provide that documents filed with the Co-Investigating Judges should not exceed 15 pages in English unless, at the request of a party, the Judges consider that exceptional circumstances warrant extending the limit.
7. Article 7.2 of the Practice Direction on Filing provides that: “[I]n exceptional circumstances, the Co-Investigating Judges or a Chamber of the ECCC may authorise a party to file a document in French or in English in the first

¹ Case File No. 003 -D1, *Co-Prosecutor's Second Introductory Submission*, 20 November 2008.

² Case File No. 003-D1/1, *Acting International Co-Prosecutor's Notice of Filing of the Second Introductory Submission*, 7 September 2009.

³ Practice Direction on Filing of Documents, Rev. 8.



instance, provided however, that a Khmer translation must be filed before the Chamber at the first opportunity.”

Arguments by the Filing Party

8. The Applicants requested leave from the Co-Investigating Judges to file a motion that runs to twenty (20) pages in the English language.
9. The Co-Lawyers Designate further submitted that should the leave to exceed page limits be withheld, they would request one working day to redact or edit the Response.
10. The Co-Lawyers Designate also requested leave to file their Response in English only, with the Khmer version to follow as soon as possible.
11. The International Co-Investigating Judge has already accepted a similar request from the Office of the Co-Prosecutors in relation to this matter.⁴
12. Based on the particular circumstances of the case, the complex nature and the importance of the issue under determination, and considering that granting the extension of the page limit will not be prejudicial to either the parties or to the conduct of the judicial investigation, the request to file the twenty (20) page Response in English only, with the Khmer version to follow as soon as possible, should be granted.

THEREFORE I, MARK B. HARMON, HEREBY:

13. **DECIDE** to declare the filing admissible and to place the Co-Lawyers' Response on the Case File under Document Number D56/9.
14. **GRANT** the request for extension of page limit and the request to file in English only.

Done in Phnom Penh, on 2 May 2013.




Mark B. Harmon
 ម៉ាកប៊ី អ័រម៉ុង
 International Co-Investigating Judge
 Co-Juge d'Instruction International

⁴ Case File No. 003-D56/8, *Decision on International Co-Prosecutors' request for an extension of page limit and to file his submissions in English*, 5 April 2013.