

**BEFORE THE TRIAL CHAMBER
EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA**

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**CO-PROSECUTORS' REQUEST FOR CLARIFICATION ON
PROCEDURE FOR RESPONSE TO PRELIMINARY OBJECTIONS**

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Distributed to:

Trial Chamber
Judge NIL Nonn. President
Judge Silvia CARTWRIGHT
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Judge Jean-Marc LAVERGNE
Judge THOU Mony

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1. On 8 February 2011, the Co-Prosecutors received notification of Nuon Chea's Preliminary Objection Concerning the Jurisdiction of the Trial Chamber (E36). As clarified in the Trial Chamber's Memorandum dated 3 February 2011 (E35), the Accused have until 14 February 2011 to file preliminary objections pursuant to Internal Rule 89. The Trial Chamber has also indicated that, after full reasons are provided by the Pre-Trial Chamber for its decision on the Closing Order appeals, it will consider whether or not to allow "limited, supplementary submissions" (E35).
2. In relation to such preliminary objections, Internal Rule 89(3) provides that the Trial Chamber "shall, as appropriate, issue its reasoned decision either immediately or at the same time as the judgment on the merits." Rule 89(2) provides that the Chamber "shall afford the other parties the opportunity to respond to the application." Rule 80bis(3) states that the Trial Chamber, at the initial hearing, "shall consider matters dealt with in Rule 89."
3. As the Chamber's 3 February 2011 memorandum does not address responses to preliminary objections, the Co-Prosecutors respectfully seek clarification from the Trial Chamber pursuant to Rule 89(2) on the procedure and timing for responses to preliminary objections. Based on their appeals of the Closing Order, it is anticipated that some or all of the Accused may make common jurisdictional objections. The Co-Prosecutors thus propose, in order to avoid repetitive briefs, that they be allowed to file a consolidated response where multiple Accused have raised the same jurisdictional objection. The Co-Prosecutors also seek clarification on when the Trial Chamber wishes those response briefs to be filed, and propose that any such responses be filed no later than 25 March 2011.

Respectfully submitted,

Date	Name	Place	Signature
9 February 2011	CHEA Leang Co-Prosecutor	Phnom Penh	
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