

**BEFORE THE SUPREME COURT CHAMBER  
EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA**

**FILING DETAILS**

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**CO-PROSECUTORS' ADDITIONAL AUTHORITIES AND  
REFERENCES TO OTHER MATERIAL FOR THE CASE 002/02 APPEAL  
HEARING**

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**Filed by:**

**Co-Prosecutors**  
CHEA Leang  
Brenda J. HOLLIS

**Distributed to:**

**Supreme Court Chamber**  
Judge KONG Srim, President  
Judge Chandra Nihal JAYASINGHE  
Judge SOM Sereyvuth  
Judge Florence Ndepele Mwachande MUMBA  
Judge MONG Monichariya  
Judge Maureen HARDING CLARK  
Judge YA Narin

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KHIEU Samphân

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**Copied to:**

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## I. Additional Authorities

1. On 16 June 2021, the Supreme Court Chamber (“SCC”) issued a Scheduling Order for the appeal hearing, which commences on 16 August, and ordered the Parties to file the legal authorities that they intend to rely on at the hearing by 9 August.<sup>1</sup> In a subsequent email,<sup>2</sup> the SCC’s Senior Legal Officer clarified that the Parties should only (i) file authorities that are *additional* to the ones they previously filed with their appeals of the Trial Judgment<sup>3</sup> and their responses to Parties’ appeals<sup>4</sup> and (ii) provide a copy of the additional authorities that are *not* easy accessible.
2. The Co-Prosecutors annex to this filing those additional authorities for their Appeal<sup>5</sup> (**Annex A**) and response to Khieu Samphan’s Appeal<sup>6</sup> (**Annex B**).

## II. References to Other Material

3. The Co-Prosecutors and their legal representatives will be referring to material (*e.g.*, documentary evidence) during the appeal hearing. To assist the SCC, and for time efficiency, non-exhaustive lists of those references are annexed to this filing. In relation to the Co-Prosecutors’ Appeal, it includes reference to fact evidence that the Trial Chamber ignored and which the SCC asked the Co-Prosecutors to identify<sup>7</sup> (**Annex C**).

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<sup>1</sup> **F66** Scheduling Order for the Appeal Hearing in Case 002/02, 16 Jun. 2021, EN 01673112.

<sup>2</sup> Email entitled “Re: Scheduling Order” from SCC Senior Legal Officer Jonas Nilsson, 23 Jun. 2021.

<sup>3</sup> **F50** Co-Prosecutors’ Appeal Against the Case 002/02 Trial Judgment, 20 Aug. 2019 (“Co-Prosecutors’ Appeal”); **F54** Khieu Samphan’s Appeal Brief (Case 002/02), 27 Feb. 2020; **F54.1.1** Annex A – Summary of Grounds for Khieu Samphan’s Appeal (002/02).

<sup>4</sup> **F50/1** Khieu Samphan Defence Response to the Prosecution’s Appeal in Case 002/02, 23 Sep. 2019; **F54/1** Co-Prosecutors’ Response to Khieu Samphan’s Appeal of the Case 002/02 Trial Judgment, 12 Oct. 2020 (“Co-Prosecutors’ Response to Appeal”); **F54/2** Civil Party Lead Co-Lawyers’ Response to Khieu Samphan’s Appeal of the Case 002/02 Trial Judgment, 4 Jan. 2021.


<sup>5</sup> **F50** Co-Prosecutors’ Appeal. *See also* **F50.1** Co-Prosecutors’ Appeal Against the Case 002/02 Trial Judgment – Table of Authorities, 20 Aug. 2019.

<sup>6</sup> **F54/1** Co-Prosecutors’ Response to Appeal. *See also* **F54/1.1** Co-Prosecutors’ Response to Khieu Samphan’s Appeal of the Case 002/02 Trial Judgment – Table of Authorities, 12 Oct. 2020.

<sup>7</sup> **F66.2** Annex 2: Co-Rapporteurs’ Report Pursuant to Internal Rule 108(5), 16 Jun. 2021, para. 67.

In response to Khieu Samphan's Appeal, the list concerns references for the hearing segments on jurisdiction and individual criminal responsibility (**Annex D**).

Respectfully submitted,

Date	Name	Place	Signature
9 August 2021	CHEA Leang National Co-Prosecutor	Phnom Penh	
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