

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

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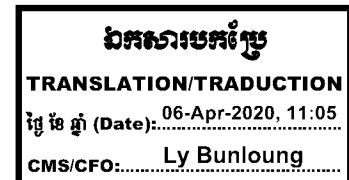
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**Response from KHIEU Samphân's Defence to the
Prosecution's Request for Additional Pages**

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To:

Supreme Court Chamber
Judge KONG Srim
Judge Chandra Nihal JAYASINGHE
Judge SOM Sereyvuth
Judge Florence Ndepele MWACHANDE-
MUMBA
Judge MONG Monichariya
Judge Maureen HARDING CLARK
Judge YA Narin

Co-Prosecutors
CHEA Leang
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All Civil Party Lawyers

MAY IT PLEASE THE SUPREME COURT CHAMBER

1. On 20 March 2020, the Prosecution requested that the Supreme Court Chamber (“Supreme Court”) grant them an additional 145 pages for their response to KHIEU Samphân’s appeal brief (“Request”) – increasing the total number of pages from 350 to 495.¹
2. KHIEU Samphân’s Defence (“Defence”) hereby objects to the excessive Request (almost an additional 42%), which is unjustified and would unnecessarily delay the proceedings.
3. Indeed, the Prosecution argues that it needs an additional 145 pages to respond to the allegations contained in the “expanded” appeal brief² including a 76-page annex with references to prior submissions³ which it estimates corresponds to at least 236 pages.⁴ However, neither the annex nor the references justify the need to increase the number of pages in order to respond to the brief.
4. Firstly, Annex A contains no additional allegations. It consists of tables containing summaries of the arguments already presented in the brief, clearly identifying the links between the errors identified in the Notice of Appeal which had a very different structure. Consequently, this annex is not an “integral part” of the brief and is not “essential”.⁵ This summary is an optional tool to help the reader navigate the 750-page brief with greater ease and understand the connection with the Notice of Appeal more quickly.
5. Although the Defence was under no obligation to do so, it carried out this time-consuming additional task in order to assist the Prosecution, since the latter had mentioned it had difficulties understanding in Case 002/01, even though the structure of the 210-page brief was almost identical to that of the Notice of Appeal.⁶ Although Annex A provides a better overview of the appeal brief, it is not essential to its understanding. Indeed, all the arguments that the Prosecution must respond to are contained in the 750 pages of the appeal brief.

¹ Co-Prosecutor’s Request Seeking Additional Pages for their Response to KHIEU Samphân’s Appeal Against the Judgment in the Case 002/02, 20 March 2020, **F55** (“Request”). The Defence received a courtesy copy of the French version from ITU on 23 March 2020.

² Request, para. 2 (“*expanded*” in the original English version).

³ Request, paras. 1-2, 10-11.

⁴ Request, para. 9.

⁵ Request, para. 8.

⁶ Decision on the Co-Prosecutor’s Request concerning KHIEU Samphân’s Appeal Brief, 16 January 2015, **F18/3**.

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6. Secondly, the references to prior submissions were provided to avoid unnecessary repetitions. The Prosecution has previously had the opportunity to respond to these submissions and may also make references, as previously noted by the Supreme Court in Case 002/01.⁷
7. Furthermore, the additional number of pages requested would result in delays in the appeals proceedings due to the inevitable proportional extension of the translation period, this translation being the starting point for subsequent delays.⁸
8. In conclusion, the requested extension is unfounded and would cause unnecessary delays in the proceedings.
9. **FOR THESE REASONS**, the Defence respectfully requests that the Supreme Court Chamber DISMISS the Request.

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⁷ Decision on the Request for Additional Pages and an Extension of the Deadline submitted by the Co-Prosecutors needed to respond to the Appeals by the Defence against the Judgement in [Case 002/01], 21 April 2015, **F23/1**, para. 9 (“As to any arguments by NUON Chea or KHIEU Samphân that may be incorporated by reference to earlier submissions, the Supreme Court Chamber considers this to be an efficient way of avoiding repetition, which is available to the Co Prosecutors as well.”).

⁸ Decision on Requests Concerning the Civil Party Lead Co-Lawyers Response to KHIEU Samphân Appeal, 6 December 2019, **F52/1**, paras. 28 and 30.

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