

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

FILING DETAILS

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**CO-PROSECUTORS' RESPONSE TO THE CIVIL PARTY LEAD CO-LAWYERS'
REQUEST TO POSTPONE THE APPEAL HEARING
PLANNED FOR 17-21 MAY 2021**

Filed by:

Co-Prosecutors
CHEA Leang
Brenda J. HOLLIS

Distributed to:

Supreme Court Chamber
Judge KONG Srim, President
Judge C. N. JAYASINGHE
Judge SOM Sreyvuth
Judge Florence Ndepele MUMBA
Judge MONG Monichariya
Judge Maureen HARDING CLARK
Judge YA Narin

Accused
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Civil Party Lead Co-Lawyers
PICH Ang
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All Co-Lawyers for Civil Parties

RESPONSE

1. In light of the current situation in Cambodia and the Case 002/02 appeal hearings that are presently scheduled for the week of 17 May 2021, the Civil Party Lead Co-Lawyers requested that the Supreme Court Chamber (“SCC”) postpone the hearings (“Postponement Request”) until at least July 2021 in order to put modalities in place that would best preserve the value of the appeal hearings while also safeguarding the health of the participants as much as possible.¹ The Postponement Request particularly noted the importance of having Civil Parties present at the hearings and asked that steps be taken to facilitate that in recognition of their status as parties to the proceedings.
2. The Co-Prosecutors incorporate by reference the procedural history and applicable law set out in the Postponement Request.²
3. The Co-Prosecutors note that the Postponement Request raises relevant issues that must be successfully resolved before any oral argument can be heard, particularly in light of the current COVID-19 restrictions in Phnom Penh and the uncertainties surrounding their resolution by the date of the currently scheduled hearings. They also note the Lead Co-Lawyers’ view that some form of in-person participation by all parties is important for both the public perception of the Court and for best engagement in the proceedings.³
4. The Co-Prosecutors view the resolution of these matters to be within the sound discretion of the SCC and are confident that the SCC will put necessary measures in place to balance the rights of all parties during the hearing with the safety of the participants. It is requested that the SCC decide the matter expeditiously and notify the parties as soon as possible, either formally or informally, to bring timely certainty to the scheduling of the hearing and permit timely decision-making regarding travel arrangements of participants outside Cambodia.

Respectfully submitted,

Date	Name	Place	Signature
27 April 2021	CHEA Leang National Co-Prosecutor	Phnom Penh 	
	Brenda J. HOLLIS International Co-Prosecutor		

¹ **F61** Civil Party Lead Co-Lawyers’ Request to Postpone the Appeal Hearing Planned for 17-21 May 2021, 23 April 2021 (“Postponement Request”).

² **F61** Postponement Request, paras 3-15 (Procedural history), 16-21 (Applicable Law).

³ **F61** Postponement Request, paras 22-64.