

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

FILING DETAILS

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**CO-PROSECUTORS' RESPONSE TO THE URGENT REQUEST TO REINSTATE THE
NUON CHEA DEFENCE TEAM**

Filed by:

Co-Prosecutors
CHEA Leang
Brenda J. HOLLIS
(Reserve)

Distributed to:

Supreme Court Chamber
Judge KONG Srim, President
Judge C. N. JAYASINGHE
Judge SOM Sereyvuth
Judge Florence Ndepele MUMBA
Judge MONG Monichariya
Judge Maureen HARDING CLARK
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Accused
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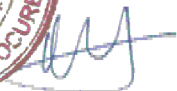
Civil Party Lead Co-Lawyer
PICH Ang

Counsel for KHIEU Samphan
KONG Sam Onn
Anta GUISSÉ

RESPONSE

1. On 13 August 2019, Nuon Chea's Defence Team filed an urgent Request¹ to the Supreme Court Chamber ("SCC") for its full reinstatement.² This Request followed the ECCC Administration's decision, after the death of Nuon Chea on 4 August 2019,³ to terminate the Team's consultants' contracts as of 23 August 2019 and the three co-lawyers' contracts from 31 August 2019.⁴ Shortly after the Request was filed, the SCC issued a decision terminating the proceedings against Nuon Chea, but remained seised⁵ of his Defence Team's urgent Request concerning the impact on appeal proceedings of Nuon Chea's death prior to any appeal judgment ("Urgent Request on the Impact of Nuon Chea's Death").⁶
2. The Co-Prosecutors are of the view that it is in the interests of the proper administration of justice for Nuon Chea's co-lawyers to maintain standing before the SCC until the Urgent Request on the Impact of Nuon Chea's Death has been decided, and any direct consequences flowing from that decision have been resolved. As proceedings against Nuon Chea have now been terminated, such standing should be limited to this specific purpose.
3. The Co-Prosecutors do not take a position on the Defence Team's budgetary and personnel requirements to fulfil this role beyond the observation that the co-lawyers (and consultants as required) should be afforded such resources, including access to the Case 002 case file, as to enable them to function for this purpose in a meaningful and effective way, sufficient to guarantee adequate representation, until the SCC determines otherwise.

Respectfully submitted,

| Date | Name | Place | Signature |
|----------------|---|------------|---|
| 22 August 2019 | CHEA Leang, National Co-Prosecutor | Phnom Penh |  |
| | William SMITH, International Deputy Co-Prosecutor for Brenda J. HOLLIS, International Co-Prosecutor (Reserve) | |  |

¹ **F46/4** Urgent Request to Reinstate Nuon Chea Defence Team, 13 August 2019 ("Request"), notified in English and Khmer on 20 August 2019.

² **F46/4** Request, paras 1, 22.

³ **F46/1.1** Nuon Chea Death Certificate, 4 August 2019.

⁴ **F46/4** Request, paras 9-10.

⁵ **F46/3** Decision to Terminate Proceedings Against Nuon Chea, 13 August 2019, para. 8.

⁶ **F46/2** Urgent Request Concerning the Impact on Appeal Proceedings of Nuon Chea's Death Prior to the Appeal Judgement, 6 August 2019 ("Urgent Request on the Impact of Nuon Chea's Death").