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

FILING DETAILS

Case No: 002/19-09-2007/ECCC/SC Party Filing: Co-Prosecutors

Filed to: Supreme Court Chamber Original Language: English

Date of document: 31 March 2023

CLASSIFICATION

Classification of the document

suggested by the filing party: PUBLIC

Classification by Supreme Court Chamber: MMM:/Public

Classification Status:

Review of Interim Classification:

Records Officer Name:

Signature:

CO-PROSECUTORS' RESPONSE TO KHIEU SAMPHAN'S "Observations après le transfert de KHIEU Samphân en détention la prison provinciale de KANDAL et la réponse de l'administration en date du 23 février 2023"

TABLE OF AUTHORITIES

Filed by: **Distributed to: Co-Prosecutors Supreme Court Chamber** Accused Judge KONG Srim, President CHEA Leang KHIEU Samphan Fergal GAYNOR Judge C. N. JAYASINGHE (Reserve) Judge SOM Sereyvuth Lawyers for the Defence Judge Florence Ndepele MUMBA KONG Sam Onn Judge MONG Monichariya Anta GUISSÉ Judge Phillip RAPOZA Judge YA Narin Copied to:

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ECCC LAW

Core Legal Documents

(Not included - available in the ECCC Legal Compendium or on the ECCC website)

- 1. Extraordinary Chambers in the Courts of Cambodia, Internal Rules (Rev. 10) as revised on 27 October 2022, IR 112.
- 2. Addendum to the Agreement between the Royal Government of Cambodia and the United Nations concerning the Prosecution under Cambodian law of crimes committed during the period of Democratic Kampuchea on the Transitional Arrangements and the Completion of the Work of the Extraordinary Chambers, New York and Phnom Penh, 11 August 2021 and 26 August 2021, art. 2(1).

Jurisprudence

Supreme Court Chamber (SCC)

Case 002

- 3. **F76** Appeal Judgment, 23 December 2022.
- 4. **F71/1/18** Decision on Guidelines for Reclassification of Documents on Case File 002, 20 March 2023.

INTERNATIONAL LAW

United Nations (UN) Documents

- 5. International Law Commission, Draft Statute of the International Criminal Court, with commentaries, 1994, A/49/10, art. 50. (Exceeds 10 pages excerpt attached) (Authority 1)
- 6. International Covenant on Civil and Political Rights, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171, art. 2. (Exceeds 10 pages excerpt attached) (Authority 2)

Jurisprudence

International Criminal Tribunal for Rwanda (ICTR)

7. Prosecutor v. Barayagwiza, Case No. ICTR-97-19-AR72, Decision (Prosecutor's Request for Review or Reconsideration), 31 March 2000, Separate Opinion of Judge Shahabudeen, para. 2. (Authority 3)