

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

**FILING DETAILS**

**Case No:** 002/19-09-2007-ECCC/SC

**Party Filing:** Civil Party Lead Co-Lawyers

**Filed to:** Supreme Court Chamber

**Original Language:** EN

**Date of Document:** 12 March 2021

**CLASSIFICATION**

**Classification of the document:** PUBLIC  
**suggested by the filing party:**  
**Classification by Chamber:** សាធារណៈ/Public  
**Classification Status:**  
**Review of Interim Classification:**  
**Records Officer Name:**  
**Signature:**




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**CIVIL PARTY LEAD CO-LAWYERS' OBSERVATIONS ON THE PROPOSED  
TIMETABLE FOR THE CASE 002/02 APPEAL HEARING**

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**Filed by:**

**Civil Party Lead Co-Lawyers**

PICH Ang  
Megan HIRST

**Co-Lawyers for Civil Parties**

CHET Vanly	Olivier BAHOUGNE
HONG Kim Suon	Laure DESFORGES
KIM Mengkhy	Ferdinand DJAMMEN NZEPA
LOR Chunthy	Isabelle DURAND
MOCH Sovannary	Françoise GAUTRY
SIN Soworn	Emmanuel JACOMY
SAM Sokong	Martine JACQUIN
VEN Pov	Yiqiang Y. LIU
TY Srinna	Daniel LOSQ
	Christine MARTINEAU
	Lyma NGUYEN
	Mahesh RAI
	Nushin SARKARATI

**Before:**

**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

**Distribution to:**

**Office of the Co-Prosecutors**

CHEA Leang  
Brenda J. HOLLIS

**The Accused**

KHIEU Samphân

**Co-Lawyers for the Defence**

KONG Sam Onn  
Anta GUISSÉ

1. The Civil Party Lead Co-Lawyers (“Lead Co-Lawyers”) file these submissions in response to the invitation<sup>1</sup> from the Supreme Court Chamber (“Chamber”) for observations on its proposed timetable for the Case 002/02 appeal hearing (the “Proposed Timetable”).<sup>2</sup>
2. The Lead Co-Lawyers first note that these submissions are constrained by two factors. The Chamber has not yet provided a list of specific questions for the parties to address in oral argument. And secondly, the topics indicated in the Proposed Timetable are general and open to interpretation.
3. Regarding the sufficiency of time allocated, the Lead Co-Lawyers request only one modification to the Proposed Timetable. They note that under the heading “Grounds of appeal relating to the crimes for which KHIEU Samphân was convicted” (“Crimes”), the parties have been allocated 45 minutes (Defence), 40 minutes (Office of the Co-Prosecutors), and 40 minutes (Lead Co-Lawyers). The Lead Co-Lawyers submit that considering the number and complexity of arguments relating to Crimes, this allocation is likely to be insufficient. The Lead Co-Lawyers’ Response Brief used approximately 148 pages (48% of the total pages) to address these issues,<sup>3</sup> and it is to be expected that the Defence will provide substantial replies on those arguments which may need to be addressed. The Lead Co-Lawyers therefore respectfully request an additional 20 minutes to address matters relating to this topic.
4. Finally, the Lead Co-Lawyers note that the above request is premised on an understanding that the Crimes topic includes matters relating to the definition of the crimes (their elements) and also to legality. As reflected in the structure of their written submissions, the Lead Co-Lawyers consider these matters to be interrelated and therefore most conveniently dealt with together. However should the Chamber intend for questions of legality to be dealt with under the topic of “Grounds relating to the Trial Chamber’s

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<sup>1</sup> F60 Invitation for Parties to File Observations on Timetable for Appeal Hearing in Case 002/02, 26 February 2021.

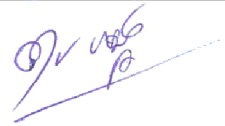
<sup>2</sup> F60.1 Invitation for Parties to File Observations on Timetable for Appeal Hearing in Case 002/02, Annex – Timetable for the Hearing, 26 February 2021.

<sup>3</sup> F54/2 Civil Party Lead Co-Lawyers’ Response to KHIEU Samphân’s Appeal of the Case 02/02 Trial Judgment, 4 January 2012, pp. 105-253.

jurisdiction” (“Jurisdiction”), the Lead Co-Lawyers would request that their time allocation be adjusted to allow 40 minutes for Jurisdiction, and 40 minutes for Crimes.

5. Additionally, should the Defence request additional time on a topic for which the Lead Co-Lawyers have been allocated time, and that request is granted, the Lead Co-Lawyers request that their time be increased proportionally in order to properly engage with the arguments raised during the increased time allotment.

Respectfully submitted,

Date	Name	Place	Signature
12 March 2021	PICH ANG National Lead Co-Lawyer	Phnom Penh	
	Megan HIRST International Lead Co-Lawyer	Phnom Penh	