

e2/45/2

MANDATE & TERMS OF ENGAGEMENT

Appointment of National Co-Lawyer in the Proceedings Against Kaing Guek Eav (alias "Duch"), Criminal Case File No. 001/18-07-2007/ECCC/OCP before the Extraordinary Chambers of the Courts of Cambodia ("ECCC") and according to ECCC Internal Rules 23, 83 and 100:

Last Name: Sman

First Name: Sa

Date of Birth/Age: 67 years old

Address: Cham Leu Village, Prekthmei Sub-district, Koh Thom District, Kandal Province

Telephone: 092 617473

ឯកសារដើម	
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL	
ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Date de réception): 22 / 01 / 2009	
ម៉ោង (Time/Heure): 16:00	
មន្ត្រីទទួលបន្ទុកឯកសារ/Case File Officer/L'agent chargé du dossier: CA 7/11	

I hereby appoint Ms. Srinna Ty, Cambodian Lawyer, as the National Co-Lawyer on my behalf in these proceedings from the date of this mandate to the end of the trial. Ms. Ty is admitted by the Bar Association of the Kingdom of Cambodia. I intend to appoint an International Co-Lawyer as Lead Counsel at a date in the near future.

I authorise the National Co-Lawyer to receive service of documents of all kinds in relation to my case.

Furthermore, I grant the National Co-Lawyer the right to delegate the powers conferred hereunder to national and/or international lawyers admitted by the Bar Association of the Kingdom of Cambodia. Until such time as I appoint an International Co-Lawyer as Lead Counsel, I accept that the she has the authority to appoint a team to assist and support her in the discharge of her duties as my National Co-Lawyer. Until such time as I appoint an International Co-Lawyer as Lead Counsel, I authorise the National Co-Lawyer to have full control over the appointment and management of my team.

Specifically, I authorise my National Co-Lawyer to appoint the following international lawyers as part of my legal team: Mr. Karim Khan (United Kingdom), Mr. Alain Werner (Switzerland) and Ms. Brianne McGonigle (United States).

In providing representation, the National Co-Lawyer shall act competently, independently, with due care and diligence and in full compliance with the highest professional standards and the applicable codes of conduct. The National Co-Lawyer undertakes not to engage in any activity or conduct that is incompatible with the discharge of her duties and the integrity of the legal profession.

When representing the client, the National Co-Lawyer shall, *inter alia*:

ឯកសារច្បាប់តាមប្រព័ន្ធគ្រប់គ្រងឯកសារ	
CERTIFIED COPY/COPIE CERTIFIÉE CONFORME	
ថ្ងៃ ខែ ឆ្នាំ ច្បាប់ (Certified Date/Data de certification): 27 / 01 / 2009	
មន្ត្រីទទួលបន្ទុកឯកសារ/Case File Officer/L'agent chargé du dossier: CA 4/11	

- (i) abide by the client's decisions concerning the objectives of the representation;
- (ii) consult with the client about the means by which those objectives are to be pursued, but is not bound by the client's decision;
- (iii) seek or accept only those instructions which emanate from the client and which are not given as the result of an inducement from any person, organisation or State; and
- (iv) work collaboratively with the International Co-Lawyer as Lead Counsel (once appointed) in the client's best interests.

I undertake to provide promptly to the National Co-Lawyer my full instructions and all necessary information as requested in the course of her representation. Our communications will be privileged and confidential and shall be treated at all times in accordance with the applicable codes of conduct. The National Co-Lawyer shall keep me properly informed of the status and developments in the case.

I hereby request that the Court officially recognize Ms. Srinna Ty as my National Co-Lawyer from this date on. I will endeavour to inform the Court of my choice of International Co-Lawyer as soon as possible.

Signature or right thumbprint of the Civil Party or the person recognized to be acting on his/her behalf:

[thumb printed]

Name: ___ Sman Sa ___ (Civil Party)

Date: ___ 23 December 2008 ___ (Day/Month/Year)

Place: ___ Kampong Cham ___ (City/Country)

Signature of National Co-Lawyer:

[signature and stamped]

Name: Ms. Srinna Ty, Lawyer

Date: ___ 31 December 2008 ___ (Day/month/year)

Place: ___ Phnom Penh ___ (City/Country)