

Kingdom of Cambodia

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Extraordinary Chambers in the Courts of Cambodia

Greffiers of the Co-Investigating Judges of the Extraordinary Chambers in the Courts of Cambodia

Name: LY Chantola

SOM Ratana



Case File Reference No.: 002/19-09-2007-ECCC-OCIJ

Subject: Status of Civil Party Applications

Dear Ms. Lyma Thuy NGYEN, Mr. Mahdev MOHAN and Mr NY Chandy,

Please find attached a letter from the Co investigating judges in reference to your clients identified by the following Victims Unit Registration number.

- 08-VU-02116 (D22/172)
- 08-VU-02130 (D22/102)
- 08-VU-02267 (D22/135)
- 08-VU-02378 (D22/276)
- 08-VU-02379 (D22/125)
- 08-VU-02380 (D22/171)
- 08-VU-2291 (D22/205)
- 09-VU-00638 (D22/134)
- 09-VU-00641 (D22/101)
- 09-VU-00685 (D22/287)
- 09-VU-00686 (D22/285)
- 09-VU-00687 (D22/284)
- 09-VU-00688 (D22/286)
- 09-VU-01722 (D22/278)
- 09-VU-01723 (D22/277)
- 09-VU-02136 (D22/258)
- 09-VU-02138 (D22/260)
- 09-VU-02141 (D22/263)
- 09-VU-02142 (D22/264)
- 09-VU-02143 (D22/265)
- 09-VU-02144 (D22/266)
- 09-VU-02145 (D22/267)
- 09-VU-02146 (D22/268)
- 09-VU-02147 (D22/269)
- 09-VU-02148 (D22/270)
- 09-VU-02150 (D22/272)
- 09-VU-02151 (D22/273)
- 09-VU-02239 (D22/282)
- 09-VU-02240 (D22/283)
- 09-VU-02241 (D22/279)
- 09-VU-02242 (D22/280)
- 09-VU-02243 (D22/281)
- 09-VU-04265 (D22/274)

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ORIGINAL DOCUMENT/DOCUMENT ORIGINAL

ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Date de reception):
 05 / 03 / 2010

ម៉ោង (Time/Heure): 09 : 15

មន្ត្រីទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé
 du dossier: SACN RADA

បញ្ជីចម្លងបញ្ជាក់ថាដើមត្រឹមត្រូវ

CERTIFIED COPY/COPIE CERTIFIÉE CONFORME

ថ្ងៃ ខែ ឆ្នាំ ត្រឹមត្រូវបញ្ជាក់ (Certified Date/Date de certification):
 05 / 03 / 2010

មន្ត្រីទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé
 du dossier: Ratamak



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា
Extraordinary Chambers in the Courts of Cambodia
Chambres Extraordinaires au sein des Tribunaux Cambodgiens

BUREAU DES CO-JUGES D'INSTRUCTION
OFFICE OF THE CO-INVESTIGATING JUDGES

Phnom Penh, 04 March 2010

Sir/Madam,

Upon receipt of your Civil Party application, you were informed by letter that your application had been placed on the case file. This notice was not a judicial act and the Co-Investigating Judges must decide on the admissibility of Civil Party applications at the latest by the issuance of the Closing Order.

We have considered your Civil Party application in accordance with Rule 23 of the ECCC Internal Rules.

It does contain important information concerning the facts which occurred between 17 April 1975 and 6 January 1979 during the period of the Khmer Rouge regime of Democratic Kampuchea.

However, the crimes you describe in your application are not directly connected to the scope of the investigation as defined by the Co-Prosecutors in the context of Case File 002 (see Press Release of 5 November 2009). The Co-Prosecutors have seised the Co-Investigating Judges of some specific facts to investigate. The Co-Investigating Judges are bound by the scope of this investigation, and under Rule 23(1) of the Internal Rules, victims of a crime within the jurisdiction of the ECCC can only join in the proceedings launched by the Co-Prosecutors as civil parties, by supporting the prosecution; they may therefore be admitted to participate as civil parties only if the injury they are alleging is connected to one of the facts under investigation. It is important to understand that the Co-Prosecutors could not seise the Co-Investigating Judges of all facts that could come within the jurisdiction of the ECCC, as this would delay the conclusion of the proceedings indefinitely. It is in the interests of all, and first and foremost the victims, for the present proceedings to be brought to a conclusion expeditiously, so as to ensure that justice is rendered without undue delay.

Nonetheless, your complaint is a very important contribution to the ascertainment of the truth and, as such, it will remain on the official case file.

We also wish to emphasise that the decision to declare your Civil Party application inadmissible does not in any way mean that you are not recognized as a victim of the



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crimes within the jurisdiction of the ECCC. The ECCC will use the information contained in your application for the remainder of the proceedings.

The Co-Investigating Judges will render a decision known as a Closing Order thereby bringing the ongoing proceedings to a close in the course of the year 2010.

We hope that these explanations have provide you with a better understanding of the reasons for the decision concerning your Civil Party application,

Sincerely,

YOU Bunleng

Marcel LEMONDE



