



អង្គបុរេជំនុំជម្រះ

PRE-TRIAL CHAMBER
CHAMBRE PRELIMINAIRE

Criminal Case File N° 002/19-09-2007-ECCC/OCIJ (PTC03)

Before: Judge PRAK Kimsan, President
Judge Rowan DOWNING
Judge NEY Thol
Judge Katinka LAHUIS
Judge HUOT Vuthy

Date: 14 July 2008

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ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Date de reception):14...../July.....2008.....
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FURTHER DIRECTIONS CONCERNING APPLICATION FOR RECONSIDERATION OF CIVIL PARTY'S RIGHT TO ADDRESS THE CHAMBER

Co-Prosecutors

CHEA Leang
Robert PETIT
YET Chakriya
William SMITH
TAN Senarong
Anees AHMED

Charged Person

IENG Sary

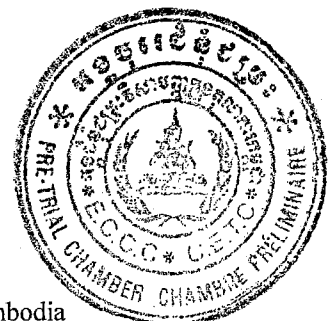
Lawyers for the Civil Parties

HONG Kim Suon
LOR Chunthy
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Co-Lawyers for the Defence

ANG Udom
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ឯកសារបានបញ្ជាក់តាមច្បាប់
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C22 / I / 59

1. **THE PRE-TRIAL CHAMBER** of the Extraordinary Chambers in the Courts of Cambodia (“ECCC”) notes the “Application of Reconsideration on Civil Party’s Right to Address Pre-Trial Chamber” (“Application”) which was filed by the Civil Party Seng Theary (the “Civil Party”) on 4 July 2008, and the “Directions to Parties concerning Application for Reconsideration of Civil Party’s Right to Address the Chamber” filed by the Pre-Trial Chamber on 8 July 2008.
2. On 10 July 2008, the Pre-Trial Chamber received a letter from Ms. Sarah Thomas of the Documentation Centre of Cambodia, dated 4 July 2008, in which reference is made to the interest of as yet unrepresented Civil Parties in the Co-Investigating Judges’ Case File 001 in the Pre-Trial Chamber’s decision on the Application.
3. Recognising the potential impact of its decision on the Application on as yet unrepresented Civil Parties, the Pre-Trial Chamber finds that it would be in the interests of justice in these circumstances to open up the opportunity to respond to the Application.

THEREFORE, THE PRE-TRIAL CHAMBER HEREBY DIRECTS:

That any responses by Civil Parties in the Co-Investigating Judges’ Case File 001 and any responses by the Co-Lawyers for the other Charged Persons, must be filed by 4pm on 21 July 2008.

All submissions must comply with the Practice Direction on the Filing of Documents before the ECCC, ECCC/01/2007/Rev.2. or

Phnom Penh, 14 July 2008

President, Pre-Trial Chamber



PRAK KIMSAN

មជ្ឈមណ្ឌលឯកសារកម្ពុជា

Pre-Trial Chamber,
Extraordinary Chambers in the Courts of Cambodia,
National Road 4,
Chaom Chau Commune,
Dangkao District,
Phnom Penh.

Friday, July 4th, 2008

To the Judges of the Pre-Trial Chamber:

I am Sarah Thomas, Legal Fellow with the Victim Participation Project at the Documentation Center of Cambodia (DC-Cam). As you may know, DC-Cam has been operating this Project since October 2007 to assist survivors of the Democratic Kampuchea regime to exercise their right to participate in Court proceedings. To date, our Project has submitted over 1,000 Victim Information Forms to the ECCC Victims Unit.

I am writing concerning your Chamber's decisions of July 1st and 2nd on direct participation by civil parties in pre-trial appeals. As I understand, these decisions preclude civil parties - whether or not represented by a lawyer - from making oral submissions in such appeals. Most worryingly, the July 2nd decision clearly leaves unrepresented civil parties without a voice in the proceedings.

Today Ms. Keat Bophal of the Victims Unit has kindly confirmed that eight civil party applicants assisted by our Project are in the process of being joined to Case No. 1 (one of whom is already joined, as I understand). These civil parties and applicants remain unrepresented as we continue to search for appropriate legal representatives for them. As they remain unrepresented, your decisions of July 1st and 2nd would bar their participation in any pre-trial appeals which may be made by the Charged Person in the future. I find it most worrying that the rights of these individuals have been limited before they have been afforded an opportunity to make submissions - written or oral - on this issue.

I note that, on July 2nd, the unrepresented civil party whose request to make oral submissions had been denied indicated that she had submitted a "request for reconsideration" of the decisions. During the hearing, Judge Lahuis indicated that your Chamber would consider this request in due course. **As any such decision would impinge upon the rights of the civil parties and applicants assisted by our Project, I would like to know if it would be possible for them (individually or as a group) to submit a short brief or briefs setting forth arguments on this issue.** If possible, please indicate the appropriate Rule pursuant to which such a brief or briefs may be submitted and any relevant page limit.

Thank you very much and I look forward to hearing from you.

Yours truly,

SARAH THOMAS
Legal Fellow
Victim Participation Project
Documentation Center of Cambodia
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