



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

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

TO: All parties  
A: Victims Unit

Date 27 January 2009

FROM: You Bunleng  
DE: Marcel Lemonde

Co-Investigating Judges

PUBLIC

SUBJECT: Filing of Civil Party Applications and Complaints  
OBJET:

REF: 002/19-09-2007-ECCC-OCIJ

<b>ឯកសារទទួល</b>		
DOCUMENT RECEIVED/DOCUMENT REÇU		
ថ្ងៃ ខែ ឆ្នាំ (Date of receipt/Date de réception):		
..... 28 .....	01 .....	2010 .....
លេខសៀវភៅឯកសារ/Case File Number/L'agent chargé		
du dossier:..... 13 - 615 .....		
ឈ្មោះមន្ត្រីទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé		
du dossier:..... SANN RADA .....		
<b>ឯកសារត្រឹមត្រូវតាមច្បាប់</b>		
CERTIFIED COPY/COPIE CERTIFIÉE CONFORME		
ថ្ងៃ ខែ ឆ្នាំ ត្រឹមត្រូវតាមច្បាប់ (Certified Date /Date de certification):		
..... 28 .....	01 .....	2010 .....
ឈ្មោះមន្ត្រីទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé		
du dossier:..... Ratanak .....		

1. The filing of complaints and civil party applications is subject to a specific set of rules that differ from the regime applicable to investigative acts in a number of respects.<sup>1</sup>
2. Given that some clarification is indispensable relating to the practical organization of this process, this Memorandum aims to provide the Victims Unit with the details necessary to provide information to complainants and civil parties, set the applicable time limits and inform the parties thereof.
3. Pursuant to Internal Rule 23(3), a Victim has fifteen days after the Co-Investigating Judges notify the parties of the conclusion of the judicial investigation to submit an application to the ECCC Victims Unit to be joined as a Civil Party. In Case No. 002 the deadline is **29 January 2010** at 7p.m.
4. All Victim Information Forms – whether civil party applications or complaints – submitted to the Victims Unit will be processed and filed with the appropriate judicial office.

<sup>1</sup> See. Internal Rules 23 and 49; for an illustration from related French jurisprudence, see also *Cass. crim., 26 sept. 2000 : Juris-Data n° 2000-006258 ; Bull. crim., n° 276* : “A civil party application filed within the time limit after notification of the conclusion of the judicial investigation does not amount to an investigative act”.



### Civil Party Applications

5. As regards civil party applications received **before** the expiry of the above-mentioned deadline, the Victims Unit shall submit to the Co-Investigating Judges:
  - a. all the civil party applications relating to Case No. 002 within 2 months of expiry of the deadline, that is, by 29 March 2010.
  - b. any supplementary information provided to complete an initial application, within 3 months of expiry of the deadline, that is, by 29 April 2010.
6. Pursuant to Internal Rule 23, the Co-Investigating Judges will place all such civil party applications on the Case File under case file reference No. D22.
7. Orders regarding admissibility of the civil parties will be issued on an ongoing basis and in any event by the time of the Closing Order.
8. Any civil party applications submitted after the deadline set out in Internal Rule 23(3) will be rejected.
9. Applicants who allege harm as a result of a crime falling within the jurisdiction of the ECCC, but whose civil party application is declared inadmissible, will remain on the case file under case file reference No. D230/2 as complaints, unless instructions to the contrary are received from the Co-Prosecutors.

### Complaints

10. As regards Complaints, the Co-Investigating Judges recall that the Co-Prosecutors have decided to set the deadline for the submission of complaints in Case No. 002 at 8 February 2010.<sup>3</sup>
11. Should the Co-Prosecutors decide, pursuant to Internal Rule 49, to forward any complaints to the Co-Investigating judges, they will be placed on the case file under case file reference No. D230/1 or D230/2, depending on whether or not they lend support to the factual allegations contained in the introductory and supplementary submissions.

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<sup>3</sup> Press release by the Co-Prosecutors [http://www.eccc.gov.kh/english/news.view.aspx?doc\\_id=332](http://www.eccc.gov.kh/english/news.view.aspx?doc_id=332)

