

E 7 2 | 1

**BEFORE THE TRIAL CHAMBER
EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA**

Case Number: 001/18-07-2007-ECCC/TC
Date of Document: 30 June 2009
Filing Party: Office of the Co-Prosecutors
Original Language: Khmer
Suggested Classification: Public

ឯកសារដើម	
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL	
ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/date de reception):	
30 / 06 / 2009	
ម៉ោង (Time/Heure) : 16:00	
មន្ត្រីទទួលបន្ទុកសំណុំរឿង / Case File Officer/L'agent chargé du dossier: C.A. Jay	

**CO-PROSECUTORS' RESPONSE TO CERTAIN CIVIL PARTIES' REQUEST ON THE
STANDING OF CIVIL PARTY LAWYERS TO MAKE
SUBMISSIONS ON SENTENCING**

Filed by:

**Office of the
Co-Prosecutors:**
Ms. CHEA Leang
Mr. Robert PETIT
Mr. YET Chakriya
Mr. William SMITH
Mr. SENG Bunkheang
Mr. Anees AHMED

Distribute to:

Trial Chamber:
Judge NIL Nonn, President
Judge Silvia CARTWRIGHT
Judge YA Sokhan
Judge Jean-Marc LAVERGNE
Judge THOU Mony

**Counsel for the Applicant
Civil Parties:**

Mr. Karim A. A. Khan
Ms. TY Srinna
Mr. Alain WERNER
Ms. Brianne McGONIGLE
Mr. KONG Pisey
Mr. HONG Kimsuon
Mr. YUNG Panith
Ms. Silke STUDZINSKY

ឯកសារបានកម្រិតតាមច្បាប់ដើម	
CERTIFIED COPY/COPIE CERTIFIÉE CONFORME	
ថ្ងៃ ខែ ឆ្នាំ ត្រឹមត្រូវ (Certified Date /Date de certification):	
07 / JUL / 2009	
មន្ត្រីទទួលបន្ទុកសំណុំរឿង / Case File Officer/L'agent chargé du dossier: C.A. Jay	

**Counsel for the
Accused:**

Mr. KAR Savuth
Mr. François ROUX

I. INTRODUCTION

1. Civil parties group 1 and group 2 (“Applicants”) have requested a ruling on the standing of civil party lawyers to make submissions on sentencing (“Request”).¹

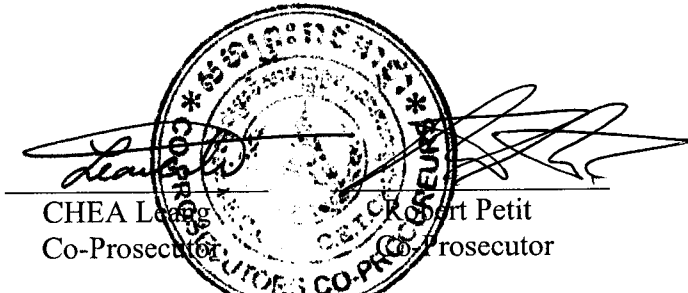
II. OBSERVATIONS

2. The ECCC Law, the Internal Rules and the Cambodian Code of Criminal Procedure contain no prohibition on the submissions of civil party lawyers on sentencing. On the other hand, it appears that practice in Cambodian courts seems to allow such submissions.

III. CONCLUSION

3. In view of this, the Co-Prosecutors do not take any position on the civil party lawyers’ right to make submissions on sentencing. Should the Trial Chamber consider granting this Request, the Co-Prosecutors respectfully submit that the Trial Chamber considers this Request in the light of the fact that in Case File Nos. 001 and 002 there may be potentially numerous civil parties and there may be a necessity to regulate their submissions consistent with fair trial standards.

Respectfully submitted,



CHEA Leang
Co-Prosecutor

Robert Petit
Co-Prosecutor

Signed in Phnom Penh, Kingdom of Cambodia on the thirtieth day of June 2009.

¹ *Case of Kaing Guek Eav alias Duch, Groups 1 and 2 Civil Parties’ Co-Lawyers’ Joint Request for a Ruling on the Standing of Civil Party Lawyers to Make Submissions on Sentencing, Case File No. 001/18-07-2007-ECCC/TC (PTC E72), 9 June 2009.*