



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា
 Extraordinary Chambers in the Courts of Cambodia
 Chambres extraordinaires au sein des tribunaux cambodgiens

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

Kingdom of Cambodia
 Nation Religion King
 Royaume du Cambodge
 Nation Religion Roi

Practice Direction ECCC/01/2007/Rev.3

FILING OF DOCUMENTS BEFORE THE ECCC

The Rules and Procedure Committee of the Extraordinary Chambers in the Courts of Cambodia (ECCC),

CONSIDERING the Agreement between the United Nations and the Royal Government of Cambodia Concerning the Prosecution under Cambodian law of Crimes committed during the Period of Democratic Kampuchea, signed on 6 June 2003 (hereinafter referred to as ‘the Agreement’),

CONSIDERING the Law on the Establishment of the Extraordinary Chambers in the Courts of Cambodia with inclusion of the amendments as promulgated on 27 October 2004 (hereinafter referred to as ‘ECCC Law’),

CONSIDERING the Internal Rules of the ECCC, adopted by the Plenary Session of Judges on 12 June 2007 and signed into force on 19 June 2007,

ACTING in accordance with Rule 20(3) of the ECCC Internal Rules, which entitles the Rules and Procedure Committee to adopt Practice Directions relating to the functioning of the ECCC, subject to review in the subsequent Plenary Session,

HEREBY ISSUE this Practice Direction on filing of documents (hereinafter referred to as ‘Practice Direction ECCC/01/2007/Rev.3’)

Article 1: Opening and Numbering of Case Files:

1.1 The Office of the Co-Investigating Judges (OCIJ) shall open a new case file upon the filing of an Introductory Submission and shall assign a case number to the file.

1.2. The following symbols shall be used in assigning a case number (e.g. **01/31-07-2007-ECCC/OCIJ**)

- a. 01 - Sequential number of the case
- b. 31-07-2007 – Date on which the case file was opened.
- c. ECCC – Extraordinary Chambers in the Courts of Cambodia.
- d. The Organ before which the document is lodged. The following initials will be used in this respect:

OCIJ Office of the Co-Investigating Judges

PT Pre Trial Chamber

- TC Trial Chamber
- SC Supreme Court Chamber

1.3 The following symbols shall be used by the greffier to identify documents in the case file:

D) During Judicial Investigations:

In addition to the Case Number, the following symbols identified in bold shall be used in assigning a sequential and category number of the document (e.g. 01/31-07-2007-ECCC/OCIJ-**001-B4**)

- a. 001 – Sequential number of the document.
- b. B4 – This is allocated by the greffier as directed by the Co-Investigating Judges and represents the sub-folder category and document number therein. The number following the letter signifies the document number within the sub-folder.

Sub-folder Categories:

- A – Form
- B – Personality
- C – Detention and Bail Conditions
- D – Substance

II) During Trial Proceedings:

E – Trial Proceedings is to be used as the only symbol. Each document will be assigned a sequential number (e.g. E5, E6, E7). Later documents directly related to one specific document are filed in a subfolder (e.g. Submission of a party E8/1, response by the other party E8/2, decision of the Chamber on the submission E8/3)

The first four sequential numbers will be assigned to the following four collective folders:

E1 : for Written Records of proceedings

Each daily Written Record of the Proceedings will be placed in chronological order according to the hearing date, while the relevant transcript and audiovisual recording will be annexed thereto;

E2 : for Civil Parties

Within the civil party folder there will be a further subfolder for each applicant within which applicant-related documents will be filed;

E 3:for Investigations Documents

Contains each document from the investigation case file which has been put before the Trial Chamber according to Rule 87(2) of the Internal Rules;

E4: for Exhibits.

Numbers and symbols of the documents of the investigation file remain unchanged.

Article 2: Filing of documents

- 2.1. Any filing of documents before the ECCC, and any communication from or to the person entitled to file a document, shall be made directly to the greffier of the Office of the Co-Investigating Judges, or the Chambers, as appropriate (hereinafter the “relevant greffier”), through the Case File Officer. The Office of the Case File Officer is located in the ECCC Administration building.
- 2.2. Any person entitled to file documents before the ECCC shall notify the relevant greffiers of the official language(s) in which, in addition to Khmer, they intend to file and receive documents.
- 2.3. The official filing hours for lodging documents before the ECCC are from Monday to Thursday (8:00 am to 4.00 pm) and Friday (8:00 am to 3.30 pm), excluding official holidays as advertised by the Royal Government of Cambodia.
- 2.4. Documents filed before the ECCC in accordance with the Internal Rules shall be submitted by any authorized person to the Case File Officer who shall be responsible for forwarding the documents immediately to the relevant greffier as provided in the Internal Rules.

Article 3: Format of Documents

- 3.1. All documents shall be filed together with ‘Filing Instructions’ in the format demonstrated at **Appendix A**. All documents should be filed in hard copy only. Electronic filings may be accepted with the leave of the Co-Investigating Judges or the relevant Chamber.
- 3.2. All documents shall have the following information on the first page, in the format demonstrated at **Appendix B**:
 - a. The Co-Investigating Judges or the Chamber before which the case is currently being processed.
 - b. The case number as detailed in Article 1.2 above
 - c. To whom the document is filed.
 - d. The date of the document.
 - e. The party or individual that is filing the document.
 - f. The original language of the document.
 - g. The classification of the document suggested by the filing party, i.e. ‘Public’, ‘Confidential’ or “Under seal”.
 - h. The short title of the document, which shall be as concise as possible.
 - i. The Parties or the individual that shall receive notice of the document filed.
 - j. The total number of pages of the document
- 3.3. There should be no logo or badge on the first page, which are used solely for decisions of the ECCC.
- 3.4. Each subsequent page of the document shall have the following information:

- a. The case number, as detailed in Article 1.2 above, in the top right hand corner.
 - b. The short title of the document in the bottom left hand corner.
 - c. The page number and total number of pages in the bottom right hand corner.
- 3.5. The top left hand corner of each page of every document shall be left clear for the endorsement of an electronic ERN number generated by the Zylab system.
 - 3.6. Documents shall be printed on one side of the page only.
 - 3.7. Documents shall be submitted in A4 sized paper. Margins shall be at least 2.5 centimetres on all four sides. Paragraphs shall be numbered. All documents shall be paginated.
 - 3.8. The type face in English or French shall be typed in font Times New Roman 12 point with 1.5 line spacing. Footnotes shall be 10 point.
 - 3.9. Electronic documents in Khmer shall be typed in Unicode font Khmer Kep, font size 12. Headings shall be in Unicode font Khmer MEF2, font size 12. Such fonts can be obtained at the following link:
<http://www.khmeros.info/drupal/?q=en/download>
 - 3.10. Documents shall be filed unbound and shall not contain dividers, post-it indexes or flags.
 - 3.11. The original document shall be filed together with a copy and any photographs, audio tapes and video tapes which are submitted as part of the filing.
 - 3.12. The investigation is confidential. The filing party may indicate whether it wishes a document to be marked ‘Public’, ‘Confidential’, or ‘Under seal’. The Co-Investigating Judges or the Pre-Trial Chamber reserve the sole power to review the document to determine whether such annotation is appropriate. Any such ruling by the Co-Investigating Judges or the Pre-Trial Chamber shall remain in force throughout any subsequent trial, provided that the Trial Chamber shall have the power, on its own motion, or on the application of the parties, to amend the whole or any part of the ruling, after notifying any affected party and giving that party the right to be heard.”
 - 3.13. Hearings before the Trial Chamber shall be conducted in public. Where, however, any party files a document or seeks to invoke the provisions of Article 29 (Protective Measures) or 79(6)(b) (hearings *in camera*), that party may seek a classification order from the Trial Chamber that the document be marked ‘Public’, ‘Confidential’, or ‘Under Seal’.
 - 3.14. Public documents may be used in press releases and posted on the official website of the ECCC.
 - 3.15. Where a document requires urgent measures to be taken, the Filing Instructions shall indicate that the document is urgent and shall contain a short explanation of the urgency.
 - 3.16. The document shall be signed with a clear indication of the name of the person who signed it.

Article 4: Contents of Documents

- 4.1 Documents filed before the Co-Investigating Judges or a Chamber shall contain the following where appropriate:
 - a. An introduction containing the legal basis and a petition for the action or relief sought.
 - b. A summary of the grounds of argument.
 - c. An outline of relevant facts, including a chronology where appropriate.
 - d. A summary of the relevant law, including extracts of relevant legal sources.
 - e. The detailed legal argument.
- 4.2 Documents shall have as an appendix a list of authorities and copies of those authorities as provided in article 6 below.
- 4.3 Any reference to a previously filed document shall include the court record document number and ERN number in addition to the title and date of that document.

Article 5: Length of documents

- 5.1 A document filed to the Investigating Judges or the Trial Chamber of the ECCC shall not exceed 15 pages in English or French or 30 pages in Khmer, unless otherwise provided in the Internal Rules or this Practice Direction or ordered by the ECCC.
- 5.2. A document filed to the Pre-Trial Chamber or the Supreme Court Chamber of the ECCC shall not exceed 30 pages in English or French or 60 pages in Khmer, unless otherwise provided in the Internal Rules or this Practice Direction or ordered by the ECCC.
- 5.3. Unless otherwise ordered by the ECCC, the page limit shall not exceed 100 pages in English or French or 200 pages in Khmer for the written submissions under Rule 92 of Internal Rules and responses thereto, if any.
- 5.4. The Co-Investigating Judges or the relevant Chamber may, at the request of a participant, extend the page limit in exceptional circumstances.
- 5.5. There shall be no page limits for the following documents:
 - a. Introductory Submissions (Rule 53 of the Internal Rules)
 - b. Supplementary Submissions (Rule 55 of the Internal Rules); and
 - c. Final Submissions (Rule 66 of the Internal Rules).

Article 6: List of Authorities

- 6.1 Documents shall be filed with a list of the authorities referred to therein. Such list shall include the name, date and full citation for each authority, specifying which provisions, paragraphs or pages are relied upon, together with any explanatory note required under this paragraph. Where an authority exceeds 10 pages in English or French or 20 pages in Khmer, a copy of the first page of the authority and the relevant section of the text shall be filed along with a note in the List of Authorities specifying that the authority exceeds 10 in English or French or 20 pages in Khmer, as appropriate.

- 6.2 The List of Authorities shall contain the same information on the cover sheet as for the document filed, as per the example in **Appendix C**.
- 6.3 Documents shall be filed with copies of all authorities listed therein, with the exception of those documents listed in ECCC Law Compendium hosted in the ECCC's official website.
- 6.4 Where an authority has previously been filed in the same case or proceeding it shall not be re-filed, but the person filing the later document shall indicate in the list of authorities the title, the court record document number and the ERN number of the document with which the authority was previously filed.

Article 7: Language and Translation of documents

- 7.1 All documents shall be filed in Khmer as well as in English and/or French.
- 7.2 Any party who has notified the relevant greffiers under Article 2.2 shall duly file and receive all documents in Khmer and the other chosen official language(s). The Court Management Section shall ensure the timely translation of documents filed in accordance with this Practice Direction.
- 7.3 Where the filing party is the author of documents, the filing party shall submit each language version of the document separately, provided that where there are terms which require precise definition in another language, such terms shall be stated in brackets.

Article 8: Time Limits for pleadings and applications before the Chambers

- 8.1 Unless otherwise provided in the Internal Rules or this Practice Direction or ordered by a Chamber of the ECCC, pleadings and applications shall be filed with the greffier of the Chamber hearing the case together with the relevant authorities in accordance with the following timetable, subject to the right in Rule 39 of the Internal Rules to request an extension of time limits.
- 8.2 A Chamber may fix time limits for the filing of an application or pleadings. Where a date for a Court hearing has already been fixed, the application or applicant's pleading shall be filed at least 30 calendar days prior to the Court hearing.
- 8.3 Any response to an application or pleadings shall be filed together with any list of authorities within 15 calendar days of notification, in the ECCC official language which the party has elected under Article 2.2, of the document to which the participant is responding.
- 8.4 A reply to a response shall only be permitted where there is to be no oral argument on the request, and such reply shall be filed within 5 calendar days of notification, in the ECCC official language which the party has elected under Article 2.2, of the response to which the participant is replying.
- 8.5 Time limits commence at the time of service of the Notification Instruction. In all cases, where a party has requested to receive documents in more than one official ECCC language under Article 2.2, time limits shall not commence until the party receives the documents in all the languages requested.

Article 9: Late filing

A document may be filed outside the time limits as set out in Rule 39 of the Internal Rules. In such cases, the person filing the document shall indicate the

reasons for the delay on the Filing Instructions. The Judges or Chamber before which the document is filed shall decide whether to accept the document despite its later filing.

Article 10: Deficient Filing

- 10.1 The relevant greffier shall be responsible for verifying compliance with the provisions of this Practice Direction.
- 10.2 Should a document not comply with the provisions of this Practice Direction, the relevant greffier shall complete and sign a Deficient Filing form (**Appendix D**) which will be returned to the person filing the document along with the original document for correction. The document shall only be accepted after the mistakes have been corrected. If the document is consequently filed outside the time limits, a copy of the Deficient Filing form should also be lodged by way of clarification. The said document shall be filed in accordance with Article 9 of this practice direction.

Article 11: Service of notices of documents filed

- 11.1 The person filing a document shall be notified electronically of any document filed by the relevant greffier. Such person filing a document shall notify the relevant greffier of the preferred email address for service.
- 11.2 Service of a hard copy notice, where necessary, shall be effected on the same day as the electronic notification by either the relevant greffier, or by the Designated Officer of Court Management Section. The relevant greffier or Designated Officer shall complete the 'Acknowledgement of Service Form' (**Appendix E**) upon which the document shall be deemed to have been duly served.
- 11.3 Should the intended recipient not be at the address provided or should he or she refuse to acknowledge service of the notice, the relevant greffier or Designated Officer shall complete the 'Non-Service Form' (**Appendix F**) upon which the document shall be deemed to have been duly served.

Amended on 8 October 2008.

**BEFORE THE [INSERT] CHAMBER
EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA**

Case No: [INSERT]
Filed to: [INSERT]
Date of document: [INSERT]
Party Filing: [INSERT]
Original language: [KHMER/ENGLISH/FRENCH]
**Classification of the document
suggested by the filing party:** [PUBLIC/CONFIDENTIAL/ UNDER SEAL]

[INSERT TITLE]

Filed by:

[INSERT TITLE OF PARTY]

[INSERT NAME]

Distribution to:

Co-Prosecutors

CHEA Leang

Robert PETIT

[INSERT DEFENDANTS]

[INSERT LAWYERS NAME]

Civil Parties

[INSERT LAWYERS NAME]

INTRODUCTION AND PETITION

- 1. Insert text summarizing application...
- 2. Summarise what you are asking for...

SUMMARY OF RELEVANT FACTS

Sub-heading

- 3. Insert text...

Sub-heading

- 4. Insert text...

A – FIRST ARGUMENT

Relevant Legal Standards

Law of Cambodia

- 5. Insert law...
- 6. Quotations indented, such as: Article 14 of the ICCPR states that
 ‘in the determination of ... any criminal charge against him, everyone is entitled to
 a fair in public hearing within a reasonable time by an independent and impartial
 tribunal’.

Submissions

- 7. Insert submissions...

CONCLUSION

- 8. Insert conclusions...

Date	Name	Place	Signature

**BEFORE THE [INSERT] CHAMBER
EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA**

Case No: [INSERT]
Filed to: [INSERT]
Date of document: [INSERT]
Party Filing: [INSERT]
Original language: [KHMER/ENGLISH/FRENCH]
**Classification of the document
suggested by the filing party:** [PUBLIC/CONFIDENTIAL/ UNDER SEAL]

**[INSERT TITLE]
TABLE OF AUTHORITIES**

Filed by:

[INSERT TITLE OF PARTY]

[INSERT NAME]

Distribution to:

Co-Prosecutors

CHEA Leang

Robert PETIT

[INSERT DEFENDANTS]

[INSERT LAWYERS NAME]

Civil Parties

[INSERT LAWYERS NAME]

CAMBODIAN LAW

1. Law on the ECCC. *Not included – ECCC Legal Compendium.*

INTERNATIONAL LAW

Treaties

2. International Covenant on Civil and Political Rights. *Not included – ECCC Legal Compendium.*
3. European Convention on Human Rights. *Not included – ECCC Legal Compendium.*

Case law

4. *Dombo Beheer B.V. v Netherlands*, Eur.Ct.H.R., judgement of 27 October 1993, Series A, no.274.
5. *Glenford Campbell v Jamaica*, UN Human Rights Committee, CCPR/C/44/D/248/1987(1992)
6. *Goddi v Italy* (1984) 6 EHRR 457.
7. *Michael and Brian Hill v Spain*, CCPR/C/59/D/526/1993(1997)
8. *Leroy Simmonds v. Jamaica* , CCPR/C/46/D/338/1988(1992)
9. *Prosecutor v Tadić*, Case No. IT-94-I-A, Judgement, 15 July 1999.
10. *Wemhoff v Germany*, (1979-1980) 1 EHRR 55.

Commentaries

11. General Comment No 13, U.N. Human Rights Committee.
12. Extract from Cassese, *International Criminal Law*, Oxford, 2003. *Authority exceeds 30 pages.*



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា
 Extraordinary Chambers in the Courts of Cambodia
 Chambres extraordinaires au sein des tribunaux cambodgiens

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ
 Kingdom of Cambodia
 Nation Religion King
 Royaume du Cambodge
 Nation Religion Roi

Appendix D

NOTICE OF DEFICIENT FILING
(To Be Completed by Case File Officer Only, on behalf of Greffier)

Case Number:		Date of Document:	
		Date Filed:	
Document Title:			
Number of Pages:		Language(s) Filed:	
Filed By:	<input type="checkbox"/> Chamber <input type="checkbox"/> Defence <input type="checkbox"/> OCP <input type="checkbox"/> Other : Name: _____ Telephone Number: _____		
Classification of the document suggested by the filing party	<input type="checkbox"/> Public <input type="checkbox"/> Confidential <input type="checkbox"/> Under Seal		
Subject	Pursuant to Article 10 of the Practice Direction on Filing Documents before the ECCC		
Reason	The above titled document is deemed deficient and hereby returned for the following reason:		
Signed:		Case File Officer	Dated:

Acknowledgement of Filing Party

I hereby acknowledge receipt of this Deficient Filing notice:	
Signed:	Filing Party Dated:



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា
 Extraordinary Chambers in the Courts of Cambodia
 Chambres extraordinaires au sein des tribunaux cambodgiens

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

Kingdom of Cambodia
 Nation Religion King
 Royaume du Cambodge
 Nation Religion Roi

Appendix E

ACKNOWLEDGMENT OF SERVICE

Pursuant to Rule 46 of the Internal Rules of the Extraordinary Chambers, I hereby confirm service of the following documents on the followings persons:

Case Number	Document Title

Received By:

<input type="checkbox"/> Co-Prosecutors	Name: _____	Position: _____
	Signature:	Date & Time: _____
<input type="checkbox"/> Defense Lawyer	Name: _____	Position: _____
	Signature:	Date & Time: _____
<input type="checkbox"/> Charged Person	Name: _____	Position: _____
	Signature:	Date & Time: _____
<input type="checkbox"/> Civil Party	Name: _____	Position: _____
	Signature:	Date & Time: _____
<input type="checkbox"/> Civil Party Lawyer	Name: _____	Position: _____
	Signature:	Date & Time: _____
<input type="checkbox"/> Chief of Detention	Name: _____	Position: _____
	Signature:	Date & Time: _____

Signed:	Date & Time: _____
Name: _____	
Case File Officer/Designated Officer	



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា
 Extraordinary Chambers in the Courts of Cambodia
 Chambres extraordinaires au sein des tribunaux cambodgiens

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

Kingdom of Cambodia
 Nation Religion King
 Royaume du Cambodge
 Nation Religion Roi

Appendix F

NOTICE OF NON-SERVICE

Pursuant to Article 11.3 of the Practice Directions on filing document before the ECCC I hereby confirm that I was unable to serve the following documents:

Case Number	Document Title

On the Following Recipients:

<input type="checkbox"/> Co-Prosecutors	<input type="checkbox"/> Defense Lawyer	<input type="checkbox"/> Charged Person
<input type="checkbox"/> Civil Party	<input type="checkbox"/> Civil Party Lawyer	<input type="checkbox"/> Chief of Detention

For the Following Reason:

Signed:	Date & Time:
Name:	
Case File Officer/Designated Officer	