



ព្រះរាជាណាចក្រកម្ពុជា

ជាតិ សាសនា ព្រះមហាក្សត្រ

Kingdom of Cambodia
Nation Religion King

អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

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

Royaume du Cambodge
Nation Religion Roi

ការិយាល័យសហចៅក្រមស៊ើបអង្កេត
Office of the Co-Investigating Judges
Bureau des co-juges d'instruction

Case File No: 004/2/07-09-2009-ECCC-OCIJ

ឯកសារដើម
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Before: **The Co-Investigating Judges**
 Date: **31 January 2017**
 Language(s): **English [Original]**
 Classification: **CONFIDENTIAL**

**ORDER ON THE RECOGNITION OF LAWYER AND
ASSIGNMENT OF LAWYERS TO CIVIL PARTY
APPLICANTS**

Distribution:

Co-Prosecutors
CHEA Leang
Nicholas KOUMJIAN

Ao An Defence
MOM Luch
Richard ROGERS
Göran SLUITER

Civil Party Lawyers
CHET Vanly
HONG Kimsuon
KIM Mengkhy
LOR Chunthy
SAM Sokong
SIN Soworn
TY Srinna
VEN Pov

Laure DESFORGES
Isabelle DURAND
Emmanuel JACOMY
Martine JACQUIN
Lyma NGUYEN
Nushin SARKARATI



1. Disagreements between the Co-Investigating Judges (“CIJs”) in Case 004 were registered on 22 February 2013, 5 April 2013, 22 January 2015, and 21 October 2015 and 16 January 2017.
2. The Civil Party applicants listed in the Annex to this Order have applied to become Civil Parties in Case File 004/2 and need to be assigned lawyers.
3. Lawyer Nushin Sarkarati has satisfied all requirements to appear before the ECCC under the applicable law.
4. The following rights and obligations result from being designated as a Civil Party lawyer:
 - **Participation in the judicial investigation:** Recognized lawyers are authorised to represent their clients during participation in investigative action and Pre-Trial proceedings, as provided in the ECCC Internal Rules and any related rulings by the Co-Investigating Judges or the Pre-Trial Chamber;
 - **Access to the case file:** Recognized lawyers have the right to examine and make copies of the original case file of the judicial investigation to which their client is a party, as well as the paper copies thereof, during working days and subject to the requirements of the proper functioning of the ECCC. Electronic access will be granted *upon request*, with the assistance of the Victims Unit or the Case File Officer, but remains under the overall supervision of the Greffiers of the Co-Investigating Judges or the Pre-Trial Chamber, as appropriate. Within reason, recognized lawyers may make, or request, copies of documents contained in the case file and take them to discuss with their client, but must not hand over such copies to the client or to any other person;
 - **Professional and Judicial Confidentiality:** Through the client’s participation as a Civil Party, both the recognized lawyers and their clients will have access to confidential information contained in the case file. Only the ECCC Judges and Prosecutors can decide to make such information public. The recognized lawyers are bound by the confidentiality of the judicial investigation and their own professional rules not to disclose any information that they have gained from consulting the case file;
 - **Filing of documents:** All official documents must be filed through the Case File Officer, as set out in the Practice Direction on Filing of Documents; once electronic access has been organized, the recognized lawyers will receive electronic notification of documents placed on the case file, and should provide an email address to the OCIJ greffier for this purpose. Service of a hard copy will only be possible where a recognized lawyer does not have access to email.

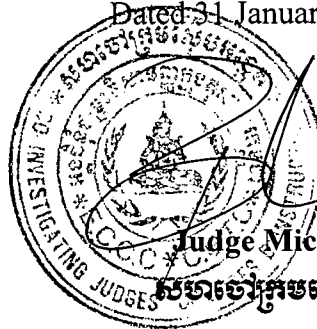


FOR THE FOREGOING REASONS, I

- 5. **Accredit and Recognize** Nushin Sarkarati, lawyer duly admitted to the list of lawyers willing to represent victims before the ECCC, as the lawyer for the applicants listed in the Annex to this Order, as well as for all other Civil Party applicants who designate her as their lawyer in the future, for the purpose of Case File No. 004/2;
- 6. **Instruct** the OCIJ greffiers to grant access to the Case File to the recognized lawyer upon receiving a Zylab request in due form;
- 7. **Order** assignment of lawyers Sam Sokong and Nushin Sarkarati to the Civil Party applicants listed in the Annex to this Order.

This decision is filed in English, with a Khmer translation to follow.

Dated 31 January 2017, Phnom Penh



Judge Michael Bohlander

សមាជិកអន្តរជាតិបណ្តុះបណ្តាលវិសាមញ្ញ

International Co-Investigating Judge

Co-juge d’instruction international