



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

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

Supreme Court Chamber
Chambre de la Cour suprême

Case File/Dossier N°. 002/19-09-2007-ECCC/SC

Before:

Judge KONG Srim, President
Judge Chandra Nihal JAYASINGHE
Judge SOM Sereyvuth
Judge Florence Ndepele Mwachande MUMBA
Judge MONG Monichariya
Judge Maureen Harding CLARK
Judge YA Narin



Date:

4 November 2021

Language(s):

Khmer/English

Classification:

PUBLIC

**DECISION ON CIVIL PARTY LEAD CO-LAWYERS' URGENT REQUEST FOR
ORDERS TO PROTECT CIVIL PARTY RIGHTS TO EFFECTIVE
REPRESENTATION AND A FAIR TRIAL**

Filed by

Civil Party Lead Co-Lawyers
PICH Ang
Megan HIRST

Against:

Office of Administration
Tony Kranh
Knut Rosandhaug

Distributed to

Co-Prosecutors
CHEA Leang
Brenda HOLLIS

Accused

KHIEU Samphân

All Co-Lawyers for Civil Parties

Co-Lawyers for KHIEU Samphân

KONG Sam Onn
Anta GUISSÉ

THE SUPREME COURT CHAMBER of the Extraordinary Chambers in the Courts of Cambodia for the Prosecution of Crimes Committed during the Period of Democratic Kampuchea between 17 April 1975 and 6 January 1979 (“Supreme Court Chamber” or “ECCC”, respectively);

HAVING RECEIVED the Civil Party Lead Co-Lawyers’ Urgent Request for Orders to Protect Civil Party Rights to Effective Representation and a Fair Trial (“Urgent Request”)¹ and the response of the Office of Administration (“OA Response”);²

NOTING that the Urgent Request seeks this Chamber’s intervention to issue orders to the Office of Administration to “correctly recognise the LCL’s mandate under the Internal Rule 12 *ter*” and to “ensure resources for the conduct of all activities within that mandate for the remainder of Case 002”;³

RECALLING that this Chamber has already ruled that this issue “involves an administrative decision within the Office of Administrations’ authority” and is therefore “not a justiciable issue and further, the urgent request does not fall within the Supreme Court Chamber’s jurisdiction”;⁴

NOTING that the Urgent Request concerns the same matter to seek a contract extension of one international legal consultant and that no new material information has been provided to substantiate the allegation that the non-renewal of her contract at this stage of the proceedings will render “effective representation of the civil parties (and therefore fair proceedings) impossible”;⁵

NOTING that pursuant to Internal Rules 12 *ter* and 23 *ter* the civil parties are represented by two Lead Co-Lawyers and their Civil Party Lawyers, and that the Lead Co-Lawyers’ unit is further supported by two Legal Officers;⁶

¹ F70, 28 October 2021.

² Office of Administration’s Response to Civil Party Lead Co-Lawyers’ Urgent Request, F70/1, 2 November 2021.

³ Urgent Request, paras 1 and 109.

⁴ Decision on Civil Party Lead Co-Lawyers’ Urgent Request to File in One Language and for Expedited Filing Schedule, F69/1, 18 October 2021.

⁵ Urgent Request, para. 3.

⁶ OA Response, para. 3.

HAVING FULLY CONSIDERED the Urgent Request;

CONSIDERING that the Supreme Court Chamber is vested with appeal jurisdiction on matters of law and fact under the ECCC legal framework and jurisprudence;

CONCLUDES that the Urgent Request involves an administrative decision within the Office of Administrations' authority and is therefore not a justiciable issue falling within the Supreme Court Chamber's jurisdiction and in any event no circumstances have been presented which demonstrate that civil party rights to effective representation and a fair trial have been or will be violated;

HEREBY

REJECTS the Lead Co-Lawyers' Urgent Request.

Phnom Penh, 4 November 2021

President of the Supreme Court Chamber



KONG Srim