

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

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**CIVIL PARTY LEAD CO-LAWYERS' RESPONSE TO NUON CHEA DEFENCE
REQUEST RE CERTAIN TRIAL PRACTICES CONCERNING EXAMINATION OF
WITNESSES AND CIVIL PARTIES**

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Before:

Trial Chamber

Judge NIL Nonn, President
Judge Jean-Marie LAVERGNE
Judge YA Sokhan
Judge Claudia FENZ
Judge YOU Ottara

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I. INTRODUCTION

1. The Civil Party Lead Co-Lawyers (“Lead Co-Lawyers”) hereby respond to the Nuon Chea Defence request filed on 16 January 2015, whereby they seek certain practices to be undertaken by the Trial Chamber when examining witnesses and civil parties generally, as well as for the upcoming civil party 2-TCCP-271.¹ The Lead Co-Lawyers limit their response to the measure that Nuon Chea Defence arguments concern Civil Parties and their rights.
2. Lead Co-Lawyers submit that the Request be rejected on grounds that the issues relating to the necessity of Civil Parties to take oath and the suitability of the Trial Chamber according probative value to Civil Party testimony have been substantively ruled upon by the Trial Chamber in written and oral rulings. Further, upon merits, the Lead Co-Lawyers argue that the Internal Rules as well as Trial Chamber jurisprudence unequivocally provides for civil parties to enjoy a unique status different to those from witnesses. For this reason, the Request relating to taking of oath and prohibition from reviewing previous statements by Civil Parties is unfounded. In addition, the Lead Co-Lawyers also seek a dismissal of the requests relating to the Civil Party 2-TCCP-271.

II. PROCEDURAL HISTORY

3. On 7 August 2014, the Trial Chamber issued judgement in Case 002/01 (“Judgement”), convicting both the accused of the crimes against humanity of extermination, persecution on political grounds, and other inhumane acts, sentencing them each to life imprisonment.²
4. On 29 September 2014, Nuon Chea filed their notice of appeal against the Judgement raising both errors of law and errors of fact in the Judgement concerning evidence provided at the behest of civil parties.³ In their Notice of Appeal, the Nuon Chea

¹ Nuon Chea’s Request Regarding Certain Practices to be Undertaken When Examining Upcoming Civil Party 2-TCCP-271 and Other Case 002/02 Witnesses and Civil Parties Generally, **E336**, 16 January 2015 (“Request”).

² Case 002/01 Judgement, **E313**, 7 August 2014.

³ See Notice of Appeal against the Judgement in Case 002/01, **E313/1/1**, 29 September 2014.

Defence alleged errors specific to certain civil parties⁴ and victims.⁵ On 29 December 2014, the Nuon Chea Defence filed their appeal brief.⁶

5. On 16 January 2015, Nuon Chea Defence filed the Request objecting to three alleged practices on trial that amount to errors of law. Two of those “practices” concern the Lead Co-Lawyers for the purposes of the present response, *inter alia*, (i) practice of permitting civil parties to review prior statements before testifying and answering questions based on those statements; and (ii) unduly heavy reliance on civil party testimony.⁷ They seek generally, in respect of Case 002/02, that civil parties be disallowed from being shown prior statements before appearing for testimony and be prohibited from confirming the accuracy of their prior written statements upon questions from the parties.⁸ They further request added leeway to challenge the veracity of the evidence provided by civil parties on cross-examination.⁹ Lastly, they request civil parties to testify under oath when providing evidence relevant to facts other than victim impact or reparations.¹⁰ Specifically, they request that the upcoming

⁴ See *inter alia* Grounds 48 (Denise Affonco); Grounds 49, 134, 170 (Pin Yathay); Ground 78 (Yim Sovann); Ground 80 (Mom Samoeurn); Ground 81, 127 (Chum Sokha); Ground 120 (Lay Bony); Grounds 115, 161 (Srey Phal); Ground 169 (Toeng Sokha); Grounds 50, 68 (Khoem Nareth); Grounds 51, 55 (Sot Sem); Grounds 52, 111 (Seang Chan.); Ground 53 (Khiev Hom); Ground 99 (Khen Sok); Ground 158 (Kong Vach). Ground 56 (Pok Sa Em); Ground 57 (Suong Khit); Ground 58 (Mea Chhin); Ground 59 (Sen Sophon); Ground 60 (Chey Yeun); Grounds 61, 90, 105 (Pal Rattanak.); Ground 62 (Yann Nhar); Ground 64 (Meas Mut); Grounds 65, 129 (Beng Boeun.); Ground 70 (Hum Ponak); Ground 83 (Meas Saran); Ground 84 (Morm Phai Buon.); Ground 85 (Kung Narin.); Ground 89 (Phuong Phalla); Grounds 91, 141 (Ly Ream); Grounds 95, 142 (Sam Pha); Ground 96 (Sen Virak.); Ground 103 (Eam Tres); Ground 104 (Both Soth); Ground 112 (Sau Sary); Ground 118 (Rou Ren); Ground 121 (Chhor Dana); Ground 138 (Phat Han); Grounds 143, 152 (Soth Navy); Ground 147 (Toch Monin); Ground 159 (San Mom); Ground 167 (Dy Roeun); Ground 77 (Chheng Eng Ly); Ground 79 (Thouch Phandarasar, Ground 133 (Seng Sivutha); Ground 156 (Bay Sophany); Ground 160 (Chan Socheat); Ground 162 (Aun Phally).

⁵ Ground 63 (Ean Teang); Ground 71 (Phuong Mom); Grounds 72, 94 (Sun Henri); Grounds 92, 128 (Tieng Sokhom); Ground 93 (Chou Kim Lan); Ground 106 (Prum Sokha); Ground 107 (Mey Nary); Ground 113 (Kim Sarou); Ground 114 (Sao Theoun); Ground 117 (Phan Yim); Ground 144 (Loas Vannan); Ground 145 (Preab Ken); Grounds 146, 153 (Kem Kuon); Ground 164 (Treh Eal). Ground 102 (Khat Khe); Ground 139 (Chim Morn).

⁶ Nuon Chea’s Brief Against the Judgement in Case 002/01, **F16**, 29 December 2014 (“Nuon Chea Appeal Brief”).

⁷ Request, para. 5.

⁸ *Ibid*, para. 20 (ii).

⁹ *Id.*

¹⁰ *Id.*

Civil Party 2-TCCP-187 testify under oath, not review his prior statements and be open to challenge on the veracity of his evidence on cross-examination.¹¹

III. PRELIMINARY MATTERS

A. Certain Issues Raised by the Nuon Chea Defence have Already been Deliberated and Decided by the Trial Chamber

6. Civil Parties before the ECCC are not required to take oath prior to providing evidence in court. The Request seeks the alteration of this rule on grounds that it does not have the required safeguards to protect the integrity of the evidence provided by them.¹² It adds that the evidence provided by the civil parties is not intended to establish the guilt of the accused but “intended for their ‘principal’ role of seeking reparations”.¹³ Therefore, unsworn civil party testimony that goes into the guilt of the accused is “*ipso facto* less reliable” because, by implication, it does not “entail a risk of ‘sanctions for false testimony’”.¹⁴
7. On 24 February 2011, Ieng Sary Defence made a similar motion requesting the Trial Chamber to require Civil Parties to testify under oath should the Trial Chamber allow them to testify as to their knowledge in the criminal case.¹⁵ The Lead Co-Lawyers filed their observations requesting the Trial Chamber to dismiss the request.¹⁶ The Trial Chamber decided on this issue on 8 April 2011 following a Trial Management Meeting noting that “Internal Rules 23(4), 24 and 31 indicate those parties before the ECCC for whom an oath must be administered under the ECCC legal framework and

¹¹ *Ibid*, para. 20 (i).

¹² *Ibid*, para. 14.

¹³ *Ibid*, para. 15.

¹⁴ *Ibid*, para. 16.

¹⁵ Ieng Sary’s Motion for Civil Parties to Testify Under Oath if They are Permitted to Testify as to Their Knowledge of the Criminal Case, **E57**, 24 February 2011, para. 12.

¹⁶ Observation des parties civiles sur la motion présentée par Ieng Sary aux fins de prestation de serment par les parties civiles préalablement à leur témoignage, **E57/1**, 17 March 2010, para. 30.

that Civil Parties are not required to take the oath. Nonetheless, if a Civil Party elects to do so, no procedural defect results.”¹⁷

8. On 21 February 2013, furthering the substantive debate on this matter, this issue was revisited by the Trial Chamber when the Co-Prosecutors filed a Rule 92 submission regarding civil party evidence in which they outlined their observations regarding the weight to be afforded to civil party testimony.¹⁸ The Khieu Samphan Defence replied to this submission aligning with the position previously taken by the Lead Co-Lawyers. They supported the probative value of witnesses and civil party testimonies being assessed by the same standard; they implored the Trial Chamber to assess the probative value of the testimonies of the Accused as well as of civil parties on a case-by-case basis, taking into account their status as parties to the proceedings.¹⁹ Ieng Sary Defence also participated in this discussion by reiterating their position that Civil Parties should take an oath before giving testimony that extends beyond harm suffered or reparations and should they not, the Trial Chamber should accord their testimony less weight than testimony given under oath.²⁰ The Trial Chamber settled this debate for a second time in written vide decision dated 2 May 2013 whereby it noted that Civil Parties are exempt from taking the oath but may testify and have their statements put before the Chamber and assessed as evidence where relevant and probative, acknowledging the distinctive features of Civil Party participation at trial.²¹

¹⁷ Trial Chamber response to Motions E67, E57, E56, E58, E23, E59, E20, E33, E71 and E73 following Trial Management Meeting of 5 April 2011, **E74**, 8 April 2011, p. 1 *citing* T., 5 April 2011, p. 100.

¹⁸ Co-Prosecutors’ Rule 92 Submission Regarding Civil Party Testimony, **E267**, 21 February 2013.

¹⁹ Reply to Co-Prosecutors’ Rule 92 Submissions Regarding Civil Party Testimony, **E267/1**, 4 March 2013, para. 17. *See also ibid.*, para. 14: “The position of Khieu Samphan Defence team is therefore consistent with that of the Civil Party Lead Co-Lawyers [...] [i]n other words, being a party to the proceedings, whether as Prosecution, Defence or civil party, necessarily entails partiality, yet this partiality does not automatically discount the credibility and veracity of the statements and positions of each of the parties.”

²⁰ Ieng Sary’s Response to Co-Prosecutors’ Rule 92 Submission Regarding Civil Party Testimony, **E267/2**, 4 March 2013, para. 15-17.

²¹ Decision on Request to Recall Civil Party Testimony TCCP-187, for Review of Procedure concerning Civil Parties’ Statements on Suffering and related motions and responses (E240, E240/1, E250, E250/1, E267, E267/1 and E267/2), **E267/3**, 2 May 2013, para. 21-22.

9. In addition to this, the Trial Chamber also addressed this issue in court on 24 January 2013,²² 6 December 2011²³ and 4 April 2011.²⁴
10. The issue relating to Civil Parties providing evidence through their appearance in court was first put before the Trial Chamber on 23 February 2011 when the Lead Co-Lawyers filed their Rule 80 filing to which neither of the Defence teams made any substantive objections relating to the exigency of civil parties to take an oath.²⁵ The Lead Co-Lawyers had pleaded that there is no legal basis for the Trial Chamber to simply determine that Civil Parties testify as witnesses²⁶ and this was affirmed by the Trial Chamber on multiple occasions as elaborated above.
11. This was also the case following the Lead Co-Lawyers' Rule 80 submission dated 9 May 2014 whereby the civil parties sought to be called before the Trial Chamber were those that would "substantially assist the Trial Chamber in ascertaining the truth concerning the allegations to be tried in Case 002/02, particularly in establishing the crime-base evidence and assisting the Chamber to assess the gravity of the alleged crimes and the harm endured by civil parties."²⁷ Nuon Chea Defence did not then object to the filing on the substantive aspect requiring that civil parties to take an oath as witnesses.

²² **E1/164.1**, T. 24 January 2013, p.76 *quoting* Judge Cartwright: "As to the discussion about whether or not civil parties should take the oath and the consequences of that, we have had this discussion on many occasions, and the Chamber is fully aware of the responsibilities that it has and we do not wish to have this argument repeated ad nauseam – or frequently, to omit the Latin."

²³ **E1/17.1**, T. 6 December 2011, pp. 34-35 *quoting* Mr. President, Judge Nil Nonn: "Pursuant to the Criminal Procedure Code of 2007, the applicable law before the ECCC, and the Internal Rules of the ECCC do not require civil party to take an oath." *See also ibid.*, pp. 35-36 *quoting* Judge Lavergne: "May I make some explanations? Because I believe that these provisions of Cambodian law – which are also applied in French Civil Law – the rule is clear. Civil parties are parties to the proceedings and, in this capacity, they can testify without taking an oath, they can testify with regard to prejudice that they claim to have suffered, including facts on which they can make submissions, including the charges against the Accused. There will be time for assessing the value of their testimonies, and I think this point is not subject to dispute."

²⁴ **E1/2.1**, T. 5 April 2011, p. 100 *quoting* Mr. President, Judge Nil Nonn: "The Trial Chamber also notes the motion of the Ieng Sary Defence regarding oaths where civil parties testifying at trial, that is document E57. If a civil party elects to take the oath, no procedural defect results. Internal Rules 24 and 31 however, already indicate those parties before the ECCC for whom an oath must be administered under the ECCC legal framework."

²⁵ Civil Party Lead Co-Lawyers' Rule 80 Summaries and Expert Qualifications With Points of the Indictment, Including Confidential Annexes. **E9/8**, 23 February 2011, paras 7-10.

²⁶ *Ibid.*, para. 8.

²⁷ Civil Party Lead Co-Lawyers' Rule 80 Witness, Expert and Civil Party Lists for Case 002/02 with Confidential Annexes, **E305/7**, 9 May 2014, para. 9.

12. The Request is the first instance where the Nuon Chea Defence raises this issue during the trial. They neither contested the position taken by the Lead Co-Lawyers nor did they engage in the discussion like the Co-Prosecutors and the Khieu Samphan when the issue was still live before the Trial Chamber. The Lead Co-Lawyers note that Nuon Chea Defence have also conspicuously omitted to appeal the relevant decisions of the Trial Chamber on this matter when the opportunity existed.
13. Nuon Chea Defence do not make a convincing case of why this rule behoves a categorical change, especially on a matter, which has been unequivocally ruled upon. For these reasons, the Lead Co-Lawyers urge the Trial Chamber to dismiss the Request without consideration on merits.

B. Certain Issues raised by Nuon Chea Defence are under consideration before the Supreme Court Chamber

14. To substantively support the Request, Nuon Chea Defence import arguments from their appeal brief against the Trial Judgment.²⁸ The core of their arguments rests on the alleged errors made by the Trial Chamber in unduly relying on civil party testimony in the Trial Judgement.²⁹
15. Lead Co-Lawyers submit that the appropriate forum to decide on the merits of the alleged errors in the Trial Judgement is the Supreme Court Chamber, which is now seized of the matter. Making the Request without having established whether or not the Trial Chamber did in fact err in its reliance upon civil party testimony is markedly premature.
16. Should the Trial Chamber grant the Request holding that the Trial Judgement's reliance on civil party evidence generally was indeed unduly heavy, it would render numerous grounds of appeal in the Nuon Chea Appeal Brief infructuous. Furthermore, envisaging the Trial Chamber to base the grant of the Request on the merits (or lack thereof) of the alleged errors against its own judgement amounts to legal circularity.

²⁸ Request, para. 5.

²⁹ Request, paras 11-12 *cf* Nuon Chea Appeal Brief, paras 185-206.

17. Therefore, the Lead Co-Lawyers request that the Request be dismissed as unfounded. As articulated earlier, the appropriate occasion to make such a request would have been when the issue was open before the Trial Chamber. Now that the reasons behind making the request afresh are before the Supreme Court Chamber, the reconsideration of this issue must await this determination.

III. MERITS

18. Notwithstanding the Lead Co-Lawyers' preliminary response seeking the dismissal of the Request at the outset, a response on the merits of the Request is provided below in the alternative, should the Trial Chamber elect to reconsider this issue under its discretion under Internal Rule 85.

A. Reliance on Civil Party Testimony by the Trial Chamber

19. One of the purpose of Civil Party action before the ECCC has been to participate in criminal proceedings by supporting the prosecution; this has been recognised as one of the general principles governing victims' participations at the ECCC.³⁰ The Lead Co-Lawyers bring attention to the fact that it has been settled that Civil Parties may testify and have their statements put before the Chamber and assessed as evidence where relevant and probative.³¹
20. The Lead Co-Lawyers oppose the Nuon Chea Defence's claim that the Trial Chamber placed "unduly heavy" reliance on civil party testimony. Lead Co-Lawyers intend to submit detailed arguments relating to each of those specific grounds in their potential response brief as per the requirements set out in the Supreme Court Chamber decision dated 26 December 2014.³²

³⁰ Internal Rules, Rule 23(1)(a).

³¹ Decision on Request to Recall Civil Party Testimony TCCP-187, for Review of Procedure concerning Civil Parties' Statements on Suffering and related motions and responses (E240, E240/1, E250, E250/1, E267, E267/1 and E267/2), **E267/3**, 2 May 2013, para. 21 *citing* Kaing Guek Eav Trial Chamber Judgement, E188, 26 July 2010, paras 52-53.

³² Decision on Civil Party Lead Co-Lawyers' Requests Relating to the Appeals in Case 002/01, **F10/2**, 26 December 2014.

21. The extent of the Trial Chamber's reliance on Civil Party testimony is still only a matter of alleged errors raised by the Nuon Chea Defence in their appeal brief. Even though the Request categorises this practice as an "objectionable practice", it does not seek any specific relief in respect of this limb of their arguments, save demand that civil parties be required to take oath, which is dealt with below.

B. The Civil Parties are not Required to Take Oath under the ECCC Regime

22. Civil Parties at the ECCC, by virtue of being a "party", enjoy a distinct set of participatory rights commensurate to their unique function in the dynamics of a criminal trial.³³ The Lead Co-Lawyers disagree with Nuon Chea Defence that the role of the Civil Parties is limited principally to the pursuit of reparations and is subsidiary to the participation in the criminal proceedings. Internal Rule 23(1) provides that both these functions co-exist – there is no indication of a hierarchy.

23. Nevertheless, Nuon Chea Defence do not explain how the fact of seeking collective and moral reparations is mutually exclusive of the ability to adduce evidence before the chamber. It has been explicitly provided and long settled that civil parties are entitled to participate in criminal proceedings against those responsible for crimes within the jurisdiction of the ECCC by supporting the prosecution. As reiterated by the Lead Co-Lawyers in their previous filings, support to the *prosecution* (as opposed to merely the "Office of the Co-Prosecutors") predicates their ability to participate in the criminal proceedings, including the key mode of such participation i.e. giving of evidence.

24. In the context of civil parties providing evidence through in-court "testimony", there is only one explicit proscription that they may *never* be heard as a witness or questioned as a simple witness but may only be interviewed under the *same* conditions as the Charged Person or Accused.³⁴ This position is consistent with French law, which provides that it is not possible to be both a party to the proceedings

³³ Decision on Civil Party Lead Co-Lawyers' Request Relating to the Appeals in Case 002/01, **F10/2**, 26 December 2014, para. 15.

³⁴ Code of Criminal Procedure of the Kingdom of Cambodia, Article 312 read with Internal Rule 23.

- and a witness; a natural implication of which is that civil parties do not take an oath before testifying.³⁵
25. The major challenge drawn by the Nuon Chea Defence to the use of unsworn testimony of civil parties is the absence of safeguards intended to protect the integrity of the evidence. Lead Co-Lawyers submit that this challenge is tenuous because it is based on the assumption that civil party evidence should be received and assessed according to parameters identical to witness testimony whereas the bar to measure civil party testimony is same as that of the “Charged Person or Accused” and not that of a “witness”.
26. Both the Accused and the Civil Parties have a specific interest in the outcome of the proceedings. The Lead Co-Lawyers would like to refer to their previous submissions before the Trial Chamber in this regard.³⁶ It is reiterated that, by nature and etymology, the character of civil parties is indeed partial. However, whether the testimony is dishonest or otherwise devoid of credibility is a determination for the Trial Chamber, which is fully aware of the surrounding circumstances and nature of the testimony. It is not a premise to begin with.
27. Therefore, in light of arguments made above, the Lead Co-Lawyers urge that the Request is liable to be dismissed.

C. Practice of Reviewing Statements Before the Testimony is not Improper

28. Nuon Chea Defence contends that the Trial Chamber erroneously permitted civil parties to review their prior statements before testifying.³⁷ The Request does not elaborate why such a practice is improper. From the Request, it is unclear what the challenges are in respect of civil parties being allowed to review their prior statements. However, specifically, with respect to 2-TCCP-271, it requests that the Civil Party be prohibited from reviewing prior statements before appearing in court, without providing the underlying reasoning.³⁸

³⁵ See French Code of Criminal Procedure, Article 422.

³⁶ Lead Co-Lawyers’ Observations, para. 27.

³⁷ Request, para. 6.

³⁸ *Ibid*, paras 19-20.

29. In addition to this, the Request also takes issue with the practice that civil party lawyers are entitled to meet freely with their clients and civil parties themselves are “allowed to and even *encouraged* to meet with other civil parties [...] [n]or are they restricted from attending trial and hearing the evidence of other witnesses and civil parties.”³⁹
30. The Lead Co-Lawyers make a reference to their earlier argument that civil parties do not enjoy the status of a witness and vice versa. Therefore, civil parties and witnesses cannot be treated similarly in respect of their level of involvement in the proceedings before the Trial Chamber. The Internal Rules are unambiguous in terms of the rights granted to each and none of them suggest that it is possible to impose a restriction on civil party participation as requested by Nuon Chea.
31. Furthermore, altering the practice of reviewing statements before the civil parties testify is not only unfounded, it is inutile. Civil Parties and their lawyers, by virtue of their status as a “party” already have access to the case files, including the right to examine and obtain copies thereof.⁴⁰ Restricting them from reviewing their own statements would only serve as a token barrier that does not serve any purpose.
32. The Request if granted would not only be contradictory to the explicit provisions in the Internal Rules but would also amount to a substantial variation in the procedural rights granted to the civil parties. Therefore, for these reasons, the Lead Co-Lawyers submit that the Request warrants a rejection.

D. The Requests Relating to 2-TCCP-271 are Unfounded

33. Nuon Chea Defence contend that the aforementioned objectionable practices would cause irreparable harm to Nuon Chea and violate his right to a fair trial. They add that it would be “so impractical as to be impossible for the Defence to later be permitted to re-question every witness and civil party who appears in order to challenge the credibility and reliability of their evidence”.⁴¹

³⁹ *Ibid*, para. 14.

⁴⁰ Internal Rule 86.

⁴¹ Request, para. 17.

34. Nuon Chea Defence is correct in asserting that it would be impractical to challenge the credibility and reliability of the evidence of the civil party testifying before the court when the trial evidentiary hearings are the only juncture they avail of their right to do so.
35. Prior to this, the Nuon Chea Defence had at least two occasions to subject the evidence of civil party 2-TCCP-271 to a debate –one, during the investigative stage and second, during the appeal to the Closing Order.
36. The Lead Co-Lawyers note that Nuon Chea Defence, in their investigative requests relating to Kraing Ta Chan, did not put in any requests for 2-TCCP-271.⁴² Following this stage, the Internal Rules provide that the Closing Order cures any procedural defects in the judicial investigation; thereafter, no issues concerning such procedural defects may be raised before the Trial Chamber or the Supreme Court Chamber.⁴³
37. In addition to this, the Nuon Chea Defence did not challenge the sole reliance of the Co-Investigative Judge on 2-TCCP-271 for certain facts relating to Kraing Ta Chan in their appeals against the Closing Order.⁴⁴ The resolution of the appeal against the Closing Order disposed off any outstanding procedural matters relating to the investigative stage.
38. The Lead Co-Lawyers submit that the ultimate weight and probative value accorded to 2-TCCP-271 will be determined by the Trial Chamber in its final assessment at the conclusion of the trial in light of the full body of evidence. The Request pre-empts that sole reliance in the Closing Order translates to sole reliance in the Trial Judgement, which is not the case.
39. Therefore, the Lead Co-Lawyers submit that the requests relating to 2-TCCP-271 be dismissed in their entirety for specific reasons outlined above and those otherwise elaborated in their general response relating to civil parties.

⁴² See [Nuon Chea Defence] Twenty-Fourth Request for Investigative Action, **D339**, 2 February 2010.


⁴³ Internal Rule 76(7).

⁴⁴ Appeal Against the Closing Order, **D427/3/1**, 18 October 2010.

IV. REQUEST

WHEREFORE, for the reasons elaborated above, the Civil Parties respectfully request the Trial Chamber to **REJECT** the Nuon Chea Defence Request in its entirety.

Respectfully submitted,

Date	Name	Place	Signature
23 January 2015	PICH ANG Lead Co-Lawyer	Phnom Penh	
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