

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

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**NUON CHEA'S RESPONSE TO CIVIL PARTY LEAD CO-LAWYERS' REQUEST  
FOR CLARIFICATIONS ON THE SCOPE OF EXAMINATION OF CIVIL PARTIES**

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## I. INTRODUCTION

Pursuant to Rule 39 of the Internal Rules (Rev. 9) of the Extraordinary Chambers in the Courts of Cambodia (the “ECCC”) and Article 8 of the Practice Direction on Filing of Documents before the ECCC (Rev. 8), the Co-Lawyers for Mr. Nuon Chea (the “Defence”) submit this response (the “Response”) to the Civil Party Lead Co-Lawyers’ Request for Clarifications on the Scope of In-Court Examination of Civil Parties (the “Request”) filed on 14 September 2015.<sup>1</sup>

## II. BACKGROUND

1. On 25 August 2015, during the civil party lawyer’s examination of civil party Nhip Horl (2-TCCP-269), the Defence raised questions as to the manner in which this civil party had been questioned up to that point.<sup>2</sup> After a brief discussion by the parties, the President instructed the Civil Party Lead Co-Lawyers (the “Lead Co-Lawyers”) to file written submissions on the issue.<sup>3</sup>
2. On 14 September 2015, the Lead Co-Lawyers filed the Request.<sup>4</sup>

## III. APPLICABLE LAW

3. Article 33 *new* of the Law on the Establishment of the ECCC provides that:

The Extraordinary Chambers of the trial court shall ensure that trials are fair and expeditious and are conducted in accordance with existing procedures in force, with full respect for the rights of the accused and for the protection of victims and witnesses.

4. Similarly, Internal Rule 21 (1) stipulates that one of the “Fundamental Principles” of the procedure at the ECCC is that:

The applicable ECCC Law, Internal Rules, Practice Directions and Administrative Regulations shall be interpreted so as to always safeguard the interests of Suspects, Charged Persons, Accused and Victims and so as to ensure legal certainty and transparency of proceedings [...] In this respect:

- a) ECCC proceedings shall be fair and adversarial and preserve a balance between the rights of the parties. [...]

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<sup>1</sup> E365, ‘Civil Party Lead Co-Lawyers’ Request for Clarifications on the Scope of In-Court Examination of Civil Parties’ (“Request”), 14 Sep 2015.

<sup>2</sup> T. 25 Aug 2015 (Nhip Horl, E1/336.1), p. 21, ln. 5 – p. 22, ln. 1.

<sup>3</sup> T. 25 Aug 2015 (Nhip Horl, E1/336.1), p. 26, lns. 15 – 20.

<sup>4</sup> E365, ‘Civil Party Lead Co-Lawyers’ Request for Clarifications on the Scope of In-Court Examination of Civil Parties’, 14 Sep 2015.

5. Internal Rule 85 provides that in consultation with the other judges, the President of the Chamber “shall maintain good order during the trial” and “may exclude any proceedings that unnecessarily delay the trial, and are not conducive to ascertaining the truth”.

#### IV. ARGUMENT

##### A. The Nature of the Defence’s Observations and of the Issues Raised

6. Before turning to its discussion of substantive matters, the Defence wishes to clarify the nature of its observations and of the issues raised during civil party Nhip Horl’s appearance before of the Trial Chamber.
7. The Lead Co-Lawyers interpreted the Defence’s observations partly as a late challenge to the admissibility of Nhip Horl’s civil party application.<sup>5</sup> On the contrary, the issue raised by the Defence was in essence not whether Nhip Horl had legal standing to bring a civil action before the ECCC, but whether the manner in which Nhip Horl had been examined by his civil party lawyer up to the point when the Defence raised the issue was proper and consistent with his status as a civil party.
8. The Defence submits that a distinction between a civil party and a normal witness must be made in various respects. These include, for instance, the probative value of their in-court statements, which was discussed in length in Nuon Chea’s appeal against the trial judgement in Case 002/01,<sup>6</sup> and the manner in which the in-court examination of civil parties and normal witnesses should respectively be conducted.
9. The problem at issue is precisely that civil party Nhip Horl was examined as if he were a normal witness. As the Khieu Samphân Defence observed at the time, during the examination of Nhip Horl “there [was] no distinction being made between a normal witness who should testify to facts and a civil party whose status is completely different”.<sup>7</sup>
10. The Defence’s own observation in regard to Nhip Horl was based on the overall manner in which Nhip Horl had been examined up to the point when the issue was raised, *not* merely on the last question put by the civil party lawyer regarding marriages prior to the

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<sup>5</sup> T. 25 Aug 2015 (Nhip Horl, E1/336.1), p. 22, lns. 4 – 21; E365, Request, para. 27.

<sup>6</sup> F16, ‘Nuon Chea’s Appeal against the Judgement in Case 002/01’, 29 Dec 2014, *see e.g.*, paras. 194-206.

<sup>7</sup> T. 25 Aug 2015 (Nhip Horl, E1/336.1), p. 24, lns. 4 – 6.

Defence making its observations. The latter, however, seems to be how the Lead Co-Lawyers interpreted it.<sup>8</sup>

11. Another clarification which the Defence intends to make is that its observation with regard to focusing the questioning on a “specific segment”<sup>9</sup> was not meant to be limited to the questioning of civil parties. Indeed, this should obviously apply equally to the questioning of a normal witness.

**B. The Manner in Which the Examination of a Civil Party by the Civil Party Lawyers Should Be Conducted (Grounds for Relief 1-3 in the Request)**

*(i) The Role of the Civil Parties in the Proceedings before the ECCC*

12. The starting point in the discussion about the proper manner in which a civil party should be examined is the particular role which a civil party is supposed to play in the proceedings before the ECCC.
13. Based on the distinction between the purposes of criminal and civil actions as explicitly illustrated in Article 2 of the 2007 Cambodian Code of Criminal Procedure<sup>10</sup> and the fact that “[t]he rights of Civil Parties in Cambodian criminal procedure are now more narrowly focused on their interests in reparations”,<sup>11</sup> the Trial Chamber has held that:

the interests of Civil Parties are *principally* the pursuit of reparations. However, a prerequisite for reparations is a criminal conviction. The Civil Parties *accordingly* have an interest in the Trial Chamber determining *the elements of the crime which, if proved, form the basis for their civil claims*. For this reason they are entitled to *support* the prosecution in establishing the criminality of the actions of the accused *which affect them* and which create the foundation for a claim for reparation.<sup>12</sup>

14. In summary, with regard to the different roles of the parties, the Trial Chamber held first that “[i]t is for the Co-Prosecutors to prove the guilt of the Accused”. The civil parties may only support the Co-Prosecutors in this regard subject to the civil parties’ “interest

<sup>8</sup> E365, Request, paras. 9, 31, 34.

<sup>9</sup> T. 25 Aug 2015 (Nhip Horl, E1/336.1), p. 21, Ins. 23 – 24.

<sup>10</sup> Article 2 of 2007 Cambodian Code of Criminal Procedure provides that:

Criminal and civil actions are two separate kinds of legal actions.

The purpose of a criminal action is to examine the existence of a criminal offense, to prove the guilt of an offender, and to punish this person according to the law.

The purpose of a civil action is to seek compensation for injuries to victims of an offense and with this purpose to allow victims to receive reparation corresponding with the injuries they suffered.

<sup>11</sup> Case File No. 001/18-07-2007-ECCC/TC, E72/3, ‘Decision on Civil Party Co-Lawyers’ Joint Request for A Ruling on the Standing of Civil Party Lawyers to Make Submissions on Sentencing and Directions Concerning the Questioning of the Accused, Experts and Witnesses Testifying on Character’ (“Decision on Civil Parties’ Standing Regarding Sentencing”), 9 Oct 2009, paras. 29-31.

<sup>12</sup> Case 001, E72/3, Decision on Civil Parties’ Standing Regarding Sentencing, para. 33 (emphases added).

in securing a decision on the criminality of the actions of the Accused, *upon which to found a claim for reparation*".<sup>13</sup> Second, in terms of sentencing and reparation, it is for the Co-Prosecutors "to ensure an appropriate sentence" and for the civil parties "to seek reparation"; according to the Chamber, "[t]he Co-Prosecutors have no role in seeking reparation, and the Civil Parties *none* in relation to sentencing."<sup>14</sup>

15. Based on the Trial Chamber's holdings above, it is clear that the role of the civil parties is "principally" in pursuit of reparation. Other subsidiary roles which the civil parties may play are derivative in nature and have to serve the principal purpose of seeking reparation. Therefore, the civil parties' limited role in assisting the Co-Prosecutors in establishing the criminality of the accused's actions should focus on "the criminality of the actions of the accused *which affect them*" and "which, if proved, form the basis for *their* civil claims".<sup>15</sup> In other words, this limited role does not open the door for civil parties to discuss any and all legal or factual issues in relation to the guilt or innocence of the accused. On the contrary, the role is limited to dealing with issues that relate to the accused's actions which affect the specific civil parties and which may form the basis for these civil parties' civil claims. Moreover, given that the civil parties have no role in sentencing, "[w]here facts relate exclusively to sentencing, Civil Parties may not evaluate such facts or make submissions in relation to them".<sup>16</sup>

**(ii) *The Relevance of the Requirements for Admission of Civil Party Applications***

16. Internal Rule 23 *bis* (1)(b) provides that "[i]n order for Civil Party action to be admissible, the Civil Party applicant shall", *inter alia*:

demonstrate as a direct consequence of at least one of the crimes alleged against the Charged Person, that he or she has in fact suffered physical, material or psychological injury upon which a claim of collective and moral reparation might be based.

17. Although Internal Rule 23 *bis* (1)(b) is formulated only in relation to the issue of admissibility, the substance of the requirements set out therein are essentially the same as what is stipulated in Article 13 of the 2007 Cambodian Code of Criminal Procedure in relation to the conditions for compensation in civil actions.<sup>17</sup>

<sup>13</sup> *Case 001, E72/3*, Decision on Civil Parties' Standing regarding Sentencing, para. 41 (emphasis added).

<sup>14</sup> *Case 001, E72/3*, Decision on Civil Parties' Standing regarding Sentencing, para. 42 (emphasis added).

<sup>15</sup> *Case 001, E72/3*, Decision on Civil Parties' Standing regarding Sentencing, para. 33.

<sup>16</sup> *Case 001, E72/3*, Decision on Civil Parties' Standing regarding Sentencing, para. 36.

<sup>17</sup> Article 13 of 2007 Cambodian Code of Criminal Procedure provides that (emphasis added):

18. As the Supreme Court Chamber held in its Case 001 appeal judgement, given that the status of civil party “attaches solely to the fact of deriving a civil claim from the criminal act charged”, the emphasis of the assessment of the admissibility of civil party applications is placed “on assessing the proof in support of the claim”.<sup>18</sup> In other words, due to the inseparable relation between the status of civil parties and their civil claims, the assessment of the admissibility is in essence a *prima facie* assessment of the proof in support of the civil claims. It follows that the requirements for admissibility as provided in Rule 23 *bis* (1)(b) are in substance the same as the conditions for proving civil claims and obtaining reparation. This interpretation is consistent with the domestic law of Cambodia (Article 13 of the 2007 Cambodian Code of Criminal Procedure). Therefore, contrary to what Judge Fenz suggested during the Defence’s cross-examination of Nhip Horl,<sup>19</sup> the relevance of the existence of personal injuries and the causal link between the injuries and the alleged crimes is not limited to the admissibility of civil party applications. They are also relevant to the ultimate determination of the substance of the civil claims and reparation.
19. Contrary to the Lead Co-Lawyers’ assertion, the Defence did not suggest<sup>20</sup> that the examination of civil parties must be limited only to “issues affecting admissibility”<sup>21</sup> – which are as aforementioned essentially the same issues relevant to the proof of civil claims and the basis for reparation. This is because, in addition to establishing the existence of personal injuries and the direct causal link between the injuries and the charged crimes (Rule 23 *bis* (1)(b)), civil parties may also assist the Co-Prosecutors in securing a conviction of the accused for crimes that specifically affect the civil parties. This, as illustrated in the previous section, is decided by the particular role which the civil party is supposed to play in the proceedings before the ECCC.

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A civil action can be brought by the victim of an offense. In order to be compensated, the injury must be:

- A direct consequence of an offense;
- Personal damage;
- Actually occurred and exist at the present time.

An injury can be damage to property or physical or psychological damage.

<sup>18</sup> *Case File No. 001/18-07-2007-ECCC/SC*, **F28**, ‘Appeal Judgement’, 3 Feb 2012 (“Case 001 Appeal Judgement”), para. 411.

<sup>19</sup> T. 25 Aug 2015 (Nhip Horl, **E1/336.1**), p.49, lns. 20 – 25; p. 50, lns. 1 – 2. Judge Fenz said that the Defence counsel was “basically revisiting the admission of this person as a civil party” by putting questions on the existence of Nhip Horl’s personal injuries, and commented that “Beyond that, what’s the relevance of these questions? The ones about his personal suffering?”

<sup>20</sup> T. 25 Aug 2015 (Nhip Horl, **E1/336.1**), p. 21, lns. 8 – 12. The Defence suggested that in the capacity of civil party, Nhip Horl “has to” give testimony on his injuries directly connected to alleged crimes at Trapeang Thma Dam worksite. The Defence did not argue that his testimony must be confined to this topic only.

<sup>21</sup> *See, e.g., E365*, Request, para. 30.

20. However, the role of the civil party also dictates that seeking to establish the injuries and the causal link should be the *principal* task of the civil party, while assisting the Co-Prosecutors in proving the guilt is simply a *subsidiary* task. Therefore, the Defence submits that a proper examination of a civil party should focus primarily on the principal task, rather than the subsidiary one. This submission is consistent with the President’s comments during the discussion in court.<sup>22</sup>

***(iii) Problems in the Manner in Which Nhip Horl Had Been Examined***

**Injuries not related to Trapeang Thma Dam worksite or Case 002/02**

21. The appearance of Nhip Horl was expected to last one day. The total time allocated to both the prosecutors and the civil party lawyers was 2 hours and 15 minutes (two sessions in the morning). The examination of Nhip Horl by his civil party lawyer started at around 09.07 am.<sup>23</sup> For the first 18 minutes,<sup>24</sup> Nhip Horl was asked about his life before he went to work at Trapeang Thma Dam and the physical injuries he sustained during that period at a location other than Trapeang Thma worksite.<sup>25</sup> The Defence does not object to the civil party lawyer questioning the civil party on his general background. However, questioning this civil party at length on details in relation to the living and working conditions at locations outside the scope of Case 002/02 and in relation to the civil party’s injuries that were not the result of any alleged crimes related to Trapeang Thma Dam worksite or any other segments of Case 002/02 is simply an improper way of fulfilling the duties incumbent on the civil party lawyers to represent the interest of the civil parties, which is principally to obtain reparation.

**Injuries related to Trapeang Thma Dam worksite but not personal to Nhip Horl**

22. After eventually moving to the topic of Trapeang Thma Dam worksite, the civil party lawyer questioned Nhip Horl for about 40 minutes before the Defence interrupted the examination. During this period of approximately 40 minutes, the civil party lawyer asked numerous questions about the working and living conditions at the dam, but not a

<sup>22</sup> T. 25 Aug 2015 (Nhip Horl, **E1/336.1**), p.25, lns. 1 – 3. “So we are here to explore the sufferings the civil party endured. And concerning facts, they are *subsidiary* points that we can ask.” (emphasis added)

<sup>23</sup> T. 25 Aug 2015 (Nhip Horl, **E1/336.1**), p.4, ln. 10 .

<sup>24</sup> T. 25 Aug 2015 (Nhip Horl, **E1/336.1**), p.9, lns. 7 – 9. The civil party lawyer only moved to the topic of Trapeang Thma worksite at around 09.25 am.

<sup>25</sup> T. 25 Aug 2015 (Nhip Horl, **E1/336.1**), p.5, ln. 1 – p. 9, ln. 6. See, in particular, p. 7, ln. 8 – p. 9, ln. 6, Nhip Horl was asked about his health situation while he was working at Sala Kraham before he went to work at Trapeang Thma worksite.

single question on Nhip Horl's personal injuries, be it physical, material or psychological. In contrast, the civil party lawyer repeatedly asked Nhip Horl about the health conditions of other workers from his unit.<sup>26</sup> This manner of examination is problematic because it is inconsistent with Nhip Horl's status as a civil party and the particular role which the civil party is supposed to play.

23. First, the principal task of the civil party is to seek reparation by establishing personal injuries and the causal link between the injuries and the alleged crimes. The suffering of other workers do not amount to personal injuries of Nhip Horl. While the rules applicable at the ECCC allow civil claims for reparation to be based on psychological injuries suffered by the civil party as a result of other people's suffering, "special bonds of affection or dependence connecting the applicant with the direct victim" must be established.<sup>27</sup> In order to prove psychological injuries, a civil party may need to establish the suffering endured by other people. However, this does not apply to *any* "other people". In the absence of proof of "special bonds of affection or dependence" between Nhip Horl and the other workers, questioning him on the suffering of those workers does not serve the civil party's principal purpose of seeking reparation.
24. Second, while the civil party may support the prosecutors in securing a conviction in order to serve the principal purpose of seeking reparation, this support is merely a subsidiary task of the civil party and should be limited to proving the criminality of the accused's actions which affect the civil party. Questions about the living and working conditions at Trapeang Thma Dam worksite may indeed have bearing on the guilt or innocence of the accused in respect of the crimes charged in relation to this worksite. However, in the absence of proof of any personal injuries as a result of those crimes – which is for the civil party to establish – the guilt or innocence of the accused in relation to those crimes is irrelevant to any reparation that the civil party may seek. When the Defence raised the issue, the civil party lawyer had already spent approximately one hour on examination, which is almost half of the total time allocated to the civil party lawyers and the Co-Prosecutors combined. Even if the civil party lawyer had planned to ask further questions which would have sought to establish Nhip Horl's personal injuries and the causal link between the charged crimes and the alleged injuries,

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<sup>26</sup> T. 25 Aug 2015 (Nhip Horl, E1/336.1), p.18, lns. 19 – 22; p. 19, lns. 1-3, 9-10; p. 19, ln. 25 – p. 20, lns. 1-2, 6-7.

<sup>27</sup> F28, Case 001 Appeal Judgement, para. 447.



spending such a substantial amount of time on issues that are either irrelevant or merely subsidiary without *first* fulfilling the *principal* task incumbent on the civil party is, in the opinion of the Defence, an improper proper way of conducting the examination of a civil party by a civil party lawyer.

25. Third, the suffering of other workers may be deemed to be part of the impact of the alleged crimes. The general impact of the alleged crimes on a broad class of victims (as opposed to civil parties) may indeed be relevant to a criminal trial. However, the relevance is to the sentencing rather than the guilt or innocence of the accused because while the impact on victims may be considered as mitigating or aggravating factors, it is *not* an element of crime. As illustrated above, the civil party has no role in sentencing. Accordingly, “[w]here facts relate exclusively to sentencing, Civil Parties may not evaluate such facts or make submissions in relation to them”.<sup>28</sup> This constitutes yet another reason why the line of questioning regarding suffering of other workers is an improper approach to the examination of a civil party by the civil party lawyer.
26. Fourth, the duty of the Lead Co-Lawyers and other civil party lawyers is to represent the interests of the consolidated group of the civil parties (Internal Rule 12 *ter* (5) & (6)), not that of victims in general. Accordingly, the examination of a civil party by a civil party lawyer should focus on injuries of the civil party, not on general impact upon all victims. The manner in which Nhip Horl had been examined by his civil party lawyer up to the point when the Defence expressed its observation left the Defence with the impression that Nhip Horl was simply used as a pretext to sneak in a much broader range of background information. This impression is to a large extent confirmed by the Lead Co-Lawyers in the Request, where they argued that civil party lawyers may introduce through a civil party “all the facts and information within the scope of Case 002/02” considering that the Lead Co-Lawyers were barred by “legal restrictions” from adducing “supplementary information” as new evidence.<sup>29</sup> This, the Defence submits, is a patent abuse of the proceedings before the ECCC.

**(iv) Summary Conclusions**

27. The manner in which the examination of a civil party by the civil party lawyers is conducted must reflect the distinct role which the civil party is supposed to play. The

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<sup>28</sup> *Case 001, E72/3*, Decision on Civil Parties’ Standing regarding Sentencing, para. 36.

<sup>29</sup> **E365**, Request, para. 42.

examination of a civil party by the civil party lawyers must *primarily*, though not necessarily solely, focus on the principal task of the civil party: to prove the civil claims and seek reparation by establishing the personal injuries and the causal link between the injuries and the crimes. The civil party's support to the prosecutors in securing a conviction derives from and is subsidiary to its principal task and should be carried out only to the extent necessary for obtaining reparation. The civil party lawyers should not let this subsidiary task hijack their examination of a civil party. Otherwise, it would blur and even erase the lines between a civil party and a normal witness, and between the civil party and the prosecutor.

28. In principle, examination of a civil party by the civil party lawyers should be limited to the harm suffered by this civil party. While in certain circumstances it may be necessary to establish the harm suffered by other people in order to prove this civil party's psychological injuries, the psychological injuries must be personal in that "special bonds of affection or dependence" must exist between this civil party and the specific "other people" whose suffering is being explored before the chambers. The civil party lawyers do not have standing to evaluate facts or make submissions on the general impact of the alleged crimes on the broad class of victims (as opposed to civil parties in the proceedings before the ECCC).

**C. The Scope of Facts That Could be Discussed In Each Segment (Relief 4 in the Request)**

29. Relying on the Trial Chamber's decisions in relation to the hearing of suffering, the Lead Co-Lawyers argue that civil parties are permitted to provide "testimony on the facts at issue" as long as it is confined to the scope of the current trial and subject to adversarial argument.<sup>30</sup> The Defence submits that this is not an accurate interpretation of the Trial Chamber's decisions. The Trial Chamber's holdings that testimony on facts is allowed so long as it is within the scope of the entire trial should be interpreted as a general comment on principles applicable to in-court statements in any criminal trials without taking into consideration any specific trial management measures that it may take – such as conducting the trial segment by segment – rather than a comment directed to the in-court statement of each specific civil party or witness. An interpretation to the contrary would lead to the absurd situation where a civil party or

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<sup>30</sup> T. 25 Aug 2015 (Nhup Horl, E1/336.1), p. 23, Ins. 1 – 11; E365, Request, paras. 21-22, 29.

witness may theoretically appear in court during one trial segment yet provide information exclusively relevant to other segments of the trial. This would effectively render the Trial Chamber's decision to conduct the trial segment by segment meaningless and flagrantly contradict the fundamental principle of legal certainty by making it almost impossible for the parties to manage their case.

#### **D. Problematic Civil Party System at the ECCC**

30. Although the issues raised by the Defence during Nhip Horl's appearance, as indicated above, were not about the admissibility of his civil party application, the Defence wishes to make some general comments on the problematic system operating at the ECCC in regard to civil parties.
31. In the current system, the admissibility of civil parties is to be determined at the pre-trial stage and on the basis of written applications instead of interviews of the applicants by any judicial authorities. There is no mechanism available for the parties to explore more information about a civil party applicant before making their decisions on whether to challenge the admissibility of the given applicant as a civil party. Based on the extremely limited information available before the appearance of Nhip Horl, the Defence could not, despite due diligence, have suspected that he was not at all qualified as a civil party.
32. Had the Internal Rules been consistent with the domestic law of Cambodia which allows for the admissibility issue to be decided by the trial chamber in the judgement together with the substance of the civil claims,<sup>31</sup> this type of situation would have been avoided because by the time of the judgement more information is available for a proper assessment of the admissibility. Unfortunately, after the amendments to the Internal Rules in 2010, the Trial Chamber's authority to decide on the issue of admissibility in the judgement was removed from the Internal Rules.<sup>32</sup>
33. The prejudice of this kind could also have been reduced if there were a mechanism for excluding unqualified "civil parties" from the "consolidated group" of civil parties represented before the ECCC. However, there is no explicit provision in the current Internal Rules (Rev. 9) providing for the exclusion of unqualified "civil parties".

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<sup>31</sup> 2007 Cambodian Code of Criminal Procedure, Art. 355.

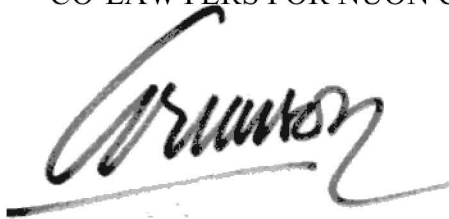
<sup>32</sup> This authority existed in Internal Rules (Rev. 3) Rule 23 and Rule 100 (1).

34. Nhip Horl's case is no coincidence because it is a foreseeable consequence of the flawed system. The current problematic system at the ECCC could only too easily lead to an unacceptable situation where an individual who did not endure any personal injuries would be granted the status of a civil party and in the end become a beneficiary of the collective reparation.

#### V. RELIEF

35. For the above reasons, the Defence requests that the Trial Chamber in exercise of its powers under Internal Rule 85:
- (a) Clarify that the examination of a civil party by the civil party lawyers must primarily focus on issues that bear on reparation, in particular the personal injuries suffered by the civil party concerned and the causal link between the injuries and the alleged crimes;
  - (b) Clarify that the examination of a civil party by the civil party lawyers must in principal be confined to harm suffered by the said civil party, and that only when required by the need to prove personal psychological injuries may the examination extend to exploring the harm suffered by other people who are connected to the said civil party by "special bonds of affection or dependence";
  - (c) Clarify that the examination of a civil party or a witness must in principle and to the extent possible focus on issues within the specific trial segment in which the said civil party or witness is heard.

CO-LAWYERS FOR NUON CHEA



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