



ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

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

អង្គការគាំពារជនរងគ្រោះ

Victims Support Section
Section d'appui aux victimes

Kingdom of Cambodia	
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INTEROFFICE MEMORANDUM

TO: Judge Nil Nonn
President of the Trial Chamber
Judges of the Trial Chamber

Date: 2 March 2011

Ref: VSS-2011-002-TC

FROM: Rong Chhorng
Chief, Victims Support Section

សាធារណៈ / Public

SUBJECT: Case 002: Change in legal representation of 43 United States-based Civil Party (applicants)

1. The Victims Support Section would like to forward the Civil Party lawyers' request in which Ms. Lyma Nguyen would like to transfer her 43 US-based clients to Ms. Nushin Sarkarati who is entitled to represent clients before the ECCC. For the ease of reference, please find the attached documents.
2. By way of background, 41 Civil Party (applicants) submitted their applications with the assistance of The Applied Social Research Institute of Cambodia (US-based ASRIC), whereas 2 others submitted their applications individually. On 2 August 2010, by Order No. D337/10 the OCIJ designated Ms. Lyma Nguyen and Mr. Ny Chandy (currently replaced by Mr. Sam Sokong) to represent them on a temporary basis. Upon the requests by Ms. Lyma Nguyen and Mr. Sam Sokong and ASRIC, Ms. Nushin Sarkarati from the Center for Justice and Accountability (US-based CJA) accepted the permanent legal representation of the 43 Civil Party (applicants).
3. In our view, the interests of justice are such that Civil Party (applicants) should continue to enjoy the same level of legal representation as had been determined and assigned by the Co-Investigating Judges at the pre-trial phase of the case. As a result, we would consider it appropriate for Ms. Nushin Sarkarati to assume joint representation with the existing national co-lawyer of the clients from whom Ms. Lyma Nguyen has withdrawn. While it would be theoretically possible for Ms. Nushin Sarkarati to contact each client for an individual Power of Attorney authorizing her to act in addition to existing national lawyer, given the size of the class, practical difficulties in effecting physical contact and pressure of time, in our view it would be instead appropriate for the Chamber to exercise its power to order, by way of designation, that Ms. Nushin Sarkarati represent these clients in addition to existing national lawyer, Mr. Sam Sokong, pursuant to its power under Rule 23 *ter* 3 (b), as amended.
4. We are grateful to the Trial Chamber for its assessment of this issue, and for advice of its decision in due course.