



ព្រះរាជាណាចក្រកម្ពុជា  
ជាតិ សាសនា ព្រះមហាក្សត្រ  
Kingdom of Cambodia  
Nation Religion King

អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

Royaume du Cambodge  
Nation Religion Roi

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

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

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

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Before: **The Co-Investigating Judges**  
 Date: **30 November 2016**  
 Language(s): **English & Khmer [Original in English]**  
 Classification: **CONFIDENTIAL**

**ORDER ON THE ASSIGNMENT OF LAWYERS FOR ALL CIVIL PARTY APPLICANTS**

**Distribution:**

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## I. PROCEDURAL HISTORY

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.
2. Since the beginning of the investigation into Case 004, 1910 people have filed applications to become Civil Parties. Often, they have filed no power of attorney (“POA”), multiple POAs with different information, incomplete or invalid POAs.
3. Following consultation with the Victim Support Section (“VSS”) and Civil Party lawyers, in this Order, I assign lawyers to unrepresented applicants and to applicants with invalid, expired, contradictory or incomplete POAs; and reaffirm, for clarity, the legal representation of applicants with valid POAs. This will be compiled in Annexes B to G to this Order.
4. This Order also takes into account the updated list of lawyers active in the group *Défense sans frontières*.<sup>1</sup>

## II. DISCUSSION

5. Internal Rule 23 *ter* states that “[a]s soon as practicable but at the latest by the issuance of the Closing Order, the Co-Investigating Judges shall make appropriate orders for” the purpose of the Civil Parties to benefit from legal representation.<sup>2</sup>
6. In addition, Civil Parties may be represented by a common lawyer and the CIJs may organise common representation through assigning the Civil Parties to existing groups or designating lawyers for such groups, in consultation with the Victims Support Section (“VSS”), while making sure that “*the distinct interests of each of the Civil Parties are represented and that any conflict of interest is avoided.*”<sup>3</sup>
7. The Practice Direction for Victim Participation further states that “[i]f necessary, the judges may [...] themselves appoint such common representation.”<sup>4</sup>
8. The applicants listed in the Annexes may, by way of reasoned application, request reconsideration of the designation of their lawyer.

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<sup>1</sup> Annex A, *Email Communication between OCIJ and DSF*, 22 November 2016.

<sup>2</sup> ECCC, Internal Rule 23 *ter* (1).

<sup>3</sup> ECCC, Internal Rule 23 *ter* (3).

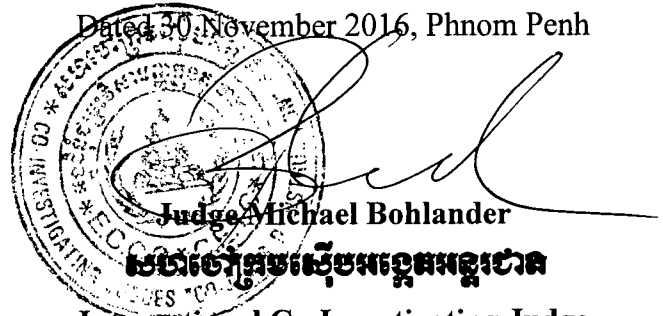
<sup>4</sup> ECCC, Practice Direction on Victim Participation, 02/2007/Rev.1, Article 4.4.



**9. FOR THE FOREGOING REASONS, I:**

10. **ORDER** assignment of lawyers to all Civil Party applicants, as listed in Annexes B to G to this Order.

Dated 30 November 2016, Phnom Penh



**Judge Michael Bohlander**

**សេដាហ្វែល មីកែល ហ្គឺនធីរ**

**International Co-Investigating Judge  
Co-juge d'instruction international**