

**BEFORE THE SUPREME COURT CHAMBER  
EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA**

**FILING DETAILS**

**Case No.:** 004/2/07-09-2009-ECCC-TC/SC

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**Filed to:** Supreme Court Chamber

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**CIVIL PARTY LAWYERS' REQUEST FOR NECESSARY MEASURES TO BE  
TAKEN BY THE SUPREME COURT CHAMBER TO SAFEGUARD THE CIVIL  
PARTIES' FUNDAMENTAL RIGHT TO LEGAL REPRESENTATION BEFORE  
THE CHAMBER IN CASE 004/2**

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**Before:**

**Supreme Court Chamber**

Judge KONG Srim, President
Judge C. N. JAYSASINGHE
Judge SOM Sereyvuth
Judge MONG Monichariya
Judge Maureen HARDING CLARK
Judge YA Narin

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## ECCC LAW

### Core Legal Documents

1. Extraordinary Chambers in the Courts of Cambodia, Internal Rules (Rev. 9), Glossary, Rules 12 *ter* (4), 23(3), 23bis(2) and (3), 29(8), 31(10), 58(6), 59(5), 63(4), 73, 74, 82(6), 104, 105, as revised on 16 January 2015. *Not attached – ECCC Legal Compendium.*

### Case Law

#### *Supreme Court Chamber*

1. Case File No. 001/18-07-2007-ECCC (“Case 001”), **F28**, Appeal Judgement, paras. 488-89, 661, 3 February 2012. *Not attached – ECCC Case File.*
2. Case File No. 002/19-09-2007/ECCC/TC (“Case 002”), **F10/2**, Decision on Civil Party Lead Co-Lawyers’ Requests Relating to the Appeals in Case 002/01, paras. 12-14, 26 December 2014. *Not attached – ECCC Case File.*
3. Case 002, **F26/2/2**, Decision on Co-Prosecutors and Civil Party Lead Co-Lawyers’ Request for Additional Time for Examination of SCW-5, para. 7, 30 June 2015. *Not attached – ECCC Case File.*
4. Case 002, **F52/1**, Decision on Requests Concerning the Civil Party Lead Co-Lawyers Response to KHIEU Samphân Appeal, 8 January 2020. *Not attached – ECCC Case File.*

#### *Trial Chamber*

1. Case 001, **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, 9 October 2009, Dissenting Opinions of Judge Lavergne, para. 13. *Not attached – ECCC Case File.*
2. Case 002, **E74**, Trial Chamber Response to Motions E67, E57, E56, E58, E23, E59, E20, E33, E71 and E73 Following Trial Management Meeting of April 2011, p. 2, 8 April 2011. *Not attached – ECCC Case File.*
3. Case 002, **E163/5/1/13**, Decision on the Co-Prosecutors’ Immediate Appeal of the Trial Chamber Decision Concerning the Scope of Case 002/01, paras. 44, 50, note 110, 8 February 2013. *Not attached – ECCC Case File.*
4. Case File No. 004/2/07-09-2009-ECCC (“Case 004/2”), **E004/2.1**, Appeal Register, 19 May 2020. *Not attached – ECCC Case File.*

#### *Pre-Trial Chamber*

1. Case 002, **C22/I/46**, Decision on Preliminary Matters Raised by the Lawyers for the Civil Parties in IENG Sary’s Appeal Against Provisional Detention Order, 1 July 2008. *Not attached – ECCC case file.*

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2. Case 002, **C22/I/54**, Written Version of Oral Decision of 1 July 2008 on the Civil Party's Request to Address the Court in Person, 3 July 2008. *Not attached – ECCC case file.*
3. Case 002, **C22/I/68**, Decision on Application for Reconsideration of Civil Party's Right to Address Pre-Trial Chamber in Person, 28 August 2008. *Not attached – ECCC case file.*
4. Case 002, **C22/I/69**, Directions on Unrepresented Civil Parties' Right to Address the Pre-Trial Chamber in Person, 29 August 2008. *Not attached – ECCC case file.*
5. Case 004/2, **D364**, Memorandum from the Co-Investigating Judges, Subject: Defense Request of 17 March 2020 to seal and archive Case File 004/2 – D363 ("Request"), p.1, 1 June 2020. *Not attached – ECCC case file.*

### Pleadings

1. Case 004/1, **D308/3/1/8**, Decision on the National Civil Party Co-Lawyer's Request Regarding the Filing of Response to the Appeal Against the Closing Order and Invitation to File Submissions, p. 5, 29 August 2017. *Not attached – ECCC Case File.*
2. Case 004/2, **D359/27.1.1**, Request for confirmation that the Trial Chamber has not been lawfully seized of Case 004/02; in the alternative request for time extension and guidance for filing preliminary objections under Internal Rule 89, 30 December 2019. *Not attached – ECCC Case File.*
3. Case 004/2, **D359/33 & D360/42**, Civil Party Lawyers' Request for Necessary Measures to be Taken by the Pre-Trial Chamber to Safeguard the Rights of Civil Parties to Case 004/2, 30 March 2020. *Not attached – ECCC Case File.*
4. Case 004/2, **E004/2/1**, International Co-Prosecutor's Immediate Appeal of the Trial Chamber's Effective Termination of Case 004/2, 4 May 2020. *Not attached – ECCC Case File.*
5. Case 004/2, **E004/2/1/1**, Response to International Co-Prosecutor's Immediate Appeal of the Trial Chamber's Effective Termination of Case 004/2, 14 May 2020. *Not attached – ECCC Case File.*
6. Case 004/2, **E004/2/1/1/1**, International Co-Prosecutor's Reply to Ao An's Letter Regarding her Immediate Appeal of the Trial Chamber's Effective Termination of Case 004/2, 26 May 2020. *Not attached – ECCC Case File.*
7. Case 004/2, **E004/2/1.2.18**, International Co-Prosecutor's Request for Extension to File her Witness and Expert List, filed 26 December 2019. *Not attached – ECCC Case File.*

### Other

1. Email from Brenda Hollis, International Co-Prosecutor, Subject: Courtesy Copy of ICP immediate appeal to SCC of TC's effective termination of Case 004/02, 4 May 2020. **(Authority 1).**
2. Email from Megan Hirst International Civil Party Lead Co-Lawyer, Subject: Re: Courtesy copy of ICP Immediate Appeal of the TC's Effective Termination of Case 004/02, 5 May 2020. **(Authority 2).**
3. Email from Mr. Panhean REATH, Translator, Interpretation and Translation Unit, Subject: Estimated Timeline for Translation, 22 June 2020. **(Authority 3).**

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4. Case 004/2, **D359/27.1.2**, Email from Mr. Suy Hong Lim Greffier of the Trial Chamber, Subject: Information, 21 January 2020. *Not attached –ECCC case file.*
5. Case 004/2, **D359/27.1.3**, Email from Mr. Suy Hong Lim Greffier of the Trial Chamber, Subject: ICP request dated 4 February 2020, 10 February 2020. *Not attached –ECCC case file.*

#### OTHER

1. International Covenant on Civil and Political Rights, art. 14, 19 December 1966, 999 U.N.T.S. 172. *Exceeds 10 pages – Excerpt attached (Authority 4).*