

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

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**CIVIL PARTY LEAD CO-LAWYERS' REPLY TO NUON CHEA'S RESPONSE TO
REQUEST FOR CLARIFICATION RELATING TO REMAINING CHARGES IN
CASE 002**

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Before:

Trial Chamber

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

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I. REPLY

1. The Lead Co-Lawyers for the Civil Parties (“Lead Co-Lawyers”) hereby reply to *Nuon Chea’s Response to Civil Party Lead Co-Lawyers’ Request for Clarification Relating to Remaining Charges in Case 002* (“Response”).¹
2. In their Request,² the Lead Co-Lawyers inadvertently omitted reference to Kroch Chhmar Security Center in relation to the remaining charges in Case 002.³ Such that there be no question, the Lead Co-Lawyers emphasise that the omission did not stem from an “attempt to avoid incriminating current government officials”⁴ as alleged by the Nuon Chea Defence. The Lead Co-Lawyers seek to rectify this error and to include it in the list of remaining charges in paragraphs 1 and 7 of the Request.
3. The Lead Co-Lawyers stress that the aim of the filing was to request the Chamber to provide any additional information relating to *all* remaining charges, and not to engage in a debate as to the inclusion or exclusion of any charges in a potential Case 002/03. In light of the preceding explanation, the Lead Co-Lawyers submit that the Response is moot.
4. In relation to the number of affected civil parties, the Lead Co-Lawyers note that the number of affected civil parties was based on those admitted by the Co-Investigating Judges and listed in Closing Order in order to provide a verifiable list to the parties and the Chamber.
5. As Kroch Chhmar Security Centre does not exist as a unique ground of admissibility,⁵ no civil parties were admitted by the Co-Investigating Judges explicitly on the basis of harm suffered as a result of alleged crimes taking place at that security center, but

¹ Nuon Chea’s Response to Civil Party Lead Co-Lawyers’ Request for Clarification Relating to Remaining Charges in Case 002, **E439/2**, 19 September 2016.

² Civil Party Lead Co-Lawyer’s Request for Clarification Relating to Remaining Charges in Case 002, **E439**, 9 September 2016.


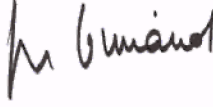
³ Annex: List of paragraphs and portions of the Closing Order relevant to Case 002/02, **E301/9/1.1**, 4 April 2014, at point 2(iv)(a).

⁴ Nuon Chea’s Response to Civil Party Lead Co-Lawyers’ Request for Clarification Relating to Remaining Charges in Case 002, **E439/2**, 19 September 2016, para. 25.

⁵ *See for example*, Order on Admissibility of Civil Party Applicants from Current Residents of Kampong Cham Province, **D426**, 15 September 2010, p. 7-8 where “Steung Tauch Execution Site” and “S-24 Prey Sar” exist as separate and independent grounds of admissibility, whereas Kroch Chhmar Security Centre does not.

rather on the basis of harm as a result of the Treatment of the Cham.⁶ Therefore, the Lead Co-Lawyers do not wish to amend the number of civil parties admitted by the Co-Investigating Judges provided in the Request.

Respectfully submitted,

Date	Name	Place	Signature
23 September 2016	PICH ANG Lead Co-Lawyer	Phnom Penh	
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⁶ See Order on Admissibility of Civil Party Applicants from Current Residents of Kampong Cham Province, **D426**, 15 September 2010, pp. 8-9: “Twenty-six (26) applicants suffered personal harm as immediate victims, directly as a consequence of the crimes described in paragraph 41 of the Introductory Submission and paragraphs 3-23 of the Supplementary Submission (D196).” This decision admitted 13 civil parties out of the 14 mentioned in the Response, namely D22/623, D22/1947, D22/3233, D22/3234, D22/3235, D22/3236, D22/3237, D22/3238, D22/3239, D22/3309, D22/3681 (*ibid.*, p.10). See further Order on Admissibility of Civil Party Applicants from Current Residents of Kratie Province, **D414**, 9 September 2010, p. 10 whereby the Co-Investigating Judges admitted the 14th Civil Party mentioned in the Response, namely D22/539 (*ibid.*, p. 11). See also Co-Prosecutor’s Supplementary Submission Regarding Genocide of the Cham, **D196**, 31 July 2009, paras 3-23 where the Co-Prosecutors seized the Co-Investigating Judges of the crimes committed in Kroch Chmar District and not specifically the Kroch Chmar Security Centre.