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ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា
Extraordinary Chambers in the Courts of Cambodia
Chambres Extraordinaires au sein des Tribunaux Cambodgiens

Kingdom of Cambodia
Nation Religion King
Royaume du Cambodge
Nation Religion Roi

MEMORANDUM – TRIAL CHAMBER

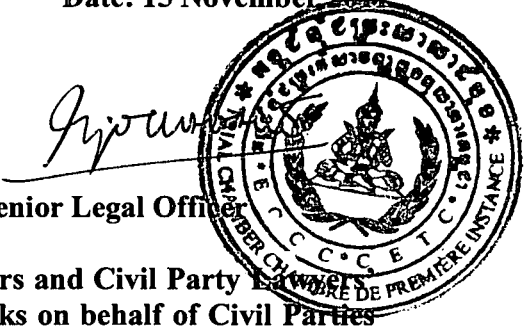
Date: 15 November 2011

TO: All parties, Case 002 សាធារណៈ / Public

FROM: Judge NIL Nonn, President, Trial Chamber

CC: All Trial Chamber Judges; Trial Chamber Senior Legal Officer

SUBJECT: Trial Chamber Response to Lead Co-Lawyers and Civil Party
Request to make a brief Preliminary Remarks on behalf of Civil Parties
(E131/4)



Reference is made to the “Lead Co-Lawyers and Civil Party Lawyers’ Request to make a brief Preliminary Remarks on behalf of Civil Parties after Co-Prosecutors’ Opening Statement” (E131/4) of 4 November 2011, following the issuance of the Scheduling Order for Opening Statements and hearing on the Substance in Case 002 on 18 October 2011 (E131). The Lead Co-Lawyers request leave from the Chamber to make brief preliminary remarks on behalf of the consolidated group of Civil Parties to “express their views and concerns” which would otherwise, according to them, “not be fully reflected in the Co-Prosecutors’ opening statement”.

The Trial Chamber held in its Scheduling Order of 18 October 2011 that

pursuant to Internal Rules 89*bis*, opening statements by the Lead-Co-Lawyers or responses to the statements of other parties are not contemplated and will not be authorized by the Chamber.

The Lead Co-Lawyers indicate that they are aware of the Chamber’s findings but nonetheless request “an opportunity to make a brief preliminary remark on the views and concerns of Civil Parties.” The Chamber reiterates that there is no legal basis in the ECCC legal framework for granting the Co-Lawyers’ request, irrespective of the form of this intervention. This request is consequently denied.

The Interpretation and Translation Pool is instructed not to provide further translations of this request, and the parties directed not to file responses in relation to it.

This constitutes the Trial Chamber's official response to the Co-lawyers' request (E131/4).