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du dossier: SANN RADA

E316/1/1

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

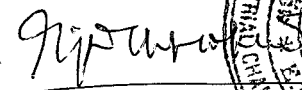
អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា
Extraordinary Chambers in the Courts of Cambodia
Chambres Extraordinaires au sein des Tribunaux Cambodgiens

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

សាធារណៈ / Public

TRIAL CHAMBER

TO: All Parties, Case 002 **Date:** 14 October 2014

FROM: NIL Nonn, President of the Trial Chamber 

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

SUBJECT: Decision on Civil Party Lead Co-Lawyers' Request to Make Opening Remarks



1. The Trial Chamber is seised of a motion filed by the Civil Party Lead Co-Lawyers seeking leave to make opening remarks on the first day of substantive hearings in Case 002/02 (E316/1). As noted by the Lead Co-Lawyers, the Trial Chamber twice denied the Lead Co-Lawyers' requests to make opening remarks in Case 002/01 as there is no provision for such remarks in the ECCC legal framework (E131/4/1, E1/14.1 pp. 68-70). The Trial Chamber likewise denied a request by the Civil Party lawyers to make opening remarks in Case 001 (E23/4, Case 001).

2. The Lead Co-Lawyers submit that the Trial Chamber should reconsider its position because of the following new circumstances: the Trial Chamber decisions on the nature of the consolidated group of civil parties, the scheduling of the opening hearing in Case 002/02 and a recent Supreme Court Chamber decision indicating that Case 002/02 constitutes a separate trial (E316/1, paras 10-11). The Lead Co-Lawyers do not explain how these decisions constitute a change in circumstances relevant to opening statements. Internal Rule 89bis, which remains unchanged, provides that only the Co-Prosecutor, the Accused and his or her lawyers have the right to make opening statements. Therefore, the Chamber denies the request for reconsideration.

3. This is the Chamber's official response to E316/1.