

Civil parties must keep quiet

Written by
Saturday, 07 March 2009 20:00



The tribunal's fifth plenary wrapped up Friday, with participants [issuing a statement](#) about changes they had made to the court's Internal Rules. Among the amendments was a decision to bar civil parties from making their own legal submissions:

"Specifying that where Civil Parties are represented by a lawyer, it is the lawyer and not the Civil Parties themselves who must make legal submissions before the court," according to the statement. "The amendments do not limit the rights of Civil Parties but instead, modify the manner in which these rights are to be exercised, due to the extremely large number of Civil Parties before the ECCC proceedings, and the impracticability of concluding trials expeditiously if all Civil Parties were allowed to intervene on any matter at any stage of proceedings. These amendments do not apply where a Civil Party is being interviewed, and do not prevent a Civil Party from answering questions put to him or her by the Chamber."

This issue came to the fore in June when Theary Seng, a civil party and the Executive Director of the Center for Social Development, [attempted to address the court](#) during a pre-trial hearing for Ieng Sary. Judges ultimately denied her request, but Judge Rowan Downing issued a dissenting opinion.

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At that time, Seng told the court that she had dismissed her lawyer and was representing herself. The statement from the plenary session does not clarify whether civil parties can make legal submissions given this a scenario. In other words, can civil parties with proper legal training represent themselves before the tribunal if they do not have another lawyer? I'm not sure. If you know the answer, feel free to comment!

* *Pictured: Theary Seng (in orange) and other civil parties talking to press after a recent pre-trial hearing.*