



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

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

A189 I/7

អង្គបុរេជំនុំជម្រះ

PRE-TRIAL CHAMBER
CHAMBRE PRELIMINAIRE

Criminal Case File N° 002/19-09-2007-ECCC/OCIJ (PTC10)

Before: Judge PRAK Kimsan, President
Judge Rowan DOWNING
Judge NEY Thol
Judge Katinka LAHUIS
Judge HUOT Vuthy

Date: 7 August 2008

ឯកសារដើម
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL
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DECISION ON THE REQUESTS TO DETERMINE IENG SARY'S APPEAL ON APPOINTMENT OF EXPERT ON THE BASIS OF WRITTEN SUBMISSIONS ONLY

Co-Prosecutors

CHEA Leang
Robert PETIT
YET Chakriya
William SMITH
TAN Senarong
Anees AHMED

Charged Person

IENG Sary

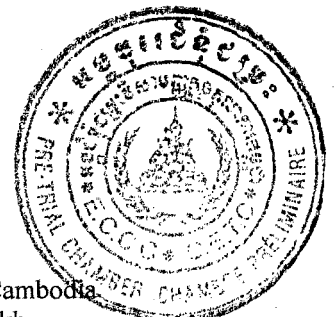
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ថ្ងៃ ខែ ឆ្នាំ ទាក់ទងការបញ្ជាក់ (Certified Date/Date de certification): 07 / 08 / 2008
មន្ត្រីទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé du dossier: UCH ARUN



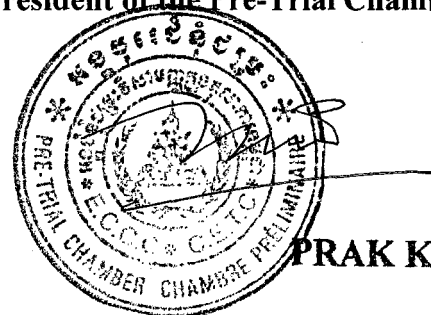
1. **THE PRE-TRIAL CHAMBER** of the Extraordinary Chambers in the Courts of Cambodia (“ECCC”) notes the “Appeal against the constructive dismissal by the [Co-Investigative Judges] of the Request for Ieng Sary to be examined by a psychiatric specialist to determine his fitness to stand trial”, dated 2 July 2008 (“the Appeal”).
2. The Pre-Trial Chamber notes the Charged Person’s request that the Appeal be decided solely on the basis of written pleadings, considering that “due to the urgent nature of this appeal, there is no need for an oral hearing”.¹
3. The Pre-Trial Chamber notes that the Co-Prosecutors have formulated a similar request, arguing that “the parties have sufficiently briefed the Pre-Trial Chamber on the factual and legal issues relevant to this Appeal”.²
4. Pursuant to Internal Rule 77(3), the Pre-Trial Chamber shall, after having received an appeal or application, set a hearing date.³
5. The Pre-Trial Chamber finds, after considering the views of the Charged Person and the Co-Prosecutors (the “Parties”) expressed in their pleadings, that the Appeal may be determined on the basis of the written submissions of the Parties only.
6. In accordance with Article 8.4 of the Practice Direction on the Filing of Documents before the ECCC, a reply to a response is permissible where there is to be no oral argument on a request.⁴

THEREFORE, THE PRE-TRIAL CHAMBER HEREBY DECIDES AND DIRECTS:

- (1) The Appeal will be decided on the basis of the written submissions of the Parties only;
- (2) The Charged Person is allowed to file a reply to the Co-Prosecutors’ Response within five (5) days of the notification of this Decision. or

Phnom Penh, 7 August 2008

President of the Pre-Trial Chamber



PRAK KIMSAN

¹ Appeal against the Constructive Dismissal by the Co-Investigating Judges of the Request for Ieng Sary to be Examined by a Psychiatric Specialist to Determine his Fitness to Stand Trial, 2 July 2008, A189/I/1, para. 5 and p. 6.

² Co-Prosecutors’ Response to Ieng Sary’s Appeal Regarding Appointment of an Expert to Assess his Fitness to Stand Trial, 18 July 2008, A189/I/5, para. 3.

³ Internal Rules of the Extraordinary Chambers in the Courts of Cambodia (Rev. 1), 1 February 2008.

⁴ Practice Direction ECCC/01/2007/Rev. 2.