



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

Extraordinary Chambers in the Courts of Cambodia

Chambres Extraordinaires au sein des Tribunaux Cambodgiens

C 33/I/5

អង្គបុរេជំនុំជម្រះ

PRE-TRIAL CHAMBER
CHAMBRE PRELIMINAIRE

Criminal Case File N° 002/19-09-2007-ECCC/OCIJ (PTC09)

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

Date: 7 August 2008

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| ឯកសារដើម |
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| ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Date de reception): 07 / 08 / 2008 |
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**DECISION TO DETERMINE NUON CHEA'S APPEAL CONCERNING CONDITIONS OF
DETENTION ON THE BASIS OF WRITTEN SUBMISSIONS ONLY**

Co-Prosecutors

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

Charged Person

NUON Chea

Lawyers for the Civil Parties

HONG Kim Suon
LOR Chunthy
NY Chandy
KONG Pisey
Silke STUDZINSKY
YONG Phanith

Co-Lawyers for the Defence

SON Arun
Michiel PESTMAN
Victor KOPPE

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| ឯកសារច្បាប់តាមប្រព័ន្ធគ្រប់គ្រងឯកសារ |
| CERTIFIED COPY/COPIE CERTIFIÉE CONFORME |
| ថ្ងៃ ខែ ឆ្នាំ ច្បាប់ (Certified Date/Date de certification): 07 / 08 / 2008 |
| មន្ត្រីទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé du dossier: UCHA ARUN |



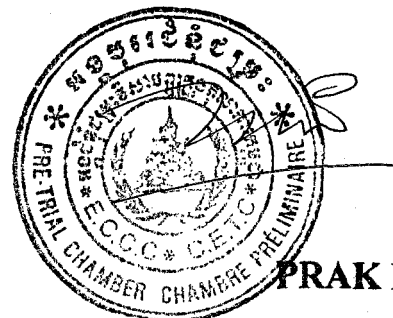
1. **THE PRE-TRIAL CHAMBER** of the Extraordinary Chambers in the Courts of Cambodia (“ECCC”) notes the Charged Person’s “Appeal against Order concerning Provisional Detention Conditions” of 14 July 2008 (“the Appeal”).
2. Pursuant to Internal Rule 77(3), the Pre-Trial Chamber shall, after having received an appeal or application, set a hearing date.¹
3. However, the Pre-Trial Chamber observes that on 30 July 2008, the Co-Lawyers for the Charged Person have informally expressed the view that there is no need for an oral hearing in this case and the appeal could be decided solely on the basis of written pleadings.
4. On 31 July 2008, the Co-Prosecutors informally indicated that they will defer to the Pre-Trial Chamber’s directions on this matter.
5. The Pre-Trial Chamber considers that the issues raised by the Appeal are suitable for a determination on the basis of written pleadings.
6. The Pre-Trial Chamber finds, after having considered the views of the Charged Person and the Co-Prosecutors (the “Parties”), that the Appeal may be determined on the basis of the written submissions of the Parties only.
7. 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.²

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. AK

Phnom Penh, 7 August 2008

President of the Pre-Trial Chamber



PRAK KIMSAN

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

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