



អង្គបុរេជំនុំជម្រះ

PRE-TRIAL CHAMBER  
CHAMBRE PRELIMINAIRE

Criminal Case File N° 002/19-09-2007-ECCC/OCIJ (PTC04)

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

Date: 15 August 2008

**ឯកសារដើម**  
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PUBLIC  
DIRECTION TO THE DEFENCE CONCERNING THE APPEAL  
AGAINST PROVISIONAL DETENTION ORDER

Co-Prosecutors

CHEA Leang  
Robert PETIT  
PICH Sambath  
Alex BATES

Charged Person

KHIEU Samphan

Lawyers for the Civil Parties

HONG Kim Suon  
LOR Chunthy  
NY Chandy  
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Silke STUDZINSKY  
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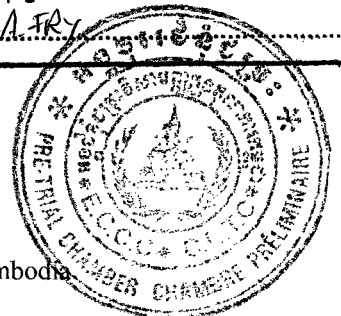
Co-Lawyers for the Defence

SA Sovan  
Jacques VERGÈS

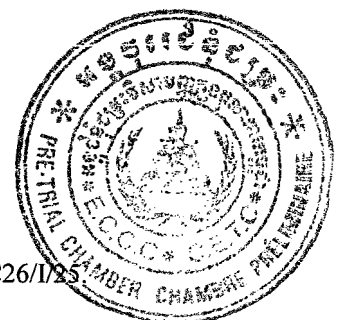
**ឯកសារចម្លងត្រឹមត្រូវតាមច្បាប់ដើម**  
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រៀន ទៅ តាមច្បាប់ (Certified Date/Date de certification):  
15, 08, 2008

មន្ត្រីទទួលបន្ទុកឯកសារ/Case File Officer/L'agent chargé du dossier: C. FRY



1. **THE PRE-TRIAL CHAMBER** of the Extraordinary Chambers in the Courts of Cambodia (“ECCC”) notes the “Appeal Brief against the Provisional Detention Order of 19 November 2007” filed on 21 December 2007 by the Co-Lawyers for the Charged Person (the “Appeal”).
2. Following a Scheduling Order issued by the Pre-Trial Chamber on 19 March 2008, the hearing of the Appeal opened in public on 23 April 2008 and then proceeded *in camera*.
3. At the commencement of the *in camera* session, following deliberations by the Pre-Trial Chamber on miscellaneous matters raised by the parties, the Charged Person requested an adjournment of the proceedings on the basis that his International Co-Lawyer had declined to continue to act on his behalf for the reason that all documents in the Case File were not available in the French language. The Charged Person submitted that he was deprived of legal representation by one of his Co-Lawyers and as a result would lose his confidence in proceeding with the appeal.
4. As a consequence of the refusal of the International Co-Lawyer to continue to act, which was seen as a constructive withdrawal from the Appeal, the Pre-Trial Chamber granted the Charged Person’s request for an adjournment so as to protect his right to be properly represented before the Pre-Trial Chamber.
5. Considering the circumstances in which the Charged Person requested the adjournment, the Pre-Trial Chamber has not been in a position to determine when the hearing could resume without any further indication from the Defence. The Pre-Trial Chamber adjourned the hearing “to a date to be advised”<sup>1</sup>, so as to allow time for the Co-Lawyers to organize themselves in the best interests of their client and advise the Chamber of their readiness to proceed.
6. The Pre-Trial Chamber reminds the Charged Person and his Co-Lawyers that the adjournment has now lasted for almost four months without any advice being given to the Pre-Trial Chamber concerning their readiness to proceed or preference for the Pre-Trial Chamber to decide without further hearing, or any other advice being given related to their appeal.



<sup>1</sup> Decision on Application to Adjourn Hearing on Provisional Detention Appeal, 23 April 2008, C26/I/25

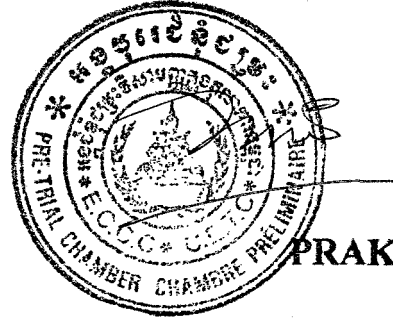
C26/I/27

**THEREFORE, THE PRE-TRIAL CHAMBER HEREBY DIRECTS:**

The Charged Person and/or his Co-Lawyers to state their position concerning the Appeal within 7 days of notification of this direction. 12

Phnom Penh, 15 August 2008

**President of the Pre-Trial Chamber**



**PRAK KIMSAN**