



**អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា**

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

A1901E/7

**អង្គបុរេជំនុំជម្រះ**

PRE-TRIAL CHAMBER  
CHAMBRE PRELIMINAIRE

**Criminal Case File N° 002/19-09-2007-ECCC/OCIJ (PTC12)**

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

**Date:** 10 September 2008

<b>ឯកសារដើម</b>	
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL	
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**PUBLIC**

**DECISION TO DETERMINE IENG SARY'S APPEAL ON THE BASIS OF WRITTEN SUBMISSIONS ONLY**

**Co-Prosecutors**

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

<b>ឯកសារច្បាប់តាមប្រព័ន្ធគ្រប់គ្រងឯកសារ</b>	
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**Charged Person**

IENG Sary

**Lawyers for the Civil Parties**

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

**Co-Lawyers for the Defence**

ANG Udom  
Michael G. KARNAVAS



1. **THE PRE-TRIAL CHAMBER** of the Extraordinary Chambers in the Courts of Cambodia (“ECCC”) notes “Ieng Sary’s Appeal against the OCIJ’s Order on Translation Rights and Obligations of the Parties”, filed on 22 July 2008 (“Appeal”).
2. Pursuant to Internal Rule 77(3), the Pre-Trial Chamber shall, after having received an appeal or application, set a hearing date.<sup>1</sup>
3. The Pre-Trial Chamber observes that in their Appeal, the Co-Lawyers submit that “due to the nature of this appeal, there is no need for an oral hearing and it should be decided solely on the basis of written pleadings”.<sup>2</sup>
4. On 15 August 2008, in their Response to Ieng Sary’s Appeal on Translation Rights and Obligations of the Parties (“Co-Prosecutors’ Response”), the Co-Prosecutors similarly submit that an oral hearing is not required.<sup>3</sup>
5. The Pre-Trial Chamber finds, after considering the views of 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.<sup>4</sup>

**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; and
- (2) The Charged Person may file a reply to the Co-Prosecutors’ Response within **seven (7) days** of notification of this Decision. off

Phnom Penh, 10 September 2008

**President of the Pre-Trial Chamber**



**PRAK KIMSAN**

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

<sup>2</sup> Ieng Sary’s Appeal against the OCIJ’s Order on Translation Rights and Obligations of the Parties, 22 July 2008, A190/II/1, para. 6.

<sup>3</sup> Co-Prosecutors’ Response to Ieng Sary’s Appeal on Translation Rights and Obligations of Parties, 15 August, A190/II/5, para. 4.

<sup>4</sup> Practice Direction ECCC/01/2007/Rev. 2.