



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

ឯកសារដើម
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Date de reception):10/09/2008.....
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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

ឯកសារច្បាប់ចម្លងត្រឹមត្រូវតាមច្បាប់ដើម
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ថ្ងៃ ខែ ឆ្នាំ ត្រឹមត្រូវ (Certified Date/Date de certification):10/09/2008.....
មន្ត្រីទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé du dossier:SANN RADA.....

Charged Person

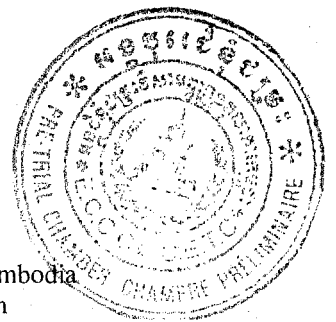
IENG Sary

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Co-Lawyers for the Defence

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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.¹
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”.²
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.³
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.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; 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

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

² 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.

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

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