



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

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

D99/3/5

អង្គបុរេជំនុំជម្រះ

PRE-TRIAL CHAMBER
CHAMBRE PRELIMINAIRE

**Declassified to Public
06 September 2012**

Criminal Case File N° 001/18-07-2007-ECCC/OCIJ (PTC02)

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

Date: 11 September 2008

ឯកសារដើម	
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL	
ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Date de reception):	11 SEP 2008
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CONFIDENTIAL

DECISION ON TRIAL CHAMBER REQUEST TO ACCESS THE CASE FILE

Co-Prosecutors

CHEA Leang
Robert PETIT
YET Chakriya
William SMITH
PICH Sambath
Alex BATES

ឯកសារបានចម្លងតាមប្រព័ន្ធគ្រប់គ្រងឯកសារ	
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ថ្ងៃ ខែ ឆ្នាំ ត្រឹមត្រូវ (Certified Date/Date de certification):	11 / 09 / 2008
មន្ត្រីទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé du dossier:	SANN RADA

Charged Person

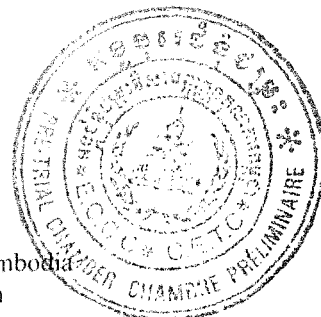
Kaing Guek Eav alias "DUCH"

Lawyers for the Civil Parties

KONG Pisey
HONG Kimsuon
YOUNG Panith
Silke STUDZINSKY
KIM Mengkhy
Martine JACQUIN

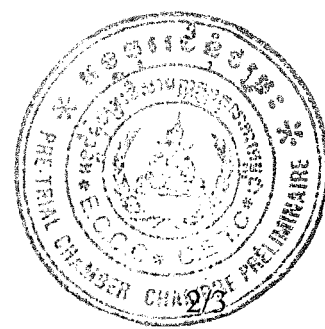
Co-Lawyers for the Defence

KAR Savuth
François ROUX



D99/3/5

1. **THE PRE-TRIAL CHAMBER** of the Extraordinary Chambers in the Courts of Cambodia (“ECCC”) is seized of a letter from the President of the Trial Chamber dated 29 August 2008 requesting that the Judges and immediate support staff of the Trial Chamber be granted electronic access through the ECCC ZyIMAGE Search Portal to the Case File No. 001/18-07-2007-ECCC/OCIJ, (“Request”).
2. On 2 September 2008, the Pre-Trial Chamber issued directions to the Parties, inviting them to submit any objection to the Request (attached to those directions) by 5 September 2008.
3. On 3 September 2008, the Co-Prosecutors responded by observing that they had no objections.
4. On 5 September 2008, the Co-Lawyers for the Charged Person similarly stated that they had no objections.
5. No observations were received from the Lawyers for the Civil Parties.
6. The Pre-Trial Chamber notes that on 21 August 2008, the Co-Prosecutors filed a Notice of Appeal against the Closing Order of the Co-Investigating Judges in Case File 001/18-07-2007-ECCC/OCIJ (“Appeal”). Consequently, this Case File has been forwarded to the Pre-Trial Chamber in accordance with Internal Rule 69(1).
7. The Trial Chamber has acknowledged that “it will not be formally seized of the case until the decision of the Pre-Trial Chamber on the appeal against the Closing Order” and has recognized the confidential nature of the Case File at the current stage of proceedings.
8. Taking into consideration the observations of the Parties and the nature of the issues under appeal, the Pre-Trial Chamber finds that granting the requested access to the Case File would enable the Trial Chamber to commence preparatory work and would assist in ensuring a fair and expeditious trial.



099/3/5

THEREFORE, THE PRE-TRIAL CHAMBER HEREBY:

- (1) Grants the Request for the Judges of the Trial Chamber and their immediate support staff to access Case File No. 001/18-07-2007-ECCC/OCIJ through the ECCC ZyIMAGE Search Portal; and
- (2) Instructs the Court Management Section to facilitate such access. *or*

Phnom Penh, 11 September 2008

President of the Pre-Trial Chamber**PRAK KIMSAN**