



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

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

០១/៤/៣

អង្គបុរេជំនុំជម្រះ

PRE-TRIAL CHAMBER
CHAMBRE PRELIMINAIRE

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

ឯកសារដើម
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ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Date de reception):
..... 12 / 12 / 2008

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មន្ត្រីទទួលបន្ទុកឯកសារ (Case File Officer/L'agent chargé du dossier): C.A. Fey

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

Date: 12 December 2008

ឯកសារចម្លងត្រឹមត្រូវតាមប្រព័ន្ធដើម
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..... 15 / 12 / 2008

មន្ត្រីទទួលបន្ទុកឯកសារ (Case File Officer/L'agent chargé du dossier): C.A. Fey

PUBLIC

DECISION ON THE REQUEST TO DETERMINE NUON CHEA'S APPEAL AGAINST ORDER ON EXTENSION OF PROVISIONAL 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 Kimsuon
LOR Chunthy
NY Chandy
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Co-Lawyers for the Charged Person

SON Arun
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C9/4/3

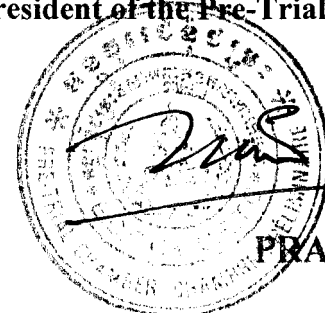
1. **THE PRE-TRIAL CHAMBER** of the Extraordinary Chambers in the Courts of Cambodia (“ECCC”) notes the “Appeal against Order on Extension of Provisional Detention” filed by NUON Chea on 16 October 2008 (“the Appeal”).
2. Pursuant to Internal Rule 77(3)(b), “[t]he Pre-Trial Chamber may, after considering the views of the parties, decide to determine an appeal or application on the basis of the written submissions of the parties only”.
3. The Pre-Trial Chamber notes that in their “Response to NUON Chea’s Appeal on Extension of Provisional Detention”, the Co-Prosecutors submitted that this Appeal “should be determined on written submissions alone”.¹
4. On 6 November 2008, the Co-Lawyers informally advised the Pre-Trial Chamber that no hearing is required.
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 Co-Prosecutors and the Co-Lawyers for the Charged Person (“the Parties”), that the Appeal shall 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 determined 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. mf

Phnom Penh, 12 December 2008

President of the Pre-Trial Chamber



PRAK KIMSAN

¹ Co-Prosecutors’ Response to Nuon Chea’s Appeal on Extension of Provisional Detention, 30 October 2008, C9/4/2, para. 3.

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