



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

Extraordinary Chambers in the Courts of Cambodia
Chambres extraordinaires au sein des tribunaux cambodgiens

D164/4/12
ព្រះរាជាណាចក្រកម្ពុជា

ជាតិ សាសនា ព្រះមហាក្សត្រ

Kingdom of Cambodia
Nation Religion King

Royaume du Cambodge
Nation Religion Roi

អង្គបុរេជំនុំជម្រះ

Pre-Trial Chamber
Chambre Préliminaire

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Criminal Case File No: 002/19-09-2007-ECCC/OCIJ (PTCC)

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

Date: 17 November 2009

PUBLIC

DECISION ON REQUEST FOR CLARIFICATION OF STATEMENT BY PRE-TRIAL CHAMBER

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THE PRE-TRIAL CHAMBER of the Extraordinary Chambers in the Courts of Cambodia (“ECCC”) is seized of a “Request for Clarification of Statement by Pre-Trial Chamber” filed by the Co-Lawyers for the Charged Person on 30 October 2009 (the “Request”).¹

1. On 20 October 2009, the Pre-Trial Chamber issued a “Decision on Request to Reconsider the Decision on Request for an Oral Hearing on the Appeals 24 and 25” (the “Decision on Request to Reconsider”).²
2. On 30 October 2009, the Co-Lawyers for the Charged Person filed the Request.
3. The Pre-Trial Chamber notes that in the Request the Co-Lawyers make a reference to the Decision on Request to Reconsider, which is related to both cases PTC 24 and PTC 25, as they cite the consideration of the Pre-Trial Chamber that “the Pre-Trial Chamber notes that the procedure is not driven by the parties and therefore it is not obliged to address all the arguments raised”. The Pre-Trial Chamber reads this Request as being limited to case PTC 24 as it was filed only in this case and the Charged Person lacks standing as a party in case PTC 25.
4. The Request is aimed at obtaining clarification from the Pre-Trial Chamber of a previously given reasoning in a decision with which the Charged Person does not agree. The Pre-Trial Chamber observes that the decisions of a judicial body are definitive, including its reasoning and are not further elaborated upon by a judicial body. The Request lacks legal foundation and is not provided for in the Internal Rules.
5. The Pre-Trial Chamber observes that it has previously given clarification to the Charged Person when requested.³ It is noted that this was given as an explanation of procedural steps which were decided by the Pre-Trial Chamber after complaints of unequal treatment. The issue differs in that from the current Request where a clarification of a decision is requested.
6. Following from above mentioned considerations the request is rejected.

Phnom Penh, 17 September 2009 .

President of the Pre-Trial Chamber



PRAK KIMSAN

¹ Defence for Ieng Thirith “Request for Clarification of Statement by Pre-Trial Chamber” 30 October 2009, D164/4/11 (the “Request”).

² Pre-Trial Chamber’s Decision on Request to Reconsider the Decision on Request for an Oral Hearing on the Appeals 24 and 25, 20 October 2009, (the “Decision on Request to Reconsider”), D164/4/9.

³ Clarification on Alleged Unequal Treatment, 5 October 2009, D130/9/10.