



ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

Kingdom of Cambodia
Nation Religion King
Royaume du Cambodge
Nation Religion Roi

អង្គបុរេជំនុំជម្រះ

Pre-Trial Chamber
Chambre Préliminaire

ឯកសារដើម
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du dossier: Ratanak

ឯកសារច្បាប់តាមប្រព័ន្ធធានាសុពលភាព
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..... 10 / 06 / 2010

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du dossier: Ratanak

In the name of the Cambodian people and the United Nations and pursuant to the Law on the Establishment of the Extraordinary Chambers in the Courts of Cambodia for the Prosecution of Crimes Committed During the Period of Democratic Kampuchea.

Criminal Case File N° 002/19-09-2007-ECCC/OCIJ (PTC66)

Before: Judge PRAK Kimsan, President
Judge Rowan DOWNING
Judge NEY Thol
Judge Catherine MARCHI-UHEL
Judge HUOT Vuthy

Date: 10 June 2010

PUBLIC

DECISION ON APPEAL AGAINST OCIJ ORDER REJECTING REQUEST FOR A SECOND EXPERT OPINION

Co-Prosecutors

CHEA Leang
Andrew CAYLEY
YET Chakriya
William SMITH

Charged Person

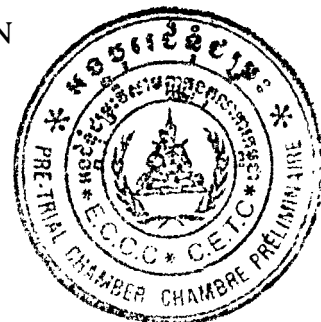
Nuon CHEA

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Madhev MOHAN
Lima NGUYEN
KIM Mengkhy
MOCH Sovannary
Elizabeth-Joelle RABESANDRATANA

Co-Lawyers for the Defence

SON Arun
Michiel PESTMAN
Victor KOPPE



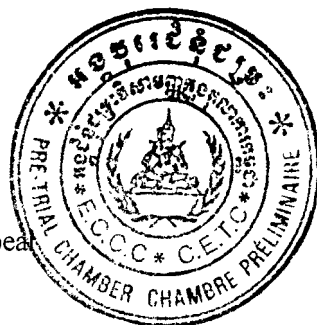
Annie DELAHAIE
Philippe CANONNE
Martine JACQUIN
Fabienne TRUSSES-NAPROUS
Françoise GAUTRY
Isabelle DURAND
Christine MARTINEAU
Laure DESFORGES
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KONG Pisey
KONG Heng
Silke STUDZINSKY
Olivier BAHOUGNE
Marie GUIRAUD
Patrick BAUDOUIN
CHET Vanly
PICH Ang
Julien RIVET
Pascal AUBOIN
YUNG Phanith

Unrepresented Civil Parties:

Co-Investigating Judges

YOU Bun Leng
Marcel LEMONDE

Decision on Appeal



THE PRE-TRIAL CHAMBER of the Extraordinary Chambers in the Courts of Cambodia (“ECCC”) is seized of an “Appeal against the [Co-Investigating Judges]’ Order rejecting Request for a Second Expert Opinion,” (“Appeal”)¹ filed on 30 April 2010 by the Co-Lawyers of the Charged Person Nuon Chea against the Co-Investigating Judges’ “Order Rejecting Request for a Second Expert Opinion (Nuon Chea’s Twenty-Sixth Request for Investigative Action)” (“Order”)² of 1 April 2010.

The Pre-Trial Chamber has determined the final disposition of the Appeal, which it hereby pronounces. A reasoned decision in respect of the Appeal shall follow in due course.

THE PRE-TRIAL CHAMBER HEREBY DECIDES UNANIMOUSLY:

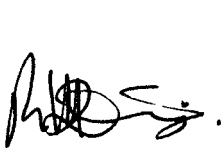
1. The Appeal is admissible in so far as it relates to the request for appointment of an additional expert to re-examine the existing expert report. It is otherwise inadmissible;
2. That part of the Appeal which was found admissible is dismissed on merit.

In accordance with Internal Rule 77(13), this decision is not subject to appeal.

Phnom Penh, 10 June 2010^{CR}

Pre-Trial Chamber

President






Rowan DOWNING NEY Thol Catherine MARCHI-UHEL LUOT Vuthy PRAK Kimsan

¹ Appeal against the [Co-Investigating Judges]’ Order rejecting Request for a Second Expert Opinion, 30 April 2010, D356/2/1.

² Order Rejecting Request for a Second Expert Opinion (Nuon Chea’s Twenty-Sixth Request for Investigative Action, 1 April 2010, D356/1.