



ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

Kingdom of Cambodia
Nation Religion King

អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

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

Royaume du Cambodge
Nation Religion Roi

សេចក្តី/No: ០៣១/១២/៣

អង្គបុរេជំនុំជម្រះ
Pre-Trial Chamber
Chambre Préliminaire

ឯកសារនេះគឺជាច្បាប់តាមច្បាប់ដើម
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ថ្ងៃ ខែ ឆ្នាំ នៃការបញ្ជាក់ (Certified Date/Date de certification):
.....10.....09.....2010.....

មន្ត្រីទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé
du dossier:.....Uch Arun.....

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 (PTC 71)

Before: Judge PRAK Kimsan, President
Judge Rowan DOWNING
Judge NEY Thol
Judge Catherine MARCHI-UEL
Judge PEN Pichsaly

ឯកសារដើម
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL

ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Date de reception):
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មន្ត្រីទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé
du dossier:.....Uch Arun.....

Date: 10 September 2010

PUBLIC

**DECISION ON IENG SARY'S EXPEDITED APPEAL AGAINST THE OCIJ'S
DECISION REFUSING TO ACCEPT THE FILING OF IENG SARY'S
RESPONSE TO THE CO-PROSECUTORS' RULE 66 FINAL SUBMISSION AND
ADDITIONAL OBSERVATIONS, AND REQUEST FOR STAY OF THE
PROCEEDINGS**

Co-Prosecutors

CHEA Leang
Andrew CAYLEY

Charged Person

IENG Sary

Lawyers for the Civil Parties

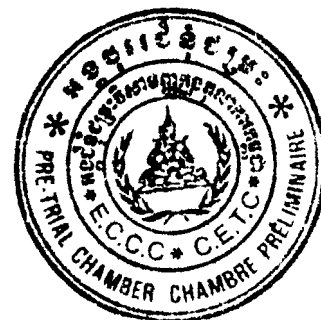
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Nicole DUMAS
Daniel LOSQ
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Decision on Ieng Sary's Expedited Appeal Against the OCIJ's Decision Refusing to Accept the Filing Of Ieng Sary's Response to the Co-Prosecutors' Rule 66 Final Submission and Additional Observations, and Request for Stay of the Proceedings

THE PRE-TRIAL CHAMBER of the Extraordinary Chambers in the Courts of Cambodia (“ECCC”) is seized of “IENG Sary’s Expedited Appeal Against the OCIJ’s Decision Refusing to Accept the Filing of IENG Sary’s Response to the Co-Prosecutors’ Rule 66 Final Submission and Additional Observations, and Request for Stay of the Proceedings” (“the Appeal”)¹ filed on 6 September 2010 by the Co-Lawyers of IENG Sary against the OCIJ’s Decision to instruct its Greffier to refuse to accept the filing (“the Impugned Notice”)² of IENG Sary’s Response to the Co-Prosecutors’ Rule 66 Final Submission and Additional Observations (“the Response”).³

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.

THEREFORE, THE PRE-TRIAL CHAMBER UNANIMOUSLY HEREBY DECIDES:

1. The Appeal is admissible;
2. The request for a hearing and stay of proceedings is dismissed as unwarranted;
3. The Co-Investigating Judges are ordered to immediately cause the placement of the Response in the Case File.

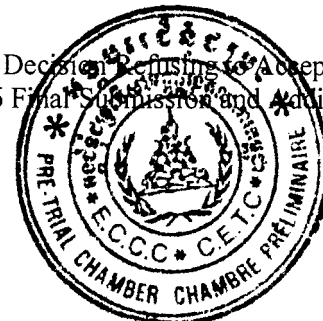
In accordance with Internal Rule 77(13), this decision is not subject to appeal.

¹ Ieng Sary’s Expedited Appeal Against the OCIJ’s Decision Refusing to Accept the Filing of IENG Sary’s Response to the Co-Prosecutors’ Rule 66 Final Submission and Additional Observations, and Request for Stay of the Proceedings, 6 September 2010, D390/1/2/1 (“the Appeal”).

² OCIJ Greffier’s Notice of Deficient Filing, 2 September 2010 (“the Impugned Notice”).

³ Ieng Sary’s Response to the Co-Prosecutors’ Rule 66 Final Submission and Additional Observations, 1 September 2010, D390/1/2/1.3 (“the Response”).

Decision on Ieng Sary’s Expedited Appeal Against the OCIJ’s Decision Refusing to Accept the Filing Of Ieng Sary’s Response to the Co-Prosecutors’ Rule 66 Final Submission and Additional Observations, and Request for Stay of the Proceedings



Phnom Penh, 10 September 2010 *CR*

Pre-Trial Chamber



[Handwritten signatures of Rowan Downing, Ney Thol, Catherine Marchi-Uhel, Pen Pichsaly, and PRAK Kimsan]

Rowan DOWNING NEY Thol Catherine MARCHI-UHEL PEN Pichsaly PRAK Kimsan