



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

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

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

Kingdom of Cambodia
Nation Religion King

Royaume du Cambodge
Nation Religion Roi

A410/2/3

អង្គបុរេជំនុំជម្រះ

Pre-Trial Chamber
Chambre Préliminaire

Criminal Case No: 002/19-09-2007-ECCC/OCIJ (PTC 147)

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

Date : **07 December 2010**

ឯកសារដើម	
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL	
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PUBLIC

DECISION TO DETERMINE THE APPEAL ON THE BASIS OF WRITTEN SUBMISSIONS

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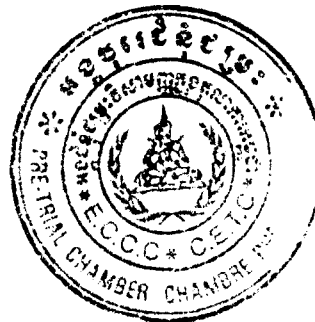
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MOCH Sovannary	GAUTRY Francoise
Martine JACQUIN	MARTINEAU
Philippe CANONNE	Christine
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THE PRE-TRIAL CHAMBER of the Extraordinary Chambers in the Courts of Cambodia (“ECCC”) notes the “Appeal Against the Response of the Co-Investigating Judges on the Motion on Confidentiality, Equality and Fairness” (“Appeal”) filed by the Co-Lawyers for the Civil Parties on 18 October 2010.

1. As the Appeal filed by the Co-Lawyers for the Civil Parties raises issues pertaining to the working conditions provided for by the Office of Administration, the Pre-Trial Chamber, on 26 October 2010, invited the latter to file a response to the Appeal.¹
2. The Office of the Administration filed a “Response to ‘Co-Lawyers for Civil Party’s Motion on Confidentiality, Equality and Fairness filed with the Office of the Co-Investigating Judges of 18 August 2010’ and ‘Appeal Against the Response of the Co-Investigating Judges on the Motion on Confidentiality, Equality and Fairness of 12 October 2010’” on 1 December 2010.²
3. The Pre-Trial Chamber notes that neither the Co-Lawyers for Civil Parties nor the Office of Administration have requested to be heard by oral submission.
4. Rule 77(3)(b) of the Internal Rules (Rev.5) provides:

“The 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.”
5. The Pre-Trial Chamber considers that it is not necessary to hold an oral hearing on this Appeal as it can be determined on the sole basis of written submissions.
6. In accordance with Article 8(4) of the Practice Direction on Filing Documents before the ECCC, a written reply may be filed by the Co-Lawyers for the Civil Parties.
7. In addition, considering that the Office of Administration has made submissions pertaining to the conduct of specific Co-Lawyers, named in paragraphs 9, 14, 25 and

¹ “Appeal Against the Response of the Co-Investigating Judges on the Motion on Confidentiality, Equality and Fairness”, 18 October 2010, A410/2/1.

² “Response to ‘Co-Lawyers for Civil Party’s Motion on Confidentiality, Equality and Fairness filed with the Office of the Co-Investigating Judges of 18 August 2010’ and ‘Appeal Against the Response of the Co-Investigating Judges on the Motion on Confidentiality, Equality and Fairness of 12 October 2010’”, 1 December 2010, A410/2/2.

26 of the Response, said lawyers are permitted to file an additional reply in their own capacities, should they desire to do so.

THEREFORE, THE PRE-TRIAL CHAMBER HEREBY:

- (1) **DECIDES** to determine the Appeal on the basis of written submissions.
- (2) **INVITES** the Co-Lawyers for the Civil Parties and the lawyers mentioned in paragraphs 9, 14, 25 and 26 of the Response, in their own capacity, to file a reply within the deadline provided for in Article 8.4 of the Practice Direction ECCC/01/2007/Rev. 5.

Phnom Penh, 07 December 2010 *ch.*

President of the Pre-Trial Chamber



PRAK KIMSAN