



**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**

<b>ឯកសារដើម</b>	
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL	
ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Date de réception):	07 / 12 / 2010
ម៉ោង (Time/Heure):	10:00
មន្ត្រីទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé du dossier:	Rafanak

**PUBLIC**

**DECISION TO DETERMINE THE APPEAL ON THE BASIS OF WRITTEN SUBMISSIONS**

**Lawyers for the Civil Parties (Appellants)**

SIN Soworn  
HONG Kim Suon  
KONG Pisey  
Silke STUDZINSKY  
YUNG Phanith  
Lima NGUYEN

**Other Lawyers for the Civil Parties**

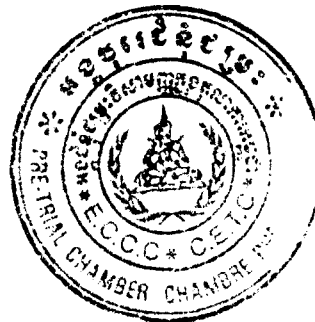
LOR Chhunthy	DESFORGES Laure
KIM Mengkhy	DURAND Isabelle
MOCH Sovannary	GAUTRY Francoise
Martine JACQUIN	MARTINEAU
Philippe CANONNE	Christine
Elizabeth	Pascal AUBOIN
RABESANDRATANA	Ferdinand Djammen-Nzepa
Mahdev MOHAN	Emmanuel ALTIT
Olivier BAHOUAGNE	Emmanuel JACOMY
DELAHAIE Annie	Julien RIVET
Fabienne TRUSSES-NAPROUS	Barnabe NEKUIE
BAUDOIN Patrick	Nicole DUMAS
GUIRAUD Marie	Daniel LOSQ
CHET Vannly	
VEN Pov	
TY Srinna	PICH Ang

**Co-Prosecutors**

CHEA Leang  
Andrew CAYLEY

**Co-Lawyers for the Defence**

ANG Udom  
Michael G. KARNAVAS  
PHAT PouV Seang  
Diana ELLIS  
SON Arun  
Michiel PESTMAN  
Victor KOPPE  
SA Sovan  
Jacques VERGES



**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.<sup>1</sup>
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.<sup>2</sup>
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

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

<sup>2</sup> “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**