



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

Extraordinary Chambers in the Courts of Cambodia

Chambres Extraordinaires au sein des Tribunaux Cambodgiens

C221I141

អង្គបុរេជំនុំជម្រះ

PRE-TRIAL CHAMBER
CHAMBRE PRELIMINAIRE

Criminal Case File N° 002/19-09-2007-ECCC/OCIJ (PTC03)

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

Date: 24 June 2008

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DECISION ON ADMISSIBILITY OF CIVIL PARTY GENERAL OBSERVATIONS

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Charged Person

IENG Sary

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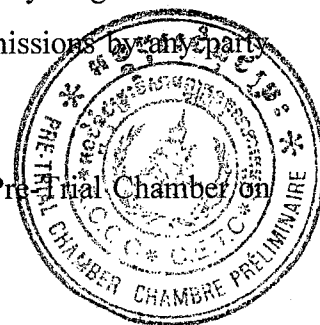
Co-Lawyers for the Defence

ANG Udom
Michael G. KARNAVAS

ឯកសារបានចម្លងតាមត្រឹមត្រូវតាមច្បាប់ដើម
CERTIFIED COPY/COPIE CERTIFIÉE CONFORME
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1. **THE PRE-TRIAL CHAMBER** of the Extraordinary Chambers in the Courts of Cambodia (“ECCC”) has received the “Civil Party Co-Lawyers’ General Observations” filed on 16 June 2008 (“Observations”) in relation to the Appeal against Provisional Detention by the Charged Person Ieng Sary, which is in fact an application for directions.
2. In their Observations, the Co-Lawyers submit that the Pre-Trial Chamber’s “Directions on Civil Party Oral Submissions during the Hearing of the Appeal against Provisional Detention Order” dated 20 May 2008, concerning the Ieng Thirith appeal, discriminated against the Civil Parties with respect to their procedural rights to participate in proceedings. Furthermore, the Co-Lawyers submit that rules contained in the Practice Direction on Filing of Documents before the ECCC, and the unequal allocation of time for oral submissions during provisional detention appeal hearings, have discriminatory effects.
3. In its “Decision on Civil Party Participation in Provisional Detention Appeals” of 20 March 2008, the Pre-Trial Chamber established that the participation of Civil Parties in provisional detention appeals is authorised and that ECCC procedures must allow for such participation. The Pre-Trial Chamber in addition made it clear that preserving a balance between the procedural rights of the parties was an important and ongoing process. The Chamber may issue such procedural directions as it deems appropriate to manage the proceedings. These directions are not open to appeal but may be open to reconsideration if new or particular circumstances are presented.
4. The Observations do not raise specific arguments for a reconsideration of the Directions given on 20 May 2008 in relation to the current appeal by the Charged Person Ieng Sary and are therefore inadmissible in this respect.
5. The Pre-Trial Chamber does not have jurisdiction to consider objections to amendments to the ECCC Practice Directions and in this respect the Observations are also inadmissible.
6. The argument as to the length of oral submissions is made in general terms and amounts to a request for an undertaking as a matter of principle to afford all parties equal time for oral submissions. The Pre-Trial Chamber may not give such an undertaking. The time frames given thus far have been based on the need to balance the rights of the parties, keeping in mind that the Civil Parties support the Prosecution. Additional time may be granted as the Chamber deems necessary, and similarly, irrelevant or repetitive submissions by any party may be curtailed.
7. It is noted that decisions or directions signed by the President of the Pre-Trial Chamber on behalf of the Chamber are made by the entire Chamber.



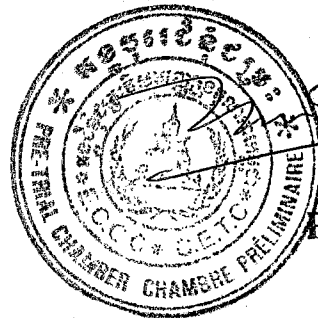
THEREFORE, THE PRE-TRIAL CHAMBER HEREBY DECIDES:

That the Observations are partly inadmissible.

As far as the observations are admissible, no new directions will be given on this basis at this stage.

Phnom Penh, 24 June 2008

President of Pre-Trial Chamber



PRAK KIMSAN