



អង្គបុរេជំនុំជម្រះ

PRE-TRIAL CHAMBER
CHAMBRE PRELIMINAIRE

Criminal Case File N° 02/19-09-2007-ECCC-OCIJ(PTC03)

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

Date: 3 March 2008

ឯកសារបានថតចម្លងត្រឹមត្រូវតាមច្បាប់ដើម
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ថ្ងៃ ខែ ឆ្នាំ នៃការបញ្ជាក់ (Certified Date/Date de certification):
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មន្ត្រីទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé
du dossier: CHEA Kosal

PUBLIC

DECISION ON EXPEDITED REQUEST OF CO-LAWYERS FOR A REASONABLE EXTENSION OF TIME TO FILE CHALLENGES TO JURISDICTIONAL ISSUES

Co-Prosecutors

CHEA Leang
Robert PETIT

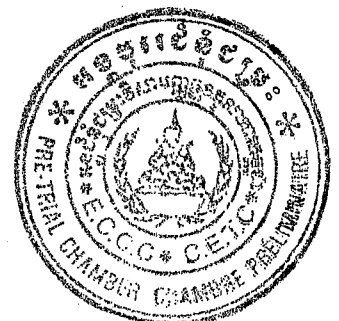
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du dossier:SANN RADA.....

Charged Person

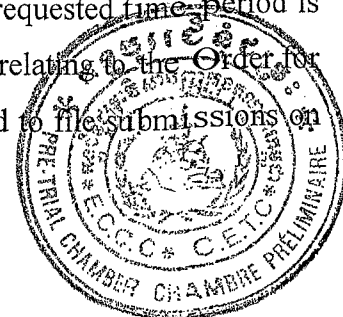
IENG Sary

Co-Lawyers for the Defence

ANG Udom
Michael G. KARNAVAS



1. The Pre-Trial Chamber of the Extraordinary Chambers in the Courts of Cambodia (“ECCC”) notes the Co-Investigating Judges’ Order for Provisional Detention of 14 November 2007; Ieng Sary’s Appeal against Provisional Detention Order of 15 January 2008 (“Appeal against Provisional Detention”); the Co-Prosecutors Response to Ieng Sary’s Appeal against Provisional Detention Order of 29 January 2008; the Pre-Trial Chamber’s Invitation to Reply to the Co-Prosecutors’ Response on the Issues of *Ne Bis in Idem*, Pardon and Amnesty of 14 February 2008; and the “Expedited Request for a Reasonable Extension of Time to File Challenges to Jurisdictional Issues” and “Reply per the Invitation of the Pre-Trial Chamber to the Office of the Co-Prosecutor’s Response to the Defence Appeal on Provisional Detention” filed by the Co-Lawyers for the Defence on 18 February 2008.
2. The Co-Lawyers have requested the Pre-Trial Chamber to:
 - a. Find that Ieng Sary has not waived the right to raise any challenge to jurisdiction and is free to file such a challenge before the Co-Investigating Judges; or
 - b. Grant an extension of time until 7 April 2008 for the defence to file substantive submissions on jurisdictional issues if the Pre-Trial Chamber considers that these issues should be adjudicated as part of the Appeal against Provisional Detention.
3. Rule 77 of the Internal Rules sets out the procedure for Pre-Trial Appeals and Applications including appeals against Orders for Provisional Detention. The Co-Lawyers have the opportunity to raise all issues they wish to raise in their appeal which can be responded to by the other parties. The Pre-Trial Chamber will render its decision on the appeal after a hearing.
4. There is no provision in the Internal Rules for the Pre-Trial Chamber at this stage of the proceedings to make a finding that Ieng Sary has not waived any challenge to jurisdiction and is free to file any jurisdictional challenge before the Co-Investigating Judges as requested by the Co-Lawyers.
5. To the extent that the Pre-Trial Chamber must read the Reply of the Co-Lawyers as a request to set a time limit to file submissions on the jurisdictional issues, the Pre-Trial Chamber grants this request. The Pre-Trial Chamber finds that the requested time period is excessive in view of the time periods previously set for submissions relating to the Order for Provisional Detention and the fact that the Co-Lawyers were invited to file submissions on this issue by the Pre-Trial Chamber on 14 of February 2008.



6. Since the issue of the scope of civil party participation in provisional detention appeals is currently before the Pre-Trial Chamber, the Civil Parties will be notified of their rights in due course after the decision on that matter is delivered.

THE PRE-TRIAL CHAMBER HEREBY DECIDES:

- (1) That the Co-Lawyers may file submissions not exceeding 15 pages on the jurisdictional issues addressed in paragraphs 5 to 14 of the Order for Provisional Detention by 16.00 on 24 March 2008;
- (2) That the Co-Prosecutors may file a response not exceeding 15 pages within 15 days of notification of the Co-Lawyers' submissions in English and Khmer.

Phnom Penh, 3 March 2008
President, Pre-Trial Chamber



PRAK KIMSAN