



**អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា**

Extraordinary Chambers in the Courts of Cambodia  
Chambres Extraordinaires au sein des Tribunaux Cambodgiens

D99/3/36

**អង្គបុរេជំនុំជម្រះ**

PRE-TRIAL CHAMBER  
CHAMBRE PRELIMINAIRE

**Criminal Case File N° 001/18-07-2007-ECCC/OCIJ (PTC 02)**

**Before:** Judge PRAK Kimsan, President  
Judge Rowan DOWNING  
Judge PEN Pichsaly  
Judge Katinka LAHUIS  
Judge HUOT Vuthy

**Date:** 21 November 2008

<b>ឯកសារដើម</b>	
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**PUBLIC**

**RULING ON THE FILING OF A MOTION BY THE CHARGED PERSON IENG SARY IN THE CASE AGAINST THE CHARGED PERSON "DUCH"**

**Co-Prosecutors**

CHEA Leang  
Robert PETIT  
YET Chakriya  
William SMITH  
PICH Sambath  
Alex BATES

**Charged Person**

KAING Guek Eav alias "DUCH"

**Lawyers for the Civil Parties**

KONG Pisey  
HONG Kimsuon  
YOUNG Panith  
KIM Mengkhy  
MOCH Sovannary  
Silke STUDZINSKY  
Martine JACQUIN  
Philippe CANNONE

**Co-Lawyers for the Defence**

KAR Savuth  
François ROUX



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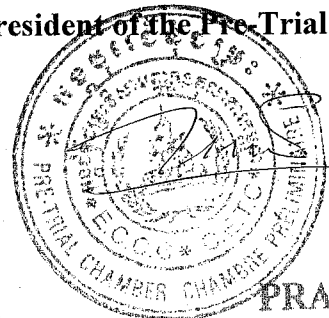
1. **THE PRE-TRIAL CHAMBER** of the Extraordinary Chambers in the Courts of Cambodia (“ECCC”) notes that on 20 November 2008, the Co-Lawyers for Ieng Sary submitted to the Greffier of the Pre-Trial Chamber “Ieng Sary’s Motion for Reconsideration of *Decision on Ieng Sary’s Request to Make Submissions on the Application of the Theory of Joint Criminal Enterprise in the Co-Prosecutors’ Appeal of the Closing Order against Kaing Guek Eav ‘Duch’*” (“Motion”).
2. The Pre-Trial Chamber observes that the Motion itself is 30 pages long and that two annexes of 9 and 12 pages addressing substantive matters are attached to it. The Motion and its annexes contain, in addition to the request for reconsideration, the Co-Lawyers’ “substantive response to Ground 2 of the OCP appeal of the Closing Order”.
3. In its “Decision on Ieng Sary’s Request to make submissions on the application of the theory of joint criminal enterprise in the Co-Prosecutors’ Appeal of the Closing Order against Kaing Guek Eav ‘Duch’” of 6 October 2008, the Pre-Trial Chamber found that the Charged Person Ieng Sary did not have the right to intervene in the case against the Charged Person Duch on the issue of the application of the theory of joint criminal enterprise.
4. By a decision delivered on 14 October 2008, the Pre-Trial Chamber further declared inadmissible a Motion filed by the Co-Lawyers for the Charged Person Ieng Sary to disqualify an *amicus curiae* as the Charged Person lacked standing to make submissions in the case against the Charged Person Duch.
5. The Pre-Trial Chamber therefore considers that the Charged Person Ieng Sary is not entitled to file the Motion in the case file 001/18-07-2007-ECCC/OCIJ (PTC02).

**THEREFORE, THE PRE-TRIAL CHAMBER HEREBY:**

Rejects the filing of the Motion. mv

Phnom Penh, 21 November 2008

**President of the Pre-Trial Chamber**



**PRAK KIMSAN**