

D99/3/9

**BEFORE THE PRE-TRIAL CHAMBER
EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA**

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**CO-PROSECUTORS' OBSERVATIONS ON THE DEFENCE RESPONSE TO THE
APPEAL OF THE CLOSING ORDER**

Filed by:

Co-Prosecutors:
Ms. CHEA Leang
Mr. Robert PETIT

Distributed to:

Pre-Trial Chamber:
Judge PRAK Kimsan
Judge Rowan DOWNING
Judge NEY Thol
Judge Katinka LAHUIS
Judge HUOT Vuthy

Counsel for the Accused
KAING Guek Eav :
Mr. KAR Savuth
Mr. François ROUX

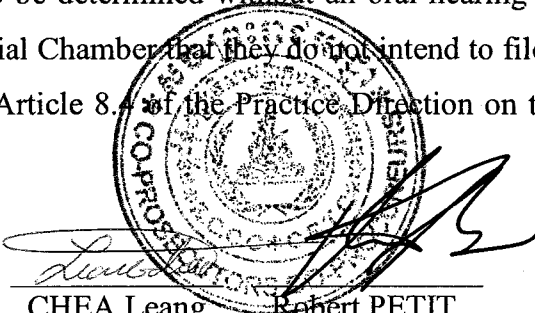
Counsel for the Civil Parties:
Mr. KONG Pisey
Mr. HONG Kimsuon
Mr. YONG Panith
Ms. Silke STUDZINSKY

ឯកសារបានច្នៃចម្លងត្រឹមត្រូវតាមច្បាប់ដើម	
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OBSERVATIONS

1. On 5 September 2008, the Co-Prosecutors filed their appeal (“the Appeal”) against the 8 August 2008 Closing Order of the Co-Investigating Judges in the case of KAING Guek Eav, alias Duch. The Co-Prosecutors submitted that an oral hearing is not necessary in order for the Pre-Trial Chamber to resolve this Appeal.
2. On 16 September 2008, the Defence filed their response (“the Response”) to the Appeal in Khmer and in French. The Co-Prosecutors hereby waive their right to a translation of the Response into English.
3. The Defence also submitted that an oral hearing was unnecessary to determine the Appeal. Should the request for this Appeal to be determined without an oral hearing be granted, the Co-Prosecutors inform the Pre-Trial Chamber that they do not intend to file a Reply to the Defence Response, pursuant to Article 8.4 of the Practice Direction on the Filing of Documents Before the ECCC.



CHEA Leang Robert PETIT
Co-Prosecutor Co-Prosecutor

Signed in Phnom Penh, Kingdom of Cambodia on this 17th day of September 2008.