



**អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា**

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

A18917/7

**អង្គបុរេជំនុំជម្រះ**

PRE-TRIAL CHAMBER  
CHAMBRE PRELIMINAIRE

**Criminal Case File N° 002/19-09-2007-ECCC/OCIJ (PTC10)**

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

**Date:** 7 August 2008

<b>ឯកសារដើម</b>
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**DECISION ON THE REQUESTS TO DETERMINE IENG SARY'S APPEAL ON APPOINTMENT OF EXPERT ON THE BASIS OF WRITTEN SUBMISSIONS ONLY**

**Co-Prosecutors**

CHEA Leang  
Robert PETIT  
YET Chakriya  
William SMITH  
TAN Senarong  
Anees AHMED

**Charged Person**

IENG Sary

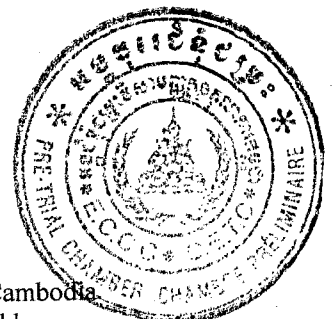
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<b>ឯកសារព្រមព្រៀងតាមច្បាប់ដើម</b>
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មន្ត្រីទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé du dossier: ..... UCH ARUN .....



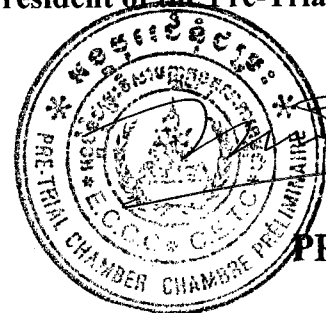
1. **THE PRE-TRIAL CHAMBER** of the Extraordinary Chambers in the Courts of Cambodia (“ECCC”) notes the “Appeal against the constructive dismissal by the [Co-Investigative Judges] of the Request for Ieng Sary to be examined by a psychiatric specialist to determine his fitness to stand trial”, dated 2 July 2008 (“the Appeal”).
2. The Pre-Trial Chamber notes the Charged Person’s request that the Appeal be decided solely on the basis of written pleadings, considering that “due to the urgent nature of this appeal, there is no need for an oral hearing”.<sup>1</sup>
3. The Pre-Trial Chamber notes that the Co-Prosecutors have formulated a similar request, arguing that “the parties have sufficiently briefed the Pre-Trial Chamber on the factual and legal issues relevant to this Appeal”.<sup>2</sup>
4. Pursuant to Internal Rule 77(3), the Pre-Trial Chamber shall, after having received an appeal or application, set a hearing date.<sup>3</sup>
5. The Pre-Trial Chamber finds, after considering the views of the Charged Person and the Co-Prosecutors (the “Parties”) expressed in their pleadings, that the Appeal may be determined on the basis of the written submissions of the Parties only.
6. In accordance with Article 8.4 of the Practice Direction on the Filing of Documents before the ECCC, a reply to a response is permissible where there is to be no oral argument on a request.<sup>4</sup>

**THEREFORE, THE PRE-TRIAL CHAMBER HEREBY DECIDES AND DIRECTS:**

- (1) The Appeal will be decided on the basis of the written submissions of the Parties only;
- (2) The Charged Person is allowed to file a reply to the Co-Prosecutors’ Response within five (5) days of the notification of this Decision. off

Phnom Penh, 7 August 2008

**President of the Pre-Trial Chamber**



**PRAK KIMSAN**

<sup>1</sup> Appeal against the Constructive Dismissal by the Co-Investigating Judges of the Request for Ieng Sary to be Examined by a Psychiatric Specialist to Determine his Fitness to Stand Trial, 2 July 2008, A189/I/1, para. 5 and p. 6.

<sup>2</sup> Co-Prosecutors’ Response to Ieng Sary’s Appeal Regarding Appointment of an Expert to Assess his Fitness to Stand Trial, 18 July 2008, A189/I/5, para. 3.

<sup>3</sup> Internal Rules of the Extraordinary Chambers in the Courts of Cambodia (Rev. 1), 1 February 2008.

<sup>4</sup> Practice Direction ECCC/01/2007/Rev. 2.