



អង្គបុរេជំនុំជម្រះ

PRE-TRIAL CHAMBER
CHAMBRE PRELIMINAIRE

Criminal Case File N° 002/19-09-2007-ECCC/OCIJ (PTC02)

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

Date: 20 May 2008

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**DIRECTIONS ON CIVIL PARTY ORAL SUBMISSIONS DURING THE HEARING OF THE
APPEAL AGAINST PROVISIONAL DETENTION ORDER**

Co-Prosecutors

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Charged Person

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ឯកសារច្បាប់ដើមត្រឹមត្រូវតាមច្បាប់ដើម
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C20/D/21

1. **THE PRE-TRIAL CHAMBER** of the Extraordinary Chambers in the Courts of Cambodia (“ECCC”) finds that in the interests of ensuring expeditious proceedings and relevant submissions, and to avoid disruptions to the hearing, that it is appropriate to provide further directions to the Civil Parties participating in this appeal.
2. The Pre-Trial Chamber makes reference to paragraph 46 of its Decision on Civil Party Participation in Provisional Detention Appeals of 20 March 2008.
3. Internal Rule 23(7) provides that “Any Victim participating in proceedings before the ECCC as a Civil Party has the right to be represented by a national lawyer, or a foreign lawyer in collaboration with a national lawyer”. Rule 77, which describes the procedure for pre-trial appeals and applications, provides in paragraph 4 that “the lawyers for the parties may consult the case file up until the date of the hearing”. Paragraph 10 of the same Rule provides that: “After the co-rapporteurs have read their report, the Co-Prosecutors and *the lawyers for the parties* may present brief observations”.
4. With reference to fair trial principles, a key consideration is that the Defence should be aware of the contents of the Civil Parties’ oral submissions in advance of the hearing. The Pre-Trial Chamber notes the increased number of Civil Parties and their different positions. The Pre-Trial Chamber has furthermore taken into consideration the technical nature of the written pleadings of all parties, including the Civil Parties, in this appeal.
5. The Internal Rules should therefore be read to provide that Civil Parties who have elected to be represented by a lawyer shall make their brief observations related to the application or appeal through their lawyer.

THEREFORE, THE PRE-TRIAL CHAMBER HEREBY DIRECTS:

That all oral submissions on behalf of the Civil Parties pursuant to Rule 77(10) shall be made by the lawyers for the Civil Parties. mt