



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

Extraordinary Chambers in the Courts of Cambodia
Chambres extraordinaires au sein des tribunaux cambodgiens

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

Kingdom of Cambodia
Nation Religion King

Royaume du Cambodge
Nation Religion Roi

អង្គមុនជំនុំជម្រះ

Pre-Trial Chamber
Chambre Préliminaire

Disagreement N° 001/18-11-2008-ECCC/PTC

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

Date: 18 August 2009

**ANNEX II: EXCERPT OF THE CONSIDERATIONS OF THE PRE-TRIAL CHAMBER
REGARDING THE DISAGREEMENT BETWEEN THE CO-PROSECUTORS PURSUANT
TO INTERNAL RULE 71**

Co-Prosecutors

CHEA Leang
Robert PETIT

Office of Administration

KRANH Tony
Knut ROSANDHAUG

បានចម្លងត្រឹមត្រូវតាមច្បាប់ដើម
Certified Copy/Copie Conforme
ថ្ងៃទី(On/Le)...18...ខែ(Month/Mois) August
ឆ្នាំ(Year/Année)...2009.....
ក្រឡាបញ្ជីនាយក/Chief of Greffier. Chauvuth



THE PRE-TRIAL CHAMBER of the Extraordinary Chambers in the Courts of Cambodia (“ECCC”) is seized of a disagreement between the Co-Prosecutors of the ECCC pursuant to Internal Rule 71(2), as the International Co-Prosecutor requests that two new Introductory Submissions to create Case Files 003/20-11-2008-ECCC/OCIJ and 004/20-11-2008-ECCC/OCIJ (“New Submissions”) and one Supplementary Submission in Case File 002/19-09-2007-ECCC/OCIJ be forwarded to the Co-Investigating Judges for judicial investigation and the National Co-Prosecutor disagrees (“Disagreement”).

CONCLUSION

As the Pre-Trial Chamber has not reached a decision on the Disagreement brought before it, Internal Rule 74(1) provides that the action of the International Co-Prosecutor shall be executed. In the current case, this means that the International Co-Prosecutor shall, pursuant to Internal Rule 53(1), forward the New Introductory Submissions to open judicial investigations.

THEREFORE, THE PRE-TRIAL CHAMBER HEREBY:

- 1) **DECLARES** the Disagreement admissible;
- 2) **DECLARES** that it had not assembled an affirmative vote of at least four judges on a decision on the Disagreement.

Phnom Penh, **18** August 2009



Pre-Trial Chamber

Rowan Downing
Rowan DOWNING

NEY Thol
NEY Thol

Katinka Lahuis
Katinka LAHUIS

HUOT Vuthy
HUOT Vuthy

Excerpt of the Considerations regarding the Disagreement between the Co-Prosecutors