



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

DS41213

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

អង្គបុរេជំនុំជម្រះ

PRE-TRIAL CHAMBER
CHAMBRE PRELIMINAIRE

Criminal Case File N° 002/19-09-2007-ECCC/OCIJ (PTC07)

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

Date: 24 July 2008

ឯកសារដើម
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Date de reception): 24 / 07 / 2008
ពេលវេលា (Time/Heure): 14 : 10
មន្ត្រីទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé du dossier: SANN RADA

PUBLIC

RULING PURSUANT TO ARTICLE 3.12 OF THE PRACTICE DIRECTION ON FILING OF DOCUMENTS: NUON CHEA'S APPEAL AGAINST ORDER REJECTING APPLICATION TO APPOINT AN EXPERT

Co-Prosecutors

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

ឯកសារបានដកចេញពីអង្គបុរេជំនុំជម្រះតាមច្បាប់ដើម
CERTIFIED COPY/COPIE CERTIFIÉE CONFORME
ថ្ងៃ ខែ ឆ្នាំ ត្រឹមត្រូវ (Certified Date/Date de certification): 24 / 07 / 2008
មន្ត្រីទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé du dossier: SANN RADA

Charged Person

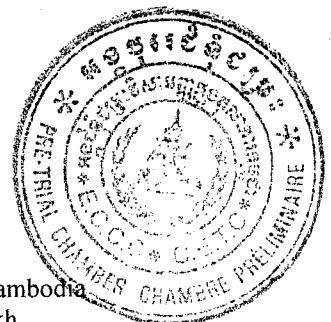
NUON Chea

Lawyers for the Civil Parties

HONG Kim Suon
LOR Chunthy
NY Chandy
KONG Pisey
Silke STUDZINSKY
YONG Phanith

Co-Lawyers for the Defence

SON Arun
Michiel PESTMAN
Victor KOPPE



1. **THE PRE-TRIAL CHAMBER** of the Extraordinary Chambers in the Courts of Cambodia (“ECCC”) notes the following documents marked ‘public’ by the filing parties:

- (i) Appeal Against Order Rejecting Application to Appoint Expert, filed on 17 April 2008 by the Co-Lawyers for NUON Chea;
- (ii) Response to Nuon Chea’s Appeal Regarding Appointment of an Expert to Assess his Fitness to Stand Trial, filed on 17 June 2008 by the Co-Prosecutors.

2. Article 3.12 of the Practice Direction on the Filing of Documents before the ECCC¹ provides:

“The investigation is confidential. The filing party may indicate whether it wishes a document to be marked ‘Public’, ‘Confidential’, or ‘Under seal’. The Co-Investigating Judges or the Pre-Trial Chamber reserve the sole power to review the document to determine whether such annotation is appropriate. Any such ruling by the Co-Investigating Judges or the Pre-Trial Chamber shall remain in force throughout any subsequent trial, provided that the Trial Chamber shall have the power, on its own motion, or on the application of the parties, to amend the whole or any part of the ruling, after notifying any affected party and giving that party the right to be heard.”

- 3. The Pre-Trial Chamber has reviewed the documents to determine whether the annotation ‘public’ is appropriate.
- 4. The Pre-Trial Chamber finds that the annotation ‘public’ is not appropriate as the documents discuss medical issues and contain information on NUON Chea’s health condition.

THEREFORE, THE PRE-TRIAL CHAMBER HEREBY RULES:

That the documents shall be classified as ‘confidentials’. *mf*

Phnom Penh, 24 July 2008

President of Pre-Trial Chamber



PRAK KIMSAN

¹ Practice Direction ECCC/01/2007/Rev.2, “Filing of Documents before the ECCC”, 29 April 2008.