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ព្រះរាជាណាចក្រកម្ពុជា  
ជាតិ សាសនា ព្រះមហាក្សត្រ

**អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា**

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

Kingdom of Cambodia  
Nation Religion King

Royaume du Cambodge  
Nation Religion Roi

**អង្គបុរេជំនុំជម្រះ**  
Pre-Trial Chamber  
Chambre Préliminaire

**Declassified to Public**

**12 April 2013**

**Criminal Case File N°** 002/19-09-2007-ECCC/OCIJ (PTC 26)

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

**Date:** 8 October 2009

<b>ឯកសារដើម</b>
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CONFIDENTIAL

**DECISION ON REQUEST FOR LEAVE TO FILE *AMICUS CURIAE* BRIEF**

**Co-Prosecutors**

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William SMITH

**Charged Persons**

Ieng Thirith

**Other Charged Persons**

**Lawyers for the Civil Parties**

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David BLACKMAN  
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Fabienne TRUSSES-NAPROUS  
Patrick BEAUDOIN  
Marie GUIRAUD  
LYMA NGUYEN

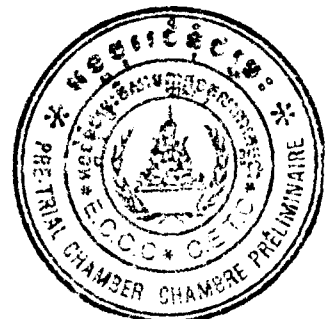
**Co-Lawyers for the Charged Persons**

PHAT Pouy Seang  
Diana ELLIS

**Defence for Other Charged Persons**

<b>ឯកសារប្រាកដថាមួយច្រើនតាមច្បាប់ដើម</b>
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ថ្ងៃ ខែ ឆ្នាំ ត្រឹមត្រូវ (Certified Date/Date de certification): ..... ០៧ / 10 / 2009 .....
មន្ត្រីទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé du dossier: ..... SANN RADA .....

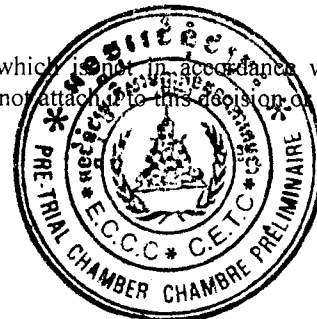
**The Unrepresented Civil Parties**



1. **THE PRE-TRIAL CHAMBER** of the Extraordinary Chambers in the Courts of Cambodia (“ECCC”) has received an Application<sup>1</sup> dated 7 September 2009 from the Cambodian Center for Human Rights, requesting leave to file an *amicus curiae* brief pursuant to Internal Rule 33 “to assist the Pre-Trial Chamber in determining or not to uphold the Office of the Co-Investigating Judges Order on Use of Statements which were or may have been obtained by torture dated 28 July 2009.”
2. Rule 33(1) of the Internal Rules provides:
 

“At any stage of the proceedings, the Co-Investigating Judges or the Chambers may, if they consider it desirable for the proper adjudication of the case, invite or grant leave to an organization or person to submit a written *amicus curiae* brief concerning any issue. The Co-Investigating Judges and the Chambers concerned shall determine what time limits, if any, shall apply to the filing of such briefs.”
3. The Pre-Trial Chamber finds that through the submissions of the Parties to the Appeal, the Chamber is sufficiently informed in order to decide on the Appeal. The Pre-Trial Chamber further finds that it would be undesirable to risk delaying the proceedings by receiving an *amicus curiae* brief and responses thereto by the Parties. The Pre-Trial Chamber has classified the documents in this procedure as confidential and, therefore, it would be impossible for the *amicus* to make submissions directed to the appeal which would not be of a general nature and speculative as to the grounds of the appeal.
4. The Pre-Trial Chamber appreciates the interest shown by the abovementioned organization in the current proceedings, but does not consider it desirable to grant leave to file an *amicus curiae* brief in this case.

<sup>1</sup> The Application is included in the *amicus curiae* brief itself, which is not, in accordance with the provisions of Internal Rule 33, therefore the Pre-Trial Chamber shall not attach to this decision or file it.

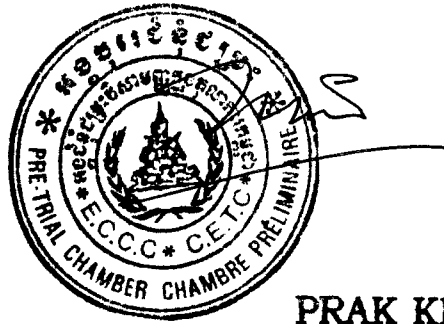


**THEREFORE, THE PRE-TRIAL CHAMBER HEREBY:**

Denies the request for leave to file *amicus curiae* brief.

Phnom Penh, 8 October 2009

**President of the Pre-Trial Chamber**



**PRAK KIMSAN**