



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

អង្គជំនុំជម្រះសាលាដំបូង

Trial Chamber
Chambre de première instance

សំណុំរឿងលេខ: ០០១/១៨ កក្កដា ២០០៧/អវតក/អជសដ

Case File/Dossier No. 001/18-07-2007/ECCC/TC

Before: Judge NIL Nonn, President
Judge Silvia CARTWRIGHT
Judge YA Sokhan
Judge Jean-Marc LAVERGNE
Judge THOU Mony

Date: 15 July 2009

Classification: PUBLIC

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DECISION ON IENG SARY'S SUPPLEMENTARY SUBMISSIONS TO THE REQUEST TO MAKE SUBMISSIONS IN RESPONSE TO THE CO-PROSECUTOR'S REQUEST FOR THE APPLICATION OF JOINT CRIMINAL ENTERPRISE AND REQUEST FOR SANCTIONS

Co-Prosecutors

CHEA Leang
Robert PETIT

Accused

KAING Guek Eav alias "DUCH"

Lawyers for the Civil Parties

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E9011

THE TRIAL CHAMBER of the Extraordinary Chambers in the Courts of Cambodia (“ECCC”);

BEING SEISED of Case File No. 001/18-07-2007-ECCC/TC pursuant to the “Decision on Appeal Against the Closing Order Indicting Kaing Guek Eav Alias Duch,” rendered orally by the Pre-Trial Chamber on 5 December 2008 and filed in Khmer on 9 December 2008;

SEIZED of the “Co-Prosecutors Request for the Application of Joint Criminal Enterprise” filed by the Co-Prosecutors on 8 June 2009;

RECALLING the “Ieng Sary Expedited Request to Make Submissions in Response to the Co-Prosecutors’ Request for the Application of Joint Criminal Enterprise in the Case of Mr. Kaing Guek Eav ‘Duch’” presented for filing by the Defence for Mr. Ieng Sary, a charged person in Case File 002/19-09-2007-ECCC/OCIJ currently before the Office of the Co-Investigating Judges, on 17 June 2009 (“Request”);

MINDFUL of the “Decision on Ieng Sary’s Request to Make Submissions in Response to the Co-Prosecutors’ Request for the Application of Joint Criminal Enterprise” filed on 3 July 2009, rejecting the filing of the Request on the basis that Mr. Ieng Sary is not a party to Case File No. 001/18-07-2007-ECCC/TC;

HAVING RECEIVED the “Ieng Sary’s Supplementary Submissions in Support of Expedited Request to Make Submissions in Response to the Co-Prosecutors’ Request for the Application of Joint Criminal Enterprise in the Case of Kaing Guek Eav ‘Duch’ & Request for Sanctions Under Internal Rule 35 Due to the Co-Prosecutors Misleading the Court in Their Supplementary Observation on Joint Criminal Enterprise Filed on 31 December 2008” submitted for filing by the Defence for Mr. Ieng Sary on 30 June 2009 (“Supplementary Submissions”);

REITERATING that Ieng Sary is not a party to Case File No. 001/18-07-2007-ECCC/TC and, therefore, **FINDING** that he has no formal standing to file the Supplementary Submissions;

FOR THE FOREGOING REASONS, the Trial Chamber

REJECTS the filing of the Supplementary Submissions;

ORDERS the Court Management Section to notify the present Decision to the Ieng Sary Defence. *HT*

Phnom Penh, 15 July 2009

