

អន្តដ៏ឆ្នុំ៩ម្រះទិសាមញ្ញតូខតុលាការកម្ពុដា

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

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Kingdom of Cambodia Nation Religion King Royaume du Cambodge Nation Religion Roi

E9/7/1/1/1/4

អត្ថបិនុំប្បមុះតូលាភារគំពូល

Supreme Court Chamber Chambre de la Cour suprême

សំណុំរឿងលេខ: ០០២/១៩-០៩-២០០៧-អ.វ.ត.ក-អ.ជ.ស.ដ/អ.ជ.ត.ក(០៣ និង០៥)

Case File/Dossier N°. 002/19-09-2007-ECCC-TC/SC(03 and 05)

Before:

Judge KONG Srim, President

Judge Motoo NOGUCHI Judge SOM Sereyvuth

Judge Agnieszka KLONOWIECKA-MILART

Judge SIN Rith

Judge Chandra Nihal JAYASINGHE

Judge YA Narin

Date:

8 April 2011

Original Language(s):

Khmer/English

Classification:

PUBLIC

DECISION ON TWO NOTICES OF APPEAL FILED BY IENG SARY

Co-Lawyers for the Accused, IENG Sary

ANG Udom

Michael G. KARNAVAS

Civil Parties Lead Co-Lawyers

PICH Ang

Elisabeth SIMONNEAU FORT

Co-Prosecutors

CHEA Leang
Andrew CAYLEY

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THE SUPREME COURT CHAMBER of the Extraordinary Chambers in the Courts of Cambodia ("ECCC"):

BEING SEISED of two notices of appeal filed by the Co-Lawyers for the Accused ("Co-Lawyers"), IENG Sary ("Notices of Appeal");¹

NOTING the combined response filed by the Co-Prosecutors to the Notices of Appeal, in which the Co-Prosecutors request the Chamber to find that the Notices of Appeal are inadmissible and to order that no further submissions be filed by the Co-Lawyers in relation to the Notices of Appeal;²

CONSIDERING that the decisions by the Trial Chamber³ against which the Co-Lawyers are attempting to appeal in the Notices of Appeal do not fall within the Chamber's limited jurisdiction for immediate appeals under Internal Rule 104(4) (Rev. 7);⁴

FOR THE FOREGOING REASONS, the Supreme Court Chamber:

DECIDES to reject the Notices of Appeal as inadmissible; and

DECIDES it is unnecessary to consider the further appeal submissions filed by the Co-Lawyers.

Phnom Penh, 8 April 2011 esident of the Supreme Court Chamber

Kong Srim

¹ IENG Sary's Notice of Appeal Against Trial Chamber's Decision Chamber's Disposition of Requests for Extension of Deadline (E9/7 and E9/4/9), Case No. 002/19-09-2007-ECCC-TC/SC(03), 2 March 2011, E9/7/1/1; IENG Sary's Notice of Appeal Against Order to IENG Sary Defence on Filing of Preliminary Objections, Case No. 002/19-09-2007-ECCC-TC/SC(05), 9 March 2011, E51/5/5.

² Co-Prosecutors' Response to IENG Sary's Two Notices of Appeal Against the Trial Chamber's Decisions Refusing the Extension of Time and Page Limits for the Filing of Preliminary Objections, 18 March 2011, E9/7/1/1/1/1, para. 13.
³ Trial Chamber's Disposition of Requests for Extension of Deadline (E9/7 and E9/4/9), 1 March 2011, E9/7/1; Order to IENG Sary Defence on Filing of Preliminary Objections, 28 February 2011, E51/6.

⁴ Decision on the Appeals Filed by Lawyers for Civil Parties (Groups 2 and 3) Against the Trial Chamber's Oral Decisions of 27 August 2009, 28 December 2009, E169/1/2, paras. 8-12.

⁵ IENG Sary's Reply to Co-Prosecutors' Response to IENG Sary's Two Notices of Appeal Against the Trial Chamber's Decisions Refusing the Extension of Time and Page Limits for the Filing of Preliminary Objections, 22 March 2011, E9/7/1/1/1/2; IENG Sary's Appeal Against the Trial Chamber's Disposition of Requests for Extension of Deadlines (E9/7 and E9/4/9), 21 March 2011, E9/7/1/1/1/3; IENG Sary's Appeal Against the Trial Chamber's Order to IENG Sary Defence on Filing of Preliminary Objections, 22 March 2011, E51/6/1/1/1.