



**អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា**

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

C22/5/24

**អង្គបុរេជំនុំជម្រះ**

PRE-TRIAL CHAMBER  
CHAMBRE PRELIMINAIRE

**Criminal Case File N° 002/19-09-2007-ECCC/OCIJ (PTC 17)**

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

**Date:** 27 February 2009

<b>ឯកសារដើម</b>	
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL	
ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Date de reception): ..... 27 / 02 / 2009 .....	
ម៉ោង (Time/Heure): ..... 09:00 .....	
មន្ត្រីទទួលបន្ទុកឯកសារ (Case File Officer/L'agent chargé du dossier): ..... C.A. Juy .....	

**PUBLIC**

**WRITTEN VERSION OF ORAL DECISION OF 26 FEBRUARY 2009 ON THE REQUESTS PRESENTED BEFORE THE PRE-TRIAL CHAMBER DURING THE HEARING HELD ON THE SAME DAY**

**Co-Prosecutors**

CHEA Leang  
Robert PETIT  
YET Chakriya  
William SMITH  
TAN Senarong  
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**Charged Person**

IENG Sary

**Lawyers for the Civil Parties**

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**Co-Lawyers for the Charged Person**

ANG Udom  
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<b>ឯកសារចម្លងត្រឹមត្រូវតាមដើម</b>	
CERTIFIED COPY/COPIE CERTIFIÉE CONFORME	
ថ្ងៃ ខែ ឆ្នាំ ត្រឹមត្រូវ (Certified Date/Date de certification): ..... 02 / MAR / 2009 .....	
មន្ត្រីទទួលបន្ទុកឯកសារ (Case File Officer/L'agent chargé du dossier): ..... C.A. Juy .....	



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1. The Pre-Trial Chamber notes that it has three requests before it which have been made during and prior to the hearing and were argued:

- 1- To hear Dr. Falke before the Pre-Trial Chamber;
- 2- To adjourn the hearing because of the health condition of the Charged Person;
- 3- To continue with the hearing to allow the Co-Lawyers of the Charged Person to make submissions as to why the health issue is crucial for the Pre-Trial Chamber's consideration.

2. On the First Request:

The Pre-Trial Chamber finds that the Request is to hear Dr. Falke as a witness and not to appoint him as an expert. The evidence he can provide is indirect. The Request is therefore denied.

3. On the Second Request:

The Request to adjourn the hearing on the Appeal is granted because of the health condition of the charged person. The Pre-Trial Chamber finds the medical report of the Doctor of the Detention Centre which was provided to the Pre-Trial Chamber just before this hearing, sufficient to lead to this conclusion.

4. On the Third Request:

The Pre-Trial Chamber notes that the Co-Lawyers have submitted that the issue in respect of the Charged Person's health they want to raise is part of their appeal.

The Pre-Trial Chamber therefore finds that the issue should be raised within the hearing dealing with the whole of the appeal.



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The Pre-Trial Chamber further notes that at the moment no further application has been filed of a more specific nature as suggested by the Pre-Trial Chamber in its decision of the 23<sup>rd</sup> of February 2009.

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

To adjourn the hearing to the 2<sup>nd</sup> of April 2009 at 9:00 a.m.

Given orally during the hearing on 26 February 2009. PK

Phnom Penh, 27 February 2009

**President of the Pre-Trial Chamber**



**PRAK KIMSAN**