



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

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

២២/០៤/០៨

អង្គបុរេជំនុំជម្រះ

PRE-TRIAL CHAMBER
CHAMBRE PRELIMINAIRE

Criminal Case File N° 002/19-09-2007-ECCC/OCIJ (PTC03)

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

Date: 30 April 2008

ឯកសារដើម
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Date de reception): 30 / 04 / 2008
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DECISION ON IENG SARY'S REQUESTS FOR LEAVE TO SUSPEND THE CONSIDERATION OF HIS APPEAL ON PROVISIONAL DETENTION & FOR AN ORDER DIRECTING THE OCIJ TO PLACE IENG SARY IN A HOSPITAL FACILITY

Co-Prosecutors

CHEA Leang
Robert PETIT

Charged Person

IENG Sary

Lawyers for the Civil Parties

HONG Kim Suon
LOR Chunthy
NY Chandy
Silke STUDZINSKY

Co-Lawyers for the Defence

ANG Udom
Michael G. KARNAVAS

ឯកសារបានចម្លងត្រឹមត្រូវតាមច្បាប់ដើម
CERTIFIED COPY/COPIE CERTIFIÉE CONFORME
ថ្ងៃ ខែ ឆ្នាំ ការបញ្ជាក់ (Certified Date/Date de certification): 30 / 04 / 2008
មន្ត្រីទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé du dossier: CHEA Kosal



C22/P/29

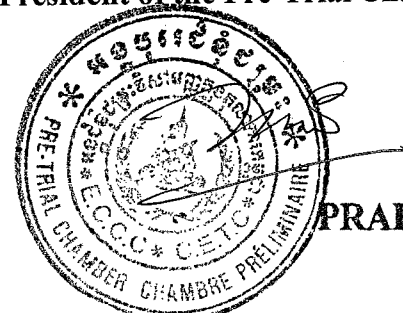
1. **THE PRE-TRIAL CHAMBER** is seized of “Ieng Sary’s request for leave to suspend the consideration of his appeal to be placed under house arrest in lieu of being held in custody at the ECCC Detention Facilities & request for an order directing the OCIJ to place Ieng Sary in a hospital facility for the duration of the investigative phase of the proceedings”, filed in English on 13 March 2008 (“Request”). The Co-Lawyers filed Supplemental Information in support of the request on 17 March 2008.
2. On 31 March 2008 the Co-Prosecutors filed their response to the Request.
3. On 04 April 2008 the Pre-Trial Chamber invited the Co-Lawyers to file a reply to the Co-Prosecutors’ response.
4. On 08 April 2008 the Co-Lawyers filed their reply to the Co-Prosecutors’ response.
5. No submissions were received from the Lawyers for the Civil Parties.
6. In the Request the Co-Lawyers submit that in their appeal against the provisional detention order issued by the Co-Investigating Judges, they “requested that the conditions of detention be modified to house arrest”. However, due to an alleged deterioration of Ieng Sary’s health, the Co-Lawyers now request “in lieu of house arrest, that Mr. IENG Sary be kept in hospital until he has fully recovered from his current health problems”. The Co-Lawyers therefore ask the Pre-Trial Chamber to suspend the consideration of the appeal against the provisional detention order and issue an order directing the Co-Investigating Judges to place Ieng Sary in a hospital facility.
7. The Pre-Trial Chamber has jurisdiction in “Ieng Sary’s Appeal against Provisional Detention Order” to modify the conditions of the detention and to suspend the detention on conditions. The Pre-Trial Chamber will therefore take the contents of the request in consideration, dealing with the appeal.

THEREFORE THE PRE-TRIAL CHAMBER HEREBY DECIDES:

1. To deny the Request for Suspension
2. To deal with the matter raised in this decision within “Ieng Sary’s Appeal against Provisional Detention Order”. ort

Phnom Penh, 30 April 2008

President of the Pre-Trial Chamber,



PRAK KIMSAN