



**អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា**

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

D99/3/5

**អង្គបុរេជំនុំជម្រះ**

PRE-TRIAL CHAMBER  
CHAMBRE PRELIMINAIRE

**Declassified to Public  
06 September 2012**

**Criminal Case File N° 001/18-07-2007-ECCC/OCIJ (PTC02)**

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

**Date:** 11 September 2008

<b>ឯកសារដើម</b>	
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL	
ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Date de reception):	11 SEP 2008
ពេលវេលា (Time/Heure):	14:00
មន្ត្រីទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé du dossier:	C.A.M.

**CONFIDENTIAL**

**DECISION ON TRIAL CHAMBER REQUEST TO ACCESS THE CASE FILE**

**Co-Prosecutors**

CHEA Leang  
Robert PETIT  
YET Chakriya  
William SMITH  
PICH Sambath  
Alex BATES

<b>ឯកសារបានចម្លងតាមប្រព័ន្ធគ្រប់គ្រងឯកសារ</b>	
CERTIFIED COPY/COPIE CERTIFIÉE CONFORME	
ថ្ងៃ ខែ ឆ្នាំ ត្រឹមត្រូវ (Certified Date/Date de certification):	11 / 09 / 2008
មន្ត្រីទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé du dossier:	SANNY RADA

**Charged Person**

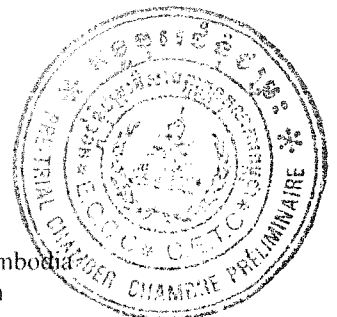
Kaing Guek Eav alias "DUCH"

**Lawyers for the Civil Parties**

KONG Pisey  
HONG Kimsuon  
YOUNG Panith  
Silke STUDZINSKY  
KIM Mengkhy  
Martine JACQUIN

**Co-Lawyers for the Defence**

KAR Savuth  
François ROUX



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1. **THE PRE-TRIAL CHAMBER** of the Extraordinary Chambers in the Courts of Cambodia (“ECCC”) is seized of a letter from the President of the Trial Chamber dated 29 August 2008 requesting that the Judges and immediate support staff of the Trial Chamber be granted electronic access through the ECCC ZyIMAGE Search Portal to the Case File No. 001/18-07-2007-ECCC/OCIJ, (“Request”).
2. On 2 September 2008, the Pre-Trial Chamber issued directions to the Parties, inviting them to submit any objection to the Request (attached to those directions) by 5 September 2008.
3. On 3 September 2008, the Co-Prosecutors responded by observing that they had no objections.
4. On 5 September 2008, the Co-Lawyers for the Charged Person similarly stated that they had no objections.
5. No observations were received from the Lawyers for the Civil Parties.
6. The Pre-Trial Chamber notes that on 21 August 2008, the Co-Prosecutors filed a Notice of Appeal against the Closing Order of the Co-Investigating Judges in Case File 001/18-07-2007-ECCC/OCIJ (“Appeal”). Consequently, this Case File has been forwarded to the Pre-Trial Chamber in accordance with Internal Rule 69(1).
7. The Trial Chamber has acknowledged that “it will not be formally seized of the case until the decision of the Pre-Trial Chamber on the appeal against the Closing Order” and has recognized the confidential nature of the Case File at the current stage of proceedings.
8. Taking into consideration the observations of the Parties and the nature of the issues under appeal, the Pre-Trial Chamber finds that granting the requested access to the Case File would enable the Trial Chamber to commence preparatory work and would assist in ensuring a fair and expeditious trial.



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

- (1) Grants the Request for the Judges of the Trial Chamber and their immediate support staff to access Case File No. 001/18-07-2007-ECCC/OCIJ through the ECCC ZyIMAGE Search Portal; and
- (2) Instructs the Court Management Section to facilitate such access. *or*

Phnom Penh, 11 September 2008

**President of the Pre-Trial Chamber****PRAK KIMSAN**