



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

អង្គជំនុំជម្រះតុលាការកំពូល

Supreme Court Chamber
Chambre de la Cour suprême

ឯកសារដើម
ORIGINAL/ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ (Date): 17-Sep-2012, 16:00
CMS/CFO: Uch Arun

សំណុំរឿងលេខ: ០០២/១៩-០៩-២០០៧-អ.វ.ត.ក/ អ.ជ.ស.ដ/អ.ជ.ត.ក(១៧)

Case File/Dossier N°. 002/19-09-2007-ECCC-TC/SC(17)

Before: Judge KONG Srim, President
Judge Florence Ndepele Mwachande Mumba
Judge SOM Sereyvuth
Judge Agnieszka KLONOWIECKA-MILART
Judge MONG Monichariya
Judge Chandra Nihal JAYASINGHE
Judge YA Narin

Date: 17 September 2012
Language(s): English/Khmer
Classification: PUBLIC

**DECISION ON CO-PROSECUTORS' REQUEST TO FILE SUPPLEMENTARY SUBMISSIONS
ON THE APPEAL AGAINST THE RELEASE ORDER OF IENG THIRITH**

Co-Prosecutors
CHEA Leang
Andrew CAYLEY

Accused
IENG Thirith

Civil Party Co-Lead Lawyers
PICH Ang
Elisabeth SIMONNEAU FORT

Lawyers for the Accused
Diana ELLIS, QC
PHAT Pouy Seang

THE SUPREME COURT CHAMBER of the Extraordinary Chambers in the Courts of Cambodia:

BEING SEISED of the Co-Prosecutors' Immediate Appeal against Decision on Reassessment of Accused Ieng Thirith's Fitness to Stand Trial following the Supreme Court Chamber Decision of 13 December 2011("Immediate Appeal");¹

NOTING the Co-Prosecutors' Request for Extension of Time to File Supplementary Submission in Support of the Immediate Appeal "within seven (7) days" from the filing of the Appeal for the reasons that "[t]he applicable timeframe for appeal has significantly limited the ability of the Co-Prosecutors to provide the Chamber with a comprehensive submission, setting out legal argument in sufficient detail and with references to relevant supporting materials" ("Request");²

CONSIDERING that, in the Impugned Order issued on 13 December 2012, the Trial Chamber has ordered the release of the Accused, who was found unfit to stand trial, and rejected the Co-Prosecutors' request that she be placed under judicial supervision ("Impugned Order");³

CONSIDERING that the Co-Prosecutors do not appeal the Impugned Order's conclusion that the Accused shall be released from the ECCC Detention Facility but only appeal the said order insofar as it rejected their application that the Accused be placed under judicial supervision;⁴

CONSIDERING that the Co-Prosecutors' Request for Stay of the Impugned Order was granted in part only, so the Accused has now been released from the ECCC Detention Facility, under the conditions that she shall (i) surrender her passport and any other travel documents, and remain in the territory of the Kingdom of Cambodia; (ii) inform the Chamber of the address where she will reside and not change residence without prior authorisation from the Chamber; and (iii) obey to any summon issued by the Court;⁵

¹ Immediate Appeal against Decision on Reassessment of Accused Ieng Thirith's Fitness to Stand Trial Following the Supreme Court Chamber Decision of 13 December 2011, 14 September 2012, E138/1/10/1/1.

² Co-Prosecutors' Request for Extension of Time to File Supplementary Submissions in Support of the Immediate Appeal Against the Trial Chamber's Decision to Unconditionally Release Ieng Thirith, 14 September 2012, E138/1/10/1/3.

³ Decision on Reassessment of Accused Ieng Thirith's Fitness to Stand Trial Following Supreme Court Chamber Decision of 13 December 2011, E138/1/10.

⁴ Immediate Appeal.

⁵ Decision on Co-Prosecutors' Request for Stay of Release Order of IENG Thirith, 16 September 2012, E138/1/10/1/2/1.

CONSIDERING that the Immediate Appeal is therefore no longer governed by Internal Rule 82(6) but rather by the procedural regime set out in Internal Rules 107(2) and 108 (4)(bis)(a), which respectively provide for a 15 day time limit to file the appeal and a three (3) month period to decide on such;

PURSANT TO Internal Rule 107(2) (Rev. 8) and Article 8.3 of the Practice Direction on Filing of Documents before the ECCC (Rev. 8);

HEREBY:

GRANTS the Co-Prosecutors' Request such that they are permitted to file supplementary written appeal submissions no later than Friday, 28 September 2012,

REMINDS the Accused that any response to the Immediate Appeal must be filed by Monday 8 October 2012.

Phnom Penh, 17 September 2012

President of the Supreme Court Chamber



Kong Srim