



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

Extraordinary Chambers in the Courts of Cambodia
Chambres extraordinaires au sein des tribunaux cambodgiens

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គបុរេជំនុំជម្រះ

Pre-Trial Chamber
Chambre Preliminaire

D359/2

In the name of the Cambodian people and the United Nations and pursuant to the Law on the Establishment of the Extraordinary Chambers in the Courts of Cambodia for the Prosecution of Crimes Committed During the Period of Democratic Kampuchea

Case File N° 004/2/07-09-2009-ECCC/OCIJ

Before: Judge PRAK Kimsan, President
Judge Olivier BEAUVALLET
Judge NEY Thol
Judge Kang Jin BAIK
Judge HUOT Vuthy

Date: 5 September 2018

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PUBLIC

DECISION ON CO-PROSECUTORS' REQUEST FOR EXTENSION OF DEADLINES FOR NOTICES OF APPEAL OF CLOSING ORDERS IN CASE 004/2

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THE PRE-TRIAL CHAMBER of the Extraordinary Chambers in the Courts of Cambodia (“ECCC”) is seized of the “Co-Prosecutors’ Request for Extension of Deadlines for Notices of Appeal of Closing Orders in Case 004/02” filed by the Co-Prosecutors on 23 August 2018 (“Request”).¹

1. On 16 August 2018, the National Co-Investigating Judge issued his Closing Order² in Khmer, dismissing the case against AO An, while the International Co-Investigating Judge issued his Closing Order (Indictment)³ in English (collectively “Closing Orders”). Translations of both documents are still pending.

2. On 23 August 2018, the Co-Prosecutors filed the Request, seeking to extend the deadline to file notices of appeals against the Closing Orders. No responses were filed.

3. The Co-Prosecutors seek clarification as to when any notice of appeal of one or both Closing Orders in Case 004/2 will be due, given that two closing orders have been issued for the same case, and argue that they must review both documents in a language they fully comprehend in order to make an informed decision on any appeal.⁴ Moreover, in light of the length of both Closing Orders (each over 400 pages) and their interrelationship, “the Co-Prosecutors require some time to evaluate the Closing Orders and the ramifications of any appeal.”⁵ They therefore request that the Pre-Trial Chamber extend the deadline applicable to all parties for any notice of appeal related to either Closing Order to fourteen days after translations of both Closing Orders have been notified.⁶

4. Notices of appeal to the Pre-Trial Chamber must normally be filed within ten days of receiving notification of the order or decision in Khmer and one other official language of the ECCC.⁷ Pursuant to Internal Rules 39(2) and (4), the Pre-Trial Chamber may set and/or

¹ Case 004/2/07-09-2009-ECCC/OCIJ (“Case 004/2”), Co-Prosecutors’ Request for Extension of Deadlines for Notices of Appeal of Closing Orders in Case 004/02, filed 23 August 2018 and notified on 24 August 2018, D359/1 (“Request”).

² Case 004/2, Closing Order, issued on 16 August 2018 in Khmer only, D359.

³ Case 004/2, Closing Order (Indictment), issued on 16 August 2018 in English only, D360.

⁴ Request, para. 2.

⁵ Request, paras 2, 4.

⁶ Request, para. 3.

⁷ Internal Rule 75(1); Practice Direction on the Filing of Documents Before the ECCC, ECCC/01/2007/Rev.8, Art. 8.5.



extend any time limits for the filing of documents relating to an appeal. The Pre-Trial Chamber considers that the parties should be able to review both Closing Orders in a language they fully understand before making any decisions regarding any appeals. The Chamber is moreover satisfied that an extension to fourteen days after translations of both Closing Orders have been notified is appropriate.

FOR THESE REASONS, THE PRE-TRIAL CHAMBER UNANIMOUSLY HEREBY:


GRANTS the Request;





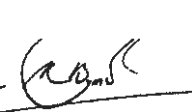
ORDERS the parties to file any Notices of Appeal against the Closing Orders in Case 004/2 within fourteen days after translations of both Closing Orders have been notified.

Phnom Penh, 5 September 2018

President

Pre-Trial Chamber



PRAK Kimsan Olivier BEAUVALLET NEY Thol Kang Jin BAIK HUOT Vuthy