



**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

**D359/5**

*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 (PTC 60)

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

**Date:** 3 June 2019

**ឯកសារដើម**  
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**PUBLIC**

**SCHEDULING ORDER FOR THE PRE-TRIAL CHAMBER'S HEARING ON APPEALS AGAINST CLOSING ORDERS**

**Co-Prosecutors**

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Laure DESFORGES  
Isabelle DURAND  
Emmanuel JACOMY  
Martine JACQUIN  
Daniel MCLAUGHLIN  
Nushin SARKARATI



**THE PRE-TRIAL CHAMBER** of the Extraordinary Chambers in the Courts of Cambodia,

**BEING SEISED OF** the Appeals lodged by the National Co-Prosecutor<sup>1</sup> and the Co-Lawyers for AO An,<sup>2</sup> on 14 December 2018 and 19 December 2018, respectively, against the Closing Order (Indictment) delivered by the International Co-Investigating Judge on 16 August 2018 in Case 004/2,<sup>3</sup> and the Appeal lodged by the International Co-Prosecutor on 20 December 2018<sup>4</sup> against the Order Dismissing the Case against AO An (D359) delivered by the National Co-Investigating Judge on 16 August 2018 in Case 004/2<sup>5</sup>;

**CONSIDERING** that the briefing on appeal in this case is complete;

**NOTING** the submissions regarding the hearing, in response to the Pre-Trial Chamber's Notice of 7 May 2019,<sup>6</sup> filed by the International Co-Prosecutor<sup>7</sup> on 8 May 2019 and the National Co-Prosecutor<sup>8</sup> and the Co-Lawyers for AO An<sup>9</sup> on 9 May 2019;

**PURSUANT** to Internal Rules 77(3), 77(5) and 77(6);

**HEREBY ORDERS** that a hearing shall be held in the main courtroom on Wednesday, 19 June 2019, Thursday, 20 June 2019 and Friday, 21 June 2019 and **INFORMS** the Parties that the timetable for the hearing shall be as follows:

**Wednesday, 19 June 2019:**

10:00 – 10:15 Introduction (fifteen minutes)

10:15 – 10:45 Report on the case by the bench (thirty minutes)

<sup>1</sup> Case No. 004/2/07-09-2009-ECCC-OCIJ ("Case 004/2"), National Co-Prosecutor's Appeal against the International Co-Investigating Judge's Closing Order (Indictment) in Case 004/02, 14 December 2018, D360/8/1.

<sup>2</sup> Case 004/2, AO An's Appeal against the International Co-Investigating Judge's Closing Order (Indictment), 19 December 2018, D360/5/1.

<sup>3</sup> Case 004/2, Closing Order (Indictment), 16 August 2018, D360.

<sup>4</sup> Case 004/2, International Co-Prosecutor's Appeal of the Order Dismissing the Case against AO An (D359), 20 December 2018, D359/3/1.

<sup>5</sup> Case 004/2, Order Dismissing the Case against AO An, 16 August 2018, D359.

<sup>6</sup> Case 004/2, Pre-Trial Chamber's Notice to the Parties by e-mail, 7 May 2019, 10:45am.

<sup>7</sup> Case 004/2, International Co-Prosecutor's Response to Pre-Trial Chamber's Instructions regarding the Hearing of the Appeals of Closing Orders in Case 004/2, 8 May 2019, D359/4.

<sup>8</sup> Case 004/2, National Co-Prosecutor's Response to Pre-Trial Chamber's Instructions regarding the Hearing of the Appeals of Closing Orders in Case 004/2, 9 May 2019, D360/13.

<sup>9</sup> Case 004/2, AO An's Response to Pre-Trial Chamber's Instructions regarding the Hearing of the Appeals of Closing Orders in Case 004/2, 9 May 2019, D360/12.



10:45 – 11:45 Appeal by the National Co-Prosecutor (one hour)

11:45 – 13:15 *Pause (one hour and a half)*

13:15 – 15:15 Appeal by the International Co-Prosecutor (two hours)

**Thursday, 20 June 2019:**

09:30 – 12:00 Appeal by the National / International Defence Counsels (two hours and a half)

12:00 – 13:30 *Pause (one hour and a half)*

13:30 – 14:30 Response by the International Co-Prosecutor (one hour)

14:30 – 16:00: Response by the National / International Defence Counsels (one hour and a half)

**Friday, 21 June 2019:**

10:00 – 11:30 Questions by the Judges to the Parties, if need arises. Notice and relevant information would be given on Thursday, 20 June 2019 (one hour and a half)

**INFORMS** that, if present, and upon notification through his lawyers, the Charged Person shall be given the right to make a personal statement at the end of the hearing;

**ORDERS** that any dispense with personal appearance of the Charged Person for health reasons will require submission of a medical statement to the Chamber;

**DECIDES** that the hearing will be held in public until the report on the case is read in full by the bench and *in camera* thereafter.

Phnom Penh, 3 June 2019  
President of Pre-Trial Chamber



PRAK KHINSAN