



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

D266/12

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° 003/07-09-2009-ECCC/OCIJ (PTC35)

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

Date: 24 October 2019

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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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Meas Muth Defence

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

BEING SEISED OF the Appeals lodged by the National Co-Prosecutor¹ and the Co-Lawyers for MEAS Muth,² on 5 April 2019 and 8 April 2019, respectively, against the Closing Order delivered by the International Co-Investigating Judge on 28 November 2018 in Case 003,³ and the Appeal lodged by the International Co-Prosecutor on 8 April 2019⁴ against the Order Dismissing the Case against MEAS Muth, delivered by the National Co-Investigating Judge on 28 November 2018 in Case 003⁵;

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 5 September 2019,⁶ filed by the Co-Lawyers for MEAS Muth⁷ on 11 September 2019, the International Co-Prosecutor⁸ on 13 September 2019 and the National Co-Prosecutor⁹ on 17 September 2019;

NOTING MEAS Muth's Notice of Intent to Exercise Right to Remain Silent and Waiver of Right to Attend Hearings on the Appeals against the Closing Orders, filed by the Co-Lawyers for MEAS Muth on 21 October 2019;¹⁰

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

¹ Case No. 003/07-09-2009-ECCC/OCIJ ("Case 003"), National Co-Prosecutor's Appeal against the International Co-Investigating Judge's Closing Order in Case 003, 5 April 2019, D267/3.

² Case 003, MEAS Muths Appeal against the International Co-Investigating Judge's Indictment, 8 April 2019, D267/4.

³ Case 003, Closing Order, 28 November 2018, D267.

⁴ Case 003, International Co-Prosecutor's Appeal of the Order Dismissing the Case against MEAS Muth (D266), 8 April 2019, D266/2.

⁵ Case 003, Order Dismissing the Case against MEAS Muth, 28 November 2018, D266.

⁶ Case 003, Pre-Trial Chamber's Notice to the Parties by Email, 5 September 2019, 3:33pm.

⁷ Case 003, MEAS Muth's Notice of Intention to be Heard at the Hearing concerning the Appeals against the Closing Orders, 11 September 2019, D266/8 and D267/13.

⁸ Case 003, International Co-Prosecutor's Response to Pre-Trial Chamber's Notice to the Parties regarding the Hearing of the Appeals of Closing Orders in Case 003, dated 9 September 2019 and filed 13 September 2019, D266/9 and D267/14.

⁹ Case 003, National Co-Prosecutor's Response to Pre-Trial Chamber's Notice to the Parties regarding the Hearing of the Appeals of Closing Orders in Case 003, 17 September 2019, D266/10 and D267/15.

¹⁰ Case 003, MEAS Muth's Notice of Intent to Exercise Right to Remain Silent and Waiver of Right to Attend Hearings on the Appeals against the Closing Orders, 21 October 2019, D266/11 and D267/16.



HEREBY ORDERS that a hearing shall be held in the main courtroom on Wednesday 27 November 2019, Thursday 28 November 2019 and Friday 29 November 2019 and **INFORMS** the Parties that the timetable for the hearing shall be as follows:

Wednesday, 27 November 2019:

- 9:30 – 9:45 Introduction (fifteen minutes)
9:45 – 10:15 Report on the case by the bench (thirty minutes)
10:15 – 11:15 Appeal by the National Co-Prosecutor (one hour)
11:15 – 12:45 *Pause (one hour and a half)*
12:45 – 16:15 Appeal by the International Co-Prosecutor (three hours and a half)

Thursday, 28 November 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 – 15:30 Response by the International Co-Prosecutor (two hours)

Friday, 29 November 2019:

- 9:30 – 11:00 Response by the National/International Defence Counsels (one hour and a half)
11:00 – 12:30 Questions by the Judges to the Parties, if the need arises. Notice and relevant information would be given on Thursday, 28 November 2019 (one hour and a half)

ORDERS that, any dispense with personal appearance of the Charged Person will require submission of a request through his lawyers with sufficient demonstration of justification to the Chamber;

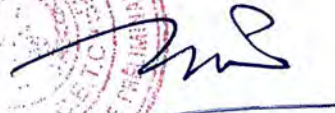
INFORMS that, attendance of the Charged Person by video-link may be offered by the Court, if necessary; and



DECIDES that the hearing will be held in public for the Introduction, the Report on the case by the bench and the Questions by the Judges to the Parties. The rest of the hearing will be *in camera*.

Phnom Penh, 24 October 2019

President of Pre-Trial Chamber



PRAK Kimsan

