

**BEFORE THE PRE-TRIAL CHAMBER
EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA**

FILING DETAILS

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**INTERNATIONAL CO-PROSECUTOR'S SUBMISSION ON THE PRE-TRIAL
CHAMBER HEARING REGARDING THE APPEAL OF
CLOSING ORDER (REASONS)**

Filed by:

**International
Co-Prosecutor**
Nicholas KOUMJIAN

Distributed to:

Pre-Trial Chamber
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Judge Olivier BEAUVALLET
Judge NEY Thol
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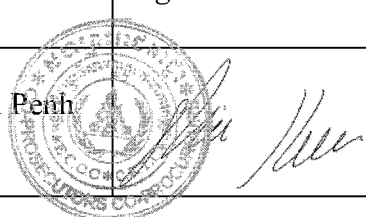
National Co-Prosecutor
CHEA Leang

**All Civil Party Lawyers
in Case 004/1**

SUBMISSION

1. Pursuant to the Pre-Trial Chamber's notification to the Parties on 27 October 2017,¹ the International Co-Prosecutor ("Co-Prosecutor") makes the following submissions regarding the oral hearing dealing with the International Co-Prosecutor's Appeal against the Closing Order (Reasons).²
2. First, the Co-Prosecutor confirms his availability on 11 and 12 December 2017.
3. Second, the Co-Prosecutor requests that the allocated time of one hour be extended by one hour (two hours in total) to make his submissions. Such an extension is justified by the number of issues to be addressed and their significance to the jurisprudence of the ECCC.³
4. Third, the Co-Prosecutor requests that the hearing be held in public pursuant to Rule 77(6),⁴ given that the Closing Order that is the subject of the case found that Im Chaem was not within the personal jurisdiction of the ECCC – effectively bringing the case to an end. Rule 77(6) provides for a public hearing "where the case may be brought to an end by [the Pre-Trial Chamber's] decision, including appeals or applications concerning jurisdiction or bars to jurisdiction". The Co-Prosecutor submits that a public hearing in Case 004/1 is "in the interests of justice and it does not affect public order or any protective measures authorized by the court."⁵

Respectfully submitted,

Date	Name	Place	Signature
31 October 2017	Nicholas KOUMJIAN International Co-Prosecutor	Phnom Penh	

¹ Pre-Trial Chamber's Notice to the Parties by Email, 27 October 2017.

² **D308/3/1/1** International Co-Prosecutor's Appeal of Closing Order (Reasons), 9 August 2017 ("Co-Prosecutor's Appeal").

³ **D308/3/1/1** Co-Prosecutor's Appeal; **D308/3/1/9** Civil Party Co-Lawyers' Submission on the Position of the ECCC Within the Cambodian Legal System, 8 September 2017; **D308/3/1/11** Im Chaem's Response to the International Co-Prosecutor's Appeal of Closing Order (Reasons), 22 September 2017; **D308/3/1/13** International Co-Prosecutor's Reply Regarding Appeal of Closing Order (Reasons), 16 October 2017.

⁴ Extraordinary Chambers in the Courts of Cambodia, Internal Rules (Rev. 9), as revised on 16 January 2015.

⁵ Rule 77(6) of the Internal Rules.