

BEFORE THE PRE-TRIAL CHAMBER**EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA****FILING DETAILS****Case No:** 004/2/07-09-2009-ECCC/OCIJ (PTC60)**Party Filing:** AO An**Filed to:** Pre-Trial Chamber**Original language:** English**Date of document:** 18 February 2020**CLASSIFICATION****Classification of the document
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**RESPONSE TO INTERNATIONAL CO-PROSECUTOR'S REQUEST FOR
ALL REQUIRED ADMINISTRATIVE ACTIONS TO BE TAKEN TO FORWARD
CASE FILE 004/2 (AO AN) TO THE TRIAL CHAMBER**

TABLE OF AUTHORITIES**Filed by:**

The Co-Lawyers
MOM Luch
Richard ROGERS
Göran SLUITER

Distribution to:

Pre-Trial Chamber
Judge PRAK Kimsan
Judge Olivier BEAUVALLET
Judge NEY Thol
Judge Kang Jin BAIK
Judge HUOT Vuthy

The Co-Prosecutors
CHEA Leang
Brenda HOLLIS

All Civil Party in Case 004/2

CAMBODIAN LAW

ECCC Law, Rules and Regulation

Internal Rules of the Extraordinary Chambers in the Courts of Cambodia, Rule 21. *Not included – ECCC Legal Compendium.*

Agreement between the United Nations and the Royal Government of Cambodia Concerning the Prosecution under Cambodian Law of Crimes Committed During the Period of Democratic Kampuchea, Phnom Penh, 6 Jun. 2003, Art. 13. *Not included – ECCC Legal Compendium.*

Law on the Establishment of Extraordinary Chambers in the Courts of Cambodia for the Prosecution of Crimes Committed During the Period of Democratic Kampuchea, as amended 27 October 2004 (NS/RKM/1004/2006), Arts 33, 35 new. *Not included – ECCC Legal Compendium.*

Orders, Decisions, Judgements and Memorandums

Case No. 004/2/07-09-2009-ECCC/TC, *International Co-Prosecutor’s Request for All Required Administrative Actions to be Taken to Forward Case File 004/2 (AO An) to the Trial Chamber*, **D359/25**, 4 Feb. 2020, paras 23-26.

Case No. 004/2/07-09-2009-ECCC/OCIJ (PTC60), *Considerations on Appeals Against Closing Orders*, **D359/24 & D360/33**, 19 Dec. 2019, paras 111, 121, 123-124, 169, 170-302, 304-329, 694.

Case No. 004/2/07-09-2009-ECCC-OCIJ, *ICIJ Closing Order (Indictment)*, **D360**, 16 Aug. 2018.

Case No. 004/2/07-09-2009-ECCC/OCIJ, *Order Dismissing the Case Against AO An*, **D359**, 16 Aug. 2018.

Case No. 004/2/07-09-2009-ECCC-OCIJ(PTC60), *National Co-Prosecutor’s Appeal Against the International Co-Investigating Judge’s Closing Order (Indictment) in Case 004/2*, **D360/8/1**, 14 Dec. 2018.

Case No. 004/2/07-09-2009-ECCC-OCIJ(PTC60), *International Co-Prosecutor’s Appeal of the Order Dismissing the Case Against AO An (D359)*, **D359/3/1**, 20 Dec. 2018.

Case No. 004/2/07-09-2009-ECCC-OCIJ(PTC60), *AO An’s Appeal Against the International Co-Investigating Judge’s Closing Order (Indictment) in Case 004/2*, **D360/5/1**, 19 Dec. 2018, paras 124, 169.

Other

AO An Defence Team, ‘*Request for confirmation that the Trial Chamber has not been lawfully seized of Case 004/02; in the alternative, request for time extension and guidance for filing preliminary objections under Internal Rule 89*’, 30 Dec. 2019.

Case No. 004/2/07-09-2009-ECCC/TC, *Summary of AO An’s Preliminary Objections under IR 89(1)*, 20 Jan. 2020.

004/2/07-09-2009-ECCC/OCIJ (PTC60)

Case No. 004/2/07-09-2009-ECCC/TC, *International Co-Prosecutor's Rule 80 Witness and Expert List Submission with Confidential Annex A*, 13 Jan. 2020.

Email from the Greffier of the Trial Chamber to the parties concerning Case 004/02, 21 Jan. 2020, attached as App. 1.

Case No. 004/2/07-09-2009-ECCC/TC, *AO An's Rule 80 Witness and Expert List Submission with Confidential Annex 1 and his Response to the International Co-Prosecutor's Rule 80 Witness and Expert List Submission*, 28 Jan. 2020.

Case No. 004/2/07-09-2009-ECCC/TC, *International Co-Prosecutor's Request that the Trial Chamber Take Action to Obtain Access to the Case 004/02 (AO An) Indictment and Case File*, 4 Feb. 2020.

Email from the Greffier of the Trial Chamber concerning ICP request dated 4 February 2020, 10 Feb. 2020, attached as App. 2.

Case No. 002/19-09-2007-ECCC/OCIJ (PTC03), *Decision on Application for Reconsideration of Civil Party's Right to Address Pre-Trial Chamber in Person*, **C22/I/68**, 28 Aug. 2008, paras 25-28, attached as App. 3

INTERNATIONAL LAW

Law, Rules and Regulations

General Comment No. 32, Article 14: Right to equality before courts and tribunals and to a fair trial, U.N. Doc. CCPR/C/GC/32 (2007), paras 18, 22, *Exceeds 10 pages – Excerpt attached as App. 6.*

Case Law

Prosecutor v. Mucic et al., Judgment on Sentence Appeal, IT-96-21-A bis, 8 Apr. 2003, para. 49, *Exceeds 10 pages – Excerpt attached as App. 4.*

Prosecutor v. Bagosora et al., Decision on Interlocutory Appeal from Refusal to Reconsider Decisions Relating to Protective Measures and Application for a Declaration of "Lack of Jurisdiction", ICTR-98-41-A, 2 May 2002, para. 10, attached as App. 5.

Prosecutor v. Karadžić, IT-95-5/18-T, *Decision on the Accused's Motion Challenging the Legal Validity and Legitimacy of the Tribunal*, 7 Dec. 2009, para. 13, attached as App. 7.

Richert v. Poland, ECtHR, App. no. 54809/07, *Judgment*, 25 Jan. 2012, para. 43, *Exceeds 10 pages – Excerpt attached as App. 8.*