



ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ
Kingdom of Cambodia
Nation Religion King

អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

Royaume du Cambodge
Nation Religion Roi

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

ការិយាល័យសហចៅក្រមស៊ើបអង្កេត
Office of the Co-Investigating Judges
Bureau des co-juges d'instruction

Case File No: 004/07-09-2009-ECCC-OCIJ

ឯកសារដើម
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/date de reception):16...../.....12...../.....2016.....
ម៉ោង (Time/Heure) :.....11:20.....
មន្ត្រីទទួលបន្ទុកសំណុំរឿង / Case File Officer/L'agent chargé du dossier:.....SANN RADA.....

Before: **The Co-Investigating Judges**
Date: **16 December 2016**
Language(s): **English & Khmer**
Classification: **PUBLIC**

ORDER FOR SEVERANCE OF AO AN FROM CASE 004

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I. PROCEDURAL HISTORY

- 1. On 16 December 2016, the Co-Investigating Judges (“CIJs”) publicly notified the parties and their lawyers of the conclusion of the judicial investigation against Ao An.1

II. DISCUSSION

- 2. Article 14(3)(c) of the 1966 International Covenant on Civil and Political Rights states that in the determination of any criminal charge against him or her, everyone shall be entitled to be tried without undue delay. Internal Rule 21(4) mandates that proceedings before the ECCC be brought to a conclusion within a reasonable time. Considering that the investigation on the allegations against Ao An has been concluded, while the investigation against Yim Tith in Case 004 continues, we consider it appropriate and in the interest of all parties to sever Ao An from Case 004.
- 3. Internal Rule 67 obliges the CIJs to issue the Closing Order either dismissing the case or indicting the charged person. Although the Rule does not indicate a clear timeframe, we are under an obligation, pursuant to International Rule 21 (4), to do so within a reasonable time.
- 4. We are satisfied that this severance will avoid undue delays in the proceedings against Ao An without prejudicing the rights of any party, while the remainder of the allegations in Case 004 remain under investigation.

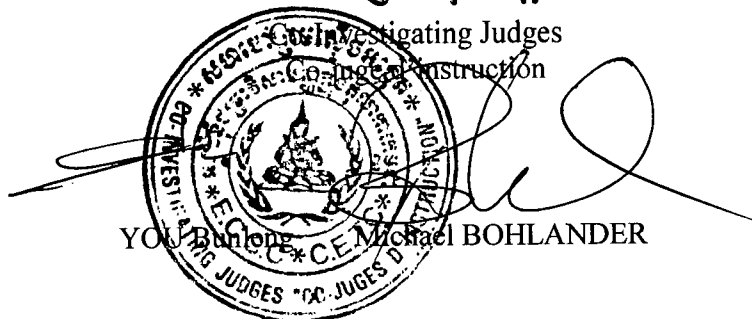
FOR THE FOREGOING REASONS, WE:²

- 5. **ORDER** the severance of Ao An from Case 004;
- 6. **INSTRUCT** the Greffier to make the necessary arrangements for the creation of a new Case File, numbered 004/2, which will be accessible to all Parties who currently have access to Case File 004; and
- 7. **INFORM** the Yim Tith and Im Chaem Defence teams that they will be granted access to Case File 004/2 because future filings and decisions issued in that case may be relevant to the representation of their clients in Cases 004 and 004/1; however, access to Case File 004/2 does not automatically imply their standing to file motions or requests in that case.

Phnom Penh, Dated 16 December 2016

សហចៅក្រមស៊ើបអង្កេត

Co-Investigating Judges
 Joint Instruction



YOUNG BUNLONG MICHAEL BOHLANDER

¹ Case File No. 004-D334, *Notice of Conclusion of Judicial Investigation against Ao An*, 16 December 2016.

² While the CIJs are issuing this order jointly, the National CIJ notes, for the record, that documents placed on Case File 004 should be numbered sequentially from the last documents placed before the resignation of Judge Siegfried Blunk, without including in the count orders and decisions issued by Reserve Judge Laurent Kasper-Ansermet.