



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

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SANN R. DOP

PUBLIC

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

Co-Prosecutors

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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-Prosecutor¹ and the Co-Lawyers for AO An,² 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 004/2,³ and the Appeal lodged by the International Co-Prosecutor on 20 December 2018⁴ against the Order Dismissing the Case against AO An (D359) delivered by the National Co-Investigating Judge on 16 August 2018 in Case 004/2⁵;

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 2019,⁶ filed by the International Co-Prosecutor⁷ on 8 May 2019 and the National Co-Prosecutor⁸ and the Co-Lawyers for AO An⁹ 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)

¹ 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.

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

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

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

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

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

⁷ 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.

⁸ 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.

⁹ 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.

Phon Peh, 3 June 2019
President of Pre-Trial Chamber



PRAK Kimsan