



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

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

ព្រះរាជាណាចក្រកម្ពុជា **D360/44.6**
ជាតិ សាសនា ព្រះមហាក្សត្រ


Kingdom of Cambodia
Nation Religion King
Royaume du Cambodge
Nation Religion Roi

អង្គបុរេជំនុំជម្រះ
Pre-Trial Chamber
Chambre Préliminaire

INTERNAL MEMORANDUM – PRE TRIAL CHAMBER

Date: 29 January 2020

TO : Mr. **KONG Sophy**, Chief of Court Management Section

FROM : **Judge PRAK Kimsan**, President of Pre-Trial Chamber 

C.C : **H.E KRANH Tony**, Acting Director of the office of Administration

: Mr. **Knut ROSANDHAUG**, Deputy Director of the Office of Administration

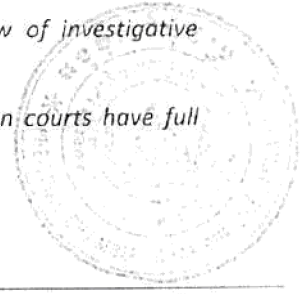
: All judges of Pre-Trial Chamber

SUBJECT : Clarification on the decision in the case 004/2

REFERENCE : Document number D359/24 & D260/33 dated 19 December 2019

Regarding to the above subject and reference, PTC would like to clarify that in the document number D359/24 & D260/33 dated 19 December 2019, PTC has unanimously decided:

- *ORDERS a joinder of the Appeals against both Closing Orders;*
 - *DECIDES that the National Co-Prosecutor's Appeal is admissible;*
 - *DECIDES that the International Co-Prosecutor's Appeal is admissible;*
 - *DECIDES, in respect of the Co-Lawyers' Appeal for AO An, that Grounds 1 to 9, 11, 12(i), 13, 15(i), 16(ii) and 16(iii) thereof are admissible;*
 - *DECIDES that the remaining Grounds in the Co-Lawyers' Appeal for AO An are inadmissible;*
 - *DECLARES that the Pre-Trial Chamber may exercise authority over the review of investigative matters;*
- DECLARES that, subject to the jurisdiction of the ECCC, the ordinary Cambodian courts have full jurisdiction over matters of criminal justice;*



- *DECLARES that the delay in issuing the Closing Orders after the conclusion of the investigation against AO An was unwarranted;*
- *DECLARES that the Co-Investigating Judges erred in assessing the reliability and probative value of the evidence;*
- *DECLARES that the Co-Investigating Judges' issuance of the Two Conflicting Closing Orders was illegal, violating the legal framework of the ECCC;*
- *DECLARES that it has not assembled an affirmative vote of at least four judges for a decision based on common reasoning on the merits;*

In accordance with Internal Rule 77(13), the present Decision is not subject to appeal.

In accordance with Internal Rule 77(14), this Decision shall be notified to the Co-Investigating Judges, the Co-Prosecutors and the parties by the Greffier of the Pre-Trial Chamber.

According to the above joint disposition, judges of PTC notified to only Co-Investigating Judges, Co-Prosecutors, Defense Lawyers and Civil Party Lawyers.

Therefore, notification to any person or chamber who is not a party of this case is violating the unanimous decision of PTC.

Only the joint disposition part unanimously decided and signed by all 5 judges shall have the applicable effect. The personal opinions and decision of each judge shall have no applicable effect.

We hereby instruct to Court Management Section to follow the joint disposition as stated above.

