



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

អង្គមុនជំនុំជម្រះ
Pre-Trial Chamber
Chambre Preliminaire

[D381/3]

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° 004/07-09-2009-ECCC/OCIJ (PTC61)

Before: Judge PRAK Kimsan, President
Judge Olivier BEAUVALLET
Judge NEY Thol
Judge Kang Jin BAIK
Judge HUOT Vuthy

Date: 19 July 2019

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PUBLIC

DECISION ON YIM TITH'S REQUEST FOR EXTENSION OF DEADLINE FOR NOTICE OF APPEAL OF CLOSING ORDERS IN CASE 004

Co-Prosecutors

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THE PRE-TRIAL CHAMBER of the Extraordinary Chambers in the Courts of Cambodia (the “ECCC”) is seised of the “YIM Tith’s Request for Extension of Deadline for Notice of Appeal of Closing Orders”, dated 8 July 2019¹ (the “Request”) and of the “Co-Prosecutor’s Response to YIM Tith’s Request for Extension of Deadline for Notice of Appeal of Closing Orders D381 & D382 (D381/1 & D382/1)”, dated 17 July 2019² (the “Response”).

1. On 28 June 2019, the International Co-Investigating Judges issued two separate conflicting Closing Orders in Case 004. While the National Co-Investigating Judge issued his Order Dismissing the Case against YIM Tith³ in Khmer, the Internatioanl Co-Investigating Judge issued his Closing Order,⁴ in English. (collectively “Closing Orders”). Translations of both documents are still pending.
2. On 8 July 2019, the Co-Lawyers for YIM Tith filed the Request, seeking to extend the deadline to file notice of appeal against the Closing Orders.⁵
3. On 17 July 2019, the Co-Prosecutors filed their Response.
4. The Co-Lawyers for YIM Tith request that the Pre-Trial Chamber exercises its discretion under Internal Rule 39(2) and (4) to extend the time limit for the submission of YIM Tith’s notice of appeal against the Closing Orders from ten to fourteen days from the date on which the Defence is in receipt of the translation of both Closing Orders.⁶ The Co-Lawyers argue that full translation of both Closing Orders into both English and Khmer is required to ensure that the Defence receives both Closing Orders in a language they fully understand and make an informed decision on appeal, considering both their substance, their

¹ Case 004/07-09-2009-ECCC/OCIJ (PTC61) (“Case 004 (PTC61)”), YIM Tith’s Request for Extension of Deadline for Notice of Appeal of Closing Orders, 8 July 2019, D381/1 and D382/1 (“Request”).

² Case 004 (PTC61), Co-Prosecutor’s Response to YIM Tith’s Request for Extension of Deadline for Notice of Appeal of Closing Orders D381 & D382 (D381/1 & D382/1), 17 July 2019, D381/2 and D382/2 (“Response”).

³ Case 004, Order Dismissing the Case against YIM Tith, 28 June 2019, D381.

⁴ Case 004, Closing Order, 28 June 2019, D382.

⁵ Request, para. 6.

⁶ Request, para. 6.



interrelationship, and the requirements of any appeal.⁷ Lastly, the Co-Lawyers note that together, both Closing Orders are over 1000 pages of dense legal and factual findings.⁸

5. The Co-Prosecutor respond that they do not oppose YIM Tith's request for the deadline to be extended from ten to fourteen days after the translations of both Closing Orders have been notified, provided any extension is equally granted to the National and International Co-Prosecutors.⁹
6. Pursuant to Internal Rule 75(1) and Article 8.5 of the Practice Direction on the Filing of Documents before the ECCC, notices of appeal to the Pre-Trial Chamber must normally be filed within ten days of receiving notification of the order or decision in Khmer and one other official language of the ECCC.¹⁰ However, pursuant to Internal Rule 39(2) and (4), the Pre-Trial Chamber may set and/or extend any time limits for the filing of documents relating to an appeal.
7. The Pre-Trial Chamber considers that the parties should be able to review both Closing Orders in a language they fully understand before making any decision regarding any appeals. Furthermore, the Chamber notes the lengths and complexity of the Closing Orders with the scope and significance of the factual and legal issues raised therein as well as the Chamber's duty to balance fair trial rights and expeditiousness of the proceedings. The Pre-Trial Chamber, therefore, finds it justified to grant all the parties an extension to fourteen days to file their notices of appeal after translation of both Closing Orders have been notified.

**FOR THESE REASONS, THE PRE-TRIAL CHAMBER UNANIMOUSLY
HEREBY:**

GRANTS the Request;

⁷ Request, para. 5.

⁸ Request, paras 4-5.

⁹ Response, para. 1.

¹⁰ Internal Rule 75(1); *Practice Direction on the Filing of Documents before the ECCC*, ECCC/01/2007/Rev.8, as amended 7 March 2012.



ORDERS the parties to file any Notices of Appeal against the Closing orders in Case 004 within fourteen days after translation of both Closing Orders have been notified.

Phnom Penh, 19 July 2019

President

Pre-Trial Chamber



[Handwritten signatures of Olivier Beauvallet, Ney Thol, Kang Jin Baik, and Huot Vuthy]

Olivier BEAUVALLET NEY Thol Kang Jin BAIK HUOT Vuthy

