



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

Before: The Co-Investigating Judges

Date: 29 August 2016

Language(s): English [Original]

Classification: STRICTLY CONFIDENTIAL

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**FURTHER DECISION ON THE URGENT REQUEST ON REMOTE WORKING**

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## I. PROCEDURAL HISTORY

1. Disagreements between the Co-Investigating Judges (“CIJs”) in this case were registered on 22 February 2013, 5 April 2013, and 22 January 2015.
2. On 19 August 2016, the Ao An Defence (“Defence”) filed the *Urgent Request for Remote Working*, requesting the CIJs to take measures to address difficulties that arose in relation to the payment by the Defence Support Section (“DSS”) of a Defence consultant’s fees for work performed away from the ECCC premises (“Urgent Request”).<sup>1</sup>
3. On 23 August 2016, I requested the Chief of the DSS to inform me in writing of the legal reasons preventing payment legal consultants’ fees for work performed away from the ECCC premises (“Preliminary Decision”).<sup>2</sup>
4. On 26 August 2016, the Chief of the DSS filed a report in which he informed me, *inter alia*, that he proposed new terms of reference for legal consultants to all the Co-Lawyers working at the ECCC (“DSS Report”). Pursuant to the proposed amended terms of references, legal consultants may be authorised to work remotely by their Co-Lawyers, who will certify the work performed remotely by submitting time sheets to the DSS. The Chief of the DSS also informed me that, as a consequence of the new proposed terms of reference, certifying payment for the Defence’s consultant who is currently working remotely would not raise any further difficulties.<sup>3</sup>

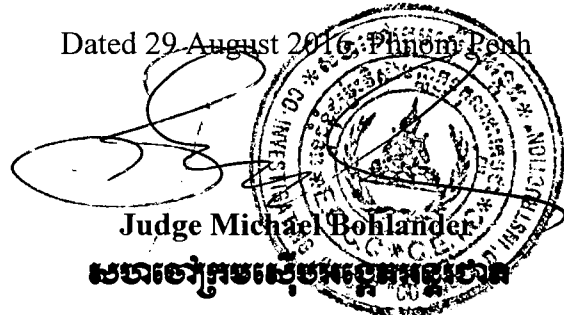
## II. DISCUSSION

5. In light of the information provided in the DSS Report, the CIJs’ intervention as requested in the Urgent Request is no longer necessary, nor warranted. This holds true irrespective of the Co-Lawyers’ acceptance of the new terms of reference proposed by the Chief of the DSS, which are reasonable and in line with the principles expressed in the Preliminary Decision.
6. This decision is filed in English, with a Khmer translation to follow.

### FOR THE FOREGOING REASONS, I:

7. **DECLARE** the Urgent Request moot.

Dated 29 August 2016, Phnom Penh



Judge Michael Bohlander

សមាជិកក្រុមស៊ើបអង្កេតអន្តរជាតិ

International Co-Investigating Judge  
Co-juge d’instruction international

<sup>1</sup> *Ibid.*, para. 12.

<sup>2</sup> Case File No. 004-D321/1, *Decision on the Urgent Request on Remote Working*, 23 August 2016, para. 32.

<sup>3</sup> Case File No. 004-D321/2, *DSS Report to the Co-Investigating Judges regarding the Ao An Defence Team’s “Urgent Request on Remote Working”*, dated 26 August 2016 and filed on 29 August 2016.