



អង្គជំនុំជម្រះវិសេសវិសេសសាលាដំបូងកម្ពុជា

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**

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

Case File No: 004/2/07-09-2009-ECCC-OCIJ

Before: **The Co-Investigating Judges**

Date: **5 September 2017**

Language(s): **English & Khmer**

Classification: **CONFIDENTIAL**

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DECISION ON TIME FOR RESPONSE TO FINAL SUBMISSION

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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, 21 October 2015, and 16 January 2017.
2. The National Co-Prosecutor filed her final submission in Khmer and English on 18 August 2017;¹ the International Co-Prosecutor (“ICP”) filed his final submission in English on 21 August 2017,² the Khmer translation excluding references was filed on the same day. The full Khmer translation with references has not been filed to date.
3. The Defence for Ao An (“Defence”) have asked for clarification of the time they will be given to respond to the final submissions citing resource and translation difficulties: they estimate that they will be able to file an English response in two months “*from the notification of the NCP’s final submission in English and Khmer and the ICP’s final submission in English and Khmer with references in English*”, or within four months from that date in both languages with Khmer references to follow as soon as possible.³ The Prosecution has not objected to these estimates.
4. The Court’s Interpretation and Translation Unit (“ITU”) has advised us that they will be in a position to provide as full translation of the entire response within four to five weeks after the filing of the English version.

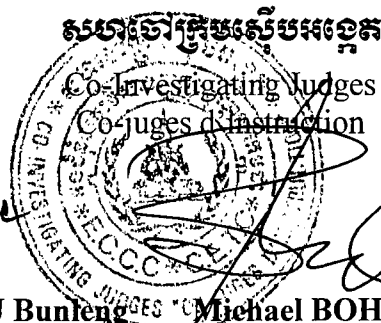
II. DISCUSSION

5. We accept the Defence’s arguments on resources. Based on the ITU’s recent revised estimate, we therefore deem it appropriate to give the Defence two months from the filing of the ICP final submission in Khmer with references in English, for the filing of their response in English alone, with a full Khmer translation to follow as soon as possible thereafter.

FOR THE FOREGOING REASONS, WE⁴

6. **INSTRUCT** the Defence to file their response in English within two months from the filing of the ICP final submission in Khmer with references in English, with a full Khmer translation to follow as soon as possible.

Dated 5 September 2017, Phnom Penh



YOU Bunleng **Michael BOHLANDER**

¹ Case File No. 004/2-D351/4, *Final Submission concerning AO An pursuant to Internal Rule 66*, 18 August 2017.

² Case File No. 004/2-D351/5, *International Co Prosecutor’s Rule 66 Submission*, 21 August 2017.

³ Case File No. 004/2-D354, *Request to Establish a Schedule for AO An’s Response to the Co Prosecutor’s Final Submissions*, 14 August 2017, paras 17-18.

⁴ While both Judges sign this decision jointly, the National Co-Investigating Judge wishes to recall that he does not recognise or accept as valid any documents created and/or filed by former International Reserve Co-Investigating Judge Laurent Kasper-Ansermet, and hence the Case File document numbering should run from the last document put on the Case File by former International Co-Investigating Judge Blunk and not count any documents filed by Judge Kasper-Ansermet.