

**BEFORE THE SUPREME COURT CHAMBER****EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA****FILING DETAILS****Case No:** 003/07-09-2009-ECCC/SCC**Party Filing:** The Defence for MEAS Muth**Filed to:** The Supreme Court Chamber**Original language:** ENGLISH**Date of document:** 4 October 2021**CLASSIFICATION****Classification of the document suggested by the filing party:****PUBLIC****Classification by OCIJ or Chamber:****សាធារណៈ/Public****Classification Status:****Review of Interim Classification:****Records Officer Name:****Signature:**

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**MEAS MUTH'S REQUEST TO TERMINATE CASE 003****TABLE OF AUTHORITIES**

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**Distribution to:****Supreme Court Chamber Judges:**

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**Co-Prosecutors:**

CHEA Leang

Brenda J. HOLLIS

**All Civil Parties in Case 003**

**Cambodian Law – ECCC Legal Compendium**

1. Constitution of the Kingdom of Cambodia dated 24 September 1993, Art. 31.

**ECCC Laws and Procedures – ECCC Legal Compendium**

2. Agreement Between the United Nations and the Royal Government of Cambodia Concerning the Prosecution Under Cambodian Law of Crimes Committed During the Period of Democratic Kampuchea, Arts. 7(4), 12(2), 13(1).
3. Law on the Establishment of Extraordinary Chambers in the Courts of Cambodia for the Prosecution of Crimes Committed During the Period of Democratic Kampuchea, Arts. 33 new, 35 new.
4. ECCC Internal Rules, Rev. 9, 16 January 2015, Rules 21(1)(b), 72(4).

**ECCC Filings, Jurisprudence, and Memoranda – Already on the Case File*****Case 001***

5. *Case of KAING Guek Eav*, 001/18-07-2007-ECCC-OCIJ, Closing Order indicting KAING Guek Eav alias Duch, 8 August 2008, D99.
6. *Case of KAING Guek Eav*, 001/18-07-2007-ECCC/SC, Appeal Judgement, 3 February 2012, F28.

***Case 002***

7. *Case of NUON Chea et al.*, 002/19-09-2007-ECCC/OCIJ (PTC47 & 48), Decision on Appeals against Co-Investigating Judges' Combined Order D250/3/3 dated 13 January 2010 and Order D250/3/2 dated 13 January 2010 on Admissibility of Civil Party Applications, 27 April 2010, D250/3/2/1/5.
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9. International Co-Prosecutor's Written Statement of Facts and Reasons for Disagreement pursuant to Rule 71(2), 20 November 2008, Doc. No. 1.
10. Annex I: Public Redacted Version Consideration of the PTC Regarding the Disagreement Between the Co-Prosecutors Pursuant to Internal Rule 71, 18 August 2009, D1/1.3. Annex I: Public Redacted Version Consideration of the PTC Regarding the Disagreement Between the Co-Prosecutors Pursuant to Internal Rule 71, 18 August 2009, D1/1.3.
11. Acting International Co-Prosecutor's Notice of Filing of the Second Introductory Submission, 7 September 2009, D1/1.
12. Notice of Conclusion of Judicial Investigation, 29 April 2011, D13.
13. Order on Resuming the Judicial Investigation, 2 December 2011, D28.
14. Decision by the International Co-Investigating Judge to Place Case No.002 Transcripts on the Case File, 7 February 2013, D53/2.
15. Forwarding Order dated 07 February 2013, 7 February 2013, D52.
16. Rogatory Letter, 7 February 2013, D54.
17. Rogatory Letter, 7 February 2013, D55.
18. Notification of Charges Against MEAS Muth, 3 March 2015, D128.1.
19. Dismissal of Allegations Against SOU Met, 2 June 2015, D86/3.
20. Extension of Rogatory Letter D59, 26 August 2015, D59.13.
21. Extension of Rogatory Letter D89, 26 August 2015, D89.11.
22. Notice from the International Co-Investigating Judge to the Parties regarding Re-Issue of Decisions Taken by Judge Harmon on or After 31 July 2015, 8 September 2015, D149.
23. Re-Issued Decision on MEAS Muth's Motion to Strike the International Co-Prosecutor's Supplementary Submission, 11 September 2015, D120/3.

24. Written Record of Initial Appearance, 14 December 2015, D174.
25. Request for Submissions on the Budgetary Situation of the ECCC and its Impact on Cases 003, 004, and 004/2, 5 May 2017, D249.
26. Combined Decision on the Impact of the Budgetary Situation on Cases 003, 004, and 004/2 and Related Submissions by the Defence for YIM Tith, 11 August 2017, D249/6.
27. Order Dismissing the Case Against MEAS Muth, 28 November 2018, D266.
28. MEAS Muth's Appeal Against the International Co-Investigating Judge's Indictment, 8 April 2019, D267/4.
29. International Co-Prosecutor's Appeal of the Order Dismissing the Case Against MEAS Muth (D266), 8 April 2019, D266/2.
30. MEAS Muth's Response to the International Co-Prosecutor's Appeal of the Dismissal Order, 24 June 2019, D266/5.
31. MEAS Muth's Reply to the International Co-Prosecutor's Response to MEAS Muth's Appeal Against the International Co-Investigating Judge's Indictment, 19 August 2019, D267/12.
32. Transcript of Appeal Hearing in Case 003, 29 November 2019, D266/18.2, 11.25.07-11.26.26, 11.26.26-11.40.55, 11.34.54-11.35.57, 12.00.18-12.03.17.
33. MEAS Muth's Request for Clarification of the PTC's Considerations Against Closing Orders in Case 004/2, 27 March 2020, D267/24.
34. MEAS Muth's Supplement to his Appeal Against the International Co-Investigating Judge's Indictment, 5 May 2020, D267/27.
35. Decision on MEAS Muth's Request for Clarification of the PTC Considerations on Appeals Against Closing Orders in Case 004/2, 3 November 2020, D266/24 & D267/32.
36. Decision on MEAS Muth's Supplement to His Appeal Against the International Co-Investigating Judge's Indictment, 3 November 2020, D267/33.

37. International Co-Prosecutor's Request to the Co-Investigating Judges to Forward Case File 003 to the Trial Chamber, 19 April 2021, D270.
38. Considerations on Appeals Against Closing Orders, 7 April 2021, D266/27 & D267/35. Email from IM Suy-Hong entitled "Re: Request for extension of time to file Rule 80 list of witnesses and experts," 27 April 2021.
39. MEAS Muth's Response to the International Co-Prosecutor's Request to the Co-Investigating Judges to Forward Case File 003 to the Trial Chamber, 12 May 2021, D270/4.
40. Decision on the International Co-Prosecutor's Request to the Co-Investigating Judges to Forward Case File 003 to the Trial Chamber, 20 May 2021, D270/7.
41. MEAS Muth's Request to Terminate, Seal, and Archive Case 003, 21 June 2021, D272.
42. International Co-Prosecutor's Request for Conclusion of the Pre-Trial Stage of the Case 003 Proceedings, 21 June 2021, D271/1.
43. Consolidated Decision on the Requests of the International Co-Prosecutor and the Co-Lawyers for MEAS Muth Concerning the Proceedings in Case 003, 8 September 2021, D271/5 & D272/3.
44. Order to File Submissions on Residual Jurisdiction to Terminate Case 003, 16 September 2021, D273.

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46. *Case of AO An*, 004/2/07-09-2009-ECCC-OCIJ, Decision on AO An's Request for Clarification, 5 September 2017, D353/1.
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48. *Case of AO An*, 004/2/07-09-2009-ECCC-OCIJ, Closing Order (Indictment), 16 August 2018, D360.
49. *Case of AO An*, 004/2/07-09-2009-ECCC/OCIJ (PTC60), PTC Memorandum entitled “Clarification of the decision in the case 004/2,” 29 January 2020, D359/34.
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51. *Case of AO An*, 004/2/07-09-2009-ECCC/OCIJ (PTC60), PTC Memorandum entitled “Transfer of Case File 004/2,” 12 March 2020, D359/36.
52. *Case of AO An*, 004/2/07-09-2009-ECCC/OCIJ (PTC60), PTC Memorandum entitled “Re-Confirmation of the Decision on Case File 004/2,” 16 March 2020, D359/37.
53. *Case of AO An*, 004/2/07-2009-ECCC-TC/SC, International Co-Prosecutor’s Immediate Appeal of the Chamber’s Effective Termination of Case 004/2, 4 May 2020, E004/2/1.
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55. *Case of AO An*, 004/2/07-09-2009-ECCC/TC/SC, Decision on MEAS Muth’s Request for Leave to Intervene and Respond to the International Co-Prosecutor’s Immediate Appeal of the Trial Chamber’s Effective Termination of Case 004/2, 17 June 2020, E004/2/2/1.
56. *Case of AO An*, 004/2/07-09-2009-ECCC/TC/SC, Decision on International Co-Prosecutors’ Immediate Appeal of the Trial Chamber’s Effective Termination of Case 004/2, 10 August 2020, E004/2/1/1/2.

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64. ECCC Website, *Dr. Siegfried Blunk*, <https://www.eccc.gov.kh/en/person/dr-siegfried-blunk>.
65. ECCC Press Release, *Statement by the Co-Investigating Judges Regarding Case 003*, 28 February 2013, <https://www.eccc.gov.kh/en/articles/statement-co-investigating-judges-regarding-case-003>.
66. UN Press Release, *Statement Attributable to the Spokesperson for the Secretary-General on Cambodia*, 20 January 2012, <https://www.un.org/sg/en/content/sg/statement/2012-01-20/statement-attributable-spokesperson-secretary-general-cambodia>.
67. ECCC Press Release, *Press Statement by National Co-Investigating Judge*, 26 March 2012, <https://www.eccc.gov.kh/en/node/17495>.

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### **ECCC Communications**

72. Email from IM Suy-Hong entitled “Re: Request for extension of time to file Rule 80 list of witnesses and experts,” 27 April 2021 – *Already available on Case File 003 at D270/4.1.1.*
73. Email from ICP entitled “Request to file submission in one language,” 10 September 2021– Attachment 1.
74. Email from ICP entitled “Request to be permitted to file submissions in one language only,” 16 September 2021. – Attachment 2.

### **International and Regional Declarations and Conventions – ECCC Legal Compendium or Publicly Available Online**

#### ***International Treaties, Commentaries, and Databases***

75. Human Rights Committee, General Comment No. 32, Article 14: Right to Equality before Courts and Tribunals and to a Fair Trial, CCPR/C/GC/32, 23 August 2007.



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