

**BEFORE THE OFFICE OF THE CO-INVESTIGATING JUDGES  
EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA**

**FILING DETAILS**

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**FINAL SUBMISSION  
CONCERNING MEAS MUTH PURSUANT TO INTERNAL RULE 66**

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## 1. Introduction

1. On 25 July 2017, the International Co-Investigating Judge (ICIJ) forwarded the case file in English, pursuant to the Internal Rules 66(4)<sup>1</sup> (IR) and in Khmer on 14 August 2017 to the Co-Prosecutors for the purpose of their final submission. Pursuant to IR 66(5), the Co-Prosecutors shall issue a written, reasoned final submission and return the case file to the Co-Investigating Judges (CIJs).

## 2. Procedural History

### A. Disagreement of Co-prosecutors

2. On 18 November 2008, the National and International Co-Prosecutors discussed a disagreement on additional prosecutions and suspects at the ECCC so as to forward them to the CIJs to open investigations. The International Co-Prosecutor (ICP) indicated during the discussion that he wished to file two new introductory submissions to get additional suspects in Case Files 003 and 004 investigated, while the National Co-Prosecutor (NCP) disagreed to the investigations against additional suspects beyond those described in Case Files 001 and 002.<sup>2</sup>
3. The ICP decided to bring the disagreement before the Pre-Trial Chamber (PTC) through his Written Statement of Facts and Reasons for Disagreement dated 20 November 2008,<sup>3</sup> which he forwarded to the Office of Administration of the ECCC. On 3 December 2008, the Office of Administration sent a copy of this Statement to the NCP pursuant to IR 71.2.<sup>4</sup>
4. On 29 December 2008, the NCP filed a response to the ICP's Written Statement of Facts and Reasons for Disagreement<sup>5</sup> to the Pre-Trial Chamber (PTC) pursuant to Article 20 new of the ECCC Law and IR 71.2 after the PTC agreed to the request for time extension to file a response. In the response, the NCP raised the reasons why the

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<sup>1</sup> Case File 003, D256, Co-Investigating Judges' Forwarding Order pursuant to Internal Rule 66(4), 25 July 2017 and the Khmer translation was notified on 14 August 2017.

<sup>2</sup> Minutes of the Meeting on Disagreement between the National and International Co-Prosecutors on Additional Prosecutions and Suspects, 18 November 2008.

<sup>3</sup> International Co-Prosecutor's Written Statement of Facts and Reasons for Disagreement pursuant to Rule 71(2).

<sup>4</sup> Internal Rule 71(2).

<sup>5</sup> International Co-Prosecutor's Written Statement of Facts and Reasons for Disagreement pursuant to Rule 71(2), 29 December 2008.

NCP disagreed to the ICP's Supplementary Submission and New Introductory Submission (Case Files 003 and 004).

5. On 6 February 2009, the Pre-trial Chamber (PTC) invited the Co-Prosecutors to file further submissions, if any, in respect of these disagreement proceedings.<sup>6</sup>
6. On 19 February 2009, the ICP informed the PTC that "he does not have any further observations beyond those described in the present submissions filed on 1 December 2008."<sup>7</sup> The NCP submitted a set of documents that are related to the debates in the National Assembly of the Kingdom of Cambodia and discussions between the Royal Government of Cambodia and the United Nations about the establishment of the ECCC.
7. On 24 April 2009, the PTC issued Directions to Provide Further Particulars and Scheduling Order to both Co-Prosecutors, attaching its observations and a number of questions it wishes the Co-Prosecutors to answer.<sup>8</sup>
8. The NCP filed a Response to the PTC's Direction to Provide Further Particulars and Additional Observations on 22 May 2009<sup>9</sup> in which the NCP held the stance that there was no personal jurisdiction over those named in the new Introductory Submission and Supplementary Submissions. This means those named in the two Submissions abovementioned were neither "senior leaders" nor "those most responsible".
9. The PTC did not receive the affirmative vote of at least four judges required to have a decision on the Disagreement.<sup>10</sup>
10. The PTC concluded that as it has not reached a decision on the disagreement brought before it, pursuant to IR 71.4. this means the ICP shall forward the New Introductory Submission to open judicial investigations pursuant to IR 53.1.<sup>11</sup>

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<sup>6</sup> Pre-Trial Chamber's Invitation to the Co-Prosecutors to Submit Further Submissions, 6 February 2009.

<sup>7</sup> International Co-Prosecutor's Response to the Pre-Trial Chamber's Invitation to File Further Submissions, 19 February 2009.

<sup>8</sup> Pre-Trial Chamber's Directions to Provide Further Particulars and Scheduling Order, 24 April 2009.

<sup>9</sup> National Co-Prosecutor's Response to the Pre-Trial Chamber's Direction to Provide Further Particulars, 24 April 2009, and National Co-Prosecutor's Additional Observations, 22 May 2009 (D17).

<sup>10</sup> Pre-Trial Chamber's D1/1.1 and D1/1.3, 18 August 2009.

<sup>11</sup> Pre-Trial Chamber's D1/1.1, 18 August 2009.

11. In accordance with the PTC's considerations regarding the disagreement of 18 August 2009 between the Co-Prosecutors pursuant to IR 71,<sup>12</sup> on 7 September 2009, the Acting ICP forwarded to the CIJs the Introductory Submissions regarding Case File 003 to open judicial investigations against suspects Meas Muth and Sou Met.<sup>13</sup> However, on 22 October 2013, the CIJs learnt that Sou Met passed away on 14 June 2013<sup>14</sup> and stated that the legal implication of Sou Met's decease has led to the extinguishment of criminal action against him which will be addressed in the Closing Order<sup>15</sup>.

#### B. Judicial Investigation

12. On 26 November 2014, the ICIJ, Mark Harmon, summonsed Meas Muth to appear for the first time on 8 December 2014<sup>16</sup>.
13. Since Meas Muth failed to appear as ordered, the ICIJ, Mark Harmon, decided on 3 March 2015 to charge him *in absentia*<sup>17</sup> with the following crimes:
- Violation of Articles 500 (Torture), 501 and 506 of the 1956 Penal Code (Homicide) defined in Article 3 (new) and punishable under Article 39 of the ECCC Law;
  - Crimes Against Humanity including murder, extermination, enslavement, imprisonment, persecution on political or religious grounds against Vietnamese and former officials of the Khmer Republic, which are regarded traitors or enemies, and other inhuman acts (Forced disappearance, and attacks against human dignity due to deprivation of sufficient food). These crimes are defined in Article 5 and punishable under Article 39 of the ECCC Law;
  - Grave Breaches of the Geneva Conventions (Within the context of international armed conflict, unlawful confinement of a civilian, willfully depriving a prisoner

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<sup>12</sup> D1/1.3, Considerations of the Pre-Trial Chamber regarding the Disagreement between the Co-Prosecutors pursuant to Internal Rule 71, 18 August 2009.

<sup>13</sup> D1/1, Acting International Co-Prosecutor's Notice of Filing of the Second and Third Introductory Submissions, 7 September 2009.

<sup>14</sup> Case File 003, D86, Notification of the Death of the Suspect in Case File 003, 22 October 2013, para 2.

<sup>15</sup> Case File 003, D86, Notification of the Death of the Suspect in Case File 003, 22 October 2013.

<sup>16</sup> Case File 003, A66, Summons of Meas Muth for Initial Appearance, 26 November 2014.

<sup>17</sup> Case File 003, D128.1, Annex: Notification of Charges Against Meas Muth, 3 March 2015.

of war or civilian the rights of fair and regular trial, wilful killing, inhumane treatment, unlawful deportation or transfer, willfully causing great suffering or serious injury to body or health, and torture). These crimes are defined in Article 6 and punishable under Article 39 of the ECCC Law.

14. On 14 December 2015, the ICIJ, Michael Bohlander, made a written record of the initial appearance<sup>18</sup> in Meas Muth's presence in which the ICIJ, Michael Bohlander, removed crimes charged *in absentia* by the ICIJ, Mark Harmon, and indicated that crimes charged in the 3 March Order placing Meas Muth under judicial investigation *in absentia* are no longer valid. Instead, the ICIJ, Michael Bohlander, decided to charge Meas Muth with the following crimes namely Genocide, Crime Against Humanity, Grave Breaches of Geneva Conventions and violation of Articles 501 and 506 of 1956 Penal Code which were committed between 17 April 1975 and 6 January 1979<sup>19</sup>.
15. When placing Meas Muth under judicial investigation, the ICIJ advised him that before the conclusion of the judicial investigation, the ICIJ could decide to charge Meas Muth with additional crimes based on allegations in the Introductory Submission, Supplementary Submission, or any further submissions of the Office of the Co-Prosecutors (OCP), should the ICIJ is satisfied that there is clear and consistent lead indicating that Meas Muth may be responsible for such crimes.<sup>20</sup>

### C. Conclusion of Judicial Investigation

16. On 10 January 2017, the ICIJ issued a Notice of Conclusion of Judicial Investigation against Meas Muth, notifying all parties that he considered the judicial investigation against Meas Muth concluded, and allowed all parties to request further investigative action, if necessary.<sup>21</sup>
17. On 25 January 2017, Meas Muth Defence submitted Meas Muth's Request for Investigative Action Regarding D114/174, D114/184 and Related Witnesses

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<sup>18</sup> D174, Written Record of Initial Appearance, 14 December 2015.

<sup>19</sup> Case File 003, D174, Written Record of Initial Appearance, 14 December 2015.

<sup>20</sup> D174, pp 16-17 (Khmer version).

<sup>21</sup> Case File 003, D225, Notice of Conclusion of Judicial Investigation Against Meas Muth, 10 January 2017.

Interviews and the Potential Use of Torture-tainted Evidence<sup>22</sup>. On 26 January 2017, Meas Muth Defence made Meas Muth's Request for Investigative Action Concerning An Unrecorded Interaction with Witness & Request to Revise Written Record of Witness Interview<sup>23</sup>. The International Co-Prosecutor also made a request for investigative action in Case 003 on 9 February 2017<sup>24</sup> and another request to place materials onto Case 003<sup>25</sup>. Then the ICIJ issued consolidated decisions on the ICP's and the Defence's requests<sup>26</sup>.

18. On 24 May 2017, the ICIJ issued the Second Notice of Conclusion of Judicial Investigation against Meas Muth in which he informed the parties that the judicial investigation in Case 003 is now concluded<sup>27</sup>.
19. On 23 June 2017 the Defence filed an Application to Seize the Pre-Trial Chamber with a Requests for Annulment<sup>28</sup> which is now pending before the Pre-Trial Chamber. However, the ICIJ finds that although the Application is pending before the Pre-Trial Chamber, he believes that it is not necessary to decide on the Application first before the OCP can file its submission under Internal Rule 66(5) or before the Defence can file its response. The ICIJ also states that should the PTC grant the Application in due course, he will allow time for the parties to amend their submissions if necessary or in case the PTC so instructs<sup>29</sup>.
20. On 4 July 2017, the ICIJ granted the Application to Seize the Pre-Trial Chamber with a View to Annulment<sup>30</sup>.
21. On 5 July 2017 the PTC instructed Meas Muth to file additional arguments by 15 July 2017 and states that if the additional arguments are not filed, the PTC will resort to

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<sup>22</sup> Case File 003, D227, Meas Muth's Request for Investigative Action Regarding D114/174, D114/184 and Related Witnesses Interviews and the Potential Use of Torture-tainted Evidence, 25 January 2017.

<sup>23</sup> Case File 003, D229, Meas Muth's Request for Investigative Action Concerning An Unrecorded Interaction with Witness & Request to Revise Written Record of Witness Interview, 26 January 2017

<sup>24</sup> Case File 003, D233, International Co-Prosecutor's Request for Investigative Action in Case 003, 9 February 2017.

<sup>25</sup> Case File 003, D234, International Co-Prosecutor's Request for Investigative Action to Place Materials onto Case 003, 9 February 2017.

<sup>26</sup> Case File 003, D233/2, Decision on International Co-Prosecutor's Request for Investigative Action in Case 003, 19 April 2017. D234/2, Decision on International Co-Prosecutor's Request for Investigative Action to Place Materials onto Case 003, 28 April 2017. D251, Consolidated Decision on Meas Muth's Request for Investigative Action regarding Potential Use of Torture-Tainted Evidence, 24 May 2017.

<sup>27</sup> D252, Second Notice of Conclusion of Judicial Investigation against Meas Muth, 24 May 2017.

<sup>28</sup> Case File 003, D253, Meas Muth's Application to Seize the Pre-Trial Chamber with a Request for Annulment of D114/164, D114/167, D114/170, and D114/171, 23 June 2017.

<sup>29</sup> Case File 003, D256, Forwarding Order Pursuant to Internal Rule 66(4), 25 July 2017.

<sup>30</sup> D253/1 Decision on Meas Muth's Application to Seize the Pre-Trial Chamber with a Request for Annulment of D114/164, D114/167, D114/170, and D114/171, 4 July 2017.

relying on the existing arguments in the Meas Muth's Application to Seize the Pre-Trial Chamber with a View to Annulment<sup>31</sup>.

22. On 17 July 2017 Meas Muth filed his Application for Annulment with the Pre-Trial Chamber<sup>32</sup> in which he claims that reliance on torture-tainted information as lead evidence for investigation is prohibited under CAT. Or else, it will violate the two policies of rationales behind the exclusionary rule in Article 15 of CAT. To put it straight, as he claims, it on one hand incentivizes and impugns the integrity of the proceedings on the other hand.
23. On 25 July 2017 the ICIJ issued a forwarding order in Case 003 in English and in Khmer on 14 August 2017 for the Co-Prosecutors to file their final submission<sup>33</sup>.

#### D- Change of International Co-investigating Judges in the Proceedings

24. The judicial investigation against Meas Muth was initiated by the international co-investigating judges, Marcel Lemonde and You Bunleng<sup>34</sup>. The international co-investigating judge Marcel Lemonde resigned from his office in November 2010<sup>35</sup> and was succeeded by Siegfried Blunk. On 9 October 2011, the Reserve International Co-investigating Judge Siegfried Blunk resigned from his office<sup>36</sup>. The Reserve International Co-Investigating Judge Kasper-Ansermet took a swearing-oath before the Plenary Session of the ECCC on 21 February 2011 but was not yet appointed by the Supreme Council of Magistracy of the Kingdom of Cambodia<sup>37</sup>. Judge Kasper-Ansermet resigned from his office in March 2012<sup>38</sup>. On 26 October 2012, Judge Mark Harmon took a swearing oath to become the international co-investigating judge<sup>39</sup>. On 31 July 2015 Judge Mark Harmon announced that he would resign from his office and

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<sup>31</sup> An e-mail from the Pre-trial Chamber re: "Instruction of the Pre-Trial Chamber to Parties via e-mail", 5 July 2017.

<sup>32</sup> D253/1/3, Request for Annulment which was filed only in English.

<sup>33</sup> Case File 003, D256, Forwarding Order Pursuant to Internal Rule 66(4), 25 July 2017.

<sup>34</sup> D1, Co-Prosecutors' Third Introductory Submission, 20 November 2008. ECCC's press release, "Statement of the International Co-Investigating Judge", 10 October 2011.

<sup>35</sup> D114, Note of the International Reserve Co-Investigating Judge to the Parties on the Egregious Dysfunctions within the ECCC Impeding the Proper Conduct of Investigations in Cases 003 and 004, 21 March 2012, Paras 10 and 17.

<sup>36</sup> ECCC's press release, "Statement of the International Co-Investigating Judge", 10 October 2011.

<sup>37</sup> D114, Note of the International Reserve Co-Investigating Judge to the Parties on the Egregious Dysfunctions within the ECCC Impeding the Proper Conduct of Investigations in Cases 003 and 004, 21 March 2012, Para 10. D114/1, Memorandum from National Co-Investigating Judge, You Bunleng, to International Reserve Co-Investigating Judge Laurent Kasper-Ansermet, December 2011.

<sup>38</sup> ECCC's press release, "Statement of the International Reserve Co-Investigating Judge", 19 March 2012.

<sup>39</sup> D217.1.4, Urgent Motion Requesting Order for Access to the Casefile, 14 December 2012, para 4. ECCC's press release, "Mark Harmon sworn in as International Co-Investigating Judge", 26 October 2012.

was replaced by the International Co-investigating Judge, Michael Bohlander<sup>40</sup> until now”.

### 3. Applicable Laws and Arguments

25. The ECCC Law requires the Court *to bring to trial senior leaders of Democratic Kampuchea and those who were most responsible for the crimes and serious violations of Cambodian laws related to crimes, international humanitarian law and custom, and international conventions recognized by Cambodia, that were committed during the period from 17 April to 6 January 1979.*<sup>41</sup>
26. The NCP hereby holds the stance that Meas Muth who is a charged person in Case File 003 were neither *senior leaders* nor *those who were most responsible for the crimes and serious violations of Cambodian criminal laws related to crimes, international humanitarian law and custom, and international conventions recognized by Cambodia, that were committed during the period from 17 April 1975 to 6 January 1979*, thus not falling under the ECCC jurisdiction.<sup>42</sup> The NCP therefore wishes to maintain the documents submitted as mentioned in the National Co-Prosecutor’s Responses dated 29 December 2008 and 22 May 2009.<sup>43</sup>
27. The ECCC Law<sup>44</sup> and Agreement between the Royal Government of Cambodia and the United Nations (Agreement)<sup>45</sup> have clearly defined the purpose of this court, that is, to bring to trial only “senior leaders of Democratic Kampuchea” and “those who were most responsible” for the crimes falling under the ECCC jurisdiction. Furthermore, the Agreement clearly provides that the General Assembly recognized the legitimate concern of the Government and the people of Cambodia in the pursuit of justice and national reconciliation, stability, peace and security, and thus requiring the prosecution against the two categories of individuals.

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<sup>40</sup> D262, 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, para 1.

<sup>41</sup> Articles 1 and 2 new of the ECCC Law, and the Agreement between the Royal Government of Cambodia and the United Nations.

<sup>42</sup> As described in D7, National Co-Prosecutor’s Response to the International Co-Prosecutor’s Written Statement of Facts and Reasons for Disagreement pursuant to Rule 71.2, 29 December 2008 and D17, National Co-Prosecutor’s Response to the Pre-Trial Chamber’s Direction to Provide Further Particulars, 24 April 2009, and National Co-Prosecutor’s Additional Observations, 22 May 2009.

<sup>43</sup> *ibid*, D7, 29 December 2008 and D17, 22 May 2009.

<sup>44</sup> Article 1 of the ECCC Law.

<sup>45</sup> Article 1 of the Agreement between the United Nations and the Royal Government of Cambodia.



28. The ECCC Law and Agreement have specified the suspects' positions to be brought to trial, namely only two categories as specified above. The charged person named in this Case was neither a senior leader of Democratic Kampuchea nor the one who was most responsible to be brought to trial at the ECCC.
29. It should be noted that both Co-Prosecutors have concurred and agreed to select five suspects<sup>46</sup> for prosecution, by forwarding the charges to the CIJs on the basis that the Co-Prosecutors consider them "senior leaders of Democratic Kampuchea"<sup>47</sup> and "those who were most responsible" for crimes falling under the ECCC jurisdiction.
30. When deciding on the selection of the five suspects, the NCP finds that:

**NUON Chea** was the party's deputy secretary of the Community Party of Kampuchea (CPK), a permanent member of CPK, and the chairman of the People's Representative Assembly of the Democratic Kampuchea regime and held other positions.<sup>48</sup>

**IENG Sary** was a permanent member of CPK, a deputy prime minister and a minister of Foreign Affairs and held other positions.<sup>49</sup>

**KHIEU Samphan** was the head of state and a member of the Central Committee of CPK and held other positions.<sup>50</sup>

**IENG Thirith** was a member of the Party Centre of CPK and the minister of Social Affairs of the Democratic Kampuchea government and held other positions.<sup>51</sup>

**KAING Guek Eav alias Duch** was the chairman of S-21 Security Office with the most special characteristics and held other functions.<sup>52</sup>

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<sup>46</sup> NUON Chea, KHIEU Samphan, IENG Sary, IENG Thirith and KAING Guek Eav, *alias* Duch.

<sup>47</sup> As indicated in D17, National Co-Prosecutor's Response to the Pre-Trial Chamber's Direction to Provide Further Particulars, 24 April 2009, and National Co-Prosecutor's Additional Observations, Para. 52, ERN 00329333 (English).

<sup>48</sup> As indicated in D17, National Co-Prosecutor's Response to the Pre-Trial Chamber's Direction to Provide Further Particulars, 24 April 2009, and National Co-Prosecutor's Additional Observations, Para. 40, ERN 00329327-00329328 (English).

<sup>49</sup> D17, *Ibid.*, Para. 40, ERN 00329327-00329328 (English).

<sup>50</sup> D17, *Ibid.*, Para. 40, ERN 00329328-00329329 (English).

<sup>51</sup> D17, *Ibid.*, Para. 40, ERN 00329329-00329330 (English).

31. The NCP takes the view that Meas Muth who has been named in this case was neither a “senior leader of Democratic Kampuchea” nor one among “those who were most responsible” for the crimes falling under the ECCC jurisdiction.<sup>53</sup>
32. According to the general principles of criminal law, criminal actions must be taken against any person. The ECCC Law and Agreement depart from the general laws as this criminal law requires prosecution of only two categories of persons<sup>54</sup> who have committed crimes falling under the ECCC jurisdiction. This means that the ECCC Law and Agreement aim to both bring prosecutions against such persons and achieve national reconciliation and unification and in particular to leave a legacy for the next generations to be able to understand the brutal and heinous Democratic Kampuchea regime. Therefore, only the Accused currently at ECCC are considered senior leaders and those who were most responsible for the Democratic Kampuchea within the personal jurisdiction of the ECCC. This Court should focus its priority to prosecute these Accused to completely finish its mandate since the ECCC law and the Agreement foresee only the prosecution of these limited individuals.
33. With regard to crimes committed in Cambodia, not only did they occur within the ECCC jurisdiction, they took place since the Khmer Republic regime led by Marshal Lon Nol as well. During the Khmer Republic regime, extensive bombing caused deaths, disabilities and serious damage to houses and properties in many areas.<sup>55</sup> Therefore, the provisions of the ECCC Law and Agreement do not fulfil the principles of criminal law.
34. The NCP therefore adheres to the Preamble to the Agreement that requires the Co-Prosecutors to take into account the pursuit of national reconciliation, stability, peace and security before bringing any prosecution.<sup>56</sup> Furthermore, the NCP maintains the stance contained in the NCP’s Responses dated 29 December 2008 and 22 May 2009, especially the fulfilment of the principles of justice and national reconciliation,<sup>57</sup> the

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<sup>52</sup> D17, *Ibid.*, Para. 40, ERN 00329330-00329331 (English).

<sup>53</sup> D17, *Ibid.*, Para. 40, ERN 00329331-00329332 (English).

<sup>54</sup> Senior leaders of Democratic Kampuchea and those who were most responsible for crimes committed during the period from 17 April 1975 to 6 January 1979.

<sup>55</sup> Searching for the Truth, No. 3, June 2000, P. 9.

<sup>56</sup> Para. 2 of the Preamble to the Agreement between the United Nations and the Royal Government of Cambodia.


<sup>57</sup> D7, 29 December 2008, Paras. 8, 9, 10, 11, 14, 15, ERN 00267922-00267925 (English).

purpose of the ECCC Law and Agreement,<sup>58</sup> practice procedure,<sup>59</sup> preliminary investigation<sup>60</sup> and selective prosecutions<sup>61</sup> which are the jurisprudence of a number of international criminal courts<sup>62</sup> and so on.

35. Having observed the results of the preliminary investigation carried out by the ICP and the conclusion of the investigation by the CIJs, the NCP finds that the charged person Meas Muth named in the Case 003 is not under the jurisdiction of the ECCC since this charged person was neither a **senior leader** nor one among **those who were most responsible** for crimes committed during the period from 17 April 1975 to 6 January 1979 as stated in the ECCC Law.<sup>63</sup>
36. Even if the affirmative votes on the disagreement between the Co-Prosecutors over the New Introductory and Supplementary Submissions could not be reached during the pre-trial stage at which the investigation is required to be carried out until today, the NCP is still of the view that the charged person named in this case is not under the personal jurisdiction of the ECCC.

#### 4. Conclusion

37. For the reasons stated herein, the NCP submits to the CIJs the Case File 003 and requests the CIJs to dismiss allegations against Meas Muth pursuant to Rule 67(3)(a).

Date	Name	Place	Signature
14 November 2017	<b>CHEA Leang</b> National Co-Prosecutor	Phnom Penh	

<sup>58</sup> D7, 29 December 2008, Paras. 8, 9, 10, 11, 14, and 15, ERN 00267933-00267935 (English).

<sup>59</sup> D7, 29 December 2008, Paras. 42-49, ERN 00267936-00267937 (English).

<sup>60</sup> D17, 22 May 2009, Paras. 18, 19, 20, 21, 22, 23, ERN 00329323-00329324 (English).

<sup>61</sup> D17, 22 May 2009, Paras. 18, 19, 20, 21, 22, 23, ERN 00329323-00329324 (English).

<sup>62</sup> D7, 29 December 2008, Paras. 24-41, ERN 00267928-00267933 (English).

<sup>63</sup> As indicated in D7, 29 December 2008 and D17, 22 May 2009 as abovementioned.