

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

FILING DETAILS

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**INTERNATIONAL CO-PROSECUTOR'S REQUEST TO THE CO-INVESTIGATING
JUDGES TO FORWARD CASE FILE 003 TO THE TRIAL CHAMBER**

TABLE OF AUTHORITIES

Filed by:

Brenda J. HOLLIS
International Co-Prosecutor

Distributed to:

Co-Investigating Judges
Judge YOU Bunleng
Judge Michael BOHLANDER

Co-Lawyers for MEAS Muth
ANG Udom
Michael KARNAVAS

Copied to:

CHEA Leang
National Co-Prosecutor

**All Civil Party Lawyers
in Case 003**

ECCC LAW

Core Legal Documents

(ECCC Legal Compendium – not included)

1. 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, Phnom Penh, 6 June 2003 (“ECCC Agreement”), arts 5(4), 12(2).
2. Law on the Establishment of Extraordinary Chambers in the Courts of Cambodia for the Prosecution of Crimes Committed During the Period of Democratic Kampuchea, as amended on 27 October 2004 (“ECCC Law”), NS/RKM/1004/006, arts 23 new, 33 new, 35 new.
3. Extraordinary Chambers in the Courts of Cambodia, Internal Rules (Rev. 9), as revised on 16 January 2015 (“Rules or IR(s)”), Rules 1(2), 21, 69, 72, 77(13), 77(14), 79(1).

Jurisprudence

Supreme Court Chamber (SCC)

Case 004/2

4. **E004/2/1/1/2** Decision on International Co-Prosecutors’ Immediate Appeal of the Trial Chamber’s Effective Termination of Case 004/2, 10 August 2020, paras 49-50, 52, 57, 71. *(Exceeds 10 pages – excerpt attached)* **(Authority 1)**

Trial Chamber (TC)

Case 001

5. **E5** Notification of a Trial Management Meeting and Order to the Parties to File Additional Materials, 11 December 2008, Introduction. **(Authority 2)**

Case 002

6. **E9** Order to File Material in Preparation for Trial, 17 January 2011, Introduction, para. 2. **(Authority 3)**
7. **E313** Case 002/01 Judgement, 7 August 2014, para. 23. *(Exceeds 10 pages – excerpt attached)* **(Authority 4)**
8. **E465** Case 002/02 Judgement, 16 November 2018, para. 33. *(Exceeds 10 pages – excerpt attached)* **(Authority 5)**

Pre-Trial Chamber (PTC)*Case 001*

9. **D99/3/5** Decision on Trial Chamber Request to Access the Case File, 11 September 2008, para. 7. (**Authority 6**)
10. **D99/3/42** Decision on Appeal against Closing Order Indicting Kaing Guek Eav alias “Duch”, 5 December 2008, para. 41. (*Exceeds 10 pages – excerpt attached*) (**Authority 7**)

Case 003

11. **D128/1/9** Considerations on Meas Muth’s Appeal Against Co-Investigating Judge Harmon’s Decision to Charge Meas Muth *In Absentia*, 30 March 2016 (“Charging Appeal Considerations”), para. 34.
12. **D266/27 & D267/35** Considerations on Appeals Against Closing Orders, 7 April 2021 (“Considerations”).

Case 004/1

13. **D308/3/1/20** Considerations on the International Co-Prosecutor’s Appeal of Closing Order (Reasons), 28 June 2018 (“Considerations on Closing Order Appeal”), paras 22, 33, 79-80, Disposition. (*Exceeds 10 pages – excerpt attached*) (**Authority 8**)

Case 004/2

14. **D360/3** Decision on Ao An’s Urgent Request for Redaction and Interim Measures, 5 September 2018, paras 6, 12-13, Disposition. (**Authority 9**)
15. **D359/24 & D360/33** Considerations on Appeals Against Closing Orders, 19 December 2019 (“Considerations”), paras 44, 57-59, 101, 105-106, 109, 111-112, 114, 116-117, Disposition. (*Exceeds 10 pages – excerpt attached*) (**Authority 10**)

Office of the Co-Investigating Judges (OCIJ)*Case 003*

16. **D266** Order Dismissing the Case Against Meas Muth, 28 November 2018 (“Dismissal Order”).
17. **D267** Closing Order, 28 November 2018 (“Indictment”).

CAMBODIAN LAW

18. Cambodian Code of Criminal Procedure, 2007 (“CCCP”), arts 247-250, 282. (*Exceeds 10 pages – excerpt attached*) (**Authority 11**)

INTERNATIONAL LAW

Treaties and Other Instruments

19. International Covenant on Civil and Political Rights, New York, 16 December 1966 (“ICCPR”), 999 UNTS 171, art. 14(3)(c). (*Not included – available in the ECCC Legal Compendium*)

Jurisprudence

International Criminal Tribunal for the Former Yugoslavia (ICTY)

20. *Prosecutor v. Tadić*, IT-94-1, Appeals Chamber, Decision on the Defence Motion for Interlocutory Appeal on Jurisdiction, 2 October 1995, paras 18-19. (*Exceeds 10 pages – excerpt attached*) (**Authority 12**)

OTHER DOCUMENTS

21. Email notification from the Case File Officer, 7 April 2021, 4:14 p.m., entitled “[Filed by PTC] New Documents(s): Case File 003 – Considerations on Appeals Against Closing Orders”. (**Authority 13**)