



**អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា**

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**

<b>ឯកសារដើម</b>
<b>ORIGINAL/ORIGINAL</b>
ថ្ងៃ ខែ ឆ្នាំ (Date): 06-May-2021, 10:28
CMS/CFO: Sann Rada

**Case File No: 003/07-09-2009-ECCC-OCIJ**

Before: **The Co-Investigating Judges**  
 Date: **6 May 2021**  
 Language(s): **Khmer and English**  
 Classification: **PUBLIC**

**DECISION ON MEAS MUTH’S URGENT REQUEST FOR EXTENSION  
 OF TIME TO RESPOND TO INTERNATIONAL CO-PROSECUTOR’S  
 REQUEST TO CO-INVESTIGATING JUDGES TO FORWARD CASE  
 FILE 003 TO THE TRIAL CHAMBER**

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**I.**



## PROCEDURAL HISTORY

1. On 7 April 2021, the Pre-Trial Chamber (“PTC”) issued its Considerations (“003 Considerations”) on the appeals by the Defence for Meas Muth (“the Defence”) and by the National and International Co-Prosecutors (“NCP” and “ICP” respectively).<sup>1</sup>
2. On 19 April 2021, the Office Co-Investigating Judges (“OCIJ”) received a request from the ICP to forward Case File 003 to the Trial Chamber (“TC”).<sup>2</sup> In an email correspondence, the Greffier of the OCIJ clarified that the ICP’s Request was officially notified on 25 April 2021, making the response due on 5 May 2021.<sup>3</sup>
3. On 29 April 2021, the Defence filed a request for an extension of time to respond to ICP’s Request to the Co-Investigating Judges to Forward Case File 003 to the Trial Chamber (“Request”).<sup>4</sup>
4. On 30 April 2021, the ICP formally notified the OCIJ that she had no objection to the Defence’s request.<sup>5</sup>

## II. SUBMISSIONS

5. The Defence request a one-week extension of time to properly respond to the ICP’s Request. Furthermore, the Defence have requested permission to file their submission in English first with Khmer translation to follow.<sup>6</sup>
6. The Defence submit that their request for an extension of time is necessary in order to ‘allow sufficient time to cogently and comprehensively respond to the issues raised’ in the 003 Considerations and in the ICP Request.<sup>7</sup>

## III. DISCUSSION

7. ECCC Internal Rule 39(4), in its relevant part, states that:

The Co-Investigating Judges [...] may, at the request of the concerned party or on their own motion:

a) extend any time limits set by them [...]

8. The CIJs consider that the Defence has submitted legitimate grounds in support of its Request. Accordingly, in order to afford the Defence adequate time to prepare an effective response, the CIJs will allow the Defence an additional one-week extension. Additionally, the CIJs will allow the Defence to file their submissions in English, with Khmer translations to follow.

<sup>1</sup> **D266/27 & D267/35**, *Considerations on Appeals Against Closing Orders*, 7 April 2021.

<sup>2</sup> **D270**, *International Co-Prosecutor’s Request to the Co-Investigating Judges to Forward Case File 003 to the Trial Chamber*, 19 April 2021.

<sup>3</sup> **D270/1.1**, *Attachment 1: Email from CHANLYDA Chhay entitled “re: Deadline,” 26 April 2021*, 26 April 2021.

<sup>4</sup> **D270/1**, *MEAS Muth’s Urgent Request for an Extension of Time to Respond to International Co-Prosecutor’s Request to Co-Investigating Judges to Forward Case File 003 to the Trial Chamber*, 29 April 2021.

<sup>5</sup> Email correspondence between ICP Brenda J. Hollis and the Greffier of the OCIJ Chanlyda Chhay, dated 30 April 2021; see also **D270/2**, *International Co-prosecutor’s response to Meas Muth’s request for an extension of time to file his response to her request to the Co-investigating judges to forward case file 003 to the Trial Chamber*, 30 April 2021.

<sup>6</sup> **D270/1**, *MEAS Muth’s Urgent Request for an Extension of Time to Respond to International Co-Prosecutor’s Request to Co-Investigating Judges to Forward Case File 003 to the Trial Chamber*, 29 April 2021, p. 1.

<sup>7</sup> *Ibid* para. 5–6.



**FOR THE FOREGOING REASONS, WE<sup>8</sup> HEREBY:**

- 9. **GRANT** the Request;
- 10. **EXTEND** the time for the Defence to respond to the ICP’s Request by one additional week; and
- 11. **ALLOW** the Defence to file their submissions in English, with a Khmer translation to follow.

Phnom Penh, 6 May 2021

**សហចៅក្រមស៊ើបអង្កេត**

Co-Investigating Judges

Co-juges d’instruction

YOU Bunleng Michael Bohlander




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<sup>8</sup> 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.