

BEFORE THE SUPREME COURT CHAMBER**EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA****FILING DETAILS****Case No:** 004/2/07-09-2009-ECCC-TC/SC**Party Filing:** The Defence for MEAS Muth**Filed to:** The Supreme Court Chamber**Original language:** ENGLISH**Date of document:** 29 May 2020**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 FOR LEAVE TO INTERVENE IN AND RESPOND TO
THE INTERNATIONAL CO-PROSECUTOR'S IMMEDIATE APPEAL OF THE
TRIAL CHAMBER'S EFFECTIVE TERMINATION OF CASE 004/2**

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All Defence Teams in Cases 004/2, 003, and 004**All Civil Parties in Cases 004/2, 003, and 004**

Cambodian Law – *ECCC Legal Compendium*

1. Constitution of the Kingdom of Cambodia dated 24 September 1993, Art. 31.
2. Cambodian Code of Criminal Procedure, Art. 606(1).

ECCC Laws and Procedures – *ECCC Legal Compendium*

3. 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. 4(1)(a), 12(2).
4. Law on the Establishment of Extraordinary Chambers in the Courts of Cambodia for the Prosecution of Crimes Committed During the Period of Democratic Kampuchea, Art. 33 new.
5. ECCC Internal Rules, Rev. 9, 16 January 2015, Rules 21, 67(1), 67(2), 76(5), 77(13)(a), 77(13)(b), 79(1), 104(4)(a).

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6. *Case of KAING Guek Eav*, 001/18-07-2007-ECCC/SC, Appeal Judgement, 3 February 2012, F28, para. 65.

Case 002

7. *Case of NUON Chea et al.*, 002/19-09-2007-ECCC-OCIJ (PTC02), Decision on IENG Sary's Request to Make Submissions on the Application of the Theory of Joint Criminal Enterprise in the Co-Prosecutors' Appeal of the Closing Order against Kaing Guek Eav "Duch", 6 October 2008, D99/3/19, para. 11.
8. *Case of NUON Chea et al.*, 002/19-09-2007-ECCC-TC/SC(16), Decision on Requests by the Trial Chamber and the Defence for IENG Thirith for Guidance and Clarification, 31 May 2013, E138/1/10/1/5/8/2, para. 8.

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10. Request for Submissions on the Budgetary Situation of the ECCC and its Impact on Cases 003, 004, and 004/2, 5 May 2017, D249, para. 85.
11. MEAS Muth's Appeal Against the International Co-Investigating Judge's Indictment, 8 April 2019, D267/4, paras. 41-48.
12. MEAS Muth's Response to the International Co-Prosecutor's Appeal of the Dismissal Order, 24 June 2019, D266/5, paras. 17, 19.
13. 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, paras. 31, 35-38, 40.
14. MEAS Muth's Supplement to His Appeal Against the International Co-Investigating Judge's Indictment, 6 May 2020, D267/27, paras. 26-49.

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15. *Case of AO An*, 004/2/07-09-2009-ECCC/OCIJ (PTC60), Considerations on Appeals Against Closing Orders, 19 December 2019, D359/24 & D360/33, para. 88, p. 61.
16. *Case of AO An*, 004/2/07-09-2009-ECCC-TC/SC, International Co-Prosecutor's Immediate Appeal of the Trial Chamber's Effective Termination of Case 004/2, 4 May 2020, E004/2/1, paras. 4, 41-61.
17. *Case of AO An*, 004/2/07-09-2009-ECCC-TC/SC, Appeal Register, 19 May 2020, E004/2.1.

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18. ECCC Press Release, *Statement of the Judges of the Trial Chamber of the ECCC Regarding Case 004/2 Involving AO An*, 3 April 2020, <https://eccc.gov.kh/en/articles/statement-judges-trial-chamber-eccc-regarding-case-0042-involving-ao>.

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19. International Covenant on Civil and Political Rights, Adopted and opened for signature, ratification and accession by UN General Assembly Resolution 2200A (XXI) of 16 December 1966, entry into force 23 March 1976, Article 14(1).

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20. *Prosecutor v. Kallon & Kamara*, SCSL-2004-15-AR72(E), Decision on Challenge to Jurisdiction: Lomé Accord Amnesty, 13 March 2004, title page and p. 3 – *Available on the Case 001 Case File at E39/2.8*.
21. *Prosecutor v. Norman*, SCSL-2004-14-AR72(E), Decision on Preliminary Motion Based on Lack of Jurisdiction (Judicial Independence), 13 March 2004, title page – *(Exceeds 10 pages – Excerpt Attached) – Attachment 1*.
22. *Prosecutor v. Norman*, SCSL-2004-14-AR72(E), Decision on Preliminary Motion Based on Lack of Jurisdiction (Child Recruitment), 31 May 2004, title page and p. 3 – *Available on the Case 001 Case File at D99/3/18.24*.

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23. Andrea C. Loux, *Hearing a ‘Different Voice’: Third Party Interventions in Criminal Appeals*, 53(1) CURRENT LEGAL PROBLEMS 449, 452-54 (2000) – *Available on the Case 002 Case File at F20.1.9*.