

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

**FILING DETAILS**

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

**Party Filing:** The Co-Lawyers

**Filed to:** The Office of Co-Investigating Judges

**Original language:** ENGLISH

**Date of document:** 4 March 2013

**CLASSIFICATION**

**Classification of the document  
suggested by the filing party:**

**STRICTLY CONFIDENTIAL**

**Classification by OCIJ  
or Chamber:**

**សម្ងាត់បំផុត/Strictly Confidential**

**Classification Status:**

**Review of Interim Classification:** **Declassified to Public**

**Records Officer Name:**

**Signature:**




---

**LEAVE TO EXCEED PAGE LIMITATION  
&  
SUBMISSIONS OF THE CO-LAWYERS ON POTENTIAL CONFLICT OF  
INTEREST IN REPRESENTATION OF MR. MEAS MUTH IN CASE 003  
TABLE OF AUTHORITIES**

---

Filed by:

**The Co-Lawyers:**

ANG Udom

Michael G. KARNAVAS

Distribution to:

**International Co-Investigating**

**Judge:**

Judge Mark B. HARMON

**International Co-Prosecutor:**

Andrew CAYLEY

**Defence Support Section**

Isaac ENDELEY

Copied to:

**National Co-Investigating Judge:**

Judge YOU Bunleng

**National Co-Prosecutor:**

CHEA Leang

**Cambodian Law – ECCC Legal Compendium**

1. Cambodian Constitution, Arts. 31, 38.

**ECCC LAW – ECCC Legal Compendium**

2. Agreement, Art. 13(1).
3. Establishment Law, Art. 35 new (d).
4. DSS Administrative Regulation, Art. 9.3.
5. Practice Direction on Filing of Documents Before the ECCC, Arts. 5.1, 7.2.

**ECCC Filings and Jurisprudence – Already Disclosed on the Case File**

6. KHIEU Samphan’s Written Record of Interview, 13 December 2007, E3/27, p. 10-11.
7. *Case of Kaing Guch Eav alias “Duch”*, Trial Judgement, 26 July 2010, E188, paras. 569, 606, 631-32.
8. Case 002 Closing Order, 15 September 2010, D427, para. 1008.
9. *Case of Kaing Guch Eav alias “Duch”*, Appeal Judgement, 3 February 2012, F28, paras. 358, 368, 383.
10. IENG Sary’s Waiver of Any Potential Conflict of Interest, 15 June 2012.
11. MEAS Muth’s Notice of Intent to Exercise Right to Remain Silent and Waiver of any Potential Conflict of Interest, 13 June 2012.
12. IENG Sary’s Withdrawal of Waivers of Right to be Present, 3 December 2012, E237/2.
13. IENG Sary’s Notice of Withdrawal of Waivers of Right to be Present During the Testimony of Certain Witnesses and Civil Parties, 6 December 2012, E249.
14. International Co-Prosecutor’s Request that Appointment of Co-Lawyers Designate be Rejected on the Basis of Irreconcilable Conflicts of Interest, 24 December 2012, D56/1, paras. 16-53.

15. Decision and Scheduling Order Concerning Request For Appointment of Co-Lawyers Designate, 11 February 2013, D56/3, para. 22.

16. Re-Scheduling Order Concerning Request For Appointment of Co-Lawyers Designate, 28 February 2013, D56/4.

**ECCC Transcripts – Already Disclosed on the Case File**

17. *Case of Kaing Guek Eav alias “Duch”*, Transcript, 26 November 2009, E1/81.1, p. 76-77.

18. Transcript, 3 April 2012, E1/58.1, p. 74.

19. Transcript, 9 April 2012, E1/61.1, p. 98-119.

20. Transcript, 13 June 2012, E1/86.1, p. 63-64.

21. Transcript, 24 July 2012, E1/95.1, p. 63-66, 79-80, 84-86.

22. Transcript, 20 August 2012, E1/110.1, p. 6.

23. Transcript, 6 September 2012, E1/123.1, p. 63.

24. Transcript, 4 December 2012, E1/147.1, p. 17-19.

**ECCC Correspondence – Already Disclosed on the Case File or Available Upon Request**

25. Letter from Chief of Defence Support Section to OCIJ, 18 December 2012, D56, paras. 3, 8.

26. Email from the Co-Lawyers to WESU titled “Meas Mut Notice”, 25 December 2012.

**International Covenants – ECCC Legal Compendium**

27. International Covenant on Civil and Political Rights, Art. 14(3)(g).

**International Codes and Jurisprudence – Publicly Available Online**

**ICTY**

28. *Prosecutor v. Blaškić*, IT-95-14-T, Decision on the Standing Objection of the Defence to the Admission of Hearsay with no Inquiry as to its Reliability, 21 January 1998, para. 12.
29. *Prosecutor v. Kordić & Čerkez*, IT-95-14/2, Decision on Appeal Regarding Statement of a Deceased Witness, 21 July 2000, paras. 22, 27.
30. *Prosecutor v. Obrenović*, IT-01-43, Initial Indictment, 16 March 2001, p 1-2.
31. *Prosecutor v. Gotovina et al.*, Initial Indictment, IT-01-45-I, 21 May 2001.
32. *Prosecutor v. Naletilić & Martinović*, IT-98-34-PT, Second Amended Indictment, 28 September 2001.
33. *Prosecutor v. Hadžihasanović & Kubura*, IT-01-47-PT, Decision on the Prosecution's Motion for Review of the Decision of the Registrar to Assign Mr. Rodney Dixon as Co-counsel to the Accused Kubura, 26 March 2002, summary decision available at [http://www.icty.org/x/file/Legal%20Library/jud\\_supplement/supp31bise/hadzihasanovic.htm](http://www.icty.org/x/file/Legal%20Library/jud_supplement/supp31bise/hadzihasanovic.htm).
34. *Prosecutor v. Blagojević et al.*, IT-02-60-PT, Second Amended Indictment, 27 May 2002, p. 2-3.
35. *Prosecutor v. Martić*, IT-95-11-PT, Decision on Appeal Against Decision of Registry, 2 August 2002, p. 3, 8-9.
36. *Prosecutor v. Martić*, IT-95-11-PT, Decision, 18 December 2002, p. 1.
37. *Prosecutor v. Mejakić et al.*, IT-02-65-PT, Decision on Prosecution Motion to Resolve Conflict of Interest Regarding Attorney Jovan Simić, 18 September 2003.
38. *Prosecutor v. Rajić*, IT-95-12-PT, Amended Indictment, 13 January 2004, para. 2.
39. *Prosecutor v. Prlić et al.*, IT-04-74-PT, Decision on Requests for Appointment of Counsel, 30 July 2004, paras. 3, 6, 11-15, 43, 46-48, 52.
40. *Prosecutor v. Mejakić et al.*, IT-02-65-AR73.1, Decision on Appeal by the Prosecution to Resolve Conflict of Interest Regarding Attorney Jovan Simić, 6 October 2004, paras. 12-14.

41. *Prosecutor v. Prlić et al.*, IT-04-74-AR73.1, Decision on Appeal by Bruno Stojić Against Trial Chamber's Decision on Request for Appointment of Counsel, 24 November 2004, paras. 23-24, 27, Separate Opinion of Judge Florence Ndepele Mwachande Mumba, p. 1.
42. *Prosecutor v. Perišić*, IT-04-81, Second Amended Indictment, 26 September 2005, p. 2.
43. *Prosecutor v. Perišić*, IT-04-81-PT, Decision, 7 April 2006, p. 2.
44. *Prosecutor v. Popović et al.*, IT-05-88-T, Decision on Third Request for Review of the Registry Decision on the Assignment of Co-Counsel for Radivoje Miletić, 20 February 2007.
45. *Prosecutor v. Gotovina et al.*, IT-06-90-AR73.2, Decision on Ivan Čermak's Interlocutory Appeal Against Trial Chamber's Decision on Conflict of Interest of Attorney's Čedo Prodanović and Jadranka Sloković, 29 June 2007, paras. 3, 8-9, 14, 22, 25, 27-28.
46. *Prosecutor v. Gotovina et al.*, IT-06-90-PT, Decision on Ivan Čermak's and Mladen Markač's Joint Motion to Resolve Conflict of Interest Regarding Attorney Gregory Kehoe, 29 November 2007.
47. *Prosecutor v. Mladić*, IT-09-92-PT, Decision, 22 July 2011.
48. *Prosecutor v. Mladić*, IT-09-92-PT, Decision, 23 February 2012.

### ICC

49. ICC Code of Professional Conduct, ICC/ASP/4/Res. 1 (adopted on 2 December 2005, entered into force 1 January 2006), Art. 16(3)(b).

### National Codes – Publicly Available Online

#### United States

50. American Bar Association, Model Rules of Professional Conduct, Rule 1.7(b).

### Books and Miscellaneous – Already Disclosed on the Case File or Publicly Available Online

51. PHILIP SHORT, POL POT: HISTORY OF A NIGHTMARE 290 (2004).
52. ECCC website, “Who’s Who in the Courtroom”, *available at* <http://www.eccc.gov.kh/en/person/mr-michael-karnavas>.
53. Conference on “Hybrid Perspectives on the Legacies of the Extraordinary Chambers in the Courts of Cambodia (ECCC)”, 13-14 September 2012, Brochure, *available at* [http://www.eccc.gov.kh/sites/default/files/articles/legacybrochure\\_englisch\\_final.pdf](http://www.eccc.gov.kh/sites/default/files/articles/legacybrochure_englisch_final.pdf).