

**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 Defence for MEAS Muth

**Filed to:** Co-Investigating Judges

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**CLASSIFICATION**

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**Signature:**

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***MEAS MUTH'S REQUEST FOR LEAVE TO REPLY TO INTERNATIONAL CO-PROSECUTOR'S REPLY CONCERNING MEAS MUTH'S EXPEDITED REQUEST FOR THE OCIJ TO RECONSIDER WHETHER IT HAS JURISDICTION TO DETERMINE ALLEGED CONFLICTS OF INTEREST***

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**Co-Investigating Judges:**

Judge YOU Bunleng

Judge Mark B. HARMON

**Co-Prosecutors:**

CHEA Leang

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**All Civil Parties**

Mr. MEAS Muth, through his Co-Lawyers (“the Defence”), pursuant to Practice Direction 8.4 of the Practice Direction on the Filing of Documents Before the ECCC, hereby requests leave to reply to the *International Co-Prosecutor’s Reply Concerning MEAS Muth’s Expedited Request for the OCIJ to Reconsider whether it has Jurisdiction to Determine Alleged Conflicts of Interest*.<sup>1</sup> Although titled a “Reply,” the International Co-Prosecutor’s submission is in fact a Response to an Expedited Request<sup>2</sup> filed by the Defence as the moving party. Indeed, International Co-Investigating Judge Harmon invited the OCP to “submit a response” to the Expedited Request, not to reply to it.<sup>3</sup> According to Practice Direction 8.4, “[a] reply to a response shall only be permitted where there is to be no oral argument on the request...” No oral argument has been requested or is scheduled concerning the OCIJ’s jurisdiction over conflicts of interest. The International Co-Investigating Judge has previously permitted the OCP to reply to the Defence’s responses concerning the alleged conflict of interest.<sup>4</sup> The Defence requests to be similarly permitted to reply in this instance. A Reply is necessary to address the International Co-Prosecutor’s:

- Interpretation of Internal Rule 11(6);
- Interpretation of the *Decision on Motion and Supplemental Brief on Suspect’s Right to Counsel* filed in Case 004;<sup>5</sup>
- Standing to raise conflicts of interest to the OCIJ and his interpretation of relevant Pre-Trial Chamber jurisprudence on this issue;
- Interpretation of the OCIJ’s jurisdiction to hear “stand alone” requests concerning conflicts of interest; and
- Interpretation of recent Supreme Court Chamber jurisprudence and its relevance to the jurisdiction of the Defence Support Section and the Bar Association of the Kingdom of Cambodia over conflicts of interest.

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<sup>1</sup> International Co-Prosecutor’s Reply Concerning MEAS Muth’s Expedited Request for the OCIJ to Reconsider whether it has Jurisdiction to Determine Alleged Conflicts of Interest, 5 December 2013, D56/16/1.

<sup>2</sup> MEAS Muth’s Expedited Request for the OCIJ to Reconsider whether it has Jurisdiction to Determine Alleged Conflicts of Interest, 26 November 2013, D56/17 (“Expedited Request”).

<sup>3</sup> Order on MEAS Muth’s Expedited Request on OCIJ Jurisdiction to Determine Conflicts of Interest, 29 November 2013, D56/16, para. 4.

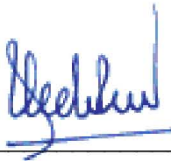
<sup>4</sup> See Decision and Scheduling Order Concerning Request for Appointment of Co-Lawyers Designate, 11 February 2013, D56/3, para. 30; Second Decision and Re-Scheduling Order Concerning Request for Appointment of Co-Lawyers Designate, 19 March 2013, D56/5, para. 15.


<sup>5</sup> 004/07-09-2009-ECCC-OCIJ, Decision on Motion and Supplemental Brief on Suspect’s Right to Counsel, 17 May 2013, D122/6.


The Defence requests to file this Reply in English with the Khmer translation to follow because the Interpretation and Translation Unit cannot timely complete the translation.<sup>6</sup>

**WHEREFORE**, for all of the reasons stated herein, the Defence respectfully requests leave to reply to the *International Co-Prosecutor's Reply Concerning MEAS Muth's Expedited Request for the OCIJ to Reconsider whether it has Jurisdiction to Determine Alleged Conflicts of Interest*.

Respectfully submitted,

  
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ANG Udom



  
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Michael G. KARNAVAS

Co-Lawyers for Mr. MEAS Muth

Signed in Phnom Penh, Kingdom of Cambodia on this 18<sup>th</sup> day of **December, 2013**

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<sup>6</sup> See Email from Interpretation and Translation Unit to Defence, "Re: translation request," 18 December 2013.