

**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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MEAS MUTH'S REQUEST TO RECLASSIFY AS PUBLIC HIS REQUEST TO OBTAIN THE UNITED NATIONS' AND ROYAL GOVERNMENT OF CAMBODIA'S ARCHIVE MATERIAL, THE INTERNATIONAL CO-INVESTIGATING JUDGE'S NOTICE OF UNSUCCESSFUL ATTEMPT TO OBTAIN STRICTLY CONFIDENTIAL UNITED NATIONS' ARCHIVE MATERIALS, THE UNITED NATIONS' LETTER TO THE INTERNATIONAL CO-INVESTIGATING JUDGE, AND ALL ACCOMPANYING ANNEXES

&

REQUEST TO PLACE ON THE CASE FILE AND MAKE PUBLIC THE INTERNATIONAL CO-INVESTIGATING JUDGE'S LETTER TO THE UNITED NATIONS REQUESTING STRICTLY CONFIDENTIAL ARCHIVE MATERIAL TABLE OF AUTHORITIES

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Judge YOU Bunleng
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All Civil Parties

Cambodian Law – ECCC Legal Compendium

1. Constitution of the Kingdom of Cambodia dated 24 September 1993 Modified by Kram dated 8 March 1999 promulgating the amendments to Articles 11, 12, 13, 18, 22, 24, 26, 28, 30, 34, 51, 90, 91, 93 and other Articles from Chapter 8 through Chapter 14 of the Constitution of the Kingdom of Cambodia which was adopted by the National Assembly on the 4th of March 1999, Art. 31.

ECCC Law, Rules, and Practice Directions – ECCC Legal Compendium

2. Agreement, Art. 13(1).
3. Establishment Law, Art. 33 new.
4. ECCC Internal Rules, Rules 21, 56(1).
5. Practice Direction on the Filing of Documents Before the ECCC, Arts. 3.12, 3.14.
6. Practice Direction on the Classification and Management of Case-Related Information, Arts. 1.2, 9.2, 9.3.

ECCC Filings and Jurisprudence – Already on the Case File*Case 003*

7. Co-Prosecutors' Second Introductory Submission Regarding the Revolutionary Army of Kampuchea, 20 November 2008, D1.
8. Notice of Conclusion of Judicial Investigation, 29 April 2011, D13.
9. [REDACTED] Decision on Personal Jurisdiction and Investigative Policy Regarding Suspect, 2 May 2012, D48.
10. Decision on MEAS Muth's Request to Reclassify as Public with Public Annexes A and B and Confidential Annex C, 16 June 2015, D129/1, para. 11.
11. MEAS Muth's Request to Reclassify Documents as Public, 10 March 2015, D129; MEAS Muth's Request to Co-Investigating Judge Harmon to Reconsider his Decision

on MEAS Muth's Request to Reclassify Documents as Public, with Confidential Annexes, 1 July 2015, D129/2.

12. MEAS Muth's Request to Reclassify as Public the International Co-Investigating Judge's Decision on MEAS Muth's Request for the Co-Investigating Judges to Clarify whether the Defence May Contact Individuals Including Witness [REDACTED] and MEAS Muth's Request for the Co-Investigating Judges to Clarify whether the Defence May Contact Individuals Including Witness [REDACTED], 18 December 2015, D173/2.
13. MEAS Muth's Request to Reclassify D87/2/1.6 and D87/2/1.6/1 as Public, 25 January 2016, D180.
14. Consolidated Decision on MEAS Muth's Requests on Personal Jurisdiction, 1 February 2016, D181, paras. 32-33.
15. MEAS Muth's Request to Obtain and Place on the Case File the United Nations and Royal Government of Cambodia Archive Material Concerning the Negotiations to Establish the ECCC, 10 November 2015, D170, and accompanying Annex, D170.2.
16. MEAS Muth's Request to Reclassify as Public his Request to Place Full Transcripts of All Witness Interviews on the Case File and the International Co-Investigating Judge's Decision on this Request, 8 February 2016, D87/2/1.8/2.
17. Notice of Unsuccessful Attempt to Obtain Strictly Confidential United Nations' Archive Materials, 3 May 2016, D181/1, paras. 4-6, and accompanying Annexes, D181/1.1, D181/1.2, D181/1.3, and D181/1.4.

Case 002

18. *Case of NUON Chea et al.*, 002/19-09-2007-ECCC-OCIJ, CIJ's Letter to Witness HENG Samrin, 25 September 2009, D136/3.
19. *Case of NUON Chea et al.*, 002/19-09-2007-ECCC-OCIJ, CIJ's Letter to Witness SIM Ka, 25 September 2009, A297.
20. *Case of NUON Chea et al.*, 002/19-09-2007-ECCC-OCIJ, CIJ's Letter to Witness HOR Nam Hong, 25 September 2009, A299.

21. *Case of NUON Chea et al.*, 002/19-09-2007-ECCC-OCIJ, CIJ's Letter to Witness KEAT Chhon, 25 September 2009, A296.
22. *Case of NUON Chea et al.*, 002/19-09-2007-ECCC-OCIJ, CIJ's Letter to Witness CHEA Sim, 25 September 2009, D136/2.
23. *Case of NUON Chea et al.*, 002/19-09-2007-ECCC-OCIJ, CIJ's Letter to Witness OUK Bunchhoeun, 25 September 2009, A298.

Case 001

24. *Case of KAING Guek Eav*, 001/18-07-2007-ECCC/SC, Appeal Judgement, 3 February 2012, F28, paras. 62-79.

ECCC Internal Correspondence

25. Email from ITU to the Defence, "Re: ERNs 01239929-01239939," 11 May 2016 – *Attachment 1*.

International Covenants – ECCC Legal Compendium

26. International Covenant on Civil and Political Rights, Adopted and opened for signature, ratification and accession by United Nations General Assembly resolution 2200A (XXI) of 16 December 1966, entry into force 23 March 1976 in accordance with Article 49, Art. 14(1).

Books, Articles, and Miscellaneous

27. Alex Batesmith, *Transitional Justice Challenges Facing Lawyers in Cambodia*, Lawyers, Confliction & Transition Project, Economic & Social Research Council, June 2015, p. 7 – *publicly available online at* <http://lawyersconflictandtransition.org/themainevent/wp-content/uploads/2014/07/TRANSITIONAL-JUSTICE-CHALLENGES-FACING-LAWYERS-IN-CAMBODIA-JUNE-2015.pdf>.
28. George Wright and Kuon Narim, *Police Ignored Another Arrest Warrant for Meas Muth*, CAMBODIA DAILY, 7 July 2015 – *available in ECCC Daily Media Clippings*.
29. Heather Ryan and Laura McGrew, Open Society Justice Initiative, *Performance and Perception: The Impact of the Extraordinary Chambers in the Courts of Cambodia*

- 28-29, n. 79 (Open Society Foundations, 2016) – *publicly available online at* <https://www.opensocietyfoundations.org/sites/default/files/performance-perception-eccc-20160211.pdf>.
30. Louis D. Brandeis, *What Publicity Can Do*, HARPER'S WEEKLY, 20 December 1913 – *available on the Case 003 Case File at D147.1.1*.
31. Luke Hunt, *Resignation Casts Further Doubt Over Khmer Rouge Tribunal in Cambodia*, THE DIPLOMAT, 9 July 2015 – *available in ECCC Daily Media Clippings*.
32. Open Society Justice Initiative, *Political Interference at the Extraordinary Chambers in the Courts of Cambodia*, July 2010, p. 27 – *publicly available online at* <https://www.opensocietyfoundations.org/sites/default/files/political-interference-courts-cambodia-20100706.pdf>.
33. Sean Morrison, *Extraordinary Language in the Courts of Cambodia: Interpreting the Limiting Language and Personal Jurisdiction of the Cambodian Tribunal*, 37 CAP. U. L. REV. 583, 599 (2009) – *publicly available online at* <http://law.capital.edu/WorkArea/DownloadAsset.aspx?id=20678>.
34. Sopheng Cheang, *Khmer Rouge Tribunal Summons Gov't Party Officials*, ASSOCIATED PRESS, 7 October 2009 – *available at* G:\Public Affairs\Daily Clippings International\Archives\2009.
35. Steve Heder, *A Review of the Negotiations Leading to the Establishment of the Personal Jurisdiction of the Extraordinary Chambers in the Courts of Cambodia*, 1 August 2011 – *publicly available online at* <http://www.cambodiatribunal.org/sites/default/files/A%20Review%20of%20the%20Negotiations%20Leading%20to%20the%20Establishment%20of%20the%20Personal%20Jurisdiction%20of%20the%20ECCC.pdf>.
36. Thomas Miller, *KRT Judge Talks Court Controversies*, PHNOM PENH POST, 18 August 2011 – *available in ECCC Daily Media Clippings*.
37. *KRT judge talks court controversies*, PHNOM PENH POST, 18 August 2011 – *available in ECCC Daily Media Clippings*.

38. Joint Statement by Deputy Prime Minister Sok and UN Special Expert David Scheffer, 27 April 2016 – *publicly available online at* <http://www.unakrt-online.org/statements-articles>.
39. Joint Statement by Deputy Prime Minister Sok and UN Special Expert David Scheffer, 19 February 2016 – *publicly available online at* <http://www.unakrt-online.org/statements-articles>.
40. Joint Statement on the Extraordinary Chambers in the Courts of Cambodia, 17 November 2015 – *publicly available online at* <http://www.unakrt-online.org/statements-articles>.
41. Speech by UN Special Expert David Scheffer, *What Has Been 'Extraordinary' About International Justice in Cambodia?*, 25 February 2015 – *publicly available online at* <http://www.unakrt-online.org/statements-articles>.