

ក្រុមការពារយុត្តិធម៌ មេស មុត
MEAS MUTH DEFENCE TEAM
EQUIPE DE DEFENSE DE MEAS MUTH

ANG Udom and Michael G. KARNAVAS

Co-Lawyers for Mr. MEAS Muth

3 June 2016



To: Judge **YOU Bunleng**
 Judge **Michael BOHLANDER**
 Co-Investigating Judges

Re: Request that the Office of the Co-Investigating Judges obtain English translations of three German decisions from the Supreme Court of the British Occupied Zone and one Dutch decision from the Special Court of Cassation

Dear Co-Investigating Judges,

Through this letter, we request that Your Honors obtain English translations of three German decisions (*R. Case*,¹ *P. and others Case*,² and *H. Case*³) and one Dutch case (*In re Pilz*),⁴ which were issued in 1948 and 1949 by the Supreme Court of the British Occupied Zone. Seven of the 11 *amicus curiae* briefs filed in response to Judge Bohlander's Call for Submissions⁵ refer to these decisions in their arguments. Accurate English translations of the decisions are essential to our response to the *amicus curiae* briefs.

Although English-language summaries of the cases are available,⁶ the summaries are by definition not verbatim copies of the decisions. The summaries do not contain complete discussions of the facts, reasoning, and rationale behind the decisions. To fully examine these cases and their relevance to the issue set out in the Call for Submissions, we must be able to review the actual decisions themselves. As we have no staff or interns on the MEAS Muth Defence who can read or speak German (in contrast to the Office of the Co-Investigating Judges) or Dutch, we are at a disadvantage in preparing our response.

For the above reasons, we respectfully request that these four decisions be translated into English and made available to the parties as soon as possible. We attached to our submission what appears to be the original Dutch decision in *In re Pilz*,⁷ and Professor Ben Saul attached what appear to be the original German decisions in *R. Case* and *P. and others Case* to his

¹ *R. Case* (StS 19/48), Supreme Court for the British Occupied Zone, 27 July 1948.

² *P. and Others Case* (StS 111/48), Supreme Court for the British Occupied Zone, 7 December 1948.

³ *H. Case* (StS 309/49), Supreme Court for the British Occupied Zone, 18 October 1949.

⁴ *In re Pilz*, Special Court of Cassation, 5 July 1950.

⁵ Call for Submissions by the Parties in Cases 003 and 004 and Call for *Amicus Curiae* Briefs, 19 April 2016, D191. See D191/3, D191/4, D191/5, D191/8, D191/9, D191/10, and D191/13.


⁶ See, e.g., Hansdeep Singh, *Critique of the Mrksic Trial Chamber (ICTY) Judgment: A Re-evaluation on Whether Soldiers Hors de Combat Are Entitled to Recognition as Victims of Crimes Against Humanity*, 8 LAW & PRAC. INT'L CTS. & TRIB. 247, 256-60 (2009); ANTONIO CASSESE, THE HUMAN DIMENSION OF INTERNATIONAL LAW 468-69 (Oxford University Press, 2008).


⁷ See D191/2.1.3.

amicus curiae brief,⁸ although we cannot confirm these facts because we do not read the Dutch or German languages. We do not have the original German decision in *H. Case*. We trust the Office of the Co-Investigating Judges either has these decisions in its possession or is able to obtain copies of them.

We would be most grateful if Your Honors would timely act on this request without the Khmer translation of this letter, which is forthcoming. For the sake of transparency, we request that this letter be placed on the Case File.

Respectfully requested,


ANG Udom


Michael G. KARNAVAS

Co-Lawyers for Mr. MEAS Muth

⁸ See D191/3.1.1.