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

FILING DETAILS

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**INTERNATIONAL CO-PROSECUTOR'S REQUEST FOR INVESTIGATIVE
ACTION TO PLACE MATERIALS ONTO CASE FILE 003**

Filed by:
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**All Civil Parties
in Case 003**

I. INTRODUCTION

1. Pursuant to Internal Rules¹ 66(1)² and 55(10) the International Co-Prosecutor (“Co-Prosecutor”) respectfully requests that the Co-Investigating Judges (“CIJs”) place the materials listed in **Annex A** onto Case File 003. These materials are directly relevant to the allegations in Case 003. The Co-Prosecutor submits that, in accordance with the applicable jurisprudence, this request is sufficiently precise and explains why the action is *prima facie* relevant to ascertaining the truth³ within the scope of the investigation pursuant to the limitations and parameters set by the Case 003 Introductory and Supplementary Submissions.⁴

II. PROCEDURAL HISTORY

2. The judicial investigation in Case 003 began on 7 September 2009 with the filing of the Co-Prosecutors’ Second Introductory Submission.⁵ On 31 October 2014, the Co-Prosecutor filed a Supplementary Submission.⁶
3. On 14 December 2015, the International Co-Investigating Judge (“ICIJ”) informed Meas Muth that there is clear and consistent evidence that he may be responsible for crimes committed between 17 April 1975 and 6 January 1979.⁷ Meas Muth was charged with commission of these crimes through various modes of responsibility, including by participation in a joint criminal enterprise (“JCE”).⁸ The ICIJ identified four CPK policies implemented by the members of the JCE through the commission of these

¹ Extraordinary Chambers in the Courts of Cambodia, Internal Rules (Rev. 9), as revised on 16 January 2015 (“Internal Rule(s)” or “Rule(s)”).

² According to Rule 66(1), “the parties shall have 15 (fifteen) days to request further investigative action.” In **D225** Notice of Conclusion of Judicial Investigation Against Meas Muth, 10 January 2017 (“Closure Notice”), paras 4, 7, the ICIJ extended this period to 30 days.

³ As required by the Internal Rules and the Pre-Trial Chamber. *See* Rules 55(5), 55(10) and 58(6); Case 002-**D365/2/17** Decision on Reconsideration of Co-Prosecutors’ Appeal Against the Co-Investigating Judges Order on Request to Place Additional Evidentiary Material on the Case File which Assists in Proving the Charged Persons’ Knowledge of the Crimes, 27 September 2010 (“Reconsideration Decision”), paras 47-48, 50; Case 002-**D164/4/13** Decision on the Appeal from the Order on the Request to Seek Exculpatory Evidence in the Shared Materials Drive, 18 November 2009, para. 44; Case 002-**D164/3/6** Decision on the Appeal from the Order on the Request to Seek Exculpatory Evidence in the Shared Materials Drive, 12 November 2009, para. 43.

⁴ Case 002-**D365/2/17** Reconsideration Decision, para. 49.

⁵ **D1** Co-Prosecutors’ Second Introductory Submission regarding the Revolutionary Army of Kampuchea, 20 November 2008 (“Introductory Submission”); **D1/1** Acting International Co-Prosecutor’s Notice of Filing of the Second Introductory Submission, 7 September 2009.

⁶ **D120** International Co-Prosecutor’s Supplementary Submission Regarding Crime Sites Related to Case 003, 31 October 2014 (“Supplementary Submission”).

⁷ **D174** Written Record of Initial Appearance of Meas Muth, 14 December 2015 (“Written Record of Initial Appearance”).

⁸ **D174** Written Record of Initial Appearance. pp. 4-9.

charged crimes: (1) the establishment and operation of “cooperatives” and forced labour worksites; (2) the “reeducation” of “bad elements” and killing of “enemies” both inside and outside the military; (3) the targeting of specific groups, in particular persons of Vietnamese and Thai ethnicity or nationality (real or perceived) including those current or former military personnel, civilians and foreigners travelling within DK territory; and (4) the forced marriage of civilians and members of the Revolutionary Army of Kampuchea (“RAK”).⁹

4. On 16 September 2016, the ICIJ set out the procedure for the Co-Prosecutor to follow when requesting that documents from Case 002 be placed onto another case file.¹⁰ According to that procedure: (a) the Co-Prosecutor should first seek authorisation from the Trial Chamber in Case 002 to disclose any confidential documents to the defence in another case; (b) if the Trial Chamber grants authorisation, the Co-Prosecutor should provide the documents to the defence in the other case for review, outside the formal filing process; and, (c) the Co-Prosecutor should file a request with the Co-Investigating Judges (“CIJs”) that the Materials be placed on the case file in that other case.¹¹
5. On 10 January 2017, the ICIJ notified the Parties that he considered the Case 003 judicial investigation to have been concluded,¹² and granted the Parties 30 days to file any further requests for investigative action.¹³ On the same day, the ICIJ issued his decision to reduce the scope of the judicial investigation pursuant to Internal Rule 66bis.¹⁴

⁹ **D174** Written Record of Initial Appearance of Meas Muth, p. 9.

¹⁰ **D209** Decision on Yim Tith’s Request for Further Information and Documents Regarding the International Co-Prosecutor’s Request to Place [REDACTED] Materials on Case File 004, 16 September 2016 (“16 September Decision”), paras 12-14, 18.

¹¹ **D209** 16 September Decision, paras 12-14, 18: “the documents should be provided in advance and in confidence to the Defence for their comments outside the formal filing process for the actual investigative request. The ICP will then only have to certify in his investigative request that such an advance copy was handed over, and when. **13.** I will therefore in this case instruct the ICP to provide the Defence with a confidential copy of the documents listed in the Defence Annex, in the languages requested therein, in whatever format he chooses, whether it be in hard copy or electronic copy. **14.** This procedure should be followed across all Case Files and for all future requests from any party. I will therefore order that a redacted version of this decision be placed on Case File 003... **18.** Instruct the ICP to provide the Defence with a confidential copy of the documents [...] after having sought authorisation from the Trial Chamber to do so, if necessary”.

¹² **D225** Closure Notice.

¹³ **D225** Closure Notice, paras 4, 7.

¹⁴ **D226** Decision to Reduce the Scope of Judicial Investigation pursuant to Internal Rule 66 bis, 10 January 2017.

6. Pursuant to the ICIJ's procedure outlined above,¹⁵ the Co-Prosecutor filed two requests to the Trial Chamber, on 16 January 2017 ("First Request")¹⁶ and 1 February 2017 ("Second Request")¹⁷ for permission to disclose those documents in **Annex A** to the Meas Muth Defence which are currently classified as "Confidential" on Case File 002. The First Request was granted on 26 January 2017,¹⁸ and the Second Request was granted on 7 February 2017.¹⁹

III. REQUEST

7. The Co-Prosecutor requests that the CIJs place the following onto Case File 003:
- a. Case File 002 documents, maps and videos; and
 - b. contemporaneous documents underlying the OCIJ's S-21 list²⁰ ("OCIJ S-21 List") (some of which are on Case File 002)

(collectively, the "Materials").

8. Within these broad descriptions, the Materials are divided into seven categories. While some documents may relate to more than one category, they are included in the section of the annex to which they are most substantially connected. All of the Materials are directly relevant to ascertaining the truth about the crimes encompassed in the Case 003 Introductory Submission and Supplementary Submission. The relevance of each category is briefly summarised below, and each document or video is identified and described in further detail in the attached **Annex A**.
9. For each document or video listed in **Annex A**, the following information is provided: (i) its Case File 002 document number, where relevant, and/or its availability on the Shared Materials Drive ("SMD"); (ii) whether it is classified as confidential "C" or public "P" in Case 002; (iii) its date; (iv) its title; (v) the evidence reference number "ERN" for the Khmer, English and French versions of the document (as available),

¹⁵ See *supra* para. 4.

¹⁶ E442/2 International Co-Prosecutor's Urgent Request for Authorization to Provide Confidential Case 002 Documents to the Case 003 Defence, 16 January 2017 ("First Request").

¹⁷ E442/3 International Co-Prosecutor's Second Urgent Request for Authorisation to Provide Confidential Case 002 Documents to the Case 003 Defence, 1 February 2017 ("Second Request").

¹⁸ E442/2/1 Trial Chamber Memorandum entitled "Decision on International Co-Prosecutor's Request for Authorization to Provide Confidential Case 002 Documents to the Meas Muth Defence in Case 003", 26 January 2017.

¹⁹ E442/3/1 Trial Chamber Memorandum entitled "Decision on International Co-Prosecutor's Second Urgent Request for Authorization to Provide Confidential Case 002 Documents to the MEAS Muth Defence in Case 003", 7 February 2017 ("Second Authorisation").

²⁰ D114/230 1.1 OCIJ S-21 Prisoner List 30 March 2016

whether the original or a translation; and (vi) a description of the document or video and its relevance to Case 003.

International Armed Conflict

10. The Co-Prosecutor requests the CIJs to place 16 documents (*Materials 1 to 16*) onto Case File 003 in relation to international armed conflict. These documents include (i) contemporaneous Communist Party of Kampuchea (“CPK”) reports, public statements and internal communications; (ii) statements issued by the government of Vietnam, and (iii) international media reports. They are relevant to establishing the existence of an international armed conflict between Democratic Kampuchea (“DK”) and Vietnam during the DK period, and provide temporal and geographic indicators of incursions along the DK-Vietnam border and infractions on off-shore islands, including Vietnamese military action on Koh Poulou Wai in mid-1975. As such, they are relevant, *inter alia*, to the charges of grave breaches of the Geneva Conventions against Meas Muth,²¹ as well as the crimes committed by the DK Navy in waters and on islands claimed by the DK,²² including the genocide charge against Meas Muth in that regard.²³

CPK policies

11. The Co-Prosecutor requests that the CIJs place 26 documents and one video clip (*Materials 17 to 43*) onto Case File 003 with regard to CPK policies. These items comprise predominantly contemporaneous CPK statements and publications,²⁴ complemented by subsequent analytical reports,²⁵ and records of statements made by Nuon Chea and Khieu Samphan.²⁶
12. As detailed in **Annex A**, these items provide evidence of the development, evolution and implementation of the four CPK policies²⁷ leading up to, and during the period under investigation in Case 003. They establish the messages being communicated across the

²¹ **D174** Written Record of Initial Appearance, pp. 7-8.

²² **D1** Introductory Submission, paras 59-61; **D174** Written Record of Initial Appearance, pp. 4, 6, 8.

²³ **D174** Written Record of Initial Appearance, p. 4.

²⁴ *Materials* 17- 21, 23- 31, 34, 37. .

²⁵ *Materials* 22, 36, 39, 41. .

²⁶ *Materials* 32, 33, 35, 38, 40, 42, 43..

²⁷ As set out *supra*, para. 3, these four CPK policies were: (1) the establishment and operation of “cooperatives” and forced labour worksites; (2) the “reeducation” of ‘bad elements’ and killing of ‘enemies’ both inside and outside the military; (3) the targeting of specific groups, in particular persons of Vietnamese and Thai ethnicity or nationality (real or perceived) including those current or former military personnel, civilians and foreigners travelling within DK territory; and (4) the forced marriage of civilians and members of the RAK

DK regime to ensure uniform implementation of the policies in the various military divisions, zones, sectors, districts and communes, and to emphasise the principle of absolute respect for the decisions of the upper echelon. Crucially, they demonstrate the inherently criminal nature of the intended and actual implementation of these policies throughout the DK regime. These items are therefore relevant to demonstrating the existence, scope and objectives of the common criminal plan and are central to the question of Meas Muth's responsibility for the crimes encompassed by the Introductory and Supplementary Submissions.

13. Certain pieces of evidence demonstrating the enemy policy both inside and outside the military and the targeting of specific groups, including the Vietnamese or those accused of being sympathetic to the Vietnamese, are also highly relevant to the specific genocidal and persecutory intent of Meas Muth and his co-perpetrators.
14. The Co-Prosecutor is mindful of the evidence already on Case File 003 and recognises that there are already several issues of the *Revolutionary Flag* and *Revolutionary Youth* magazines on the Case File as well as other documents relating to policy. However, when the proposed additional evidence is viewed alongside the documents already on Case File 003, it provides a clearer picture of the four policies at their origins and as they evolved throughout the DK regime. The resulting narrative is crucial to understanding the situation on the ground throughout the country at any given time, as events in the cooperatives, worksites and security centres reflected the policies promulgated in these materials. Although there are common themes throughout this additional evidence, each piece provides unique details of the policies which are not available elsewhere. Moreover, the items are authoritative pronouncements from the highest echelon which directly concern the contours of the four policies at the heart of the Case 003 investigation.

Communications

15. The Co-Prosecutor requests the addition of 14 documents (*Materials 44 to 57*) relating to internal CPK communications to Case File 003. These are predominantly reports and telegrams sent between military divisions and the General Staff, in particular Son Sen.²⁸ They are relevant for demonstrating reporting structures within the RAK and dissemination within the RAK of policies approved by the Party Centre, as well as

implementation of party discipline, the close monitoring of military cadres, the identification, reeducation and purging of perceived internal enemies within the RAK, and the arrest and killing of external enemies. Although, in some cases, these reports and telegrams pertain to RAK divisions other than those of direct relevance to Case 003, they are highly relevant to establishing a pattern of form and substance of the communications passing between the military divisions and General Staff, and which would have been followed in similar communications involving Meas Muth, in particular in relation to internal and external enemies.

16. A small number of these documents²⁹ are internal General Staff communications discussing the reeducation and purges of enemies from the RAK military ranks. These are highly relevant to establishing, *inter alia*, that arrests and killings during RAK purges took place in accordance with the directions of the General Staff and CPK Party Centre.
17. Also included in this section of **Annex A** are a number of documents (*Materials 53 to 56*) emanating from the US National Security Council in May 1975, relating to the fighting between Vietnam and Cambodia on various islands in April - May 1975 and the Mayaguez incident. These are relevant to a number of aspects of Case 003, including demonstrating the existence of an international armed conflict between Vietnam and the DK, and the situation on the islands claimed by both states in May 1975.³⁰ Moreover, they are relevant to establishing the deaths of prisoners held on the maritime islands, and at Wat Eng Ta Nhien Security Centre at the hands of Division 164.³¹
18. Finally, the Written Record of Analysis by Craig Etcheson (*Material 57*) provides a clear overview of the DK authority structure, personnel and communications, in particular in relation to the Party Centre Military Committee, General Staff, RAK Divisions and Independent Regiments.³² The structural organisation provides a basis for understanding hierarchical structures of which Meas Muth and Division 164 formed part.³³ The document also analyses the military's responsibility for economic matters and internal and external security, outlines the communication of CPK policy within

²⁹ See *Materials 50, 52*.

³⁰ See *supra*, para. 10.

³¹ **D1** Introductory Submission, paras 55-57, 59-61; **D174** Written Record of Initial Appearance, pp. 5, 6, 8.

³² See in particular, **E3/494** Written Record of Analysis by Craig C. Etcheson, Investigator of the Office of the Co-Prosecutors, 18 July 2007 ("Written Record of Analysis"), pp. 24-31, EN 00142849-00142856.

³³ For specific references to Meas Muth, see **E3/494** Written Record of Analysis, pp. 27, 28, 31, EN 00142852 00142853 00142856.

military ranks, and provides evidence of internal purges.³⁴

S-21

19. The Co-Prosecutor requests that five documents (*Materials 58 to 62*) relating directly to the S-21 security centre, a crime site in Case 003,³⁵ be added to Case File 003. Whilst their specific relevance is detailed further in **Annex A**, these materials provide direct evidence of the purge of Division 164 cadres,³⁶ interrogation of S-21 prisoners,³⁷ and Meas Muth's knowledge and involvement in the crimes committed there,³⁸ as well as more broadly establishing the use of S-21 as a mechanism for purging members of the RAK Central Divisions and direct contact between division commanders and the S-21 Chairman, Duch.³⁹

Maps

20. The Co-Prosecutor requests that the maps listed in **Annex A** (*Materials 63 to 67*) be added to the Case File in order to assist in demonstrating and understanding the location of crimes, their widespread and systematic nature, proximity of Meas Muth and his subordinates to the crimes, and the boundaries of relevant communes, districts, sectors and zones.

Case 002/02 Transcripts and related Materials

21. The Co-Prosecutor requests that the Case 002/02 Transcripts, Written Records of Interview, DC-Cam Statements, one Complaint and one book listed in this section of **Annex A** (*Materials 68 to 109*) be added to Case File 003.
22. Turning first to Case 002/02 trial transcripts, there are two types of transcript contained in **Annex A**. The first type has been finalised and assigned a Case 002 number beginning with the **E1/** prefix.⁴⁰ The second type of transcript is only available in confidential draft form as it is still being finalised by the translation unit.⁴¹ Mindful of the time constraints imposed by the closure of the investigation, the Co-Prosecutor

³⁴ E3/494 Written Record of Analysis, pp. 29-31, EN 00142854-00142856.

³⁵ D1 Introductory Submission, paras 43, 52-54, 65-66; D120 Supplementary Submission, paras 13-17; D174 Written Record of Initial Appearance, pp. 4, 8.

³⁶ Materials 59-60.

³⁷ Materials 58-62.

³⁸ Materials 59-60.

³⁹ Materials 62.

⁴⁰ Materials 70-72, 75-83, 85-87, 89-99, 102 and a portion of Materials 103, 105, 107, 108.

⁴¹ Materials 106, 109 and a portion of Materials 103, 105, 107, 108.

respectfully requests that the draft form of these transcripts be used for the purpose of review, but that the finalised transcripts be placed on the Case File once they become available.

23. By way of clarification, where a transcript for a particular day is already on Case File 003 for the express purpose of documenting the Case 002/02 evidence of a particular witness or civil party, the Co-Prosecutor has not requested the same transcript anew in order to capture the evidence of another witness who testified on the same day and whose evidence is therefore already on the Case File.⁴²
24. The specific reasons why these Case 002/02 trial transcripts are requested are detailed in **Annex A**, but generally they contain evidence on the topics already outlined above⁴³ from experts, witnesses and civil parties, many of whom already have statements or other evidence on Case File 003, and whose testimony supplements that evidence or allows for a better understanding of evidence on the Case File. Where the Co-Prosecutor considers that written records of interview, DC Cam statements or books authored by these witnesses and civil parties contain relevant information warranting their inclusion on Case File 003, these have been separately noted as a new entry in **Annex A** beneath the entry for that particular witness or civil party.
25. Finally, where the Co-Prosecutor has proposed the Case 002/02 transcripts of a witness or civil party for addition to the Case File, he has additionally noted, in the "Description" column of **Annex A**, all other prior statements and any other related documents of that witness or civil party that do not currently appear on Case File 003. The CIJs may wish to review and add these statements and documents to Case File 003 for completeness, but this does not constitute a formal request from the Co-Prosecutor for such addition.

Documents underlying the OCIJ S-21 list

26. The Co-Prosecutor requests the placement of 756 contemporaneous S-21 documents (*Materials 110 to 865*) on Case File 003.

⁴² For example, as recorded in **D114/297.1** Annex to Written Record of Investigative Action of 28 December 2016, 28 December 2016, the OCIJ placed the entirety of **E1/489.1** on Case File 003 for the purpose of recording Chuon Thi's evidence. Say Naroen testified on the same day, and her testimony is contained within **E1/489.1**. The Co-Prosecutor therefore considers her testimony to be part of the Case 003 Case File.

⁴³ International Armed Conflict, S-21 security centre, CPK Policies, including in particular the CPK enemies policy, treatment of the Vietnamese and forced marriage.

27. By way of background, on 30 March 2016, after a review of contemporaneous S-21 documentation, the OCIJ produced the OCIJ S-21 List⁴⁴ demonstrating that 15,101 persons were recorded as S-21 prisoners based on surviving contemporaneous S-21 documents. Given the S-21 crime site's central role to Case 003,⁴⁵ and the presence on these lists of *inter alia* victims of the RAK purges, especially of Divisions 164 and 117,⁴⁶ and Vietnamese, Thai and other non-Cambodian nationals,⁴⁷ the accuracy of the OCIJ S-21 List is of paramount importance to all Case 003 Parties. Access to the underlying documents would enable the Parties to properly analyse the contents of the OCIJ S-21 List against the contemporaneous documents identified by the OCIJ analyst⁴⁸ to verify, not only the existence of the individual at S-21, but also his or her provenance and position, which is of key importance to ascertaining the truth regarding the commission of crimes within the scope of Case 003.
28. The documents requested correspond to those contemporaneous S-21 documents underlying the OCIJ S-21 List detailed in **D114/230.1.2**,⁴⁹ which do not already appear on Case File 003. Where these documents are already available to the Meas Muth Defence through the Shared Materials Drive ("SMD"), this has been identified in Columns 2 and 3 of **Annex A**, together with the Case 002 document number, where appropriate. Where the relevant underlying document is not available on the SMD, and is classified as "Confidential" in Case 002, the Co-Prosecutor has sought the Trial Chamber's authorisation to provide a copy to the Meas Muth Defence.⁵⁰ This permission was granted on 7 February 2017.⁵¹

Other Considerations

29. This Request respects Meas Muth's fair trial rights because it would not unduly delay proceedings.⁵² The Co-Prosecutor recognises the importance of bringing the

⁴⁴ **D114/230.1.1** OCIJ S-21 Prisoner List, 30 March 2016.

⁴⁵ **D1** Introductory Submission, paras 43, 52-54, 65-66; **D120** Supplementary Submission, paras 13-17; **D174** Written Record of Initial Appearance, pp. 4, 8.

⁴⁶ Relevant to **D1** Introductory Submission, paras 52-54; **D120** Supplementary Submission, paras 12-14; **D174** Written Record of Initial Appearance, p. 54, 6, 8.

⁴⁷ Relevant to **D1** Introductory Submission, paras 59-61; **D120** Supplementary Submission, paras 15-17; **D174** Written Record of Initial Appearance, pp. 4, 6, 8.

⁴⁸ The DC Cam document numbers and corresponding ERNs of the supporting contemporaneous documentation are found in columns 15-23 of the OCIJ S-21 List.

⁴⁹ **D114/230.1.2** List of Documents, 30 June 2016.

⁵⁰ See *supra*, para. 6.

⁵¹ **E442/3/1** Second Authorisation.

⁵² Case 002-**D164/3/6** Decision on the Appeal from the Order on the Request to Seek Exculpatory Evidence in the Shared Materials Drive (Pre-Trial Chamber) 12 November 2009, paras 43-44 (noting that Charged

investigation of Case 003 to an expeditious end. This is also in the interest of the surviving victims, many of whom are elderly, who have an interest in seeing the investigation conclude and the trial begin as promptly as possible. They also have a well-established right to know, to the greatest extent possible, the truth concerning crimes committed against them and the identities of those most responsible, and to have those responsible held accountable.⁵³

30. The Request therefore includes a modest number of the most relevant documents selected from a universe of over a thousand that are on Case File 002, but which do not appear in Case File 003. For the reasons noted above, and described further in **Annex A**, the requested Materials provide details that are not yet on the Case File or are crucial for a clearer understanding of the evidence that is already there. **Annex A** provides a succinct yet detailed summary of each of the Materials and its relevance in order to facilitate the review for the parties and the CIJs, and in an effort to ensure the review is not overly burdensome.

Provision of Documents to the Meas Muth Defence

31. As set out above,⁵⁴ and in accordance with the 16 September 2016 Decision,⁵⁵ the Co-Prosecutor has sought and received authorisation from the Trial Chamber to disclose the confidential Case 002 documents listed in **Annex A** (marked “C” in column 2) to the Case 003 Defence team. Immediately prior to submitting the present Request, the Co-Prosecutor provided the Meas Muth Defence with an electronic copy of those confidential documents for the limited purpose of reviewing them.⁵⁶ The remainder of the Materials are non-confidential and should be available to the Meas Muth Defence on Zylab.

Person has the right to be tried within a reasonable time as enshrined in Article 14 of the ICCPR and in Internal Rule 21(4)). See also **D209** 16 September Decision, para. 9.

⁵³ See, for example, *The Prosecutor v. Katanga and Chui*, ICC-01/04-01/07-474, Pre-Trial Chamber I (Single Judge), Decision on the Set of Procedural Rights Attached to Procedural Status of Victim at the Pre-Trial Stage of the Case”, 13 May 2008, para. 32 and fn. 39 (“The victims’ core interest in the determination of the facts, the identification of those responsible and the declaration of their responsibility is at the root of the well-established right to the truth for the victims of serious violations of human rights.”); See paras 34-36. (“The victims’ central interest in the search for the truth can only be satisfied if (i) those responsible for perpetrating the crimes for which they suffered harm are declared guilty; and (ii) those not responsible for such crimes are acquitted, so that the search for those who are criminally liable can continue.”)

⁵⁴ See *supra*, para. 6.

⁵⁵ See *supra*, para. 4.

⁵⁶ The confidential documents were made available to the Defence teams on a shared drive, as detailed in an email sent from an OCP Assistant Co-Prosecutor at 03.48pm on 9 February 2017.

IV. CONCLUSION

32. The requested action is sufficiently specific, conducive to ascertaining the truth, necessary to the investigation, and respectful of the fair trial rights of Meas Muth. The Co-Prosecutor therefore requests that all the Materials listed in **Annex A** be placed on Case File 003.

Respectfully submitted,

Date	Name	Place	Signature
9 February 2017	Nicholas KOUMJIAN International Co-Prosecutor	Phnom Penh 	