

**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

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**MEAS MUTH'S REQUEST FOR CLARIFICATION CONCERNING THE STATUS
OF THE JUDICIAL INVESTIGATION**

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Distribution to:
Co-Investigating Judges:
Judge YOU Bunleng
Judge Mark B. HARMON

Co-Prosecutors:
CHEA Leang
Nicholas KOUMJIAN

All Civil Parties

Mr. MEAS Muth, through his Co-Lawyers (“the Defence”), pursuant Rule 21 of the ECCC Internal Rules (“Rules”), hereby requests the OCIJ to clarify the current status of the judicial investigation, specifically: **a.** whether the investigation is currently open or closed; **b.** the nature of the Disagreement between the Co-Investigating Judges recorded in February 2013; **c.** each Co-Investigating Judge’s reasoning for this Disagreement; **d.** whether there have been any other formal Disagreements between the Co-Investigating Judges; and **e.** whether the Disagreement(s) have been decided by the Pre-Trial Chamber, and if not, when a decision is expected to be issued. The Defence further requests the OCIJ to inform it as to any changes in the status of the judicial investigation. This Request is made necessary in order for the Defence to fully protect Mr. MEAS Muth’s fair trial rights. Although this Request may bear some similarity to previous requests made by Mr. MEAS Muth,¹ this Request is not repetitive. The information requested herein is not covered by past requests. This Request is admissible pursuant to Rule 21, which requires that “[t]he applicable ECCC Law, Internal Rules, Practice Directions and Administrative Regulations shall be interpreted so as to always safeguard the interests of Suspects.... ECCC proceedings shall be fair and transparent....” The Defence requests to file this Request in English with the Khmer translation to follow because the Interpretation and Translation Unit cannot timely complete the translation.²

I. BACKGROUND

1. On 7 September 2009, the OCP initiated the judicial investigation of Mr. MEAS Muth based on the OCP’s 20 November 2008 Second Introductory Submission Regarding the Revolutionary Army of Kampuchea.³
2. On 29 April 2011, nearly 20 months after the judicial investigation commenced, Co-Investigating Judges You Bunleng and Siegfried Blunk filed a Notice of Conclusion of the Judicial Investigation into Case 003.⁴

¹ See MEAS Muth’s Request to Access the Case File and Participate in the Judicial Investigation, 29 August 2013, D82; MEAS Muth’s Request for Information Concerning the OCIJ’s Investigative Approach and Methodology, 2 October 2013.

² See Email from Interpretation and Translation Unit to Defence, “RE: translation request,” 30 December 2013.

³ Co-Prosecutors’ Second Introductory Submission Regarding the Revolutionary Army of Kampuchea, 20 November 2008, D56/3.1. According to Lawyer’s Recognition Decision Concerning All Civil Party Applications on Case File No. 003, 26 February 2013, D58, para. 3, this Introductory Submission was not placed on the Case File until 7 September 2009 through Acting International Co-Prosecutor’s Notice of Filing of the Second Introductory Submission, 7 September 2009.

⁴ *Case of NUON Chea et al.*, 002/19-09-2007-ECCC-OCIJ, Notice of Conclusion of Judicial Investigation, 29 April 2011, D13.

3. On 10 October 2011, Co-Investigating Judge Blunk resigned, effective 31 October 2011.⁵
4. On 2 December 2011, International Reserve Co-Investigating Judge Kasper-Ansermet issued an order resuming the judicial investigation. He stated that the judicial investigation appeared to have been defective and prejudicial to all parties.⁶
5. On 15 December 2011, International Reserve Co-Investigating Judge Kasper-Ansermet filed a Disagreement with Co-Investigating Judge You Bunleng. The exact nature of the Disagreement is unclear, but appears to relate to International Reserve Co-Investigating Judge Kasper-Ansermet's ability to take judicial action on his own, or prior to being sworn in.⁷
6. On 19 January 2012, the Royal Cambodian Government notified the United Nations Secretary General that the Supreme Council of the Magistracy of Cambodia decided not to appoint International Reserve Co-Investigating Judge Kasper-Ansermet as the International Co-Investigating Judge.⁸
7. On 10 February 2011, the International Pre-Trial Chamber Judges issued an Opinion on the Disagreement. They explained that the President of the Pre-Trial Chamber had returned the documents related to the Disagreement on the basis that International Reserve Co-Investigating Judge Kasper-Ansermet, who had not been appointed as International Co-Investigating Judge, did not have the standing to file Disagreements. They stated that in their opinion, however, the Disagreement is admissible and:

‘in accordance with Article 23 new of the ECCC Law, the default decision shall be that the order or investigative act done by one Co-Investigating Judge shall stand, or that the order or investigative act proposed to be done by one Co-Investigating Judge shall be executed.’ In the current case this means that the order proposed by the Reserve International Co-Investigating Judge shall be executed.⁹

⁵ Press Release, *Press Release by the International Co-Investigating Judge*, 10 October 2011.

⁶ Order on Resuming the Judicial Investigation, 2 December 2011, D28.

⁷ According to Opinion of the Pre-Trial Chamber Judges Downing and Chung on the Disagreement between the Co-Investigating Judges Pursuant to Internal Rule 72, 10 February 2012. This document is available on the ECCC website, but appears to have no document number and may be unavailable on the Case File.

⁸ Press Release, United Nations Spokesperson for the Secretary-General on Cambodia, Press Statement, 20 January 2012, available at <http://www.un.org/sg/statements/?nid=5815>.

⁹ Opinion of the Pre-Trial Chamber Judges Downing and Chung on the Disagreement between the Co-Investigating Judges Pursuant to Internal Rule, 10 February 2012, para. 50.

8. On 19 March 2012, International Reserve Co-Investigating Judge Kasper-Ansermet tendered his resignation as of 4 May 2012.¹⁰
9. On 20 June 2012, Mark Harmon was appointed as International Co-Investigating Judge.¹¹
10. On 28 February 2013, the OCIJ issued a press release. Co-Investigating Judge You Bunleng stated:

The National Co-Investigating Judge would like to state that:

- after the notification of conclusion of judicial investigation in accordance with Rule 66 of the Internal Rules by the National Co-Investigating Judge and International Co-Investigating Judge Siegfried Blunk on 29 April 2011,
- after the Pre-Trial Chamber's decision on appeal on 2 November 2011, and
- after the arrival of the International Co-Investigating Judge Mark B. Harmon (the Co-Investigating Judge having full rights and capacity), the National Co-Investigating Judge sent the Forwarding Order to the OCP for final submission pursuant to Rule 66 (4) following a disagreement recorded on 7 February 2013.

On 8 February 2013, the International Co-Prosecutor, under a disagreement recorded with the National Co-Prosecutor, filed his response submission concerning Case 003 before the Co-Investigating Judges.

The National Co-Investigating Judge would like to stress that he will continue to take procedural measures as provided in the Internal Rules at the appropriate time. However he will also consider other submissions by the Co-Prosecutors that might be made within three months starting from 7 February 2013.

In this same press release, Co-Investigating Judge Harmon, in contrast, stated: "Pursuant to Internal Rule 21(1)(c), the International Co-Investigating Judge, Mark B. Harmon, wishes to clarify that Case 003 remains open and the investigation of the alleged crimes are [sic] proceeding." Co-Investigating Judge Harmon then provided information to the public concerning the alleged crimes and how to become a witness, Civil Party, or complainant.¹²

11. Since the Co-Lawyers have been appointed to represent Mr. MEAS Muth, Co-Investigating Judge Harmon alone has addressed all submissions filed by the Co-Lawyers or relating to them.

¹⁰ Press Release, *Press Release by the International Reserve Co-Investigating Judge*, 19 March 2012.

¹¹ Press Release, *Deployment of New International Co-Investigating Judge*, 30 July 2012.

¹² Press Release, *Statement by the Co-Investigating Judges Regarding Case 002*, 28 February 2013.

II. APPLICABLE LAW

12. Article 31 of the Cambodian Constitution requires the ECCC to “recognize and respect human rights as stipulated in the United Nations Charter, the Universal Declaration of Human Rights, the covenants and conventions related to human rights, women’s and children’s rights.”¹³ One such convention related to human rights is the International Covenant on Civil and Political Rights (“ICCPR”).¹⁴
13. Article 12(2) of the Agreement¹⁵ provides that the “Extraordinary Chambers shall exercise their jurisdiction in accordance with international standards of justice, fairness and due process of law, as set out in Articles 14 and 15 of the 1966 International Covenant on Civil and Political Rights, to which Cambodia is a party.”
14. Article 33 new of the Establishment Law¹⁶ provides that the “Extraordinary Chambers of the trial court shall exercise their jurisdiction in accordance with international standards of justice, fairness and due process of law, as set out in Articles 14 and 15 of the 1966 International Covenant on Civil and Political Rights.”

A. The right to adequate time and facilities

15. The right to adequate time and facilities is a fundamental fair trial right enshrined in the ICCPR. Article 14(3)(b) provides that in the determination of any criminal charge against him, everyone shall be entitled “to have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing.”
16. Article 13(1) of the Agreement provides that the rights of the accused enshrined in Articles 14 and 15 of the ICCPR shall be respected throughout the trial process. “Such rights shall, in particular, include the right: ... to have adequate time and facilities for the preparation of his or her defence....”

¹³ 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 (“Cambodian Constitution”).

¹⁴ 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.

¹⁵ Agreement Between the United Nations and the Royal Government of Cambodia Concerning the Prosecution Under Cambodian Law of Crimes Committed During the Period of Democratic Kampuchea (“Agreement”).

¹⁶ Law on the Establishment of Extraordinary Chambers in the Courts of Cambodia for the Prosecution of Crimes Committed During the Period of Democratic Kampuchea (“Establishment Law”).

17. Article 35 new of the Establishment Law provides that in determining charges against the accused, the accused shall be equally entitled to certain minimum guarantees, in accordance with Article 14 of the ICCPR, including the right “to have adequate time and facilities for the preparation of their defence....”

B. The right to be informed of the nature and cause of the charge

18. The right to be informed of the charges is a fundamental fair trial right enshrined in the ICCPR. Article 14(3)(a) provides that in the determination of any criminal charge against him, everyone shall be entitled “to be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him.”

19. Article 35 new of the Establishment Law provides that in determining charges against the accused, the accused shall be equally entitled to certain minimum guarantees, in accordance with Article 14 of the ICCPR, including the right “to be informed promptly and in detail in a language that they understand of the nature and cause of the charge against them.”

C. The right to equality of arms

20. The right to equality of arms is a fundamental fair trial right enshrined in the ICCPR. Article 14(1) provides that “everyone shall be entitled to a fair and public hearing.” According to the Human Rights Committee, a body of independent experts that monitors the implementation of the ICCPR by State parties (such as Cambodia):¹⁷ “[t]he concept of a ‘fair trial’ within the meaning of article 14, paragraph 1 ... includes ... respect for the principles of equality of arms....”¹⁸

21. Rule 21(1)(a) provides that “ECCC proceedings shall be fair and adversarial and preserve a balance between the rights of the parties....” The Trial Chamber in Case 001 has confirmed that “the fundamental nature of [the equality of arms] principle is acknowledged in the Internal Rules...”¹⁹

¹⁷ See Office of the United Nations High Commissioner for Human Rights, Human Rights Committee, website, available at <http://www2.ohchr.org/english/bodies/hrc/>. Cambodia signed the ICCPR on 17 October 1980 and acceded to it on 26 May 1992. See United Nations Treaty Collection, website, available at http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-4&chapter=4&lang=en#3.

¹⁸ *Fei v. Colombia*, Communication No. 514/1992, U.N. Doc. CCPR/C/53/D/514/1992 (1995), para. 8.4.

¹⁹ *Case of KAIING Guek Eav*, 001/18-07-2007-ECCC/TC, Decision on IENG Sary’s Request to Make Submission in Response to the Co-Prosecutors’ Request for the Application of Joint Criminal Enterprise, 3 July 2009, E90, para. 4. Similarly, at the ICTY, the right to equality of arms has been held to go “to the heart of the

D. The right to equal treatment

22. Article 31 of the Cambodian Constitution provides that “[e]very Khmer citizen shall be equal before the law...”
23. The right to equal treatment is a fundamental fair trial right enshrined in the ICCPR. Article 14(1) provides that “[a]ll persons shall be equal before the courts and tribunals.” Article 26 provides that “[a]ll persons are equal before the law and are entitled without any discrimination to the equal protection of the law.”
24. Article 3 of the Cambodian Code of Criminal Procedure provides that “[c]riminal actions apply to all natural persons or legal entities regardless of race, nationality, color, sex, language, creed, religion, political tendency, national origin, social status, resources or other status.”

III. ARGUMENT

25. The Defence has no access to the Case File²⁰ and receives only minimal information as to the status of the investigation through infrequent press releases and the monthly Court Report. The Defence does not know with any certainty whether the investigation is currently open or closed. The Defence does not know whether the Pre-Trial Chamber has resolved the Co-Investigating Judges’ Disagreement. The Defence does not even know exactly why the Co-Investigating Judges disagreed.
26. This situation is unacceptable. It violates Mr. MEAS Muth’s fair trial rights to adequate time and facilities, to be informed of the nature and cause of the charge against him, to equality of arms, and to equal treatment. The Defence requires clarification and prompt and regular updates as to the status of the investigation so that it can diligently²¹ protect Mr. MEAS Muth’s rights.

fair trial guarantee.” *Prosecutor v. Tadić*, IT-94-1-A, Judgment, 15 July 1999, para. 44. *See also Prosecutor v. Delalić et al.*, IT-96-21-T, Decision on the Prosecution’s Motion for an Order Requiring Advance Disclosure of Witnesses by the Defence, 4 February 1998, para. 45, where the Trial Chamber held that the equality of arms “is the most important criteria of a fair trial. This principle requires the maintenance of a fair balance between the parties and applies to both civil and criminal cases.”

²⁰ *See* MEAS Muth’s Request to Access the Case File and Participate in the Judicial Investigation, 29 August 2013, D82.

²¹ *Black’s Law Dictionary* defines due diligence as “[t]he diligence reasonably expected from, and ordinarily exercised by, a person who seeks to satisfy a legal requirement or to discharge an obligation.” BLACK’S LAW DICTIONARY 468 (7th ed. 1999). The ICTY has stated that the purpose of according the accused certain rights under the ICTY Statute “was that the accused should exercise due diligence in utilizing them.” JUDGE RICHARD

Right to adequate time and facilities

27. Mr. MEAS Muth's right to adequate time and facilities is violated by the lack of information he currently has as to the status of the judicial investigation. If the investigation ends and the OCP files its Final Submission without informing Mr. MEAS Muth, the Defence will be unable to respond to the Final Submission within the filing deadline. The Pre-Trial Chamber has confirmed that the Defence has the right to respond to the OCP's Final Submission.²² If the OCIJ closes the investigation without charging Mr. MEAS Muth, as Co-Investigating Judge You Bunleng has done previously, the OCP could appeal a Dismissal Order. Were this to occur, the Defence would be unable to respond to the appeal, not having learned of it from the Co-Investigating Judges. Mr. MEAS Muth undoubtedly has a vital interest in responding to this appeal: it will determine whether he is sent to trial or whether his case will be dismissed.

Right to be informed of the nature and cause of the charge against him

28. Mr. MEAS Muth's right to be informed of the nature and cause of the charge against him is violated by the lack of information he currently has as to the status of the judicial investigation. As Judge Trechsel has explained, "the defendant is not expected to do intelligent guesswork."²³ Without the requested information, and having no access to the Case File, that is exactly what the Defence must do.

29. The right to be informed promptly and in detail of the nature and cause of the charge against him applies at this stage of the proceedings, and not only once Mr. MEAS Muth has been formally charged. According to the Human Rights Committee, this right arises "when in the course of an investigation a court or an authority of the prosecution decides

MAY & MARIEKE WIERDA, INTERNATIONAL CRIMINAL EVIDENCE 306 (Transnational Publishers Inc., 2002), discussing *Prosecutor v. Tadić*, IT-94-1-A, Decision on Appellant's Motion for the Extension of the Time Limit and Admission of Additional Evidence, 15 October 1998.

²² See *Case of NUON Chea et al.*, 002/19-09-2007-ECCC/OCIJ(PTC 71), Decision on IENG Sary's Appeal against the Co-Investigating Judges' Decision Refusing to Accept the Filings of IENG Sary's Response to the Co-Prosecutors' Rule 66 Final Submission and Additional Observations, and Request for Stay of the Proceedings, 20 September 2010, D390/1/2/4.

²³ See STEFAN TRECHSEL, HUMAN RIGHTS IN CRIMINAL PROCEEDINGS 203 (Oxford University Press, 2005): "Even assuming that a clerical error occurred in the drafting of the indictment, a sensible interpretation of Article 6(3)(a) [of the European Convention on Human Rights, providing that an Accused has the right to be informed promptly, in a language which he understands and in detail, of the nature and cause of the accusation against him] requires that it be strictly applied and that the defendant is not expected to do intelligent guesswork. The consequence of errors must be borne by those who commit them – it is not acceptable that the defendant pays for errors made by the prosecution." The Defence submits that, in these circumstances, this principle applies *mutatis mutandis* to the OCIJ as it would to the prosecution in other circumstances.

to take procedural steps against a person suspected of a crime or publicly names him as such.”²⁴

30. Mr. MEAS Muth has been specifically named in the Introductory Submission. Past OCIJ jurisprudence has held that all persons named in an Introductory Submission acquire the status of “Charged Person.”²⁵ Procedural steps have been taken against Mr. MEAS Muth. The former Reserve International Co-Investigating Judge issued a decision asserting that Mr. MEAS Muth was within the personal jurisdiction of the ECCC and that it was within the Co-Investigating Judges’ investigatorial discretion to investigate him.²⁶ The former Reserve International Co-Investigating Judge also notified Mr. MEAS Muth that he was under investigation and advised him of his rights.²⁷ While Mr. MEAS Muth has not been officially named as a Suspect / Charged Person by the OCIJ, he has been publicly named. When an ECCC staff member leaked the Introductory Submission to the press, Mr. MEAS Muth’s status as a Suspect / Charged Person was widely reported and became common knowledge in Cambodia.²⁸
31. The information former Reserve International Co-Investigating Judge Kasper-Ansermet provided to Mr. MEAS Muth, informing him that he is a Suspect is not enough to satisfy the right to be informed promptly and in detail of the nature and cause of the charge. Judge Kasper-Ansermet informed Mr. MEAS Muth nearly two years ago of the crimes for which he is under investigation and the period during which they were allegedly committed.²⁹ There is no indication that Judge Kasper-Ansermet informed Mr. MEAS Muth of the potential charges or of any alleged facts that would support these charges. No updates have been provided since this time to inform Mr. MEAS Muth of whether he is still under investigation and for what crimes.

²⁴ Human Rights Committee, General Comment 13, Article 14 (Twenty-first session, 1984), Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies, U.N. Doc. HRI/GEN/1/Rev.1 at 14 (1994), para. 8, available at <http://www1.umn.edu/humanrts/gencomm/hrcom13.htm>.

²⁵ See *Case of NUON Chea et al.*, 002/19-09-2007-ECCC-OCIJ, Order on Request for Further Charging, 16 February 2010, D298/2, para. 13.

²⁶ Decision on Personal Jurisdiction and Investigative Policy Regarding Suspect, 2 May 2012, D48.

²⁷ Notification of Suspect Rights [Internal Rule 21(1)(D)] in Case File 003, 6 March 2012, D33.

²⁸ See, e.g., Abby Seif, *Faulty Link Reveals Khmer Rouge Court’s Secret Documents*, PHNOM PENH POST, 26 December 2012, available at <http://www.phnompenhpost.com/national/faulty-link-reveals-khmer-rouge-courts-secret-documents>: “Though the names of all five mid-ranking cadres listed as suspects in the government-opposed cases 003 and 004 are widely known and have appeared in the public domain for years, the court has refused to publicly release them.”

²⁹ See Notification of Suspect Rights [Internal Rule 21(1)(D)] in Case File 003, 6 March 2012, D33.

32. The judicial investigation in Case 003 began over four years ago. Mr. MEAS Muth was formally notified of his status as a Suspect nearly two years ago. The last press release concerning Case 003 was issued in February 2013, nearly one year ago. For the past several years, Mr. MEAS Muth has been largely kept in the dark as to the status of the investigation. He does not even know whether the investigation is currently open or closed. The lack of information as to the ongoing proceedings is stressful and taxing.

Right to equality of arms

33. Mr. MEAS Muth's right to equality of arms is violated by the lack of information he currently has as to the status of the judicial investigation. The OCP and Civil Parties have access to the Case File and thus presumably have more information as to the status of the investigation than the Defence has. Rule 66(4) provides for the Case File to be forwarded to the OCP once the Co-Investigating Judges have decided to conclude the investigation and the period for filing further investigative requests has passed. The OCP will therefore have information as to the status of the investigation that the Defence will not have unless the Co-Investigating Judges provide the relief requested herein.

Right to equal treatment

34. Mr. MEAS Muth's right to equal treatment is violated by the lack of information he currently has as to the status of the judicial investigation. KAING Guek Eav, NUON Chea, KHIEU Samphan, IENG Sary, and IENG Thirith were fully informed as to the nature and cause of the charges against them. They had access to the Case File and were notified of procedural steps taken during the judicial investigation, such as the close of the investigation and the issuance of a Closing Order. In contrast, Mr. MEAS Muth has been provided with almost no information. This disparate treatment was noted with concern over two years ago by the International Pre-Trial Chamber Judges, who stated:

Although the Co-Investigating Judges enjoy certain discretion in their decision to formally notify of charges a person named in an introductory submission, no explanation has ever been provided by the Co-Investigating Judges in the case file or otherwise as to why their practice in Case 003 differs from the preceding cases and why the Suspects have not been notified of such status in the investigation. This may be perceived as questionable....³⁰

Little has changed since that time.

³⁰ Considerations of the Pre-Trial Chamber Regarding the Appeal Against Order on the Admissibility of Civil Party Applicant Robert Hamill, 24 October 2011, D11/2/4/4, para. 3.

IV. CONCLUSION

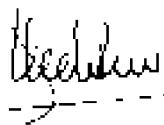
35. Rule 21 requires that “[t]he applicable ECCC Law, Internal Rules, Practice Directions and Administrative Regulations shall be interpreted so as to always safeguard the interests of Suspects.... In this respect: a) ECCC proceedings shall be fair and transparent....” The proceedings at present are not transparent, but are completely opaque. The Defence requests the Co-Investigating Judges to clarify the current status of the judicial investigation and to inform the Defence of any changes in this status.
36. The Defence requests that any clarification provided in response to this Request be made public. The Open Society Justice Initiative has recently called for transparency concerning the status of Cases 003 and 004:

As with the second trial in Case 002, the court, the UN, the donors and the Government of Cambodia should be honest with the public about the status of the cases and the role of political interference and whether they will proceed to a conclusion with judicial integrity.... To date there has been a marked lack of proactive and creative leadership at all levels in planning the court’s work. This has been accompanied by a lack of transparency and candor about the realities of the current situation. It is critical that the UN and the senior court officials exercise leadership on these issues.³¹

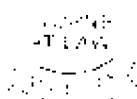

37. There is no reason that the requested information cannot be provided to the Defence, the other parties, and even to the public. Providing the information would in no way compromise the judicial investigation (whether ongoing or completed).

WHEREFORE, for all of the reasons stated herein, the Defence respectfully requests the OCIJ to **CLARIFY** the status of the judicial investigation and to **INFORM** the Defence of any changes to this status.

Respectfully submitted,



ANG Udom

Michael G. KARNAVAS

Co-Lawyers for Mr. MEAS Muth
Signed in Phnom Penh, Kingdom of Cambodia on this 30th day of **December, 2013**

³¹ OSJI Position Paper, *Planning and Leadership Now Needed at ECCC*, November 2013, p. 5-6, available at <http://www.opensocietyfoundations.org/sites/default/files/cambodia-eccc-position-11032013.pdf>.