

BEFORE THE PRE-TRIAL CHAMBER**EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA****FILING DETAILS****Case No:** 003/07-09-2009-ECCC/OCIJ (PTC35) **Party Filing:** The Defence for MEAS Muth**Filed to:** The Pre-Trial Chamber**Original language:** ENGLISH**Date of document:** 11 September 2019**CLASSIFICATION****Classification of the document suggested by the filing party:****PUBLIC****Classification by OCIJ or Chamber:****សាធារណៈ/Public****Classification Status:****Review of Interim Classification:****Records Officer Name:****Signature:**

**MEAS MUTH'S NOTICE OF INTENTION TO BE HEARD AT THE HEARING
CONCERNING THE APPEALS AGAINST THE CLOSING ORDERS**

Filed by:**Distribution to:****The Co-Lawyers:**

ANG Udom

Michael G. KARNAVAS

Pre-Trial Chamber Judges:

Judge PRAK Kimsan

Judge NEY Thol

Judge HUOT Vuthy

Judge Olivier BEAUVALLET

Judge BAIK Kang Jin

Reserve Judge Steven J. BWANA

Reserve Judge PEN Pichsaly

Co-Prosecutors:

CHEA Leang

Brenda J. HOLLIS (Reserve)

All Civil Parties in Case 003

Mr. MEAS Muth, through his Co-Lawyers (“the Defence”), hereby notifies the Pre-Trial Chamber, pursuant to its email of 5 September 2019,¹ that the Defence is available to attend hearings concerning the appeals against the Closing Orders between 25 and 29 November 2019 and requests four hours² to be heard in addition to the time necessary to address any questions the Pre-Trial Chamber Judges may have. The requested time is commensurate with that allotted to the Parties in Case 004/2,³ necessary to brief the Pre-Trial Chamber on the legal and factual issues addressed in Mr. MEAS Muth’s⁴ and the International Co-Prosecutor’s⁵ appellate submissions, and essential to ensure Mr. MEAS Muth’s right to an *effective* appeal.⁶

Respectfully submitted,



ANG Udom

Michael G. KARNAVAS

Co-Lawyers for Mr. MEAS Muth

Signed in Phnom Penh, Kingdom of Cambodia on this **11th** day of **September, 2019**

¹ Email from the Pre-Trial Chamber’s Case File Officer titled “Case File N° 003/07-09-2009-ECCC/OCIJ (PTC35), Pre-Trial Chamber’s Notice to the Parties by Email,” 5 September 2019 (*see* Attachment 1).

² Two hours and a half for the presentation of Defence arguments and one hour and a half to respond to the International Co-Prosecutor.

³ *Case of AO An*, 004/2/07-09-2009-ECCC/OCIJ (PTC60), Scheduling Order for the Pre-Trial Chamber’s Hearing on Appeals Against Closing Orders, 3 June 2019, D359/5, p. 2.

⁴ MEAS Muth’s Appeal Against the International Co-Investigating Judge’s Indictment, 8 April 2019, D267/4; MEAS Muth’s Response to the International Co-Prosecutor’s Appeal of the Dismissal Order, 24 June 2019, D266/5; MEAS Muth’s Reply to the International Co-Prosecutor’s Response to MEAS Muth’s Appeal Against the International Co-Investigating Judge’s Indictment, 19 August 2019, D267/12.

⁵ International Co-Prosecutor’s Appeal of the Order Dismissing the Case Against MEAS Muth (D266), 8 April 2019, D266/2; International Co-Prosecutor’s Response to MEAS Muth’s Appeal Against the International Co-Investigating Judge’s Indictment (D267), 28 June 2019, D267/10; International Co-Prosecutor’s Reply to MEAS Muth’s Response to the Appeal of the Order Dismissing the Case Against MEAS Muth, 9 August 2019, D266/6.

⁶ The Cambodian Constitution and ECCC framework – which incorporate the international standards of justice in the International Covenant on Civil and Political Rights – guarantee that Charged Persons and Accused are afforded an *effective* appeal. *See* Constitution of the Kingdom of Cambodia dated 21 September 1993 Modified by Kram dated 8 March 1999 promulgating the amendments to Articles 11, 12, 13, 18, 22, 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, Arts. 31, 38; Agreement, Arts. 12(2), 13(1); Establishment Law, Arts. 33 new, 35 new (b), (d); Rule 21(1); International Covenant on Civil and Political Rights, adopted 16 December 1966, entered into force on 23 March 1976, 999 U.N.T.S. 171, Art. 14(3)(b), (d). *See also Case of AO An*, 004/2/07-09-2009-ECCC/OCIJ (PTC58), Decision on Civil Party Requests for Extension of Time and Page Limits, 27 August 2018, D362/4, para. 10; *Prosecutor v. Stanišić & Župljanin*, IT-08-91-A, Decision on Mićo Stanišić’s and Stojan Župljanin’s Motions Seeking Variation of Time and Word Limits to File Appeal Briefs, 4 June 2013, p. 2, 4; *Prosecutor v. Šainović et al.*, IT-05-87-A, Decision on Joint Request for Extension of Time to File Respondent’s Brief, 27 July 2009, p. 4. *See also Marpa Zeeland B.V. and Metal Welding B.V. v. The Netherlands*, ECtHR App. No. 46300/99, 9 November 2004, para. 51.