

**BEFORE THE PRE-TRIAL CHAMBER  
EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA**

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**INTERNATIONAL CO-PROSECUTOR'S RESPONSE TO MEAS MUTH'S  
REQUEST TO TERMINATE, SEAL AND ARCHIVE CASE FILE 003**

**TABLE OF AUTHORITIES**

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## ECCC LAW

### Core Legal Documents

*(In the ECCC Legal Compendium – not included)*

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2. Law on the Establishment of Extraordinary Chambers in the Courts of Cambodia for the Prosecution of Crimes Committed During the Period of Democratic Kampuchea, with amendments as promulgated on 27 October 2004 (“ECCC Law”), arts 1, 2 new, 35 new.
3. Internal Rules of the Extraordinary Chambers in the Courts of Cambodia (Rev. 9), as revised on 16 January 2015 (“Rules” or “IR(s)”), Rules 21(1), 21(4), 67, 71-72.

### Jurisprudence

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##### *Case 001*

4. **F28** Appeal Judgement, 3 February 2012 (“*Duch AJ*”), paras 61-81. (*Exceeds 10 pages – excerpt attached*) (**Authority 1**)

##### *Case 002*

5. **E50/2/1/4** Decision on Immediate Appeals by Nuon Chea and Ieng Thirith on Urgent Applications for Immediate Release, 3 June 2011, para. 39. (*Not included – attached previously as D267/10.1.6*)
6. **E50/3/1/4** Decision on Immediate Appeal by Khieu Samphan on Application for Release, 6 June 2011, para. 30. (*Not included – attached previously as D267/10.1.5*)
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11. **C20/5/18** [Redacted] Decision on Ieng Thirith's Appeal Against Order on Extension of Provisional Detention, 11 May 2009, para. 57. (*Exceeds 10 pages – excerpt attached*) **(Authority 6)**
12. **D300/2/2** Decision on Ieng Sary's Appeal Against OCIJ Order on Requests D153, D172, D173, D174, D178 & D284, 5 May 2010, paras 19-20. **(Authority 7)**
13. **D314/1/8** Decision on Nuon Chea's and Ieng Sary's Appeal Against OCIJ Order on Requests to Summons Witnesses, 8 June 2010, para. 70. (*Not included – attached previously as D267/10.1.14*)
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15. **D404/2/4** Decision on Appeals Against Orders of the Co-Investigating Judges on the Admissibility of Civil Party Applications, 24 June 2011, para. 67. (*Exceeds 10 pages – excerpt attached*) **(Authority 9)**
16. **D411/3/6** Decision on Appeals Against Orders of the Co-Investigating Judges on the Admissibility of Civil Party Applications, 24 June 2011 ("PTC's CPA Appeal Decision"), paras 64-65, 67. (*Not included – attached previously as D267/10.1.10*)

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19. **D266/27 & D267/35** Considerations on Appeals Against Closing Orders, 7 April 2021 ("Considerations"), paras 1-36; Opinion of Judges Prak Kimsan, Ney Thol and Huot Vuthy, para. 115, EN 01666986, FR 01667144, KH 01667332; Opinion of Judges Olivier Beauvallet and Kang Jin Baik ("International Judges' Opinion"), paras 119, 190-191, 262, 284, 339-340, 342-343, EN 01667089, FR 01667264, KH 01667840.

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21. **E313** Case 002/01 Judgement, 7 August 2014, fn. 31. (*Exceeds 10 pages – excerpt attached*) (**Authority 10**)
22. **E465** Case 002/02 Judgement, 16 November 2018, fn. 37. (*Exceeds 10 pages – excerpt attached*) (**Authority 11**)

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24. **D86** Notification of the Death of a Suspect in Case File 003, 22 October 2013.
25. **D82/5** Notification on Suspect's Requests to Access the Case File, Take Part in the Judicial Investigation, and to Strike ICP's Submissions, 28 November 2014.
26. **A66** Summons to Initial Appearance, 28 November 2014.
27. **A67** Summons of Lawyer, 28 November 2014.
28. **A66/1** Written Record of Service of Summons, 5 December 2014.
29. **C1** Arrest Warrant, 10 December 2014.
30. **D128** Decision to Charge Meas Muth *in Absentia*, 3 March 2015.
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32. **C2** Arrest Warrant, 4 June 2015.
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36. **D184** Request for Comments Regarding Alleged Facts Not to be Investigated Further, 16 March 2016 ("Facts Not to be Investigated Request").
37. **D184/3** Notice of Provisional Discontinuance Regarding Individual Allegations, 24 August 2016.
38. **D184/4** Notification Pursuant to Internal Rule 66*bis* (2), 22 November 2016.

39. **D226** Decision to Reduce the Scope of Judicial Investigation Pursuant to Internal Rule 66bis, 10 January 2017.
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42. **D267** Closing Order, 28 November 2018 (“Indictment”), paras 1-27, 149-170, 459, 461, 470-579, EN 01596603-14, FR 01621343-52, KH 01600889-98.
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50. *The Prosecutor v. Kenyatta*, ICC-01/09-02/11-868-Red, Public redacted version of Decision on Defence application for a permanent stay of the proceedings due to abuse of process, Trial Chamber V(B), 5 December 2013, para. 14. (*Exceeds 10 pages – excerpt attached*) (**Authority 13**)
51. *The Prosecutor v. Lubanga*, ICC-01/04-01/06-772, Judgment on the Appeal of Mr. Thomas Lubanga Dyilo against the Decision on the Defence Challenge to the Jurisdiction

- of the Court pursuant to article 19(2)(a) of the Statute of 3 October 2006, Appeals Chamber, 14 December 2006, para. 31. (*Exceeds 10 pages – excerpt attached*) **(Authority 14)**
52. *The Prosecutor v. Lubanga*, ICC-01/04-01/06-2690-Red2, Redacted Decision on the “Defence Application Seeking a Permanent Stay of the Proceedings”, Trial Chamber I, 7 March 2011 (“*Lubanga 7 March 2011 Stay Decision*”), paras 165, 203. (*Exceeds 10 pages – excerpt attached*) **(Authority 15)**
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61. *Prosecutor v. Karadžić*, IT-95-5/18-AR73.4, Decision on Karadžić’s Appeal of Trial Chamber’s Decision on Alleged Holbrooke Agreement, Appeals Chamber, 12 October 2009, paras 49, 52-53. (*Exceeds 10 pages – excerpt attached*) **(Authority 21)**

62. *Prosecutor v. Dragan Nikolić*, IT-94-2-PT, Decision on Defence Motion Challenging the Exercise of Jurisdiction by the Tribunal, Trial Chamber II, 9 October 2002, para. 114. (*Exceeds 10 pages – excerpt attached*) **(Authority 22)**
63. *Prosecutor v. Dragan Nikolić*, IT-94-2-AR73, Decision on Interlocutory Appeal Concerning Legality of Arrest, Appeals Chamber, 5 June 2003 (“*Nikolić* Legality Decision”), paras 2, 24-26, 28-33. (*Exceeds 10 pages – excerpt attached*) **(Authority 23)**
64. *Prosecutor v. Šešelj*, IT-03-67-T, Decision on Oral Request of the Accused for Abuse of Process, Trial Chamber III, 10 February 2010 (“*Šešelj* Abuse of Process Decision”), paras 29-30. **(Authority 24)**
65. *Prosecutor v. Šešelj*, IT-03-67-T, Decision on Motion by Accused to Discontinue Proceedings, Trial Chamber III, 29 September 2011, paras 2-3, 31. (*Exceeds 10 pages – excerpt attached*) **(Authority 25)**
66. *Prosecutor v. Šešelj*, IT-03-67-T, Judgement, Trial Chamber III, 31 March 2016, Vol. 1, para. 8, Disposition; Annex 2, paras 2, 4-6, 76-86. (*Exceeds 10 pages – excerpt attached*) **(Authority 26)**

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69. *The Prosecutor v. Bizimungu et al.*, ICTR-99-50-T, Judgement and Sentence, Trial Chamber III, 30 September 2011 (“*Bizimungu* TJ”), paras 73-75. (*Exceeds 10 pages – excerpt attached*) **(Authority 29)**
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71. *Hategekimana v. The Prosecutor*, ICTR-00-55B-A, Judgement, Appeals Chamber, 8 May 2012, para. 307 (disposition). (*Exceeds 10 pages – excerpt attached*) **(Authority 31)**
72. *Kajelijeli v. The Prosecutor*, ICTR-98-44A-A, Judgement, Appeals Chamber, 23 May 2005 (“*Kajelijeli* AJ”), para. 206. (*Exceeds 10 pages – excerpt attached*) **(Authority 32)**
73. *The Prosecutor v. Kanyabashi*, ICTR-96-15-I, Decision on the Defence Extremely Urgent Motion Habeas Corpus and for Stoppage of Proceedings, Trial Chamber II, 23 May 2000, para. 68. (*Exceeds 10 pages – excerpt attached*) **(Authority 33)**
74. *The Prosecutor v. Kanyarukiga*, ICTR-2002-78-T, Judgement and Sentence, Trial Chamber II, 1 November 2010, para. 2; Annex A, paras 691-693. (*Exceeds 10 pages – excerpt attached*) **(Authority 34)**

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77. *The Prosecutor v. Karemera et al.*, ICTR-98-44-T, Decision on Édouard Karemera's Motion Relating to his Right to be Tried without Undue Delay, Trial Chamber III, 23 June 2009 (“*Karemera Undue Delay Decision*”), paras 4, 6, 8, 11. **(Authority 36)**
78. *The Prosecutor v. Mugenzi et al.*, ICTR-99-50-I, Decision on Justin Mugenzi's Motion for Stay of Proceedings or in the Alternative Provisional Release (Rule 65) and in Addition Severance (Rule 82(B)), Trial Chamber II, 8 November 2002, para. 32. **(Authority 37)**
79. *Prosecutor v. Muvunyi*, ICTR-2000-55A-T, Judgement and Sentence, Trial Chamber II, 12 September 2006, paras 5-6; Annex I, para. 15. (*Exceeds 10 pages – excerpt attached*) **(Authority 38)**
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82. *Ntabakuze v. The Prosecutor*, ICTR-98-41A-A, Judgement, Appeals Chamber, 8 May 2012, para. 20. (*Exceeds 10 pages – excerpt attached*) **(Authority 41)**
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89. *Prosecutor v. Taylor*, SCSL-03-01-A-1389, Judgment, Appeals Chamber, 26 September 2013, Disposition. (*Exceeds 10 pages – excerpt attached*) (**Authority 47**)

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104. *Neumeister v. Austria*, no. 1936/63, Judgment, 27 June 1968, para. 21. (*Not included – attached previously as D267/10.1.44*)
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