

BEFORE THE PRE-TRIAL CHAMBER**EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA****FILING DETAILS****Case No:** 003/07-09-2009-ECCC/OCIJ(PTC 11) **Party Filing:** The Defence for MEAS Muth**Filed to:** The Pre-Trial Chamber**Original language:** ENGLISH**Date of document:** 4 April 2014**CLASSIFICATION****Classification of the document suggested by the filing party:****PUBLIC****Classification by OCIJ or Chamber:****សម្ងាត់/Confidential****Classification Status:****Declassified to Public****Review of Interim Classification:****Records Officer Name:****Signature:**

**MEAS MUTH'S REQUEST TO BE PROVIDED WITH MATERIAL FROM THE
CASE 004 CASE FILE**

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 Chang-ho CHUNG

Judge Rowan DOWNING

Reserve Judge PEN Pichsaly

Reserve Judge Steven J. BWANA

Co-Prosecutors:

CHEA Leang

Nicholas KOUMJIAN

All Civil Parties

Mr. MEAS Muth, through his Co-Lawyers (“the Defence”), hereby requests the Pre-Trial Chamber to order the OCIJ to provide the Defence with the following Case 004 material: **a.** the International Co-Prosecutor’s Request for a Reclassification of Documents for Disclosure to the Pre-Trial Chamber and Parties in Case File 003, 6 March 2014, D184; **b.** all material related to the assignment of Mr. Bit Seanglim; **c.** all material related to the assignment of Mr. So Mosseny; and **d.** all material related to the assignment of Mr. Richard Rogers, including all submissions and decisions related to the litigation concerning Mr. Rogers’ assignment. This Request is made necessary because Co-Investigating Judge Harmon has ordered four Case 004 documents to be placed on the Case 003 Case File in redacted form.¹ These four documents relate to the assignment of Mr. Bit Seanglim, Mr. So Mosseny, and Mr. Richard Rogers. Without the requested material, the four documents are without context. This Request is made to the Pre-Trial Chamber because the requested material relates to the conflict of interest appeal currently pending before the Pre-Trial Chamber² and because the Co-Investigating Judges have ignored every recent Defence submission,³ even refusing to place the submissions on the Case File, in violation of the Internal Rules.⁴

I. RELIEF REQUESTED

WHEREFORE, for all the reasons stated herein, the Defence respectfully requests the Pre-Trial Chamber to ORDER the OCIJ to place the requested material on the Case 003 Case File and make it available to the Defence.

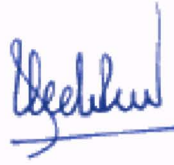
¹ Order on Placement of Documents on Case File 003, 3 April 2014, D99.

² MEAS Muth’s Appeal Against Co-Investigating Judge Harmon’s Decision on the International Co-Prosecutor’s Request to Reject the Appointment of the Co-Lawyers for MEAS Muth on the Basis of Irreconcilable Conflicts of Interest, 12 March 2014, D56/19/24.

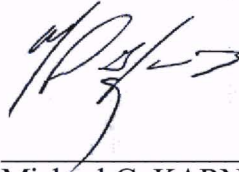
³ See MEAS Muth’s Notice That He Intends to Exercise His Right to Remain Silent and Any Contact With Him Must Be Made Through His Co-Lawyers, 11 November 2013; MEAS Muth’s Motion Against the Application of Grave Breaches of the Geneva Conventions Due to Expiry of the Applicable Statute of Limitations, 12 December 2013; MEAS Muth’s Request for Clarification Concerning the Status of the Judicial Investigation, 30 December 2013; MEAS Muth’s Request for the Co-Investigating Judges to Explain their Understanding of What Will Occur in the Event the Co-Investigating Judges and Pre-Trial Chamber Judges Split as to Whether to Close the Investigation or Whether to Arrest, Charge, or Indict Mr. MEAS Muth, 2 January 2014; MEAS Muth’s Application to Seize the Pre-Trial Chamber with a Request for Annulment of All Investigative Action Concerning Two Alleged Crime Sites, 3 February 2014; MEAS Muth’s Application to Seize the Pre-Trial Chamber with a Request for Annulment of All Investigative Action Concerning Religious Persecution, 7 February 2014.

⁴ For example, concerning annulment applications, Rule 76(3) states that the “Greffier of the Co-Investigating Judges *shall* register the application immediately” (emphasis added).

Respectfully submitted,



ANG Udom



Michael G. KARNAVAS

Co-Lawyers for Mr. MEAS Muth

Signed in Phnom Penh, Kingdom of Cambodia on this 4th day of April, 2014