

**BEFORE THE SUPREME COURT CHAMBER
EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA**

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**INTERNATIONAL CO-PROSECUTOR'S APPEAL OF THE PRE-TRIAL
CHAMBER'S FAILURE TO SEND CASE 003 TO TRIAL AS REQUIRED BY THE
ECCC LEGAL FRAMEWORK**

TABLE OF AUTHORITIES AND OTHER REFERENCED DOCUMENTS

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¹ This table is compiled pursuant to: Practice Direction on Filing of Documents before the ECCC, amended on 7 March 2012, ECCC/01/2007/Rev.8, art. 6. For a small number of foreign domestic authorities appended to this table that are not in English, French, or Khmer, an unofficial English translation from Google Translate is provided after the original language.

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110. Criminal Procedure Code, 1 June 1987 as at 16 August 2021, arts 17, 142, 268, 288. (*Exceeds 10 pages – excerpt attached*) (**Authority 107 – Portuguese-English**)

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111. Code of Criminal Procedure, 13 January 1963, arts 581-582. (*Exceeds 10 pages – excerpt attached*) (**Authority 108 - French**)

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112. Criminal Procedure Act (unofficial consolidated version No. 36), 13 March 1994 as at 19 June 2020, arts 25, 171. (*Exceeds 10 pages – excerpt attached*) (**Authority 109 – English**)

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113. Criminal Procedure Code, as at 19 July 2021, arts 22-23, 303. (*Exceeds 10 pages – excerpt attached*) (**Authority 110 – Spanish-English**)

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114. Criminal Procedure Code, as at 9 June 2017, art. 49. (*Exceeds 10 pages – excerpt attached*) **(Authority 111 - French)**

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115. *Akdivar and others v. Turkey*, No. 21893/93, Judgment (Grand Chamber), 16 September 1996, paras 66-67. (*Exceeds 10 pages – excerpt attached*) **(Authority 112)**
116. *Brannigan and McBride v. United Kingdom*, Nos 14553/89, 14554/89, Judgment, 25 May 1993, para. 76. (*Exceeds 10 pages – excerpt attached*) **(Authority 113)**
117. *Ibrahim and others v. The United Kingdom*, Nos 50541/08, 50571/08, 505373/08 and 40351/09, Judgment (Grand Chamber), 13 September 2016, para. 252. (*Exceeds 10 pages – excerpt attached*) **(Authority 114)**
118. *Kaić and others v. Croatia*, No. 22014/04, Judgment, 17 July 2008, para. 32. (*Exceeds 10 pages – excerpt attached*) **(Authority 115)**
119. *Nikolova v. Bulgaria*, No. 31195/96, Judgment, 25 March 1999, para. 69. (*Exceeds 10 pages – excerpt attached*) **(Authority 116)**
120. *Sejdovic v. Italy*, No. 56581/00, Judgment (Grand Chamber), 1 March 2006, paras 44-45, 55. (*Exceeds 10 pages – excerpt attached*) **(Authority 117)**
121. *Simaldone v. Italy*, No. 22644/03, Judgment, 31 March 2009, para. 44. (*Exceeds 10 pages – excerpt attached*) **(Authority 118 - French)**
122. *Vaney v. France*, No. 53946/00, Judgment, 30 November 2004, para. 53. (*Exceeds 10 pages – excerpt attached*) **(Authority 119 - French)**

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123. C-96/00, Rudolf Gabriel, Judgment, 11 July 2002, 2002 ECR I-06367, pp. 6398-99, paras 35-36 and p. 6404, para. 59. (*Exceeds 10 pages – excerpt attached*) **(Authority 120)**

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124. *Las Palmeras v. Colombia*, Judgment (Merits), 6 December 2001, paras 57-58. (*Exceeds 10 pages – excerpt attached*) **(Authority 121)**
125. *Velásquez-Rodríguez v. Honduras*, Judgment (Merits), 29 July 1988, paras 68, 80. (*Exceeds 10 pages – excerpt attached*) **(Authority 122)**

126. *Velásquez-Rodríguez v. Honduras*, Judgment (Preliminary Objections), 26 June 1987, para. 93. (*Exceeds 10 pages – excerpt attached*) **(Authority 123)**

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128. *Hudson v. Michigan*, 547 U.S. 586, 591 (2006). (*Exceeds 10 pages – excerpt attached*) **(Authority 125)**
129. *McCarthy v. Madigan et al.*, 503 U.S. 140, 148 (1992). (*Exceeds 10 pages – excerpt attached*) **(Authority 126)**
130. *McKart v. U.S.*, 395 U.S. 185, 193 (1969). (*Exceeds 10 pages – excerpt attached*) **(Authority 127)**
131. *Mullins Coal Co. v. Clark.*, 759 F.2d 1142, 1146 (4th Cir. 1985). **(Authority 128)**

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132. Conseil Constitutionnel, No. 95-360, 2 February 1995, para. 5. **(Authority 129)**

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133. **D271/1.1.41** Email from Trial Chamber Greffier Suy-Hong Lim entitled “Re Request for extension of time to file Rule 80 list of witnesses and experts”, 27 April 2021 at 7:27 p.m. **(Authority 130)**

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134. Robert Power, “Help is Sometimes Close at Hand: The Exhaustion Problem and the Ripeness Solution”, 1987 *University of Illinois Law Review* 547, 590-592. (*Exceeds 10 pages – excerpt attached*) **(Authority 131)**
135. David Scheffer in M. Cherif Bassiouni (ed), “The Extraordinary Chambers in the Courts of Cambodia”, *International Criminal Law*, Third Edition, Vol III, 2008, pp. 231, 246. (*Exceeds 10 pages – excerpt attached*) **(Authority 132)**

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136. **D181/2.30** Letter from UN Secretary General to Prime Minister H.E. Hun Sen, 19 Apr 2000, Annexed Note from Hans Corell to Secretary general, Subject: Urgent call from Cambodia — Options to settle differences between investigating judges/prosecutors, 19 April 2000, EN 01326090. **(Authority 133)**

137. **D181/2.36** Statement by Under Secretary General Hans Corell Upon Leaving Phnom Penh on 17 March 2003, 17 March 2003, EN 01326112. (**Authority 134**)
138. United Nations General Assembly, Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, UNGA Res 40/34 of 29 Nov 1985, Principle 4. (**Authority 135**)
139. UN General Assembly, Report of the International Law Commission, 56th session, UN Doc. A/59/10, 2004, para. 305. (*Exceeds 10 pages – excerpt attached*) (**Authority 136**)
140. UN General Assembly, Report of the International Law Commission, 58th session, UN Doc. A/CN.4/L.682, 13 April 2006, para. 61. (*Exceeds 10 pages – excerpt attached*) (**Authority 137**)
141. *Dispute Between Argentina and Chile Concerning the Beagle Channel*, Report and Decision of the Court of Arbitration, 18 February 1977, Reports of International Arbitral Awards, Vol. XXI, pp. 53-264, paras 36, 38-39. (*Exceeds 10 pages – excerpt attached*) (**Authority 138**)

Public Party Submissions

142. **D270** International Co-Prosecutor’s Request to the Co-Investigating Judges to Forward Case File 003 to the Trial Chamber, 19 April 2021. (**Attachment 139A (English) & Attachment 139B (Khmer)**)
143. **D271/1** International Co-Prosecutor’s Request for Conclusion of the Pre-Trial Stage of the Case 003 Proceedings, 21 Jun 2021 (“ICP’s PTC Conclusion Request”), fn. 56. (*Exceeds 10 pages – excerpt attached*) (**Attachment 140A (English) & 140B (Khmer)**)
144. **D272** Meas Muth’s Request to Terminate, Seal, and Archive Case File 003, 17 June 2021 (“Meas Muth’s Termination Request”), paras 54, 71. (*Exceeds 10 pages – excerpt attached*) (**Attachment 141**)
145. **D272/1** International Co-Prosecutor’s Response to Meas Muth’s Request to Terminate, Seal and Archive Case File 003, 8 July 2021 (“ICP’s Abuse of Process Response”), paras 4-16. (*Exceeds 10 pages – excerpt attached*) (**Attachment 142A (English) & 142B (Khmer)**)
146. **D273/1** International Co-Prosecutor’s Response to the Co-Investigating Judges’ Request to Declare Whether She Intends to Seise the Supreme Court Chamber, 16 September 2021. (*Exceeds 10 pages – excerpt attached*) (**Attachment 143A (English) & 143B (Khmer)**)
147. **D266/18.2** Transcript of Appeal Hearing Case 003, 29 November 2019, EN 01639978, 01640004, KH 01652863-64, 01652879 (*Exceeds 10 pages – excerpt attached*) (**Attachment 144A (English) & 144B (Khmer)**)

Table of Other Referenced Docs (with Confidential Status)**PARTIES' PLEADINGS**

148. **D1** Co-Prosecutors' Second Introductory Submission Regarding the Revolutionary Army of Kampuchea, 20 November 2008, para. 102. (*Exceeds 10 pages – excerpt attached*) (**Attachment C-1A (English) & C-1B (Khmer)**)
149. **D1/1** Acting International Co-Prosecutor's Notice of Filing of the Second Introductory Submission, 7 September 2009, cover page. (**Attachment C-2A (English) & C-2B (Khmer)**)
150. **D52/1** International Co-Prosecutor's Response to Forwarding Order of 7 February 2013, 8 February 2013, paras 3-7. (**Attachment C-3A (English) & C-3B (Khmer)**)
151. **D120** International Co-Prosecutor's Supplementary Submission Regarding Crime Sites Related to Case 003, 31 October 2014. (**Attachment C-4A (English) & C-4B (Khmer)**)
152. **D249/2** Meas Muth's Submission on the Budgetary Situation of the ECCC and its Impact on Case 003, 5 June 2017, paras 28-29. (*Exceeds 10 pages – excerpt attached*) (**Attachment C-5A (English) & C-5B (Khmer)**)
153. **D256/6** [National Co-Prosecutor's] Final Submission Concerning Meas Muth Pursuant to Internal Rule 66, 14 November 2017, cover page. (*Exceeds 10 pages – excerpt attached*) (**Attachment C-6A (English) & C-6B (Khmer)**)
154. **D256/7** International Co-Prosecutor's Rule 66 Final Submission, 14 November 2017, cover page. (*Exceeds 10 pages – excerpt attached*) (**Attachment C-7 (English)**)
155. **D256/11** Meas Muth's Response to the International Co-Prosecutor's Final Submission, 12 April 2018 ("Meas Muth's Final Submission Response"), cover page, paras 19, 67. (*Exceeds 10 pages – excerpt attached*) (**Attachment C-8A (English) & C-8B (Khmer)**)
156. **D266/2** International Co-Prosecutor's Appeal of the Order Dismissing the Case Against Meas Muth (D266), 8 April 2019 ("ICP's Dismissal Order Appeal"), cover page, paras 63-82. (*Exceeds 10 pages – excerpt attached*) (**Attachment C-9A (English) & C-9B (Khmer)**)
157. **D266/2.2** Annex I: Procedural History (to the ICP's Appeal Against the Order Dismissing the Case Against Meas Muth), 8 April 2019. (**Attachment C-10**)
158. **D266/16.1 & D267/21.1** Transcript, 27 November 2019, cover page, 13.38.34-13.43.43. (*Exceeds 10 pages – excerpt attached*) (**Attachment C-11A (English) & C-11B (Khmer)**)

159. **D266/17.1 & D267/22.1** Transcript, 28 November 2019, cover page. (*Exceeds 10 pages – excerpt attached*) (**Attachment C-12A (English) & C-12B (Khmer)**)
160. **D266/18.1 & D267/23.1** Transcript, 29 November 2019, cover page. (*Exceeds 10 pages – excerpt attached*) (**Attachment C-13A (English) & C-13B (Khmer)**)
161. **D267/3** National Co-Prosecutor’s Appeal Against the International Co-Investigating Judge’s Closing Order in Case 003, 5 April 2019, cover page. (*Exceeds 10 pages – excerpt attached*) (**Attachment C-14A (English) & C-14B (Khmer)**)
162. **D267/4** Meas Muth’s Appeal Against the International Co-Investigating Judge’s Indictment, 8 April 2019 (“Meas Muth’s Indictment Appeal”), cover page, paras 4, 42-43. (*Exceeds 10 pages – excerpt attached*) (**Attachment C-15A (English) & C-15B (Khmer)**)
163. **D267/10** International Co-Prosecutor’s Response to Meas Muth’s Appeal Against the International Co-Investigating Judge’s Indictment (D267), 28 June 2019, paras 34-35. (*Exceeds 10 pages – excerpt attached*) (**Attachment C-16A (English) & C-16B (Khmer)**)
164. **D267/27** Meas Muth’s Supplement to his Appeal Against the International Co-Investigating Judge’s Indictment, 5 May 2020, p. 1, paras 24, 50. (*Exceeds 10 pages – excerpt attached*) (**Attachment C-17A (English) & C-17B (Khmer)**)

ECCC PRESS STATEMENTS²

165. **D266/2.1.145** Appointment of New International Co-Investigating Judge and Reserve, 24 August 2015. (**Attachment C-18**)
166. **D266/2.1.148** Mark Harmon Sworn in as International Co-Investigating Judge, 26 October 2012. (**Attachment C-19**)
167. **D266/2.1.150** *Press Release by the International Co-Investigating Judge*, 10 October 2011. (**Attachment C-20**)
168. **D266/2.1.151** *Press Release by the International Reserve Co-Investigating Judge*, 6 December 2011. (**Attachment C-21**)
169. **D266/2.1.153** *Press Release by the International Reserve Co-Investigating Judge*, 19 March 2012. (**Attachment C-22**)

² The documents in this category are publicly available but currently have Confidential status on Case File 003, as they were attached to submissions that retain a confidential classification. All referenced press releases are available on the ECCC website but are provided here for convenience.

CONFIDENTIAL INVESTIGATIVE COMMUNICATIONS

170. **D1/1.1** Annex II: Excerpt of the Considerations of the Pre-Trial Chamber Regarding the Disagreement between the Co-Prosecutors Pursuant to Internal Rule 71, 18 August 2009, Conclusion. (**Attachment C-23A (English) & C-23B (Khmer)**)
171. **D54** Rogatory Letter, 7 February 2013. (**Attachment C-24A (English) & C-24B (Khmer)**)
172. **D55** Rogatory Letter, 7 February 2013. (**Attachment C-25A (English) & C-25B (Khmer)**)
173. **D59.13** Interoffice Memorandum from International Co-Investigating Judge Michael Bohlander entitled “Extension of Rogatory Letter D 59”, 26 August 2015. (**Attachment C-26**)
174. **D89.11** Interoffice Memorandum from International Co-Investigating Judge Michael Bohlander entitled “Extension of Rogatory Letter D 89”, 26 August 2015. (**Attachment C-27**)
175. **D114.4** Interoffice Memorandum from International Co-Investigating Judge Michael Bohlander entitled “Extension of Rogatory Letter D 114”, 26 August 2015. (**Attachment C-28**)