

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

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**CO-PROSECUTORS' RESPONSE TO KHIEU SAMPHAN'S APPEAL AGAINST THE  
JUDGMENT PRONOUNCED ON 16 NOVEMBER 2018**

**TABLE OF AUTHORITIES**

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## ECCC LAW

### Core legal documents

*(In ECCC Legal Compendium – not included)*

1. Law on the Establishment of Extraordinary Chambers in the Courts of Cambodia for the Prosecution of Crimes Committed During the Period of Democratic Kampuchea, 10 August 2001, with inclusion of amendments as promulgated on 27 October 2004, Art. 33*new*.
2. Internal Rules of the Extraordinary Chambers in the Courts of Cambodia, Revision 9, 16 January 2015, Rules 39(1) and (4), 67(4), 98, 101-102, 104(1) and (4), 105(1)-(2), 107(1) and (4), 108(1).
3. Practice Direction on Filing Documents before the ECCC, Revision 7, 3 August 2011, Arts 2.2, 8.5.

### Jurisprudence

#### *Supreme Court Chamber*

4. **E50/1/1/4** Decision on Immediate Appeals by Nuon Chea and Ieng Thirith on Urgent Applications for Immediate Release, 3 June 2011, paras 31, 38.
5. **E50/3/1/4** Decision on Immediate Appeal by Khieu Samphan on Application for Release, 6 June 2011, para. 22.
6. **E95/8/1/4** Decision on Ieng Sary's Appeal Against Trial Chamber's Decision on Co-Prosecutors' Request to Exclude Armed Conflict Nexus Requirement from the Definition of Crimes Against Humanity, 19 March 2012, para. 9.
7. **E163/5/1/13** Decision on the Co-Prosecutors' Immediate Appeal of the Trial Chamber's Decision Concerning the Scope of Case 002/01, 8 February 2013, para. 22.
8. **E284/2/1/2** Decision on Co-Prosecutors' Request for Clarification, 26 June 2013, para. 12.
9. **E284/4/7** Decision on Immediate Appeals Against Trial Chamber's Second Decision on Severance of Case 002 – Summary of Reasons, 23 July 2013.
10. **E284/4/8** Decision on Immediate Appeals Against Trial Chamber's Second Decision on Severance of Case 002, 25 November 2013, including para. 21.
11. **E301/9/1/1/3** Decision on Khieu Samphan's Immediate Appeal Against the Trial Chamber's Decision on Additional Severance of Case 002 and Scope of Case 002/02, 29 July 2014, paras 17-18.
12. **F3** Urgent Application for Extension of Time and Page Limits for Submissions on Appeal by the Defence for Mr Khieu Samphan and the Defence for Mr Nuon Chea, 13 August 2014, paras 5, 31.
13. **F36** Appeal Judgement, 23 November 2016, paras 96-97, 100.

***Trial Chamber***

14. **E51/6/1/1/2** Decision on Two Notices of Appeal Filed by Ieng Sary, 8 April 2011, p. 2.
15. **E367/7** Decision on Nuon Chea’s Requests for Admission of Documents Relevant to the Testimony of 2-TCE-95, 8 February 2016.
16. **E367/8** Decision on Nuon Chea’s Rule 87(4) Requests for Admission of 29 Documents Relevant to the Testimony of 2-TCE-95, 5 May 2016.
17. **E462** Scheduling Order for Pronouncement of the Judgement in Case 002/02, 26 September 2018, including p. 2.
18. **E202/340** Summons – Accused, 5 November 2018, including p. 1.
19. **E1/529.1** Transcript of Trial Proceedings – Pronouncement of Judgement in Case 002/02, 16 November 2018, 09.34.35-09.36.02, 11.37.57-11.40.00.

***Pre-Trial Chamber***

20. **D427/1/26** Decision on Ieng Sary’s Appeal Against the Closing Order, 13 January 2011.
21. **D427/1/30** Decision on Ieng Sary’s Appeal Against the Closing Order, 11 April 2011.
22. Case 003-**D14/1/2** Order Suspending the Enforcement of the “Order on International Co-Prosecutor’s Public Statement regarding Case File 003”, 13 June 2011, paras 3-4.
23. Case 004/1-**D308/3/1/20** Considerations on the International Co-Prosecutor’s Appeal of Closing Order (Reasons), 28 June 2018, para. 33.

**INTERNATIONAL LAW**

**Instruments**

24. International Criminal Tribunal for the Former Yugoslavia, Rules of Procedure and Evidence, Revision 50, 8 July 2015, Rule 98ter (A), (C) (*exceeds 10 pages – excerpt attached*) (**Authority 1**).
25. International Criminal Tribunal for Rwanda, Rules of Procedure and Evidence, 13 May 2015, Rule 88(A), (C) (*exceeds 10 pages – excerpt attached*) (**Authority 2**).
26. International Residual Mechanism for Criminal Tribunals, Rules of Procedure and Evidence, 6 November 2018, Rule 122(A), (C) (*exceeds 10 pages – excerpt attached*) (**Authority 3**).
27. Special Tribunal for Lebanon, Rules of Procedure and Evidence, Revision 9, 3 April 2017, Rule 168(A)-(B) (*exceeds 10 pages – excerpt attached*) (**Authority 4**).

## Jurisprudence

### *International Criminal Tribunal for the Former Yugoslavia (“ICTY”)*

28. *Prosecutor v. Aleksovski*, IT-95-14/1-A, Appeals Chamber, Judgement, 24 March 2000, para. 2 (*exceeds 10 pages – excerpt attached*) (**Authority 5**).
29. *Prosecutor v. Rašić*, IT-98-32/1-R77.2, Trial Chamber, Written Reasons for Oral Sentencing Judgement, 6 March 2012, para. 1 (*exceeds 10 pages – excerpt attached*) (**Authority 6**).

### *International Criminal Tribunal for Rwanda (“ICTR”)*

30. *Muhimana v. The Prosecutor*, ICTR-95-1B-A, Appeals Chamber, Judgement, 21 May 2007, Annex A, para. 2 (*exceeds 10 pages – excerpt attached*) (**Authority 7**).
31. *Hategekimana v. The Prosecutor*, ICTR-00-55B-A, Appeals Chamber, Judgement, 8 May 2012, para. 1 (*exceeds 10 pages – excerpt attached*) (**Authority 8**).
32. *Ndahimana v. The Prosecutor*, ICTR-01-68-A, Appeals Chamber, Judgement, 16 December 2013, fn. 1 (*exceeds 10 pages – excerpt attached*) (**Authority 9**).
33. *Ndindiliyimana et al. v. The Prosecutor*, ICTR-00-56-A, Appeals Chamber, Judgement, 11 February 2014, para. 1 (*exceeds 10 pages – excerpt attached*) (**Authority 10**).
34. *Nzabonimana v. The Prosecutor*, ICTR-98-44D-A, Appeals Chamber, Judgement, 29 September 2014, fn. 1 (*exceeds 10 pages – excerpt attached*) (**Authority 11**).
35. *The Prosecutor v. Nyiramasuhuko et al.*, ICTR-98-42-A, Appeals Chamber, Judgement, 14 December 2015, para. 1 (*exceeds 10 pages – excerpt attached*) (**Authority 12**).

### *International Residual Mechanism for Criminal Tribunals (“MICT”)*

36. *Ngirabatware v. The Prosecutor*, MICT-12-29-A, Appeals Chamber, Judgement, 18 December 2014, para. 1 (*exceeds 10 pages – excerpt attached*) (**Authority 13**).

### *Special Court for Sierra Leone (“SCSL”)*

37. *Prosecutor v. Taylor*, SCSL-03-01-A, Appeals Chamber, Judgment, 26 September 2013, para. 12 (*exceeds 10 pages – excerpt attached*) (**Authority 14**).