

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

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**IMMEDIATE APPEAL AGAINST TRIAL CHAMBER'S SECOND DECISION ON
SEVERANCE AND RESPONSE TO CO-PROSECUTORS' SECOND SEVERANCE
APPEAL**

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CAMBODIAN LAW**ECCC Case Law and Pleadings***ECCC Statutes*

1. Internal Rule 107(1) (*not included – ECCC Legal Compendium*).
2. Practice Direction on Filing, *Practice Direction ECCC/01/2007/Rev. 7*, Art. 8.3 (*not included—ECCC Case File*).

Case 002

3. Document No. **E-124**, ‘Severance Order Pursuant to Internal Rule 89ter’, 22 September 2011 (*not included—ECCC Case File*).
4. Document No. **E-284**, ‘Decision on Severance of Case 002 `Following Supreme Court Chamber Decision of 8 February 2013’, 26 April 2013 (*not included—ECCC Case File*).
5. Document No. **E-124/7**, ‘Decision on Co-Prosecutors’ Request for Reconsideration of the Terms of the Trial Chamber’s Severance Order (E124/2) and Related Motions and Annexes’, 18 October 2011 (*not included—ECCC Case File*).
6. Document No. **E-163/5/1/13**, ‘Decision on the Co-Prosecutors’ Immediate Appeal of the Trial Chamber’s Decision Concerning the Scope of Case 002/01’, 8 February 2013 (*not included—ECCC Case File*).
7. Document No. **E-124/2**, ‘Co-Prosecutors’ Request for Reconsideration of “Severance Order Pursuant to Internal Rule 89ter”’, 3 October 2011 (*not included—ECCC Case File*).
8. Document No. **E-284/2/1**, ‘Co-Prosecutors’ Immediate Appeal of Second Decision on Severance of Case 002’, 10 May 2013 (*not included—ECCC Case File*).
9. Document No. **E-163**, ‘Co-Prosecutors’ Request to Include Additional Crime Sites within the Scope of Trial in Case 002/01, 27 January 2012 (*not included—ECCC Case File*).
10. Document No. **E-163/5/1/1**, ‘Co-Prosecutors’ Immediate Appeal of Decision Concerning the Scope of Trial in Case 002/01 with Annex I and Confidential Annex II’, 7 November 2012 (*not included—ECCC Case File*).

11. Document No. **E-96/8**, 'Co-Prosecutors' Further Request to Put Before the Chamber Written Statements and Transcripts with Confidential Annexes 1 to 16', 27 July 2012 (*not included—ECCC Case File*).
12. Document No. **E-278**, 'Co-Prosecutors' Submission of Revised Annexes 12 and 13 of their Rule 80(3) Trial Document List (Witness Statements and Complaints)', 9 April 2013 (*not included—ECCC Case File*).
13. Document No. **E-96/8**, 'Co-Prosecutors' Further Request to Put Before the Chamber Written Statements and Transcripts with Confidential Annexes 1 to 16', 27 July 2012, (*not included—ECCC Case File*).
14. Document No. **E-163/5**, Memorandum from the President of the Trial Chamber, 8 October 2012 (*not included—ECCC Case File*).
15. Document No. **E-145**, Memorandum from Trial Chamber, 29 November 2011 (*not included—ECCC Case File*).
16. Document No. **E-172/10**, Memorandum from Trial Chamber, 28 March 2012 (*not included—ECCC Case File*).
17. Document No. **E-172/27**, Memorandum, from Trial Chamber, 15 June 2012 (*not included—ECCC Case File*).
18. Document No. **A-110**, Memorandum from Co-Investigating Judges to Counsel for Nuon Chea, 10 January 2008 (*not included—ECCC Case File*).
19. Document No. **E-1/176.1**, 'Transcript of Trial Proceedings', 29 March 2013 (*not included—ECCC Case File*).
20. Document No. **E-1/172.1**, 'Transcript of Trial Proceedings', 20 February 2013 (*not included—ECCC Case File*).
21. Document No. **E-1/173.1**, 'Transcript of Trial Proceedings', 21 February 2013 (*not included—ECCC Case File*).
22. Document No. **E-1/177.1**, 'Transcript of Trial Proceedings', 8 April 2013 (*not included—ECCC Case File*).
23. Document No. **E-1/159.1**, 'Transcript of Trial Proceedings', 13 January 2013 (*not included—ECCC Case File*).
24. Document No. **E-1/150.1**, 'Transcript of Trial Proceedings', 7 December 2012 (*not included—ECCC Case File*).
25. Document No. **E-1/35.1**, 'Transcript of Trial Proceedings', 30 January 2012 (*not included—ECCC Case File*).

26. Document No. **E-1/171.1**, 'Transcript of Trial Proceedings', 18 February 2013 (*not included—ECCC Case File*).
27. Document No. **E-1/181.1**, 'Transcript of Trial Proceedings', 22 April 2013 (*not included—ECCC Case File*).
28. Document No. **E-1/182.1**, 'Transcript of Trial Proceedings', 23 April 2013 (*not included—ECCC Case File*).
29. Document No. **E-1/189.1**, 'Transcript of Trial Proceedings', 6 May 2013, (*not included—ECCC Case File*).
30. Document No. **E-1/94.1**, 'Transcript of Trial Proceedings', 23 July 2012, (*not included—ECCC Case File*).
31. Document No. **E-1/191.1**, 'Transcript of Trial Proceedings', 8 May 2013, (*not included—ECCC Case File*).
32. Document No. **E-1/58.1**, 'Transcript of Trial Proceedings', 3 April 2012, (*not included—ECCC Case File*).
33. Document No. **E-1/59.1**, 'Transcript of Trial Proceedings', 4 April 2012, (*not included—ECCC Case File*).
34. Document No. **E-163/5/11**, 'Preliminary Submissions Concerning the Applicable Law', 18 January 2013 (*not included—ECCC Case File*).
35. Document No. **E-278.2**, 'Overview of Revised Annexes 12 and 13', 10 April 2013 (*not included—ECCC Case File*).
36. Document No. **E-223/2/8**, 'Objections to Request to Put Before the Chamber Written Statements and Transcripts', 26 April 2013 (*not included—ECCC Case File*).
37. Document No. **E-3/20**, 'When the War Was Over' (*not included—ECCC Case File*).
38. Document No. **E-3/9**, 'Pol Pot: The History of a Nightmare' (*not included—ECCC Case File*).
39. Document No. **E-3/2412**, 'Kampuchea: A Revolutionary Economy' (*not included—ECCC Case File*).
40. Document No. **D-153.13**, 'Cambodia Termination Report' (*not included—ECCC Case File*).
41. Document No. **E-131/1/15.1**, 'Cambodia: Starvation and Revolution' (*not included—ECCC Case File*).
42. Document No. **E-131/1/13.3**, 'Racism, Marxism, Labelling and Genocide in Ben Kiernan's *The Pol Pot Regime*' (*not included—ECCC Case File*).

43. Document No. **D-140/1/1**, 'Khmer Rouge Victims in Cambodia, April 1975-January 1979: A Critical Assessment of Major Estimates' (*not included—ECCC Case File*).
44. Document No. **E-3/1822**, 'Oukoubah: Justice for the Cham Muslims under the Democratic Kampuchea Regime', 2002 (*not included—ECCC Case File*).
45. Document No. **E-3/2763**, 'Burial', 18 February 2008, (*not included—ECCC Case File*).
46. Document No. **E-232.4**, 'Cambodians Seek to Escape War in Northern City', 16 August 1973, (*not included—ECCC Case File*).

Case 001

47. Case 001/18-07-2007-ECCC-OCIJ, Document No. **D-99**, 'Closing Order', 8 August 2008, (*not included—ECCC Case File*).
48. Case 001/18-07-2007-ECCC/SC, Document No. **F-28**, 'Appeal Judgement', 3 February 2012, (*not included—ECCC Case File*).

DOMESTIC LAW & CASES

United States

49. 'Lawfulness of Lethal Operations Directed Against a U.S. Citizen Who Is a Senior Operational Leader of Al-Qa'ida or an Associated Force' (United States Department of Justice White Paper, 2012) (*attached*).

INTERNATIONAL LAW

Case Law from other International Courts

ICTY

50. *Prosecutor v. Milosevic*, 'Reasons for Decision on Prosecution Interlocutory Appeal from Refusal to Order Joinder', 18 April 2002 (*not attached – publicly available on line*).
51. *Prosecutor v. Mladic*, IT-09-92-PT, 'Decision on Consolidated Prosecution Motion to Sever the Indictment, to Conduct Separate Trials, and to Amend the Indictment', 13 October 2011 (*not attached – publicly available on line*).
52. *Prosecutor v. Furundzija*, IT-95-17/1-A, 'Judgment', 21 July 2000 (*not attached – publicly available on line*).

ICTR

53. *Prosecutor v. Kambanda*, ICTR-97-23-S, 'Judgment and Sentence', 4 September 1998
(not attached – publicly available on line).

OTHER Material**Books, Articles and Reports**

54. 'Cambodian Genocide Program: The CGP, 1994-2003', available at:
<http://www.yale.edu/cgp/>