

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

**FILING DETAILS**

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**CO-PROSECUTORS' COMBINED RESPONSE TO  
NUON CHEA'S APPEAL OF THE SECOND DECISION ON SEVERANCE  
AND REPLY TO HIS RESPONSE TO THE CO-PROSECUTORS' APPEAL**

**TABLE OF AUTHORITIES**

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## **ECCC LAW**

*(Not included - ECCC Legal Compendium)*

### **Core Legal Documents**

1. Extraordinary Chambers of the Courts of Cambodia, Internal Rules (Rev. 8), as revised on 3 August 2011, Rules 21(d), 104, 105, 106(2), 107.

### **Practice Directions**

2. Extraordinary Chambers of the Courts of Cambodia, Practice Direction on Filing Documents before the ECCC (Rev. 8), as revised on 10 May 2012, Art. 8.3.

### **Jurisprudence**

3. E288 Trial Chamber Memorandum on Announcement of remaining hearings prior to the close of evidentiary proceedings in Case 002/01 and scheduling of final Trial Management Meeting for 13 June 2013, 31 May 2013.
4. E284 Decision on Case 002 Following Supreme Court Chamber Decision of 8 February 2013, 26 April 2013.
5. 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.
6. E185/1 Decision on Objections to Documents Proposed to Be Put Before the Chamber in Co-Prosecutors' Annexes A6-A11 and A14-A20 and by the Other Parties, 3 December 2012.
7. E185/1.3 Decision on Objections to Documents Proposed to Be Put Before the Chamber in Co-Prosecutors' Annexes A6-A11 and A14-A20 and by the Other Parties: Annex C – Documents Proposed by the Co-Prosecutors, 3 December 2012.
8. E163/5 Notification of Decision on Co-Prosecutors' Request to Include Additional Crime Sites within the Scope of Trial in Case 002/01 (E163) and deadline for submission of applicable law portion of Closing Briefs, 8 October 2012.
9. E176/2 Decision on Rule 35 Applications of Summary Action, 11 May 2012.
10. E51/15/1/2.1 Dissenting Opinion of Judges Klonowiecka-Milart and Jayasinge to "Decision on Ieng Sary's Appeal Against Trial Chamber's Decision on Ieng Sary's Rule 89 Preliminary Objections (*Ne Bis In Idem* and Amnesty and Pardon)", 20 March 2012.

11. E138/1/7 Decision on Immediate Appeal Against the Trial Chamber's Order to Release the Accused Ieng Thirith, 13 December 2011.
12. E124/7 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.
13. E124/7.3 List of Paragraphs and Portions of the Closing Order Relevant to Case 002/01, amended further to the Trial Chamber's Decision on IENG Thirith's Fitness to Stand Trial (E138) and the Trial Chamber's Decision on Co-Prosecutors' Request to Include Additional Crime Sites within the Scope of Trial in Case 002/01 (E163), 18 October 2011.
14. E131 Scheduling Order for Opening Statements and Hearing on the Substance in Case 002, 18 October 2011.
15. D427 Closing Order, 15 September 2010.

## **INTERNATIONAL LAW**

### **Instruments**

16. International Committee of the Red Cross (ICRC), *Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I)*, 8 June 1977, 1125 UNTS 3, arts. 43-45. *(Not included – ICRC official website)*

### **Jurisprudence**

#### ***International Court of Justice (ICJ)***

17. North Sea Continental Shelf (*Denmark v Federal Republic of Germany; Netherlands v Federal Republic of Germany*), Judgment of 20 February 1969, ICJ Rep 4, 120 (Separate Opinion of Judge Ammoun). *(Not included – ICJ official website)*
18. *Temple of Preah Vihear (Cambodia v Thailand)*, Merits, Judgment of 15 June 1962, ICJ Rep 6, 39 (Separate Opinion of Judge Alfaro). *(Not included – ICJ official website)*

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

19. *Prosecutor v Casimir Bizimungu et al.*, Case No. ICTR-99-50-T, Decision on Defence Motion to Reconsider Order of 2 June 2008 Denying Admission of Church and School Records (ICTR Trial Chamber II), 23 July 2008 at paras. 9ff. *(Not included – ICTR official website)*

20. *Prosecutor v Édouard Karemera, Mathieu Ngirumpatse and Joseph Nzirorera*, Case No. ICTR-98-44-T, Decision on Joseph Nzirorera's Motion to Strike Allegation of Conspiracy with Juvenal Kajelijeli on the Basis of Collateral Estoppel, 16 July 2008. (*Not included – ICTR official website*)

## REGIONAL AND FOREIGN DOMESTIC LAW

### Jurisprudence

21. *Boizard (Liselotte) v Commission of the European Communities* [1982] 1 CMLR 157. (**Authority 1**)
22. *Cairncross v Lorimer* (1860) 3 Macq 827 (original unavailable; relevant passage cited in *City and Westminster Properties (1934) Ltd. v Mudd* [1959] Ch 129 at p. 146). (**Authority 2**)
23. *In re Kane*, 628 F.3d 631, 638-40 (3d Cir. 2010). (**Authority 3**)
24. *New Hampshire v. Maine*, 532 U.S. 742 (2001). (**Authority 4**)

### Commentaries & Opinions

25. Christopher Greenwood, 'Customary law status of the 1977 Geneva Protocols', in Astrid J. M. Delissen and Gerard J. Tanja (eds.), *Humanitarian Law of Armed Conflict: Challenges Ahead – Essays in Honour of Frits Kalshoven*, Martinus Nijhoff, Dordrecht, 1991, p. 103. (**Authority 5**)