

BEFORE THE SUPREME COURT CHAMBER**EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA****FILING DETAILS****Case No:** 002/19-09-2007-ECCC/SC**Party Filing:** The Defence for a named Suspect in Case 004**Filed to:** The Supreme Court Chamber**Original language:** ENGLISH**Date of document:** 12 January 2015**CLASSIFICATION****Classification of the document suggested by the filing party:****PUBLIC****Classification by OCIJ or Chamber:****សាធារណៈ/Public****Classification Status:****Review of Interim Classification:****Records Officer Name:****Signature:**

REQUEST TO SUBMIT AMICUS BRIEF ON JOINT CRIMINAL ENTERPRISE
TABLE OF AUTHORITIES

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Suzana TOMANOVIĆ**Distribution to:****The Supreme Court Chamber Judges:**Judge KONG Srim
Judge SOM Sereyvuth
Judge MONG Monichariya
Judge YA Narin
Judge Florence Ndepele Mwachande MUMBA
Judge Agnieszka KLONOWIECKA-MILART
Judge Chandra Nihal JAYASINGHE**Co-Prosecutors:**CHEA Leang
Nicholas KOUMJIAN**All Defence Teams****All Civil Parties**

Cambodian Law – ECCC Legal Compendium

1. Constitution of the Kingdom of Cambodia dated 24 September 1993 Modified by Kram dated 8 March 1999 promulgating the amendments to Articles 11, 12, 13, 18, 22, 24, 26, 28, 30, 34, 51, 90, 91, 93 and other Articles from Chapter 8 through Chapter 14 of the Constitution of the Kingdom of Cambodia which was adopted by the National Assembly on the 4th of March 1999, Arts. 19, 31, 38, 128.
2. Cambodian Penal Code 2009, Arts. 24-30, 183-198, partial translation in E180.

ECCC Law – ECCC Legal Compendium

3. Agreement between the United Nations and the Royal Government of Cambodia concerning the prosecution under Cambodian law of crimes committed during the period of Democratic Kampuchea, 6 June 2003, Arts. 3(3), 6(2), 12(2), 13(1).
4. Law on the Establishment of Extraordinary Chambers in the Courts of Cambodia for the prosecution of crimes committed during the period of Democratic Kampuchea, with inclusion of amendments, as promulgated on 27 October 2004 (NS/RKM/1004/006), Arts. 10 new, 33 new, 35 new.
5. ECCC Internal Rules, Rules 21, 33, 104, 105, 106.
6. Practice Direction ECCC/01/2007/Rev.8, Filing of Documents before the ECCC, Article 8.3.

ECCC Filings and Jurisprudence – Already on the Case File

7. *Case 002*, Co-Prosecutors' Appeal Against the Judgment of the Trial Chamber in Case 002/01, 28 November 2014, F11.
8. *Case 002*, Decision on IENG Sary's Appeal against Co-Investigating Judges' Decision Refusing to Accept the Filing of IENG Sary's Response to the Co-Prosecutors' Rule 66 Final Submission and Additional Observations, and Request for Stay of Proceedings, 20 September 2010, D390/1/2/4.
9. *Case 002*, Decision on KHIEU Samphan's Appeal against the Order on Translation Rights and Obligations of the Parties, 20 February 2009, A190/I/20.

10. *Case 002*, Decision on IENG Sary's Appeal against the Closing Order, 11 April 2011, D427/1/30.
11. *Case 002*, Decision on IENG Thirith's Appeal Against the Co-Investigating Judges' Order Rejecting the Request for Stay of Proceedings on the Basis of Abuse of Process, 10 August 2010, D264/2/6.
12. *Case 004*, Decision on ██████████ Request to the Co-Investigating Judges to Order the OCIJ Greffier to Immediately Place the Defence's Filings on the Case File, 4 August 2014, D202/2.
13. *Case 002*, Co-Prosecutors' Notice of Appeal of a Decision in Case 002/01, 29 September 2014, E313/3/1.
14. *Case 001*, Appeal Judgement, 3 February 2012, F28.
15. *Case 002*, Decision on the Appeals of the Co-Investigative Judges['] on Joint Criminal Enterprise (JCE), 20 May 2010, D97/14/15.
16. *Case 002*, Decision on the Applicability of Joint Criminal Enterprise, 12 September 2011, E100/6.
17. *Case 002*, Co-Prosecutors' Request for the Trial Chamber to Consider JCE III as an Alternative Mode of Liability, 17 June 2011, E100.
18. *Case 002*, Decision on IENG Sary's Application to Disqualify Judge Nil Nonn and Related Requests, 28 January 2011, E5/3.

International Conventions

19. International Covenant on Civil and Political Rights, Adopted and opened for signature, ratification and accession by United Nations General Assembly resolution 2200A (XXI) of 16 December 1966, entry into force 23 March 1976 in accordance with Article 49, Arts. 14, 15 – *ECCC Legal Compendium*.

ICTY Jurisprudence

20. *Prosecutor v. Prlić et al.*, IT-04-74-T, Judgement, 28 May 2013, Separate and Partially Dissenting Opinion of Presiding Judge Antonetti, Judgement Volume VI, pp. 100-182 – *Attachment 1*.

ICC Jurisprudence

21. *Prosecutor v. Lubanga Dyilo*, ICC-01/04-01/06, Decision on the Confirmation of Charges, 29 January 2007, paras. 322-41 – *Attachment 2*.

Miscellaneous

22. Emails from Case File Officer to the Defence, “Authorities for Co-Prosecutors’ Appeal Against the Judgment of the Trial Chamber in Case 002/01,” 2 December 2014 – *Attachment 3*.