

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

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**NUON CHEA'S RESPONSE TO CO-PROSECUTORS' APPEAL AGAINST THE
TRIAL JUDGEMENT IN CASE 002/01**

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I. ECCC LAW

A. ECCC Key Documents

1. Law on the Establishment of the Extraordinary Chambers, with inclusion of amendments as promulgated on 27 October 2004 (NS/RKM/1004/006)
2. Internal Rules (Rev.8), revised on 3 Aug 2011
3. Practice Direction for the Filing of Documents, Practice Direction ECCC/01/2007/Rev.8

B. ECCC Decisions and Orders

4. Doc No. **E100/6**, ‘Decision on the Applicability of Joint Criminal Enterprise’, 12 Sep 2011
5. Doc No. **D97/15/9**, ‘Decision on the Appeals against the Co-Investigative Judges Order on Joint Criminal Enterprise (JCE)’, 20 May 2010
6. Doc No. **F13/2**, ‘Decision on Defence Motions for Extension of Pages to Appeal and Time to Respond’, 11 Dec 2014
7. *Case 001*, Doc. No. **F28**, ‘Judgement’, 001/18-07-2007-ECCC/SC, 3 Feb 2012

C. ECCC Party Filings

8. Doc No. **F11**, ‘Co-Prosecutors’ Appeal against the Judgement of the Trial Chamber in Case 002/01’, 28 Nov 2014
9. Doc No. **F12**, ‘Demande urgente de la défense de M. KHIEU Samphân aux fins de prorogation du délai de réponse au mémoire d’appel des Co-procureurs’, 1 Dec 2014
10. Doc No. **F14**, ‘Nuon Chea’s Urgent Request for An Extension of Time to Respond to the Co-Prosecutors’ Appeal against the Case 002/01 Judgement’, 2 Dec 2014
11. Doc. No. **F16**, ‘Nuon Chea’s Appeal Against the Judgment in Case 002/01’, 29 Dec 2014

II. INTERNATIONAL JURISPRUDENCE

A. ICJ Jurisprudence

12. *Case concerning Barcelona Traction, Light and Power Company, Ltd. (Belgium v. Spain)*, ‘Judgement’, [1970] ICJ Report 3, para. 50 – *Authority 1*
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B. ECtHR Jurisprudence

14. *Hirsi Jamaa and Others v. Italy*, ‘Judgement’, ECtHR, App. No. 27765/09, 23 Feb 2012, para. 175 – *Authority 3*
15. *Kononov v. Latvia*, ‘Judgement’, ECtHR, App. No. 36376/04, 17 May 2010, para. 185 – *Authority 4*

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17. *Prosecutor v. Blaškić*, ‘Judgement’, Case. No. IT-95-14-A, 29 Jul 2004
18. *Prosecutor v. Tadić*, ‘Judgement’, Case. No. IT-94-1-A, 15 Jul 1999
19. *Prosecutor v. Brđanin*, ‘Judgement’, Case. No. IT-99-36-A, 3 Apr 2007
20. *Prosecutor v. Furundžija*, ‘Judgement’, Case No. IT-95-17/1-T, 10 Dec 1998
21. *Prosecutor v. Erdemović*, ‘Joint Separate Opinion of Judge McDonald and Judge Vohrah’, Case. No. IT-96-22-A, 7 Oct 1997

D. IMT Jurisprudence

22. Trial of the Major War Criminals before the International Military Tribunal, Nuremberg, 14 Nov 1945-1 Oct 1946, Vol. XXII, .pp. 567-568, 577-578 – **Authority 5**

E. Jurisprudence of Control Council Law No. 10 Tribunals

23. *Trial of Hans Renoth and Three Others*, British Military Court, 8-10 Jan 1946, ‘Law Reports of the Trials of War Criminals’, UNWCC, Vol. XI, pp. 76-77 – **Authority 6**
24. *The Pohl Case*, ‘Trials of War Criminals before the Nuremberg Military Tribunals under Control Council Law No. 10’, Vol. V, pp. 1040-1047 – **Authority 7**
25. *The RuSHA Case*, ‘Trials of War Criminals before the Nuremberg Military Tribunals under Control Council Law No. 10’, Vol. V, pp. 43, 117-118, 120, 161 – **Authority 8**
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28. Review of Proceedings of General Military Court in the Cases of United States v. Martin Weiss and Others (see, Doc. No. **F11.1.55**)
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30. *Trial of Franz Schonfeld and Nine Others*, British Military Court, 11-26 Jun 1946, ‘Law Reports of the Trials of War Criminals’, UNWCC, Vol. XI, pp. 68-72 – **Authority 11**

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31. *Queen v. Shoichi Ikeda*, Judgement No. 72A/1947, 30 Mar 1948 (see, Doc. No. **F11.1.59**)

III. DOMESTIC JURISPRUDENCE

Cambodia

32. 1956 Cambodian Penal Code, Article 82

France

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Iraq

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