

**BEFORE THE CO-INVESTIGATING JUDGES
EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA**

FILING DETAILS

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INTERNATIONAL CO-PROSECUTOR'S REQUEST THAT APPOINTMENT OF CO-LAWYERS-DESIGNATE BE REJECTED ON THE BASIS OF IRRECONCILABLE CONFLICTS OF INTEREST

TABLE OF AUTHORITIES

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ECCC DOCUMENTS

Core Documents

1. Law on Establishment of the Extraordinary Chambers in the Courts of Cambodia, with inclusion of amendments as promulgated on 27 October 2004, Arts. 16, 33 new.
2. 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. 6, 21.1.
3. Extraordinary Chambers of the Courts of Cambodia, Internal Rules (Rev. 8), as revised on 3 August 2011, Rules 11(6), 18(3)(a), 22(2)(a), 49, 73(4), 74(2), 74(3).
4. Practice Direction 004/2009, Classification and Management of Case-Related Information, 5 June 2009.
5. Practice Direction ECCC/2007/1/Rev.8, Filing of documents before the ECCC, 7 March 2012, Arts. 8.5.
6. DSS Administrative Regulations, Arts. 1.2, 5, 6.

ECCC Jurisprudence

7. **E236/2/4 E189.1** Memorandum from the Chief of the DSS, “Kaing Guek Eav: Permanent Assignment of Kang Ritheary”, 5 August 2010 at para. 3.
8. **E189** Memorandum from the President of the Trial Chamber, “Notification of Assignment of Co-Lawyer”, 6 August 2010.
9. **E236/2** Memorandum to the Parties, “Announcement of Upcoming Witnesses”, 26 November 2012.
10. **D1.3.11.3** List of arrestees from Division 164, 20 November 2008.
11. **D1.3.33.15** Written Record of Interview of Charged Person, 20 November 2008 at ERN E00156751.
12. **D427** Closing Order, 28 September 2012 at paras. 122, 159, 383-398, 424-433, 836-840.
13. **E188** Judgment, 26 July 2010, paras. 607, 608, 609.
14. **E236/2/4** Co-Prosecutor’s Urgent Request to Disclose the Identity of TCW-425 to the Co-Investigating Judges, 19 December 2012.
15. **E236/2/4/1** Memorandum to the Office of Co-Prosecutors, “Request to disclose identity of witness”, 20 December 2012.
16. **E51/14** Decision on Nuon Chea’s preliminary objection alleging the unconstitutional character of the ECCC Internal Rules, 8 August 2011.
17. **D ____** International Co-Prosecutor’s Urgent Request to Suspend Consideration of any Order Confirming Appointment of Co-Lawyers-Designate, 17 December 2012.

ECCC evidence

18. 'KR Navy commander Meas Muth Requests Tribunal Lawyer', Cambodia Daily, Wednesday August 15 2012, ERN 00871795. (*Authority 1*).
19. 'Lawyers assigned in Case 003', Phnom Penh Post, December 17, 2012, ERN 00869835-00869835. (*Authority 2*).
20. 'Meas Muth requests counsel', Phnom Penh Post, Thursday August 16 2012, ERN 00871796. (*Authority 3*).
21. **D1** Second Introductory Submission Regarding the Revolutionary Army of Democratic Kampuchea, 20 November 2008 at paras. 42-43, 47- 52, 60-62, 89-90, 93, 96-97.
22. **IS18.59** Confidential Telephone Message on 1/4/78: Report about Total number of arrested and fired Vietnamese enemy, 28 April 2008. See D4.1.635.
23. **E3/28** Communist Party of Kampuchea Statute, 30 April 2009, Arts. 7(1), 23. 'International Co-Prosecutor's Urgent Request to Suspend Consideration of any Order Confirming Appointment of Co-Lawyers-Designate', 17 December 2012.
24. **D1.3.34.60** DK Military Telegram by MEAS Mut entitled "Telegram 00-Radio Band 354-Respectfully Presented to the Office 870 Committee".
25. **E249** Ieng Sary's Notice of Withdrawal of Waivers of Right to be Present During the Testimony of Certain Witness and Civil Parties, 6 December 2012.

CAMBODIAN LAW

26. Cambodian Code of Ethics, Arts. 16, 19, 20 (*Authority 4*).

INTERNATIONAL LAW**Instruments**

27. Statute of the International Criminal Tribunal for the Former Yugoslavia (Adopted 25 May 1993 By Resolution 827), art. 21(4)(b). (*Not included – available on ICTY website*).
28. Code of Professional Conduct for Counsel Appearing Before the International Tribunal, Arts. 14. (*Exceeds 10 pages – excerpt attached*) (*Authority 5*).
29. Code of Professional Conduct for Counsel Before the International Criminal Court, Article (8)(6)(b)(ii). (*Exceeds 10 pages – excerpt attached*) (*Authority 6*).

Jurisprudence

International Criminal Tribunal for the former Yugoslavia

30. *Prosecutor v. Perišić*, Case No. it-04-81PT, Decision (ICTY Appeal Chamber), 7th April 2006, ps. 1, 2. *(Not included-available on ICTY website)*.
31. *Prosecutor v. Prlić*, Case No. IT-04-74-AR73.1, Decision on appeal by Bruno Stojic against Trial Chamber's decision on request for appointment of counsel (ICTY Appeal Chamber), 24th November of 2004, para. 16. *(Not included-available on ICTY website)*.
32. *Prosecutor v. Prlić*, Case. No. IT-04-74-PT, Decision on request for appointment of counsel, Trial Chamber (ICTY Appeal Chamber), 3th July 2004, paras. 24, 25, 27. *(Not included-available on ICTY website)*.
33. *Prosecutor v. Mejakić*, Case no. IT-02-65-PT, Decision on prosecution motion to resolve conflict of interest regarding attorney jovan simic (ICTY Trial Chamber), 18th September 2003. *(Not included-available on ICTY website)*.
34. *Prosecutor v. Mejakić*, Case no. IT-02-65-AR73.1, Decision on appeal by the prosecution to resolve conflict of interest regarding attorney Jovan Simic, (ICTY Appeal Chamber), 6th October 2004, para. 15. *(Not included-available on ICTY website)*.
35. *Prosecutor v. Gotovina*, Case No. IT-06-90-AR73.2, Decision on Ivan Čermak's Interlocutory Appeal Against Trial Chamber's Decision on Conflict of Interest of Attorney's Čedo Prodanović and Jadranka Sloković, (ICTY Appeals Chamber), 29 June 2007, paras 21 & 27-28. *(Not included-available on ICTY website)*.

REGIONAL AND FOREIGN DOMESTIC LAW

Domestic Law

36. American Bar Association Model Rules of Professional Conduct, Rule 1.7. *(Exceeds 10 pages – excerpt attached) (Authority 7)*.
37. Décret n°2005-790 du 12 juillet 2005 relatif aux règles de déontologie de la profession d'avocat, Version consolidée au 30 décembre 2011, Art. 7. *(Exceeds 10 pages – excerpt attached) (Authority 8)*.
38. Dutch Code of Conduct of Advocates 1992, Rule 7. *(Exceeds 10 pages – excerpt attached) (Authority 9)*.
39. European Union Code of Conduct for Lawyers, Rule 3.2. *(Exceeds 10 pages – excerpt attached) (Authority 10)*.
40. Code de procédure pénale Français, Art. 274. *(Exceeds 10 pages – excerpt attached) (Authority 11)*.
41. German Code of Criminal Procedure, Section 146. *(Exceeds 10 pages – excerpt attached) (Authority 12)*.

42. United Kingdom Solicitor’s Code of Conduct 2007, Rule 3.01(2). (*Exceeds 10 pages – excerpt attached*) (**Authority 13**).

Jurisprudence

43. Cour de Cassation, Chambre Civile 1, Pourvoi no. 91-1554820, Janvier 1993, Bulletin 1993 I N° 22 p. 14 (France). (*Exceeds 10 pages – excerpt attached*) (**Authority 14**).
44. *Wheat v. United States*, 486 U.S. 153 (United States Supreme Court 1988). 162-163 (*Exceeds 10 pages – excerpt attached*) (**Authority 15**).

PRESS RELEASE

45. Press Release, “Mr. Ang Udom and Mr. Michael G. Karnavas assigned as Defence Counsel to Represent a Suspect in Case 003”, 14 December 2012. (*Exceeds 10 pages – excerpt attached*) (**Authority 16**).