

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

FILING DETAILS

Case No: 003/07-09-2009-ECCC/OCIJ, **Party Filing:** International Co-Prosecutor
004/1/07-09-2009-ECCC/OCIJ & 004/07-09-
2009-ECCC/OCIJ

Filed to: Co-Investigating Judges

Original language: English

Date of document: 19 May 2016



CLASSIFICATION

Classification of the document suggested by the filing party: PUBLIC

Classification by OCIJ:

Classification Status:

Review of Interim Classification:

Records Officer Name:

Signature:

**INTERNATIONAL CO-PROSECUTOR'S RESPONSE TO THE
INTERNATIONAL CO-INVESTIGATING JUDGE'S CALL FOR SUBMISSIONS
REGARDING CRIMES AGAINST HUMANITY**

TABLE OF AUTHORITIES

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ECCC LAW

Core Legal Documents

(Not included – ECCC Legal Compendium)

1. Law on the Establishment of Extraordinary Chambers in the Courts of Cambodia for the Prosecution of Crimes Committed During the Period of Democratic Kampuchea *as amended on 27 October 2004.*

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2. **E188** Judgement, 26 July 2010, paras 304-306, 311. *(Case 001)*
3. **E95/8** Decision on Co-Prosecutors' Request to Exclude Armed Conflict Nexus Requirement from the Definition of Crimes Against Humanity, 26 October 2011. *(Case 002)*
4. **E313** Case 002/01 Judgment, 7 August 2014, paras 183-187, 190-191, 194. *(Case 002)*

Office of the Co-Investigating Judges (OCIJ)

5. **D87/2/1.7/1** Decision on Meas Muth's Request for Clarification concerning Crimes against Humanity and the Nexus with Armed Conflict, 5 April 2016. *(Case 003)*
6. **D191/D306** Call for Submissions by the Parties in Cases 003 and 004 and Call for *Amicus Curiae* Briefs, 19 April 2016.

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Instruments

7. Declaration Renouncing the Use, in Time of War, of Explosive Projectiles Under 400 Grammes Weight, St. Petersburg, 29 November-11 December 1868, preamble. **(Authority 1)**
8. The Laws of War on Land, adopted by the Institute of International Law, Oxford, 9 September 1880, art. 1. *(Exceeds 10 pages – excerpt attached)* **(Authority 2)**
9. Convention (II) with Respect to the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land, The Hague, 29 July 1899, art. 22. **(Authority 3)**
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14. International Convention on the Elimination of All Forms of Racial Discrimination, New York, adopted on 21 December 1965 and entered into force 4 January 1969, 660 UNTS 212, preamble and art. 2. (**Authority 7**)
15. International Convention on the Suppression and Punishment of the Crime of *Apartheid*, New York, 30 November 1973, 1015 UNTS 243. (**Authority 8**)
16. 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, art. 50. (*Exceeds 10 pages – excerpt attached*) (**Authority 9**)
17. International Covenant on Civil and Political Rights, New York, 16 December 1966, preamble (recital 1) and arts 6-10, 14, 18, 23, 26, 27. (*Not included –ECCC Legal Compendium*)

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18. *Prosecutor v. Kunarac et al.*, IT-96-23 & IT-96-23/1-A, Appeals Chamber, Judgment, 12 June 2002, para. 85. (*Exceeds 10 pages – excerpt attached*) (**Authority 10**)
19. *Prosecutor v. Blaškić*, IT-95-14-A, Appeals Chamber, Judgment, 29 July 2004, para. 110. (*Exceeds 10 pages – excerpt attached*) (**Authority 11**)
20. *Prosecutor v. Martić*, IT-95-11-A, Appeals Chamber, Judgment, 8 October 2008, paras 302, 307-314. (*Exceeds 10 pages – excerpt attached*) (**Authority 12**)
21. *Prosecutor v. Mrškić & Šljivančanin*, IT-95-13/1-A, Appeals Chamber, Judgment, 5 May 2009, paras 29, 32-33, 41. (*Exceeds 10 pages – excerpt attached*) (**Authority 13**)
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26. Antonio Cassese, *International Criminal Law*, Third Edition (Oxford University Press, 2013), pp. 102-103. (**Authority 17**)

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27. UK Ministry of Defence, “The Joint Service Manual of the Law of Armed Conflict” (2004), paras 5.4.1, 15.9.1. (*Exceeds 10 pages – excerpt attached*) (**Authority 18**)

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29. *Grigoriades v. Greece*, ECtHR, Application No. 24348/94, Judgment (Merits and Just Satisfaction), 25 November 1997, para. 45. (*Exceeds 10 pages – excerpt attached*) (**Authority 20**)

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32. *R.*, Entscheidungen des Oberste Gerichtshofes für die Britische Zone 1 (OGHSt 1), 27 July 1948, 45-49. (*Exceeds 10 pages – excerpt attached*) (**Authority 23**)

