

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

FILING DETAILS

Case No: 003/07-09-2009-ECCC-OCIJ **Party Filing:** *Amicus Curiae* –
Professor Ben SAUL

Filed to: Greffier of the Office of OCIJ **Original Language:** ENGLISH
Chhay.Chanlyda@eccc.gov.kh

Date of Document: 19 May 2016

ឯកសារដើម
ORIGINAL/ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ (Date): 23-May-2016, 11:27
CMS/CFO: Sann Rada

***AMICUS CURIAE* BRIEF IN CASES 003 AND 004 – PROFESSOR BEN SAUL**

TABLE OF AUTHORITIES (PLUS ANNEXURES 1-3)

Filed by:

Professor Ben SAUL
ben.saul@sydney.edu.au

INTERNATIONAL LAW

Treaties

Additional Protocol I 1977
 Charter of the International Military Tribunal at Nuremberg 1945
 Council Control Law No. 10 1945
 Geneva Conventions 1949
 Vienna Convention on the Law of Treaties 1969

Case Law

Anglo-Norwegian Fisheries (UK v Norway) [1951] ICJ Rep 116
Prosecutor v Blaškić, IT-95-14-A, Appeals Chamber Judgment, 29 July 2004
Prosecutor v Galić, IT-98-29-A, Appeals Chamber Judgment, 30 November 2006
Prosecutor v Galić, IT-98-29-T, Trial Chamber Judgment, 5 December 2003
Prosecutor v Kunarac, IT-96-23 & IT-96-23/1-A, Appeals Chamber Judgment, 12 June 2002
Prosecutor v Martić, IT-95-11-A, Appeals Chamber Judgment, 8 October 2008
Prosecutor v Mrkšić, IT-95-13/1-A, Appeals Judgment, 5 May 2009
Prosecutor v Mrkšić, IT-95-13/1-T, Trial Chamber Judgment, 27 September 2007
Prosecutor v Norman et al, SCSL-04-14-A, Judgment, 28 May 2008
Prosecutor v Tadić (Interlocutory Appeal on Jurisdiction), IT-94-1, Appeals Chamber, 2 October 1995
Prosecutor v Tadić, IT-94-1-A, Appeals Chamber Judgment, 15 July 1999

ECCC Cases

Case File 002-D427/3/15, ECCC Decision on Appeals by Nuon Chea and Ieng Thirith against the Closing Order, 15 February 2011
 Case File No. 001/18-07-2007-ECCC/SC, Supreme Court Chamber Appeal Judgment, 3 February 2012
 Case File No. 001-E188, ECCC Trial Chamber Judgment, 28 July 2010
 Case File No. 002-E313, ECCC Trial Chamber Judgment, 7 August 2014
 Case File No. 003/07-09-2009-ECCC-OCIJ, Decision on Meas Muth's Request for Clarification Concerning Crimes against Humanity and the Nexus with Armed Conflict, 5 April 2016
 Decision on Ieng Sary's Appeal against the Closing Order, ECCC Pre-Trial Chamber, D427/1/30, 11 April 2011

Commentaries

Cassese A et al, *Cassese's International Criminal Law* (3rd ed, OUP, Oxford, 201) [see [Annex 2](#)]
Dictionnaire de l'Académie française (9th edition), online
 Merriam Webster Dictionary, online
 Oxford English Dictionary, online
 Schabas W, *The ICC: A Commentary on the Rome Statute* (OUP, Oxford, 2010)
 Werle G, *Principles of International Criminal Law* (TMC Asser Press, The Hague, 2005)

NATIONAL LAW

Case Law [see Annex 1]

H case, 18 October 1949, Entscheidungen in Strafsachen des Obersten Gerichtshofes für die Britische Zone ('Entscheidungen'), vol. II (W de Gruyter, Berlin, 1949), 231-246
P and Others case, 7 December 1948, Entscheidungen, vol. I (1949), 217-229
R case, 27 July 1948, Entscheidungen, vol. I (1949), 45-49