

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

FILING DETAILS

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**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.

Jurisprudence

Trial Chamber

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.

INTERNATIONAL LAW

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)**
10. Convention (IV) respecting the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land, The Hague, 18 October 1907, art. 22. **(Authority 4)**

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13. Convention for the Protection of Human Rights and Fundamental Freedoms, Rome, 4 November 1950, 213 UNTS 221, arts 1-5, 7 9, 14. (*Exceeds 10 pages – excerpt attached*) (**Authority 6**)
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*)

Jurisprudence

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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**)
22. *Prosecutor v. Tolimir*, IT-05-88/2-A, Appeals Chamber, Judgment, 8 April 2015, paras 141-143. (*Exceeds 10 pages – excerpt attached*) (**Authority 14**)

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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**)

