

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

**FILING DETAILS**

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**YIM TITH'S COMBINED RESPONSE TO BRIEFS SUBMITTED BY *AMICI  
CURIAE* PURSUANT TO D306  
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**Cambodian Law – *ECCC Legal Compendium and Attached as Annex***

1. 1954 Cambodian Code of Military Justice, Article 162, Article 164 and Article 167 -  
– *Attachment 1*.
2. Law on the Establishment of the Extraordinary Chambers in the Courts of Cambodia for the Prosecution of Crimes Committed during the Period of Democratic Kampuchea, 27 October 2004, Article 35 new.

**ECCC Law – *ECCC Legal Compendium***

1. ECCC Internal Rules, Rule 33(2).

**ECCC Filings and Jurisprudence for Case 004 – *Already on the Case File***

2. Call for Submissions by the Parties in Cases 003 and 004 and Call for Amicus Curiae Briefs, 19 April 2016, D306.
3. Yim Tith's Submission on the Interpretation on the Term 'Civilian Population' for the Purposes of Article 5 of the Establishment Law, 19 May 2016, D306/1.
4. International Co-Prosecutor's Response to the International Co-Investigating Judge's Call for Submissions Regarding Crimes Against Humanity, 19 May 2016, D306/2.
5. Ao An's Submission on Whether an Attack by a State or Organisation Against Members of its Own Armed Forces Could Qualify as a Crime Against Humanity Under Customary International Law in 1975-1979, 19 May 2016, D306/3.
6. Amicus Curiae Brief in Cases 003 and 004 – Professor Ben Saul, 19 May 2016, D306/4.
7. Amicus Curiae Brief for Cases 003 and 004, 19 May 2016, D306/5.
8. Amicus Curiae Brief, 19 May 2016, D306/6.
9. Amicus Curiae Brief of Professors Robinson, deGuzman, Jalloh and Cryer on Crimes Against Humanity (Cases 003 and 004), 17 May 2016, D306/7.
10. Brief of Ido Rosenzweig, Amicus Curiae on the question whether under customary international law applicable between 1975 and 1979, an attack by a state of

organization against members of its own armed forces may amount to an attack directed against a civilian population for the purposes of Article 5 of the ECCC Law (crimes against humanity), undated, D306/8.

11. Brief of Dr. Joanna Nicholson as Amicus Curiae in Support of Neither Party, 15 May 2016, D306/9.
12. Amicus Curiae for International Co-Investigating Judge, 17 May 2016, D306/10.
13. Amicus Curiae Brief in Response to Call for Submissions by the Parties in the Cases 003 and 004 and Call for Amicus Curiae Briefs, undated, D306/11.
14. Amicus Curiae Brief Filed by Drs Williams and Grey in Response to Call for Amicus Curiae Briefs in Cases 003 and 004 dated 19 April 2016, 19 April 2016, D306/12.
15. Amicus Brief filed by the Center for International and Comparative Law, University of Baltimore School of Law on the Legality of Targeting Members of One's Own Military, 18 May 2016, D306/13.
16. Queen's University Belfast Human Rights Centre Response to the ECCC Office of the Co-Investigating Judges' 'Call for Submissions by the Parties in Cases 003 and 004 and Call for Amicus Curiae Briefs', 12 May 2016, D306/14.

#### **ECCC Filings and Jurisprudence**

17. Case 003, Meas Muth's Submission on the Question of Whether Under Customary International Law in 1975-1979 An Attack by a State or Organization Against Its Own Armed Forces Could Amount to an Attack Directed Against a Civilian Population for Purposes of Article 5 of the Establishment Law, 19 May 2016, D191/2.
18. Case 002, Decision on Immediate Appeal by KHIEU Samphan on Application for Release, 6 June 2011, E50/3/1/4.

#### **Books/Commentaries – Attached as Annex.**

19. Antonio Cassese and Paola Gaeta, *Cassese's International Criminal Law*, Oxford University Press, 2013 – *Attachment 2*.
20. ICRC, Customary IHL Database, Rule 1, 29 June 2016, *available at* [https://www.icrc.org/customary-ihl/eng/docs/v1\\_cha\\_chapter1\\_rule1](https://www.icrc.org/customary-ihl/eng/docs/v1_cha_chapter1_rule1) – *Attachment 3*.
21. ICRC, Customary IHL Database, Rule 21, 29 June 2016, *available at* [https://www.icrc.org/customary-ihl/eng/docs/v1\\_rul\\_rule21](https://www.icrc.org/customary-ihl/eng/docs/v1_rul_rule21) – *Attachment 4*.
22. Egon Schwelb, 'Crimes Against Humanity', (1946) 23 *British Yearbook of International Law*.

**International Jurisprudence – Attached as Annex.**

23. *Prosecutor v Matić*, Trial Chamber, Judgment, 12 June 2007, IT-95-11-T – *Attachment 5*.
24. *Prosecutor v Matić*, Appeal Chamber, Judgment, 8 October 2008, IT-95-11-A – *Attachment 6*.

**Inter-Office Communication – Attached as Annex.**

25. Email from Interpretation and Translation Unit to the Defence, '*Re: Translation of Motion*', 5 July 2016 – *Attachment 7*.
26. Email from Chanlyda Chhay, on behalf of the International Co-Investigating Judge, '*Clarification on D191 in Case File 003 and D306 in Case File 004*', 26 May 2016 – *Attachment 8*.
27. Email from Case File Officer Notification, '*Translations: Case File No. 004*', 24 June 2016 – *Attachment 9*.