

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

Case No: 002/19-09-2007-ECCC/OCIJ
Filed to: Office of the Co-Investigating Judges
Filing Date: 30 December 2008
Filing Party: NUON Chea Defence Team
Languages: English (original) and Khmer (translation)
Type: Public

**SUBMISSIONS ON APPLICABILITY AT THE ECCC OF THE FORM
OF RESPONSIBILITY KNOWN AS JOINT CRIMINAL ENTERPRISE**

ឯកសារដើម
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Date de reception): 30 12 2008
ម៉ោង (Time/Heure): 16 : 00
មន្ត្រីទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé du dossier: SANN PADA

ឯកសារច្បាប់តាមប្រព័ន្ធគ្រប់គ្រងឯកសារ
CERTIFIED COPY/COPIE CERTIFIÉE CONFORME
ថ្ងៃ ខែ ឆ្នាំ ត្រឹមត្រូវ (Certified Date/Date de certification): 31 12 2008
មន្ត្រីទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé du dossier: K. K. Ratanak

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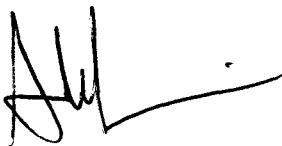
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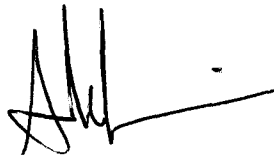
Co-Prosecutors:
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SUBMISSIONS

1. Pursuant to the 'Order on Applicability at the ECCC of the Form of Responsibility Known as Joint Criminal Enterprise'¹, counsel for Charged Person NUON Chea (the 'Defence') submit that the issue for determination by the Office of the Co-Investigating Judges has been correctly and sufficiently addressed by counsel for Charged Persons IENG Sary² and IENG Thirith³.
2. Accordingly, the Defence hereby:
 - a. endorses and adopts the IENG Sary Submissions;
 - b. endorses and adopts the IENG Thirith Submissions; and
 - c. opposes and rejects the submissions of the Office of the Co-Prosecutors⁴.
3. The Defence reserves its right to make any further submissions on this issue at any appropriate time during the pending judicial investigation, at trial, and/or on appeal.

CO-LAWYERS FOR NUON CHEA

SON Arun



Michiel PESTMAN and Victor KOPPE

¹ Document No D97/III.

² See Document Nos D97 and D97/7 (including Annexes A and B) (the 'IENG Sary Submissions').

³ See 'IENG Thirith Submissions on the Application at the ECCC of the Form of Liability Known as Joint Criminal Enterprise pursuant to the Order of the Co-Investigating Judges of 16 September 2008' (the 'IENG Thirith Submissions'). *N.B.* At the time of filing, this document had not yet been assigned an official document number.

⁴ See Document No D97/II.