


BEFORE THE SUPREME COURT CHAMBER
EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA

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IMMEDIATE APPEAL AGAINST THE TRIAL CHAMBER DECISION
REGARDING THE FAIRNESS OF THE JUDICIAL INVESTIGATION

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CAMBODIAN LAW

Constitutions, Statutes, and Rules

1. ECCC Internal Rules: Rules 35, 104, 105, 106, 107, 109 (*not included—ECCC Legal Compendium*)

ECCC Case Law

2. Document No **E-50/2/1/4**, SCC ‘Decision on Immediate Appeals by Nuon Chea and Ieng Thirith on Urgent Applications for Immediate Release’, 3 June 2011, ERN 00702255–00702274 (*not included—ECCC Case File*)
3. Document No **E-65/9**, Trial Chamber ‘Decision on Group 1–Civil Parties’ Co-Lawyers’ Request that the Trial Chamber Facilitate the Disclosure of an UN-OIOS Report to the Parties’, 23 September 2009, ERN 00378404–00378404 (*not included—ECCC Case File*)
4. Document No **D-314/1/12**, PTC ‘Second Decision on Nuon Chea’s and Ieng Sary’s Appeal Against OCIJ Order on Requests to Summons Witnesses’, 9 September 2010, ERN 00600748–00600774 (*not included—ECCC Case File*)
5. Document No **D-314/2/7**, PTC ‘Decision on Nuon Chea’s and Ieng Sary’s Appeal against OCIJ Order on Requests to Summon Witnesses’, 8 June 2010, ERN 00527392–00527420 (*not included—ECCC Case File*)
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INTERNATIONAL & FOREIGN MUNICIPAL LAW

Treaties, Statutes, and Rules

7. United States, Federal Rules of Evidence: Rule 406 (*not included – readily available at <http://www.uscourts.gov/uscourts/RulesAndPolicies/rules/2010%20Rules/Evidence.pdf>*)

Case Law

International Criminal Court

8. *Prosecutor v Thomas Lubanga Dyilo*, Case No ICC-01/04-01/06 (OA 6), ‘Judgment on the appeal of Mr Thomas Lubanga Dyilo against the decision of Pre-Trial Chamber I entitled “Second Decision on the Prosecution Requests and Amended Requests for Redactions under Rule 81”’, 14 December 2006 (*not included—previously filed*)

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10. *Prosecutor v Dragoljub Kumarac*, Case No IT-96-23/1-A, ‘Judgment’, 12 June 2002 (*not included—previously filed*)

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11. *Prosecutor v Nahimana et al*, Case No ICTR-99-52-A, ‘Judgement’, 28 November 2007 (*not included—previously filed*)

Other

12. *Kwoyelo v Uganda*, Constitutional Court of Uganda, Petition No 036/11, ‘Ruling of the Court’, 22 September 2011 (*attached*)

OTHER MATERIAL

Scholarship

13. Mark Ellis, *International Bar Association*, ‘Safeguarding Judicial Independence in Mixed Tribunals: Lessons from the ECCC and Best Practices for the Future’, September 2011 (*not included – readily available at [http://www.cambodiatribunal.org/sites/default/files/reports/Cambodia%20report%20\(Sept%202011\).pdf](http://www.cambodiatribunal.org/sites/default/files/reports/Cambodia%20report%20(Sept%202011).pdf)*)
14. Steve Heder (with David Boyle), ‘A Review of the Negotiations Leading to the Establishment of the Personal Jurisdiction of the Extraordinary Chambers in the Courts of Cambodia’, 1 August 2011 (*not included – readily available at <http://www.cambodiatribunal.org/sites/default/files/A%20Review%20of%20the%20Negotiations%20Leading%20to%20the%20Establishment%20of%20the%20Personal%20Jurisdiction%20of%20the%20ECCC.pdf>*)
15. David Scheffer, ‘The Negotiating History of the ECCC’s Personal Jurisdiction’, 22 May 2011 (*not included – readily available at http://www.cambodiatribunal.org/sites/default/files/ctm_blog_5-22-2011.pdf*)

NGO Reports

16. Human Right Watch, Press Release, ‘Cambodia: Judges Investigating Khmer Rouge Crimes Should Resign UN Office of Legal Affairs Fails to Act Despite Judicial Misconduct’, New York, 3 October 2011 (*not included – readily available at <http://www.hrw.org/news/2011/10/03/cambodia-judges-investigating-khmer-rouge-crimes-should-resign>*)

Press Reports

17. Iskander Pastrulo, Letter to the Editor, *Cambodia Daily*, ‘Additional KR arrests domain of tribunal, not government’, 7 October 2011 (*not included—Official ECCC Press Clippings*)
18. Julia Wallace & Neou Vannarin, *Cambodia Daily*, ‘Additional KR arrests in Cambodia’s hand, Hor Namhong says’, 5 October 2011 (*not included—Official ECCC Press Clippings*)
19. John Hall, *The Wall Street Journal*, ‘A U.N. Fiasco in Cambodia: Compromised local judges and bungling international staff have brought the Khmer Rouge Tribunal to a standstill’, 5 October 2011 (*not included—Official ECCC Press Clippings*)
20. Robert Carmichael, *Voice of America*, ‘Cambodia’s Khmer Rouge Tribunal Draws New Criticisms’, 26 September 2011 (*not included—Official ECCC Press Clippings*)
21. Julia Wallace, *Cambodia Daily*, ‘Watchdog slams court’s treatment of victims’, 22 September 2011 (*not included—Official ECCC Press Clippings*)
22. Bridget di Certo, *Phnom Penh Post*, ‘Group calls for KRT probe’, 22 September 2011 (*not included—Official ECCC Press Clippings*)
23. May Titthara & Thomas Miller, *Phnom Penh Post*, ‘Frail War Crimes Suspect “not afraid”’, 22 August 2011 (*not included—Official ECCC Press Clippings*)
24. Thomas Miller, *Phnom Penh Post*, ‘Case 004 Sites Revealed’, 9 August 2011 (*not included—Official ECCC Press Clippings*)
25. Bridget di Certo, *Cambodia Daily*, ‘Court of Appeal Quietly Closed KR Tribunal Corruption Case’, 27 July 2011 (*not included—Official ECCC Press Clippings*)
26. Julia Wallace, *Cambodia Daily*, ‘KR Judges Narrow Definition of Civil Party to Exclude Family’, 21 July 2011 (*not included—Official ECCC Press Clippings*)
27. Mike Eckel, *Foreign Policy Magazine*, ‘Cambodia’s Kangaroo Court’, 20 July 2011 (*not included—Official ECCC Press Clippings*)
28. Mike Eckel, *Associated Press*, ‘“Cambodia’s Khmer Rouge Tribunal in Crisis”’, 23 June 2011 (*not included—Official ECCC Press Clippings*)
29. Douglas Gillison, *Cambodia Daily*, ‘Chea Leang Issues Riposte Statement on Case 003’, 11 May 2011 (*not included—Official ECCC Press Clippings*)
30. Ian Andrews, *l’Osservatore Romano*, ‘Swiss Guard implicated in Vatican kick-back scandal’, 19 June 1974 (*not included—previously filed*)

Other

31. ‘Statement by the [ECCC] International Co-Investigating Judge’, 10 October 2011
(*not included—Official ECCC Report*)
32. ‘Statement by the [ECCC] Co-Prosecutors’, 7 October 2011 (*not included—Official ECCC Report*)