

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

FILING DETAILS

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Signature: 

**CO-PROSECUTORS' RESPONSE TO NUON CHEA'S APPEAL AGAINST THE
TRIAL CHAMBER DECISION REGARDING THE FAIRNESS OF THE JUDICIAL
INVESTIGATION**

TABLE OF AUTHORITIES

<u>Filed by:</u>	<u>Distribute to:</u>	<u>Copied to:</u>
Co-Prosecutors CHEA Leang Andrew CAYLEY	Supreme Court Chamber Judge KONG Srim, President Judge Motoo NOGUCHI Judge SOM Sereyvuth Judge A. KLONOWIECKA- MILART Judge MONG Monichariya Judge C. N. JAYASIINGHE Judge YA Narin	Accused NUON Chea IENG Sary IENG Thirith KHIEU Samphan
	Civil Party Lead Co-Lawyers PICH Ang Elisabeth SIMONNEAU FORT	Lawyers for the Defence SON Arun Michiel PESTMAN Victor KOPPE ANG Udom Michael G. KARNAVAS PHAT Pouy Seang Diana ELLIS SA Sovan Jacques VERGES

ECCC DOCUMENTS

Core Documents

1. Extraordinary Chambers of the Courts of Cambodia, Internal Rules (Rev. 7), as revised on 23 February 2011. *(Not included – ECCC Legal Compendium)*
2. Practice Direction 004/2009: Classification and Management of Case-Related Information, 5 June 2009. *(Not included – ECCC Legal Compendium)*
3. Practice Direction ECCC/01/2007/Rev. 7: Filing of Documents Before the ECCC (Rev. 8), 17 August 2011. *(Not included – ECCC Legal Compendium)*

Orders and Decisions

4. Decision on appeal against the Co-Investigating Judges' order on the Charged Person's eleventh request for investigative action, 18 August 2009, D158/5/1/15. *(Not included – already disclosed on case file)*
5. Decision on the appeal of the Charged Person against the Co-Investigating Judges' order on Nuon Chea's eleventh request for investigative action, 25 August 2009, D158/5/4/14. *(Not included – already disclosed on case file)*
6. Decision on the Appeal from the Order on the Request to seek exculpatory evidence in the shared materials drive, 18 November 2009, D164/4/13. *(Not included – already disclosed on case file)*
7. Decision on Nuon Chea's and Ieng Sary's Appeal against OCIJ order on request to summon witnesses, 8 June 2010, D314/2/7. *(Not included – already disclosed on case file)*
8. Decision on Ieng Sary's Appeal against the Co-Investigating Judges' Order denying his Request for appointment of an additional expert to re-examine the subject matter of the expert report submitted by Ms Ewa Tabeau and Mr Theay Kheam, 28 June 2010, D140/9/5. *(Not included – already disclosed on case file)*
9. Decision on Nuon Chea's Appeal against the Co-Investigating Judges' Order rejecting Request for a second expert opinion, 1 July 2010, D356/2/9. *(Not included – already disclosed on case file)*
10. Second Decision on NUON Chea's and IENG Sary's Appeal Against OCIJ Order on Requests to Summon Witnesses, 9 September 2010, D314/2/10. *(Not included – already disclosed on case file)*
11. Decision on immediate appeal by Khieu Samphan on application for immediate release, 11 June 2011, E50/3/1/4. *(Not included – already disclosed on case file)*
12. Decision on Nuon Chea motions regarding fairness of judicial investigation, 9 September 2011, E116. *(Not included – already disclosed on case file)*

13. Decision on Co-Prosecutors' request for extension of time to respond to Nuon Chea's immediate appeal under Internal Rule 104(4)(d), 18 October 2011, E116/1/2/1. *(Not included – already disclosed on case file)*

INTERNATIONAL LAW

Instruments

14. International Covenant on Civil and Political Rights, 16 December 1966, 999 U.N.T.S. 171, entered into force 23 March 1976. *(Not included – Online via United Nations Treaty Collection)*
15. Rome Statute of the International Criminal Court, adopted by the U.N. Diplomatic Conference, art. 74 (17 July 1998). *(Not included - ICC official website)*
16. Statute of the International Criminal Tribunal for the Former Yugoslavia, S.C. Res 827, art. 23 (1993). *(Not included - ICTY official website)*
17. Statute of the International Tribunal for Rwanda, S.C. Res. 955, art. 22 (1994). *(Not included - ICTR official website)*
18. International Criminal Tribunal for the Former Yugoslavia, Rules of Procedure and Evidence, amended 8 December 2010. *(Not included - ICTY official website)*

Jurisprudence

International Criminal Court

19. *Prosecutor v Thomas Lubanga Dyilo*, ICC-01/04-01/06 (OA 5), Judgement on the appeal of Mr. Thomas Lubanga Dyilo against the decision of Pre-Trial Chamber I entitled "First Decision on the Prosecution Requests and Amended Requests for Redactions under Rule 81" (ICC Appeals Chamber), 14 December 2006. *(Not included - ICC official website)*

International Criminal Tribunal for the former Yugoslavia

20. *Prosecutor v Anto Furundžija*, IT-95-17/1-A, Judgment (ICTY Appeals Chamber), 21 July 2000. *(Not included - ICTY official website)*
21. *Prosecutor v. Dragoljub Kunarac, et al.*, IT-96-23 & IT-96-23/1-A, Judgment (ICTY Appeals Chamber), 12 June 2002. *(Not included - ICTY official website)*
22. *Prosecutor v Milorad Krnojelac*, IT-97-25-A, Judgment (ICTY Appeals Chamber), 17 September 2003. *(Not included - ICTY official website)*
23. *Prosecutor v Slobodan Milošević*, IT-02-54-AR73.6, Decision on the Interlocutory Appeal by the Amici Curiae Against the Trial Chamber Order Concerning the Presentation and Preparation of the Defence Case (ICTY Appeals Chamber), 20 January 2004. *(Not included - ICTY official website)*

24. *Tihomir Blaškić v Prosecutor*, IT-95-14-A, Judgment (ICTY Appeals Chamber), 29 July 2004. (Not included - ICTY official website)
25. *Prosecutor v Miroslav Kvočka et al.*, IT-98-30/1-A, Appeal Judgment (ICTY Appeals Chamber), 28 February 2005. (Not included - ICTY official website)
26. *Prosecutor v Zdravko Tolimir et al.*, IT-04-80-AR65.1, Decision on Interlocutory Appeal Against Trial Chamber's Decisions Granting Provisional Release (ICTY Appeal Chamber), 19 October 2005. (Not included - ICTY official website)
27. *Prosecutor v Momir Nikolic*, IT-02-60/1-A, Judgment on Sentencing Appeal (ICTY Appeals Chamber), 8 March 2006. (Not included - ICTY official website)
28. *Prosecutor v Radovan Karadžić*, IT-95-5/18-AR73.5, Decision on Radovan Karadžić's Appeal of the Decision on Commencement of Trial (ICTY Appeals Chamber), 13 October 2009. (Not included - ICTY official website)

International Criminal Tribunal for Rwanda

29. *Prosecutor v Édouard Karemera*, ICTR-98-44-AR73.1, Decision on Mathieu Ndirumpatse's Appeal from the Trial Chamber Decision of 17 September 2008 (ICTR Appeals Chamber), 30 January 2009. (Not included - ICTR official website)
30. *François Karera v Prosecutor*, ICTR-01-74-A, Judgment (ICTR Appeals Chamber), 2 February 2009. (Not included - ICTR official website)
31. *Siméon Nchamihigo v Prosecutor*, ICTR-2001-63-A, Judgment (ICTR Appeals Chamber), 18 March 2010. (Not included - ICTR official website)