

**BEFORE THE TRIAL CHAMBER  
EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA**

**FILING DETAIL**

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**URGENT APPLICATION FOR DISQUALIFICATION OF JUDGE CARTWRIGHT  
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## **CAMBODIAN LAW**

### **Constitutions, Statutes, and Rules**

1. Cambodian Constitution: Article 128 (*not included—ECCC Legal Compendium*)
2. ECCC Internal Rules: Rules 19, 34 (*not included—ECCC Legal Compendium*)
3. Cambodian Code of Criminal Procedure: Articles 557, 558, 559 (*not included—ECCC Legal Compendium*)
4. ECCC Agreement: Articles 3(3), 12(1) (*not included—ECCC Legal Compendium*)
5. ECCC Law: Article 10 new (*not included—ECCC Legal Compendium*)
6. Cambodian Code of Judicial Ethics: Article 9 (*not included—ECCC Legal Compendium*)

### **ECCC Case Law**

7. Document No E-5/3, ‘Decision on Ieng Sary’s Application to Disqualify Judge Nil Nonn and Related Requests’, 28 January 2011, ERN 00640427–00640435 (*not included—ECCC Case File*)
8. Document No E-51/3, ‘Consolidated Preliminary Objections’, 25 February 2011, ERN 00648279–00648310 (*not included—ECCC Case File*)
9. Document No E-51/14, ‘Decision on Nuon Chea’s Preliminary Objection Alleging the Unconstitutional Character of the ECCC Internal Rules’, 8 August 2011, ERN 00707531–00707535 (*not included—ECCC Case File*)
10. Document No E-55/4, ‘Decision on Ieng Thirith, Nuon Chea, and Ieng Sary’s Applications for Disqualification of Judges Nil Nonn, Silvia Cartwright, Ya Sokhan, Jean-Marc Lavergne, and Thou Mony’, 23 March 2011, ERN 00655691–00655700 (*not included—ECCC Case File*)
11. Document No E-63/5, ‘Decision on Ieng Thirith and Ieng Sary’s Applications for Disqualification of Judge You Ottara from the Special Bench & Request for a Public Hearing’, 9 May 2011, ERN 00686820–00686826 (*not included—ECCC Case File*)
12. Document No E-116/1, ‘Immediate Appeal Against the Trial Chamber Decision Regarding the Fairness of the Judicial Investigation’, 10 October 2011, ERN 00746636–00746658 (*not included—ECCC Case File*)

## **INTERNATIONAL & FOREIGN MUNICIPAL LAW**

### **Treaties, Statutes, and Rules**

13. International Covenant on Civil and Political Rights: Article 14(1) (*not included—ECCC Legal Compendium*)

14. European Convention on Human Rights: Article 6(1) (*not included—ECCC Legal Compendium*)
15. American Convention on Human Rights: Article 8(1) (*not included—ECCC Legal Compendium*)
16. African Charter on Human and Peoples' Rights: Article 7(1) (*not included—ECCC Legal Compendium*)
17. Rome Statute of the International Criminal Court: Article 67(1) (*not included—ECCC Legal Compendium*)
18. Statute of the International Criminal Tribunal for the Former Yugoslavia: Article 13 (*not included—ECCC Legal Compendium*)
19. Statute of the International Criminal Tribunal for Rwanda: Article 12(1) (*not included—ECCC Legal Compendium*)
20. International Criminal Court Regulations of the Court: Regulation 3 (*not included—ECCC Legal Compendium*)
21. International Criminal Tribunal for the Former Yugoslavia Rules of Procedure and Evidence: Rule 23bis (*not included—ECCC Legal Compendium*)
22. International Criminal Tribunal for Rwanda Rules of Procedure and Evidence: Rule 23bis (*not included—ECCC Legal Compendium*)

### **Case Law**

#### UN Human Rights Committee

23. *Gonzalez del Rio v Peru*, Communication No 263/1987, UN Doc CCPR/C/46/D/263/1987, 28 October 1992 (*not included—previously submitted*)

#### International Criminal Tribunal for Rwanda

24. *Prosecutor v Karemera*, Case No ICTR-98-44-AR-15bis2, 'Reasons for Decision on Interlocutory Appeals Regarding the Continuation of the Proceedings with a Substitute Judge and on Nzirorera's Motion for Leave to Consider New Material', 22 October 2004

#### International Criminal Tribunal for the Former Yugoslavia

25. *Prosecutor v Furundžija*, IT-95-17/1-A, 'Judgment', 21 July 2000 (*not included—previously submitted*)
26. *Prosecutor v Karadžić*, IT-95-05/18-PT, 'Decision on Motion to Disqualify Judge Picard and Report to the Vice President Pursuant to Rule 15(B)(ii)', 22 July 2009 (*not included—previously submitted*)

African Commission on Human and Peoples' Rights

27. *Constitutional Rights Project v Nigeria*, African Commission on Human and Peoples' Rights, Case No 87/93 (1995), Judgment (*not included—previously submitted*)

European Court of Human Rights

28. *Ferrantelli and Santangelo v Italy*, ECtHR App Nos 48/1995 & 554/640, 'Judgment', 7 August 1996 (*not included—previously submitted*)