

BEFORE THE TRIAL CHAMBER  
EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA

**FILING DETAILS**

**Case No:** 002/19-09-2007-ECCC/TC **Party Filing:** Co-Prosecutors  
**Filed to:** Trial Chamber **Original Language:** English  
**Date of document:** 14 September 2012

**CLASSIFICATION**

**Classification of the document suggested by the filing party:** PUBLIC



**Classification by Supreme Court Chamber:** សាធារណៈ/Public

**Classification Status:**

**Review of Interim Classification:**

**Records Officer Name:**

**Signature:**

---

**IMMEDIATE APPEAL AGAINST DECISION ON REASSESSMENT OF ACCUSED  
IENG THIRITH'S FITNESS TO STAND TRIAL FOLLOWING THE SUPREME  
COURT CHAMBER DECISION OF 13 DECEMBER 2011**

**TABLE OF AUTHORITIES**

---

<b><u>Filed by:</u></b>	<b><u>Distributed to:</u></b>	<b><u>Copied to:</u></b>
<b>Co-Prosecutors</b> CHEA Leang Andrew CAYLEY	<b>Trial Chamber</b> Judge NIL Nonn, President Judge Silvia CARTWRIGHT Judge YA Sokhan Judge Jean-Marc LAVERGNE Judge YOU Ottara	<b>Accused</b> IENG Thirith
	<b>Civil Party Lead Co-Lawyers</b> PICH Ang Elisabeth SIMONNEAU FORT	<b>Lawyers for the Defence</b> PHAT Pouy Seang Diana ELLIS

## **ECCC DOCUMENTS**

### **Core Documents**

1. Extraordinary Chambers of the Courts of Cambodia, Internal Rules (Rev. 8), as revised on 3 August 2011. *(Not included – ECCC Legal Compendium)*

### **Pre-Trial Chamber**

2. Decision on Appeal Against Provisional Detention Order of Kaing Guek Eav alias “DUCH”, 3 December 2007, C5/45. *(Not included – already disclosed on case file)*
3. Decision on Application for Reconsideration of Civil Party’s Right to Address Pre-Trial Chamber in Person, 28 August 2008, C22/I/68. *(Not included – already disclosed on case file)*
4. Decision on Khieu Samphan’s Appeal Against the Order on Translation Rights and Obligations of the Parties, 20 February 2009, A190/I/20. *(Not included – already disclosed on case file)*
5. Decision on Civil Party Co-Lawyers’ Joint Request for Reconsideration, 25 February 2009, D55/I/13. *(Not included – already disclosed on case file)*
6. Decision on Ieng Sary’s Appeal Against the Order on Translation Rights and Obligations of the Parties, 20 February 2009, A190/II/9. *(Not included – already disclosed on case file)*
7. 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)*
8. Decision on Request to Reconsider the Decision on Request for an Oral Hearing on the Appeals PTC24 and PTC25, 20 October 2009, D164/4/9. *(Not included – already disclosed on case file)*
9. Decision on Request to Reconsider the Decisions on Requests for Leave to File Amicus Curiae Briefs, 23 November 2009, D130/9/20. *(Not included – already disclosed on case file)*
10. Order Suspending the Enforcement of the “Order on International Co-Prosecutor’s Public Statement Regarding Case File 003”, 13 June 2011, D14/1/2. *(Not included – already disclosed on case file)*

### **Trial Chamber**

11. Decision on Reassessment of Accused Ieng Thirith’s Fitness to Stand Trial following Supreme Court Chamber Decision of 13 December 2011, 13 September 2012, E138/1/10. *(Not included – already disclosed on case file)*
12. Transcript, 31 August 2012, E1/119.1. *(Not included – already disclosed on case file)*

### **Supreme Court Chamber**

13. Decision on Immediate Appeal against the Trial Chamber's Order to Release the Accused Ieng Thirith, 13 December 2011, E138/1/7. *(Not included – already disclosed on case file)*
14. Separate Dissenting Opinion of Judge Nihal Jayasinghe, 13 December 2011, E138/1/7.1. *(Not included – already disclosed on case file)*

### **CAMBODIAN LAW**

#### **Instruments**

15. Cambodian Code of Criminal Procedure. *(Not included – ECCC Legal Compendium)*

### **INTERNATIONAL LAW**

#### **Jurisprudence**

##### *International Criminal Court*

16. *Prosecutor v. Thomas Lubanga Dyilo*, ICC-01/04-01/06-1487, Judgment on the appeal of the Prosecutor against the decision of Trial Chamber I entitled 'Decision on the release of Thomas Lubanga Dyilo', ICC Appeals Chamber, 21 October 2008. *(Not included – ICC official website)*

##### *International Criminal Tribunal for the former Yugoslavia*

17. *Prosecutor v. Dorđe Đukić*, IT-96-20-T, Decision Rejecting the Application to Withdraw the Indictment and Order for Provisional Release (ICTY, Trial Chamber), 24 April 1996. *(Not included – ICTY official website)*
18. *Prosecutor v. Dragan Jokić*, IT-02-53-PT, Decision on Request for provisional release of Accused Jokić, 28 March 2002. *(Not included – ICTY official website)*
19. *Prosecutor v. Momir Talić*, IT-99-36-T, Decision on the Motion for Provisional Release of the Accused Momir Talić (ICTY Trial Chamber), 20 September 2002. *(Not included – ICTY official website)*
20. *Prosecutor v. Vladimir Kovačević*, IT-01-42/2-I, Decision on Provisional Release (ICTY Trial Chamber), 2 June 2004. *(Not included – ICTY official website)*
21. *Prosecutor v. Stanković*, Case No. IT-96-23/2, Decision on Rule 11Bis Referral (ICTY Appeals Chamber), 1 September 2005. *(Not included – ICTY official website)*
22. *Prosecutor v. Jovica Stanišić and Franko Simatović*, IT-03-69-PT, Decision on Provisional Release (ICTY Trial Chamber), 26 May 2008. *(Not included – ICTY official website)*

##### *International Criminal Tribunal for Rwanda*

23. *Prosecutor v. Karemera et al.*, Case No. ICTR-98-44-PT, Decision on Severance of André Rwamakuba and Amendments of the Indictment (ICTR Trial Chamber III), 7 December 2004. *(Not included – ICTR official website)*

Special Tribunal for Lebanon

24. *In The Matter of El Sayed, CH/AC/2010/02*, Decision on Appeal of Pre-Trial Judge's Order Regarding Jurisdiction and Standing (STL Appeals Chamber), 10 November 2010. (Not included – STL official website)
25. *Prosecutor v. Ayyash et al.*, Case No. STL-11-01/PT/AC, Decision on the Pre-Trial Judge's Request Pursuant to Rule 68(G) (STL Appeals Chamber), 29 March 2012. (Not included – STL official website)

Special Court for Sierra Leone

26. *Prosecutor v. Norman et al.*, Case No. SCSL-2003-09-PT, Decision on the Applications for a Stay of Proceedings and Denial of Right to Appeal (SCSL Appeals Chamber), 4 November 2003. (Not included – SCSL official website)

**DOMESTIC LAW****Instruments**

27. New Zealand Bill of Rights Act 1990. (**Authority 1**)
28. Constitution of the Republic of South Africa 1996. (**Authority 2**)

**Jurisprudence**

29. *Werkfernverkehr*, BVerGE, 16, 147 (181), 22 May 1963 (Federal Constitutional Court of Germany). (Not included – source document not available in any working language of the Court)
30. *Erdölbevorrattung*, BVerGE, 30, 292, (316), 16 March 1971 (Federal Constitutional Court of Germany). (Not included – source document not available in any working language of the Court)
31. *Vethandlungsunfähigkeit des angeklagten*, BVerGE, 51, 324 (345), 19 June 1979 (Federal Constitutional Court of Germany). (Not included – source document not available in any working language of the Court)
32. *R. v. Oakes* [1986] 1 S.C.R. 103 (Supreme Court of Canada). (**Authority 3**)
33. *Hansen v. R.*, File No. SC58/2005, Judgment, 20 February 2007, reported as [2007] N.Z.S.C. 7, (2007) 8 H.R.N.Z. 222 (New Zealand Supreme Court). (**Authority 4**)