

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

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**CO-PROSECUTORS' RESPONSE TO NUON CHEA'S IMMEDIATE APPEAL
CONCERNING "RULE 35 APPLICATIONS FOR SUMMARY ACTION"**

TABLE OF AUTHORITIES

Filed by:

Co-Prosecutors
CHEA Leang
Andrew CAYLEY

Distribute to:

Supreme Court Chamber
Judge KONG Srim, President
Judge Motoo NOGUCHI
Judge SOM Sereyvuth
Judge A. KLONOWIECKA-MILART
Judge MONG Monichariya
Judge C. N. JAYASINGHE
Judge YA Narin
Reserve Judge SIN Rith
Reserve Judge F. N. M. MUMBA

Civil Party Lead Co-Lawyers
PICH Ang
Elisabeth SIMONNEAU FORT

Copied to:

Accused
NUON Chea
IENG Sary
KHIEU Samphan

Lawyers for the Defence
SON Arun
Michiel PESTMAN
Victor KOPPE
ANG Udom
Michael G. KARNAVAS
KONG Sam Onn
Anta GUISSÉ
Arthur VERCKEN
Jacques VERGÈS

ECCC LAW

Core Legal Documents

(Not included – ECCC Legal Compendium)

1. Extraordinary Chambers of the Courts of Cambodia, Internal Rules (Rev. 7), as revised on 23 February 2011, Rule 35, 104(1), (4).
2. Practice Direction on Filing of Documents ECCC/01/2007/Rev. 8, Articles 8.5, 9.

Jurisprudence

(Not included – Already in Case File)

3. **D164/4/13** Decision on the Appeal from the Order on the Request to seek exculpatory evidence in the shared materials drive, 18 November 2009, paras. 22-27.
4. **E50/3/1/4**, Decision on immediate appeal by Khieu Samphan on application for immediate release, 6 June 2011, paras. 52-53.
5. **D140/9/5** 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, paras. 15-17.
6. **D356/2/9** Decision on Nuon Chea's Appeal against the Co-Investigating Judges' Order rejecting Request for a second expert opinion, 1 July 2010, paras. 16-18.
7. **E176/2** Decision on Rule 35 requests for summary action, 11 May 2012, paras. 23-24, 27, 29, 31-32.

INTERNATIONAL LAW

Instruments

8. European Convention for the Protection of Human Rights and Fundamental Freedoms, 4 November 1950, 213 UNTS 221, Art. 5(4), 41. (Not included – available on ECHR website).
9. Statute of the International Criminal Tribunal for the former Yugoslavia, 25 May 1993. (Not included – available on ICTY website).
10. Statute of the International Criminal Tribunal for Rwanda. (Not included – available on ICTYR website).

Jurisprudence

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11. *Prosecutor v. Blaskic*, Case No. IT-95-14-A, Judgment (ICTY Appeals Chamber), 29 July 2004, para. 299.
12. *Prosecutor v. Kordic*, Case No. IT-95-14/2-A, Judgment (ICTY Appeals Chamber), 17 December 2004, para. 143.
13. *Prosecutor v Zdravko Tolimir et al.*, Case No. IT-04-80-AR65.1, Decision on Interlocutory Appeal Against Trial Chamber's Decisions Granting Provisional Release (ICTY Appeal Chamber), 19 October 2005, para. 4.
14. *Prosecutor v. Galic*, Case No. IT-98-29-A, Judgment (ICTY Appeals Chamber), 30 November 2006, para. 21.
15. *Prosecutor v. Haradinaj*, Case No. IT-04-84-A, Judgment (ICTY Appeals Chamber), 19 July 2010, para. 17.

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16. *Prosecutor v. Jean-Paul Akayesu*, ICTR-96-4-A, Judgment (ICTR Appeals Chamber), 1 June 2001, para. 24.
17. *François Karera v. Prosecutor*, ICTR-01-74-A, Judgment (ICTR Appeals Chamber), 2 February 2009, para. 7.
18. *Siméon Nchamihigo v. Prosecutor*, ICTR-2001-63-A, Judgment (ICTR Appeals Chamber), 18 March 2010, paras. 31-32.

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19. *Golder v. United Kingdom*, Application No. 4451/70, Judgment: Merits and Just Satisfaction (ECHR Plenary Session), 21 February 1975, para. 46.
20. *Marckx v. Belgium*, Application No. 6833/74, Judgment: Merits and Just Satisfaction (ECHR Plenary Session), 13 June 1979 at Holdings, para.17.
21. *Nikolova v. Bulgaria*, Application No. 31195/96, Judgment: Merits and Just Satisfaction (ECHR Grand Chamber), 25 March 1999, paras. 65, 76.

22. . *Ocalan v. Turkey*, Application No. 46221/99, Judgment: Merits and Just Satisfaction (ECHR Grand Chamber), 12 May 2005 at Holdings, para. 15.

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(Not included – available on SCSL website)

23. *The Prosecutor v. Sam Hinga Norman*, SCSL-04-14-PT-034-II, Decision on Preliminary Motion Based on Lack of Jurisdiction (Judicial Independence) (SCSL Appeals Chamber: Separate Opinion of Justice Geoffrey Robertson), 13 March 2004, para. 18.

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24. *Bronstein v. Peru*, Series C No. 74, Judgment: Merits, Reparations, and Costs (IACHR), 6 February 2001, para. 183.
25. *Villagrán Morales et al. vs. Guatemala*, Series C No. 77, Judgment: Reparations and Costs (IACHR), 26 May 2001, para. 88.

Supreme Court of Canada

26. *Valente v. The Queen*, Case No. 17583, Judgment (Supreme Court of Canada), 19 December 1985, para. 25. (**Authority 1** – This authority exceeds 10 pages in total)

South African Constitutional Court

27. *De Lange v. Smuts NO and Others*, CCT 26/97, Judgment (South African Constitutional Court), 28 May 1998, paras. 71-72. (**Authority 2** – This authority exceeds 10 pages in total)
28. *S and Others v. Van Rooyen and Others*, CCT 21/01, Judgment (South African Constitutional Court), 11 June 2002, para. 75. (**Authority 3** - This authority exceeds 10 pages in total)