

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

**FILING DETAILS**

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**INTERNATIONAL CO-PROSECUTOR'S APPEAL OF CLOSING ORDER (REASONS)**

**TABLE OF AUTHORITIES**

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## ECCC LAW

### Core Legal Documents

*(In ECCC Legal Compendium – not included)*

1. Extraordinary Chambers in the Courts of Cambodia, Internal Rules (Rev. 9), as revised on 16 January 2015, Rules 57, 66, 67, 67(5), 74(2).

### Jurisprudence

#### *Supreme Court Chamber*

2. Case 002-**E163/5/1/13** Decision on the Co Prosecutors' Immediate Appeal of the Trial Chamber's Decision Concerning the Scope of Case 002/01, 8 February 2013, para. 42.
3. Case 002/01-**F36** (Appeal Judgment), 23 November 2016, paras 521-522, 525, 586, 589, 653.

#### *Trial Chamber*

4. Case 002/01-**E313** (Trial Judgment), 7 August 2014, para. 643.

#### *Pre-Trial Chamber*

5. Case 002-**D427/3/15** Decision on Appeals by Nuon Chea and Ieng Thirith Against the Closing Order, 15 February 2011, para. 79.
6. Case 002-**D427/1/30** Decision on Ieng Sary's Appeal Against the Closing Order, 11 April 2011, para. 113.
7. **D121/4/1/4** Considerations of the Pre-Trial Chamber on [Redacted] Appeal against the Decision Denying his Requests to Access the Case File and Take Part in the Judicial Investigation, 15 January 2014, Opinions of Judges Chang-Ho Chung and Rowan Downing, para. 9.

#### *Office of the Co-Investigating Judges*

8. Case 002-**D198/1** Order Concerning the Co-Prosecutors' Request for Clarification of Charges, 20 November 2009, para. 10, fn. 15.
9. **D289** Decision on Im Chaem's Request for Disclosure of Unredacted Case 002 Transcripts and Related Documents Relevant to her and the International Co-Prosecutor's Request in Response to the Notice of the Conclusion of Judicial Investigation Against Im Chaem, 11 January 2016.

## INTERNATIONAL LAW

## Jurisprudence

### *International Criminal Tribunal for the Former Yugoslavia (ICTY)*

10. *Prosecutor v. Goran Jelisić (Trial Judgment)*, IT-95-10-T, ICTY, 14 December 1999, para. 66. (*Exceeds 10 pages – excerpt attached*) **(Authority 1)**
11. *Prosecutor v. Radislav Krstić (Trial Judgment)*, IT 98-33, ICTY, 2 August 2001, para. 572. (*Exceeds 10 pages – excerpt attached*) **(Authority 2)**

### *International Criminal Tribunal for Rwanda (ICTR)*

12. *Prosecutor v. Clement Kayishema and Obed Ruzidana (Appeal Judgment)*, ICTR-95-1-A, ICTR, 1 June 2001, para. 198. (*Exceeds 10 pages – excerpt attached*) **(Authority 3)**
13. *Aloys Simba v. Prosecutor (Appeal Judgment)*, ICTR-01-76-A, ICTR, 27 November 2007, para. 266. (*Exceeds 10 pages – excerpt attached*) **(Authority 4)**
14. *Prosecutor v. Yussuf Munyakazi (Appeal Judgment)*, ICTR-97-36A-A, ICTR, 28 September 2011, para. 142. (*Exceeds 10 pages – excerpt attached*) **(Authority 5)**

### *International Court of Justice*

15. International Court of Justice, *Australia v. France*, Judgment (Nuclear Tests Case - Dissenting Opinion of Judge Sir Garfield Barwick), 20 December 1974, p. 391. (*Exceeds 10 pages – excerpt attached*) **(Authority 6)**

## REGIONAL LAW AND FOREIGN DOMESTIC LAW

### Instruments

16. French Code of Criminal Procedure, Articles 80, 181. (*Exceeds 10 pages – excerpt attached*) **(Authority 7)**

## Jurisprudence

### *European Court of Human Rights*

17. ECtHR, *Niderost-Huber v. Switzerland*, Application No. 18990/91, Judgment, 18 February 1997, para. 29. **(Authority 8)**

### *Inter-American Court of Human Rights*

18. *Velásquez-Rodríguez v. Honduras*, 1989 Inter-Am. Ct. H.R. (ser. C), 29 July 1988, para. 126. (*Exceeds 10 pages – excerpt attached*) **(Authority 9)**
19. *Godínez-Cruz v. Honduras*, 1989 Inter-Am. Ct. H.R. (ser. C), 20 January 1989, para. 76. (*Exceeds 10 pages – excerpt attached*) **(Authority 10)**
20. *Caballero-Delgado and Santana v. Colombia*, Inter-Am. Ct. H.R. (ser. C) No. 22, 8 December 1995, para. 72(5). (*Exceeds 10 pages – excerpt attached*) **(Authority 11)**

*France*

21. *Crim 12 octobre 1972, Bull crim n° 286. (Authority 12)*
22. *Crim 24 mars 1977, Bull crim n° 112. (Authority 13)*
23. *Crim 6 novembre 1979, Bull crim n° 306. (Authority 14)*