

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

FILING DETAILS

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**CO-PROSECUTORS' RESPONSE TO THE DECLARATION OF A POSSIBLE
CONFLICT OF INTEREST FILED BY THE INTERNATIONAL CIVIL PARTY
LEAD CO-LAWYER**

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CAMBODIAN LAW

1. The Constitution of the Kingdom of Cambodia, adopted 24 September 1993, as modified on 8 March 1999, art. 128. (*In ECCC Legal Compendium – not included*)
2. Case 004-D361/4/1/5.1.1 Code of Ethics for Lawyers of the Bar Association of the Kingdom of Cambodia (“BAKC Code of Ethics”), 2012, arts 1, 3, 25 (**Authority 1**).

ECCC LAW

Core Legal Documents

(In ECCC Legal Compendium – not included)

3. Agreement between the United Nations and the Royal Government of Cambodia concerning the Prosecution under Cambodian Law of Crimes Committed During the Period of Democratic Kampuchea, Phnom Penh, 6 June 2003 (“ECCC Agreement”), preamble, art. 3.3.
4. Law on the Establishment of Extraordinary Chambers in the Courts of Cambodia for the Prosecution of Crimes Committed During the Period of Democratic Kampuchea, as amended 27 October 2004 (“ECCC Law”) (NS/RKM/1004/006), art. 10*new*.
5. Extraordinary Chambers in the Courts of Cambodia, Internal Rules (Rev. 9), as revised on 16 January 2015, Rules 12 *ter*, 34(2).
6. DSS Administrative Regulations of ECCC, art. 9.

(not in ECCC Legal Compendium)

7. **F53/4.1.1** Code of Judicial Ethics, ECCC Judges, 2008, Article 2(2).

Jurisprudence

Supreme Court Chamber

8. **F53/5.2.2** Decision on Ieng Thirith’s Application to Disqualify Judge Som Sereyvuth for Lack of Independence, Supreme Court Chamber, 3 June 2011, para. 10.

Trial Chamber

9. **E5/3** Decision on Ieng Sary’s Application to Disqualify Judge Nil Nonn and Related Requests, 28 January 2011, para. 6.

10. **E55/4** 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, Special Panel, 23 March 2011, paras 11-12.
11. **E314/12/1** Reasons for Decision on Applications for Disqualification, Special Panel, 30 January 2015, para. 33.

Pre-Trial Chamber

12. **C11/29** Public decision on the co-lawyers' urgent application for disqualification of Judge Ney Thol pending the appeal against the provisional detention order in the case of Nuon Chea, Pre-Trial Chamber, 4 February 2008, paras 20-21.

INTERNATIONAL LAW

Jurisprudence

International Criminal Tribunal for Rwanda (ICTR)

13. **F53/4.1.30** *Prosecutor v. Akayesu*, ICTR-96-4-A, Judgment, Appeals Chamber, 1 June 2001, para. 203.
14. **F53/4.1.37** *Nahimana et al. v. The Prosecutor*, ICTR-99-52-A, Judgement, Appeals Chamber, 28 November 2007, para. 49.

International Criminal Tribunal for the Former Yugoslavia (ICTY)

15. **F53/4.1.13** *Prosecutor v. Furundžija*, IT-95-17/1-A, Judgement, Appeals Chamber, 21 July 2000, para. 189.
16. **F53/4.1.14** *Prosecutor v. Galić*, IT-98-29-A, Judgement, Appeals Chamber, 30 November 2006, para. 39.

OTHER DOCUMENTS

United Nations (UN) Documents

17. **D163.2** Bangalore Principles of Judicial Conduct, EN 00316264, 66.

England and Wales Bar Association

18. Bar Standards Board Handbook, Version 4.3, Part 2 – Code of Conduct, 15 Oct 2019, rC8, rC21 accessed on 6 Dec 2019 at <https://www.barstandardsboard.org.uk/the-bsb-handbook.html?part=E3FF76D3-9538-4B97-94C02111664E5709&audience=&q=>
(Authority 2)