

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

FILING DETAILS

Case No: 004/2/07-09-2009-ECCC/OCIJ (PTC60) **Party Filing:** International Co-Prosecutor

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**INTERNATIONAL CO-PROSECUTOR'S REPLY TO AO AN'S RESPONSE TO THE
ICP'S REQUEST FOR ALL REQUIRED ADMINISTRATIVE ACTIONS TO BE
TAKEN TO FORWARD CASE FILE 004/2 (AO AN) TO THE TRIAL
CHAMBER**

TABLE OF AUTHORITIES

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004/2/07-09-2009-ECCC/OCIJ (PTC60)

ECCC LAW**Core Legal Documents***(In ECCC Legal Compendium – not included)*

1. 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, 6 June 2003 (“ECCC Agreement”), preamble, arts 5(4), 7(4).
2. 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 on 27 October 2004 (“ECCC Law”), arts 23 new, 33 new.
3. Extraordinary Chambers in the Courts of Cambodia, Internal Rules (Rev. 9), as revised on 16 January 2015 (“Internal Rules” or “Rules”), Rules 1(2), 2, 21, 72, 77(13)(a-b), 79(1), pp. 83-84.

Jurisprudence***Supreme Court Chamber (SCC)***

4. Case 002-E50/3/1/4 Decision on Immediate Appeal by Khieu Samphan on Application for Release, 6 June 2011 (“Khieu Samphan Release Decision”), para. 31. *(Exceeds 10 pages – excerpt attached)* **(Authority 1)**
5. Case 002-E138/1/10/1/5/7 Decision on Immediate Appeal Against the Trial Chamber’s Order to Unconditionally Release the Accused Ieng Thirith, 14 December 2012, para. 38. *(Exceeds 10 pages – excerpt attached)* **(Authority 2)**

Trial Chamber (TC)

6. Case 002-E116 Decision on Nuon Chea Motions Regarding Fairness of Judicial Investigation (E51/3, E82, E88 and E92), 9 September 2011, paras 16-17. **(Authority 3)**

Pre-Trial Chamber (PTC)

7. Case 002-D411/3/6 Decision on Appeals Against Orders of the Co-Investigating Judges on the Admissibility of Civil Party Applications, 24 June 2011, paras 64-65. *(Exceeds 10 pages – excerpt attached)* **(Authority 4)**
8. **D359/24 & D360/33** Considerations on Appeals Against Closing Orders, 19 December 2019 (“PTC Closing Order Considerations”), paras 54, 85, 89, 98, 102, 112, 120-121, 124, 163, 170-302, 304-329, 681, Disposition at EN 01634239.

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9. Case 002-D427 Closing Order, 15 September 2010, para. 1323. (*Exceeds 10 pages – excerpt attached*) (**Authority 5**)
10. **D359** Order Dismissing the Case Against Ao An, 16 August 2018 (“Dismissal Order”).
11. **D360** Closing Order (Indictment), 16 August 2018 (“Indictment”).

CAMBODIAN LAW

12. Code of Criminal Procedure of the Kingdom of Cambodia, 7 June 2007 (“CCCP”), arts 7, 350-351, 445. (*Exceeds 10 pages – excerpt attached*) (**Authority 6**)
13. The Constitution of the Kingdom of Cambodia, adopted 21 September 1993, art. 38. (*Not included –in ECCC Legal Compendium*)

INTERNATIONAL LAW**Treaties and other Instruments**

14. Rome Statute of the International Criminal Court, 17 July 1998, art. 22(2). (*Not included - in ECCC Legal Compendium*)

Jurisprudence***International Criminal Court (ICC)***

15. *The Prosecutor v. Gbagbo and Blé Goudé*, ICC-02/11-01/15-744, Judgment on the Appeals of Mr Laurent Gbagbo and Mr Charles Blé Goudé against the decision of Trial Chamber I of 9 June 2016 entitled “Decision on the Prosecutor’s application to introduce prior recorded testimony under Rules 68(2)(b) and 68(3)”, Appeals Chamber, 1 November 2016, para. 83. (*Exceeds 10 pages – excerpt attached*) (**Authority 7**)
16. *The Prosecutor v. Lubanga Dyilo*, ICC-01/04-01/06-772, Judgment on the Appeal of Mr. Thomas Lubanga Dyilo against the Decision on the Defence Challenge to the Jurisdiction of the Court pursuant to article 19(2)(a) of the Statute of 3 October 2006, Appeals Chamber, 14 December 2006, para. 30. (*Exceeds 10 pages – excerpt attached*) (**Authority 8**)

International Criminal Tribunal for the Former Yugoslavia (ICTY)

17. *Prosecutor v. Delalić et al.*, IT-96-21-T, Judgement, Trial Chamber, 16 November 1998 (“*Čelebići* TJ”), paras 413, 601. (*Exceeds 10 pages – excerpt attached*) (**Authority 9**)
18. *Prosecutor v. Karadžić*, IT-95-5/18-T, Decision on Motion for Stay of Proceedings, Trial Chamber, 8 April 2010, para. 4. (**Authority 10**)

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19. *Prosecutor v. Limaj et al.*, IT-03-66-A, Judgement, Appeals Chamber, 27 September 2007, para. 21. (*Exceeds 10 pages – excerpt attached*) (**Authority 11**)

International Criminal Tribunal for Rwanda (ICTR)

20. *Renzaho v. The Prosecutor*, ICTR-97-31-A, Judgement, Appeals Chamber, 1 April 2011, para. 474. (*Exceeds 10 pages – excerpt attached*) (**Authority 12**)

FOREIGN DOMESTIC LAW

21. French Code of Criminal Procedure, 10 February 2020, art. 6. (*Exceeds 10 pages – excerpt attached*) (**Authority 13**)