

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

**FILING DETAILS**

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**CO-PROSECUTORS' RESPONSE TO KHIEU SAMPHAN'S APPEAL OF THE  
CASE 002/02 TRIAL JUDGMENT**

**TABLE OF AUTHORITIES**

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## Table of Authorities<sup>1</sup>

### ECCC LAW

#### Core Legal Documents

*(Not included – available in the ECCC Legal Compendium)*

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, Phnom Penh, 6 June 2003 (“UN-RGC Agreement”), arts 2(1)-(2), 12(1).
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 27 October 2004, NS/RKM/1004/006 (“ECCC Law”), arts 5, 29 new, 33 new, 35 new.
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4. Case 001-F28 Appeal Judgement, 3 February 2012 (“*Duch AJ*”). *(Not included – available on the ECCC website)*
5. E50/1/1/4 Decision on Immediate Appeals by Nuon Chea and Ieng Thirith on Urgent Applications for Immediate Release, 3 June 2011 (“SCC Decision on NC & IT Release Applications”), paras 31, 38.
6. E50/3/1/4 Decision on Immediate Appeal by Khieu Samphan on Application for Release, 6 June 2011 (“SCC Decision on KS Release Application”), paras 22, 31.
7. E284/4/7 Decision on Immediate Appeals Against Trial Chamber’s Second Decision on Severance of Case 002 – Summary of Reasons, 23 July 2013 (“SCC Second Severance Appeal Decision Summary”).
8. E284/4/8 Decision on Immediate Appeals Against Trial Chamber’s Second Decision on Severance of Case 002, 25 November 2013 (“SCC Second Severance Appeal Decision”).

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<sup>1</sup> This table is compiled pursuant to: Practice Direction on Filing of Documents before the ECCC, amended on 7 March 2012, ECCC/01/2007/Rev.8, art. 6; F56/2/2 Decision on Civil Party Lead Co-Lawyers’ Requests Concerning Khieu Samphan’s Non-Compliance with Article 6 of the Practice Direction on the Filing of Documents, paras 14, 18. A small number of authorities appended to this table are not in English, French, or Khmer despite the Co-Prosecutors’ reasonable efforts to locate them in an ECCC official language.

9. **E301/9/1/1/3** Decision on Khieu Samphan’s Immediate Appeal Against the Trial Chamber’s Decision on Additional Severance of Case 002 and Scope of Case 002, 29 July 2014 (“SCC Additional Severance and Scope Decision”).
10. **E463/1/3** Decision on Khieu Samphan’s Urgent Appeal Against the Summary of Judgment Pronounced on 16 November 2018, 13 February 2019 (“SCC Summary Judgment Decision”), paras 11, 14-15, 18.
11. **F2/4/2** Decision on Part of Nuon Chea’s Third Request to Obtain and Consider Additional Evidence in Appeal Proceedings of Case 002/01, 16 March 2015 (“SCC Decision on Part of NC’s Third Additional Appeal Evidence Request”), para. 17.
12. **F2/10/3** Decision on Nuon Chea’s Request for Reconsideration of the Decision of 21 October 2015 on Requests for Additional Evidence, 11 February 2016 (“SCC Decision on NC’s Reconsideration Request for Additional Evidence”), EN 01202790.
13. **F26/12** Decision on Objections to Document Lists Full Reasons, 31 December 2015 (“SCC Decision on Document Lists”), paras 40, 42-43, 45, 47, 68.
14. **F36** Appeal Judgement, 23 November 2016 (“Case 002/01 AJ”).
15. **F51/3** Decision on Khieu Samphan’s Request for Admission of Additional Evidence, 6 January 2020 (“SCC Decision on KS Additional Evidence Request”).

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16. **11** Decision on Khieu Samphan’s Application for Disqualification of Six Appeal Judges who Adjudicated in Case 002/01, 14 July 2020 (“Special Panel Decision re. Six Appeal Judges”), paras 64, 70-71, 82, 119.

***Trial Chamber (TC)***

17. Case 001-**E5/10/2** Decision on Admissibility of New Materials and Direction to the Parties, 10 March 2009 (“TC New Materials Admissibility Decision”), para. 6. (*Not included – available on the ECCC website*)
18. Case 001-**E188** Judgement, 26 July 2010 (“*Duch TJ*”). (*Not included – available on the ECCC website*)
19. **E1/2.1** T. 5 April 2011, 14.59.55-15.02.45, p. 97, line 16 – p. 98, line 15.
20. **E1/189.1** T. 6 May 2013, 00.00.00-09.06.02, p. 1, lines 13-23.
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25. **E74** Trial Chamber Memorandum entitled “Trial Chamber Response to Motions E67, E57, E56, E58, E23, E59, E20, E33, E71 and E73 following Trial Management Meeting of 5 April 2011”, 8 April 2011 (“Trial Management Directive”), EN 00659302.
26. **E116** Decision on Nuon Chea Motions Regarding Fairness of Judicial Investigation (E51/3, E82, E88 and E92), 9 September 2011 (“TC Decision on Fairness of Investigation”), para. 23.
27. **E122** Decision on Defence Preliminary Objections (Statute of Limitations on Domestic Crimes), 22 September 2011 (“TC Statute of Limitations Decision”), paras 2, 16, 22.
28. **E131/1** Trial Chamber Memorandum entitled “Witness Lists for Early Trial Segments, Deadline for Filing of Admissibility Challenges to Documents and Exhibits, and Response to Motion E109/5”, 25 October 2011 (“TC Directive on Witness Lists and Admissibility Challenges”), EN 00747686.
29. **E185** Decision on Objections to Documents Proposed to be Put Before the Chamber on the Co-Prosecutors’ Annexes A1-A5 and to Documents Cited in Paragraphs of the Closing Order Relevant to the First Two Trial Segments of Case 002/01, 9 April 2012 (“Case 002/01 Documents Decision”), paras 7, 15(v), 19, 21, 23-28, 31.
30. **E190** Decision Concerning New Documents and Other Related Issues, 30 April 2012 (“TC New Documents Decision”), fn. 38.
31. **E215** Decision on Assignment of Experts, 5 July 2012 (“TC Case 002/01 Experts Decision”), para. 4.
32. **E260** Trial Chamber Memorandum entitled “Response to Internal Rule 87(4) Requests to Place New Documents on the Case File Concerning the Testimony of Witness François Ponchaud and Sydney Schanberg (E243) and Experts Philip Short (E226, 226/1 and 230) and Elizabeth Becker (E232 and E232/1)”, 18 January 2013 (“TC Response to Rule 87(4) Requests for Documents Related to Witness and Expert Testimonies”), paras 7-8.
33. **E276/2** Trial Chamber Memorandum entitled “Response to the Internal Rule 87(4) Requests of the Co-Prosecutors, Nuon Chea, and Khieu Samphan (E236/4/1, E265, E271, E276, E276/1)”, 10 April 2013 (“TC Response to Rule 87(4) Requests”), para. 2.
34. **E301/9/1** Decision on Additional Severance of Case 002 and Scope of Case 002/02, 4 April 2014 (“TC Additional Severance and Scope Decision”).
35. **E301/9/1.1** Annex: List of Paragraphs and Portions of the Closing Order relevant to Case 002/02, 4 April 2014 (“Case 002/02 TC Additional Severance and Scope Annex”).
36. **E301/9/1.1/2** Trial Chamber Memorandum entitled “Khieu Samphan’s Request for Clarification and Modification to the Annex of the Decision on Additional Severance of Case 002 and Scope of Case 002/02”, 19 August 2014 (“TC Response to KS Request to Modify Case 002/02 Severance Annex”).
37. **E302/5** Trial Chamber Memorandum entitled “Clarification regarding the Use of Evidence and the Procedure for Recall of Witnesses, Civil Parties and Experts from Case 002/01 in Case 002/02”, 7 February 2014 (“TC Directive on Recall Procedure”), para. 8.

38. **E306/5** Decision on Defence Preliminary Objection Regarding Jurisdiction over the Crime Against Humanity of Deportation, 29 September 2014 (“TC Deportation Scope Decision”).
39. **E307/1** Trial Chamber Memorandum entitled “Decision on Parties’ Joint Request for Clarification regarding the Application of Rule 87(4) (E307) and the Nuon Chea Defence Notice of Non-Filing of Updated Lists of Evidence (E305/3)”, 11 June 2014 (“TC Decision on the Application of Rule 87(4)”), para. 3.
40. **E307/1/2** Trial Chamber Memorandum entitled “Decision on Joint Request for *de novo* Ruling on the Application of Internal Rule 87(4)”, 21 October 2014 (“TC Decision on Request for *de novo* Ruling on the Application of Rule 87(4)”), paras 10-11.
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42. **E315** Decision on Sequencing of Trial Proceedings in Case 002/02, 12 September 2014 (“TC Trial Sequencing Decision”), para. 7.
43. **E319/7** Decision on International Co-Prosecutor’s Request to Admit Documents Relevant to Tram Kok Cooperatives and Kraing Ta Chan Security Center and Order on Use of Written Records of Interview from Case Files 003 and 004, 24 December 2018 (“TC Decision on Admission of TKC and KTC Documents and Case 003 & 004 WRIs”), para. 8.
44. **E319/47/3** Decision on International Prosecutor’s Requests to Admit Written Records of Interview Pursuant to Rules 87(3) and 87(4), 29 June 2016 (“TC Decision on 87(3) and 87(4) WRI Admission”), paras 23, 25.
45. **E327/4/3** Trial Chamber Memorandum entitled “Decision on Co-Prosecutors’ Request to Obtain a Copy of 11 April 1977 Standing Committee Minutes”, 17 March 2016 (“TC Decision on 11 April 1977 Request to Obtain Copy of Standing Committee Minutes”).
46. **E327/4/7** Decision on Requests Regarding Copies of Vietnamese Documents Originating from Professor Christopher Goscha, 25 November 2016 (“TC Goscha Documents Decision”).
47. **E350/8** Decision on Evidence Obtained Through Torture, 5 February 2017 (“TC Torture Evidence Decision”), paras 30, 49, 87.
48. **E357/1** Trial Chamber Memorandum entitled “Decision on Co-Prosecutors’ Request to Correct and Supplement Documents Relating to Sector 5 Mobile Chief Ta Val and Sector 5 Secretary Heng Rin”, 30 September 2015 (“TC Decision on Sector 5 Document Corrections”), para. 2.
49. **E363/3** Decision on Khieu Samphan Defence Motion Regarding Co-Prosecutors’ Disclosure Obligations, 22 October 2015 (“TC Disclosure Obligations Decision”), paras 25-26, 28, 30, 36.
50. **E364/1.1** Email from the Trial Chamber Senior Legal Officer Kenneth William Roberts entitled “Further Scheduling – Treatment of Targeted Groups”, 24 December 2015, 10:05 a.m. (“TC Combined Witness List Notification Email”)

51. **E367/7** Trial Chamber Memorandum entitled “Decision on Nuon Chea’s Requests for Admission of Documents Relevant to the Testimony of 2-TCE-95”, 8 February 2016 (“TC Decision on Witness 2-TCE-95 Documents”).
52. **E367/8** Decision on Nuon Chea’s Rule 87(4) Requests for Admission of 29 Documents Relevant to the Testimony of 2-TCE-95, 5 May 2016 (“TC Written Reasons on Witness 2-TCE-95 Documents Decision”).
53. **E380/2** Decision on Motions to Hear Additional Witnesses on the Topic of the Treatment of the Vietnamese and to Admit Related Written Records of Interview (E380, E381, E382) (Full Reasons), 25 May 2016 (“TC Decision on Vietnamese Additional Witnesses and WRIs”), paras 21, 27.
54. **E408/6/2** Trial Chamber Memorandum entitled “Decision on Reiterated Request of Khieu Samphan Defence to Hear Stephen Heder (2-TCE-87) and François Ponchaud (2-TCE-99)”, 3 November 2016 (“TC Decision on Hearing Stephen Heder and François Ponchaud”).
55. **E421/4** Decision on Requests Regarding Internal Rule 87(4) Deadlines, 21 September 2016 (“TC Decision on 87(4) Deadlines”), paras 12, 23-24.
56. **E431/5** Written Reasons for Decision on Requests to Admit Documents Pursuant to Internal Rules 87(3) & 87(4) and Nuon Chea’s Rule 93 Request Relevant to the Testimony of Expert Kasumi Nakagawa (2-TCE-82), 17 November 2016 (“TC Written Reasons for Kasumi Nakagawa Decision and Admission of Documents”), paras 26-28.
57. **E436/1** Trial Chamber Memorandum entitled “Decision on the International Co-Prosecutor’s Request to Hear an Additional Civil Party on the Role of the Accused and for Admission of Related Statement”, 17 October 2016 (“TC Additional CP Decision”), para. 5.
58. **E443** Trial Chamber Memorandum entitled “Decision on Nuon Chea Defence Requests to hear Additional Witnesses pursuant to Internal Rule 87(4) (E391, E392, E395, E412, and E426)”, 21 September 2016 (“TC Decision on NC’s Additional Witness Request”), para. 1.
59. **E443/2** Trial Chamber Memorandum entitled “Documents Obtained by Professor Walter Heynowski”, 7 December 2016 (“TC Heynowski Documents Decision”), paras 3, 5-6, 8-9.
60. **E443/3** Trial Chamber Memorandum entitled “Decision on Request to Admit Logbook and to Recall Two Witnesses regarding S-21”, 27 December 2016 (“TC Decision on Orange Logbook and Two S-21 Witnesses”).
61. **E443/7** Trial Chamber Memorandum entitled “Notice of Trial Chamber’s Decision Not to Hear 2-TCW-946 (Walter Heynowski)”, 18 January 2017 (“TC Decision on Hearing Walter Heynowski”), para. 4.
62. **E459** Decision on Witnesses, Civil Parties and Experts Proposed to be heard During Case 002/02, 18 July 2017 (“TC Witness, Civil Parties, and Experts Decision”), paras 9-10, 13, 18, 22-194.

63. **E460/5** Fourth Decision on Fitness of the Accused Khieu Samphan to Stand Trial, 27 February 2018 (“TC KS Fitness Report Decision”), paras 3, 5-6.
64. **E465** Case 002/02 Judgement, 16 November 2018 (“Case 002/02 TJ”).

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65. **E314/12** Decision on Applications for the Disqualification of Trial Chamber Judges, 14 November 2014 (“Special Panel TC Judges Disqualification Decision”), EN 01036590-91.
66. **E314/12/1** Reasons for Decision on Applications for Disqualification, 30 January 2015 (“Special Panel TC Judges Disqualification Decision Reasons”).

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68. **D97/14/15 & D97/15/9 & D97/16/10 & D97/17/6** Decision on the Appeals Against the Co-Investigative Judges Order on Joint Criminal Enterprise, 20 May 2010 (“PTC JCE Decision”), paras 19, 21-24, 31-32, 37-39, 43, 45, 53, 84-86, 92, 95.
69. **D193/5/5** Decision on Appeal of Co-Lawyers for Civil Parties Against Order on Civil Parties’ Request for Investigative Actions Concerning all Properties Owned by the Charged Persons, 4 August 2010 (“PTC Decision on Property Ownership RIA”), para. 25.
70. **D273/3/5** Decision on Appeal Against OCIJ Order on Nuon Chea’s Eighteenth Request for Investigative Action, 10 June 2010 (“PTC Decision on NC’s 18th RIA”), para. 18.
71. **D274/4/5** Decision on Appeals Against Co-Investigating Judges’ Combined Order D250/3/3 Dated 13 January 2010 and Order D250/3/2 Dated 13 January 2010 on Admissibility of Civil Party Applications, 27 April 2010 (“PTC First Decision on CPA Admissibility Appeals”), para. 53.
72. **D364/1/3** Decision on the Appeal Against the Order Declaring Civil Party Application D22/288 Inadmissible, 1 June 2010 (“PTC Decision on CPA D22/288”), para. 3.
73. **D365/2/17** Decision on Reconsideration of Co-Prosecutors’ Appeal Against the Co-Investigating Judges Order on Request to Place Additional Evidentiary Material on the Case File which Assists in Proving the Charged Persons’ Knowledge of the Crimes, 27 September 2010 (“PTC Knowledge Evidence Decision”), paras 49, 60; fn. 126.
74. **D404/2/4** Decision on Appeals Against Orders of the Co-Investigating Judges on the Admissibility of Civil Party Applications, 24 June 2011 (“PTC Second Decision on CPA Admissibility Appeals”), paras 29, 41.
75. **D427/1/26** Decision on Ieng Sary’s Appeal Against the Closing Order, 13 January 2011 (“PTC First IS Closing Order Decision”).

76. **D427/1/30** Decision on Ieng Sary’s Appeal Against the Closing Order, 11 April 2011 (“PTC Second IS Closing Order Decision”), paras 44-47, 51, 62-63, 66-67, 113, 210-229, 235, 371-372, 385-388, 395-396, 398.
77. **D427/2/15 & D427/3/15** Decision on Appeals by Nuon Chea and Ieng Thirith Against the Closing Order, 15 February 2011 (“PTC NC and IT Closing Order Decision”), paras 14, 59-63, 98, 105-106, 130-131, 150, 154, 156-157, 165.
78. **D427/4/15** Decision on Khieu Samphan’s Appeal Against the Closing Order, 21 January 2011 (“PTC KS Closing Order Decision”), para. 14.
79. **D427/5/10** Decision on Ieng Sary’s Appeal Against the Closing Order’s Extension of his Provisional Detention, 21 January 2011 (“PTC IS Provisional Detention Decision”), para. 31.
80. Case 003-**D134/1/10** Decision on [Redacted] Appeal Against Co-Investigating Judge Harmon’s Decision on [Redacted] Applications to Seize the Pre-Trial Chamber with Two Applications for Annulment of Investigative Action, 23 December 2015 (“PTC Decision on Two Annulment Applications”). *(Not included – available on the ECCC website)*
81. Case 003-**D134/1/10** Decision on [Redacted] Appeal Against Co-Investigating Judge Harmon’s Decision on [Redacted] Applications to Seize the Pre-Trial Chamber with Two Applications for Annulment of Investigative Action, Opinion of the International Judges on the Application for Annulment Concerning [Redacted], 23 December 2015 (“PTC Decision on Two Annulment Applications, International Judges’ Opinion”), paras 4, 14-15. *(Not included – available on the ECCC website)*
82. Case 003-**D158/1** Decision on [Redacted] Request for the Pre-Trial Chamber to Take a Broad Interpretation of the Permissible Scope of Appeals Against the Closing Order & to Clarify the Procedure for Annulling the Closing Order, or Portions Thereof, if Necessary, 28 April 2016 (“PTC Decision on Scope of Appeals Against Closing Order”), paras 16, 18-19; fn. 39. *(Not included – available on the ECCC website)*
83. Case 003-**D165/2/26** Decision Related to (1) [Redacted] Appeal Against Decision on Nine Applications to Seize the Pre-Trial Chamber with Requests for Annulment and (2) the Two Annulment Requests Referred by the International Co-Investigating Judge, 13 September 2016 (“PTC Decision on Nine Annulment Applications”).
84. Case 003-**D165/2/26** Decision Related to (1) [Redacted] Appeal Against Decision on Nine Applications to Seize the Pre-Trial Chamber with Requests for Annulment and (2) the Two Annulment Requests Referred by the International Co-Investigating Judge, Opinion of Judges Beauvallet and Baik, 13 September 2016 (“PTC Decision on Nine Annulment Applications, International Judges’ Opinion”), paras 150, 152, 156, 168-169, 208, 218-222. *(Not included – available on the ECCC website)*
85. Case 004-**D257/1/8** Considerations on Ao An’s Application to Seize the Pre-Trial Chamber with a view to Annulment of Investigative Action Concerning Forced Marriage, Opinion on Merit of the Application by Judges Baik and Beauvallet, 17 May 2016 (“PTC Forced Marriage Annulment Considerations, International Judges’ Opinion”), para. 16. *(Not included – available on the ECCC website)*



86. Case 004-**D263/1/5** Considerations on Ao An's Application for Annulment of Investigative Action Related to Wat Ta Meak, Opinion on Merit of the Application by Judges Baik and Beauvallet, 15 December 2016 ("PTC Wat Ta Meak Annulment Considerations, International Judges' Opinion"), paras 58, 61. *(Not included – available on the ECCC website)*
87. Case 004-**D299/3/2** Considerations on Ao An's Application to Seize the Pre-Trial Chamber with a View to Annulment of Investigation of Tuol Beng and Wat Angkuonh Dei and Charges Relating to Tuol Beng, Opinion on Merit of the Application by Judges Baik and Beauvallet, 14 December 2016 ("PTC Tuol Beng and Wat Angkuonh Dei Annulment Considerations, International Judges' Opinion"), para. 52. *(Not included – available on the ECCC website)*
88. Case 004-**D345/1/6** Considerations on [Redacted] Application to Annul Investigative Action and Orders Relating to Kang Hort Dam, 11 August 2017 ("PTC Kang Hort Dam Annulment Considerations"). *(Not included – available on the ECCC website)*
89. Case 004-**D345/1/6** Considerations on [Redacted] Application to Annul Investigative Action and Orders Relating to Kang Hort Dam, Opinion on Merit of the Application by Judges Beauvallet and Baik, 11 August 2017 ("PTC Kang Hort Dam Annulment Considerations, International Judges' Opinion"), para. 39. *(Not included – available on the ECCC website)*
90. Case 004/1-**D308/3/1/20** Considerations on the International Co-Prosecutor's Appeal of Closing Order (Reasons), 28 June 2018 ("*Im Chaem* PTC Closing Order Considerations"), paras 61-62. *(Not included – available on the ECCC website)*
91. Case 004/2-**D338/1/5** Decision on Ao An's Application to Annul Written Records of Interview of Three Investigators, 11 May 2017 ("PTC Three Investigators Decision"), paras 10, 18, 20-22. *(Not included – available on the ECCC website)*
92. Case 004/2-**D359/24 & D360/33** Considerations on Appeals Against Closing Orders, 19 December 2019 ("*Ao An* PTC Closing Order Considerations"), paras 84-85, 135, 137-139. *(Not included – available on the ECCC website)*
93. Case 004/2-**D359/24 & D360/33** Considerations on Appeals Against Closing Orders, Opinion of Judges Baik and Beauvallet, 19 December 2019 ("*Ao An* PTC Closing Order Considerations, International Judges' Opinion"), paras 570, 588. *(Not included – available on the ECCC website)*

***Office of the Co-Investigating Judges (OCIJ)***

94. Case 001-**D198/1** Order Concerning the Co-Prosecutors' Request for Clarification of Charges, 20 November 2009 ("OCIJ Case 001 Clarification of Charges"), paras 8, 10. *(Not included – available on the ECCC website)*
95. **D250/3/3** Combined Order on Co-Prosecutors' Two Requests for Investigative Action Regarding Khmer Krom and Mass Executions in Bakan District (Pursat) and the Civil Parties Request for Supplementary Investigations Regarding Genocide of the Khmer Krom & the Vietnamese, 13 January 2010 ("OCIJ Combined Order on OCP and CP

Requests for Investigative Action Regarding the Vietnamese and the Khmer Krom”), para. 6.

96. **D300** Order on Requests D153, D172, D173, D174, D178 & D284, 12 January 2010 (“OCIJ Order on Requests D153, D172, D173, D174, D178 & D284”), paras 9-10.
97. **D427** Closing Order, 15 September 2010 (“Closing Order”), paras 156-158, 168-180, 183, 186, 188-191, 201-202, 205-206, 208-209, 220, 266, 268, 281, 290, 302-413, 432, 497-498, 500, 506, 509, 591, 599-601, 603, 605, 613-614, 617, 622, 634, 640, 784-790, 802, 1302, 1314, 1323, 1347, 1360, 1363-1364, 1377-1378, 1381-1390, 1392, 1397, 1416-1421, 1424, 1525, 1540, 1545, 1548, 1551, 1554, 1559, 1613; fns 1282-1283, 1292, 1397, 1433, 1541, 1561, 2156, 2159-2160, 2167, 2697.
98. Case 003-**D267** Closing Order, 28 November 2018 (“Closing Order”), paras 59-61. (*Not included – available on the ECCC website*)
99. Case 004/1-**D308/3** Closing Order (Reasons), 10 July 2017 (“*Im Chaem* Closing Order Reasons”), para. 59. (*Not included – available on the ECCC website*)

## CAMBODIAN LAW

100. Cambodian Civil Code, 1953-1970, art. 114. (*Exceeds 20 pages – excerpt attached*) **(Authority 1)**
101. Code of Criminal Procedure of the Kingdom of Cambodia, 7 June 2007 (“CCCP”), arts 44, 247, 256, 323, 344, 348. (*Exceeds 10 pages – excerpt attached*) **(Authority 2)**
102. Criminal Code of the Kingdom of Cambodia, 30 November 2009, art. 96. (*Exceeds 10 pages – excerpt attached*) **(Authority 3)**
103. Marriage Law, 26 July 1989, art. 4. (*Exceeds 20 pages – excerpt attached*) **(Authority 4)**

## INTERNATIONAL LAW

### Treaties and Other Instruments

104. Charter of the International Military Tribunal for the Far East, 19 January 1946 (“Tokyo Charter”), art. 5(c). (*Not included – available in the ECCC Legal Compendium*)
105. Control Council Law No. 10, Punishment of Persons Guilty of War Crimes, Crimes Against Peace and Against Humanity, 20 December 1945 (“CCL No. 10”), art. II(1)(c). (*Not included – available in the ECCC Legal Compendium*)
106. Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, New York, 10 December 1984, 1465 UNTS 113 (“1984 Torture Convention”). (*Not included – available in the ECCC Legal Compendium*)
107. Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, Lake Success, New York, 21 March 1950, 96 UNTS 271. **(Authority 5)**

108. Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, New York, 10 December 1962, 521 UNTS 231 (“1962 Convention on Consent to Marriage”), preamble, art. 1. (*Exceeds 10 pages – excerpt attached*) **(Authority 6)**
109. Convention on the Elimination of all Forms of Discrimination Against Women, New York, 18 December 1979, 1249 UNTS 13, art. 16; p. 89. (*Exceeds 10 pages – excerpt attached*) **(Authority 7)**
110. Convention on the Prevention and Punishment of the Crime of Genocide, 9 December 1948, A/RES/3/260 (“Genocide Convention”). (*Not included – available in the ECCC Legal Compendium*)
111. Convention (IV) Respecting the Laws and Customs of War on Land and its Annex: Regulations Concerning the Laws and Customs of War on Land, The Hague, 18 October 1907 (“1907 Convention on War on Land, Annex: Regulations”), art. 46. (*Not included – available on Case File 002 as document number D345/5/2.1.1, which is attached to D345/5/2 Co-Prosecutors’ Response to Ieng Sary’s Appeal on Command Responsibility, EN 00508582-00508608*)
112. Convention (II) with Respect to the Laws and Customs of War on Land and its Annex: Regulations Concerning the Laws and Customs of War on Land, The Hague, 29 July 1899 (“1899 Convention on War on Land, Annex: Regulations”), art. 46. (*Not included – available on Case File 002 as document number E163/5/8.1.7, which is attached to E163/5/8 Co-Prosecutors’ Rule 92 Submission on the Crime Against Humanity of Other Inhumane Acts in Respect of Forced Transfer, EN 00879366-00879385*)
113. Convention Relative to the Treatment of Prisoners of War, Geneva, 27 July 1929 (“1929 Geneva Convention”). **(Authority 8)**
114. Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, Geneva, 12 August 1949, 75 UNTS 31 (“GC I”). (*Not included – available in the ECCC Legal Compendium*)
115. Geneva Convention for the Amelioration of the Condition of the Wounded, Sick and Shipwrecked Members of the Armed Forces at Sea, Geneva, 12 August 1949, 75 UNTS 85 (“GC II”). (*Not included – available in the ECCC Legal Compendium*)
116. Geneva Convention Relative to the Treatment of Prisoners of War, Geneva, 12 August 1949, 75 UNTS 135 (“GC III”). (*Not included – available in the ECCC Legal Compendium*)
117. Geneva Convention Relative to the Protection of Civilian Persons in Time of War, Geneva, 12 August 1949, 75 UNTS 287 (“GC IV”). (*Not included – available in the ECCC Legal Compendium*)
118. Declaration on the Elimination of Discrimination Against Women, 7 November 1967, A/RES/2263(XXII) (“Declaration on the Elimination of All Forms of Discrimination against Women”), arts 6(2)(a), 11. **(Authority 9)**
119. Instructions for the Government of Armies of the United States in the Field, prepared by Francis Lieber, promulgated as General Orders No. 100 by President Abraham Lincoln,

- Washington D.C., 24 April 1863 (“Lieber Code”), art. 44. *(Not included – available on Case File 002 as document number E99.1.5, which is attached to E99 Co-Prosecutors’ Request for the Trial Chamber to Recharacterize the Facts Establishing the Conduct of Rape as the Crime Against Humanity of Rape Rather than the Crime Against Humanity of Other Inhumane Acts, EN 00708301-00708315)*
120. International Covenant on Civil and Political Rights, New York, 16 December 1966, 999 UNTS 171 (“ICCPR”), preamble, arts 2(1), 6, 9, 14-15, 23(3), 26. *(Not included – available in the ECCC Legal Compendium)*
121. International Covenant on Economic, Social and Cultural Rights, New York, 16 December 1966, 993 UNTS 3 (“ICESCR”), art. 10(1). *(Not included – available on Case File 002 as document number E457/6/3.1.43, which is attached to E457/6/3 Noun Chea’s Closing Brief in Case 002/02, EN 01456724-01457293)*
122. International Criminal Court, Elements of the Crimes, 2013 (“ICC Elements of Crimes”), art. 7(1)(c). *(Exceeds 10 pages – excerpt attached) (Authority 10)*
123. International Criminal Tribunal for Rwanda, Rules of Procedure and Evidence, as revised 13 May 2015 (“ICTR Rules of Procedure and Evidence”), rule 96. *(Not included – available in the ECCC Legal Compendium)*
124. International Criminal Tribunal for the former Yugoslavia, Rules of Procedure and Evidence, as revised 8 July 2015 (“ICTY Rules of Procedure and Evidence”), rule 96. *(Not included – available in the ECCC Legal Compendium)*
125. Charter of the International Military Tribunal, London, 8 August 1945, 82 UNTS 284 (“London Charter”), art. 6(c). *(Not included – available on Case File 002 as document number D240/2.2.6, which is attached to D240/2 Ieng Sary’s Supplemental Alternative Submission to His Motion Against the Applicability of Genocide at the ECCC, EN 00421720-00421734)*
126. Protocol Additional to the Geneva Conventions of 12 August 1949 and Relating to the Protection of Victims of International Armed Conflicts (Protocol I), 1125 UNTS 3 (“GC Additional Protocol I”), art. 76(1). *(Not included – available in the ECCC Legal Compendium)*
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129. Special Court for Sierra Leone, Rules of Procedure and Evidence, as amended 30 November 2018 (“SCSL Rules of Procedure and Evidence”), rules 72bis(iii), 96. *(Not included – available in the ECCC Legal Compendium)*
130. Statute of the International Court of Justice, 18 April 1946, 33 UNTS 993 (“ICJ Statute”), art. 38(1)(c). *(Not included – available in the ECCC Legal Compendium)*

131. Statute of the International Criminal Tribunal for Rwanda, 8 November 1994 as amended 31 January 2010 (“ICTR Statute”), art. 3(g). (*Exceeds 10 pages – excerpt attached*) **(Authority 11)**
132. Statute of the Special Court for Sierra Leone, annexed to the Agreement between the United Nations and the Government of Sierra Leone on the establishment of the Special Court for Sierra Leone, Freetown, 16 January 2002, 2178 UNTS 137 (“SCSL Statute”), art. 2(g). (*Not included – available in the ECCC Legal Compendium*)
133. Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, Geneva, 7 September 1956, 266 UNTS 40 (“Supplementary Convention on the Abolition of Slavery”), art. 1(c). (*Not included – available on Case File 002 as document number D427/1/23.1.3, which is attached to D427/1/23 Ieng Sary’s Reply to the Co-Prosecutors’ Joint Response to Nuon Chea, Ieng Sary and Ieng Thirith’s Appeals Against the Closing Order, EN 00629968-00630043*)
134. Universal Declaration of Human Rights, 10 December 1948, GA res. 217A (III), UN Doc A/810 (“UDHR”). (*Not included – available on Case File 002 as document number E163/5/8.1.24, which is attached to E163/5/8 Co-Prosecutors’ Rule 92 Submission on the Crime Against Humanity of Other Inhumane Acts in Respect of Forced Transfer, EN 00879366-00879385*)
135. Updated Statute of the International Criminal Tribunal for the Former Yugoslavia, 25 May 1993 as updated September 2009 (“ICTY Statute”), art. 5(g). (*Not included – available on Case File 002 as document number F11.1.7, which is attached to F11 Co-Prosecutors’ Appeal Against the Judgment of the Trial Chamber in Case 002/01, EN 01040229-01040258*)

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### *German Supreme Court in the British Zone*

136. *L. and others*, Entscheidungen des Oberste Gerichtshofes für die Britische Zone, Vol. 1, 7 December 1948 (“*L. and others*”), pp. 229-234. **(Authority 12)**
137. *T. and K.*, Entscheidungen des Oberste Gerichtshofes für die Britische Zone, Vol. 1, 21 December 1948 (“*T. and K.*”), pp. 198-202. **(Authority 13)**

### *International Court of Justice (ICJ)*

*(Not included – available on the ICJ website)*

138. Application of the Convention on the Prevention and Punishment of the Crime of Genocide (*Bosnia and Herzegovina v. Serbia and Montenegro*), Judgment of 26 February 2007, I.C.J. Reports 2007 at p. 43 (“*Bosnia v. Serbia*”), para. 190.
139. Application of the Convention on the Prevention and Punishment of the Crime of Genocide (*Croatia v. Serbia*), Judgment of 3 February 2015, I.C.J. Reports 2015 at p. 3 (“*Croatia v. Serbia*”), paras 162-163, 478.

### *International Criminal Court (ICC)*

*(Not included – available on the ICC website)*

140. *The Prosecutor v. Bemba*, ICC-01/05-01/08-2721, Decision on the Admission Into Evidence of Items Deferred in the Chamber's "Decision on the Prosecution's Application for Admission of Materials into Evidence Pursuant to Article 64(9) of the Rome Statute" (ICC-01/05-01/08-2299), Trial Chamber III, 27 July 2013 ("*Bemba* TC Admission Decision"), paras 12, 19-20.
141. *The Prosecutor v. Katanga & Chui*, ICC-01/04-01/07, Decision on the Confirmation of Charges, Pre-Trial Chamber I, 3 September 2008 ("*Katanga & Chui* PTC Confirmation of Charges Decision"), paras 506-508.
142. *The Prosecutor v. Lubanga*, ICC-01/04-01/06 A 5, Judgement, Appeals Chamber, 1 December 2014 ("*Lubanga* AJ"), para. 22.
143. *The Prosecutor v. Lubanga*, ICC-01/04-01/06-2842, Judgment pursuant to Article 74 of the Statute, Trial Chamber I, 14 March 2012 ("*Lubanga* TJ"), paras 1022-1024, 1027, 1352.
144. *The Prosecutor v. Ongwen*, ICC-02/04-01/15-795, Decision on Prosecution's Request to Submit 1006 Items of Evidence, Trial Chamber IX, 28 March 2017 ("*Ongwen* TC Evidence Submission Decision") para. 7.
145. *The Prosecutor v. Ongwen*, ICC-02/04-01/15-422-Red, Decision on the Confirmation of Charges Against Dominic Ongwen, Pre-Trial Chamber II, 23 March 2016 ("*Ongwen* PTC Confirmation of Charges"), paras 111-112, 114-115, 136-139.
146. *Situation in the Republic of Côte d'Ivoire*, ICC-02/11-14-Corr, Corrigendum to "Decision Pursuant to Article 15 of the Rome Statute on the Authorisation of an Investigation into the Situation in the Republic of Côte d'Ivoire", Pre-Trial Chamber III, 15 November 2011 ("*Situation in the Republic of Côte d'Ivoire* PTC Authorisation of Investigation"), para. 100.

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147. *The Prosecutor v. Akayesu*, ICTR-96-4-T, Judgement, Trial Chamber, 2 September 1998 ("*Akayesu* TJ"), paras 587, 589, 596, 687.
148. *Gacumbitsi v. The Prosecutor*, ICTR-2001-64-A, Judgement, Appeals Chamber, 7 July 2006 ("*Gacumbitsi* AJ"), paras 40-41, 43, 123, 155, 165.
149. *Hategekimana v. The Prosecutor*, ICTR-00-55B-A, Judgement, Appeals Chamber, 8 May 2012 ("*Hategekimana* AJ"), para. 113.
150. *Kalimanzira v. The Prosecutor*, ICTR-05-88-A, Judgement, Appeals Chamber, 20 October 2010 ("*Kalimanzira* AJ"), para. 87; fn. 238.
151. *Kamuhanda v. The Prosecutor*, ICTR-99-54A-A, Judgement, Appeals Chamber, 19 September 2005 ("*Kamuhanda* AJ"), paras 81-82.

152. *Karemera & Ngirumpatse v. The Prosecutor*, ICTR-98-44-A, Judgement, Appeals Chamber, 29 September 2014 (“*Karemera & Ngirumpatse AJ*”), paras 24, 468.
153. *Karera v. The Prosecutor*, ICTR-01-74-A, Judgement, Appeals Chamber, 2 February 2009 (“*Karera AJ*”), paras 19, 21, 317-318.
154. *The Prosecutor v. Kayishema & Ruzindana*, ICTR-95-1-A, Judgment, Appeals Chamber, 1 June 2001 (“*Kayishema & Ruzindana AJ*”), paras 201-202.
155. *Muhimana v. The Prosecutor*, ICTR-95-1B-A, Judgement, Appeals Chamber, 21 May 2007 (“*Muhimana AJ*”), para. 190.
156. *The Prosecutor v. Munyakazi*, ICTR-97-36A-A, Judgement, Appeals Chamber, 28 September 2011 (“*Munyakazi AJ*”), para. 160.
157. *Musema v. The Prosecutor*, ICTR-96-13-A, Judgement, Appeals Chamber, 16 November 2001 (“*Musema AJ*”), Disposition.
158. *The Prosecutor v. Musema*, ICTR-96-13-A, Judgement and Sentence, Trial Chamber, 27 January 2000 (“*Musema TJ*”), para. 214.
159. *Muvunyi v. The Prosecutor*, ICTR-2000-55A-A, Judgement, Appeals Chamber, 29 August 2008 (“*Muvunyi I AJ*”), para. 80.
160. *The Prosecution v. Muvunyi*, ICTR-00-55A-AR73, Decision on Prosecution Interlocutory Appeal Against Trial Chamber II Decision of 23 February 2005, Appeals Chamber, 12 May 2005 (“*Muvunyi AC Interlocutory Decision*”), fn. 86.
161. *Nahimana et al. v. The Prosecutor*, ICTR-99-52-A, A, Judgement, Appeals Chamber, 28 November 2007 (“*Nahimana AJ*”), paras 315, 482, 672, 949.
162. *Ndahimana v. The Prosecutor*, ICTR-01-68-A, Judgement, Appeals Chamber, 16 December 2013 (“*Ndahimana AJ*”), paras 147, 149, 157.
163. *The Prosecutor v. Ngirabatware*, ICTR-99-54-T, Decision on Defence Motion to Dismiss Based Upon Defects in Amended Indictment, Trial Chamber II, 8 April 2009 (“*Ngirabatware Decision on Motion to Dismiss*”), para. 21.
164. *The Prosecutor v. Ntagerura*, ICTR-99-46-A, Judgement, Appeals Chamber, 7 July 2006 (“*Ntagerura AJ*”), paras 174, 372.
165. *The Prosecutor v. Ntakirutimana et al.*, ICTR-96-10-A & ICTR-96-17-A, Judgement, Appeals Chamber, 13 December 2004 (“*Ntakirutimana AJ*”), paras 500-501.
166. *Ntawukulilyayo v. The Prosecutor*, ICTR-05-82-A, Judgement, Appeals Chamber, 14 December 2011 (“*Ntawukulilyayo AJ*”), paras 214, 222.
167. *The Prosecutor v. Nyiramasuhuko et al.*, ICTR-98-42-A, Judgement, Appeals Chamber, 14 December 2015 (“*Nyiramasuhuko AJ*”), para. 1277.
168. *Renzaho v. The Prosecutor*, ICTR-97-31-A, Judgement, Appeals Chamber, 1 April 2011 (“*Renzaho AJ*”), para. 244.

169. *The Prosecutor v. Ruggiu*, ICTR-97-32-I, Judgement and Sentence, Trial Chamber, 1 June 2000 (“*Ruggiu TJ*”), paras 21-22.
170. *Rukundo v. The Prosecutor*, ICTR-2001-70-A, Judgement, Appeals Chamber, 20 October 2010 (“*Rukundo AJ*”), paras 187, 189.
171. *Rutaganda v. The Prosecutor*, ICTR-96-3-A, Judgement, Appeals Chamber, 26 May 2003 (“*Rutaganda AJ*”), para. 30.
172. *Rwamakuba v. The Prosecutor*, ICTR-98-44-AR72.4, Decision on Interlocutory Appeal regarding Application of Joint Criminal Enterprise to the Crime of Genocide, Appeals Chamber, 22 October 2004 (“*Rwamakuba JCE Decision*”), para 19.
173. *The Prosecutor v. Seromba*, ICTR-2001-66-A, Judgement, Appeals Chamber, 12 March 2008 (“*Seromba AJ*”), paras 57-58, 176.
174. *Setako v. The Prosecutor*, ICTR-04-81-1, Judgement, Appeals Chamber, 28 September 2011 (“*Setako AJ*”), paras 31, 316.
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177. *Prosecutor v. Blagojević & Jokić*, IT-02-60-A, Judgement, Appeals Chamber, 9 May 2007 (“*Blagojević & Jokić AJ*”), paras 99-103, 127, 187, 195.
178. *Prosecutor v. Blagojević & Jokić*, IT-02-60-T, Judgement, Trial Chamber, 17 January 2005 (“*Blagojević & Jokić TJ*”), paras 551, 624-626, 731; fn. 2145.
179. *Prosecutor v. Blaškić*, IT-95-14-A, Judgement, Appeals Chamber, 29 July 2004 (“*Blaškić AJ*”), paras 34-43, 45-46, 48-50, 165, 588, 597.
180. *Prosecutor v. Blaškić*, IT-95-14-T, Judgement, Trial Chamber, 3 March 2000 (“*Blaškić TJ*”), para. 217.
181. *Prosecutor v. Bošković & Tarčulovski*, IT-04-82-A, Judgement, Appeals Chamber, 19 May 2010 (“*Bošković & Tarčulovski AJ*”), paras 18, 75.
182. *Prosecutor v. Brđanin*, IT-99-36-A, Judgement, Appeals Chamber, 3 April 2007 (“*Brđanin AJ*”), paras 263, 273, 277, 365, 418, 427, 430, 432.
183. *Prosecutor v. Brđanin*, IT-99-36-T, Judgement, Trial Chamber, 1 September 2004 (“*Brđanin TJ*”), para. 380; fn. 903.
184. *Prosecutor v. Delalić et al.*, IT-96-21-A, Judgement, Appeals Chamber, 20 February 2001 (“*Čelebići AJ*”), paras 173, 283, 290, 342-343, 583, 806.



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186. *Prosecutor v. Deronjić*, IT-02-61-A, Sentencing Judgement, Appeals Chamber, 20 July 2005 (“*Deronjić SJ Appeal*”), paras 97, 107, 110.
187. *Prosecutor v. Đorđević*, IT-05-87/1-A, Judgement, Appeals Chamber, 27 January 2014 (“*Đorđević AJ*”), paras 156, 192, 395, 512, 551-552.
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189. *Prosecutor v. Furundžija*, IT-95-17/1-A, Judgement, Appeals Chamber, 21 July 2000 (“*Furundžija AJ*”), para. 120.
190. *Prosecutor v. Furundžija*, IT-95-17/1-T, Judgement, Trial Chamber, 10 December 1998 (“*Furundžija TJ*”), paras 177-178, 183, 230, 232-249.
191. *Prosecutor v. Galić*, IT-98-29-A, Judgement, Appeals Chamber, 30 November 2006 (“*Galić AJ*”), para. 140.
192. *Prosecutor v. Galić*, IT-98-29-T, Judgement, Trial Chamber, 5 December 2003 (“*Galić TJ*”), paras 317, 596.
193. *Prosecutor v. Gotovina & Markač*, IT- 06-90-A, Judgement, Appeals Chamber, 16 November 2012 (“*Gotovina & Markač AJ*”), para. 127.
194. *Prosecutor v. Hadžihasanović et al.*, IT-01-47-AR72, Decision on Interlocutory Appeal Challenging Jurisdiction in Relation to Command Responsibility, Appeals Chamber, 16 July 2003 (“*Hadžihasanović Command Responsibility Decision*”), paras 33-35.
195. *Prosecutor v. Haradinaj*, IT-04-84-A, Judgement, Appeals Chamber, 19 July 2010 (“*Haradinaj AJ*”), para. 58.
196. *Prosecutor v. Haraqija & Morina*, IT-04-84-R77.4-A, Judgement, Appeals Chamber, 23 July 2009 (“*Haraqija & Morina AJ*”), paras 61-62.
197. *Prosecutor v. Jelisić*, IT-95-10-A, Judgement, Appeals Chamber, 5 July 2001 (“*Jelisić AJ*”), para. 47.
198. *Prosecutor v. Karadžić*, IT-95-5/18-AR98bis.I, Judgement, Appeals Chamber, 11 July 2013 (“*Karadžić Rule 98bis AJ*”), paras 23, 80.
199. *Prosecutor v. Karadžić*, IT-95-5/18-T, Public Redacted Version of Judgement Issued on 24 March 2016 – Volume I of IV, Trial Chamber, 24 March 2016 (“*Karadžić TJ*”), para. 550.
200. *Prosecutor v. Kordić & Čerkez*, IT-95-14/2-A, Appeals Chamber, Judgement, 17 December 2004 (“*Kordić & Čerkez AJ*”), paras 111, 113, 117, 1073-1083.
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202. *Prosecutor v. Krnojelac*, IT-97-25-A, Judgement, Appeals Chamber, 17 September 2003 (“*Krnojelac AJ*”), paras 31, 52, 100, 116.
203. *Prosecutor v. Krstić*, IT-98-33-A, Judgement, Appeals Chamber, 19 April 2004 (“*Krstić AJ*”), paras 33, 140.
204. *Prosecutor v. Krstić*, IT-98-33-T, Judgement, Trial Chamber, 2 August 2001 (“*Krstić TJ*”), paras 406, 642.
205. *Prosecutor v. Kunarac et al.*, IT-96-23 & IT-96-23/1-A, Judgement, Appeals Chamber, 12 June 2002 (“*Kunarac AJ*”), paras 116-117, 130-132, 150-151, 179.
206. *Prosecutor v. Kunarac et al.*, IT-96-23-T & IT-96-23/1-T, Judgement, Trial Chamber, 22 February 2001 (“*Kunarac TJ*”), para. 439.
207. *Prosecutor v. Kupreškić et al.*, IT-95-16-T, Judgement, Trial Chamber, 14 January 2000 (“*Kupreškić TJ*”), paras 562-566, 633-634, 636.
208. *Prosecutor v. Kvočka et al.*, IT-98-30/1-A, Judgement, Appeals Chamber, 28 February 2005 (“*Kvočka AJ*”), paras 23, 95-98, 101, 117, 187-188, 192, 260, 276, 421; fn. 403.
209. *Prosecutor v. Kvočka et al.*, IT-98-30/1-T, Judgement, Trial Chamber, 2 November 2001 (“*Kvočka TJ*”), paras 288, 292, 311.
210. *Prosecutor v. Lukić & Lukić*, IT-98-32/1-A, Judgement, Appeals Chamber, 4 December 2012 (“*Lukić & Lukić AJ*”), paras 428, 440.
211. *Prosecutor v. Lukić & Lukić*, IT-98-32/1-T, Judgement, Trial Chamber, 20 July 2009 (“*Lukić & Lukić TJ*”), para. 961; fn. 2887.
212. *Prosecutor v. Martić*, IT-95-11-A, Judgement, Appeals Chamber, 8 October 2008 (“*Martić AJ*”), paras 17, 19, 169, 233.
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215. *Prosecutor v. Milutinović et al.*, IT-05-87-T, Judgement (Vol. 1), Trial Chamber, 26 February 2009 (“*Milutinović TJ (Vol I)*”), para. 94.
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217. *Prosecutor v. Milutinović et al.*, IT-99-37-AR72, Decision on Dragoljub Ojdanić’s Motion Challenging Jurisdiction – *Joint Criminal Enterprise*, Appeals Chamber, 21 May 2003 (“*Ojdanić AC Jurisdiction Decision*”), paras 21, 37, 40, 42.

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219. *Prosecutor v. D. Nikolić*, IT-94-2-A, Judgement on Sentencing Appeal, Appeals Chamber, 4 February 2005 (“*D. Nikolić* SJ Appeal”), para. 81.
220. *Prosecutor v. M. Nikolić*, IT-02-60/1-A, Judgement on Sentencing Appeal, Appeals Chamber, 8 March 2006 (“*M. Nikolić* SJ Appeal”), paras 60-61; fn. 164.
221. *Prosecutor v. Orić*, IT-03-68-T, Judgement, Trial Chamber, 30 June 2006 (“*Orić* TJ”), para. 27.
222. *Prosecutor v. Popović et al.*, IT-05-88-A, Judgement, Appeals Chamber, 30 January 2015 (“*Popović* AJ”), paras 468, 738, 1369, 1378, 1652-1653, 1732, 1740-1741, 1758, 1783, 1812; fn. 2971.
223. *Prosecutor v. Popović et al.*, IT-05-88-T, Judgement, Trial Chamber, 10 June 2010 (“*Popović* TJ”), para. 1028.
224. *Prosecutor v. Prlić et al.*, IT-04-74-A, Judgement, Appeals Chamber, 29 November 2017 (“*Prlić* AJ”), paras 121, 802-803, 1394, 1410, 1487-1488, 1530, 1771-1772, 1800, 1802, 1880, 1882, 1970, 1982, 1988, 2012, 2074, 2078, 2080, 2372, 2402, 2422; fn. 7106.
225. *Prosecutor v. Prlić et al.*, IT-04-74-T, Judgement, Trial Chamber, 29 May 2013 (“*Prlić* TJ”), para. 212.
226. *Prosecutor v. Prlić et al.*, IT-04-74-T, Decision on Slobodan Praljak’s Motion for Clarification of the Time Frame of the Alleged Joint Criminal Enterprise, Trial Chamber III, 15 January 2009 (“*Prlić* Decision on JCE Time Frame”), p. 9.
227. *Prosecutor v. Šainović et al.*, IT-05-87-A, Judgement, Appeals Chamber, 23 January 2014 (“*Šainović* AJ”), paras 985, 1470, 1491, 1648-1649, 1663, 1679, 1682, 1687, 1772-1773; fn. 5510.
228. *Prosecutor v. B. Simić*, IT-95-9-A, Judgement, Appeals Chamber, 28 November 2006 (“*B. Simić* AJ”), paras 85-86, 114.
229. *Prosecutor v. Stakić*, IT-97-24-A, Judgement, Appeals Chamber, 22 March 2006 (“*Stakić* AJ”), paras 64, 219, 287, 315-317; fn. 470.
230. *Prosecutor v. Stakić*, IT-97-24-T, Judgement, Trial Chamber, 31 July 2003 (“*Stakić* TJ”), paras 416, 431, 654-655.
231. *Prosecutor v. Stanišić & Simatović*, IT-03-69-A, Judgement, Appeals Chamber, 9 December 2015 (“*Stanišić & Simatović* AJ”), paras 106, 108, 128.
232. *Prosecutor v. Stanišić & Župljanin*, IT-08-91-A, Judgement, Appeals Chamber, 30 June 2016 (“*Stanišić & Župljanin* AJ”), paras 917, 110.
233. *Prosecutor v. Tadić*, IT-94-1-A, Judgement, Appeals Chamber, 15 July 1999 (“*Tadić* AJ”), paras 196, 220, 225, 227-229, 714-718.

234. *Prosecutor v. Tolimir*, IT-05-88/2-A, Judgement, Appeals Chamber, 8 April 2015 (“*Tolimir AJ*”), paras 246, 254, 474.
235. *Prosecutor v. Tolimir*, IT-05-88/2-T, Judgement, Trial Chamber, 12 December 2012 (“*Tolimir TJ*”), para. 745.
236. *Prosecutor v. Vasiljević*, IT-98-32-A, Judgement, Appeals Chamber, 25 February 2004 (“*Vasiljević AJ*”), paras 100, 102, 108-109, 142, 165.

#### ***International Military Tribunal***

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238. *United States et al. v. Araki et al.*, Judgment, 4 November 1948 (“*IMTFE Judgment*”), pp. 494-497, 563-564, 572-573. (*Exceeds 10 pages – excerpt attached*) (**Authority 15**)

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240. *Prosecutor v. Šešelj*, MICT-16-99-A, Judgement, Appeals Chamber, 11 April 2018 (“*Šešelj AJ*”), para. 159.

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242. *Prosecutor v. Brima et al.*, SCSL-04-16-T, Sentencing Judgement, Trial Chamber II, 19 July 2007 (“*Brima SJ*”), paras 14-17.
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