



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

Chambres Extraordinaires au sein
des Tribunaux Cambodgiens

ការិយាល័យសហចៅក្រមស៊ើបអង្កេត

Office of the Co-Investigating Judges
Bureau des Co-juges d'instruction

សំណុំរឿងព្រហ្មទណ្ឌ

Criminal Case File /Dossier pénal

លេខ/No: 002/14-08-2006

លេខស៊ើបអង្កេត/Investigation/Instruction

លេខ/No: 002/19-09-2007-ECCC-OCIJ

ព្រះរាជាណាចក្រកម្ពុជា

ជាតិ សាសនា ព្រះមហាក្សត្រ

Royaume du Cambodge
Nation Religion Roi

ឯកសារចម្លង

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ថ្ងៃ ខែ ឆ្នាំ (Date): 23-Sep-2010, 12:28

CMS/CFD: Sann Rada

សៀវភៅចុះបណ្ណាល័យឧទ្ធរណ៍

Record of Appeals
Registre des appels

The year two thousand ten, the month of September, the twenty first day, at one in the afternoon ,
We, Som Ratana and Ham Hel, Greffiers of the Co-Investigating Judges of the Extraordinary
Chambers

Received the Notice of appeal from lawyer **Son Arun, Michiel PESTMAN** and **Victor KOPPE**

In his capacity as Co-lawyers for charged person **NUON Chea**,

Against the Co-Investigating Judges' Closing Order (D427) dated 15 September 2010 and notified
on 16 September 2010.

ឯកសារដើម	
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL	
ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Date de reception):	
23 / 09 / 2010	
ម៉ោង (Time/Heure):	
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មន្ត្រីទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé du dossier:	
Uch Arun	



ហាម អ៊ែល

សោម រតនា

អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា មានទីតាំងស្ថិតនៅ ផ្ទះជាតិលេខ៤ សង្កាត់ ចោមចៅ ខណ្ឌ ដង្កោ ក្រុង ភ្នំពេញ ប្រអប់សំបុត្រលេខ៧១
ទូរស័ព្ទលេខ +៨៥៥(០)២៣ ២១៨៩១៤ ទូរសារលេខ +៨៥៥(០)២៣ ២១៨៩៤១។

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D 427/3

**BEFORE THE OFFICE OF THE CO-INVESTIGATING JUDGES
EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA**

FILING DETAILS

Case No: 002/19-09-2007-ECCC/OCIJ
Filing Party: Nuon Chea Defence Team
Filed to: Office of the Co-Investigating Judges
Original language: English
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Classification of OCIJ:

Classification Status:

Review of Interim Classification:

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Signature:

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Ratanak	

NOTICE OF APPEAL AGAINST THE CLOSING ORDER

Filed by

Nuon Chea Defence Team:

SON Arun
 Michiel PESTMAN
 Victor KOPPE
 Andrew IANUZZI
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 Annebrecht VOSSENBERG (Legal Intern)

Distribution

Co-Prosecutors:

CHEA Leang
 Andrew CAYLEY

All Defence Teams

NOTICE OF APPEAL

1. Pursuant to Rule 75 of the ECCC Internal Rules (the 'Rules'), counsel for the Accused Nuon Chea (the 'Defence') submit this notice of appeal against the Closing Order¹ to the Office of the Co-Investigating Judges (the 'OCIJ').
2. The OCIJ has determined, *inter alia*, 'that the crimes and modes of responsibility defined in [the] section of the Closing Order [setting out the applicable law] comply with the legality principle'.² The Co-Investigating Judges have further held that genocide, crimes against humanity, grave breaches of the Geneva Conventions of 12 August 1949, and '[a]ll of the modes of criminal responsibility set out in Article 29 (new) of the ECCC Law were part of international law applicable in Cambodia at the relevant time'.³
3. The Pre-Trial Chamber has recently indicated that, 'if the Closing Order confirms the jurisdiction of [the] ECCC', the Accused 'may consider the effect of Internal Rule 67(5) when read in conjunction with Internal Rule 74(3)(a)'.⁴ Rule 67(5) provides that the Closing Order 'is subject to appeal as provided in Rule 74'; and Rule 74(3)(a) permits an Accused to appeal against an order of the OCIJ 'confirming the jurisdiction of the ECCC'.
4. As the Closing Order has unequivocally confirmed the jurisdiction of the ECCC in various respects, it is therefore appealable by the Accused pursuant to Rules 67(5) and 74(3)(a).

CO-LAWYERS FOR NUON CHEA



SON Arun



Michiel PESTMAN & Victor KOPPE

¹ Document No D-427, 'Closing Order', 16 September 2010, ERN 00604508-00605246. *N.B.* Nuon Chea is no longer a Charged Person; he is now an Accused. *See* Rules, Glossary, p 76 (Accused 'refers to any person who has been indicted by the Co-Investigating Judges or the Pre-Trial Chamber'.)

² Closing Order, para 1299.

³ Closing Order, para 1318; *see also ibid*, paras 1310, 1313, 1316.

⁴ Document No D-345/5/11, Public 'Decision on Ieng Sary's Appeal Against the Co-Investigating Judges' Order on Ieng Sary's Motion Against the Application of Command Responsibility', 9 June 2010, ERN 00528364-00528370, para 11.