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## PREFACE

This is the forty-fourth volume in the series ‘Annotated Leading Cases of International Criminal Tribunals’ (ALC) and contains the most important decisions of the Extraordinary Chambers in the Courts of Cambodia (ECCC) for the period from 11 December 2009 to 23 March 2011. It is the second volume containing decisions from the ECCC, but still deals with some preliminary matters and procedural decisions, as well as the Closing Order in Case 002 before that Court.

This volume is in its approach and structure similar to previous volumes. Thus, the book contains the full text of each of the annotated decisions, *corrigendum*, and judgments, including any separate, concurring and dissenting opinions, as well as annexes to the decisions. As with the previous volumes, the Co-Editors have ensured that the decisions are fully identical to the *written* original text, as issued by the Press and Information Office of the ECCC, and which bears the signatures of the judges, as only these can be considered as authoritative versions. In the course of our editorial work on this and previous volumes, we have discovered inconsistencies between the written original version of the decision and the any available internet versions.

Although we are only able to include the full text of the decisions by reducing their original format, we wanted the reader to be able to identify the page number of the original text, which is placed in brackets [ ] throughout the text.

We are very pleased that a number of distinguished international criminal law and international law scholars were prepared to write interesting and stimulating commentaries regarding these decisions, and believe that their contributions will add to the breadth of knowledge and understanding about the work of the ECCC.

A few words regarding the selection of decisions included in the ALC volumes are appropriate. In principle, we select all final judgments. In addition, we publish decisions taken at any stage of the procedure that are important for other reasons: because they deal with a specific legal question, because they are representative of a specific type of decision, or because they enter new legal waters. As a result, we may not publish decisions in which issues have been decided in a way similar or identical to a decision that has already been selected.

As noted, the decisions annotated in this volume deal with different aspects of the proceedings before the ECCC:

The first part of this volume contains decisions relating to preliminary matters involving requests for the disqualification of Judges. It also contains decisions of a procedural nature in respect of various rights of the accused and the civil parties, requests for *amicus* briefs and claims of alleged abuse of process.

The second part of this volume contains a lengthy Closing Order in Case 002, as well as various appeals arising from that Order.

Once again, we gratefully acknowledge the assistance of many people without whom we could not have completed this volume. These include the Press and Information Office of the ECCC, which offered generous assistance in obtaining the hard copies of decisions, our publisher Intersentia, in particular Hans Kluwer, Tom Scheirs and Isabelle van Dongen, and our assistant editor, Anzinga Low, who assisted with the coordination of all aspects of this volume. Of course, we would again like to thank the distinguished authors for their commentaries on the decisions, and their cooperation throughout the process.

We sincerely hope that this volume will be of interest to our readers and contribute to the further dissemination of the important work of the ECCC, as well as providing stimulation and assistance to practitioners, academics and students.

We have made every effort to maintain the high standard of previous volumes, and the Co-Editors would welcome feedback and suggestions from readers as to how the ALC series can be continuously improved, so as to maximise its value to readers. The ALC is the largest case law series on international criminal

jurisprudence in the world, and it is our on-going aim to make it as useful as possible to all persons interested in the work of the various institutions.

We therefore hope that you will find this volume to be a significant addition to your research resources in this ever more important area of international law.

André Klip and Steven Freeland

Maastricht/ Sydney, May 2015