

BEFORE THE TRIAL CHAMBER**EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA****FILING DETAILS****Case No:** 002/19-09-2007-ECCC/TC**Party Filing:** The Defence for IENG Sary**Filed to:** The Trial Chamber**Original language:** ENGLISH**Date of document:** 2 November 2012**CLASSIFICATION****Classification of the document
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**IENG SARY'S REQUEST FOR THE TRIAL CHAMBER TO HOLD A PUBLIC
HEARING AND TAKE EVIDENCE CONCERNING THE OCIJ'S WIDESPREAD
AND SYSTEMATIC PRACTICE OF CONDUCTING UNRECORDED INTERVIEWS
WITH WITNESSES
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CHEA Leang
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All Defence Teams**All Civil Parties**

Cambodian Law – ECCC Legal Compendium

1. Constitution, Art. 38.

ECCC Law – ECCC Legal Compendium

2. Internal Rules, Rules 21, 25, 51(8), 55(7), 62(3), 76(7), 93.

ECCC Jurisprudence, Filings, and Transcripts – Already Available on the Case File

3. Co-Prosecutors’ Request to Admit Witness Statements Relevant to Phase 1 of the Population Movement, 15 June 2012, E208.
4. Co-Prosecutors’ Request to Admit Witness Statements Relevant to Phase 2 of the Population Movement and Other Evidentiary Issues with confidential Annexes 1, II, III and Public Annex IV, 5 July 2012, E208/2.
5. Co-Prosecutors’ Further Request to Put Before the Chamber Written Statements and Transcripts with Confidential Annexes 1 to 16, 27 July 2012, E96/8.
6. Trial Chamber Memorandum entitled “Forthcoming Document Hearings and Response to Lead Co-Lawyers’ Memorandum Concerning the Trial Chamber’s Request to Identify Civil Party Applications for use at Trial (E208/4) and KHIEU Samphan Defence Request to Revise Corroborative Evidence Lists (E223),” 19 October 2012, E223/2, para. 14.
7. D108/6/10R, at 00:06:30; D125/168R, at 00:00:30; D91/16R, at 00:04:10, D369/32R, at 00:07:17; D125/31R, at 00:04:00; D125/92R, at 00:00:45 – 00:00:50, 00:01:35 – 00:01:45, 00:07:05 – 00:07:15, 00:08:00 – 00:08:10; D232/70R, at 00:21:50; D369/30R, at 01:10:00; D125/26R, at 00:02:15, 00:05:50; Written Record of Interview D232/46; Written Record of Interview D232/74; Written Record of Interview D232/32
8. Transcript, 14 June 2012, E1/87.1, p. 46-48.
9. Transcript, 25 July 2012, E1/96.1, p. 70-72.
10. Transcript, 1 August 2012, E1/100.1, p. 3-14.

11. Transcript, 6 September 2012, E1/123.1, p. 45-46.
12. IENG Sary's Request that the Trial Chamber Seek Clarification from the OCIJ as to the Existence of Any Record Relating to the Questioning of Witness Oeun Tan on 8 October 2008, 29 August 2012, E224
13. IENG Sary's Request to Hear Evidence from the Interpreter Concerning Witness Phy Phoun's Second OCIJ Interview Whereby Irregularities Occurred Amounting to Subterfuge, 23 August 2012, E221
14. IENG Sary's Request that the Trial Chamber Seek Clarification from the OCIJ as to the Questioning of Witness Norng Sophang on 17 February 2009 and Summon the OCIJ Investigators to Give Evidence Regarding This Interview, 27 September 2012, E234.
15. Transcript, 23 October 2012, E1/137.1, p. 57, 61.
16. Co-Prosecutors' Response to "IENG Sary's Request that the Trial Chamber Seek Clarification from the OCIJ as to the Questioning of Witness Norng Sophang on 17 February 2009 and Summon the OCIJ Investigators to Give Evidence Regarding this Interview," 8 October 2012, E234/1, paras. 25-26.
17. Decision on Immediate Appeal by KHIEU Samphan on Application for Immediate Release, 6 June 2011, E50/3/1/4, para. 31.
18. Order on Request for Transcription, 5 November 2009, D194/2, para. 9.
19. *Case of IENG Sary*, 002/09-10-2009-ECCC/PTC(01), IENG Sary's Application to Disqualify Co-Investigating Judge Marcel Lemonde & Request for a Public Hearing, 9 October 2009, 1, opening, Annex 1.
20. Pre-Trial Chamber Decision on Appeal and Further Submissions in Appeal against OCIJ Order on NUON Chea's Request for Interview of Witnesses, 20 September 2010, D375/1/8, para. 57 and fn 92.

Articles

21. Claire M. Germain, *Approaches to Statutory Interpretation and Legislative History in France*, 13 DUKE J. COMP. & INT'L L. 195, 201-02 (2003).