

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

FILING DETAIL

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**PRELIMINARY RESPONSE TO CO-PROSECUTORS' FURTHER REQUEST TO PUT
BEFORE THE CHAMBER WRITTEN STATEMENTS AND TRANSCRIPTS
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CAMBODIAN LAW**Constitutions, Statutes, and Rules**

1. ECCC Internal Rules: Rule 87 (*not included—ECCC Legal Compendium*)

ECCC Case Law and Pleadings*Case 002*

2. Document No. **E-96**, ‘Co-Prosecutors Rule 92 Submission Regarding the Admission of Written Statements before the Trial Chamber’, 15 June 2011, ERN 00706071-00706086 (*not included—ECCC Case File*)
3. Document No. **E-96/1**, ‘Response to OCP Submission Regarding the Admission of Written Witness Statements’, 21 July 2011, ERN 00716969-00716978 (*not included—ECCC Case File*)
4. Document No. **E-96/2**, ‘IENG Thirith Defence Response to ‘Co-Prosecutors’ Rule 92 Submission Regarding the Admission of Written Witness Statements Before the Trial Chamber’, 22 July 2011, ERN 00715984-00715999 (*not included—ECCC Case File*)
5. Document No. **E-96/3**, ‘IENG Sary’s Response to the Co-Prosecutor’s request regarding the Admission of Written Statements Before the Trial Chamber and Request for a Public Hearing’, 22 July 2011, ERN 00718446-00718461 (*not included—ECCC Case File*)
6. Document No. **E-96/4**, ‘Observations in Response to Co-Prosecutor’s Request regarding the Admission of Written Witness Statements’, 22 July 2011, ERN 00721872-00721882 (*not included—ECCC Case File*)
7. Document No. **E-96/7**, ‘Decision on Co-Prosecutors’ Rule 92 Submission Regarding the Admission of Witness Statements and Other Documents Before the Trial Chamber’, 20 June 2012, ERN 00812146-00812163 (*not included—ECCC Case File*)
8. Document No. **E-96/8**, ‘Co-Prosecutors’ Further Request to Put Before the Chamber Written Statements and Transcripts with Confidential Annexes 1 to 16’, 27 July 2012, ERN 00828859-00828873 (*not included—ECCC Case File*)
9. Document No. **E-131/1.1**, ‘Confidential Annex A: Partial List of Witnesses, Experts and Civil Parties for First Trial in Case 002’, ERN 00747687-00747694 (*not included—ECCC Case File*)

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10. Document No. **E-1/123.1**, 'Transcript of Trial Proceedings', 6 September 2012, ERN 00846635-00846745 (*not included—ECCC Case File*)
11. Document No. **E-223/1**, 'Co-Prosecutors' Response to Khieu Samphan's Request to Revise Corroborative Evidence Lists', ERN 008454445-008454452 (*not included—ECCC Case File*)
12. Document No. **E-1/91.1**, 'Transcript of Trial Proceedings', 18 July 2012, ERN 00825649-00825790 (*not included—ECCC Case File*)
13. Document No. **E-1/92.1**, 'Transcript of Trial Proceedings', 19 July 2012, ERN 00826714-00826865 (*not included—ECCC Case File*)
14. Document No. **D-3**, 'Introductory Submission', 18 July 2007, ERN 00147244-00147399 (*not included—ECCC Case File*)
15. Document No. **E-1/51.1**, 'Transcript of Trial Proceedings', 20 March 2012, ERN 00792960-00793045 (*not included—ECCC Case File*)
16. Document No. **E-1/52.1**, 'Transcript of Trial Proceedings', 21 March 2012, ERN 00793648-00793757 (*not included—ECCC Case File*)
17. Document No. **E-1/53.1**, 'Transcript of Trial Proceedings', 26 March 2012, ERN 00795037-00795152 (*not included—ECCC Case File*)
18. Document No. **E-1/54.1**, 'Transcript of Trial Proceedings', 27 March 2012, ERN 00795565-00795675 (*not included—ECCC Case File*)
19. Document No. **E-190.1.398**, 'Reassessing the Role of Senior Leaders and Local Officials in Democratic Kampuchea Crimes: Cambodian Accountability in Comparative Perspective', ERN 00661455-00661491 (*not included—ECCC Case File*)
20. Document No. **E-1/94.1**, 'Transcript of Trial Proceedings', 23 July 2012, ERN 00829800-00829959 (*not included—ECCC Case File*)
21. Document No. **D-222/1.17**, 'Cambodia: 1975-1982', ERN 00396894-00397284 (*not included—ECCC Case File*)
22. Document No. **A-110/1**, Letter by the OCIJ to the Nuon Chea Defence Team, 10 January 2008, ERN 00157730 (*not included—ECCC Case File*)
23. Document No. **E-1/31.1**, 'Transcript of Trial Proceedings', 23 January 2012, ERN 00772575-00772677 (*not included—ECCC Case File*)

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24. Document No. **E-3/158**, 'Guide for Historical Interviews', 4 March 2001, ERN 00291445-00291464 (*not included—ECCC Case File*)
25. Document No. **E-1/32.1**, 'Transcript of Trial Proceedings', 24 January 2012, ERN 00773146-00773267 (*not included—ECCC Case File*)
26. Document No. **E-1/38.1**, 'Transcript of Trial Proceedings', 2 February 2012, ERN 00777033-00777149 (*not included—ECCC Case File*)
27. Document No. **E-1/33.1**, 'Transcript of Trial Proceedings', 25 January 2012, ERN 00774031-00774129 (*not included—ECCC Case File*)
28. Document No. **D-427**, 'Closing Order', 15 September 2010, ERN 00604508-00605246 (*not included—ECCC Case File*)
29. Document No. **E-236/1**, Memorandum re 'Preliminary indication of individuals to be heard during population movement trial segments in Case 002/01', 2 October 2012, ERN 00850147-00850148 (*not included—ECCC Case File*)
30. Document **E-223/2**, Memo from President of the Trial Chamber to Parties, 19 October 2012, ERN 00852923-00852926 (*not included—ECCC Case File*)
31. Document No. **E-3/1648**, 'Voices from S-21', ERN 00192667-00192932 (*not included—ECCC Case File*)

INTERNATIONAL LAW

Statutes and RPEs

ICTY

32. ICTY RPE: Rule 92*bis* (*not included—previously submitted*)
33. ICTY RPE: Rule 92*ter* (*not included—previously submitted*)

ICTR

34. ICTR RPE: Rule 92*bis* (*not included—previously submitted*)
35. ICTR RPE: Rule 92*ter* (*not included—previously submitted*)

Case Law*ICTY*

36. *Prosecutor v. Blagojevic*, IT-02-60-T, ‘First Decision on Prosecution’s Motion for Admission of Witness Statements and Prior Testimony Pursuant to Rule 92 *bis*’, 12 June 2003 (*attached*)
37. *Prosecutor v. Brdanin*, IT-99-36-T, ‘Public Version of the Confidential Decision on the Admission of Rule 92 Bis Statements Dated 1 May 2002’, 23 May 2002 (*attached*)
38. *Prosecution v. Dordevic*, IT-05-87/1-T, ‘Decision on Prosecution’s Motion for Admission of Written Evidence of Witness K14 in Lieu of Oral Testimony Pursuant to Rule 92 *Bis*’, 18 March 2009 (*attached*)
39. *Prosecution v. Galic*, IT-98-29-AR73.2 ‘Decision on Interlocutory Appeal Concerning Rule 92*bis*(C)’, 7 June 2002 (*attached*)
40. *Prosecutor v. Hadzihasanovic and Kubura*, IT-01-47-T, ‘Decision on Prosecution Application Pursuant to Rule 92 *bis*(A) of the Rules’, 4 February 2004 (*attached*)
41. *Prosecutor v. Haradinaj*, IT-04-84*bis*-PT, ‘Decision on Prosecution’s Motion for Admission of Transcripts of Evidence in Lieu of Viva Voce Testimony Pursuant to 92*Bis*’, 22 July 2011 (*attached*)
42. *Prosecutor v. Karadzic*, IT-95-5/18-T, ‘Decision On Prosecution's Second Motion For Admission Of Statements And Transcripts Of Evidence In Lieu Of *Viva Voce* Testimony Pursuant To Rule 92 *Bis* (Witnesses Ark Municipalities)’, 18 March 2010 (*attached*)
43. *Prosecutor v. Karadzic*, IT-95-5/18-T, ‘Decision On Prosecution's Third Motion For Admission Of Statements And Transcripts Of Evidence In Lieu Of *Viva Voce* Testimony Pursuant To Rule 92 *Bis* (Witnesses For Sarajevo Municipality)’, 15 October 2009 (*attached*)
44. *Prosecutor v. Lukic*, IT-98-32/1-T, ‘Decision on Prosecution Motion for Admission of Evidence Pursuant to Rule 92 *Bis*’, 22 August 2008 (*attached*)
45. *Prosecutor v. Martić*, IT-95-11-T, ‘Decision on Prosecution’s Motions for Admission of Transcripts Pursuant to Rule 92 *Bis* (D) and of Expert Reports Pursuant to Rule 94 *Bis*’, 13 January 2006 (*attached*)
46. *Prosecutor v. Milosevic*, IT-02-54-T, ‘Decision on Prosecution Motion for the Admission of Transcripts in Lieu of Viva Voce Testimony Pursuant to 92*bis*(D) – Foca Transcripts’, 30 June 2003 (*attached*)

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47. *Prosecutor v. Milosevic*, IT-02-54-T, 'Decision on Prosecution Motion for the Admission of Evidence Pursuant to Rule 92bis', 7 October 2003 (*attached*)
48. *Prosecutor v. Milosevic*, IT-02-54-T, 'Decision on Prosecution's Request to Have Written Statements Admitted Under Rule 92Bis', 21 March 2002 (*attached*)
49. *Prosecutor v. Milutinovic*, IT-05-87-T, 'Decision on Prosecution's Rule 92 Bis Motion', 4 July 2006 (*attached*)
50. *Prosecutor v. Naletilic and Martinovic*, IT-98-34-PT, 'Decision Regarding Prosecutor's Notice of Intent to Offer Transcripts Under Rule 92bis(D)', 9 July 2001 (*attached*)
51. *Prosecutor v. Oric*, IT-03-68-T, 'Decision on Defence Motion for the Admission of the Witness Statement of Avdo Hesjnovic', 15 September 2005 (*attached*)
52. *Prosecutor v. Popovic*, IT-05-88-T, 'Decision on Prosecutor's Confidential Motion for Admission of Written Evidence in Lieu of Viva Voce Testimony Pursuant to Rule 92bis', 12 September 2006 (*attached*)
53. *Prosecutor v. Prlic*, IT-04-74-T, 'Decision on Admission of Evidence Pursuant to Rule 92 Bis (A) of the Rules (Brix-Andersen)', 23 January 2008 (*attached*)
54. *Prosecutor v. Sikirica*, IT-95-8-T, 'Decision on Prosecution's Application to Admit Transcripts Under Rule 92 Bis', 23 May 2001 (*attached*)
55. *Prosecutor v. Stanisic and Zupljanin*, IT-08-91-T, 'Written Reasons for the Oral Decision Granting in Part Prosecution's Motion for Admission of Evidence of ST223 Pursuant to Rule 92bis', 1 December 2010 (*attached*)
56. *Prosecutor v. Tolimir*, IT-05-88/2-T, 'Decision on Prosecution's Motion for Admission of Written Evidence Pursuant to Rules 92 bis and 94 bis', 7 July 2010 (*attached*)

ICTR

57. *Prosecutor v. Bagosora*, ICTR-98-41-T, 'Decision on Prosecutor's Motion for the Admission of Written Witness Statements Under Rule 92bis', 9 March 2004 (*attached*)
58. *Prosecutor v. Bagosora*, ICTR-98-41-T, 'Decision on Bagosora Motion to Vary its Witness List and Tender a Witness Statement Under Rule 92 bis' 12 December 2006 (*attached*)

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59. *Prosecution v. Bagosora*, ICTR-98-41-T, ‘Decision on Admission of Statements of Deceased Witnesses’, 19 January 2005 (*attached*)
60. *Prosecutor v. Karemera*, ICTR-98-44-T, ‘Decision Following Joseph Nzirorera’s Submission of Rule 92 *bis* Certified Statements’, 10 September 2009 (*attached*)
61. *Prosecutor v. Karemera*, ICTR-98-44-T, ‘Decision on Prosecution Motion for Admission of Evidence of Rape and Sexual Assault Pursuant to Rule 92 *Bis* of the Rules; and Order for Reduction of Prosecution Witness List’, 11 December 2006 (*attached*)
62. *Prosecutor v. Karemera et al.*, ICTR-98-44-T, ‘Decision on Prosecutor’s Motion to Admit Witness Statement from Joseph Serugendo’, 15 December 2006 (*attached*)
63. *Prosecutor v. Nsabimana*, ICTR-97-29-T, ‘Decision on Nsabimana’s Motion to Admit the Written Statement of Witness Jami in Lieu of Oral Testimony Pursuant to Rule 92*bis*’, 15 September 2009 (*attached*)

SCSL

64. *Prosecutor v. Taylor*, SCSL-03-1-T, ‘Decision on Prosecution Notice Under Rule 92 *Bis* for the Admission of Evidence Related to *Inter Alia* Kenema District and On Prosecution Notice Under Rule 92 *Bis* for the Admission of the Prior Testimony of TF-036 Into Evidence’, 15 July 2008 (*attached*)

OTHER

65. Email from Susan Lamb to Parties re ‘OCP Request E96/7’, 31 July 2012 (*attached*)