

**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:** 21 February 2013**CLASSIFICATION****Classification of the document  
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**IENG SARY'S NOTICE OF OBJECTION TO TCW-624'S REQUEST TO TESTIFY  
VIA VIDEO-LINK  
TABLE OF AUTHORITIES**

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Filed by:

**The Co-Lawyers:**  
ANG Udom  
Michael G. KARNAVAS

Distribution to:

**The Trial Chamber Judges:**  
Judge NIL Nonn  
Judge YOU Ottara  
Judge YA Sokhan  
Judge Silvia CARTWRIGHT  
Judge Jean-Marc LAVERGNE  
Reserve Judge THOU Mony  
Reserve Judge Claudia FENZ

**Co-Prosecutors:**  
CHEA Leang  
Andrew CAYLEY

**All Defence Teams****All Civil Parties**

**Cambodian Law – ECCC Legal Compendium**

1. Cambodian Constitution, Art. 31.
2. Cambodian Code of Criminal Procedure, Art. 297.

**ECCC Law – ECCC Legal Compendium**

3. Establishment Law, Art. 35 new (d)-(e).
4. Agreement, Art. 13(1).
5. Internal Rule 26(1).

**ECCC Jurisprudence and Filings – Already Disclosed on Case File**

6. Co-Prosecutors’ Witness, Civil Party and Expert Summaries, 23 February 2011, E9/13.1, p. 6.
7. Annex D: Witness Summaries with Points of the Indictment – NUON Chea Defence Team Witnesses, 23 February 2011, E9/10.1, p. 47.
8. IENG Sary’s Response to the Co-Prosecutors’ Notice to the Trial Chamber and Parties Regarding Testimony of TCE-38 and TCE-44, 9 March 2012, E166/1/1.
9. Trial Chamber Memorandum titled “Proposed testimony of Benedict KIERNAN before the Trial Chamber”, 13 June 2012, E166/1/4, p. 1.
10. Trial Chamber Memorandum titled “Preliminary indication of individuals to be heard during population movement trial segments in Case 002/01”, 2 October, E236/1, para. 1.
11. Letter from WESU to the Trial Chamber titled “Confidential: Request for Video-Link Testimony for TCW-624”, 8 February 2013, E236/1/4.
12. Letter from WESU to the Trial Chamber titled “Confidential: Medical Certificate for TCW-624”, 14 February 2013, E236/1/4/1.
13. Letter from Robin S. Freedberg, MD to WESU, dated 11 February 2013, E236/1/4/1.1.

**ECCC Transcripts – Already Disclosed on Case File**

14. Transcript, 21 November 2012, E1/144.1.
15. Transcript, 22 November 2012, E1/145.1.
16. Transcript, 23 November 2012, E1/146.1.
17. Transcript, 4 December 2012, E1/147.1.
18. Transcript, 7 December 2012, E1/150.1.

19. Transcript, 28 January 2013, E1/165.1, p. 18, 21, 38, 40, 42, 48, 53-54, 59, 65.
20. Transcript, 29 January 2013, E1/166.1.

### **International Jurisprudence – Publicly Available Online**

#### **ICTY**

21. *Prosecutor v. Tadić*, IT-94-1-T, Decision on the Defence Motion to Summon and Protect Defence Witnesses, and on the Giving of Evidence by Video-Link, 25 June 1996, para. 21.
22. *Prosecutor v. Stanišić & Simatović*, IT-03-69-T, Decision on Prosecution Motions to Hear Witnesses by Video-Conference Link, 24 February 2010, para. 8.
23. *Prosecutor v. Karadžić*, IT-95-5/18-T, Decision on Prosecution's Motion to Subpoena Berko Zečević, 20 January 2011, para. 19.

#### **ICTR**

24. *Prosecutor v. Bagosora et al.*, ICTR-98-41-T, Decision on Prosecution Request for Testimony of Witness BT via Video-Link, 8 October 2004, para. 15.
25. *Zigiranyirazo v. Prosecutor*, ICTR-2001-73-AR73, Decision on Interlocutory Appeal, 30 October 2006, para. 4.
26. *Prosecutor v. Nzabonimana*, ICTR-98-44d-T, Decision on Defence Urgent Motion to Hear Testimony of Expert Witness Dr. Susan Thomson via Video-Link, 9 March 2011, para. 16.

#### **United States**

27. *Aguilar-Ayala v. Ruiz*, 973 F.2d. 411, 419 (5<sup>th</sup> Cir. Tex. 1992).

### **International Covenants – ECCC Legal Compendium**

28. International Covenant on Civil and Political Rights, Art. 14(3)(d)-(e).