

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

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**OBJECTIONS TO CO-PROSECUTORS' REQUEST TO PUT BEFORE THE
CHAMBER WRITTEN STATEMENTS AND TRANSCRIPTS**

TABLE OF AUTHORITIES

Filed by

Nuon Chea Defence Team:
SON Arun
Victor KOPPE
PRUM Phalla
SUON Visal
Joshua ROSENSWEIG
Forest ONEILL-GREENBERG

Distribution

Co-Accused

Co-Prosecutors:
CHEA Leang
Andrew CAYLEY

Co-Lawyers for Civil Parties:
PICH Ang
Elisabeth SIMONNEAU-FORT

CAMBODIAN LAW**ECCC Documents**

1. ECCC Agreement (*non included – ECCC Legal Compendium*).
2. ECCC Internal Rules (*non included – ECCC Legal Compendium*).
3. ECCC Law (*non included – ECCC Legal Compendium*).

ECCC Case Law and Pleadings*Case 002*

4. Document No. **A-110**, Letter re ‘Conduct of the Investigation’, 20 December 2007, ERN 00157351-00157352 (*not included—ECCC Case File*).
5. Document No. **A-110/1**, Memorandum from Co-Investigating Judges, 10 January 2008, ERN 00157729-00157730 (*not included—ECCC Case File*).
6. Document No. **D-171/2**, ‘Notice of Joinder to Ieng Sary’s Third Request for Investigative Action’, 9 June 2009, ERN 00337488-00337489 (*not included—ECCC Case File*).
7. Document No. **D-288/4.21.1**, ‘Transcript of Trial Proceedings’, 19 May 2009 (*not included—ECCC Case File*).
8. Document No. **D-288/4.22.1**, ‘Transcript of Trial Proceedings’, 20 May 2009 (*not included—ECCC Case File*).
9. Document No. **D-427**, ‘Closing Order’, 15 September 2010, ERN 00604508-00605246 (*not included—ECCC Case File*).
10. Document No. **E-1/17.1**, 6 December 2011, ‘Transcript of Trial Proceedings’ (*not included—ECCC Case File*).
11. Document No. **E-1/35.1**, ‘Transcript of Trial Proceedings’, 30 January 2012, ERN 00775428-00775523 (*not included—ECCC Case File*).
12. Document No. **E1-51.1**, ‘Transcript of Trial Proceedings’, 20 March 2012, ERN 00792960-00793045 (*not included—ECCC Case File*).
13. Document No. **E1-60.1**, ‘Transcript of Trial Proceedings’, 5 April 2012, ERN 00799802-00799922 (*not included—ECCC Case File*).
14. Document No. **E-1/61.1**, ‘Transcript of Trial Proceedings’, 9 April 2012, ERN 00800388-00800514 (*not included—ECCC Case File*).

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15. Document No. **E-1/63.1**, 'Transcript of Trial Proceedings', 18 April 2012 (*not included—ECCC Case File*).
16. Document No. **E-1/64.1**, 'Transcript of Trial Proceedings', 19 April 2012 (*not included—ECCC Case File*).
17. Document No. **E-1/66.1**, 'Transcript of Trial Proceedings', 23 April 2012 (*not included—ECCC Case File*).
18. Document No. **E-1/69.1**, 'Transcript of Trial Proceedings', 26 April 2012 (*not included—ECCC Case File*).
19. Document No. **E-1/70.1**, 'Transcript of Trial Proceedings', 30 April 2012 (*not included—ECCC Case File*).
20. Document No. **E-1/72.1**, 'Transcript of Trial Proceedings', 3 May 2012(*not included—ECCC Case File*).
21. Document No. **E-1/77.1**, 'Transcript of Trial Proceedings', 29 May 2012 (*not included—ECCC Case File*).
22. Document No. **E-1/78.1**, 'Transcript of Trial Proceedings', 30 May 2012 (*not included—ECCC Case File*).
23. Document No. **E-1/82.1**, 'Transcript of Trial Proceedings', 6 June 2012 (*not included—ECCC Case File*).
24. Document No. **E-1/84.1**, 'Transcript of Trial Proceedings', 11 June 2012 (*not included—ECCC Case File*).
25. Document No. **E-1/85.1**, 12 June 2012, 'Transcript of Trial Proceedings' (*not included—ECCC Case File*).
26. Document No. **E-1/88.1**, 'Transcript of Trial Proceedings', 19 June 2012 (*not included—ECCC Case File*).
27. Document No. **E-1/90.1**, 'Transcript of Trial Proceedings', 21 June 2012 (*not included—ECCC Case File*).
28. Document No. **E-1/150.1**, 'Transcript of Trial Proceedings', 7 December 2012, ERN 00870086-00870205 (*not included—ECCC Case File*).
29. Document No. **E-1/159.1**, 'Transcript of Trial Proceedings', 13 January 2013, ERN 00879818-00879927 (*not included—ECCC Case File*).
30. Document No. **E-1/172.1**, 'Transcript of Trial Proceedings', 20 February 2013, ERN 00889786-00889915 (*not included—ECCC Case File*).
31. Document No. **E-1/173.1**, 'Transcript of Trial Proceedings', 21 February 2013, ERN 00890050-00890119 (*not included—ECCC Case File*).

32. Document No. **E-1/177.1**, 'Transcript of Trial Proceedings', 8 April 2013, ERN 00899302-00899397 (*not included—ECCC Case File*).
33. Document No. **E-3/20**, 'When the War was Over', ERN 00237694-00238316 (*not included—ECCC Case File*).
34. Document No. **E-55/4**, 'Decision on Ieng Thirith, Nuon Chea and Ieng Sary's Applications for Disqualification of Judges Nil Nonn, Silvia Cartwright, Ya Sokhan, Jean-Marc Lavergne and Thou Mony', 23 March 2011, ERN 00655691-00655700 (*not included—ECCC Case File*).
35. 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*).
36. 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*).
37. 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; E208; E208/2 (*not included—ECCC Case File*).
38. Document No. **E-96/8.2**, 'Annex 1 – Witness Statements: Corroborative Evidence', 27 July 2012, ERN 00859386-00859406 (*not included—ECCC Case File*).
39. Document No. **E-96/8.3**, 'Annex 2 – Case 001 Trial Transcripts', 27 July 2012, ERN 00829187-00829190 (*not included—ECCC Case File*).
40. Document No. **E-96/8.5**, 'Annex 4 Administrative Structures (Centre)', ERN 00829192 (*not included—ECCC Case File*).
41. Document No. **E-96/8.6**, 'Annex 5 Administrative Structures (National)', ERN 00829193 (*not included—ECCC Case File*).
42. Document No. **E-96/8.7**, 'Annex 6 Communications Structure', ERN 00829194 (*not included—ECCC Case File*).
43. **E-96/8.8**, 'Annex 7 Military Structure', ERN 00829195 (*not included—ECCC Case File*).
44. Document No. **E-96/8/1**, 'Preliminary Response to Co-Prosecutors' Further Request to Put Before the Chamber Written Statements and Transcripts', 8 November 2012 (*not included—ECCC Case File*).
45. Document No. **E-124/7.3**, 'Annex', ERN 00852356-00852358 (*not included—ECCC Case File*).

46. Document No. **E-142**, 'Request for Rule 35 Investigation Regarding Inconsistencies in the Audio and Written Records of OCIJ Witness Interviews', 17 November 2011, ERN 00754979-00754990 (*not included—ECCC Case File*).
47. Document No. **E-145**, Memorandum from Trial Chamber, 29 November 2011, ERN 00756549-00756551 (*not included—ECCC Case File*).
48. Document No. **E-163/5/1/1**, 'Co-Prosecutors' Immediate Appeal of Decision Concerning the Scope of Trial in Case 002/01 with Annex I and Confidential Annex II', 7 November 2012, ERN 00859078-00859107 (*not included—ECCC Case File*).
49. Document No. **E-163/5/1/13**, 'Decision on the Co-Prosecutors' Immediate Appeal of the Trial Chamber's Decision Concerning the Scope of Case 002/01', 8 February 2013, ERN 00885759-00885785 (*not included—ECCC Case File*).
50. Document No. **E-172/10**, Memorandum from Trial Chamber, 28 March 2012, ERN 00793936 (*not included—ECCC Case File*).
51. **E-172/27**, Memorandum, from Trial Chamber, 15 June 2012, ERN 00816394-0081635 (*not included—ECCC Case File*).
52. Document No. **E-185/1**, 'Decision on Objections to Documents Proposed to be Put Before the Chamber in Co-Prosecutors' Annexes A6-A11 and A14-A20 and by the Other Parties', 3 December 2012, ERN 00860704-00860713 (*not included—ECCC Case File*).
53. Document No. **E-189/3/1/7**, 'Request to Consider Additional Evidence', 15 March 2013, ERN 00893594-00893609 (*not included—ECCC Case File*).
54. Document No. **E-208/2.3**, 'Annex III', 5 July 2012, ERN 00822498-00822499 (*not included—ECCC Case File*).
55. Document No. **E-208.4**, 'Annex IV', 15 June 2012, ERN 00817029-00817029 (*not included—ECCC Case File*).
56. Document No. **E-208/4.1**, 'Civil Party Lead Co-Lawyers' Response to the Decision on the Co-Prosecutors' Rule 92 bis Submission Regarding the Admission of Written Statements and Other Documents Before the Trial Chamber (E96/7), and to Memorandum E208/3, Including Confidential Annexes 1 and 2', 27 July 2012, ERN 00842448-00842463 (*not included—ECCC Case File*).
57. Document No. **E-212**, 'Request for a Public Oral Hearing Regarding the Calling of Defence Witnesses', ERN 00818577-00818588 (*not included—ECCC Case File*).
58. Document No. **E-223**, 'Submissions in Support of Mr. Ieng Sary's Request E221, and Request for the Trial Chamber to Order the Co-Prosecutors to Revise the List of Written Statements They are Seeking to Put Before the Chamber in Lieu of Oral Testimony', 29 August 2012, ERN 00846203-00846210 (*not included—ECCC Case File*).

59. Document No. **E-223/2**, Memorandum from Trial Chamber, 19 October 2012, ERN 00852923-00852926 (*not included—ECCC Case File*).
60. Document No. **E-234/2**, ‘Notice of Joinder to Ieng Sary’s Request E-234’, 02 November 2012, ERN 00858861-00858876 (*not included—ECCC Case File*).
61. Document No. **E-277**, ‘Conclusions relatives au droit applicable au versement aux débats de déclarations écrites en lieu et place de témoignages oraux déposées en application de la règle 92’, 9 April 2013, ERN 00897796-00897814 (*not included—ECCC Case File*).
62. Document No. **E-278**, ‘Co-Prosecutors’ Submission of Revised Annexes 12 and 13 of their Rule 80(3) Trial Document List (Witness Statements and Complaints)’, 9 April 2013, ERN 00897846-00897861 (*not included—ECCC Case File*).
63. Document No. **E-278.2**, ‘Overview of Revised Annexes 12 and 13’, 10 April 2013, ERN 00897842-00897845 (*not included—ECCC Case File*).

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64. Document No. **E-188**, ‘Judgment’, 26 July 2010 (‘Duch Judgment’) (*not included – publicly available*).

INTERNATIONAL LAW

Case Law from other International Courts

European Court of Human Rights

65. *A.S. v. Finland*, ECtHR, Application No. 40156/07, ‘Judgment’, 28 September 2010 (*not included – publicly available*).
66. *Delta v. France*, ECtHR, Application No. 11144/85, ‘Judgment’, 19 December 1990 (*not included – publicly available*).
67. *Dimar Sibgatullin v. Russia*, ECtHR Application No. 1413/05, ‘Judgment’, 24 April 2012 (*not included – publicly available*).
68. *Dombo Beheer v. B.V. v. The Netherlands*, ECtHR, Application No. 14448/88, ‘Judgment’, 27 October 1993 (*not included – publicly available*).
69. *Unterpertinger v. Austria*, ECtHR, Application No. 9120/80, ‘Judgment’, 24 November 1986 (*not included – publicly available*).

ICTY

70. *Prosecutor v. Blagojevic and Jokic*, IT-02-60-T, ‘First Decision on Prosecution’s Motion for Admission of Witness Statements and Prior Testimony Pursuant to Rule 92bis’, 12 June 2003 (*not included – publicly available*).
71. *Prosecutor v. Blaskic*, IT-95-14-A, ‘Judgment’, 29 July 2004 (*not included – publicly available*).
72. *Prosecutor v. Brdjanin and Talic*, 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 (*not included – publicly available*).
73. *Prosecutor v. Galic*, IT-98-29-AR73.2, ‘Decision on Interlocutory Appeal Concerning Rule 92bis(C)’, 7 June 2002 (*not included – publicly available*).
74. *Prosecutor v. Haradinaj et al.*, IT-04-84bis-PT, ‘Decision on Prosecution’s Motion for Admission of Transcripts of Evidence in Lieu of Viva Voce Testimony Pursuant to Rule 92 bis’, 22 July 2011 (*not included – publicly available*).
75. *Prosecutor v. Krajisnik*, IT-00-39-T, ‘Order Relating to Prosecution Application to Admit Evidence Pursuant to Rule 92bis’, 19 July 2004 (*not included – publicly available*).
76. *Prosecutor v. Milosevic*, IT-02-54-T, ‘Decision on Prosecution’s Request to Have Written Statements Admitted Under Rule 92bis’, 21 March 2002 (*not included – publicly available*).
77. *Prosecutor v. Naletilic and Martinovic*, IT-98-34-T, ‘Judgment’, 31 March 2003 (*not included – publicly available*).
78. *Prosecutor v. Perisic*, IT-04-81-T, ‘Decision on Prosecution Motion for Admission of Evidence Pursuant to Rule 92 bis’, 2 October 2008 (*not included – publicly available*).
79. *Prosecutor v. Popovic et al.*, IT-05-88-T, ‘Decision on Prosecution’s Confidential Motion for Admission of Written Evidence in Lieu of Viva Voce Testimony Pursuant to Rule 92bis’, 12 September 2006 (*not included – publicly available*).
80. *Prosecutor v. Prlic et al.*, ‘Order Clarifying 92 bis Decision and Order of 7 March 2010’, 8 July 2010 (*not included – publicly available*).
81. *Prosecutor v. Sikirica et al.*, IT-95-8-T, ‘Decision on Prosecution’s Application to Admit Transcripts Under Rule 92 bis’, 23 May 2001 (*not included – publicly available*).
82. *Prosecutor v. Tadic*, IT-94-1-A, ‘Judgment’, 15 July 1999 (*not included – publicly available*).

83. *Prosecutor v. Akayesu*, ICTR-96-4-T, ‘Judgment’, 2 September 1998 (*not included – publicly available*).
84. *Prosecutor v. Bagosara et al.*, ICTR-98-41-T, ‘Decision on Prosecutor’s Motion for the Admission of Written Witness Statements Under Rule 92bis’, 9 March 2004 (*not included – publicly available*).
85. *Prosecutor v. Rukundo*, ICTR-2001-70-T, ‘Decision on Defence Motion to Present Additional Witnesses and to File Documentary Evidence Prior to the Close of its Case’, 30 November 2007 (*not included – publicly available*).

Constitutions, Statutes, and Rules from other International Courts

86. ICC Statute, Art. 7(2)(a) (*not included – publicly available*).
87. ICTR Rule 92bis (*not included – publicly available*).
88. ICTY Rule 92bis (*not included – publicly available*).

OTHER Material

89. Email from Bill Smith to Parties, 16 November 2012 (*attached*).
90. Email from Bill Smith to Parties, 24 January 2013 (*attached*).
91. Email from Bill Smith to Parties, 14 February 2013 (*attached*).
92. Email from Susan Lamb to Parties, 14 February 2013 (*attached*).