BEFORE THE TRIAL CHAMBER
EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA

FILING DETAILS

Case No: 002/19-09-2007-ECCC/TC   **Party Filing:** Co-Prosecutors

Filed to: Trial Chamber   **Original Language:** English

Date of Document: 21 May 2015

CLASSIFICATION

**Classification of the document
suggested by the filing party:**   PUBLIC

Classification by Trial Chamber: សាធារណៈ/**Public**

Classification Status:

Review of Interim Classification:

Records Officer Name:

Signature:

CO-PROSECUTORS' SUBMISSION REGARDING THE APPLICATION OF THE TORTURE CONVENTION TO S-21 CONFESSIONS AND OTHER RECORDS RELATING TO INTERROGATIONS OF PRISONERS

TABLE OF AUTHORITIES

Filed by: **Copied to:**

Co-Prosecutors   **Accused**
CHEA Leang   NUON Chea
Nicholas KOUMJIAN   KHIEU Samphan

                            Lawyers for the Defence
                            SON Arun
                            Victor KOPPE
                            KONG Sam Onn
                            Anta GUISSÉ
                            Arthur VERCKEN

ECCC LAW

Core Legal Documents

Jurisprudence

1. *Case 001:* **E43/4** Decision on the Admissibility of Material on the Case File as Evidence, 26 May 2009, paras. 18-20.

INTERNATIONAL LAW

Instruments

2. Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment, G.A. Res. 39/46, U.N. GAOR, 39th Sess., Supp. No. 51, U.N. Doc. A/RES/39/46, 1465 UNTS 113 (1984) arts. 4-9, 14, 15, 16. *(Not included - previously filed – see D130/5.2, ERN 00324987-00324991)*

3. Vienna Convention on the Law of Treaties, 155 U.N.T.S. 331, 23 May 1969, art. 31(1). *(Not included - previously filed – see E58/1.1.3, ERN 00652179-80)*

Jurisprudence

International Criminal Tribunal for the Former Yugoslavia (ICTY)

4. *Prosecutor v. Brdjanin,* Trial Chamber, Decision on Prosecution's Submission of Statement of Expert Witness Ewan Brown, ICTY, Case No. IT-99-36-T, 3 June 2003, p. 3. *(Not included - available on ICTY website)*

International Court of Justice (ICJ)

5. ICJ Advisory Opinion on Competence of the General Assembly for the Admission of a State to the United Nations, ICJ Reports (1950), p. 8. *(Not included - previously filed – see D130/9/6.6, ERN 00375097)*

Resolutions, Reports & Commentaries

6. Annual Report of the ICTY, U.N. Doc. A/49/342, 29 August 1994, p. 24. *(Not included - previously filed – see D130/10/5.3, ERN 00388496)*

7. Gideon Boas, *Evidence of the ICTY: Development of the Flexibility Principle,* in Essays on ICTY Procedure and Evidence in Honour of Gabrielle Kirk McDonald, 3 Int'l Humanitarian Law Series 263 (2001), at 265. *(Not included - previously filed – see D130/5.11, ERN 00325084)*

8. J. H. Burgers and H. Danelius, The United Nations Convention against Torture – A Handbook on the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, 1988, pp. 1, 69, 74. *(Exceeds 10 pages - excerpt attached)* *(Authority 1)*

9. Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Chapter I.C.26 (Guidelines on the Role of Prosecutors), U.N. Doc. A/CONF.144/28/Rev.1, 1990, Guideline 16. *(Not included - previously filed – see D130/5.18, ERN 00325185)*

10. Judge Richard May and Marieke Wierda, *Trends in International Criminal Evidence: Nuremburg, Tokyo, The Hague, and Arusha*, 37 Columb. J. Transnat'l L. 725 (1998-1999), at 745. *(Exceeds 10 pages - excerpt attached)* *(Authority 2)*

11. Manfred Nowak, *Report of the Special Rapporteur on the Question of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment*, UN General Assembly, 14 August 2006, U.N. Doc. A/61/259 para. 45. *(Not included - previously filed – see D130/5.17, ERN 00375168)*

12. Nigel S. Rodley, *Report of the Special Rapporteur on the Question of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment*, General Assembly, 56th session, 3 July 2001, A/56/156, paras 26-33. *(Not included - previously filed – see D130/9/13.2, ERN 00388487-00388489)*

13. Lene Wendland, A Handbook on State Obligations under the UN Convention on Torture, Association for the Prevention of Torture, p. 16, 35, 39, 44, fn, 132. *(Not included - previously filed – see D130/10/5.18, ERN00388573)*