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CO-PROSECUTORS' RESPONSE TO KHIEU SAMPHAN AND NUON CHEA'S JOINT REQUEST IN RELATION TO MODALITIES OF QUESTIONING WITNESSES

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ECCC LAW

Jurisprudence

- 1. **E201/2**, Notice to parties regarding revised modalities of questioning and Response to Co-Prosecutors' Request for Clarification Regarding the Use of Documents During Witness Testimony (E201), Trial Chamber, 13 June 2012.
- 2. **E218**, Scheduling of Trial Management Meeting to enable planning of the remaining trial phases in Case 002/01 and implementation of further measures designed to promote trial efficiency, Trial Chamber, 3 August 2012, para 7.
- 3. **E1/255.1**, TC Transcript, 2 February 2015, [15.04.40 15.05.49]
- 4. **F26**, Directions on the Conduct of the Hearing, Supreme Court Chamber, 17 June 2015.
- 5. **E1/323.1**, TC Transcript, 27 July 2015, after [14.34.24].
- 6. **E1/324.1**, TC Transcript, 28 July 2015, [14.30.37 14.33.23].

DOMESTIC LAW

Jurisprudence

7. State v. Earp, 319 Md. 156, 170-72 (1990).

Other

8. Restatement (Third) of the Law Governing Lawyers, § 116.

INTERNATIONAL LAW

Jurisprudence

International Criminal Tribunal for Rwanda (ICTR)

- 9. *Prosecutor v Edouard Karemera, et al.*, Decision on Interlocutory Appeal Regarding Witness Proofing, Appeals Chamber, Case No. ICTR-98-44-AR73.8, 11 May 2007, paras 8-10.
- 10. *Prosecutor v. Karemera, et al.*, Decision on Defence Motions to Prohibit Witness Proofing, Trial Chamber III, Case No. ICTR-98-44-T, 15 December 2006.

International Criminal Court (ICC)

- 11. Prosecutor v Thomas Lubanga Dyilo, Decision Regarding the Practices Used to Prepare and Familiarise Witnesses for Giving Testimony at Trial, Trial Chamber I, Case No. ICC-01/04-01/06, 30 November 2007.
- 12. Prosecutor v Jean-Pierre Bemba Gombo, Decision on the Unified Protocol on the practices used to prepare familiarise witnesses for giving testimony at trial, Trial Chamber III, Case No. ICC-01/05-01/08, 18 November 2010.
- 13. Prosecutor v. William Samoei Ruto and Joshua Arap Sang, Decision on witness preparation, Trial Chamber V, Case No. ICC-01/09-01/11, 2 January 2013.
- 14. Prosecutor v Francis Kirimi Muthaura and Uhuru Muigai Kenyatta, Decision on witness preparation, Trial Chamber V, Case No. ICC-01/09-02/11, 2 January 2013, paras 39-40.

International Criminal Tribunal for the former Yugoslavia (ICTY)

15. Prosecutor v Enver Hadžihasanović and Amir Kubura, Decision on Interlocutory Appeal Relating to the Refreshment of the Memory of a Witness, Case No. IT-01-47-AR73.2, Ap. Ch., 2 April 2004, p. 3.