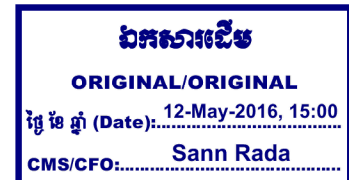


**BEFORE THE TRIAL CHAMBER
EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA**

FILING DETAILS

Case No: 002/19-09-2007-ECCC/TC
Filing Party: Nuon Chea Defence Team
Filed To: Trial Chamber
Original Language: English
Date of Document: 12 May 2016



CLASSIFICATION

Classification Suggested by the Filing Party: PUBLIC
Classification of the Trial Chamber: សាធារណៈ/Public
Classification Status:
Review of Interim Classification:
Records Officer Name:
Signature:

**NUON CHEA'S COMBINED REPLY TO CO-PROSECUTORS' AND CIVIL PARTY
LEAD CO-LAWYERS' RESPONSES TO NUON CHEA'S RULE 92 MOTION TO USE
CERTAIN S-21 STATEMENTS**

TABLE OF AUTHORITIES

Filed By

Nuon Chea Defence Team:
 SON Arun
 Victor KOPPE
 LIV Sovanna
 Doreen CHEN
 PRUM Phalla
 Xiaoyang NIE
 Marina HAKKOU
 Léa KULINOWSKI
 DY Socheata

Distribution

Co-Lawyers for Khieu Samphân:
 KONG Sam Onn
 Anta GUISSÉ

Co-Prosecutors:
 CHEA Leang
 Nicholas KOUMJIAN

Co-Lawyers for the Civil Parties:
 PICH Ang
 Marie GUIRAUD

I. ECCC LAW

1. ECCC Internal Rules (Rev. 9), revised on 16 Jan 2015
2. Practice Direction on Filing of Documents Before the ECCC, Practice Direction ECCC/01/2007/Rev.8, amended on 7 Mar 2012

II. ECCC DECISIONS AND ORDERS

Case 001

3. **E188**, Trial Judgement, Case File No. 001/18-07-2007/ECCC/TC, 26 Jul 2010

Case 002

4. **D427**, 'Closing Order', 15 Sep 2010
5. **E350/8**, 'Decision on Evidence Obtained through Torture', 5 Feb 2016
6. **E349/1**, 'Decision on Khieu Samphan Request for a Forensic Analysis of Document E3/2107', 17 Nov 2015

III. ECCC PARTY FILINGS

7. **E399**, 'Nuon Chea's Rule 92 Motion to Use Certain S-21 Statements', 20 Apr 2016
8. **E399/1**, 'Lead Co-Lawyers' Response to Nuon Chea's Rule 92 Motion to Use Certain S-21 Statements', 2 May 2016
9. **E399/2**, 'Co-Prosecutors' Response to Nuon Chea's Motion to Use Certain S-21 Statements', 2 May 2016

IV. ECCC TRANSCRIPTS

10. T. 28 Apr 2016 (Prak Khan, Draft Transcript)
11. T. 2 May 2016 (Prak Khan, Draft Transcript)
12. T. 27 Mar 2012 (Duch, **E1/54.1**)

V. INTERNATIONAL CONVENTIONS

13. *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, G.A. Res. 39/46, U.N. Doc. A/39/51, 10 Dec 1984, entered into force on 26 Jun 1987

VI. ATTACHMENTS

Emails

14. Email from Defence Legal Consultant to the Trial Chamber Senior Legal Officer, 4 May 2016 - **Attachment 1**
15. Email from the Trial Chamber Senior Legal Officer to the Parties, 5 May 2016- **Attachment 2**
16. Email from Defence Legal Consultant to the Trial Chamber Senior Legal Officer, 5 May 2016 - **Attachment 3**
17. Email from the Trial Chamber Senior Legal Officer to the Parties, 5 May 2016 - **Attachment 4**

International Jurisprudence

18. *Case of El-Masri v. The Former Yugoslav Republic of Macedonia*, ECtHR, App. No. 39630/09, Judgement, 13 Dec 2012 – **Attachment 5**
19. *Case of Hajrulahu v. The Former Yugoslav Republic Of Macedonia*, ECtHR, App No. 37537/07, Judgement, 29 Jan 2016 – **Attachment 6**
20. *Case of Gelfmann v. France*, ECtHR, App. No. 25875/03, Judgement, 14 Dec 2004 – **Attachment 7**
21. *Case of Loayza-Tamayo v. Peru*, IACtHR, Series C No. 33, Judgment, 17 Sep 1997, para. 43 – **Attachment 8**
22. *Prosecutor v. Kayishema et al.*, Case No. ICTR-95-1-T, Judgement, 21 May 1999 – **Attachment 9**
23. *Case of Baldeon-Garcia v. Peru*, IACtHR, Series C No. 147, Judgment, 6 Apr 2006 – **Attachment 10**

24. *Case of Maritza Urrutia v. Guatemala*, IACtHR, Series C No. 103, Judgment, 27 Nov 2003 – **Attachment 11**
25. *A and Others v. Secretary of State for the Home Department*, House of Lords, [2005] UKHL 71 – **Attachment 12**