

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: 5 July 2012

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:

ឯកសារដើម	
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL	
ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/date de reception):	
..... 05 / 07 / 2012	
ម៉ោង (Time/Heure) :	
..... 16:00	
មន្ត្រីទទួលបន្ទុកសំណុំរឿង / Case File Officer/L'agent chargé du dossier:	
..... UCH ARUN	

**RESPONSE TO NUON CHEA'S REQUEST FOR A PUBLIC ORAL HEARING
REGARDING THE CALLING OF DEFENCE WITNESSES**

TABLE OF AUTHORITIES

Filed by:

Co-Prosecutors
CHEA Leang
Andrew CAYLEY

Distributed to:

Trial Chamber
Judge NIL Nonn, President
Judge Silvia CARTWRIGHT
Judge YA Sokhan
Judge Jean-Marc LAVERGNE
Judge YOU Ottara

Copied to:

Accused
NUON Chea
IENG Sary
KHIEU Samphan

Civil Party Lead Co-Lawyers
PICH Ang
Elisabeth SIMONNEAU FORT

Lawyers for the Defence
SON Arun
Michiel PESTMAN
Victor KOPPE
ANG Udom
Michael G. KARNAVAS
KONG Sam Onn
Arthur VERCKEN
Anta GUISSSE
Jacques VERGES

ECCC LAW

Core Legal Documents

(Not included – ECCC Legal Compendium)

1. Extraordinary Chambers of the Courts of Cambodia, Internal Rules (Rev. 8), as revised on 12 August 2011, Rules 21(1), 21(4), 54, 79(6), 79(7), 80(3), 80bis, 84(2), 85(1), 87(4), 89bis, 91, 91(2), 91(3).

Jurisprudence

(Not included – ECCC Case File)

2. **D288/6.90** Decision on Ieng Sary's Request to Make Submissions in Response to the Co-Prosecutors' Request for the Application of Joint Criminal Enterprise, 3 July 2009 at para. 4.
3. **E9** Order to File Material in Preparation for Trial, 17 January 2011, paras. 2, 6.
4. **E93** Directive in Advance of Initial Hearing Concerning Proposed Witnesses, 3 June 2011, pp. 1-2.
5. **E131/1.1** Confidential Annex A: Partial List of Witnesses, Experts and Civil Parties for First Trial in Case 002, 25 October 2011.
6. **E172** Memorandum: Next Group of Witnesses, Civil Parties and Experts to be Heard in Case 002/1, 21 February 2012, p. 4.

INTERNATIONAL LAW

Jurisprudence

International Criminal Tribunal for the Former Yugoslavia (ICTY)

(Jurisprudence not included – available on ICTY website)

7. *Prosecutor v. Milan Milutinović et al.*, Case No. IT-05-87-AR73.1, Decision on Interlocutory Appeal Against Second Decision Precluding the Prosecution from Adding General Wesley Clark to its 65^{ter} List (ICTY Appeals Chamber), 20 April 2007, para. 8.
8. *Prosecutor v. Duško Tadić*, Case No. IT-94-1-A, Judgment (ICTY Appeals Chamber), 15 July 1999, paras. 44, 47.
9. *Prosecutor v. Zejnil Delalić et al.*, Case No. IT-96-21-T, Decision on the Motions by the Prosecution for Protective Measures for the Prosecution Witnesses Pseudonymed "B" Through to "M" (ICTY Trial Chamber), 28 April 1997, para. 34.

International Criminal Tribunal for Rwanda (ICTR)

(Jurisprudence not included – available on ICTR website)

10. *Prosecutor v. Augustin Ndirabatware*, Case No. ICTR-99-54-T, Decision on the Defence Motion for Reconsideration or Certification to Appeal the Oral Decision of 13 July 2011, and on the Reduction of the Defence Witness List (ICTR Trial Chamber II), 26 August 2011, paras. 46, 56.
11. *Prosecutor v. Édouard Karemera et al.*, Case No. ICTR-98-44-T, Decision on Joseph Nzirorera's Motion to Postpone or Compel the Testimony of Casimir Bizimungu (ICTR Trial Chamber III), 7 April 2010, para. 4.
12. *Prosecutor v. Léonidas Nshogoza*, Case No. ICTR-07-91-T, Decision on Defence Motion for Reconsideration of the Chamber's Further Order for the Defence to Reduce its Witness List (ICTR Trial Chamber III), 26 February 2009, para. 8
13. *Prosecutor v. Élie Ndayambaje et al.*, Case No. ICTR-98-42-AR73, Decision on Joseph Kanyabashi's Appeal against the Decision of Trial Chamber II of 21 March 2007 concerning the Dismissal of Motions to Vary his Witness List (ICTR Appeals Chamber), 21 August 2007, para. 10.
14. *Prosecutor v. Simon Bikindi*, Case No. ICTR-2001-72-T, Decision on the Defence Motion to File Proposed List of Witnesses and Statement of Agreed and Contested Matters of Facts and Law (ICTR Trial Chamber III), 2 August 2007, para. 7.
15. *Prosecutor v. Clément Kayishema and Obed Ruzindana*, Case No. ICTR-95-1-T, Judgment (Reasons) (ICTR Appeals Chamber), 1 June 2001, para. 67.

Special Court for Sierra Leone (SCSL)

(Jurisprudence not included – available on SCSL website)

16. *Prosecutor v. Charles Ghankay Taylor*, Case No. SCSL-03-01-T, Decision on Defence Notice of Appeal and Submissions Regarding the 4 May 2009 Oral Decision Requiring the Defence to Commence its Case on 29 June 2009 (SCSL Appeals Chamber), 23 June 2009, paras. 16 - 19.
17. *Prosecutor v. Issa Sesay et al.*, Case No. SCSL-04-15-T, Consequential Orders Concerning the Preparation and Commencement of the Defence Case (SCSL Trial Chamber I), 28 March 2007, p. 4.