

BEFORE THE TRIAL CHAMBER
EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA



FILING DETAILS

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

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ECCC LAW

Core Legal Documents

(Not included – ECCC Legal Compendium)

1. Law on the Establishment of the Extraordinary Chambers in the Courts of Cambodia, with inclusion of amendments as promulgated on 27 October 2004, art. 33 new.
2. Agreement between the United Nations and the Royal Government of Cambodia concerning the Prosecution under Cambodian Law of Crimes Committed during the period of Democratic Kampuchea, 6 June 2003, p. 1.
3. Extraordinary Chambers of the Courts of Cambodia, Internal Rules (Rev. 8), as revised on 12 August 2011, Rules 21(1), 23^{quater}, 87(3)(a).

Jurisprudence

(Not included – ECCC Case File)

4. **D427** Closing Order, 16 September 2010, para. 1360.
5. **E1/57.1** Transcript, 2 April 2012, pp. 89-90.
6. **E9/4.1** Annex to Co-Prosecutors' Rule 80 Expert, Witness and Civil Party Lists, 28 January 2011.
7. **E9/31** Co-Prosecutors' Rule 80 Trial Document List, 19 April 2011.
8. **E96** Co-Prosecutors' Rule 92 Submission Regarding the Admission of Written Witness Statements before the Trial Chamber, 15 June 2011, paras. 14, 38.
9. **E96/7** Decision on Co-Prosecutors' Rule 92 Submission Regarding the Admission of Witness Statements and other Documents before the Trial Chamber, 20 June 2012, paras. 20-36.
10. **E124** Severance Order Pursuant to Internal Rule 89^{ter}, 22 September 2011, para. 1.
11. **E131/1** Witness Lists for Early Trial Segments, Deadline for Filing of Admissibility Challenges to Documents and Exhibits, and Response to Motion E109/5, 25 October 2011.
12. **E158** Co-Prosecutors' Rule 92 Submission Regarding Indicia of Reliability of the 978 Documents Listed in Connection with Those Witnesses and Experts Who May Be Called During the First Three Weeks of Trial, 23 December 2011.
13. **E172** Next Group of Witnesses, Civil Parties and Experts to be Heard in Case 002/01, 17 February 2012.
14. **E208** Co-Prosecutors' Request to Admit Witness Statements Relevant to Phase I of the Population Movement, 15 June 2012.

15. **E208/2** Co-Prosecutors' Request to Admit Witness Statements Relevant to Phase II of the Population Movement and Other Evidentiary Issues, 5 July 2012.
16. **E208/3** Trial Chamber's Response to Co-Prosecutors' Request to Admit Witness Statements Relevant to Population Movements Phases I and II and IENG Sary Response, 19 July 2012, para. 3.

INTERNATIONAL LAW

Instruments

(Not included – available on ICC website)

17. ICC Statute, U.N. Doc. A/CONF.183/9, 17 July 1998, art. 68(3).

Jurisprudence

International Criminal Tribunal for the Former Yugoslavia (ICTY)

(Jurisprudence not included – available on ICTY website)

18. *Prosecutor v. Delalić et al.*, Case No. IT-96-21-A, Judgment (ICTY Appeals Chamber), 20 February 2001, para. 458.
19. *Prosecutor v. Stanislav Galić*, Case No. IT-98-29-AR73.2, Decision on Interlocutory Appeal Concerning Rule 92bis(C) (ICTY Appeals Chamber), 7 June 2002, paras. 11, 24.
20. *Prosecutor v. Stanislav Galic*, Case No. IT-98-29-T, Judgment (ICTY Trial Chamber), 5 December 2003, para. 171.
21. *Prosecutor v. Ramush Haradinaj et al.*, Case No. IT-04-84bis-PT, Decision on Prosecution's Motion for Admission of Transcripts of Evidence in Lieu of Viva Voce Testimony Pursuant to Rule 92bis (ICTY Trial Chamber II), 22 July 2011, paras. 19-21.
22. *Prosecutor v. Radislav Krstic*, Case No. IT-98-33-A, Judgment (ICTY Appeals Chamber), 19 April 2004, para. 33.
23. *Prosecutor v. Milan Milutinovic et al.*, Case No. IT-05-87-T, Judgment (ICTY Trial Chamber), 26 February 2009, para. 102.
24. *Prosecutor v. Momčilo Perišić*, Case No. IT-04-81-T, Decision on Prosecution Motion for Admission of Evidence Pursuant to Rule 92bis (ICTY Trial Chamber I), 2 October 2008, paras. 20-33.

International Criminal Tribunal for Rwanda (ICTR)

(Jurisprudence not included – available on ICTR website)

25. *Prosecutor v. Jean-Baptiste Gatete*, Case No. ICTR-2000-61-T, Decision on Defence Motion on Admissibility of Allegations Outside the Temporal Jurisdiction of the Tribunal (ICTR Trial Chamber), 3 November 2009, paras. 18-19.

26. *Prosecutor v. Jean Mpambara*, Case No. ICTR-01-65-T, Judgment (ICTR Trial Chamber), 11 September 2006, para. 42.

Commentaries

27. Patricia M. Wald, “‘To Establish Incredible Events by Credible Evidence’: Affidavit Testimony in Yugoslavia War Crimes Tribunal Proceedings,” (2001) 42 *Harvard International Law Journal* 535, p. 537. (**Attachment 1**)