

**BEFORE THE SUPREME COURT CHAMBER  
EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA**

**FILING DETAILS**

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**CO-PROSECUTORS' RESPONSE TO IENG SARY'S APPEAL AGAINST THE  
TRIAL CHAMBER'S ORAL DECISION CONCERNING MODE OF  
PARTICIPATION AND VIDEO-RECORDING OF THE HOLDING CELL**

**Table of Authorities**

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## ECCC Law

*(Not included – ECCC Legal Compendium)*

### Core Legal Documents

1. Extraordinary Chambers of the Courts of Cambodia, Internal Rules (Rev. 7), as revised on 23 February 2011, Rules 11(2)(h), 21, 82(1), 82(4) & 109(1).
2. Guide to the ECCC Legal Assistance Scheme, Article F10.

### Jurisprudence

3. **E1/75.1** Transcript, 23 May 2012, pp. 9.
4. **E1/125.1** Transcript, 21 September 2012 at p. 12.
5. **E1/142.1** Transcript, 8 November 2012 at pp. 16-17.
6. **E1/147.1** Transcript 4 December 2012 at pp. 12-15, 17-19 & 27-28.
7. **E9/7/1/1** Ieng Sary's notice of appeal against Trial Chamber's decision entitled: Trial Chamber's disposition of requests for extension of deadline (E9/7 and E9/4/9), 2 March 2011 at p. 2.
8. **E9/7/1/1/4** Decision on two notices of appeal filed by Ieng Sary, 8 April 2011 at p. 2.
9. **E20** Ieng Sary's Motion to Conduct the Trial through Half-Day Sessions, 19 January 2011.
10. **E51/5/5** Ieng Sary's notice of appeal against order to Ieng Sary defence on filing of preliminary objections, 9 March 2011.
11. **E62/3/5** Geriatric Expert Report of IENG Sary dated on 13 June 2011 in Response to Trial Chamber's Order Assigning Expert, 13 June 2011.
12. **E95/8/1/1** Ieng Sary's appeal against the Trial Chamber's decision on the Co-Prosecutors' request to exclude armed conflict nexus requirement from the definition of crimes against humanity, 26 October 2011.
13. **E95/8/1/2** Co-Prosecutors' response to Ieng Sary's appeal against the Trial Chamber decision to exclude the armed conflict nexus from the definition of crimes against humanity, 2 December 2011 at para. 4.
14. **E95/8/1/4** Decision on Ieng Sary's Appeal Against Trial Chamber's Decision on Co-Prosecutors' Request to Exclude Armed Conflict Nexus Requirement, 19 March 2012 at p. 5 & para. 8.
15. **E110** Scheduling Order for Preliminary Hearing on Fitness to Stand Trial, 12 August 2011, p. 2.
16. **E130/4/3** Decision on Ieng Sary's Appeal Against Trial Chamber's Order Requiring His Presence in Court, 13 July 2012 at p. 2.

17. **E137/5/1/3** Decision on Ieng Sary's appeal against the Trial Chamber decision on motions for disqualification of Judge Cartwright, 17 April 2012 at paras. 11, 12, 13 & 15.
18. **E138/1/7** Decision on Immediate Appeal Against the Trial Chamber's Order to Release the Accused Ieng Thirith 13 December 2011 at para. 15.
19. **E176/2/1/4** Decision on Nuon Chea's Appeal Against the Trial Chamber's Decision on Rule 35 Applications for Summary Action, 14 September 2012 at para 30.
20. **E189/2/3** Decision on Nuon Chea's "Appeal Against Constructive Dismissal of Application for Immediate Action Pursuant to Rule 35," 26 November 2012 at para. 5.
21. **E238** Decision on accused Ieng Sary's Fitness to Stand Trial, 26 November 2012 at p. 15.
22. **E238/9** Decision on Accused Ieng Sary's Fitness to Stand Trial, 26 November 2012.
23. **E238/9/1/1** Ieng Sary's Appeal Against the Trial Chambers Oral Decision to Deny his Right to be Present in the Courtroom and to Prohibit him from being Video Recorded in the Holding Cell, 18 December 2012 at Section V, paras. 16, 23, 24 & 25.
24. **E254** Order for Submissions, 12 December 2012.
25. **E254/1** Ieng Sary's Submissions on the Law Permitting Him to be Audio/and or Video Recorded in the Holding Cell, 14 December 2012.
26. **E254/2** Co-Prosecutors' response to "Ieng Sary submissions on the law permitting him to be audio and/or video recorded in the holding cell," 21 December 2012.

## INTERNATIONAL LAW

### International Criminal Tribunal for the former Yugoslavia

27. *Prosecutor v Strugar*, IT-01-42-A, Appeals Judgment, 17 July 2008 at para. 21. (*Not included – available on ICTY website*).
28. *Prosecutor v. Tihomir Blaškić*, Case No. IT-95-14, Judgment on the Request of the Republic of Croatia For Review of the Decision of the Trial Chamber II of 18 July 1997 (ICTY Appeals Chamber), 29 October 2007 at para. 22-24. (*Not included – available on ICTY website*).

### International Criminal Tribunal for Rwanda

29. *Prosecutor v. Prosper Mugiraneza et al.*, Case No. ICTR-99-50-I, Decision on Prosper Mugiraneza's Motion to Exclude Custodial Statement (ICTR Trial Chamber II), 1 October 2003 at para 14. (*Not included – available on ICTR website*).
30. *Prosecutor v. Théoneste Bagosora*, Case No. ICTR-96-7-T, Decision on the Amicus Curiae Application by the Government of Belgium (ICTR Trial Chamber II), 6 June 1998 at para. 3. (*Not included – available on ICTR website*).

31. *Prosecutor v. Emmanuel Bagambiki et al.*, Case No. ICTR-97-36(I), Decision on the Defence Motion on Defects in the Form of the Indictment (ICTR Trial Chamber II), 24 September 1998 at para. 5. (*Not included – available on ICTR website*).
32. *Prosecutor v. Aloys Simba*, Case No. ICTR-01-76-A, Judgment (ICTR Appeals Chamber), 27 November 2007 at para. 30. (*Not included – available on ICTR website*).

## DOMESTIC LAWS

### Jurisprudence

33. *United States v. Texas*, Case No. 97-29, Judgment, (United States Supreme Court, 523 U.S. 296), 31 March 1998 at 300. (*exceeds 10 pages – excerpt attached*) (**Authority 1**).
34. *The State v. Walter Bequinot*, Case No. CCT/24/95, Judgment (Constitutional Court of South Africa), 18 November 1996 at paras. 12-13. (*exceeds 10 pages – excerpt attached*) (**Authority 2**).
35. *Zanomzi Peter Zantsi v. The Council of State et al.*, Case No. CCT/24/94, Judgment (Constitutional Court of South Africa), 22 September 1995 at paras. 2-5. (*exceeds 10 pages – excerpt attached*) (**Authority 3**).
36. *Clive Ferreira et al. v. Allan No Levin et al.*, Case No. CCT/5/95, Judgment (Constitutional Court of South), 6 December 2005 at para. 199. (*exceeds 10 pages – excerpt attached*) (**Authority 4**).
37. *Srinivas Gundluri v. SEPCO Electric Power Construction*, Case No. Appeal 1377, Judgment (Supreme Court of India), 30 July 2010 at para 2. (*exceeds 10 pages – excerpt attached*) (**Authority 5**).
38. *S.K. JHA Commodore v. State of Kerala et al.*, Case No. Appeal No, 1017, Order (Supreme Court of India) 11 January 2011 in 1 *Supreme Court Reporter* 295, at p. 296. (*exceeds 10 pages – excerpt attached*) (**Authority 6**).