00877533 E236/2/2/1.1

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

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# CO-PROSECUTORS' RESPONSE TO IENG SARY'S REQUEST FOR INFORMATION CONCERNING TCE-33

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#### I. ECCC LAW

(Not included - ECCC Legal Compendium)

#### Jurisprudence

- 1. E172/24, Trial Chamber's Order on the updated information regarding scheduling of proposed experts, 25 May 2012.
- 2. E215, Trial Chamber Decision on Assignment of Experts, 5 July 2012, paras. 15 & 16.
- 3. E236/2, Trial Chamber Memorandum entitled "Announcement of upcoming witnesses", 26 November 2012.
- 4. PTC Doc. No 3, Pre-Trial Chamber Decision, 22 September 2009.
- 5. D402/1/4, Pre-Trial Chamber Confidential Decision on Ieng Sary's Appeal against the OCIJ's Order Rejecting Ieng Sary's Application to Seize the PTC with a Request for Annulment of all Investigative Acts Performed by or with the assistance of [TCE-33] and [...], 30 November 2010.
- 6. A121/I, Co-Investigating Judges Response to Ieng Sary's Lawyers' Request for Information Concerning an Eventual Conflict of Interest, 24 January 2008.
- 7. A121/III, Reply of the Co-Investigating Judges to the Recall of Ieng Sary's Lawyers of their Request for Information Concerning Potential Conflict of Interests of [TCE-33], 26 May 2008.
- 8. A252/2, Co-Investigating Judges Response to Ieng Sary's Lawyers' Request for Information concerning the Potential Existence of Conflict of Interest of OCIJ Investigator [TCE-33], 29 May 2009.
- 9. D377/1, OCIJ Greffiers' Response to Ieng Sary's Request to Limit the Scope of Duties of OCIJ Investigator [TCE-33], 29 April 2010.
- 10. D402, Co-Investigating Judges' Order Refusing Ieng Sary's Requests for Annulment (D381 and D387), 3 September 2010.

#### Parties' Submissions

- 11. A121, Ieng Sary Request for Information Concerning Potential Conflict of Interest, 10 January 2008.
- 12. A121/II, Ieng Sary Request Concerning the Interview of Mr. Ieng Sary on his Conditions of Detention on 2 May 2008, 24 April 2008.

- 13. A252, Ieng Sary Request for Information Concerning the Potential Existence of Conflict of Interest of OCIJ Investigator [TCE-33], 30 January 2009.
- 14. PTC Doc. No 1, Ieng Sary's Application for Disqualification of OCIJ Investigator [TCE-33] and OCIJ Legal Officer [...] in the Office of the Co-Investigating Judges, 8 July 2009.
- 15. PTC Doc. No 2, Co-Prosecutors' Response to Ieng Sary's Application for Disqualification of Investigators [...] of the Office of the Co-Investigating Judges, 23 July 2009.
- 16. D377, Ieng Sary's Request to Limit the Scope of Duties of OCIJ Investigator [TCE-33], 13 April 2010.
- 17. D377/2, Ieng Sary's Response to the OCIJ Letter Responding on his Request to Limit the Scope of Duties of OCIJ Investigator [TCE-33], 4 May 2010.
- 18. D381, Ieng Sary's Application to Seize the PTC with a Request for Annulment of all Investigative Acts Performed by or with the Assistance of [TCE-33] and [...], 19 May 2010.
- 19. D381/1, Ieng Sary Notice of Appeal against the Constructive Dismissal of the Application to Seize the PTC with a Request for Annulment of all Investigative Acts Performed by or with the Assistance of [TCE-33] and [...], 31 August 2010.
- 20. D412, Ieng Sary's Expedited Request to Stay the Proceedings Pending a Pre-Trial Chamber Decision on his Annulment Appeals on the Investigative / Analysis Work Performed by OCIJ Employees [...] and [TCE-33] and DC-Cam Evidence Relied Upon by the OCIJ, 1 September 2010.
- 21. D381/1/1, Ieng Sary's Appeal against the OCIJ Constructive Denial of Ieng Sary's Application to Seize the PTC with a Request for Annulment of all Investigative Acts Performed by or with the Assistance of [TCE-33] and [...], 3 September 2010.
- 22. D402/1/2, Ieng Sary's Appeal against the OCIJ's Order Rejecting Ieng Sary's Application to Seize the PTC with a Request for Annulment of all Investigative Acts Performed by or with the assistance of [TCE-33] and [...], 15 September 2010.
- 23. E9/4/9, Ieng Sary's Initial Objection to the OCP Proposed Experts, 24 February 2011, para. 27.
- 24. E93/9, Nuon Chea's Request for Additional Witnesses & Continuation of Initial Hearing, 5 July 2011 and its Annex E93/9.1, list of proposed witnesses.
- 25. E93/12, Ieng Sary's Joint Observations to Certain Witnesses and Experts Requested by the Co-Prosecutors, Civil Parties and Nuon Chea Following the Trial Chamber's Tentative List of Witnesses, 15 July 2011, paras. 5, 6, 9, 11.
- 26. E236/2/2, Ieng Sary's Request for Information Concerning TCE-33, 7 December 2012.

#### **Transcripts of Proceedings**

- 27. Transcript of Trial Proceedings- Case 001 of Kaing Guek Eav "Duch", Trial Day 16, 18 May 2009, E1/20.1.
- 28. Transcript of Trial Proceedings- Case 001 of Kaing Guek Eav "Duch", Trial Day 17, 19 May 2009, E1/21.1.
- 29. Transcript of Trial Proceedings- Case 001 of Kaing Guek Eav "Duch", Trial Day 18, 20 May 2009, E1/22.1.
- 30. Transcript of Trial Proceedings- Case 001 of Kaing Guek Eav "Duch", Trial Day 19, 21 May 2009, E1/23.1.
- 31. Transcript of Trial Proceedings- Case 001 of Kaing Guek Eav "Duch", Trial Day 21, 26 May 2009, E1/25.1.
- 32. Transcript of Trial Proceedings- Case 001 of Kaing Guek Eav "Duch", Trial Day 22, 27 May 2009, E1/26.1.
- 33. Transcript of Trial Proceedings- Case 001 of Kaing Guek Eav "Duch", Trial Day 23, 28 May 2009, E1/27.1.

#### II. INTERNATIONAL LAW

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- 34. *Prosecutor v. Stanislav Galic*, Decision Concerning the Expert Witnesses Ewa Tabeau and Richards Philipps, Case No. IT-98-29-T, 3 July 2002, p.2.
- 35. *Prosecutor v. Radoslav Brđanin*, Case No. IT-99-36-T, Decision on Prosecution's Submission of Statement of Expert Witness Ewan Brown, 3 June 2003, p. 4.
- 36. *Prosecutor v. Momcilo Perišić*, Decision on Defence Motion to Exclude the Expert Report of Morten Torkildsen, Case No. IT-04-81-T, 30 December 2008, para. 8.

#### International Criminal Tribunal for Rwanda (ICTR)

37. *Prosecutor v. Ferdinand Nahimana et al.*, Appeal Judgment, Case No. ICTR-99-52-A, 28 November 2007, para. 198-199.