

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:** 11 December 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:**



**CO-PROSECUTORS' URGENT RESPONSE TO IENG SARY'S REQUEST  
CONCERNING VIDEO-LINK TESTIMONY FOR TCCP-1, WITH ANNEX**

**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

**Civil Party Lead Co-Lawyers**  
PICH Ang  
Elisabeth SIMONNEAU FORT

**Copied to:**

**Accused**  
NUON Chea  
IENG Sary  
KHIEU Samphan

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

**ECCC DOCUMENTS****Core Documents**

1. Extraordinary Chambers of the Courts of Cambodia, Internal Rules (Rev. 8), as revised on 3 August 2011.
2. Practice Direction ECCC/01/2007/Rev.8, “Filing of documents before the ECCC”, 7 March 2012.
3. Practice Direction ECCC/004/2009/Rev.1, “Classification and management of case-related information”, 7 March 2012.

**Trial Chamber**

4. Memorandum to the Parties, “Preliminary indication of individuals to be heard during population movement trial segments in Case 002/01”, 2 October 2012, E236/1.
5. Memorandum from the Coordinator, WESU to the Senior Legal Officer in the Trial Chamber, “Confidential: Request for Video-Link Testimony for TCCP-1 [NAME REDACTED]”, 19 October 2012, E236/1/1.
6. Memorandum to the Parties, “Request for Video-Link for TCCP-1 [NAME REDACTED]”, 21 November 2012, E236/1/1/2.
7. Memorandum to the Parties, “Proposed testimony of Benedict Kiernan before the Trial Chamber”, 13 June 2012, E166/1/4.

**Trial Chamber Emails**

8. Email from the Trial Chamber Legal Officer to the Parties, “Re: courtesy copy of a filing related to TCCP-1 - to be filed as soon as translation is complete”, 10 December 2012.
9. Email from Trial Chamber Senior Legal Officer to the Parties, “Witness schedule for December”, 3 December 2012.
10. Email from Case File Officer to the Parties, “Re: courtesy copy of a filing related to TCCP-1 - to be filed as soon as translation is complete”, 10 December 2012.
11. Email from Case File Officer to the Parties, “Re-classification: Case File No. 002 (Interoffice Memorandum entitled ‘Confidential: Request for Video-Link Testimony for TCCP-1 [NAME REDACTED]’”, 22 November 2012.

**INTERNATIONAL LAW****Instruments**

*Not included – available on ICTY website*

12. Statute of the International Criminal Tribunal for the former Yugoslavia, U.N. Doc S/RES/827 (25 May 1993), Article 21(4)(e).

### Jurisprudence

#### International Tribunal for the former Yugoslavia Not included – available on ICTY website

13. *Prosecutor v. Goran Jelisić*, Case No. IT-95-10-A, Judgment (ICTY Appeals Chamber), 5 July 2001.
14. *Prosecutor v. Jovica Stanišić*, Case No. IT-03-69-T, Decision on Prosecution Motions to Hear Witnesses by Video-Conference Link (ICTY Trial Chamber I), 24 February 2010.
15. *Prosecutor v. Zejnil Delalić et al. (now Mucić et al.)*, Case No. IT-96-21, Decision on the Motion to Allow Witnesses K,L, and M to Give their Testimony by Means of Video-Link Conference (ICTY Trial Chamber), 28 May 1997.
16. *Prosecutor v. Dusko Tadić*, Case No. IT-94-1-T, Decision on the Defence Motions to Summon and Protect Defence Witnesses, and on the Giving of Evidence by Video-Link, 25 June 1996.
17. *Prosecutor v. Milan Milutinović et al.*, Case No. IT-05-87-T, Decision on Prosecution Motion for Protective Measures and for Testimony to be heard via Video-Conference Link, 15 August 2006.
18. *Prosecutor v. Ante Gotovina et al.*, Case No. IT-06-90-T, Reasons for Decision on Prosecution's Renewed Motion for Evidence of Witness 82 to be Presented via Video- Conference Link from Zagreb and Reasons for Decisions on the Request of the Markax Defence to Conduct Cross-Examination in Zagreb (ICTY Trial Chamber I), 26 February 2009.

### OTHER

19. Ministry of Justice (New Zealand), "Audio Links and Audio Visual Links in Proceedings" Discussion Paper CLW-38-17, 28 November 2008. (*Authority 1*)