

BEFORE THE TRIAL CHAMBER
EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA

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**CO-PROSECUTORS' COMBINED RESPONSE TO
DEFENCE OBJECTIONS TO THE ADMISSION OF WITNESS STATEMENTS,
COMPLAINTS AND TRANSCRIPTS**

TABLE OF AUTHORITIES

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ECCC LAW

Jurisprudence

1. **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.
2. **D250/3/2/1/8** Decision on the Reconsideration of the Admissibility of Civil Party Applications, 1 July 2011.
3. **E138/1/7** Decision on Immediate Appeal Against the Trial Chamber's Order to Release the Accused Ieng Thirith, 13 December 2011.
4. **E124/7** Decision On Co-Prosecutors' Request For Reconsideration of the Terms of the Trial Chamber's Severance Order (E124/2) and Related Motions and Annexes, 18 October 2011.
5. **E223/2** Trial Chamber Memorandum entitled "Forthcoming document hearings and response to Lead Co-Lawyers' memorandum concerning the Trial Chamber's request to identify Civil Party applications for use at trial (E208/4) and KHIEU Samphan Defence request to revise corroborative evidence lists (E223)," 19 October 2012.
6. **E185/1** Trial Chamber Decision on Objections to Documents Proposed to Be Put Before the Chamber in Co-Prosecutors' Annexes A6-A11 and A14-A20 and by the Other Parties, 3 December 2012.
7. **E185** Decision on Objections to Documents Proposed to be put Before the Chamber on the Co-Prosecutors' Annexes A1-A5 and to Documents Cited in Paragraphs of the Closing Order Relevant to the First Two Trial Segments Of Case 002/01, 9 April 2012.
8. **E55/4** Decision on Ieng Thirith, Nuon Chea and Ieng Sary's Applications for Disqualification of Judges Nil Nonn, Silvia Cartwright, Ya Sokhan, Jean-Marc Lavergne and Thou Mony, 23 March 2011.

INTERNATIONAL LAW

International Criminal Tribunal for the Former Yugoslavia (ICTY)

1. *Prosecutor v. Vidoje Blagojević and Dragan Jokić*, Case No. IT-02-60-T, First Decision on Prosecution's Motion for Admission of Witness Statements and Prior Testimony Pursuant to Rule 92 bis, 12 June 2003 (*Not included – available on ICTY website*).
2. *Prosecutor v. Brđanin*, Case No. IT-99-36-T, Public Version of the Confidential Decision on the Admission of Rule 92 bis Statements Dated 1 May 2002, 23 May 2002 (*Not included – available on ICTY website*).

3. *Prosecutor v. Galić*, Case No. IT-98-29—AR73.2, Decision on Interlocutory Appeal Concerning Rule 92 bis(C), 7 June 2002 (*Not included – available on ICTY website*).
4. *Prosecutor v. Galić*, Case No. IT-98-29-T, Decision on the Prosecution’s Request for Admission of Rule 92 bis Statements, 26 July 2002 (*Not included – available on ICTY website*).
5. *Prosecutor v. Goran Hadžić*, Case No. IT-04-75-T, Decision on Prosecution Omnibus Motion for Admission of Evidence Pursuant to Rule 92 bis and Prosecution Motion to Admit GH-139’s Evidence Pursuant to Rule 92 bis, 24 January 2013 (*Not included – available on ICTY website*).
6. *Prosecutor v. Goran Hadžić*, Case No. IT-04-75-T, Decision on Prosecution Motion to Admit GH-164’s Evidence Pursuant to Rule 92 bis, 22 April 2013 (*Not included – available on ICTY website*).
7. *Prosecutor v. 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 92 bis, 22 July 2011.
8. *Prosecutor v. Karadžić*, Case No. IT-95-5/18-PT, Decision on Prosecution’s Third Motion for Admission of Statements and Transcripts of Evidence in Lieu of Viva Voce Testimony Pursuant to Rule 92 bis (Witnesses for Sarajevo Municipality), 15 October 2009 (*Not included – available on ICTY website*).
9. *Prosecutor v. Milošević*, Case No. IT-02-54-T Decision on Prosecution’s Request to Have Written Statements Admitted Under Rule 92 bis, 21 March 2002.
10. *Prosecutor v. Naser Orić*, Case No. IT-03-68-T, Decision on Defence Motion for the Admission of the Witness Statement of Avdo Husejnović Pursuant to Rule 92 bis, 15 September 2005 (*Not included – available on ICTY website*).
11. *Prosecutor v. Naser Orić*, Case No. IT-03-68-T, Decision on Defence Motion to Admit the Evidence of a Witness in the Form of a Written Statement Pursuant to Rule 92 bis, 6 December 2005 (*Not included – available on ICTY website*).
12. *Prosecutor v. Popović et al.*, Case No. IT-05-88-T, Decision on Prosecution’s Confidential Motion for Admission of Written Evidence in Lieu of Viva Voce Testimony Pursuant to Rule 92 bis, 12 September 2006 (*Not included – available on ICTY website*).
13. *Prosecutor v. Stanišić and Simatović*, Case No. IT-03-69-T, Decision on Prosecution’s Motion for Admission of Written Evidence 7 October 2010 (*Not included – available on ICTY website*).
14. *Prosecutor v. Tolimir*, Case No. IT-05-88-T/2-T, Decision on Prosecution’s Motion for Admission of Written Evidence Pursuant to Rules 92 Bis and 94 Bis, 7 July 2010 (*Not included – available on ICTY website*).

International Criminal Tribunal for Rwanda (ICTR)

15. *Prosecutor v. Bagosora et al.*, Case No. ICTR-98-41-T, Decision on Prosecutor's Motion for the Admission of Written Witness Statements Under Rule 92 *bis*, 9 March 2004 (*Not included – available on ICTR website*).
16. *The Prosecutor v. Édouard Karemera et al.*, Case No. ICTR-98-44-T, Decision on Prosecution Motion for Admission of Evidence of Rape and Sexual Assault Pursuant to Rule 92 *bis* of the Rules; and Order for Reduction of Prosecution Witness List, 11 December 2006 (*Not included – available on ICTR website*).
17. *Prosecutor v. Karemera et al.*, Case No. ICTR-98-44-T, Decision on Prosecutor's Motion to Admit Witness Statement from Joseph Serugendo, 15 December 2006 (*Not included – available on ICTR website*).
18. *Prosecutor v. Muvunyi*, Case No. ICTR-2000-55A-T, Decision on the Prosecutor's Motion for Admission of Testimony of Expert Witness (Rule 92 *bis* of the Rules), 24 March 2005 (*Not included – available on ICTR website*).
19. *Prosecutor v. Nzabonimana*, Case No. ICTR-98-44-D-T, Decision on Motion to Admit Transcripts from the *Karemera et al.* Case (Rules 92 *bis* (D) and 89 (C) of the Rules of Procedure and Evidence, 10 May 2011 (*Not included – available on ICTR website*).
20. *Prosecutor v. Ngirabataware*, Case No. ICTR-99-54-T, Decision on Defence Motion for Admission of Written Statements, 14 May 2012 (*Not included – available on ICTR website*).