

BEFORE THE OFFICE OF THE CO-INVESTIGATING JUDGES  
EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA

Criminal Case File N°: 002/19-09-2007-ECCC/OCIJ

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IENG SARY'S MOTION TO JOIN AND ADOPT NUON CHEA'S ELEVENTH  
REQUEST FOR INVESTIGATIVE ACTION

Filed by:

The Co-Lawyers:

ANG Udom  
Michael G. KARNAVAS

Distributed to:

The Co-Investigating Judges:

YOU Bun Leng  
Marcel LEMONDE

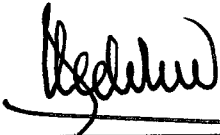

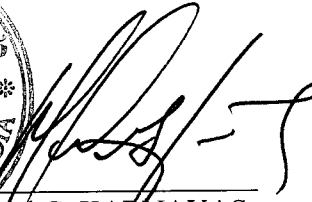
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IENG Sary, through his Co-Lawyers, (“the Defence”) hereby moves to join the submissions of the Nuon Chea defence’s “Eleventh Request for Investigative Action” (“Request”) requesting the disclosure of the OIOS Report and related documents and the initiation of an administrative inquiry into the outstanding allegations of corruption at the Tribunal. In so joining this investigative request, the Defence unreservedly adopts all facts and legal arguments set out by the NUON Chea defence. This motion for joinder is made necessary in order to avoid manifest injustice to all Charged Persons in Case File 002 as specified in the Request. The absence of disclosure to the Defence of the material and information sought by and through the Request risks denying the Charged Persons their guaranteed right of a fair trial. It is fundamental to the proper administration of justice that the trial process is transparent and independent without any hint of unfairness or bias or corrupt practices. Consequently, the disclosure of the information and the investigative action requested of the OCIJ by the Nuon Chea defence is fundamental to ensuring the fair-trial rights of all of the Charged Persons and in fostering the necessary confidence in the ECCC – which, by all accounts, is lacking to date as a result of the reported widespread and systematic corruption within the ECCC.

Respectfully submitted,

  
  
  
 ANG Udom Michael G. KARNAVAS

Co-Lawyers for Mr. IENG Sary

Signed in Phnom Penh, Kingdom of Cambodia on this 27<sup>th</sup> day of March, 2009