

BEFORE THE TRIAL CHAMBER**EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA****FILING DETAILS****Case No:** 002/19-09-2007-ECCC/TC**Party Filing:** The Defence for IENG Sary**Filed to:** The Trial Chamber**Original language:** ENGLISH**Date of document:** 20 June 2012**CLASSIFICATION****Classification of the document
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**IENG SARY'S RESPONSE TO THE CO-PROSECUTORS' REQUEST FOR LEAVE
TO PROVIDE ASSURANCES WITH RESPECT TO NON-PROSECUTION FOR
WITNESSES**

TABLE OF AUTHORITIES

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All Defence Teams**All Civil Parties**

Cambodian Law – Already Disclosed on the Case File

1. 1993 Cambodian Constitution, as amended in 1999, Arts. 27, 31, 38, 51, 90, 113 new.
2. Cambodian Code of Criminal Procedure, Arts. 557, Annex.
3. Cambodian Code of Ethics for Judges (2005), Arts. 1, 9, 18.
4. 1956 Penal Code, Art. 6.
5. Royal Decree, NS/RKT/0996/72, 14 Sept 1996.

ECCC Law – Already Disclosed on the Case File

6. Agreement, Arts. 3(3), 6(2), 13.
7. Establishment Law, Arts. 1, 10 new, 19, 33 new, 35 new.
8. Internal Rules (Rev.8), Rules 28, 35, 36.
9. ECCC Code of Judicial Ethics, Art. 5(1).

ECCC Jurisprudence – Already Disclosed on the Case File

10. Co-Prosecutors' Request for Leave to Provide Assurances with Respect to Non-Prosecution for Witnesses, 30 May 2012, E200.
11. Transcript, 3 April 2012, E1/58.1, p. 72, ln: 10 – p. 74, ln: 25.
12. Transcript, 4 April 2012, E1/59.1, p. 9, ln: 4 – p. 12, ln: 6.
13. Co-Prosecutors' Request for Leave to Provide Assurances with Respect to Non-Prosecution for Witnesses – Annex, 30 May 2012, E200.1.
14. Memorandum from President Judge Nil Nonn to All Parties in Case 002, "Trial Chamber Decision in relation to IENG Sary Defence Motions," 7 June 2011, E87/3.
15. Trial Chamber Memorandum: "Hearing of TCE-38 and TCE-44," 6 February 2012, E166.
16. Memorandum from President Judge Nil Nonn to All Parties in Case 002, "Directions pursuant to Internal Rule 28 (right against self-incrimination)," 10 May 2012, E193.
17. IENG Sary's Appeal Against the Closing Order, 25 October 2010, D427/1/6.
18. IENG Sary's Motion Against the Application of Crimes Listed in Article 3 new of the Establishment Law (National Crimes) at the ECCC, 10 June 2010, D382.
19. Decision on IENG Sary's Appeal Against the Closing Order, 11 April 2011, D427/1/30, para. 213.
20. IENG Sary's Rule 89 Preliminary Objection (Statute of Limitation for Grave Breaches), 14 February 2011, E43.

21. Summary of IENG Sary's Rule 89 Preliminary Objections & Notice of Noncompliance with Future Informal Memoranda Issued in Lieu of Reasoned Judicial Decisions Subject to Appellate Review, 25 February 2011, E51/4.
22. Co-Prosecutors' Joint Response to the Appeals of NUON Chea, IENG Sary and IENG Thirith Against the Closing Order, 19 November 2010, D427/1/17.

International Conventions

23. International Covenant for Civil and Political Rights, adopted and opened for signature, ratification and accession by United Nations General Assembly resolution 2200A (XXI) of 16 December 1966, entry into force 23 March 1976 in accordance with Article 49, Arts. 14, 15.
24. ICC Statute, Art. 93(2).
25. ICTY Statute, Art. 1.
26. ICTY Rules of Procedure and Evidence, Rules, 37(A), 90(E).
27. ICTR Statute, Art. 1.
28. ICTR Rules of Procedure and Evidence, Rules, 37(A), 90(E).
29. SCSL Statute, Art. 1.
30. SCSL Rules of Procedure and Evidence, Rules, 37(A), 90(E).
31. Statute of the Special Tribunal for Lebanon, S/RES/1757 (2007), 30 May 2007, Art. 1.
32. Rules of Procedure and Evidence, Special Tribunal for Lebanon, STL/BD/2009/01/Rev.3, 10 November 2010, Rule 55(B), 150(F).
33. Regulation No. 2000/30 on Transitional Rules of Criminal Procedure, UNTAET/REG/2000/30, 25 September 2000, Rule 35.4.

National Law/Rules

34. South Australian Barristers' Conduct Rules, Rule 5(c) – *Attachment 1*.
35. New Zealand Guidelines for Judicial Conduct, para. 66 – *Attachment 2*.
36. Recueil des obligations déontologiques des magistrats, Principe C. 6 – *Attachment 3*.
37. Bangalore Principles of Judicial Conduct 2002, Value 2, Application 2.2 – *Already disclosed on the Case File*.

ICTY Jurisprudence

38. *Prosecutor v. Blagojević & Jokić*, IT-02-60-T, Transcript, 28-29 April 2004.

National Jurisprudence

39. *Prosecutor's Office of Bosnia and Herzegovina v. Stupar et al.* (First Instance Judgment) X-KR-05/24 (Published 13 January 2009), available at <http://www.scribd.com/doc/30829678/Milos-Stupar-et-al-Trial-Judgement-Srebrenica-Genocide>.

Books, Articles, Press Releases, Websites, and Miscellaneous

40. ECCC chronology, available at <http://www.eccc.gov.kh/en/chronologies>.
41. CHRAAC Press Release, *CHRAAC calls upon the United Nations to appoint a new International Co-Investigating Judge to fill the vacancy of Judge Laurent Kasper-Ansermet*, 7 June 2012 – Attachment 4.
42. Margot Wallstrom, UN Special Representative of the Secretary-General on Sexual Violence in Conflicts, *Victims of Khmer Rouge Sexual Violence Still Seek Justice, Letter to the Editor*, CAMBODIA DAILY, 29 May 2012 – Attachment 5.
43. Andrew Cayley QC, *Co-Prosecutors Office Did Not Ignore KR Rape Crimes, Letter to the Editor*, CAMBODIA DAILY, 1 June 2012 – Attachment 6.
44. *Cambodian officials named over Khmer Rouge genocide*, WA TODAY, 3 June 2012, available at <http://www.watoday.com.au/world/cambodian-officials-named-over-khmer-rouge-genocide-20120602-1zosv.html>.
45. The Oxford English Dictionary definition of “pervert, v.” OXFORD ENGLISH DICTIONARY (Online ed. June 2012), available at <http://www.oed.com/view/Entry/141685?redirectedFrom=pervert+the+course+of+justice#eid31012991>.