

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:** 4 November 2011**CLASSIFICATION****Classification of the document
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**IENG SARY'S REQUEST TO STAY THE COMMENCEMENT OF THE TRIAL
PROCEEDINGS UNTIL THE FINAL DETERMINATION OF IENG SARY'S
PRELIMINARY OBJECTIONS REGARDING THE ROYAL PARDON AND
AMNESTY AND *NE BIS IN IDEM***

TABLE OF AUTHORITIES

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Reserve Judge THOU Mony
Reserve Judge Claudia FENZ

Co-Prosecutors:
CHEA Leang
Andrew CAYLEY

All Defence Teams**All Civil Parties**

Cambodian Law – Already Disclosed on the Case File

1. Cambodian Constitution 1993, Articles 27, 31.

ECCC Law – Already Disclosed on the Case File

2. Agreement, Articles 12, 13.
3. Establishment Law, Articles 33 new, 35 new.
4. Internal Rules (Rev.8), Rules 89, Rule 104(4)(a).

ECCC Jurisprudence – Already Disclosed on the Case File

5. IENG Sary’s Submissions Pursuant to the *Decision on Expedited Request of Co-Lawyers for a Reasonable Extension of Time to File Challenges to Jurisdictional Issues*, 7 April 2008, C/22/I/26.
6. Order to File Materials in Preparation for Trial, 17 January 2011, E9.
7. IENG Sary’s Expedited Request for the Time Period for Preliminary Objections not to Commence until the Pre-Trial Chamber has Given Reasons for its Decision on IENG Sary’s Appeal Against the Closing Order & Expedited Request for Extension of Time and Page Limit to File Rule 89 Preliminary Objections, 25 January 2011, E15.
8. Decision on IENG Sary’s Appeal Against the Closing Order, 11 April 2011, D427/1/30.
9. Memorandum from Trial Chamber Senior Legal Officer, Susan Lamb, to all Parties in Case 002, entitled “Advance Notification of Chamber’s disposition of Motions E14, E15, E9/2, E9/3, E/24 and E27,” 3 February 2011, E35.
10. IENG Sary’s Urgent Expedited Request to File Preliminary Objections in English with the Khmer Translation to Follow, 7 February 2011, E34.
11. Memorandum from Trial Chamber Senior Legal Officer, Susan Lamb, to all Parties in Case 002, entitled “Interim Procedure Before the Trial Chamber where Translation Constraints Preclude Compliance by the Parties with Filing Deadlines,” 8 February 2011.
12. Summary of IENG Sary’s Rule 89 Preliminary Objections & Notice of Intent of Noncompliance with Future Informal Memoranda Issued in lieu of Reasoned Judicial Decisions Subject to Appellate Review, 25 February 2011, E51/4.
13. Memorandum from the Trial Chamber Senior Legal Officer, Susan Lamb, to all parties in Case 002, entitled “Trial Chamber’s Amended Procedures for the Filing of

- Preliminary Objections and Clarification of Envisaged Response Deadlines,” 14 February 2011.
14. Memorandum from Trial Chamber Senior Legal Officer, Susan Lamb, to all Parties in Case 002, entitled “Preliminary Objections,” 18 February 2011.
 15. IENG Sary’s Response to the Co-Prosecutors’ Rule 66 Final Submission and Additional Observations, 1 September 2010, D390/1/2/1.3.
 16. IENG Sary’s Appeal Against the Closing Order, 25 October 2010, D427/1/6.
 17. IENG Sary’s Reply to the Co-Prosecutors’ Joint Response to NUON Chea, IENG Sary, and IENG Thirith’s Appeals Against the Closing Order, 6 December 2010, D427/1/23.
 18. IENG Sary’s Indication of Legal Issues He Intends to Raise at the Initial Hearing, 13 April 2011, E9/23.
 19. Memorandum from the Trial Chamber President, Judge Nil Nonn, to all parties in Case 002, entitled “Additional preliminary objections submission (amnesty and pardon),” 12 May 2011, E51/8.
 20. Memorandum from the Trial Chamber President, Judge Nil Nonn, to all parties in Case 002, entitled “Additional preliminary objections submission (*ne bis in idem*),” 12 May 2011, E51/9.
 21. IENG Sary’s Supplement to his Rule 89 Preliminary Objection (Royal Pardon and Amnesty), 27 May 2011, E51/10.
 22. IENG Sary’s Supplement to his Rule 89 Preliminary Objection (*Ne Bis In Idem*), 27 May 2011, E51/11.
 23. Co-Prosecutors’ Combined Response to IENG Sary’s Supplements to his Rule 89 Objection (*Ne Bis In Idem* and Royal Pardon and Amnesty), 7 June 2011, E51/13.
 24. Civil Party Co-Lawyers’ Response to the Supplement to Rule 89 Preliminary Objection (Royal Pardon and Amnesty), 10 June 2011, E51/10/3.
 25. Transcript of Initial Hearing, 27 June 2011, E1/4.1.
 26. Transcript of Initial Hearing, 28 June 2011, E1/5.1.
 27. Letter from IENG Sary Defence team to Trial Chamber Senior Legal Officer, entitled “Scheduling of the Substantive Trial,” 17 October 2011.
 28. Letter from IENG Sary Defence team to Trial Chamber Senior Legal Officer, entitled “Issues which impede the efficiency of the early portion of the substantive hearing,” 1 November 2011.

29. Decision on IENG Sary's Rule 89 Preliminary Objections (Ne Bis in Idem and Amnesty and Pardon), 3 November 2011, E51/15.
30. Decision on Co-Prosecutors' Request to Exclude Armed Conflict Nexus Requirement from the Definition of Crimes Against Humanity, 26 October 2011, E95/8.
31. 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, E124/7.

International Conventions

32. International Covenant on Civil and Political Rights 1966, Article 14(7).
33. Convention for the Protection of Human Rights and Fundamental Freedoms, Article 4 of Protocol No. 7.

ICTY Jurisprudence – Accessible on the ICTY website

34. *Prosecutor v. Tadić*, IT-94-1, Decision on the Defence Motion for Interlocutory Appeal on Jurisdiction, 2 October 1995.

Miscellaneous

35. VAN DIJK ET AL., THEORY AND PRACTICE OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS 982 (INTERSENTIA, 2006 4th Ed.) – *Attachment 1*.
36. TRESCHSEL, HUMAN RIGHTS IN CRIMINAL PROCEEDINGS 385 (OXFORD UNIVERSITY PRESS 2005) – *Attachment 2*.
37. Julia Wallace, *Court Coffers to Dry Up Without More Funds*, CAMBODIA DAILY, 3 August 2011 – *Attachment 3*.
38. BLACK'S LAW DICTIONARY 468 (7TH Ed.) – *Attachment 4*.