

**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:** 16 December 2011**CLASSIFICATION****Classification of the document  
suggested by the filing party:** PUBLIC**Classification by OCIJ  
or Chamber:** សាធារណៈ/Public**Classification Status:****Review of Interim Classification:****Records Officer Name:****Signature:**


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**IENG SARY'S OBJECTIONS TO THE ADMISSION OF CERTAIN DOCUMENTS  
CONTAINED IN THE FOOTNOTES OF THE CLOSING ORDER PARAGRAPHS  
READ OUT IN COURT**

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**Distribution to:****The Trial Chamber Judges:**

Judge NIL Nonn

Judge YOU Ottara

Judge YA Sokhan

Judge Silvia CARTWRIGHT

Judge Jean-Marc LAVERGNE

Reserve Judge THOU Mony

Reserve Judge Claudia FENZ

**Co-Prosecutors:**

CHEA Leang

Andrew CAYLEY

**All Defence Teams****All Civil Parties**

Mr. IENG Sary, through his Co-Lawyers (“the Defence”), pursuant to Rules 84(1) and 87(3), hereby sets out his objections – in the attached Annex – to the admission of certain documents contained in the footnotes of the Closing Order which were read out in Court on 5 December 2011.<sup>1</sup> According to a 17 November 2011 memorandum from the Trial Chamber Senior Legal Officer,<sup>2</sup> paragraphs of the Closing Order relating to the historical background would be read out in court<sup>3</sup> and “the documents or other sources referred to in the footnote to each such paragraph shall, without further order, be deemed to be placed before the Chamber (Internal Rule 87(2) and (3)).”<sup>4</sup> On 5 December 2011, Judge Cartwright clarified: “[t]hese documents, whether in the paragraph or in the footnotes, will be deemed to be put before the Trial Chamber unless there is a challenge to them. If there is objection to any of these documents, then time will be scheduled by the Trial Chamber to allow for that argument to occur.”<sup>5</sup> The parties have not been provided with a specific time period in which to object to these documents, although it is possible that certain of these documents may overlap with the documents on parties’ lists which are to be objected to by 5 January 2012.<sup>6</sup> Accordingly, the Defence submits these objections as soon as possible following the relevant paragraphs being read out in Court in order to assist the Chamber in determining the admissibility of these documents in an expeditious fashion. These objections are submitted subject to the proviso that the Defence is not in a position to assess authenticity. The Defence therefore objects to the admission of any document which is not demonstratively authentic or shown to be authentic by the party seeking to introduce it.

**WHEREFORE**, for all the reasons stated in the attached Annex, the Defence respectfully requests the Trial Chamber to REJECT the documents listed in the attached Annex.

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<sup>1</sup> Transcript, 5 December 2011, p. 9-26.

<sup>2</sup> Memorandum from Trial Chamber Senior Legal Officer to all Parties, “Response to issues raised by parties in advance of trial and scheduling of informal meeting with Senior Legal Officer on 18 November 2011”, 17 November 2011 (“17 November 2011 memorandum”).


<sup>3</sup> The specific paragraphs to be read out in court, according to the 17 November 2011 memorandum, were the following: paragraphs 18-32, 862-68, 1577-80, 994-1000, 1091, 1585-88, 1126-30 and 1598-1600.

<sup>4</sup> 17 November 2011 memorandum, p. 2-3.

<sup>5</sup> Transcript, 5 December 2011, p. 58.

<sup>6</sup> See Trial Chamber Memorandum, Witness Lists for Early Trial Segments, Deadline for Filing of Admissibility Challenges to Documents and Exhibits, and Response to Motion E109/5, 25 October 2011, E131/1.

Respectfully submitted,



ANG Udom



Michael G. KARNAVAS

Co-Lawyers for Mr. IENG Sary

Signed in Phnom Penh, Kingdom of Cambodia on this 16<sup>th</sup> day of **December, 2011**