

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:** 3 February 2012**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:**

**IENG SARY'S RESPONSE TO THE CO-PROSECUTORS' REQUEST TO INCLUDE
ADDITIONAL CRIME SITES WITHIN THE SCOPE OF TRIAL IN CASE 002/01**

Filed by:**Distribution to:****The Co-Lawyers:**ANG Udom
Michael G. KARNAVAS**The Trial Chamber Judges:**Judge NIL Nonn
Judge THOU Mony
Judge YA Sokhan
Judge Silvia CARTWRIGHT
Judge Jean-Marc LAVERGNE
Reserve Judge YOU Ottara
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”), hereby responds to the Co-Prosecutors’ Request to Include Additional Crime Sites within the Scope of Trial in Case 002/01 (“OCP Request”).¹ The OCP Request is yet another attempt by the OCP to request the Trial Chamber to reconsider its Severance Order.² It should be summarily dismissed. The Defence, unless specifically directed by the Trial Chamber, does not intend to respond substantively to the Request. *This pattern of wholly unfounded submissions abuses the process of the ECCC, and burdens the scant resources and time of the Chamber as well as the parties.* While the Rules do not envisage punitive sanctions for this abuse of process, in light of the OCP’s practice of continually filing requests for reconsideration (albeit under different titles), the Trial Chamber should exercise its discretion to consider stimulative measures that may be appropriate in order to ensure that the OCP ceases and desists from this practice.

WHEREFORE, for all the reasons stated herein, the Defence respectfully requests the Trial Chamber to:

- a. DISMISS the OCP Request;
- b. CONSIDER such stimulative measures as may be appropriate to ensure that the OCP refrains from any repeated attempts to request reconsideration of the Severance Order; and
- c. DIRECT that no replies be filed by the OCP in this instance.

Respectfully submitted,

ANG Udom



Michael G. KARNAVAS

Co-Lawyers for Mr. IENG Sary

Signed in Phnom Penh, Kingdom of Cambodia on this 3rd day of **February, 2012**

¹ Co-Prosecutors’ Request to Include Additional Crime Sites within the Scope of Trial in Case 002/01, 27 January 2012, E163.

² See Co-Prosecutors’ Notice of Request for Reconsideration of the Terms of “Severance Order Pursuant to Internal Rule 89^{ter}”, 23 September 2011, E124/1; Co-Prosecutors’ Request for Reconsideration of “Severance Order Pursuant to Internal Rule 89^{ter}”, 3 October 2011, E124/2; Co-Prosecutors’ Request for Clarification of the Scope of the First Trial, 4 November 2011, E124/9.