

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

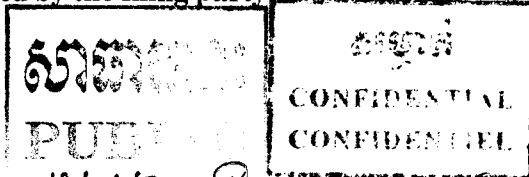
Filed to: Co-Investigating Judges

Date: 12 November 2009

Party Filing: The Defense for IENG Sary

Language: English

Classification of the document suggested by the filing party: PUBLIC



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ORIGINAL DOCUMENT/DOCUMENT ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/date de reception): 12 / NOV / 2009
ម៉ោង (Time/Heure) : 15:00
មន្ត្រីទទួលបន្ទុកសំណុំរឿង / Case File Officer/L'agent chargé du dossier: C.A. 74

IENG SARY'S MOTION TO JOIN NUON CHEA'S REQUEST FOR ADOPTION OF
CERTAIN PROCEDURAL MEASURES

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Distributed to:

The Co-Investigating Judges:

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ឯកសារបញ្ជាក់ថាមានចម្លងត្រឹមត្រូវតាមច្បាប់ដើម
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ថ្ងៃ ខែ ឆ្នាំ នៃការបញ្ជាក់ (Certified Date/Date de certification): 14 / 01 / 2010
មន្ត្រីទទួលបន្ទុកសំណុំរឿង / Case File Officer/L'agent chargé du dossier: SANN RAPA

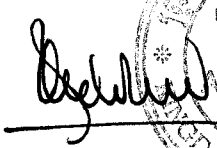
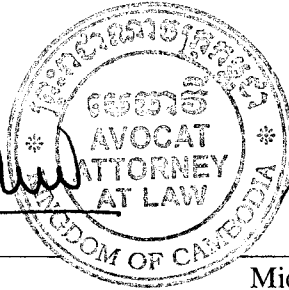

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IENG Sary, through his Co-Lawyers, (“the Defence”) hereby moves to join the Nuon Chea Defence’s “Request for Adoption of Certain Procedural Measures” (“Request”),¹ which requests the OCIJ to:

- a. inform the parties as soon as possible, with at least **two months** notice before the filing of the actual notice, of the exact date on which the OCIJ plans to file the Rule 66 notice;
- b. add **all** new results of the investigation to the case file at least **two months** before the filing of the notice pursuant to Rule 66. Such a timeframe is indispensable in order to safeguard the effective participation by the Defence in the proceedings;
- c. decide upon all outstanding investigative requests at least **two months** before the filing of the notice pursuant to Rule 66. Such a timeframe is indispensable in order to safeguard the effective participation by the Defence in the proceedings; and
- d. respond to [the Request] request within two weeks of its filing.²

In joining this 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 described in the Request. It is only by adopting these measures that the Defence will be able to file meaningful appeals, draft meaningful additional requests for investigative action, and will be able to organize its activities in the coming months, thus safeguarding the fair trial rights of each of the Charged Persons.

Respectfully submitted,

ANG Udom
Michael G. KARNAVAS

Co-Lawyers for Mr. IENG Sary

Signed in Phnom Penh, Kingdom of Cambodia on this 12th day of November, 2009

¹ *Case of NUON Chea*, 002/19-09-2007-ECCC/OCIJ, Request for the Adoption of Certain Procedural Measures, 5 November 2009.

² *Id.*, para. 9.