

D345/5/6

**BEFORE THE PRE-TRIAL CHAMBER
EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA**

FILING DETAILS

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**IENG SARY'S NOTICE OF INTENTION TO BE HEARD AT THE HEARING
CONCERNING HIS APPEAL AGAINST THE APPLICATION OF COMMAND
RESPONSIBILITY AT THE ECCC**

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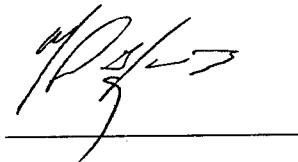
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Mr. IENG Sary, through his Co-Lawyers (“the Defence”), hereby notifies the Pre-Trial Chamber, pursuant to the Pre-Trial Chamber’s directions contained in the Scheduling Order,¹ that it intends to submit an oral Reply to the Co-Prosecutors’ Response to IENG Sary’s Appeal on Command Responsibility, filed 4 May 2010.² The Defence further sees no reason why this hearing should take place *in camera*,³ and requests that the hearing be held publically, as there is absolutely nothing of a confidential nature that need be discussed. Although the Co-Prosecutors have expressed the opinion that no oral hearing is necessary,⁴ they have not expressed a wish that, should such a hearing be held, that it be held *in camera*. Furthermore, the Co-Prosecutors have agreed “that the public does benefit from open court proceedings before the ECCC...”⁵

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 May, 2010

¹ *Case of IENG Sary*, 002/19-09-2007-ECCC/OCIJ (PTC 60), Scheduling Order, 11 May 2010, D345/5/3, ERN: 00515060-00515061.

² *Case of IENG Sary*, 002/19-09-2007-ECCC/OCIJ (PTC 60), Co-Prosecutors’ Response to IENG Sary’s Appeal on Command Responsibility (“OCP Response”), 4 May 2010, D345/5/2, ERN: 00508582-00508608.

³ As stated in the Scheduling Order. *Case of IENG Sary*, 002/19-09-2007-ECCC/OCIJ (PTC 60), Scheduling Order, 11 May 2010, D345/5/3, ERN: 00515060-00515061, para. 4.

⁴ OCP Response, paras. 10-13.

⁵ *Id.*, para. 11.