

**ក្រុមបេធាវីការពារក្តី អៀង សារី**  
**IENG SARY DEFENCE TEAM**  
**EQUIPE DE DEFENSE DE IENG SARY**

<b>ឯកសារដើម</b>	
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL	
ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Date de reception):	
16 / 12 / 2011	
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នៃ dossier: Uch Arun	

ANG Udom and Michael G. KARNAVAS  
 Co-Lawyers for IENG Sary  
 9 December 2011

To: **Susan Lamb**  
 Trial Chamber Senior Legal Officer

Cc: **All Defence Teams**  
**Office of the Co-Prosecutors**  
**All Civil Parties**  
**DSS**

សាធារណៈ / Public

Re: **OCP's "Consolidated Response to Objections to Co-Prosecutors' Document List for First Trial Session" (E131/19) and IENG Sary's Objections to OCP and Civil Party Documents**

Dear Ms. Lamb,

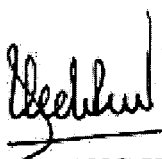


We were notified yesterday afternoon of the OCP's "Consolidated Response to Objections to Co-Prosecutors' Document List for First Trial Session" (E131/19).<sup>1</sup> Rather than seeking leave to reply to the OCP Response,<sup>2</sup> we note that this Response is untimely<sup>3</sup> and responds (or re-responds) to motions to which the OCP has already responded and for which any deadline to respond has long passed.<sup>4</sup> Accordingly, we request that the OCP Response be rejected.

<sup>1</sup> Consolidated Response to Objections to Co-Prosecutors' Document List for First Trial Session, 1 December 2011, E131/19, p. 2 ("OCP Response").  
<sup>2</sup> In Memorandum E131/1, concerning document objections for the first trial segment, the Trial Chamber stated that "[w]ritten replies to responses will not be authorized, but the Chamber will provide opportunity for adversarial argument at trial, where this is warranted."  
<sup>3</sup> Our 4 November 2011 letter to you concerning our document objections for the first trial segment reiterated the Objections we made previously in IENG Sary's Objections to the Admissibility of Certain Categories of Documents (E114), which was filed on 21 September 2011. See also IENG Sary's Request for Leave to Reply & Reply to the Co-Prosecutors' Response to IENG Sary's Objections to the Admissibility of Certain Categories of Documents, 21 September 2011, E114/2.  
<sup>4</sup> The OCP responded to IENG Sary's Objections to the Admissibility of Certain Categories of Documents through the Co-Prosecutors' Response to "IENG Sary's Objections to the Admissibility of Certain Categories of Documents", 16 September 2011, E114/1. The OCP Response also attempts to respond to several other motions to which it has already responded or replied, including IENG Sary's Motion Against the use of Torture Tainted Evidence at Trial, 4 February 2011, E33; IENG Sary's Motion Against the Use of all Material Collected by the Documentation Center of Cambodia, 24 February 2011, E59; and IENG Sary's Response to the Co-Prosecutors' Rule 92 Submission Regarding the Admission of Written Witness Statements Before the Trial Chamber & Request for Public Hearing, 22 July 2011, E96/3.

Although we have already complied with the Trial Chamber's directions, which stated that the parties could object to documents by category,<sup>5</sup> in order to assist the Trial Chamber and to add clarity and certainty regarding our position in relation to individual documents, we will endeavor to file specific objections to the admission of individual OCP documents for the first trial segment by 16 December 2011, as the OCP requested in its Response.<sup>6</sup>

Concerning the Civil Party document lists for the first trial segment, it will not be possible to provide individual objections to these documents by 16 December 2011, as we have already explained in our letters to you dated 3 and 4 November 2011. The Civil Parties intend to rely (in the initial 3 weeks of trial) on their *entire* document lists for the first four trial topics. There appear to be more than 7,000 documents on these Civil Party lists.<sup>7</sup> Should the Trial Chamber be further assisted by individual objections to these 7,000+ documents, rather than the objections by category we have already filed, we would respectfully request that the Trial Chamber extend the deadline for these objections until 1 April 2012. For the sake of transparency, we request that this letter, and all such communications, be placed on the Case File.

Respectfully submitted,



  
**ANG Udom**      **Michael G. KARNAVAS**  
 Co-Lawyers for Mr. IENG Sary

<sup>5</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, p. 2.

<sup>6</sup> See OCP Response, para. 61.

<sup>7</sup> Civil Parties' List of Documents Relevant to the Initial Trial Session (28 November – 16 December 2011), 28 October 2011 (notified on 2 November 2011), E131/1/2.