

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:** 2 November 2011**CLASSIFICATION****Classification of the document
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**IENG SARY'S REQUEST FOR A STAY OF EXECUTION OF THE "DECISION ON
CO-PROSECUTORS' REQUEST TO EXCLUDE ARMED CONFLICT NEXUS
REQUIREMENT FROM THE DEFINITION OF CRIMES AGAINST HUMANITY"**

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All Defence Teams**All Civil Parties**

Mr. IENG Sary, through his Co-Lawyers (“the Defence”), hereby requests the Trial Chamber to Stay the Execution of the “Decision on Co-Prosecutors’ Request to Exclude Armed Conflict Nexus Requirement for the Definition of Crimes Against Humanity,”¹ until such time as the Supreme Court Chamber has fully resolved the issues raised in this Decision. The Defence will be appealing this Decision. The Stay is necessary to ensure that any witness called between now and the full resolution of the issues raised in this Decision can testify on whether an armed conflict existed during the temporal jurisdiction of the Closing Order and whether acts charged as crimes against humanity were sufficiently connected with any such armed conflict. This will ensure that should the Supreme Court Chamber overrule the Trial Chamber and decide in favor of the Pre-Trial Chamber’s holding on this matter, there will be no need to recall these witnesses for this discrete issue.

WHEREFORE, for all the reasons stated herein, the Defence respectfully requests the Trial Chamber to STAY the Execution of the Decision on Co-Prosecutors’ Request to Exclude Armed Conflict Nexus Requirement for the Definition of Crimes Against Humanity.

Respectfully submitted,

ANG Udom



Michael G. KARNAVAS

Co-Lawyers for Mr. IENG Sary

Signed in Phnom Penh, Kingdom of Cambodia on this 2ND day of **November**, 2011

¹ Decision on Co-Prosecutors’ Request to Exclude Armed Conflict Nexus Requirement for the Definition of Crimes Against Humanity, 26 October 2011, E 95/8.