

**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:** 27 April 2012**CLASSIFICATION****Classification of the document  
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**IENG SARY'S RULE 34 APPLICATION FOR DISQUALIFICATION OF JUDGE  
SILVIA CARTWRIGHT OR, IN THE ALTERNATIVE, REQUEST FOR  
INSTRUCTION AND ORDER TO CEASE AND DESIST FROM *EX PARTE*  
COMMUNICATIONS**

&

**REQUEST FOR DISCLOSURE OF *EX PARTE* COMMUNICATIONS**

**TABLE OF AUTHORITIES**

Filed by:Distribution to:**The Co-Lawyers:**ANG Udom  
Michael G. KARNAVAS**The Trial Chamber Judges:**Judge NIL Nonn  
Judge YOU Ottara  
Judge YA Sokhan  
Judge Silvia CARTWRIGHT  
Judge Jean-Marc LAVERGNE  
Reserve Judge THOU Mony  
Reserve Judge Claudia FENZ**Co-Prosecutors:**CHEA Leang  
Andrew CAYLEY QC**All Defence Teams****All Civil Parties**

**ECCC Law – ECCC Legal Compendium**

1. Establishment Law, Art. 33 new.
2. Internal Rules, Rule 34.

**ECCC Jurisprudence – Already Disclosed on the Case File**

3. Decision on IENG Sary’s Appeal against the Trial Chamber’s Decision on Motions for Disqualification of Judge Silvia Cartwright, 17 April 2012, E137/5/1/3, paras. 12, 16, 24.
4. Decision on Disqualification of Judge Silvia Cartwright, 9 March 2012, E171/2, paras. 12, 13.
5. Decision on IENG Sary’s Application to Disqualify Judge Nil Nonn and Related Requests, 28 January 2011, E5, paras. 2, 6.
6. Request for Information Regarding *Ex-Parte* Meetings among Judge Silvia Cartwright, the International Co-Prosecutor, and the Deputy Director of Administration, 15 November 2011, E137/1.
7. Urgent Application for Disqualification of Judge Cartwright, 21 November 2011, E137/2, para. 15.
8. IENG Sary’s Request for Investigation Concerning *Ex Parte* Communications Between the International Co-Prosecutor, Judge Cartwright and Others, 24 November 2011, E137/3, paras. 13-15, 20-21.
9. Co-Prosecutors’ Joint Response to: 1) NUON Chea’s Urgent Application for Disqualification of Judge Cartwright, and 2) IENG Sary’s Request for Investigation Concerning *Ex Parte* Communications between the International Co-Prosecutor, Judge Cartwright and Others, 1 December 2011, E137/4.
10. Decision on Motions for Disqualification of Judge Silvia Cartwright, 2 December 2011, E137/5, para. 16.
11. IENG Sary’s Appeal against the Trial Chamber’s Decision on Motions for Disqualification of Judge Silvia Cartwright, 5 January 2012, E137/5/1/1.
12. Co-Prosecutors’ Response to Ieng Sary’s Appeal Against the Trial Chamber’s Decision on Motions for Disqualification of Judge Silvia Cartwright, 19 January 2012, E137/5/1/2.
13. Decision on the Co-Lawyers’ Urgent Application for Disqualification of Judge Ney Thol Pending the Appeal Against the Provisional Detention Order in the Case of Nuon Chea, 4 February 2008, C11/29, paras. 20-21.

**International Law and Jurisprudence – Publicly available online**

14. *Prosecutor v. Karemera*, ICTR-98-44-AR 15bis.2, Reasons for Decision on Interlocutory Appeals Regarding the Continuation of the Proceedings with a Substitute Judge and on Nzirorera’s Motion for Leave to Consider New Material, 22 October 2004, para. 67.

**Correspondence – Available upon request**

15. Email from Judge Silvia Cartwright to Case File Notification Distribution List, 19 April 2012 – *Attachment 1*.
16. Email from IENG Sary Defence to Ms. Susan Lamb, 19 April 2012 – *Attachment 2*.
17. Email from Ms. Susan Lamb to IENG Sary Defence, 20 April 2012 and Email from IENG Sary Defence to parties, 20 April 2012 – *Attachment 3*.
18. Email from Judge Silvia Cartwright to Michael G. Karnavas, 17 October 2011 – *Attachment 4*.
19. Email from Knut Rosandhaug to Andrew Ianuzzi, 18 November 2011 – *Attachment 5*.

**Books, Articles and Miscellaneous**

20. Julia Wallace, *Email From Judge to Prosecutor Sparks New Debate at KRT*, CAMBODIA DAILY, 23 April 2012, p. 21 – *Attachment 6*.