



**ឯកសារដើម**  
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ព្រះរាជាណាចក្រកម្ពុជា  
ជាតិ សាសនា ព្រះមហាក្សត្រ

អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា  
Extraordinary Chambers in the Courts of Cambodia  
Chambres Extraordinaires au sein des Tribunaux Cambodgiens

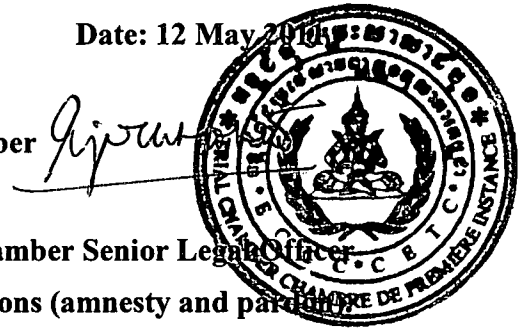
Kingdom of Cambodia  
Nation Religion King  
Royaume du Cambodge  
Nation Religion Roi

**TRIAL CHAMBER**

**TO: IENG Sary Defence; all parties, Case 002**

**Date: 12 May 2011**

**FROM: Nil Nonn, President, Trial Chamber Chamber**



**CC: All Judges of the Trial Chamber; Trial Chamber Senior Legal Officer**

**SUBJECT: Additional preliminary objections submissions (amnesty and pardon)**

Reference is made to the Trial Chamber's Direction to the parties concerning Preliminary Objections of 5 April 2011 (E51/7), which indicated that the Chamber will permit the IENG Sary Defence, should it wish, to file additional submissions (of no more than 15 pages in length in English or 30 pages in Khmer) in relation to their preliminary objection concerning amnesty and pardon. It further indicated that deadlines for these submissions would be set in due course. The Trial Chamber indicates the following to the IENG Sary Defence should it wish to file supplementary submissions in this area:

- i. The Chamber notes that the parties have referred in their submissions to the existing translation of the Royal decree on the case file, which exists in English and Khmer only. The Pre-Trial Chamber has previously referred instead to a different, unofficial translation of this decree. Attached to this memorandum are translations of the Royal decree sought recently by the Trial Chamber from the Interpretation and Translation Unit from the original Khmer, in French and English respectively.
- ii. The IENG Sary Defence is invited to specifically address in its submissions the question of whether the pardon/amnesty granted to Ieng Sary are in conformity with the Constitution (articles 27 and 90new of the Constitution);
- iii. The Chamber notes that the impact of the Royal decree has previously been considered by numerous previous decisions of the Co-Investigating Judges and Pre-Trial Chamber. The IENG Sary Defence should accordingly limit their supplemental submissions to addressing the Pre-Trial Chamber Decision on IENG Sary's Appeal Against the Closing Order of 11 April 2011 (Document D427/1/30) if it gives rise to new arguments.

The Chamber sets the deadline for any additional submissions from the IENG Sary Defence as Friday 27 May 2011. Parties wishing to respond to these submissions may do so (in a filing of no longer than 7 pages in English or French or 15 pages in Khmer) by Monday 6 June 2011.

*Me*