

**ឯកសារដើម**  
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL

ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Date de reception):  
..... 12 / 05 / 2011 .....

ម៉ោង (Time/Heure): ..... 15:06 .....

មន្ត្រីទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé  
du dossier: ..... Uch Arun .....

E51/9



**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 (*ne bis in idem*).**

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 the prohibition against multiple prosecutions for the same offence (*ne bis in idem*). It also 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. Does the IENG Sary Defence consider that the 1979 trial by the People's Revolutionary Tribunal was conducted in conformity with basic fair trial standards, including the legal framework upon which it was based?;
- ii. The Chamber notes that no khmer version of these 1979 findings currently appear on the case file. The Chamber has since located the judgment of this Tribunal in its original khmer and places it on the case file as an attachment to this memorandum;
- iii. The Chamber notes that the *ne bis in idem* principle has previously been considered by numerous 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.