

BEFORE THE TRIAL CHAMBER

EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA

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ADDENDUM TO IENG SARY'S MOTION TO SUMMON KING FATHER NORODOM SIHANOUK, PRIME MINISTER HUN SEN, PRINCE NORODOM RANARIDDH AND SAMDECH CHEA SIM

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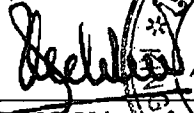
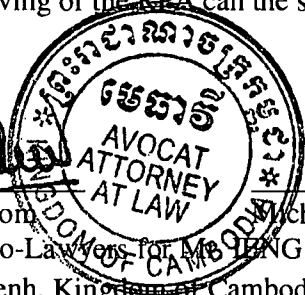
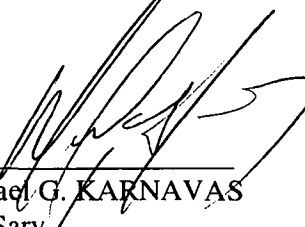
All Defence Teams

All Civil Parties

Mr. IENG Sary, through his Co-Lawyers (“the Defence”), hereby submits an addendum to his motion to summon King Father Norodom Sihanouk, Samdech Akka Moha Sena Padei Techo Hun Sen, Prince Norodom Ranariddh and Samdech Chea Sim.¹ This Addendum provides further support that the text of the Royal Pardon and Amnesty (“RPA”) is unclear.² This material was unavailable at the time the Defence filed the Motion.

1. On 12 May 2011, the Trial Chamber issued a memorandum entitled “Additional preliminary objection submissions (amnesty and pardon).”³ In the memorandum, the Trial Chamber has noted that: “[T]he parties have referred to 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 to a different, unofficial translation of this decree. Attached to this memorandum are translations of the Royal Decree recently sought by the Trial Chamber from the Interpretation and Translation Unit [“ITU”] from the original Khmer, in French and English respectively.”⁴ To date, this is the third translation of the RPA used at the ECCC.⁵
2. The use of a third translation of the RPA at the ECCC is further indication that the text of the RPA is unclear. Only through the evidence of those involved in the negotiating, drafting, granting and approving of the RPA can the scope of the RPA be determined.

Respectfully submitted,



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 ATTORNEY
 AT LAW
 ANG UDOM CHHON
 Co-Lawyers for Mr. IENG Sary

 Michael G. KARNAVAS
 Co-Lawyers for Mr. IENG Sary

Signed in Phnom Penh, Kingdom of Cambodia on this 19th day of May, 2011

¹ IENG Sary’s Motion to Summon King Father Norodom Sihanouk, Prime Minister Hun Sen, Prince Norodom Ranariddh and Samdech Chea Sim, 9 May 2011, E85.

² *Id.*, paras. 16-25.

³ Memorandum from the Trial Chamber to IENG Sary Defence, re: Additional preliminary objections submissions (amnesty and pardon), 12 May 2011, E51/8.

⁴ *Id.*

⁵ The Defence has used the translation which was the first translation to be placed on the Case File (Document D366/7.1.191, which was placed on the Case File on 4 May 2010) and is also the translation provided by the ECCC Legal Compendium on the “G Drive,” accessible by all parties and Chambers of the ECCC. The Pre-Trial Chamber stated that “[T]he Khmer version of this Royal Decree was translated into English by translators of the Court. This version is therefore different from the English version of the document in the Case File. Decision on Appeal against Provisional Detention Order of Ieng Sary, 17 October 2008, C22/I/73, n.16; “English translation from the original Khmer version by the Pre-Trial Chamber, with the assistance of a translator assigned to the Chamber. This translation, which was used by the Pre-Trial Chamber in its Decision on Provisional Detention is different from the English version of the document in the Case File and to which the Co-Lawyers for Ieng Sary refer to in the Appeal. Decision on Ieng Sary’s Appeal against the Closing Order, 11 April 2011, D427/1/30, n.383.