




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

MEMORANDUM

From: Nisha Valabhji, Officer-in-Charge, Defence Support Section 

To: Mr. ANG Udom and Mr. Michael G. Karnavas, Co-Lawyers for IENG Sary

Date: 25 April 2011

Subject: Trial Chamber referral of IENG Sary requests (E53/2 & E65) and IENG Sary Motions (E70, E69, E71) to DSS for review pursuant to its power to refuse part payment for work claimed

1. Thank you for your letter dated 25 March 2011 concerning two Trial Chamber ("TC") memoranda, the 'Memorandum in response to request filed by IENG Sary (E53/2)'¹ ("TC Memorandum E53/2/1") and 'Memorandum on IENG Sary request to file motion seeking 'confirmation that he will be entitled to present oral arguments at the initial hearing concerning each of his preliminary objections' ("TC Memorandum E65/1");² as well as your letter dated 13 April 2011 concerning the Trial Chamber's Decision on Ieng Sary's Motion for a Hearing on the Conduct of the Judicial Investigation.
2. TC Memorandum E53/2/1 and TC Memorandum E65/1, as well as the subsequent "Decision on Ieng Sary's Motion Regarding Judicial Notice of Adjudicated Facts From Case 001 and Facts of Common Knowledge Being Applied in Case 002" ("TC Decision E69/1"),³ and the "Decision on Ieng Sary's Motion for a Hearing on the Conduct of the Judicial Investigations" ("TC Decision E71/1"),⁴ refer five IENG Sary filings for review to the DSS "pursuant to its power to refuse part payment for work claimed where the work carried out is not 'necessary and reasonable'" and pursuant to its responsibility under Internal Rule 11(2) (h) to "monitor and assess the fulfilment of all contracts [with defence lawyers] and authorize corresponding remuneration in accordance with Defence Support Section administrative regulations."⁵
3. As you are aware, Article F10 of the Guide to the ECCC Legal Assistance Scheme ("LAS Guide") sets out the circumstances in which DSS reserves the right to refuse part payment for work claimed.⁶
4. Having conducted its review pursuant to its procedures, I wish to inform you that the DSS has approved payment in full in relation to the five filings.

¹ Trial Chamber, 15 March 2011, Doc. E53/2/1, ERN 00651551-00651551.

² Trial Chamber, 16 March 2011, Doc. E65/1, ERN 00651599-00651600.

³ Trial Chamber, 4 April 2011, Doc. E69/1, ERN 00657643-00657645.

⁴ Trial Chamber, 8 April 2011, Doc. E71/1, ERN 00660502-00660504.

⁵ See *supra* notes 1-4. The filings in question are: E53/2, E65, E69, E70, E71.

⁶ See also Section 14.2 of the DSS Administrative Regulations.