## อสธรรรรฐ ORIGINAL DOCUMENT/DOCUMENT ORIGINAL in to mi quat /Date of moskyl/Date de reception):

ig is an septi (Date of recelpt/Date de reception):

មោង (Time/Heure): ...............................

មគ្គីទទូលបត្ថកស់ណុំរឿង/Case File Officer/L'agent changes: វាខានភាមៗអូអូម៉ូ

E65/1



## **អ**ទិទ្ធទុំស្រិះខ្លួសាគយីមិចម្ដុំសាមរាមគឺស្វ

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

March 2011

ខាតី សាសនា ព្រះមហាភ្យត្ត

## TRIAL CHAMBER

សាធារណ៖ / Public

TO: IENG Sary Defence

FROM: Nil Nonn, President, Trial Change

Chamber

CC: All parties, Case 002; Trial Champer Sen

SUBJECT: 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."

The Trial Chamber notes the IENG Sary Defence's request of 14 March 2011 to the Trial Chamber Senior Legal Officer to file, in English only in the first instance, a 15-page motion seeking confirmation that IENG Sary will be entitled to present oral arguments at the Initial Hearing concerning each of his Preliminary Objections. The IENG Sary Defence acknowledges that "while there is no actual deadline to file this motion, we submit that it should be filed and considered as soon as possible, due to our need for clarification upon the matter addressed in the motion and in order that we have the information requested therein prior to the trial management meeting." An advance courtesy copy of the motion was attached to this request.

The filing of this motion was requested despite the Chamber's previous indication that further directions regarding preliminary objections, including the timing and nature of any further submissions that are required, will be issued at a later stage (E/35). It follows that the Chamber has already undertaken to notify the parties which motions will be scheduled for consideration at the initial hearing, as well as those which will be heard orally or considered at a later stage.

The Chamber authorizes the filing of this motion in one language only. As there is no legal basis for the motion, the Trial Chamber consequently:

- (a) directs that no translation into the Khmer and French languages be undertaken by the Interpretation and Translation Pool;
- (b) requests the parties to refrain from responding to this motion;

- (c) refers this matter for review to the Defence Support Section pursuant to its power to refuse part payment for work claimed where the work carried out is not "necessary and reasonable" (Article F-10, Guide to the ECCC Legal Assistance scheme) and which, pursuant to Rule 11(2)(h), has the responsibility to "monitor and assess the fulfillment of all contracts [with defence lawyers] and authorize corresponding remuneration in accordance with Defence Support Section administrative regulations"; and
- (d) forwards a copy of this memorandum to the Acting Director and Deputy Director of Administration for their information.

This constitutes the Chambers' official response to the motion, pursuant to Internal Rules 80bis(3) and 89.

The Chamber further advises that the current practice of filing lengthy motions in relation to administrative issues will discussed at the Trial Management Meeting.

