

ឯកសារដើម
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL

ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Date de reception):
..... 16 / 03 / 2011

ម៉ោង (Time/Heure): 10:00

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

E65/11



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

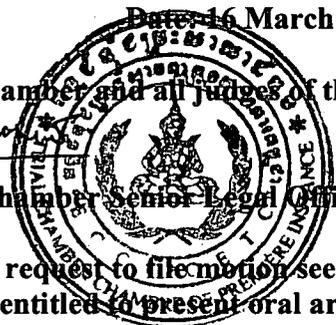
សាធារណៈ / Public

TO: IENG Sary Defence Date: 16 March 2011

FROM: Nil Nonn, President, Trial Chamber and all judges of the Trial Chamber

CC: All parties, Case 002; Trial Chamber Senior Legal Officer

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 80*bis*(3) and 89.

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

