

សាធារណៈ / Public

ក្រុមបេឡាវិការពារក្តី អៀង សារី
IENG SARY DEFENCE TEAM
EQUIPE DE DEFENSE DE IENG SARY

ANG Udom and Michael G. KARNAVAS

Co-Lawyers for IENG Sary

13 April 2011

To: **Judge NIL Nonn**
Judge THOU Mony
Judge YA Sokhan
Judge Silvia CARTWRIGHT
Judge Jean-Marc LAVERGNE
Reserve Judge YOU Ottara
Reserve Judge Claudia FENZ
Trial Chamber Judges
Susan Lamb
Trial Chamber Senior Legal Officer

ឯកសារដើម
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/date de reception): 25 / 04 / 2011
ម៉ោង (Time/Heure) : 10:50
មន្ត្រីទទួលបន្ទុកសំណុំរឿង / Case File Officer/L'agent chargé du dossier: Ratana

Cc: **Nisha Valabhji**
 Deputy Director and Acting Head of DSS

Re: Your Decision on our Motion for a Hearing on the Conduct of the Judicial Investigation

Your Honors,

We write to Your Honors concerning Your Decision on IENG Sary's Motion for a Hearing on the Conduct of the Judicial Investigation, in which you referred "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'..."¹ Your Honors have requested DSS "to report to the Chamber on all measures taken by it in consequence of this Decision no later than Friday 22 April 2011."² DSS is currently unable to review our motion, should it choose to do so as Your Honors have requested, as the motion is currently classified as strictly confidential. DSS does not have access to confidential or strictly confidential filings.

We understand that the motion's current classification is an interim classification, pending a review of certain material referred to in this motion which is strictly confidential.³ We further understand that this interim classification lasts for a period of 30 days.⁴ As Your Honors have

¹ *Case of IENG Sary*, 002/19-09-2007-ECCC/TC, Decision on IENG Sary's Motion for a Hearing on the Conduct of the Judicial Investigation, 8 April 2011, E71/1, ERN: 00660502-00660504, p. 2.

² *Id.*

³ *Id.*, n. 2.

⁴ Practice Direction ECCC/004/2009, Classification and Management of Case-Related Information, Art. 5(1)(i). Note that it appears from this Article that if the motion was not classified as public, the interim classification should have been confidential, rather than strictly confidential, as the motion does not fall into any of the categories listed in Article 6.




requested DSS to report to you in less than 30 days, we respectfully request that Your Honors provide DSS with a copy of our motion.

Respectfully submitted,



ANG Udom



Michael G. KARNAVAS

Co-Lawyers for Mr. IENG Sary