



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

Extraordinary Chambers in the Courts of Cambodia
Chambres extraordinaires au sein des tribunaux cambodgiens

**ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ**

Kingdom of Cambodia
Nation Religion King

Royaume du Cambodge
Nation Religion Roi

Supreme Court Chamber
Chambre de la Cour Suprême

INTEROFFICE MEMORANDUM

FROM: H.E. KONG Srim
President, Supreme Court Chamber

Date: 30 August 2024



TO: Office of the Co-Prosecutors
Defence Support Section
Co-Lawyers for MEAS Muth
Victims Support Section
Witness and Experts Support Unit
Civil Party Lead Co-Lawyers
Court Management Section
Director and Deputy Director of Administration



SUBJECT: Reclassification of Documents Filed in Case 003

1. Pursuant to Article 12 of the Practice Direction on Classification and Management of Case-Related Information (Rev. 2), the Supreme Court Chamber, as the last judicial office seized of Case 003/08-10-2021-ECCC/SC(05) (“Case 003”), is required to review the security classifications of confidential and strictly confidential documents filed therein for the purpose of reclassifying as many of them as possible to public, with or without redactions, as necessary.

2. The Supreme Court Chamber notes that, of 24,447 records filed in Case 003, 22,033 are classified as “Confidential” and 94 are “Strictly Confidential”, leaving only 2,320 records currently available to the public. Bearing in mind that Case 003 was terminated without ever going to trial,¹ the Supreme Court Chamber considers it opportune to invite comments concerning the continuing need for confidentiality of these records at this stage of the case. The purpose of this Memorandum is therefore to solicit input from the relevant parties, sections and/or units in the reclassification process for Case 003.

3. The Supreme Court Chamber recalls that it has completed similar reviews for reclassification of documents filed in Cases 001, 002, and 004/02.² Documents filed in Cases 004 and 004/01 were reviewed for reclassification by the Pre-Trial Chamber.³ In undertaking its review, the Supreme Court Chamber adopted guidelines for reclassification in each case after receiving input from one or more relevant parties, sections and/or units.⁴

4. As the guidelines adopted in all cases have been largely similar, the Supreme Court Chamber intends to adopt the same guidelines for reclassification as set out in Case 002, as it did in Case 004/02.⁵ The Supreme Court Chamber considers, however, that the relevant parties, sections and/or units should have an opportunity to comment on such guidelines before it adopts them in Case 003.

5. The Supreme Court Chamber especially invites targeted comments specific to Case 003 about (i) any particular guidelines it should consider adding, retracting, or amending, and (ii) any particular documents and/or groups or types of documents it should consider reclassifying with or without redactions. Observations should be aimed at highlighting issues that should be considered specific to Case 003 and making recommendations on how to

¹ See Case 003, Decision on International Co-Prosecutor’s Appeal of the Pre-Trial Chamber’s Failure to Send Case 003 to Trial as Required by the ECCC Legal Framework, Doc. 3/1/1/1, 17 December 2021. See also Case 003, Decision on MEAS Muth’s Request to Terminate Case 003, Doc. 4/1/1/1, 27 December 2021.

² See Case 001, Decision to Re-Classify Documents on the Case File, Doc. F30/4, 31 October 2012; Case 002, Order to the Records and Archives Unit for Reclassification of Documents on Case File 002, Doc. F71/1/1/9, 28 April 2023; Case 004/02, Order for Reclassification of Documents filed in Case 004/02, Doc. E004/2/7/2, 22 August 2024.

³ See Case 004, Pre-Trial Chamber Interoffice Memorandum regarding Reclassification of Documents in Case File 004, Doc. D387, 28 October 2021; Case 004/01, Pre-Trial Chamber Interoffice Memorandum regarding Reclassification of Documents in Case File 004/01, Doc. D317, 28 October 2021.

⁴ See Case 001, Decision on Guidelines for Reclassification of Documents on Case File, Doc. F30/2, 26 July 2012; Case 002, Decision on Guidelines for Reclassification of Documents on Case File 002, Doc. F71/1/1/8, 20 March 2023; Case 004/02, Decision on International Co-Prosecutor’s Request for Reclassification of Documents in Case File 004/2 (E004/2/7), Doc. E004/2/7/1, 5 May 2023.

⁵ See Case 004/02, Order for Reclassification of Documents filed in Case 004/02, Doc. E004/2/7/2, 22 August 2024, p. 3.

resolve them. To the extent possible, proposals for the reclassification of specific Case 003 documents should be made.

6. The Supreme Court Chamber accordingly invites the addressees of the present Memorandum to submit their observations, if any, on (i) adopting in Case 003 the guidelines for reclassification as set out in Case 002, and (ii) the continuing confidentiality of documents filed in Case 003, by Friday, 4 October 2024. No extensions of time will be granted, and no responses to the observations of other parties, sections and/or units will be permitted.