



ព្រះរាជាណាចក្រកម្ពុជា  
ជាតិ សាសនា ព្រះមហាក្សត្រ  
Kingdom of Cambodia  
Nation Religion King

អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

Royaume du Cambodge  
Nation Religion Roi

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

ការិយាល័យសហចៅក្រមស៊ើបអង្កេត  
Office of the Co-Investigating Judges  
Bureau des co-juges d'instruction

Case File No: 004/07-09-2009-ECCC-OCIJ

<b>ឯកសារដើម</b>
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Date de reception): ..... ១៧ / ០៤ / ២០១៦ .....
ម៉ោង (Time/Heure): ..... ៤:៥៥ .....
មន្ត្រីទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé du dossier: ..... <b>SANN RAY</b> .....

Before: The Co-Investigating Judges

Date: 28 April 2016

Language(s): English [Original]

Classification: CONFIDENTIAL

**ORDER LIFTING REDACTIONS FROM CASE 004  
DOCUMENTS PREVIOUSLY DISCLOSED INTO CASE 002**

**Distribution:**

**Co-Prosecutors**  
CHEA Leang  
Nicholas KOUMJIAN

**Trial Chamber**

1. Disagreements between the Co-Investigating Judges (“CIJs”) in this case were registered on 22 February 2013, 5 April 2013 and 26 June 2014.
2. Since 19 September 2013, my predecessor approved the disclosure of several documents from Case 004 into Case 002 due to their relevance to issues in the ongoing trial proceedings the accused in that case. Bearing in mind the stage of the investigations and nature of the material disclosed, he instituted a range of restrictions and modalities on the disclosure of the statements to the Trial Chamber and parties in Case 002. One of these was the redaction of material deemed sensitive to the ongoing investigations or information deemed irrelevant to the evidence sought.
3. On 17 March 2016, I issued an order lifting the redactions on a majority of the witnesses and their disclosed material since there was no longer a need for the redactions in order to preserve the integrity of the investigations.<sup>1</sup>
4. I have further reviewed the remaining documents that were disclosed in redacted form, and find that all but three documents (D134/3, D219/466, and D219/466.1) no longer require the redactions in order to preserve the integrity of the investigations.
5. This Order is filed in English, with a Khmer translation to follow.

**FOR THE FOREGOING REASONS, I:**

6. **AUTHORISE** disclosure of the D219/125, the written record of interview of witness SREY Soeum, in the full and unredacted form to the Trial Chamber and the Parties in Case 002; and
7. **ASSIGN** the **Category A** to SREY Soeum, the in accordance with measures identified in Memorandum dated 6 November 2015<sup>2</sup>, which, owing to the confidential and sensitive nature of the ongoing investigations, will have the following modalities and restrictions on the use of their evidence:
  - (a) that all material provided from Case 004 be treated as confidential;
  - (b) in the event that the document provided pursuant to this decision is admitted as evidence in Case 002, they shall be treated as confidential;
  - (c) no material provided pursuant to this decision shall be disseminated beyond those explicitly identified herein;
  - (d) in the event the witness whose document is authorised for disclosure is called to testify, they can do so in open session, provided their name and other identifying information is kept confidential;
  - (e) any party, counsel, or other individual who reads from, cites, or otherwise uses the document disclosed shall identify the witness only by their assigned

<sup>1</sup> Case File No. 004-D193/66, *Order Lifting Redactions from Case 004 Documents Previously Disclosed into Case 002*, 17 March 2016.

<sup>2</sup> Case File No. 004-D273, *Memorandum from ICIJ to Trial Chamber and Supreme Court Chamber concerning “Disclosure of material from Cases 003 and 004 to Case 002”*, 6 November 2015 (“Memorandum”).

- pseudonym for Case 002 and use descriptions reasonably calculated to avoid identifying the witness by other information;
- (f) no material provided shall be disseminated to the public, in any format or via any form of media whatsoever, beyond the evidence presented in open sessions of the court;
- (g) the material shall be provided to the Defence Counsel of both the Accused, Standby Counsel of Khieu Samphan (“Standby Counsel”) and Civil Party Lead Co-Lawyers through electronic copies;
- (h) the Defence Counsel, Standby Counsel and Civil Party Lead Co-Lawyers shall disclose the material provided pursuant to this decision only to those members of their teams that are officially retained under Internal Rule 22(5) and 12 *ter* (4), respectively, along with their officially assigned interns;
- (i) the Defence Counsel, Standby Counsel and Civil Party Lead Co-Lawyers are not authorised to print, reproduce, photo-copy, scan, or otherwise make duplicate copies of the material provided to them other than for the internal use of the material by those members of their respective teams who are instructed or authorised to have access to confidential material;
- (j) the Defence Counsel, Standby Counsel and Civil Party Lead Co-Lawyers shall maintain a written record, in a manner that can be reviewed, of the copies that they print, reproduce, photo-copy, scan, or otherwise duplicate for their internal use; and
- (k) should any member of the Parties or the Trial Chamber in Case 002/02 learn of an unauthorised copy of the document authorised for disclosure, they shall immediately take all measures to secure and return the copy to the CIJs; and
- (l) should any member of the Parties or the Trial Chamber in Case 002/02 learn of a breach of these conditions and restrictions, he/ she shall report such breach to the CIJs.

Dated 28 April 2016, Phnom Penh



Judge Michael Bohlander

ស្រីមីកែល ហ្វូលែន

**International Co-Investigating Judge**  
**Co-juge d'instruction international**