



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

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**DECISION ON INTERNATIONAL CO-PROSECUTOR'S
REQUEST FOR INVESTIGATIVE ACTION TO PLACE
MATERIALS ONTO CASE FILE 003**

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I. PROCEDURAL HISTORY

1. Disagreements between the Co-Investigating Judges (“CIJs”) in this case were registered on 7 February 2013, 22 February 2013, 17 July 2014, and 16 January 2017.
2. On 18 July 2007, the International Co-Prosecutor (“ICP”) filed the *Second Introductory Submission* opening a judicial investigation against Meas Muth and proposing various charges against him.¹ On 31 October 2014, the ICP filed a *Supplementary Submission*, alleging that Meas Muth bears criminal responsibility for further crimes.²
3. On 3 March 2015, my predecessor charged Meas Muth with violations of Articles 501 and 506 of the 1956 Penal Code (homicide), grave breaches of the Geneva Conventions, and the crimes against humanity of murder, extermination, enslavement, imprisonment, persecution, and other inhumane acts.³ On 14 December 2015, I rescinded certain charges against Meas Muth laid by my predecessor, and charged him with the crimes of genocide, additional counts of crimes against humanity, grave breaches of the Geneva Conventions, and violations of Articles 501 and 506 of the 1956 Penal Code (homicide).⁴ Meas Muth was charged with commission of these crimes through various modes of responsibility, including participation in a joint criminal enterprise (“JCE”).⁵
4. On 10 January 2017, I notified the parties of the conclusion of the judicial investigation against Meas Muth, granted the parties 30 days to file any further requests for investigative action (“Notification”), and reduced the scope of the judicial investigation pursuant to Internal Rule 66bis.⁶
5. On 9 February 2017, the ICP filed the *International Co-Prosecutor’s Request for Investigative Action to Place Materials onto Case File 003* (“Request”).⁷ In accordance with my instructions dated 16 September 2016,⁸ the ICP provided to the Meas Muth Defence (“Defence”) an electronic copy of the confidential documents that were the subject of the Request, after having sought the Trial Chamber’s permission to do so.⁹
6. On 20 February 2017, the Defence filed a response to the Request (“Response”).¹⁰

¹ Case File No. 003-D1, *Co-Prosecutors’ Second Introductory Submission Regarding the Revolutionary Army of Kampuchea*, 20 November 2008, para. 99.

² Case File No. 003-D120, *International Co-Prosecutor’s Supplementary Submission Regarding Crime Sites Related to Case 003*, 31 October 2014, paras 25-27.

³ Case File No. 003-D128, *Decision to Charge Meas Muth in Absentia*, 3 March 2015; Case File No. 003-D128.1, *Annex: Notification of Charges against Meas Muth*, 3 March 2015.

⁴ Case File No. 003-D174, *Written Record of Initial Appearance of Meas Muth*, 14 December 2015.

⁵ *Ibid.*

⁶ Case File No. 003-D225, *Notice of Conclusion of Judicial Investigation Against Meas Muth*, 10 January 2017; Case File No. 003-D226, *Decision to Reduce the Scope of Judicial Investigation Pursuant to Internal Rule 66 bis*, 10 January 2017.

⁷ Case File No. 003-D234, *International Co-Prosecutor’s Request for Investigative Action to Place Materials onto Case File 003*, 9 February 2017.

⁸ Case File No. 003-D209, [REDACTED] *Decision on Yim Tith’s Request for Further Information and Documents Regarding the International Co-Prosecutor’s Request to Place Materials on Case File 004*, 16 September 2016, paras 13-14.

⁹ Request, paras 6, 31.

¹⁰ Case File No. 003-D234/1, *Meas Muth’s Response to the International Co-Prosecutor’s Request for Investigative Action to Place Materials onto Case File 003*, 20 February 2017.



II. SUBMISSIONS

A. Request

7. The ICP requests the CIJs to place a total of 865 documents on Case File 003, consisting of:
 - a. Case File 002 documents, maps and videos; and
 - b. Contemporaneous documents underlying the OCIJ's S-21 list ("OCIJ S-21 List"), some of which are on Case File 002.¹¹
8. The documents are itemised in an Annex to the Request ("ICP Annex"), along with a description and the purported relevance of each document.¹² In this Decision, I refer to the documents by the numbers assigned to them in the ICP Annex.
9. The ICP submits that the requested actions, as summarised below, are sufficiently specific, conducive to ascertaining the truth regarding the crimes encompassed in the Introductory and Supplementary Submissions, necessary to the investigation, and respectful of the fair trial rights of Meas Muth.¹³
 - i. International armed conflict (documents 1 to 16)
10. The ICP requests that the CIJs place 16 documents onto Case File 003 that are relevant to establishing the existence of an international armed conflict between Democratic Kampuchea ("DK") and Vietnam during the DK period, and that provide temporal and geographic indicators of incursions along the DK-Vietnam border and infractions on off-shore islands. These documents include: (i) contemporaneous Communist Party of Kampuchea ("CPK") reports, public statements and internal communications; (ii) statements issued by the government of Vietnam; and (iii) international media reports. These documents are relevant to the charges of grave breaches of the Geneva Convention against Meas Muth, as well as crimes committed by the DK Navy in waters and on islands claimed by the DK, including the genocide charge against Meas Muth.¹⁴
 - ii. CPK policies (documents 17 to 43)
11. The ICP requests that the CIJs place 26 documents and one video clip on Case File 003 which provide evidence relevant to the development, evolution and implementation of the four CPK policies.¹⁵
12. These documents include contemporaneous CPK statements and publications, subsequent analytical reports, and records of statements made by Nuon Chea and Khieu Samphan, and demonstrate the inherently criminal nature of the intended and actual implementation of these policies through the DK regime. As such, they

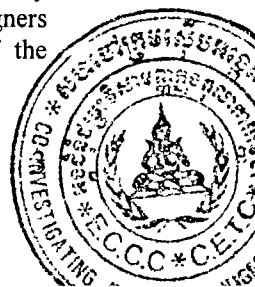
¹¹ Request, para. 7.

¹² Case File No. 003-D234.2, *Annex A*, 10 February 2017 ("ICP Annex").

¹³ *Ibid.*, paras 8, 32.

¹⁴ *Ibid.*, para. 10.

¹⁵ *Ibid.*, paras 3, 11-12; The policies, as enumerated by the ICP in the Request, to which these Materials are relevant are: (i) the establishment and operation of "cooperatives" and forced labour worksites; (ii) the 're-education' of 'bad elements' and killing of "enemies" both inside and outside the military; (iii) the targeting of specific groups, in particular persons of Vietnamese and Thai ethnicity or nationality (real or perceived) including those current or former military personnel, civilians and foreigners travelling within DK territory; and (iv) the forced marriage of civilians and members of the Revolutionary Army of Kampuchea ("RAK").



are relevant to demonstrating the existence, scope, and objectives of the common criminal plan, and the specific genocidal and persecutory intent of Meas Muth and his co-perpetrators.¹⁶

13. While there are several issues of *Revolutionary Flag* and *Revolutionary Youth* magazines already on the Case File, the ICP submits that, when viewed together, the requested additional materials provide a clearer picture of the four policies, as well as unique details of the policies not available elsewhere.¹⁷

iii. Communications (documents 44 to 57)

14. The ICP requests that the CIJs place 14 documents relating to internal CPK communications on Case File 003. These are predominantly reports and telegrams sent between military divisions and General Staff, and demonstrate, *inter alia*, reporting structures within the RAK and the dissemination of approved policies. The telegrams and reports which pertain to RAK divisions other than those of direct relevance to Case File 003 are still highly relevant to establishing a pattern of form and substance of CPK communications which would have been similar to those involving Meas Muth.¹⁸
15. Additionally, these documents demonstrate the existence of an international armed conflict between Vietnam and the DK, while document 57 specifically provides a clear overview of the DK authority structure, personnel and communications, which thus provides a basis for understanding hierarchical structures involving Meas Muth and Division 164.¹⁹

iv. S-21 (documents 58 to 62)

16. The ICP requests that the CIJs place five documents relating directly to the S-21 security centre onto Case File 003 submitting that these documents provide direct evidence of, *inter alia*, the purge of Division 164 cadres, interrogation of S-21 prisoners, and Meas Muth's knowledge and involvement in the crimes committed there.²⁰

v. Maps (documents 63 to 67)

17. The ICP request that the CIJs place five maps on Case File 003 in order to assist in demonstrating and understanding the location of crimes, their widespread and systematic nature, the proximity of Meas Muth and subordinates to the crimes, and the boundaries of relevant communes, districts, sectors, and zones.²¹

vi. Case File 002/02 transcripts and related materials (documents 68 to 109)

18. The ICP requests that the CIJs place 41 documents, which include Case File 002/02 transcripts, written records of interview, statements collected by the Documentation Centre of Cambodia ("DC-Cam"), one complaint, and one book on Case File 003. The ICP submits broadly that the transcripts contain evidence from experts, witnesses and civil parties, many of whom already have statements or other evidence on Case File 033, and whose testimony supplements that

¹⁶ Request, paras 11-13.

¹⁷ *Ibid.*, para. 14.

¹⁸ *Ibid.*, para. 15.

¹⁹ *Ibid.*, paras 17-18.

²⁰ *Ibid.*, para. 19.

²¹ *Ibid.*, para. 20.



evidence or allows for a better understanding of evidence currently on the Case File. Materials related to such witnesses and civil parties, have, where relevant, also been included in the request.²²

vii. Documents underlying the OCIJ S-21 List (documents 110 – 856)

19. On 30 March 2016, after a review of contemporaneous S-21 documentation, the OCIJ produced the OCIJ S-21 List demonstrating that 15,101 persons were recorded as S-21 prisoners based on surviving contemporaneous S-21 documents.²³
20. The ICP requests that the CIJs place 756 contemporaneous documents onto Case File 003, which would allow the parties to properly analyse the contents and accuracy of the OCIJ S-21 List to verify the existence of individuals at S-21 and their provenance and position. The requested documents correspond to those contemporaneous S-21 documents underlying the OCIJ S-21 list set out in D114/230.1.2 which do not already appear on the Case File.²⁴

B. Response

21. The Defence submit generally that the Request should be rejected as: (i) it is untimely, considering in particular that the ICP has had access to the Case File since the Case's inception, has had possession of or access to the majority of the requested materials for several months or years, and has been on notice when material from Case File 002 or the Shared Materials Drive ("SMD") has been added to the Case File;²⁵ (ii) no explanation has been given for such untimeliness;²⁶ (iii) it would cause undue delay at this stage in proceedings as the judicial investigation will require to be kept open to allow the Defence time to review the materials, which is estimated to take at least four months, and make consequential investigative requests;²⁷ (iv) adding the requested materials would clutter the Case File with duplicative documents as certain of the requested materials are or appear to already be on the Case File;²⁸ and (v) certain of the requested materials are or appear to be repetitious.²⁹
22. The Defence do not object to adding transcripts and related materials of witnesses who have already given evidence in Case 003 to the Case File as this would allow the CIJs and the parties to better evaluate such witnesses' evidence. The Defence object to the remaining Case File 002/02 transcripts and related materials being added due to their low probative value and the timing of the Request.³⁰
23. The Defence object to the documents relating to the OCIJ S-21 List being added to the Case File because, as they can be reviewed from the SMD, it is not necessary that they be added to the Case File for the ICP's stated purpose of

²² *Ibid.*, paras 21, 24.

²³ Case File No. 003-D114/230.1.1, *OCIJ S-21 Prisoner List*, 30 March 2016;

²⁴ Request, paras 26, 28.

²⁵ Response, paras 9, 18-25.

²⁶ *Ibid.*, para. 10.

²⁷ *Ibid.*, paras 11-13.

²⁸ *Ibid.*, paras 14-16, 21.

²⁹ *Ibid.*, paras 18-19.

³⁰ *Ibid.*, para. 24.



analysing the OCIJ S-21 List to verify the existence, provenance and position of individuals at S-21.³¹

24. Should the Request be granted in full or in part, the Defence request that the judicial investigation remain open for a reasonable amount of time to enable review of the requested documents (“Defence Request”).

III. DISCUSSION

A. Standard for the assessment of investigative requests

25. The Pre-Trial Chamber (“PTC”) has previously stated that a party requesting investigative action “*must satisfy two cumulative conditions [...] [n]amely, the request must:*
- i. *identify the action to be taken or order to be made, as applicable, with sufficient precision (‘the precision requirement’), and*
 - ii. *demonstrate in detail the reasons why the requested investigative action [...] is prima facie ‘relevant to ascertaining the truth’ (‘the prima facie relevance requirement’).”³²*
26. The precision requirement obliges the requesting party to be “*specific enough to give clear indications to the Co-Investigating Judges as to what they should search for*”.³³ Consequently, I am not required to grant general or speculative requests; rather the requesting party must point specifically towards the presence of the evidence that is sought.³⁴ For example, the PTC found that a request that does not clearly state the number of documents sought or their exact location within a collection of documents or archives fails to meet this test.³⁵
27. The *prima facie* relevance requirement contains two sub-requirements. Firstly, the request must be “*relevant to the scope of the investigation pursuant to the limitations and parameters set by the Introductory and Supplementary Submissions.*”³⁶ Secondly, the request “*must detail why the requested information is conducive to ascertaining the truth.*”³⁷ This requires the requesting party to establish a *prima facie* nexus between the requested investigative action and a matter within the scope of the investigation.³⁸ Where the request concerns

³¹ *Ibid.*, para. 25.

³² Case File No. 002-D365/2/17, *Decision on Reconsideration of Co-Prosecutors’ Appeal Against the Co-Investigating Judges Order on Request to Place Additional Evidentiary Material on the Case File which Assists in Proving the Charged Persons’ Knowledge of the Crimes*, 27 September 2010 (“Reconsideration Decision”), para. 47; See also, Case File No. 004/2-D320/1/1/4, *Decision on Appeal Against Decision on Ao An’s Twelfth Request for Investigative Action*, 16 March 2017, para. 13.

³³ Reconsideration Decision, para. 48.

³⁴ *Ibid.*, para. 48, 73; Case File No. 002-D100/9/2, *Decision on The Appeal Against the Co-Investigative Judges Order on Nuon Chea’s Second Request for Investigative Action*, 5 May 2010, para. 31; Case File No. 002-D164/4/13, *Decision on the Appeal from the Order on the Request to Seek Exculpatory Evidence in the Shared Material Drive*, 18 November 2009, paras 38-39; Case File No. 002-D273/3/5, *Decision on Appeal Against OCIJ Order on Nuon Chea’s Eighteenth Request for Investigative Action*, 10 June 2010, paras 19-20, 26, 29.

³⁵ Reconsideration Decision, para. 48.

³⁶ Reconsideration Decision, para. 49.

³⁷ *Ibid.*, para. 50.

³⁸ *Ibid.*, para 50-51.



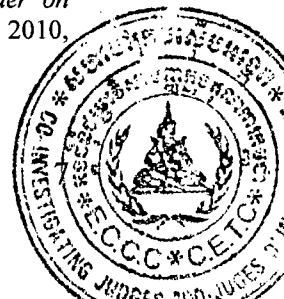
exculpatory evidence, the requesting party must demonstrate a *prima facie* reason that the investigative action may yield exculpatory evidence.³⁹

B. Analysis of the Request

28. I am satisfied that the Request meets the precision requirement. The ICP Annex specifically identifies and describes each of the documents requested to be placed on the Case File. I have analysed whether the Request meets the *prima facie* relevance requirement with respect to each of the documents, as set out below.
- i. International armed conflict (documents 1 to 16)
29. I am satisfied that documents 1 to 9, and documents 11 to 16, meet the *prima facie* relevance requirement as they are contextually relevant to the existence of an international armed conflict between DK and Vietnam during DK period.
30. Document 10, however, which includes the text of Khieu Samphan's speech on the occasion of the Third Anniversary of Phnom Penh's liberation, has already been placed on Case File 003, bearing document number D69.1.21. The Request is therefore moot with respect to document 10.
- ii. CPK policies (documents 17 to 43)
31. I am also satisfied that documents 17 to 22 and 24 to 43 are contextually relevant to the question of CPK policies and their implementation.
32. Document 23, however, is an excerpt from a longer document already placed on Case File 003 bearing document number D1.3.22.1. It is therefore unnecessary to place document 23 on the Case File. The Request is therefore moot with respect to document 23.
- iii. Communications (documents 44 to 57)
33. Similarly, I am satisfied that documents 44 to 53 and document 57 are contextually relevant to certain CPK policies, reporting structures, and the existence of international armed conflict between Vietnam and Cambodia.
34. Documents 54 to 56 emanate from the US National Security Council in May 1975 and relate to fighting between Vietnam and Cambodia on various islands between April and May 1975 and the Mayaguez incident. The ICP submits that these documents are relevant as they demonstrate the existence of an international armed conflict between Vietnam and the DK, the situation on the islands claimed by both states in May 1975, and establish the deaths of prisoners held on the maritime islands, and at Wat Eng Ta Nhien Security Centre at the hands of Division 164.⁴⁰
35. Document 54, however, only discusses concerns regarding the various options open to the US Government for recovery of the Mayaguez and its civilians taken to Koh Tang island. Document 55 includes the same meeting minutes as document 54, while document 56 primarily discusses the timing and strength of US intervention. Very little, if anything is discussed regarding the international armed conflict between the DK and Vietnam, nor the political and command structure of the DK. As such, I find that documents 54, 55, and 56 do not meet the

³⁹Case File No. 002-D353/2/3, *Decision on the Ieng Thirith Defence Appeal Against 'Order on Requests for Investigative Action by the Defence for Ieng Thirith of 15 March 2010*, 14 June 2010, para. 47.

⁴⁰Request, para. 17.



prima facie relevance requirement, and therefore deny the request to place them on the Case File.

iv. S-21 (documents 58 to 62)

36. I am satisfied that documents 58, 61, and 62, meet the *prima facie* relevance requirement as they contain significant disparate material on CPK personnel and governmental regions, as well as the authority structure of Kampong Som.
37. Documents 59 and 60 relate to S-21 confessions. As I have previously stated, the OCIJ will not place complete versions of S-21 confessions on the Case File, but rather only the parts of confessions containing any relevant annotations.⁴¹ This is in line with the Supreme Court Chamber's view that confessions obtained through physical or mental compulsion are prohibited as evidence,⁴² as confessions or information extracted through torture are "*intrinsically unreliable*" because torture victims will likely say anything to end their torment.⁴³
38. Document 59 is a translation of annotations and sections marked out by annotations of an S-21 confession. I am satisfied that it meets the *prima facie* relevance requirement as it contains evidence relating to Meas Muth's control of Division 164 and CPK policy on traitors. I accordingly grant the request to place it on the Case File.
39. Document 60 refers to multiple documents bearing document number E3/150 all of which are encompassed by the Request by reference in the ICP Annex to their respective ERN numbers. The document bearing number E3/150 with ERN range 00224085-00224086 (EN) is a translation of annotations to an S-21 confession. I am satisfied that it meets the *prima facie* relevance requirement as it contains evidence relating to Meas Muth's control of Division 164 and CPK policy on traitors. I accordingly grant the request to place it and the French translation⁴⁴ on the Case File.
40. Document 60 also however includes the original confession⁴⁵ and translations of selected excerpts from the confession⁴⁶ and I accordingly deny the request to place these parts of document 60 on the Case File.

v. Maps (documents 63 to 67)

41. After review, I am satisfied that documents 63 to 67 meet the *prima facie* relevance requirement as each map provides additional details regarding key geographic information relating to the allegations in the Introductory and Supplementary Submissions.

vi. Case File 002/02 transcripts and related materials (documents 68 to 109)

42. I am also satisfied that documents 68 to 80 and documents 82 to 109 provide additional or supplementary information to evidence already on the Case File.

⁴¹ Case File No. 003-D223, *Consolidated Decision on the International Co-Prosecutor's First, Second, and Third Investigative Requests*, 9 January 2016, para. 43.

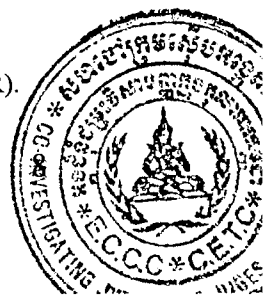
⁴² Case File No. 002-F26/12, *Decision on Objections to Document Lists full Reasons*, 31 December 2015, para. 31

⁴³ *Ibid.*, para. 42.

⁴⁴ Case File No. 002-E3/150 with ERN range 00235668-00235568 (FR).

⁴⁵ Case File No. 002-E3/150 with ERN range 00174375-00174391.

⁴⁶ Case File No. 002-E3/150 with ERN ranges 00823631-00823643 (EN), 00773063-00773076 (FR).



43. However, document 81, the Case File 002/02 Trial Transcript of Y Vun, does not provide any material evidence of the killing of ‘enemies’ or the targeting of specific groups, nor does it give evidence that the Vietnamese were considered ‘enemies’ or were specifically targeted. As such, I am not satisfied that document 81 meets the *prima facie* relevance requirement, and therefore deny the request to place it on the Case File.

vii. Documents underlying the OCIJ S-21 List (documents 110 to 865)

44. The ICP requests that the CIJs place 756 contemporaneous S-21 documents on the Case File which correspond to those documents underlying the OCIJ S-21 List as detailed in D114/230.1.2, and which do not already appear on Case File 003.⁴⁷ The ICP submits that these documents should be placed on the Case File so as to enable an assessment of the accuracy of the OCIJ S-21 List.⁴⁸

45. I am not persuaded of the need for such investigative action. The OCIJ S-21 List contains the names of 15,101 individuals, and was compiled by an OCIJ analyst following a comprehensive review over 24 months of contemporaneous documents collected from Tuol Sleng Genocide Museum and DC-Cam.⁴⁹ Based on the robust and rigorous methodology employed by the OCIJ analyst in compiling the list, I am satisfied that the OCIJ S-21 List provides a sufficiently reliable list for the purposes of the Case 003 investigation. It is thus not necessary to overburden the Case File with an additional 756 documents for the purposes of repeating the assessment already undertaken by the OCIJ.

46. I therefore deny the request with respect to documents 110 to 865.

C. Defence objections

47. I agree with the Defence that the ICP has made a request for a significant amount of documents after the conclusion of the investigation which thus renders the Request *prima facie* untimely. However, given that I find only a small portion of the Request relevant, I do not consider that the placement of the documents will cause undue delay to the proceedings or infringe Meas Muth’s fair trial rights.

48. Similarly, as I am only granting a small portion of the Request, I am satisfied that the documents will not clutter the Case File, nor do they constitute an unnecessary duplication or repetition of the evidence.

49. As for the Defence Request, I note⁵⁰ that while Internal Rule 66(1) mandates that upon issuance of a notice of closure, the parties shall have 15 days to request further investigative action, the Internal Rules do not explicitly consider whether a further period to request further investigative action (“Additional Period”) must be granted to accommodate for new material placed on the Case File after a notice of closure has been issued. For the reasons set out below, I am satisfied that Internal Rule 66(1) only requires one period to request further investigative action after the initial notification of closure.

⁴⁷ Request, paras 26, 28.

⁴⁸ Request, para. 27.

⁴⁹ Case File No. 004-D322/8, *Decision on the International Co-Prosecutor’s Request to Place CPK Materials on Case File 004*, 15 December 2016, paras 46-47.

⁵⁰ See Case File No. 004/2-D334/2, [Redacted] *Second Notice of Conclusion of Judicial Investigation Against Ao An*, 29 March 2017, paras 12, 14-15.



50. The general Cambodian law, on which I must rely if the Internal Rules do not contain more specific regulations, supports the interpretation that no Additional Period is required. I note that Article 246 of the Cambodian Code of Criminal Procedure (“CCCP”) expressly provides for investigative requests only by the Prosecution under Article 132, but not by the Defence under Article 133, once the closure notice has been sent to the parties.⁵¹ While it might be argued upon a literal interpretation that the investigation only closes with the closing order (Article 247 of the CCCP) and hence the wording of Article 133 could appear to apply directly until that point in the proceedings and allow the Defence to file requests right up to the point of the closing order, with Article 132 of the CCCP stating the same for the Prosecution, I consider that Article 246 is *lex specialis* for the situation after a closure notice to the point that it excludes any investigative requests by the Defence under the general rule of Article 133 after the closure notice. Otherwise the explicit reference to the Prosecution’s right under Article 132 with the simultaneous omission of an equal reference to the Defence’s right under Article 133 would make little sense; given the potentially serious impact on the position of the Defence of this omission, a mere error in the redaction of the CCCP is highly unlikely. In this sense, the law under the Internal Rules already contains an improvement vis-à-vis the CCCP in that it allows the Defence and the other parties to file requests within the 15-day period.
51. Unless new material put on the Case File exceptionally represented a massive amount and required major efforts by the affected parties in analysing it, leading to serious hardship if they were not given additional time to request new investigative action arising from their analysis, I do not consider that any further opportunity needs to be afforded.
52. I am satisfied that the documents being placed on the Case File pursuant to this Decision do not constitute a massive amount, nor will it require major efforts by the Defence to analyse the material. Accordingly I do not grant the Defence any extension of time to review the material and make any further investigative requests.

⁵¹ See also, *Annotated Cambodian Code of Criminal Procedure*, 2nd Ed., 2015, p. 98.

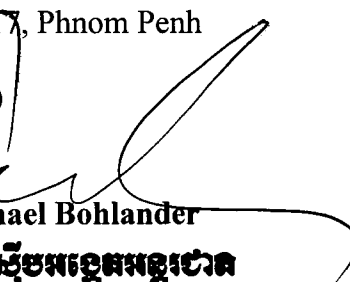



FOR THE FOREGOING REASONS, I:

- 53. **DECLARE** the Request moot with respect to documents 10 and 23;
- 54. **DENY** the Request with respect to documents 54 to 56, 60 (to the extent set out herein), 81, and 110 to 865;
- 55. **GRANT** the Request with respect to the documents listed in the Annex to this Decision;
- 56. **DENY** the Defence Request; and
- 57. **INSTRUCT** the OCIJ Greffier to place the documents listed in the Annex to this Decision on Case File 003.

This Decision is filed in English with a Khmer translation to follow.

28 April 2017, Phnom Penh





Judge Michael Bohlander
សម្រាប់តុលាការស៊ើបអង្កេតអន្តរជាតិ
International Co-Investigating Judge
Co-juge d'instruction international