



**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

**អង្គបុរេជំនុំជម្រះ**  
Pre-Trial Chamber  
Chambre Préliminaire

D56/19/16

Case File N° 003/07-09-2009-ECCC/OCIJ (PTC11)

**Before:** Judge PRAK Kimsan, President  
Judge Rowan DOWNING  
Judge NEY Thol  
Judge Chang-ho CHUNG  
Judge HUOT Vuthy

**Date:** 19 February 2014

<b>ឯកសារដើម</b>	
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Sann Rada	

**CONFIDENTIAL**  
**SECOND DECISION ON REQUESTS FOR INTERIM MEASURES**

**Co-Prosecutors**

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Michael KARNAVAS

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**THE PRE-TRIAL CHAMBER** of the Extraordinary Chambers in the Courts of Cambodia (the “ECCC”) is seized of a request by the Co-Lawyers for MEAS Muth to get access to the Case File in Case 003 (the “Request for Access to the Case File”) formulated in “MEAS Muth’s Co-Lawyers’ Urgent and Expedited Request to Lift the Order Suspending Communications with Mr. MEAS Muth, to Access the Case File, and for an Extension of Time to Appeal the *Decision on the International Co-Prosecutor’s Request to Reject Appointment of the Co-Lawyers for MEAS Muth on the Basis of Irreconcilable Conflicts of Interest*”, filed on 15 January 2014 (the “Co-Lawyers’ Request for Interim Measures”).<sup>1</sup> It is also seized of a request by the International Co-Prosecutor for the Pre-Trial Chamber to rule first on the admissibility of the Defence appeal, pursuant to an expedited schedule (the “Request for Expedited Schedule”), formulated in the “International Co-Prosecutor’s Response to the Co-Lawyers’ Request for the Lifting of the Suspension of Contact with MEAS Muth and for Access to the Case File”, filed on 22 January 2014 (the “International Co-Prosecutor’s Response”).<sup>2</sup>

1. On 10 January 2014, the International Co-Investigating Judge issued his “Decision on the International Co-Prosecutor’s Request to Reject the Appointment of the Co-Lawyers for MEAS Muth on the Basis of Irreconcilable Conflicts of Interest”, wherein he rejected the appointment of Michael KARNAVAS and ANG Udom (the “Co-Lawyers”) by the Defence Support Section (the “DSS”) as Co-Lawyers for MEAS Muth given their past representation of IENG Sary in Case 002 before the ECCC and instructed the DSS to take the necessary steps to assign new Co-Lawyers as soon as practicable (the “Impugned Decision”).<sup>3</sup>

<sup>1</sup> MEAS Muth’s Co-Lawyers’ Urgent and Expedited Request to Lift the Order Suspending Communications with Mr. MEAS Muth, to Access the Case File, and for an Extension of Time to Appeal the *Decision on the International Co-Prosecutor’s Request to Reject Appointment of the Co-Lawyers for MEAS Muth on the Basis of Irreconcilable Conflicts of Interest*”, 15 January 2014, D56/19/1 (the “Co-Lawyers’ Request for Interim measures” and, insofar as the request for access to the Case File is more particularly concerned, the “Request for Access to the Case File”). As explained below, the Pre-Trial Chamber is currently seized of this motion only insofar as the Co-Lawyers request access to the Case File.

<sup>2</sup> International Co-Prosecutor’s Response to the Co-Lawyers’ Request for the Lifting of the Suspension of Contact with MEAS Muth and for Access to the Case File, 22 January 2014, D56/19/2 (the “International Co-Prosecutor’s Response and, insofar as the International Co-Prosecutor requests that the admissibility of the Appeal be decided first, pursuant to an expedited schedule, the “Request for Expedited Schedule”).

<sup>3</sup> Decision on the International Co-Prosecutor’s Request to Reject the Appointment of the Co-Lawyers for MEAS Muth on the Basis of Irreconcilable Conflicts of Interest, issued in English on 10 January 2014 and in Khmer on 14 January 2014, D56/18.



2. On 13 January 2014, the Co-Lawyers filed, on behalf of MEAS Muth, a notice of appeal indicating their intention to appeal the Impugned Decision (the “Appeal”).<sup>4</sup>
3. On 15 January 2014, the Co-Lawyers filed their Request for Interim Measures to the Pre-Trial Chamber, asking that an order previously issued by the International Co-Investigating Judge suspending communications between the Co-Lawyers and MEAS Muth be lifted, requesting access to the Case 003 Case File and requesting an extension of time to appeal the Impugned Decision.
4. On 22 January 2014, the International Co-Prosecutor filed his Response, wherein he requested the Pre-Trial Chamber, before the proceedings go any further in this case, to first direct the DSS to provide independent advice to MEAS Muth on the outstanding issue of his legal representation and confirm whether he wants to pursue the Appeal which, according to the International Co-Prosecutor, had been initiated on his behalf but without his instructions.<sup>5</sup> In the event of MEAS Muth wanting to pursue the Appeal, the International Co-Prosecutor asked the Pre-Trial Chamber to decide first on its admissibility, pursuant to an expedited schedule.<sup>6</sup>
5. On 31 January 2014, the Pre-Trial Chamber issued a first “Decision on Requests for Interim Measures”, wherein the Chamber, *inter alia*, stressed the need to get confirmation as to whether MEAS Muth wants to pursue the Appeal before the proceedings in this case go further, found that there is no legal basis to order the DSS to provide independent advice to MEAS Muth on the outstanding issue of his legal representation, lifted in part the order suspending communications between the Co-Lawyers and MEAS Muth to allow communications for the purpose of the appellate proceedings against the Impugned Decision and found that the time period to appeal the Impugned Decision had been suspended until then.<sup>7</sup> The Pre-Trial Chamber deferred its decision on the Request for Access to the Case

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<sup>4</sup> MEAS Muth’s Notice of Appeal against the Decision on the International Co-Prosecutor’s Request to Reject the Appointment of the Co-Lawyers for MEAS Muth on the Basis of Irreconcilable Conflicts of Interest, 13 January 2014, D56/19.

<sup>5</sup> International Co-Prosecutor’s Response, paras 5, 7, 8-16, 31.

<sup>6</sup> International Co-Prosecutor’s Response, paras 17-21 and 31(c).

<sup>7</sup> Decision on Requests for Interim Measures, 31 January 2014, D56/19/8 (“First Decision on Interim Measures”), paras 10, 11-13, 15-16 and 19.



File until it received confirmation that MEAS Muth wants to pursue the Appeal.<sup>8</sup> In particular, the Pre-Trial Chamber found that because the notice of appeal against the Impugned Decision has been filed by the Co-Lawyers on behalf of MEAS Muth without being able to seek his instructions, it has to ascertain whether MEAS Muth wants to pursue the Appeal before deciding on the Request for Access to the Case File.<sup>9</sup> The Chamber stressed that “prior to deciding whether he wants to pursue the Appeal, MEAS Muth must receive appropriate information and legal advice in order to make an informed decision as to whether he wishes to continue to be represented by the Co-Lawyers in the light of the International Co-Investigating Judge’s findings in the Impugned Decision”.<sup>10</sup> The Pre-Trial Chamber did not address the Request for an Expedited Schedule as the issue was not ripe for determination at the time.

6. On 7 February 2014, MEAS Muth, through his Co-Lawyers, notified the Pre-Trial Chamber that he wishes to appeal the Impugned Decision and to continue to be represented by the Co-Lawyers.<sup>11</sup> In his Notice, MEAS Muth stated, *inter alia*, that i) he met with the Co-Lawyers and other members of his Defence team on 5 and 6 February 2014 “to review the [Impugned Decision] and discuss whether he wishes to appeal it”; ii) he has reviewed and discussed with his Co-Lawyers “all documents filed by the Prosecution and Defence and all decisions by the International Co-Investigating Judge Harmon related to conflict of interest”; iii) he has “reviewed the claims made by the International Co-Prosecutor and adopted by International Co-Investigating Judge Harmon”; and iv) he has been advised by the Co-Lawyers on the applicable legal principles.
7. In the light of the foregoing, the Pre-Trial Chamber is satisfied that MEAS Muth has now been sufficiently informed of the Impugned Decision and the related proceedings and has been given the opportunity to seek legal advice on the outstanding issue of his legal representation. The Chamber therefore considers that MEAS Muth has made an informed decision to pursue the Appeal and to continue to be represented by the Co-Lawyers for the

<sup>8</sup> First Decision on Interim Measures, paras 17-18.

<sup>9</sup> First Decision on Interim Measures, paras 10 and 17.

<sup>10</sup> First Decision on Interim Measures, para. 10.

<sup>11</sup> MEAS Muth’s Notice of Intent to Pursue Appeal Against Decision on the International Co-Prosecutor’s Request to Reject Appointment of the Co-Lawyers for MEAS Muth on the Basis of Irreconcilable Conflicts of Interest, 7 February 2014, D56/19/13; Notice, MEAS Muth’s Intent to Appeal, 7 February 2014, D56/19/13.1, p. 1.



purpose of these appellate proceedings. The Pre-Trial Chamber is now in a position to examine the Request for Access to the Case File and the Request for Expedited Schedule.

8. The Co-Lawyers request the Pre-Trial Chamber to use its inherent jurisdiction to order, as an *interim* measure, the Co-Investigating Judges to grant them access to the Case File in Case 003 in order to prepare their Appeal against the Impugned Decision. They argue that access to the Case File is necessary given the fact that the International Co-Investigating Judge “has made findings based on material on the Case 003 Case File concerning Mr. MEAS Muth’s role and responsibilities, as well as his relationship with Mr. IENG Sary”, to which the Co-Lawyers do not have access.<sup>12</sup> They argue that they should be entitled to “have access to *all* material on the Case File, since *other* material on the Case File – not relied on by the Co-Investigating Judge Harmon – may contradict Co-Investigating Judge Harmon’s findings.”<sup>13</sup> They assert that, “[w]ithout access to the Case File, the Defence will be in an unequal position to the [Office of the Co-Prosecutors] and Civil Parties.”<sup>14</sup>
9. In response, the International Co-Prosecutor requests that the admissibility of the Appeal be decided first and argues, as a consequence, that the Request for Access to the Case File “should be refused at this time as such access is not necessary for the purposes of the admissibility proceedings”.<sup>15</sup> In particular, the International Co-Prosecutor proposes that a decision on admissibility be made following an expedited schedule for the parties to make submissions limited to this issue. He argues that the issue of MEAS Muth’s legal representation, which has been under litigation for more than 13 months, requires timely resolution given that the International Co-Investigating Judge’s finding of “an irreconcilable conflict of interest against the Co-Lawyers” means that they cannot represent MEAS Muth in Case 003 and they have no right of access to the Case File nor standing before the Co-Investigating Judges.<sup>16</sup> If the Pre-Trial Chamber decides to receive submissions on the merits of the Appeal and its admissibility at the same time, the International Co-Prosecutor submits that he does not object to the Co-Lawyers having access to the Case File “for the sole purpose of the Appeal proceedings” and subject to the condition that the Pre-Trial

<sup>12</sup> Request for Interim Measures, para. 25.

<sup>13</sup> Request for Interim Measures, para. 26.

<sup>14</sup> Request for Interim Measures, para. 27.

<sup>15</sup> International Co-Prosecutor’s Response, para. 24.

<sup>16</sup> International Co-Prosecutor’s Response, para. 19.



Chamber first gives the Co-Investigating Judges the opportunity to state whether there are any reasons to prevent access to the Case File for the purpose of the Appeal.<sup>17</sup>

10. The Co-Lawyers object to the Request for Expedited Schedule, arguing that the International Co-Prosecutor has provided no compelling reasons to depart from the normal appeal procedure and that this would cause unnecessary delay.<sup>18</sup> They further argue that the Impugned Decision, which is currently subject to appeal, does not affect their standing before the Co-Investigating Judges as the decision to remove them would fall under the jurisdiction of the DSS.<sup>19</sup> The Co-Lawyers also object to the Pre-Trial Chamber requesting the Co-Investigating Judges' input as to whether they should be granted access to the Case File, arguing that the Pre-Trial Chamber has all the necessary information before it and the Co-Investigating Judges have not expressed any prohibition against the Co-Lawyers' access to the Case File.<sup>20</sup>

#### A) Request for Expedited Schedule

11. The Pre-Trial Chamber recalls that, in principle, submissions on appeal shall include arguments on both admissibility and merits.<sup>21</sup> In exceptional circumstances, the Pre-Trial Chamber may direct the parties to file submissions on admissibility first, where the Chamber considers that it would serve the interests of justice, notably by expediting proceedings, and not cause any prejudice to the parties.<sup>22</sup> In the present case, the Pre-Trial Chamber notes that the Co-Lawyers object to the expedited schedule and have presented preliminary submissions on admissibility that rely largely on arguments stemming from MEAS Muth's fundamental right to be represented by counsel of his own choosing,<sup>23</sup> therefore suggesting that the issue of the admissibility of the Appeal may be closely intertwined with its merits. The Chamber further notes that the issue of conflicts of interests has already been subject of

<sup>17</sup> International Co-Prosecutor's Response, paras 7, 28, 29 and 31(d).

<sup>18</sup> MEAS Muth's Co-Lawyers' Reply to the International Co-Prosecutor's Response to the Co-Lawyers' Request for the Lifting of Suspension of Contact with MEAS Muth and for Access to the Case File, 27 January 2014, D56/19/5 (the "Reply"), para. 9.

<sup>19</sup> Reply, paras 12-13.

<sup>20</sup> Reply, paras 14-15.

<sup>21</sup> See Internal Rule 75(4).

<sup>22</sup> See, e.g., Case 002/19-09-2007-ECCC/OCIJ (PTC05), Order to File Written Submissions on the Admissibility of the Appeal Lodged by IENG Sary against the Letter of the Co-Investigating Judges dated 22 January 2008, 19 February 2008, A104/II/1.

<sup>23</sup> See Request for Access to the Case File, para. 28 and Reply, paras 16-19.



lengthy discussions and analysis by the parties in their filings before the Co-Investigating Judges, which will presumably serve as a basis for their submissions on appeal and contribute to expedite the filing of submissions addressing the merits of the Appeal. The Pre-Trial Chamber considers that dividing the appellate process in two stages would not significantly reduce the time period for the admissibility of the Appeal to be ruled upon and rather risks ultimately causing longer delays in the overall resolution of the Appeal, should it be found admissible. Further, the issue of admissibility may prove to be so inter-related to the consideration of matters of substance put in its support that it may result in an injustice to separate the appellate process into two stages. In these circumstances and considering the objection raised by the Co-Lawyers, the Pre-Trial Chamber does not find that it is in the interest of justice to call for submissions on admissibility of the Appeal first. The Request for Expedited Schedule is therefore denied.

#### **B) Request for Access to the Case File**

12. The Co-Lawyers currently do not have access to the Case File kept by the Office of the Co-Investigating Judges in relation to the investigation proceedings in Case 003. In a decision of 11 February 2013 inviting the Co-Lawyers to make submissions on the potential conflict of interest between their role as counsel for IENG Sary and MEAS Muth,<sup>24</sup> the International Co-Investigating Judge provided the Co-Lawyers access to a redacted copy of the Co-Prosecutor's Second Introductory Submission, which triggered the opening of a judicial investigation in Case 003<sup>25</sup> (the "Introductory Submission in Case 003"), and all other evidentiary material referred to in the said decision, on a confidential basis and solely for the purposes of the "Decision".<sup>26</sup> This access was granted "on the condition that such material shall be neither copied nor disseminated and shall be returned to the [Office of the Co-Investigating Judges'] greffiers immediately upon" a final determination of the International Co-Prosecutor's Request that the Appointment of Co-Lawyers-Designate be Rejected on the Basis of Irreconcilable Conflicts of Interests.<sup>27</sup> It is noted that the Decision of 11 February

<sup>24</sup> Decision and Scheduling Order Concerning Request for Appointment of Co-Lawyers Designate, 11 February 2013, D56/3 (the "Decision of 11 February 2013"), paras 29-30.

<sup>25</sup> Co-Prosecutors' Second Introductory Submission Regarding the Revolutionary Army of Kampuchea (Redacted Version), 20 November 2008, D56/3.1.

<sup>26</sup> Decision of 11 February 2013, para. 28.

<sup>27</sup> Decision of 11 February 2013, para. 28.



2013 contains reference solely to a limited number of documents, all part of Case 002. On 26 September 2013, the Co-Lawyers requested to be provided with the full text of the Introductory Submission in Case 003 and its supporting material.<sup>28</sup> The International Co-Investigating Judge responded by referencing an earlier response where he deferred any decision on access to the Case File until after the conflict of interest issue is resolved.<sup>29</sup>

13. The Pre-Trial Chamber notes that the International Co-Investigating Judge found, in the Impugned Decision, that “[t]he factual nexus between the cases against the Suspect and IENG Sary, including the *prima facie* superior-subordinate relationship between the two, renders their interests materially adverse”,<sup>30</sup> therefore creating a legal impediment for the Co-Lawyers to represent MEAS Muth in Case 003. This conclusion is based on the International Co-Investigating Judge’s examination of the overlap in the crimes and modes of liability alleged against MEAS Muth and IENG Sary in the Introductory Submissions in Case 003 and 002,<sup>31</sup> respectively, as well as *prima facie* evidence of common involvement in some of the overlapping allegations and of a superior-subordinate relationship between MEAS Muth and IENG Sary. In particular, the International Co-Investigating Judge conducted a *prima facie* assessment of the documentary evidence in Cases 003 and 002<sup>32</sup> and, relying upon a number of documents contained in these two case files,<sup>33</sup> found that there is *prima facie* evidence i) that “both Ieng Sary and [MEAS Muth] were involved, in different capacities, in some of the overlapping allegations [against them]”,<sup>34</sup> ii) of “[a] connection between the crimes alleged against [MEAS Muth] and the joint criminal enterprise alleged in Case 002”<sup>35</sup> and iii) of “the existence of a relatively close superior-subordinate relationship between [MEAS Muth] and Ieng Sary.”<sup>36</sup>

<sup>28</sup> Request to be Provided with Full Introductory Submission and Supporting Material, 26 September 2013, D82/2, p. 1.

<sup>29</sup> Response to Request to be Provided with Full Introductory Submission and Supporting Material, 30 September 2013, D82/2/1, para. 1, *referring to* Response to MEAS Muth’s Request to Access the Case File and Take Part in the Judicial Investigation, 19 September 2013, D82/1, para. 1.

<sup>30</sup> Impugned Decision, para. 129.

<sup>31</sup> Case 002/19-07-2007, Introductory Submission, 18 July 2007, D3 (the “Introductory Submission in Case 002”).

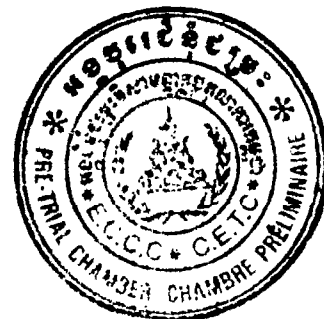
<sup>32</sup> Impugned Decision, para. 104 and footnote 205.

<sup>33</sup> For reference to Case 003 documents, *see* Impugned Decision, footnotes 208, 210, 217-219, & 223-225.

<sup>34</sup> Impugned Decision, para. 104.

<sup>35</sup> Impugned Decision, para. 108.

<sup>36</sup> Impugned Decision, para. 117.





14. The Pre-Trial Chamber adopts the finding of the Appeals Chamber of the Special Tribunal for Lebanon in the matter of *El Sayed* that the right of access to justice, which has acquired the status of *jus cogens*,<sup>37</sup> may require that a judicial authority grants access to documents that are necessary to exercise a right before the Court.<sup>38</sup> In particular, the Appeals Chamber has found that a request to have access to documents in order to support a claim before a Court or to exercise a right shall be granted “if necessary to avoid a real risk that, if it is declined, the applicant will suffer an injustice that clearly outweighs the opposing interests” and only to “the extent required for that purpose.”<sup>39</sup>
15. In the present case, the Pre-Trial Chamber considers that without any access to the evidentiary documents relied upon by the International Co-Investigating Judge in the Impugned Decision, as well as any potential contradictory evidence contained in the Case File, the Co-Lawyers are not in a position to meaningfully challenge the factual conclusions reached in the said decision. They are also placed at significant disadvantage *vis-à-vis* the Co-Prosecutors in the current appellate proceedings, as the Co-Prosecutors have the opportunity to argue the matter at stake in the light of the whole case file, whereas the Co-Lawyers, for the time being, cannot review such material and present their views thereto. The Pre-Trial Chamber therefore finds that it is necessary for the Co-Lawyers to be given access to the Case File in Case 003, to avoid that a right of appeal against the Impugned Decision, if any, becomes meaningless or ineffective and to ensure fairness of the appellate process through equality of arms. The Pre-Trial Chamber, however, is not in a position to determine whether full access to the Case File may cause prejudice to the judicial investigation or the security of witnesses and, consequently, if it is necessary to restrict the information that is made available to the Co-Lawyers or impose limitation on the communication of information to MEAS Muth for these reasons.<sup>40</sup> In these circumstances,

<sup>37</sup> Special Tribunal for Lebanon (“STL”), Decision on Partial Appeal by Mr. El Sayed of Pre-Trial Judge’s Decision of 12 May 2011, Case No. CH/AC/2011/01, Appeals Chamber, 19 July 2011 (the “*El Sayed* Appeals Chamber Decision”), para. 40.

<sup>38</sup> *El Sayed* Appeals Chamber Decision, para. 43.

<sup>39</sup> *El Sayed* Appeals Chamber Decision, para. 67.

<sup>40</sup> As neither the ECCC legal compendium nor Cambodian Law addresses this issue, the Pre-Trial Chamber sought guidance in the procedural rules established at the international level, as directed by Article 23 New(1) of the ECCC Law. The international or internationalized criminal tribunals generally allow restrictions on disclosure of information contained in a criminal case file to protect interests such as the integrity of the investigation, the security of victims and witnesses and national or international security. *See, e.g.*, STL, Case CH/PTJ/2010/005, Order



the Pre-Trial Chamber finds that it is in the interest of justice to exercise its inherent jurisdiction<sup>41</sup> to order, as an *interim* measure pending resolution of these appellate proceedings, the Co-Investigating Judges to grant the Co-Lawyers access to the Case File in Case 003, subject to any limitation that they may consider necessary to avoid any prejudice to the judicial investigation or the security of witnesses and taking into consideration that the Co-Lawyers are bound by an obligation of confidentiality in respect of such access. The Pre-Trial Chamber further specifies that access to the Case File is granted for the specific purpose of appealing the Impugned Decision. Hence, the Co-Lawyers shall limit their examination of the Case File to the documents that are strictly necessary for the purpose of these appellate proceedings and access shall cease immediately upon resolution of such.

16. The Request for Access to the Case File is therefore granted, subject to any legitimate restriction that may be imposed by the Co-Investigative Judges.
17. In these circumstances and given the fact that the Co-Lawyers have announced that they wished to appeal the Impugned Decision under, *inter alia*, Internal Rule 11(6), which provides for a 15 days time limit to file submissions on appeal, the Pre-Trial Chamber finds that it is in the interest of justice to grant the Co-Lawyers 15 days from the time they will get access to the Case File in Case 003 to file submissions on appeal, pursuant to Internal Rule 75(3).

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Relating to the Jurisdiction of the Tribunal to Rule on the Application by Mr. El Sayed Dated 17 March 2010 and Whether Mr. El Sayed has Standing before the Tribunal, Pre-Trial Judge, 17 September 2010, para. 53 (“With regard to the question of the exercising of the right of access to the criminal case file, it follows from legislation and case law, both national and international, that this right is not an absolute one. Indeed, this right can be subject to limitations. These case arise in particular from the fact that to make the document available might compromise an ongoing or future investigation, undermine fundamental interests, such as the physical well-being of persons concerned by those documents, or affect national or international security. These limitations can also stem from difficulties inherent to the conduct of terrorists investigations.”); European Court of Human Rights, *Leas v. Estonia*, Application No. 59577/08, Judgment, para. 78. *See also* Rules 66(C), 68(iv), 69(A), 70(B) and 75(A) of the Rules of Procedure and Evidence of the International Criminal Tribunal for the Former Yugoslavia; Rules 66(C), 68(D), 69(A), 70(B) and 75(A) of the Rules of Procedure and Evidence of the International Criminal Tribunal for Rwanda; Rules 81(2), 81(3), 81(4) and 133(A) of the Rules of Procedure and Evidence of the International Criminal Court; Rules 39(ii), 66(B), 69(A), 70(B) and 75(A) of the Special Court for Sierra Leone Rules of Procedure and Evidence; Rules 55(C), 115(A), 116(A), 117(A) and 118(A) of the STL Rules of Procedure and Evidence.

<sup>41</sup> *See* First Decision on Interim Measures, footnote 31.



**THEREFORE, THE PRE-TRIAL CHAMBER UNANIMOUSLY HEREBY:**

REJECTS the Request for Expedited Schedule;

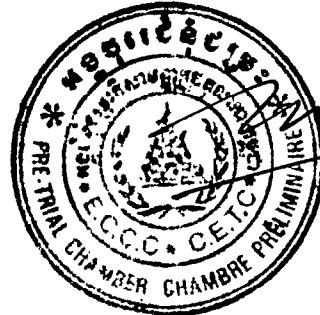
GRANTS, in part, the Request for Access to the Case File;

ORDERS the Co-Investigating Judges to grant the Co-Lawyers access to the Case 003 Case File, for the purpose of these appellate proceedings only, subject to any restriction that they consider legitimate to protect the integrity of the judicial investigation;

DIRECTS that the Co-Lawyers have 15 days from the time they get access to the Case 003 Case File to file their submissions on Appeal.

Phnom Penh, 19 February 2014

President of the Pre-Trial Chamber<sup>02</sup>



**PRAK KIMSAN**