



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

INTEROFFICE MEMORANDUM

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

05 May 2023

DE:

TO: CHEA Leang, National Co-Counsel
A: Fergal GAYNOR, International Co-Counsel
(Reserve)



CC: Judges, Supreme Court Chamber

PAR: MOM Luch, National Co-Lawyer
Richard ROGERS, International Co-Lawyer
Gôran SLUITER, International Co-Lawyer



Mr. PICH Ang, National Civil Party Lead Co-Lawyer
Ms. Falguni DEBNATH, International Civil Party Lead Co-Lawyer

Greffiers, Supreme Court Chamber

SUBJECT: Decision on International Co-Prosecutor’s Request for Reclassification of
OBJET: Documents in Case File 004/2 (E004/2/7).

RECALLING the International Co-Prosecutor’s Request for Reclassification of Documents in Case 004/2 (E004/2/7) (“Request”)¹ in which the International Co-Prosecutor stated that the Pre-Trial Chamber considered the Supreme Court Chamber to be the only Chamber now qualified to reclassify Case 004/2 because it issued no reclassification decision in Case 004/2,

¹ International Co-Prosecutor's Request for Reclassification of Documents in Case 004/2, 29 December 2021, E004/2/7 (“Request”).

corresponding to its decisions on reclassification of documents in Case Files 004 and 004/1, many of which were shared or relevant to Case 004/2;²

NOTING that the International Co-Prosecutor overall submissions that the Supreme Court Chamber’s overall approach in the reclassification process should balance the principles of openness and transparency with the obligation to safeguard the security and privacy rights and interests of individuals named in the documents;³

CONSIDERING the International Co-Prosecutor’s Request seeks to make a meaningful contribution early in the Court’s reclassification process by proposing the reclassification of specific Case 004/2 documents, and assisting the Supreme Court Chamber in identifying issues and developing policies that will ensure that reclassification within the Extraordinary Chambers in the Courts of Cambodia (“ECCC”) is carried out with care and uniformity across all the Cases;⁴

NOTING the proposed methodology of analysis and categorisation of documentation by the International Co-Prosecutor to ensure clear understanding of relationship between documents⁵ and as well as all the various Annexes to the Request;⁶

RECALLING the Supreme Court Chamber’s “Decision on Guidelines for Reclassification of Documents on Case File 002,” (“Decision on Reclassification”)⁷ dated 20 March 2023, which adopts general guidelines for the reclassification of documents in the Case File in Case 002/12-09/2007/ECCC/SC (“Case File 002”);

PURSUANT to Article 12 of the Practice Direction on Classification and Management of Case-related Information (Rev.1) (“Practice Direction on Classification”); the Supreme Court

² Request (E004/2/7), para. 16.

³ Request (E004/2/7), paras 2-7.

⁴ Request (E004/2/7), paras 1-7, 108.

⁵ Request (E004/2/7), para. 24 *citing* International Residual Mechanism for Criminal Tribunals, Access Policy for the Records Held by the International Residual Mechanism for Criminal Tribunals, MICT/17/Rev.1, 4 January 2019, Art. 10(3)(b); Request (E004/2/7), para. 25 *citing* <http://archives.tuolsleng.gov.kh/documents>, Disclaimer Statement; Request (E004/2/7), paras 27-29, 36 - 99, 105.

⁶ Annexes A, B, C, D, E to the Request.

⁷ Decision on Guidelines for Reclassification of Documents on Case File 002, 20 March 2023 (“Decision on Reclassification”) (“F71/1/1/8”).

Chamber, as the last judicial office seised of Case File 004/2, has initiated review of all documents included in the case file for the purposes of reclassification in accordance with its Decision on Reclassification in order to maintain uniformity in reclassification across all case files.

FOR THE FOREGOING REASONS, THE SUPREME COURT CHAMBER:

ADOPTS the general guidelines for reclassification as set out in its Decision on Reclassification for Case File 002.