



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

អង្គជំនុំជម្រះតុលាការកំពូល
Supreme Court Chamber
Chambre de la Cour suprême

សំណុំរឿងលេខ: ០០២/១៩-០៩-២០០៧-អ.វ.ត.ក/អ.ជ.ត.ក
Case File/Dossier N°. 004/02/19-05-2020-ECCC/SC(04)

Before: Judge KONG Srim, President
Judge Chandra Nihal JAYASINGHE
Judge MONG Monichariya
Judge Florence Ndepele Mwachande MUMBA
Judge YA Narin
Judge Katrien Gabriël WITTEMAN
Judge SIN Rith

Date: 22 August 2024
Language(s): English/Khmer
Classification: PUBLIC

ឯកសារដើម
ORIGINAL/ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ (Date): 22-Aug-2024, 14:42
CMS/CFO: Sann Rada

ORDER FOR RECLASSIFICATION OF DOCUMENTS FILED IN CASE 004/02

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I. INTRODUCTION

1. On 30 December 2021, the International Co-Prosecutor (“ICP”) requested the Supreme Court Chamber (“SCC”) to reclassify a number of proposed documents in Case 004/02 from confidential or strictly confidential to public,¹ “after any necessary redactions of protectable information have been implemented”.² The ICP also urged the SCC “to formulate a policy that would govern access to all records that remain classified as confidential or strictly confidential after the Chamber’s resolution of this and related requests”.³

2. On 5 May 2023, the SCC adopted the general Guidelines for the reclassification of documents filed in Case 004/02.⁴ The SCC obtained a list of all documents filed in Case 004/02 from the Records and Archives Unit (“RAU”) in the form of a spreadsheet. The spreadsheet lists a total of 35,461 records, of which 1,986 are public, 33,422 are confidential, and 53 are strictly confidential.

II. DISCUSSION

3. Pursuant to Article 12 of the Practice Direction on Classification and Management of Case-related Information (Rev.2) (“Practice Direction”), the SCC, as the last judicial office seized of Case 004/02, has completed its review of the documents in the case file for the purposes of reclassification in accordance with the Guidelines.

4. The SCC has indicated its determination of whether or not to declassify, reclassify, or redact documents filed in Case 004/02 pursuant to the spreadsheet annexed to the present order (“Annex”).⁵ The SCC’s instructions are designated therein as follows:

5. “NO ACTION” indicates that the document should not be reclassified, *i.e.* that its current classification should remain the same.

6. “DECLASSIFY” indicates that the document should be reclassified as “Public” without any redaction.

7. “RECLASSIFY” indicates that the document should be reclassified as “Confidential” or “Strictly Confidential”, as specified in the Annex.

¹ International Co-Prosecutor’s Request for Reclassification of Documents in Case 004/2, Doc. E004/2/7, 30 December 2021 (“Request”).

² Request for Reclassification, para. 108.

³ Request for Reclassification, para. 7. *See also* Request for Reclassification, para. 30.

⁴ 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 (“Guidelines”).

⁵ The Annex is filed separately and classified as “Strictly Confidential”.

8. “REDACT” indicates that the document should be redacted of sensitive or identifying information (such as names of civil parties or witnesses and their family members, as well as contact details such as telephone numbers or residential addresses) in accordance with the Guidelines and any further specificity that may be provided in the Annex.
9. The SCC emphasizes that redactions must be uniform across all languages of a given document. As such, the RAU is required to adopt a methodology that ensures such uniformity.
10. Following the issuance and implementation of the present order, the RAU is required to revert the declassified and redacted documents back to the SCC for final review and approval prior to notifying them.⁶
11. RAU is further required to publish a list of all the documents that have been made public as a result of declassification and redaction, after being filed and notified to all parties.
12. A decision in respect of the request for the SCC to formulate an access policy after the resolution of this and remaining reclassification requests will be issued in due course.

III. DISPOSITION

13. **FOR THE FOREGOING REASONS, THE SUPREME COURT CHAMBER:**

DIRECTS the RAU to declassify, reclassify, or redact the documents in Case File 004/02 as indicated in the Annex and in accordance with the Guidelines as well as the instructions above.

Phnom Penh, 22 August 2024

President of the Supreme Court Chamber



Kong Srim

⁶ See Case 002, Decision on Guidelines for Reclassification of Documents on Case File 002, Doc. F71/1/1/8, 23 March 2023, para. 59, as adopted by Guidelines, p. 3. See also Practice Direction, Article 9.2.c.