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du dossier: **JAMN RANA**


ព្រះរាជាណាចក្រកម្ពុជា
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Kingdom of Cambodia
Nation Religion King
Royaume du Cambodge
Nation Religion Roi

អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា
Extraordinary Chambers in the Courts of Cambodia
Chambres Extraordinaires au sein des Tribunaux Cambodgiens

សាធារណៈ / Public

TRIAL CHAMBER

TO: All Parties, Case 002 **Date:** 20 October 2015

FROM: NIL Nonn, President of the Trial Chamber 

CC: All Trial Chamber Judges; Trial Chamber Senior Legal Officer

SUBJECT: Amended Guidelines on the use of Case 003 and 004 WRIs



1. On 24 December 2014, the Trial Chamber issued an order on the use of written records of interview from Cases 003 and 004 at trial (E319/7) (“the Order”). The Trial Chamber has been alerted to apparent violations of the Order, in particular during the proceedings of 5 October 2015 (E319/34).

2. The Order contains five separate directives:

- (a) prohibiting reference in public session in Case 002/02 to written records of interview as originating from Cases 003 and 004;
- (b) prohibiting disclosure to non-authorized individuals of written records of interview originating from Cases 003 and 004, and their identification by date or reference to those cases;
- (c) prohibiting identification of a Case 003 or 004 interviewee in public;
- (d) requiring identification of a Case 003 or 004 witness or Civil Party only by pseudonym or by general words reasonably calculated to avoid identifying the individual; and
- (e) requiring the identification of a Case 003 or 004 individual's written record of interview as that individual's prior statement.

3. The Chamber is aware that there are a number of difficulties associated with the implementation of the Order and considers that for the time being and as long as the need to protect the integrity of the investigations and safeguard the relevant victims and

witnesses exists, the only way to ensure that the Order is respected in its entirety is to proceed as follows:

- (a) When hearing testimony from a witness or Civil Party interviewed in Cases 003 or 004, the testimony shall be heard in closed session pursuant to Internal Rule 79(6)(b). Noting the requirement that the investigation shall remain confidential (Internal Rule 56(1)), the Chamber considers that violations of this confidentiality may amount to interference with the administration of justice (Internal Rule 35(a)) which is prejudicial to public order.
- (b) Where a party seeks to question a witness or Civil Party who has not been interviewed in Cases 003 or 004 with a statement from one of those cases, the party shall reserve all such questions until the end of their allotted time. The hearing will then move into closed session for the purposes of questions on the basis of these statements.

4. The Trial Chamber considers this procedure will allow a fair hearing in consideration of all relevant evidence while respecting the confidentiality of on-going investigations.

5. As to the apparent violations of the Order during the hearing of 5 October 2015, the Chamber has ordered that the confidential information disclosed in public session be redacted from the public transcript of the hearings. The parties are reminded that they are still expected to comply with the Order while in public session in addition to complying with these further guidelines.