




**Declassified to Public**  
**06 September 2012**

Date: 19 February 2008

**To:** YOU Bunleng and Marcel Lemonde, Co-investigating Judges

**From:** NUP Sothunvichet, Evidence Custodian

**Through:** Tony Kranh, Chief of the Court Management Section 

**Ref:** - Internal memorandum between CMS and OCIJ dated 22 October 2007  
- Letter from the defense counsel for Mr. KAING GUEK EAV, alias DUCH, dated 18-02-2008

**Subject:** Court Management Section's observation on the accession into the case file No. 001/18-07-2007-ECCC-OCIJ

I wish to recall that on 12 February 2008, HELEYN UNAC, member of the defense counsel for Mr. KAING GUEK EAV, alias DUCH, requested the CMS to look into the physical case file to verify whether the documents on the Zylab systems are exactly the same as those in the physical case file.

As she is entitled to get access into the case file, HELEYN UNAC was accompanied by Mr. Chea Kosal (Court Officer) to the case file storage room. Unfortunately, however, she came up with the conclusion (the letter of the Defense Counsel of KAING GUEK EAV, alias Duch dated 18 February 2008) which seems to be too early.

In this light, I wish to clarify that, as indicated in my e-mail dated 18 December 2007, all documents in the case file must be acceded through the Zylab system. Nobody is allowed to get access into the physical case file, except only in some special circumstances.


Bearing in mind that the CMS is a delegated agent of the OCIJ in keeping the case file while ensuring its confidentiality and integrity, the accession into the case file storage room is very limited and only permitted to those who are entitled to access to the case files. Every entering into the room must sign in and be accompanied by a designated RAU officer. Further, both case files (001/18-07-2007-ECCC-OCIJ and 002/19-09-2007-ECCC-OCIJ) in question are stored separately on different shelves.

Therefore, each case file would not be acceded easily by every regular good intention person within such constraint visiting timeframe. Similarly, even though in case of error or bad intention, it is difficile even almost impossible to accede to another case file since the Court Officer is always present during the consultation.

In this connection, since the electronic case files are regularly updated, in order to avoid any such baseless accusation or ill intention, CMS proposes some additional measures that all accession into the physical case file, even by the person entitled to it, must be approved in advance in written form by the greffiers of judicial body concerned.

Please accept, Mr. Co-Investigating Judges, the assurances of my highest consideration.

Yours sincerely,



**NUP Sothunvichet,**  
**Evidence Custodian**

<p><b>ឯកសារបានតម្កល់ត្រឹមត្រូវតាមច្បាប់</b> CERTIFIED COPY/COPIE CERTIFIÉE CONFORME</p> <p>ថ្ងៃ ខែ ឆ្នាំ នៃការបញ្ជាក់ (Certified Date/Date de certification): ..... 22 / 02 / 2008</p> <p>មន្ត្រីទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé du dossier: <b>SANN RADA</b></p> <p>ទំព័រ: 0២៣/២១៩៩១៤-ទំព័រ: 0២៣.២១៩៩៤១</p>	<p><b>ឯកសារដើម</b> ORIGINAL DOCUMENT/DOCUMENT ORIGINAL</p> <p>ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Date de reception): ..... 20 / 02 / 2008</p> <p>ម៉ោង (Time/Heure): ..... 14 : 50 PM</p> <p>មន្ត្រីទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé du dossier: ..... <b>SANN RADA</b></p>
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