



ព្រះរាជាណាចក្រកម្ពុជា

ជាតិ សាសនា ព្រះមហាក្សត្រ

Kingdom of Cambodia
Nation Religion King

អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

Extraordinary Chambers in the Courts of Cambodia
Chambres extraordinaires au sein des Tribunaux cambodgiens

Royaume du Cambodge
Nation Religion Roi

ការិយាល័យសហចៅក្រមស៊ើបអង្កេត
Office of the Co-Investigating Judges
Bureau des co-juges d'instruction

Case File No: 004/07-09-2009-ECCC-OCIJ

Before: The Co-Investigating Judges

Date: 17 March 2016

Language(s): English [Original]

Classification: CONFIDENTIAL

ឯកសារដើម	
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មន្ត្រីទទួលបន្ទុកឯកសារ (Case File Officer/L'agent chargé du dossier):	
SANIN R. DA	

**ORDER LIFTING REDACTIONS FROM CASE 004
DOCUMENTS PREVIOUSLY DISCLOSED INTO CASE 002**

Distribution:

Co-Prosecutors
CHEA Leang
Nicholas KOUMJIAN

Trial Chamber

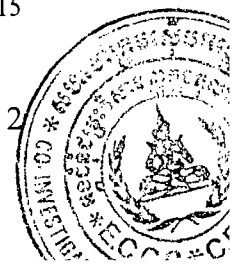


1. Disagreements between the Co-Investigating Judges (“CIJs”) in this case were registered on 22 February 2013, 5 April 2013 and 26 June 2014.
2. Since 19 September 2013, the former International Co-Investigating Judge Mark Harmon approved disclosure of several documents from Case 004 into Case 002 due to their relevance to issues in the ongoing trial proceedings the accused in that case. Bearing in mind the stage of the investigations and nature of the material disclosed, he instituted a range of restrictions and modalities on the disclosure of the statements to the Trial Chamber and parties in Case 002. One of these was the redaction of material deemed sensitive to the ongoing investigations or information deemed irrelevant to the evidence sought.
3. I have reviewed the list of witnesses and their disclosed material for the continued need for the redactions applied. In such review, I find that a majority of them, listed in the Annex attached to this Order, no longer require the previous redactions in order to preserve the integrity of the investigation.
4. This Order is filed in English, with a Khmer translation to follow.

FOR THE FOREGOING REASONS, I:

5. **AUTHORISE** disclosure of the 29 documents in the full and unredacted form to the Trial Chamber and the Parties in Case 002/02; and
6. **ASSIGN** the **Category A** to the witnesses listed in **Annex A** in accordance with measures identified in Memorandum dated 6 November 2015¹, which, owing to the confidential and sensitive nature of the ongoing investigations, will have the following modalities and restrictions on the use of their evidence:
 - (a) that all material provided from Case 004 be treated as confidential;
 - (b) in the event that the documents provided pursuant to this decision are admitted as evidence in Case 002/01, they shall be treated as confidential;
 - (c) no material provided pursuant to this decision shall be disseminated beyond those explicitly identified herein;
 - (d) in the event the witnesses whose documents are authorised for disclosure in **Annex A** are called to testify, they can do so in open session, provided their names and other identifying information must be kept confidential;
 - (e) any party, counsel, or other individual who reads from, cites, or otherwise uses the documents disclosed in **Annex A** shall identify the witnesses only by their assigned pseudonym for Case 002/02 and use descriptions reasonably calculated to avoid identifying the witnesses by other information;
 - (f) no material provided pursuant to **Annex A** shall be disseminated to the public, in any format or via any form of media whatsoever, beyond the evidence presented in open sessions of the court;
 - (g) the documents shall be provided to the Defence Counsel of both the Accused, Standby Counsel of Khieu Samphan (“Standby Counsel”) and Civil Party Lead Co-Lawyers through electronic copies;

¹ Case File No. 004-D273, *Memorandum from ICIJ to Trial Chamber and Supreme Court Chamber concerning “Disclosure of material from Cases 003 and 004 to Case 002”*, 6 November 2015 (“Memorandum D273”).



(h) the Defence Counsel, Standby Counsel and Civil Party Lead Co-Lawyers shall disclose the documents provided pursuant to this decision only to those members of their teams that are officially retained under Internal Rule 22(5) and 12 ter (4), respectively, along with their officially assigned interns;

(i) the Defence Counsel, Standby Counsel and Civil Party Lead Co-Lawyers are not authorised to print, reproduce, photo-copy, scan, or otherwise make duplicate copies of the originals provided to them other than for the internal use of the material by those members of their respective teams who are instructed or authorised to have access to confidential material;

(j) the Defence Counsel, Standby Counsel and Civil Party Lead Co-Lawyers shall maintain a written record, in a manner that can be reviewed, of the copies that they print, reproduce, photo-copy, scan, or otherwise duplicate for their internal use; and

(k) should any member of the Parties or the trial Chamber in Case 002/02 learn of an unauthorised copy of the documents authorised for disclosure, they shall immediately take all measures to secure and return the copy to the CIJs; and

(l) should any member of the Parties or the Trial Chamber in Case 002/01 learn of a breach of these conditions and restrictions, he/ she shall report such breach to the CIJs.

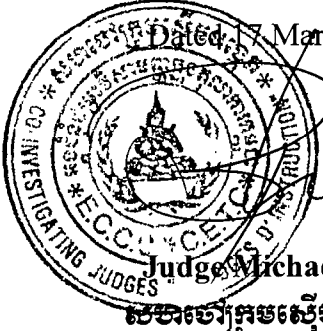
7. **ASSIGN the Category C** to the two witnesses listed in **Annex B** in accordance with measures identified in Memorandum D273, which, owing to the confidential and sensitive nature of the ongoing investigations, will have the modalities and restrictions listed above, but for paragraphs 6(d) through 6(f), which are replaced with the following more stringent restrictions:

(d) in the event the witnesses whose documents are authorised for disclosure in **Annex B** are called to testify, they must do so in closed session;

(e) any party, counsel, or other individual who reads from, cites, or otherwise uses the documents disclosed in **Annex B** shall request closed sessions prior to doing so and identify the witnesses only by their assigned pseudonym for Case 002/02 and use descriptions reasonably calculated to avoid identifying the witnesses by other information; and

(f) no material provided pursuant to **Annex B** shall be disseminated to the public, in any format or via any form of media whatsoever, or be presented or referred to in open sessions of the court in any manner whatsoever.

Dated: 17 March 2016, Phnom Penh



Judge Michael Bohlander
 តេជវង្សក្រុងស៊ែបអន្តរជាតិ

International Co-Investigating Judge
Co-juge d'instruction international