



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

អង្គបុរេជំនុំជម្រះ
Pre-Trial Chamber
Chambre Preliminaire

D266/26 & D267/34

In the name of the Cambodian people and the United Nations and pursuant to the Law on the Establishment of the Extraordinary Chambers in the Courts of Cambodia for the Prosecution of Crimes Committed During the Period of Democratic Kampuchea

Case File N° 003/07-09-2009-ECCC/OCIJ (PTC35)

Before: Judge PRAK Kimsan, President
Judge Olivier BEAUVALLET
Judge NEY Thol
Judge Kang Jin BAIK
Judge HUOT Vuthy

Date: 3 November 2020

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ORIGINAL DOCUMENT/DOCUMENT	
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PUBLIC

DECISION ON THE PRE-TRIAL CHAMBER'S RECLASSIFICATION OF DOCUMENTS IN CASE FILE 003

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THE PRE-TRIAL CHAMBER of the Extraordinary Chambers in the Courts of Cambodia,

BEING SEISED of one Appeal against the Order Dismissing the Case against MEAS Muth filed by the International Co-Prosecutor,¹ and two Appeals against the Closing Order filed by the National Co-Prosecutor² and the Co-Lawyers for MEAS Muth³ (collectively, “Appeals against the Closing Orders”);

NOTING that, pursuant Article 9(1) of the Practice Direction on the Classification and Management of Case-Related Information, documents can be re-classified and placed in a section of the case file with a different level of confidentiality only pursuant to an order of the Co-Investigating Judges or a Chamber, as appropriate;

NOTING that on 28 November 2018, the Office of the Co-Investigating Judges, by the National Co-Investigating Judge’s issuance of his “Order Dismissing the Case Against MEAS Muth”⁴ and the International Co-Investigating Judge’s issuance of his “Closing Order”, indicting MEAS Muth,⁵ concluded the investigation and thereby became *functus officio*;

NOTING that the Chamber is to issue its public decision on the Appeals against the Closing Orders in Case 003 pursuant to Internal Rule 78;

NOTING that the Chamber remains seised of the Civil Party’s Appeal against the Order on the Admissibility of Civil Party Applicants,⁶

DECLARING that it finds appropriate for the Pre-Trial Chamber to reclassify documents in Case File 003 that are related to the investigation phase subsequently after the issuance of its public decision on the Appeals against the Closing Orders in Case

¹ Case 003/07-09-2009-ECCC/OCIJ (PTC35) (“Case 003”), International Co-Prosecutor’s Appeal of the Order Dismissing the Case against MEAS Muth (D266), 8 April 2019, D266/2.

² Case 003, National Co-Prosecutor’s Appeal against the International Co-Investigating Judge’s Closing Order in Case 003, 5 April 2019, D267/3.

³ Case 003, MEAS Muth’s Appeal against the International Co-Investigating Judge’s Indictment, 8 April 2019, D267/4.

⁴ Case 003, Order Dismissing the Case Against MEAS Muth, 28 November 2018, D266.

⁵ Case 003, Closing Order, 28 November 2018, D267.

⁶ Case 003, Appeal against Order on the Admissibility of Civil Party Applicants, 7 March 2019, D269/3.



003, notably to fully respect the principle of the confidentiality of the judicial investigation enshrined in Internal Rule 56(1);

THEREFORE, THE PRE-TRIAL CHAMBER UNANIMOUSLY HEREBY:

DECIDES that the Pre-Trial Chamber will issue a decision on the reclassification of documents currently in Case File 003 after the issuance of its decision on the Appeals against the Closing Orders in Case 003.

Phnom Penh, 3 November 2020

Pre-Trial Chamber




Olivier BEAUVALLET NEY Thol Kang Jin BAIK HUOT Vuthy

