

**BEFORE THE PRE-TRIAL CHAMBER
EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA**

FILING DETAILS

Case No: 004/1/07-09-2009-ECCC-OCIJ (PTC __) **Party Filing:** International Co-Prosecutor

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**INTERNATIONAL CO-PROSECUTOR'S REQUEST FOR RECLASSIFICATION
OF SUBMISSIONS ON APPEAL AGAINST THE CLOSING ORDER
(REASONS)**

Filed by:

**International
Co-Prosecutor**
Nicholas KOUMJIAN

Distributed to:

Pre-Trial Chamber
Judge PRAK Kimsan
Judge Olivier BEAUVALLET
Judge NEY Thol
Judge Kang Jin BAIK
Judge HUOT Vuthy

Co-Lawyers for IM Chaem
BIT Seanglim
Wayne JORDASH

Copied to:

National Co-Prosecutor
CHEA Leang

**All Civil Party Lawyers
in Case 004/1**

REQUEST

1. Pursuant to Article 3.14 of the ECCC's Practice Direction on Filing of Documents¹ and Article 9.1 of the Practice Direction on Classification and Management of Case-Related Information,² the International Co-Prosecutor ("Co-Prosecutor") requests reclassification of *International Co-Prosecutor's Appeal of Closing Order (Reasons)*³ and *International Co-Prosecutor's Reply Regarding Appeal of Closing Order (Reasons)*.⁴
2. On 8 June 2018, the Pre-Trial Chamber ordered, *inter alia*, (i) the Co-Investigating Judges to issue a public version of the Closing Order (Reasons);⁵ (ii) the Co-Prosecutor to file a public version of his Final Submission;⁶ and (iii) Im Chaem to file a public version of her response to the Co-Prosecutor's Final Submission,⁷ each with redactions only as necessary to ensure the security of persons under protective measures or for whom the request for such measures was still pending. Additionally, the Pre-Trial Chamber reclassified as public the transcripts and audio/video of hearings dealing with the Co-Prosecutor's appeal of the Closing Order (Reasons), that were held *in camera* before the Pre-Trial Chamber on 11 and 12 December 2017.⁸
3. The content of the Co-Prosecutor's appellate submissions, as well as the documents underlying these submissions, are now in the public domain. Moreover, the interests of justice and transparency which led the Pre-Trial Chamber to order reclassification of the above documents,⁹ apply equally to the present request.

¹ Practice Direction on Filing of Documents before the ECCC, ECCC/01/2007/Rev. 8.

² Practice Direction on Classification and Management of Case-Related Information, ECCC/004/2009/Rev.2.

³ **D308/3/1/1** International Co-Prosecutor's Appeal of Closing Order (Reasons), 9 August 2017 ("Closing Order (Reasons) Appeal").

⁴ **D308/3/1/13** International Co-Prosecutor's Reply Regarding Appeal of Closing Order (Reasons), 16 October 2017 ("Closing Order (Reasons) Reply").

⁵ **D309/2/1/7** Decision on the International Co-Prosecutor's Appeal on Decision on Redaction or, Alternatively, Request for Reclassification of the Closing Order (Reasons), 8 June 2018 ("PTC Decision on Redactions").

⁶ **D304/6/4** Decision on Im Chaem's Request for Reclassification of her Response to the International Co-Prosecutor's Final Submission, 8 June 2018 ("PTC Decision on Reclassification").


⁷ **D304/6/4** PTC Decision on Reclassification.

⁸ **D304/6/4** PTC Decision on Reclassification, paras 27-29.

⁹ **D309/2/1/7** PTC Decision on Redactions, paras 21-39; **D304/6/4** PTC Decision on Reclassification, paras 16, 18, 23, 25, 31.

4. As such, the Co-Prosecutor requests that his Closing Order (Reasons) Appeal and Closing Order (Reasons) Reply be reclassified, with the same redactions as already set down by the Pre-Trial Chamber. This will promote the transparency of proceedings and ensure public access to the work of the ECCC to the fullest extent possible, consistent with the need to ensure the security and privacy of victims and witnesses. The Co-Prosecutor further submits that Im Chaem's response to the Co-Prosecutor's Closing Order (Reasons) Appeal should be reclassified for these same reasons. In the interests of judicial economy, the Co-Prosecutor suggests that this request be considered alongside Im Chaem's request for reclassification of various documents on the Case File.¹⁰

Respectfully submitted,

Date	Name	Place	Signature
22 June 2018	Nicholas KOUMJIAN International Co-Prosecutor	Phnom Penh	

¹⁰ **D313** Im Chaem's Request for Reclassification of Selected Documents from Case File 004/1, 14 June 2018.