



ព្រះរាជាណាចក្រកម្ពុជា  
ជាតិ សាសនា ព្រះមហាក្សត្រ  
Kingdom of Cambodia  
Nation Religion King

អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

Royaume du Cambodge  
Nation Religion Roi

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

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

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

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Before: **The Co-Investigating Judges**

Date: **27 October 2016**

Language(s): **English & Khmer [Original in English]**

Classification: **CONFIDENTIAL**

**CONSOLIDATED DECISION ON AO AN'S AMENDED FIRST,  
EIGHTH, AND ELEVENTH REQUESTS FOR INVESTIGATIVE  
ACTION**

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## I. PROCEDURAL HISTORY

1. Disagreements between the Co-Investigating Judges (“CIJs”) in this case were registered on 22 February 2013, 5 April 2013, and 22 January 2015.
2. On 8 April 2014, the Ao An Defence (“Defence”) filed *Ta An’s First Request for Investigative Action pursuant to Internal Rule 55(10)*.<sup>1</sup>
3. On 23 April 2014, my predecessor denied the request, stating that as a suspect who had not been charged in the investigation, Ao An was not entitled to request investigative action.<sup>2</sup>
4. On 27 March 2015, my predecessor notified Ao An of his decision to charge him for the commission of crimes at Tuol Beng Security Centre, Kok Pring Execution Site, and Wat Au Trakuon Security Centre.<sup>3</sup>
5. On 7 May 2015, the Defence filed the *Amended First Request for Investigative Action* (“First Request”).<sup>4</sup>
6. On 8 February 2016, the Defence filed the *Eighth Request for Investigative Action* (“Eighth Request”).<sup>5</sup>
7. On 14 March 2016, I charged Ao An with the commission of further crimes at Anlong Chrey Dam Forced Labour Site, Met Sop (Kor) Security Centre, Angkuonh Dei Pagoda, Wat Batheay Security Centre, Wat Phnom Pros Security Centre, Wat Ta Meak, Chamkar Svay Chanty Security Centre, Wat Baray Chan Dek Security Centre, Wat Srange Security Centre. I also charged Ao An with the crimes of forced marriage in Kampong Siem and Prey Chhor Districts, and genocide of the Cham in Kampong Cham Province. I charged Ao An in his former capacities as Deputy Secretary of the Central (old North) Zone, Member of the Central (old North) Zone Committee, and Secretary of Sector 41 in the Central (old North) Zone.<sup>6</sup>
8. On 20 July 2016, the Defence filed the *Eleventh Request for Investigative Action* (“Eleventh Request”).<sup>7</sup>

## II. SUBMISSIONS

### A. First Request

9. In the First Request, the Defence submit that evidence on the Case File<sup>8</sup> suggests that Ta Mok held a role at the apex of the Khmer Rouge command structure and had control over the Southwest, Central, and Northwest Zones of Democratic Kampuchea.<sup>9</sup> According to the Defence, evidence on the Case File also indicates

<sup>1</sup> Case File No. 004-D187, *Ta An’s First Request for Investigative Action pursuant to Internal Rule 55(10)*, 8 April 2014.

<sup>2</sup> Case File No. 004-D190, *Decision on Ta An’s Requests for Investigation*, 23 April 2014.

<sup>3</sup> Case File No. 004-D242, *Written Record of Initial Appearance of Ao An*, 27 March 2015.

<sup>4</sup> Case File No. 004-D187/1, *Amended First Request for Investigative Action*, 7 May 2015.

<sup>5</sup> Case File No. 004-D187/2, *Eighth Request for Investigative Action*, 8 February 2016.

<sup>6</sup> Case File No. 004-D303, *Written Record of Further Appearance of Ao An*, 14 March 2016.

<sup>7</sup> Case File No. 004-D317, *Eleventh Request for Investigative Action*, 20 July 2016.

<sup>8</sup> The Defence specify that at this stage they neither accept nor deny the information on the Case File.

<sup>9</sup> First Request, paras 19-22.



that Ta Mok may have played a central role in the alleged purge of the Central Zone.<sup>10</sup>

10. Accordingly, the Defence request the CIJs to conduct a full investigation into the role played by Ta Mok in the alleged purge of the Central Zone by obtaining and reviewing evidence gathered by the Military Court of Cambodia (“Military Court”) during the investigation against Ta Mok between 1999 and 2006.<sup>11</sup> The Defence submit that this investigation should include, but not be limited to:
- a. requesting from the Military Court all documents regarding Ta Mok’s arrest and detention;
  - b. examining all statements given by Ta Mok to the judges and prosecutors of the Military Court;
  - c. reviewing decisions, orders, and findings of the judicial authorities who conducted the investigation against Ta Mok; and
  - d. interviewing the judicial authorities who investigated Ta Mok.<sup>12</sup>
11. The Defence submit that the First Request is sufficiently specific as well as necessary and relevant to ascertaining the truth in the investigation against Ao An.<sup>13</sup> They further argue that the requested information is likely to yield exculpatory evidence, specifically that Ao An did not have decision-making power in relation to the purge of the Central Zone, which had been planned and executed before Ao An’s arrival to the Central Zone.<sup>14</sup>

## B. Eighth Request

12. The Eighth Request is based on information acquired by my predecessor in his efforts to obtain the case file of the Ta Mok investigation from the Military Court. This information indicates, *inter alia*, that the Military Court destroyed Ta Mok’s case file and that Benson Samay, the lawyer who represented Ta Mok in the investigation carried out by the Military Court, may be in possession of documents generated during that investigation.<sup>15</sup> Accordingly, the Defence request the CIJs to:
- a. summons and interview Benson Samay; and
  - b. order Benson Samay to produce all materials in his possession relating to the investigation so that they can be placed on Case File 004.<sup>16</sup>
13. In the event that Benson Samay refuses to comply with such requests, the Defence request the CIJs to:
- a. compel Benson Samay’s appearance before the ECCC; and
  - b. order the seizure of the Ta Mok-related documents in Benson Samay’s possession and place them on the Case File.<sup>17</sup>

<sup>10</sup> *Ibid.*, paras 23-26.

<sup>11</sup> *Ibid.*, paras 1-2, 27-29.

<sup>12</sup> *Ibid.*, paras 2, 39.

<sup>13</sup> *Ibid.*, paras 40, 41.

<sup>14</sup> *Ibid.*, paras 2, 42

<sup>15</sup> Eighth Request, paras 6-11.

<sup>16</sup> *Ibid.*, paras 1, 34.



14. The Defence specify that they are not requesting the CIJs to obtain records of communication between Benson Samay and Ta Mok, or other privileged materials, but rather the official court records not covered by attorney-client privilege.<sup>18</sup>
15. The Defence submit that the Second Request is sufficiently specific, and that the materials on the Ta Mok case file are relevant to the alleged purge of the Central Zone and thus to the investigation against Ao An. Further, the documents in the Ta Mok case file are likely to yield exculpatory evidence in relation to Ao An's alleged involvement in the purge of the Central Zone.<sup>19</sup>

### C. Eleventh Request

16. The Eleventh Request is based on a *New York Times* article and a video available on YouTube according to which in 1999 the Documentation Centre of Cambodia ("DC-Cam") provided evidence relevant to the Ta Mok investigation to the military prosecutor in charge of the case and to Ta Mok's lawyer, Benson Samay. According to these sources, many of the provided documents bore Ta Mok's signature.<sup>20</sup>
17. The Defence request the CIJs to order DC-Cam to:
- a. provide the CIJs with copies of all the documents disclosed to Ta Mok's prosecutor and defence counsel;
  - b. provide the CIJs with any other record in DC-Cam's possession relating to the Ta Mok investigation;
  - c. identify any other individuals or organisations that may possess documents relevant to the Ta Mok investigation; and
  - d. place documents obtained as a result of these investigative actions on the Case File.<sup>21</sup>
18. The Defence submit that the Eleventh Request is sufficiently specific, is relevant to the investigation of Case 004, and that the requested investigative actions are likely to yield exculpatory evidence for Ao An.<sup>22</sup>

### III. DISCUSSION

19. The First, Eighth, and Eleventh Requests have essentially the same subject matter: investigating the role played by Ta Mok in the crimes alleged by the International Co-Prosecutor against Ao An. I will therefore rule on them jointly in this decision.

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<sup>17</sup> *Ibid.*, paras 2, 35.

<sup>18</sup> *Ibid.*, paras 23-26.

<sup>19</sup> *Ibid.*, paras 29-32.

<sup>20</sup> Eleventh Request, paras 7-8.

<sup>21</sup> *Ibid.*, paras 2, 16.

<sup>22</sup> *Ibid.*, paras 12-15.



### A. Standard for the assessment of investigative requests

20. The Pre-Trial Chamber (“PTC”) has previously stated that a party requesting investigative action “*must satisfy two cumulative conditions [...] namely, the request must:*
- (i) *identify the action to be taken or order to be made, as applicable, with sufficient precision (“the precision requirement”)*
  - (ii) *demonstrate in detail the reasons why the requested investigative action [...] is prima facie “relevant to ascertaining the truth” (“the prima facie relevance requirement”).*<sup>23</sup>
21. The precision requirement obliges the requesting party to be “*specific enough to give clear indications to the Co-Investigating Judges as to what they should search for*”.<sup>24</sup> Consequently, I am not required to grant general or speculative requests to look for exculpatory evidence.<sup>25</sup> Rather, the requesting party must point specifically towards the presence of the evidence that is sought.<sup>26</sup> For example, the PTC found that a request that does not clearly state the number of documents sought or their exact location within a collection of documents or archives fails to meet this test.<sup>27</sup>
22. The *prima facie* relevance requirement contains two sub-requirements. Firstly, the request must be “*relevant to the scope of the investigation pursuant to the limitations and parameters set by the Introductory and Supplementary Submissions.*”<sup>28</sup> Secondly, the request “*must detail why the requested information is conducive to ascertaining the truth*”.<sup>29</sup> This requires the requesting party to establish a *prima facie* nexus between the requested investigative action and a matter within the scope of the investigation.<sup>30</sup> Where the request concerns exculpatory evidence, the requesting party must demonstrate a *prima facie* reason that the investigative action may yield exculpatory evidence.<sup>31</sup>

<sup>23</sup> Case File No. 002-D365/2/17, *Decision on Reconsideration of Co-Prosecutors’ Appeal Against the Co-Investigating Judges Order on Request to Place Additional Evidentiary Material on the Case File which Assists in Proving the Charged Persons’ Knowledge of the Crimes* (“Reconsideration Decision”), 27 September 2010, para. 47.

<sup>24</sup> Reconsideration Decision, para. 48.

<sup>25</sup> *Ibid.*, paras 48 & 51.

<sup>26</sup> Case File No. 002-D100/9/2, *Decision on The Appeal Against the Co-Investigative Judges Order on Nuon Chea’s Second Request for Investigative Action*, 5 May 2010, para. 31; Case File No. 002-D164/4/13, *Decision on the Appeal from the Order on the Request to Seek Exculpatory Evidence in the Shared Material Drive*, 18 November 2009, para. 39; Case File No. 002-D273/3/5, *Decision on Appeal Against OCIJ Order on Nuon Chea’s Eighteenth Request for Investigative Action*, 10 June 2010; Reconsideration Decision, paras 48 & 73; Case File No. 002-D164/3/6, *Decision on the Appeal From the Order on the Request to Seek Exculpatory Evidence in the Shared Materials Drive*, 12 November 2009, para. 43.

<sup>27</sup> Reconsideration Decision, para. 48.

<sup>28</sup> *Ibid.*, para. 49.

<sup>29</sup> *Ibid.*, para. 50.

<sup>30</sup> *Ibid.*, paras. 50-51.

<sup>31</sup> Case File No. 002-D353/2/3, *Decision on the Ieng Thirith Defence Appeal against ‘Order on Requests for Investigative Action by the Defence for Ieng Thirith of 15 March 2010*, 14 June 2010, para. 47.



## B. Analysis of the First and Eighth Requests

23. Based on the evidence that has emerged thus far in the investigation regarding the position held and role played by Ta Mok in the Central Zone at the time relevant to the allegations against Ao An, I am satisfied that documents generated by the Military Court in the investigation against Ta Mok (“Ta Mok File”), who died on 21 July 2006,<sup>32</sup> may contain information relevant to the investigation against Ao An. The First and Eighth Requests therefore meet the *prima facie* relevance requirement. The Defence also identify with sufficient specificity the investigative actions that they request the CIJs to carry out.
24. To date, the Office of the Co-Investigating Judges (“OCIJ”) has made numerous attempts to obtain the Ta Mok File and to locate and interview persons professionally involved in the Ta Mok investigation. These attempts started prior to the filing of the First Request. Unfortunately, however, they have proved fruitless.
- i. Contact with the Military Court
25. On 9 October 2013, my predecessor wrote to Judge Ney Thol, President of the Military Court requesting provision of the Ta Mok File.<sup>33</sup> Judge Thol responded on 16 October 2013, stating that while the Military Court used to have the Ta Mok File, it destroyed the file following Ta Mok’s death in 2006.<sup>34</sup>
26. Following the filing of the First Request by the Defence, my predecessor wrote a second letter to Judge Ney Thol, requesting clarification as to whether any archives of the destroyed file were available. My predecessor also requested the names of any individuals who were involved in the Ta Mok investigation, and attached a newspaper article dated 27 April 2001 which identified Ngim Sam An as the investigating judge in charge of the investigation, who had reportedly interrogated Ta Mok several times.<sup>35</sup>
27. On 25 May 2015, Judge Ney Thol informed my predecessor that Ta Mok was investigated by the Military Court from 1999 until Ta Mok’s death in 2006, but that the Ta Mok File was no longer in the Court’s possession, nor was it available in the Court’s archives. Judge Ney Thol also confirmed that Ngim Sam An had been in charge of the investigation and that Benson Samay had been Ta Mok’s defence counsel. He also stated that Ngim Sam An had difficulties speaking and travelling and was undergoing medical treatment.<sup>36</sup> No information was provided

<sup>32</sup> Case File No. 004-D246.1.4, *Second Response from Judge Ney Thol to Judge Mark Harmon regarding Ta Mok’s military court file*, 25 May 2015.

<sup>33</sup> Case File No. 004-D246.1.1, *First Letter from Judge Mark Harmon to Judge Ney Thol regarding Ta Mok’s Military Court File*, 9 October 2013.

<sup>34</sup> Case File No. 004-D246.1.2, *First Letter of Response from Judge Ney Thol to Judge Harmon regarding Ta Mok’s Military Court File*, 16 October 2013.

<sup>35</sup> Case File No. 004-D246.1.3, *Second Letter from Judge Mark Harmon to Judge Ney Thol regarding Ta Mok’s Military Court File*, 12 May 2015; Case File No. 004-D246.1.3.1, *Duch and Ta Mok Investigations on Ice*, The Phnom Penh Post, 27 April 2001.

<sup>36</sup> Case File No. 004-D246.1.4, *Second Response from Judge Ney Thol to Judge Mark Harmon regarding Ta Mok’s military court file*, 25 May 2015, p. 1. See also Case File No. 004-D246, *Written Record of Investigative Action*, 28 May 2015.



regarding Soa Sok, the lawyer named by the *Phnom Penh Post* as the prosecutor in the Ta Mok investigation.<sup>37</sup>

28. On 24 September 2015, I wrote to the President of the Military Court, requesting information on the whereabouts and status of Soa Sok.<sup>38</sup> On 16 October 2015, the President responded that he had no information about Soa Sok.<sup>39</sup> Attempts to obtain his contact information on the website of the Bar Association of the Kingdom of Cambodia (“BAKC”) were also unfruitful.<sup>40</sup>

ii. Contact with Benson Samay

29. On 26 June 2015, an OCIJ investigator, with the assistance of an interpreter, telephoned Benson Samay and asked him if he had any records of any statements made by Ta Mok when he was under investigation. Benson Samay responded that he possessed thousands of pages of documents relating to Ta Mok, since he had been his lawyer for eight years. He stated that the OCIJ should make an appointment with him to discuss the matter, for a fee of 800 dollars per hour. Alternatively, he requested to be appointed to an unspecified position at the ECCC.<sup>41</sup>
30. On 21 December 2015 I wrote to Benson Samay requesting him to provide the OCIJ with any documents in his possession regarding the Ta Mok investigation, apart from those subject to attorney-client privilege.<sup>42</sup> Having heard no response from Benson Samay, I sent him follow up letters on 17 February and 20 April 2016, indicating that I would proceed as required by law without further notice if he did not provide me with the requested documents by the dates specified in my letters.<sup>43</sup> Benson Samay’s office staff refused to accept service of my 17 February and 20 April 2016 letters.<sup>44</sup>
31. On 28 April 2016, I received a response from Benson Samay stating that he had lost the requested documents and was therefore unable to accommodate my requests. He stated that all documents relevant to the Ta Mok investigation were kept at DC-Cam and the Military Court, and suggested I request the documents from those institutions.<sup>45</sup> The OCIJ’s communication with DC-Cam is discussed in the analysis of the Eleventh Request below.

<sup>37</sup> Case File No. 004-D246.1.3.1, *Duch and Ta Mok Investigations on Ice*, The Phnom Penh Post, 27 April 2001, also available at <http://www.phnompenhpost.com/national/duch-and-ta-mok-investigations-ice>.

<sup>38</sup> Annex A: Letter from Judge Michael Bohlander to Judge Ney Thol re: *Additional Request for Assistance*, 24 September 2015.

<sup>39</sup> Annex B: Letter from Judge Ney Thol to Judge Michael Bohlander re: *Judge Michael Bohlander’s Additional Request for Assistance Letter dated 24 September 2015*, 16 October 2015.

<sup>40</sup> See <http://www.bakc.org.kh/index.php/memberships>.

<sup>41</sup> Case File No. 004-D219/389, *Written Record of Investigative Action*, 1 July 2015; Annex G: Statement of Julie Bardèche and Ky Kaneka dated 6 May 2016.

<sup>42</sup> Annex C: Letter from Judge Michael Bohlander to Benson Samay re: *Request for the provision of documents generated in the proceedings against Ta Mok before the Military Court of the Royal Cambodian Armed Forces*, 21 December 2015.

<sup>43</sup> Annex D: Letter from Judge Michael Bohlander to Benson Samay re: *Request for the provision of documents*, 17 February 2016; Annex E: Letter from Judge Michael Bohlander to Benson Samay re: *Request for the provision of documents*, 20 April 2016.

<sup>44</sup> See Annex H: Letter from Judge Michael Bohlander to Bun Honn re: *Mr Benson Samay – Complaint about failure to cooperate with the ECCC*, 11 May 2016.

<sup>45</sup> Annex F: Letter from Benson Samay to Judge Michael Bohlander re: *Request for the Provision of Documents Generated in the Case File against CHUON Choeun (Ta Mok)*, 28 April 2016.



32. On 11 May 2016, I submitted a complaint to the President of the BAKC against Benson Samay concerning his lack of cooperation with the ECCC and his compliance with professional ethics. I specifically expressed my concern that Benson Samay's office staff had refused twice to accept service of official court correspondence, that Benson Samay had attempted to secure payment and/or employment at the ECCC in exchange for providing documents he was obliged to hand over as evidence in the judicial investigation, and that I had grounds to believe Benson Samay had not been truthful regarding the documents in his possession given he had provided two inconsistent answers to the OCIJ on that matter.<sup>46</sup>
33. On 6 June 2016, Bun Hon, President of the BAKC, advised me that the Council was taking procedural action against Benson Samay and would issue a decision on the matter in the near future.<sup>47</sup>
34. On 28 June 2016, President Hon informed me that Benson Samay had failed to appear at a meeting with the BAKC to clarify the matters in my letter due to illness which required him to travel abroad for treatment, but that he had provided the BAKC with a letter dated 14 June 2016 responding to the matters I raised with the BAKC.<sup>48</sup> In that letter, Benson Samay stated that he had lost the documents regarding Ta Mok since the case closed 20 years ago, and denied that he attached conditions of remuneration or employment to the provision of the Ta Mok File to the ECCC.<sup>49</sup>
35. On 28 July 2016, I issued a summons to Benson Samay to attend the ECCC for an interview at the ECCC.<sup>50</sup> Benson Samay refused to accept service of the summons by the Witness and Expert Support Unit and stated he was unwilling to provide an interview either at his home or office.<sup>51</sup>

iii. Conclusion on the First and Eighth Requests

36. As explained above, the OCIJ has made numerous attempts to obtain the Ta Mok File from the Military Court and to interview the judicial authorities who were involved in the investigation. However, the Military Court no longer possesses the Ta Mok File, the investigating judge is unfit for an interview, and the prosecutor cannot be located. Ta Mok's defence counsel, Benson Samay, is unwilling to be interviewed, and while he had initially stated that he possessed documents from the Ta Mok investigation, he subsequently denied that statement.
37. Pursuant to Internal Rule 60(3), I could attempt to secure Benson Samay's appearance with the assistance of the judicial police. However, based on Benson Samay's conduct thus far, his inconsistent statements, and his uncooperative attitude towards the OCIJ, it is probable that he will be a hostile witness. Under

<sup>46</sup> Annex H: Letter from Judge Michael Bohlander to Bun Honn re: *Mr Benson Samay – Complaint about failure to cooperate with the ECCC*, 11 May 2016.

<sup>47</sup> Annex I: Letter from Bun Hon to Judge Michael Bohlander re: *Examining the Complaint against Lawyer Benson Samay for Failure to Cooperate with the ECCC*, 6 June 2016.

<sup>48</sup> Annex J: Letter from Bun Hon to Judge Michael Bohlander re: *Examining the Complaint against Lawyer Benson Samay for Failure to Cooperate with the ECCC*, 28 June 2016.

<sup>49</sup> Annex K: Letter from Benson Samay to Bun Hon re *BAKC Letter of Invitation No. 1622/K.M/16 dated 3 June 2016*, 14 June 2016.

<sup>50</sup> Annex L: Summons of Witness Benson Samay, 28 July 2016.

<sup>51</sup> Annex M: Witness Expert Support Unit (WESU) Report from KEUT Sokha re BENSON Samay, 8 August 2016.





these circumstances I am not convinced that it is reasonable to use coercive means to attempt to interview Benson Samay.

38. Similarly, I am not convinced of the need to order a search of his office. Based on the communications with Benson Samay described above, in particular his recent statements that he no longer holds any documents relating to Ta Mok, it is highly unlikely that such a search would uncover relevant documents. The low likelihood of uncovering any relevant documents must be weighed against the problematic nature of ordering the search of an attorney's office, particularly in circumstances where both the attorney and his staff have been uncooperative with the ECCC to date.
39. I am thus satisfied that the OCIJ has made all reasonable efforts to obtain the Ta Mok File and to interview judges, prosecutors, and defence counsel who were involved in the investigation.

### C. Analysis of the Eleventh Request

40. For the same reasons as stated above in respect of the request for the Ta Mok File,<sup>52</sup> any documents held by DC-Cam relevant to the Ta Mok investigation may contain information relevant to the investigation against Ao An. I am therefore satisfied that the Eleventh Request meets the *prima facie* relevance requirement. The Defence also identify with sufficient specificity the investigative action that they request the CIJs to carry out.
41. On 5 May 2016, an OCIJ analyst conducted a search of DC-Cam's online archive for documents relevant to the Ta Mok investigation, but was unable to find any relevant material.<sup>53</sup>
42. On 5 May and 18 August 2016, the same OCIJ analyst contacted DC-Cam staff to ascertain whether DC-Cam held any documents relevant to the Ta Mok investigation. DC-Cam staff informed the OCIJ analyst that DC-Cam had never had any contact with the Military Court and did not possess any documents regarding the Ta Mok investigation. While DC-Cam had provided copies of documents relating to Ta Mok to Benson Samay, it had not kept any record of which documents had been copied, and did not have any pre-sorted compilation of documents specifically relating to Ta Mok or any other individual. DC-Cam staff informed the OCIJ analyst that some of the same documents handed over to Benson Samay had been previously provided to the OCIJ and Office of the Co-Prosecutors.<sup>54</sup>
43. As part of the judicial investigation, OCIJ staff have been reviewing documents on the other case files for relevance to Case 004, placing them on Case File 004 where relevant. These materials include any documents provided by DC-Cam pertaining to Ta Mok, insofar as they are relevant to Case 004.
44. I am otherwise satisfied that all reasonable enquiries have been made to obtain material from DC-Cam relating to the Ta Mok investigation and that no further investigative action is necessary in answer to the Eleventh Request.

<sup>52</sup> See *supra*, para. 23.

<sup>53</sup> Case File No. 004-D219/818, *Written Record of Investigation Action*, 2 September 2016, p. 1.

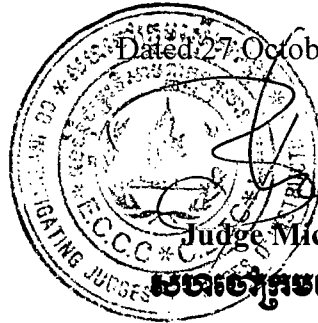
<sup>54</sup> *Ibid.*, pp. 1-2.



**FOR THE FOREGOING REASONS, I:**

45. **INFORM** the Defence that I consider the matters sought in the First, Eighth, and Eleventh Requests to have been sufficiently investigated.

Dated 27 October 2016, Phnom Penh



Judge Michael Bohlander

**សមាជិកអង្គជំនុំអង្កេតអន្តរជាតិ**

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