

**THE KHIEU SAMPHÂN DEFENCE**  
**THE EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA**

**THE KHIEU SAMPHÂN DEFENCE**

KONG Sam Onn and Anta GUISSÉ

Phnom Penh/Paris

29 April 2019



**To:** Honourable Judge NIL Nonn, President of the Trial Chamber

**Copy:** All the Judges and Greffiers of the Trial Chamber; all the Parties to Case  
002/02

**Subject:** Comments on proposal to reclassify confidential documents

Mr. President,

We have received your memorandum of 9 April 2019 entitled "Proposal for the reclassification of confidential documents cited in the judgment rendered at the close of [Case 002/02] (E467). You note therein that the Chamber has identified 1439 confidential documents, listed in 4 annexes, which it proposes to make public (E467, para. 2) and you invite us to submit our comments on the proposed classification by 6 May 2019, at the latest (E467, para. 6).

As you know, since we pointed this out on several occasions during the trials, we are committed to the open court principle. After having quickly examined the documents listed in the annexes, we have no objection to the proposed reclassification.

We would like to take this opportunity to draw your attention to the fact that a number of our submissions not included in the annexes to your memorandum are still confidential. We are of the view that such a classification is not justified or no longer justified at this stage of the proceedings and request you to consider the matter. These include documents E9/4/10, E266/2, E286/1, E307/7, E319/47/1, E406, E408/3, E319/51/1, E343/1/1, E447/1, E441/3, and E319/63/1.

Yours respectfully,

KONG Sam Onn

Anta GUISSÉ