



ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា
Extraordinary Chambers in the Courts of Cambodia
Chambres Extraordinaires au sein des Tribunaux Cambodgiens

Kingdom of Cambodia
Nation Religion King
Royaume du Cambodge
Nation Religion Roi

TRIAL CHAMBER

INTEROFFICE MEMORANDUM



TO: All Parties, Case 002;
Office of the Co-Investigating Judges
Pre-Trial Chamber Judges

Date: 9 April 2019

FROM: NIL Nonn, President of the Trial Chamber

CC: All Trial Chamber Judges; Court Management Section

SUBJECT: Confidential documents in Case 002/02 judgment proposed for reclassification to public



1. On 16 November 2018, the Trial Chamber pronounced the verdict in Case 002/02 and a summary of its findings in open session (*see* E1/529.1). The fully-reasoned, written judgment was notified in Khmer, English and French on 28 March 2019 (*see* E465).j
2. The Chamber has identified **1,439** confidential documents whose contents are referenced, referred to or extracted in the trial judgment as the basis of factual or legal findings (*see* **Annexes A-D**). Having reviewed the documents in the annexes, the Chamber considers that their confidential classification is no longer appropriate at this stage of proceedings and accordingly proposes to reclassify them as public pursuant to Article 9.1 of the Practice Direction on the Classification and Management of Case-Related Information (“Practice Direction”).
3. Of the identified documents, 1,338 are evidence filed during trial proceedings in Case 002/02 (**Annex A**), while 80 are decisions of the Chamber or submissions and supporting documents which underlie either the Chamber’s public decisions or confidential decisions proposed for re-classification in Annexes A-D (**Annex B**). Article 4 of the Practice Direction requires that, in principle, evidence filed during trial hearings, chamber decisions and written records of public hearings be public. Accordingly, the Chamber invites comments on the continuing need for the confidentiality of such documents at this stage of Case 002/02, with particular regard to Articles 4.1(c), (d) and (e) of the Practice Direction.
4. Among the remaining documents, 19 are documents filed by or before the Co-Investigating Judges during the course of the judicial investigation in Case 002 (**Annex**

C), while two refer to victims who are no longer civil parties in Case 002 (**Annex D**). Article 5 of the Practice direction requires that subject to re-classification decisions, such materials should in principle be confidential. The Chamber accordingly invites comments on the continuing need for the confidentiality of such documents at this stage of Case 002/02, with particular regard to the considerations in Articles 5.1(b), (c), (d), (e), (f) and (g) of the Practice Direction.

5. At the present time, the Trial Chamber does not propose any reclassifications or the declassification of strictly confidential materials on the case file.

6. The addressees of this memorandum are invited to comment on the reclassification measures proposed herein by **6 May 2019**. If the Chamber receives no responses by this date it considers that no objections are raised.