

**BEFORE THE TRIAL CHAMBER****EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA****FILING DETAILS****Case No:** 002/19-09-2007-ECCC/TC**Party Filing:** The Defence for IENG Sary**Filed to:** The Trial Chamber**Original language:** ENGLISH**Date of document:** 20 November 2012**CLASSIFICATION****Classification of the document  
suggested by the filing party:** PUBLIC**Classification by OCIJ  
or Chamber:** សាធារណៈ/Public**Classification Status:****Review of Interim Classification:****Records Officer Name:****Signature:**


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**IENG SARY'S REQUEST TO RECLASSIFY E238/6 AS PUBLIC**


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Distribution to:

**The Trial Chamber Judges:**  
Judge NIL Nonn  
Judge YOU Ottara  
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Judge Jean-Marc LAVERGNE  
Reserve Judge THOU Mony  
Reserve Judge Claudia FENZ

**Co-Prosecutors:**  
CHEA Leang  
Andrew CAYLEY

**All Defence Teams****All Civil Parties**

Mr. IENG Sary, through his Co-Lawyers (“the Defence”), pursuant to Rule 21 of the ECCC Internal Rules (“Rules”) and Practice Direction 3.14 of the Practice Direction on the Filing of Documents Before the ECCC (“Practice Direction 3.14”), hereby requests the Trial Chamber to reclassify document E238/6, which is a letter from Dr. Bursztajn to the Defence, from “confidential” to “public.” This Request is made necessary because document E238/6 contains no confidential information and should therefore be classified as public. Dr. Bursztajn’s contact information at the top of the page is publicly available on Dr. Bursztajn’s own website.<sup>1</sup> Dr. Bursztajn’s letter refers to a report by Professor Campbell, but no confidential details of this report are disclosed. Furthermore, Mr. IENG Sary has consented to his medical reports being made public<sup>2</sup> and Professor Campbell’s report and Dr. Bursztajn’s letter were discussed extensively in open court on 8 November 2012 and 12 November 2012.<sup>3</sup> Rule 21(1) requires that all Practice Directions be interpreted “so as to ensure legal certainty and transparency of proceedings.” Practice Direction 3.14 provides that a Chamber seized of a case may reclassify any document on the Case File in the interests of justice. As document D238/6 contains no confidential information, it would promote transparency and be in the interests of justice to reclassify it as public.

**WHEREFORE**, for all the reasons stated herein, the Defence respectfully requests the Trial Chamber to RECLASSIFY document E238/6 as public.

Respectfully submitted,

ANG Udom



Michael G. KARNAVAS

Co-Lawyers for Mr. IENG Sary

Signed in Phnom Penh, Kingdom of Cambodia on this **20<sup>th</sup>** day of **November, 2012**

<sup>1</sup> See [http://www.forensic-psych.com/data/HJB\\_CV.php](http://www.forensic-psych.com/data/HJB_CV.php).

<sup>2</sup> See Consent Form of Mr. IENG Sary, 8 November 2012, E1/142.2.

<sup>3</sup> See Transcript, 8 November 2012, E1/142.1; Transcript, 12 November 2012, E1/143.1.