

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:** 29 January 2013**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:**

IENG SARY'S REQUEST TO RECLASSIFY E238/4 AS PUBLIC

Filed by:**Distribution to:****The Co-Lawyers:**ANG Udom
Michael G. KARNAVAS**The Trial Chamber Judges:**Judge NIL Nomm
Judge YOU Ottara
Judge YA Sokhan
Judge Silvia CARTWRIGHT
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 E238/4, Professor Campbell’s 6 November 2012 report of his examination of Mr. IENG Sary, from “strictly confidential” to “public.” This Request is made necessary because document E238/4 contains no “strictly confidential” information preventing it from being classified as public:

1. Mr. IENG Sary has consented to his medical reports being made public.¹
2. The contents of E238/4 have been discussed extensively in open court.²
3. Rule 21(1) requires that all Practice Directions be interpreted “so as to ensure legal certainty and transparency of proceedings.”
4. 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.

Reclassifying D238/4 as public would promote transparency and would be in the interests of justice.

WHEREFORE, for all the reasons stated herein, the Defence respectfully requests the Trial Chamber to RECLASSIFY document E238/4 as public.

Respectfully submitted,

ANG Udom



Michael G. KARNAVAS

Co-Lawyers for Mr. IENG Sary

Signed in Phnom Penh, Kingdom of Cambodia on this 29th day of **January, 2013**

¹ See Consent Form of Mr. IENG Sary, 8 November 2012, E1/142.2.

² See Transcript, 8 November 2012, E1/142.1; Transcript, 12 November 2012, E1/143.1.