



ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ
Kingdom of Cambodia
Nation Religion King

អង្គជំនុំជម្រះវិសេសវិសេសនៃតុលាការកម្ពុជា

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: 003/07-09-2009-ECCC-OCIJ

ឯកសារដើម
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Before: **The Co-Investigating Judges**

Date: **31 July 2014**

Language(s): **English [Original]**

Classification: **CONFIDENTIAL Declassified to Public**

**ORDER ON THE INTERNATIONAL CO- PROSECUTOR'S
RESPONSE TO NOTIFICATION CONCERNING THE
SUSPECT'S REQUESTS TO ACCESS THE CASE FILE,
PARTICIPATE IN THE JUDICIAL INVESTIGATION AND
RECEIVETHE FULL INTRODUCTORY SUBMISSION**

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Noting the Law on the Establishment of the Extraordinary Chambers in the Courts of Cambodia, dated 27 October 2004;

Noting the Co-Prosecutors' Second Introductory Submission, filed on 7 September 2009;¹

Noting the judicial investigation relating to alleged violations of the **1956 Penal Code, Crimes against Humanity and Grave Breaches of the Geneva Conventions of 12 August 1949**, offences defined and punishable under Articles 3(new), 5, 6, 29 and 39 of the ECCC Law and Articles 500, 501, 503, 505, 506, 507 and 508 of the 1956 Penal Code;

Noting Rule 72 of the ECCC Internal Rules ("Internal Rules");

Noting the Disagreements registered on 7 and 22 February 2013;

Noting Article 9.2 of the Practice Direction on Classification and Management of Case-Related Information;

Noting the *International Co-Prosecutor's Response to Notification Concerning the Suspect's Requests to Access the Case File, Participate in the Judicial Investigation and Receive the Full Introductory Submission* ("Response");²

Noting the International Co-Prosecutor's proposal to classify the Response as "strictly confidential" and his preparedness to file a redacted version of the Response, should the International Co-Investigating Judge consider it appropriate;

Noting that the Response makes reference to confidential evidence on the Case File, including the names of witnesses and the nature of their evidence;

Considering that the investigation of Case 003 is still ongoing;

Further considering that Meas Muth has no right, under the Internal Rules, to reply to the Response and that therefore no prejudice will be suffered by Meas Muth from the redaction, at this stage, of the evidence referenced therein;

I, MARK B. HARMON, HEREBY:

Order the International Co-Prosecutor to submit, within five working days from the notification of this Order, a redacted version of the Response, eliminating all references that could lead to the identification of witnesses in Case 003.

¹ Case File No. 003-D1, *Co-Prosecutors' Second Introductory Submission Regarding the Revolutionary Army of Kampuchea*, 20 November 2008; Case File No. 003-D1/1, *Acting International Co-Prosecutor's Notice of Filing of the Second Introductory Submission*, 7 September 2009.

² Case File No. 003-Dxx, *International Co-Prosecutor's Response to Notification Concerning the Suspect's Requests to Access the Case File, Participate in the Judicial Investigation and Receive the Full Introductory Submission*, dated 30 July 2014.



To expedite the submission of a redacted version of the Response, this Order is filed in English with a Khmer translation to follow.



Dated 31 July 2014, Phnom Penh

Judge Mark B. Harmon

សម្តីជំនួយស៊ើបអង្កេតអន្តរជាតិ

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