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លេខ/ No: D242/3



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

ឯកសារដើម  
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មន្ត្រីទទួលខុសត្រូវឯកសារ (Case File Officer/L'agent chargé du dossier): ..... SANN RADA

ការិយាល័យសហចៅក្រមស៊ើបអង្កេត

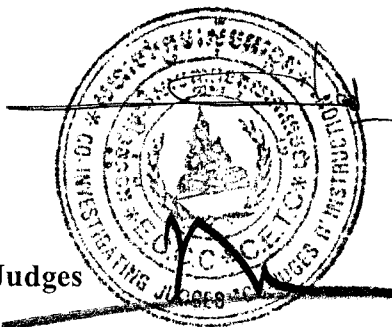
OFFICE OF THE CO-INVESTIGATING JUDGES  
BUREAU DES CO-JUGES D'INSTRUCTION

TO: Co-Prosecutors  
A: CHEA Leang  
William SMITH

Date: 27 November 2009

FROM: You Bunleng  
DE:

Marcel Lemonde  
Co-Investigating Judges



CONFIDENTIAL

ឯកសារបានផ្តល់ដោយមន្ត្រីទទួលខុសត្រូវឯកសារ  
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ថ្ងៃ ខែ ឆ្នាំ ត្រឹមត្រូវបញ្ជាក់ (Certified Date/Date de certification):  
..... 02 / 12 / 2009

មន្ត្រីទទួលខុសត្រូវឯកសារ (Case File Officer/L'agent chargé du dossier): ..... SANN RADA

SUBJECT: YOUR REQUEST FOR INVESTIGATIVE ACTION CONCERNING THE  
OBJET: DOCUMENTATION CENTRE OF CAMBODIA (DC-CAM)

REF: 002/19-09-2007-ECCC-OCIJ

In your Request dated 16 November 2009, you asked the Co-Investigating Judges (“CIJs”) to “[r]equest DC-Cam to assist them by reviewing their archive in order to identify evidence relevant to the subject matter of this judicial investigation, as per the list in the attached request “Annex 4,” and forwarding such evidence to the Co-Investigating Judges to be placed in the case file.”<sup>1</sup> Further to your Request the Co-Lawyers for Charged Person IENG Thirith filed a Response,<sup>2</sup> the contents of which the CIJs take note of.

The Co-Investigating Judges inform the Co-Prosecutors that throughout the course of the judicial investigation the collection, analysis and review of documents from the Documentation Centre of Cambodia (“DC-Cam”) archives has been ongoing. The inspection of the DC-Cam archives has

<sup>1</sup> D242, Co-Prosecutors’ Request for Investigative Action Concerning the Documentation Centre of Cambodia [DC-Cam] dated 16 November 2009, para. 14.

<sup>2</sup> D242/2, Defence Response to Co-Prosecutors’ Request for Investigative Action Concerning DC-Cam dated 23 November 2009.



been and will continue to be a valuable resource to the investigation. Significant analytical and legal resources within the Office of the Co-Investigating Judges (“OCIJ”) have been utilized in the search for any relevant materials.

During the course of this process DC-Cam archives have been systematically searched by the OCIJ based on detailed search criteria established in accordance with all the factual situations which the CIJs are seized of within the scope of the judicial investigation and with priority given to criteria established on the basis of categories of documents considered most relevant.<sup>3</sup> All relevant materials produced as a result of these searches have been collected and are presently in the process of being subjected to legal review. In reviewing these documents the CIJs take into consideration the subject matter of the investigation and whether the material is potentially incriminating or exonerating.

More than 1,000 documents have been retrieved to date with each of these ranging in length from a single page to in excess of one hundred pages. Overall, having searched DC-Cam archives the CIJs retrieved in excess of 4,000 thousand pages for legal review based upon their search criteria.<sup>4</sup> The CIJs seek to focus at all times solely on those issues which are directly relevant and necessary whilst avoiding those which are irrelevant or repetitious.

In addition to the above searches, at any time where there has been *a priori* an indication that DC-Cam would be in possession of documents which would contribute to the establishment of the truth on specific issues relevant to the investigation, these documents have been obtained. Pursuant to Rogatory Letters the OCIJ has conducted numerous visits to DC-Cam to obtain these further documents for legal review.

The results of these legal reviews are now being placed on the Case File – any documents meeting the aforementioned requirements will be placed on Case File 2 and, where necessary, translation requested. In any event, the CIJs confirm that this process of legal review will be completed prior to the end of the judicial investigation and all material from DC-Cam archives which is determined to be pertinent in establishing the truth (be it exonerating or incriminating) will be placed on Case File 2 and the parties informed accordingly.<sup>5</sup> The remainder of the content retrieved from the DC-Cam archives not deemed relevant to place on the Case File, but which may be material to the defence, will be placed onto the Shared Materials Drive where it is accessible to all parties for their perusal.

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<sup>3</sup> For example, search categories included, *inter alia*: minutes of CPK meetings, telegrams, CPK directives and post-1979 records of exhumations.

<sup>4</sup> It should be noted that the vast majority of these documents are in Khmer which impacts upon the pace at which they can be legally reviewed within the OCIJ.

<sup>5</sup> It should be clarified however that the final assessment of the significance of this cannot be completed before the end of the judicial investigation. The CIJ’s final determination of legal and factual characterizations will be contained in the Closing Order.

