



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

អង្គជំនុំជម្រះតុលាការកំពូល  
Supreme Court Chamber  
Chambre de la Cour suprême

សំណុំរឿងលេខ: ០០១/១៨ កក្កដា ២០០៧-អ.វ.ត.ក/អ.ជ.ត.ក  
Case File/Dossier N°. 001/18-07-2007-ECCC/SC

<b>ឯកសារដើម</b>
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Date de reception): .....25...../.....03...../.....2011.....
ម៉ោង (Time/Heure): .....16:35.....
មន្ត្រីទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé du dossier: .....JANN RADA.....

**Before:** Judge KONG Srim, President  
Judge Motoo NOGUCHI  
Judge SOM Sereyvuth  
Judge Agnieszka KLONOWIECKA-MILART  
Judge SIN Rith  
Judge Chandra Nihal JAYASINGHE  
Judge YA Narin

**Date:** 25 March 2011

**Classification:** PUBLIC

**DECISION ON GROUP 1 – CIVIL PARTIES’ CO-LAWYERS’ REQUEST TO CANCEL PROTECTIVE MEASURES**

**Lawyers for Civil Parties**  
**Group 1**  
TY Srinna  
Karim KHAN  
Alain WERNER  
Brienne McGONIGLE

**Co-Prosecutors**  
CHEA Leang  
Andrew CAYLEY

**Accused**  
KAING Guek Eav alias  
'DUCH'

**Lawyers for the Accused**  
KAR Savuth  
KANG Ritheary

**Lawyers for Civil Parties**  
**Group 2**  
KONG Pisey  
HONG Kimsuon  
YUNG Phanit  
Silke STUDZINSKY

**Lawyers for Civil Parties**  
**Group 3**  
KIM Mengkhy  
MOCH Sovannary  
Martine JACQUIN  
Annie DELAHAIE  
Philippe CANONNE  
Elizabeth RABESANDRATANA  
Fabienne TRUSSES-NAPROUS  
Christine MARTINEAU



**THE SUPREME COURT CHAMBER** of the Extraordinary Chambers in the Courts of Cambodia (“ECCC”):

**BEING SEISED** of “Group 1 – Civil Parties’ Co-Lawyers’ Request [for] the Withdrawal of Protective Measures for E2/62” (“Request”)<sup>1</sup> filed by the Co-Lawyers for Civil Parties Group 1 (“Co-Lawyers for CPG1”);

**RECALLING** that, on 7 August 2009, the Trial Chamber ordered the non-disclosure of Civil Party applicant E2/62's identity and identifying information to the public<sup>2</sup> (“protective measures”);

**NOTING** that the Request asks the Supreme Court Chamber to cancel these protective measures;<sup>3</sup>

**NOTING** that the Co-Lawyers for CPG1 provide the following reasons for their Request: a) E2/62, who is also a civil party in Case 002, waived her protective status in that case; and b) On 16 March 2011, CPG-1, through its intermediary, contacted E2/62 and she consented to having her protective status waived for the purposes of the appeal hearing in Case 001 and for the remainder of the proceedings in Case 001;

**RECALLING** Article 4.1 of the Practice Direction on Protective Measures<sup>4</sup> (“Practice Direction”), which provides, “Protective measures once ordered shall continue to apply *mutatis mutandis* throughout the entire proceedings in the case concerned and in relation to any other proceedings before the court and shall continue until they are cancelled or varied pursuant to the provisions of this Practice Direction”;

**RECALLING** Article 4.4 of the Practice Direction, which provides, “In order to vary a protective order, the procedure of Article 2 of this Practice Direction shall be applied. The Co-Investigating

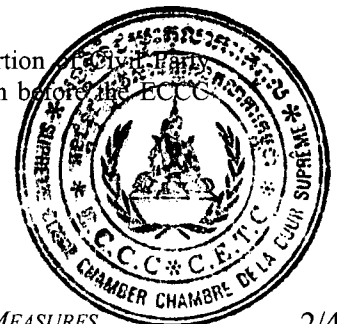
<sup>1</sup> 18 March 2011, F23.

<sup>2</sup> CONFIDENTIAL Decision on Protective Measures for Civil Parties E2/62 and E2/89 and for Witnesses KW-10 and KW-24, 7 August 2009, E135, p. 3, para. 4. On page 5, the Trial Chamber consequently ordered the following:

- (a) That Parties to the proceedings shall refer to this Civil Party by the pseudonym E2/62;
- (b) That the identity of Civil Party E2/62 and any other information that could identify her as a party to the proceedings shall not be disclosed to the public or the media;
- (c) That technical means be used to allow remote participation or the distortion of E2/62's voice and physical features should the Accused or a Charged Person be ordered to request a confrontation with Civil Party E2/62.

<sup>3</sup> Request, para. 1.

<sup>4</sup> ECCC/03/2007/Rev.1.



Judges or seized Chamber shall seek to obtain, whenever possible, the consent of the person in respect of whom the application to cancel or vary the protective measures has been made”;

**HAVING** consulted with the Witnesses/Experts Support Unit (“WESU”) in accordance with Article 2.3 of the Practice Direction on whether or not to cancel the protective measures;

**NOTING** that the consent of E2/62 to cancel her protective measures has been obtained by the intermediary of Co-Lawyers for CPG1;

**FOR THE FOREGOING REASONS**, the Supreme Court Chamber:

**DECIDES** to cancel the protective measures for E2/62 that the Trial Chamber ordered in Document E135 in Case File 001;

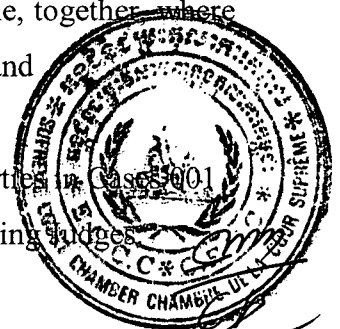
**ORDERS** the Court Management Section to re-classify the following documents from confidential to public and notify them to the Appellants before the Supreme Court Chamber in Case 001 immediately:

Item	Doc. #	KH ERN	EN ERN
Application	E2/62	00279960-00279965 (6 pages)	
Confirmation letter	F2/3.2.1	00651489-00651489 (1 page)	00651488-00651488 (1 page)
Confirmation letter	F2/3.2.2	00651491-00651491 (1 page)	00651490-00651490 (1 page)
Confirmation letter	F2/3.2.3	00651493-00651493 (1 page)	00651492-00651492 (1 page)

**DECIDES** to consult with WESU in due course on which other filings relating to Civil Party application E2/62 may be re-classified from confidential to public;

**ORDERS** that Civil Party applicant E2/62 will henceforth be referred to by name, together where necessary, with the relevant Civil Party application document reference number; and

**ORDERS** the Court Management Section to notify the present Decision to all Parties and 002, the Victims Support Section, WESU, and the Office of the Co-Investigating Judges



*[Handwritten signature]*

Phnom Penh, 25 March 2011

President of the Supreme Court Chamber *om*

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*Kdi*

Kong Srim

