



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

អង្គជំនុំជម្រះសាលាដំបូង

Trial Chamber

Chambre de première instance

សំណុំរឿងលេខ: ០០១/១៨ កក្កដា ២០០៨/អវតក/អជសដ

Case File/Dossier No. 001/18-07-2007/ECCC/TC

ឯកសារដើម
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL

ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Date de reception):
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ម៉ោង (Time/Heure): 15 : 30

មន្ត្រីទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé
du dossier: SANN RADA

Before:

Judge NIL Nonn, President
Judge Silvia CARTWRIGHT
Judge YA Sokhan
Judge Jean-Marc LAVERGNE
Judge THOU Mony

ឯកសារបានចម្លងត្រឹមត្រូវតាមច្បាប់ដើម
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មន្ត្រីទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé
du dossier: SANN RADA

Date:

22 July 2009

Classification:

PUBLIC

Decision on Co-Prosecutors' request for confidential classification of Defence Request relating to self-incrimination

Co-Prosecutors

CHEA Leang
Robert PETIT

Accused

KAING Guek Eav alias "DUCH"

Lawyers for the Civil Parties

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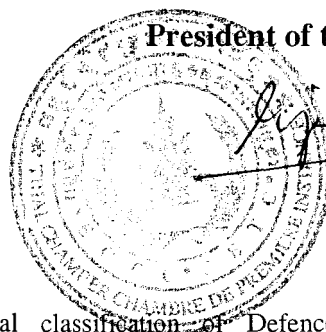
4. On consideration of the Request filed by the defence, the Trial Chamber can see no reason to classify it 'confidential'. It does not fall into the narrow class of documents that should not be made available to the public.
5. The Trial Chamber also notes that Internal Rule 28(8) is to be invoked only when there are issues relating to the testimony of witnesses concerning self-incrimination. For this limited reason, and as an exception to the principle of publicity of the hearing set out in Internal Rule 79(6), the Trial Chamber may convene a closed session to consider the issues raised. This application does not fall into this category and the Trial Chamber therefore announces its decision in public.
6. Finally, the Trial Chamber reminds the parties that the sole responsibility to warn a witness against self incrimination falls to the Chamber or to counsel advising the witness. The defence is asked not to repeat such warnings to witnesses in the future.

THE TRIAL CHAMBER THEREFORE DECIDES AS FOLLOWS:

1. The Request will be classified as a public document when it is ready for filing in the case file.
2. The closed session sought on 20 July was inappropriate. The subject-matter did not fall within the narrow confines of Internal Rule 28(8)
3. The Trial Chamber will continue to ensure that witnesses whom it considers at risk of self-incrimination receive legal advice and are warned by the Chamber pursuant to Internal Rule 28. The defence shall no longer warn witnesses of their right to remain silent when they come to give testimony.

Phnom Penh, 22 July 2009

President of the Trial Chamber



Nil Nonn