

## Defense lawyers ordered to censor website

Written by

Wednesday, 04 March 2009 03:00

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leng Sary's defense team received a [warning from Co-Investigating Judges](#) Tuesday: Remove all sensitive documents from their independent website, or "face sanctions." The lawyers have 48 hours to take down "any documents relating to the judicial investigation, other than those already published on the ECCC website," according to a statement from the court.

The Co-Investigating Judges claim the defense team published confidential documents on the site. It does not specify what those were.

I do know that, since it was established by the defense team, the site has been an excellent source for material not published on the ECCC site. The rationale for its creation is [explained on the homepage](#)

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*The current practice by the Judicial Chambers and Co-Investigating Judges at the ECCC, of suppressing Defence filings which may be embarrassing or which call into question the legitimacy and judiciousness of acts and decisions of the judges, all under the fig leaf that these are necessary measures to protect the supposed confidentiality and integrity of the investigation or judicial decision-making process, must be discontinued without exception. Submissions which are solely the word of the Defence team and do not relate to the substance of the ongoing judicial investigation but relate solely to legal issues, must be debated under the watchful eye of the public.*

Most recently, the defense used its website to publicize a [letter from Dr. Paulus Falke](#) , chief doctor for detainees at the ICTY.

The team has also published online its request for more information about scholar Stephen Heder, who has served as an investigator in the Office of Co-Investigating Judges. In its official filing

, the defense asserted that Heder may have been a CIA "intelligence agent," which would conflict with his role as an investigator at the court.

In their statement Tuesday, the Co-Investigating Judges argue that documents published on the defense team's website could compromise the "quality of the judicial process."

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They go on to claim that those materials that can be made public are published on the ECCC website, and that the monthly *Court Report* newsletter keeps the public abreast of important developments.

Unfortunately, many of us observing the tribunal feel this has not been enough. The ECCC guards information closely, and by the time it filters through the necessary channels, it is often diluted and untimely. Given the court's tendency to self-censor, the defense team's website has been a highly valuable resource.

It's refreshing to get documents deemed important by the defense straight from the source, and not through a middleman. I will be interested to see how long Sary's team responds to this order.

In the Co-Investigating Judges' statement, they claim they will "communicate more systematically about their activities in the future, and will publish an increased number of documents with regard to the judicial investigation."

Whatever happens to the website, I hope the Co-Investigating Judges make good on their promise.