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

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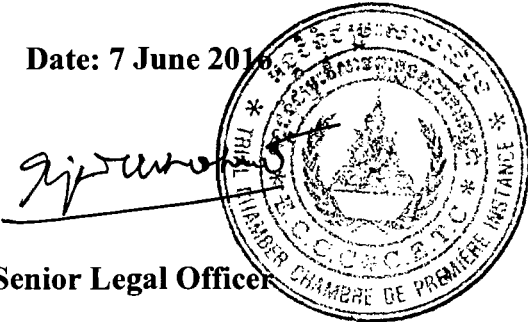
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TRIAL CHAMBER

TO: All Parties, Case 002

Date: 7 June 2016

FROM: NIL Nonn, President of the Trial Chamber



CC: All Trial Chamber Judges; Trial Chamber Senior Legal Officer

SUBJECT: Decision on NUON Chea request to admit into evidence 12 prior statements of KAING Guek Eav *alias* Duch (2-TCW-916)

- On 31 May 2016, the Trial Chamber received an email from the NUON Chea Defence indicating its intention to request, pursuant to Internal Rule 87(4), the admission into evidence of 12 previous statements of KAING Guek Eav *alias* Duch (2-TCW-916) made before the Cambodian Military Court. Both the Office of the Co-Prosecutors and the NUON Chea Defence sought clarification on whether prior statements already available on the case file would be automatically admitted into evidence or would require a formal request. In an email from the Senior Legal Officer on 2 June 2016, the Chamber clarified that a formal Rule 87(4) request should be made for the admission into evidence of prior statements made by a witness testifying in Case 002/02.
- On 3 June 2016, the NUON Chea Defence filed a formal Rule 87(4) request to admit into evidence 12 prior statements of KAING Guek Eav *alias* Duch (2-TCW-916) made before the Cambodian Military Court between 1999 and 2003 (E411). KAING Guek Eav *alias* Duch (2-TCW-916) is scheduled to testify in Case 002/02 in relation to the operation of the S-21 Security Centre. These statements are already available on the Case File and no parties have objected to their admission.
- The Trial Chamber recalls its practice to admit into evidence all prior statements of witnesses who testify before it, pursuant to Internal Rule 87(3) and (4) (*see e.g.* E319/36/2, para. 15; E363/3, para. 25; E319/42/1). It is in the interests of ascertaining the truth that the Chamber and parties have access to all of the statements of witnesses and Civil Parties who will be heard in Case 002/02. Further, these statements should be put before the Chamber to permit a complete assessment of their testimony. Therefore, the Trial Chamber admits these 12 statements into evidence and assigns to them the E3 reference numbers indicated in the table attached.