



ឯកសារដើម

ORIGINAL DOCUMENT/DOCUMENT ORIGINAL

E319/42/3

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SANN PA-DA

ព្រះរាជាណាចក្រកម្ពុជា

ជាតិ សាសនា ព្រះមហាក្សត្រ

Kingdom of Cambodia
Nation Religion King

Royaume du Cambodge
Nation Religion Roi

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

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TRIAL CHAMBER

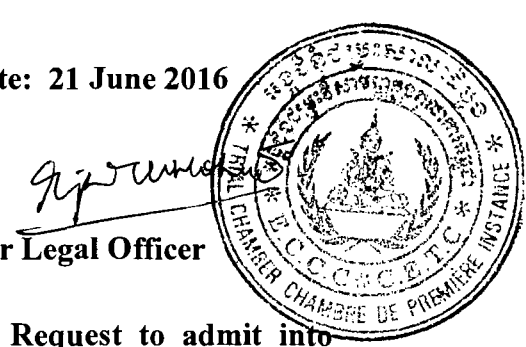
TO: All Parties, Case 002

Date: 21 June 2016

FROM: NIL Nonn, President of the Trial Chamber

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

SUBJECT: Decision on the International Co-Prosecutor's Request to admit into evidence documents E319/42.3.1, E319/42.3.2 and one document underlying the OCIJ S-21 prisoner list



1. The Trial Chamber is seised of a request filed on 8 June 2016 from the International Co-Prosecutor pursuant to Internal Rule 87 (3) and (4) to admit into evidence three documents (E319/42/2, paras 1, 4). Two of these are written records of interview (E319/42.3.1 and E319/42.3.2) containing prior statements of Kaing Guek Eav *alias* Duch (2-TCW-916), who is testifying before the Trial Chamber in relation to the S-21 Security Centre in Case 002/02. The third document (E319/42/2.1) is a confession of Chen Suon that was relied upon by the Office of the Co-Investigating Judges (OCIJ) in compiling the updated S-21 prisoner list. (E393.2), but which was not included in the list of underlying documents subsequently admitted into evidence in Case 002/02 (E393.3). At the hearing of 20 June 2016, the Trial Chamber admitted into evidence document E319/42.3.1 with written reasons to follow (Draft T. of 20 June 2016, pp. 31-32). The Trial Chamber hereby provides its reasons for the admission of this document and decides on the remainder of the request.

2. 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). 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 documents should be put before the Chamber to permit a complete assessment of their testimony. Therefore, the Chamber admits documents E319/42.3.1 and E319/42.3.2 into evidence in Case 002/02.

3. The Trial Chamber further recalls its decision E393/1 of 11 May 2016, in which it admitted into evidence all the documents underlying the S-21 prisoner list produced by the OCIJ (E393.3).

Given that the OCIJ also relied on the S-21 confession of Chen Suon for the preparation of the prisoner list, the Chamber considers that the rationale of E393/1 also applies to the admission into evidence of the confession of Chen Suon and accordingly admits document E319/42/2.1 into evidence in Case 002/02.

4. The Trial Chamber has assigned numbers E3/10607 and E3/10608 to documents E319/42.3.1 and E319/42.3.2, respectively, and number E3/10609 to the confession of Chen Suon (E319/42/2.1).

5. This constitutes the Chamber's official response to E319/42/2.