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E417/1

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

TRIAL CHAMBER

សាធារណៈ / Public

TO: All Parties, Case 002 **Date:** 11 July 2016

FROM: NIL Nonn, President of the Trial Chamber

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

SUBJECT: Decision on International Co-Prosecutor's Rule 87(4) Request to Admit into Evidence Two Documents Related to 2-TCW-850



1. The Trial Chamber is seized of an Internal Rule 87(4) request filed on 23 June 2016 by the International Co-Prosecutor ("Request"; E417), which discloses and seeks to admit into evidence an audio recording of 2-TCW-850's interview with the Documentation Center of Cambodia ("Recording"), the written transcript of which is already admitted into evidence as document E3/9149. The International Co-Prosecutor also seeks to admit a Written Record of Interview of 2-TCW-850 by the Office of the Co-Investigating Judges, stemming from the investigations in Case 004 and already disclosed to the Parties ("WRI"; E319/33.3.9). The International Co-Prosecutor submits that there is an inconsistency between 2-TCW-850's statements in E3/9149 and in the WRI in relation to whether he attended meetings presided by NUON Chea (E417, paras 2-3).

2. The Chamber finds that the Recording and WRI constitute prior statements of 2-TCW-850, who is scheduled to testify on 11 August 2016. 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 the two documents noted above.

3. The Chamber has assigned document number E3/9149a to the Recording and document number E3/10634 to the WRI.