



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា  
Extraordinary Chambers in the Courts of Cambodia  
Chambres extraordinaires au sein des tribunaux cambodgiens

អង្គជំនុំជម្រះសាលាដំបូង  
Trial Chamber  
Chambre de Première instance  
No. 289. ECCC/TC

ព្រះរាជាណាចក្រកម្ពុជា  
ជាតិ សាសនា ព្រះមហាក្សត្រ

Kingdom of Cambodia  
Nation Religion King  
Royaume du Cambodge  
Nation Religion King

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Respectfully submitted to

Mr. CHHAY Visoth, Tuol Sleng Museum Office Chief

Through: His Excellency Acting Director of the Office of Administration, the  
Extraordinary Chambers in the Courts of Cambodia

Subject: Response to your letter requesting transfer of Heynowski materials

With reference to the above subject, I would like to inform you that I have received your letter dated 2 April 2019 in which you request clarification on when Tuol Sleng Museum can expect to receive S-21 documents provided to the Trial Chamber by Professor Walter Heynowski.

First and foremost, I acknowledge that the Trial Chamber agreed to transfer to the Museum all documents provided by Prof. Heynowski, in accordance with his wishes. As you mention in your letter, a sample of these was provided to the Museum in December 2016. The remaining documents comprise an orange logbook containing handwritten entries, contact sheets and photographs of prisoners, a picture of late King Father Norodom Sihanouk and a confession cover page with prisoner photos affixed.

After receiving your letter, I informed the parties that the Chamber intended to proceed with the transfer of the Heynowski materials unless valid objections were raised. Both the Nuon Chea defence team and Khieu Samphan defence team objected to the materials being released from ECCC custody before appeal proceedings in Case 002/02 have completed. Nuon Chea's defence also raise questions about the means and modalities of access should the documents be transferred to the Museum at some future point. I refer you to paragraphs 24 to 30 of their response, which is enclosed for your reference.

I also asked the ECCC's Records and Archives Unit (RAU) to advise whether the Heynowski materials had deteriorated since being received by the ECCC and whether further storage at the ECCC would impact the integrity of the materials. RAU informed me that deterioration was evident on the prisoner photographs/contact sheets but could not comment on whether the chemical properties or acidity of any of the documents had been affected. RAU also stated that although it can continue to archive the documents in the described manner, it does not have the technical or specialised expertise to preserve or conserve such items. I refer to you paragraphs 2, 3, 4 and 8 of RAU's response, which is enclosed for your reference.

Before the Trial Chamber makes a final decision on whether to transfer the Heynowski documents at this time, I would appreciate your response to some of the issues identified by RAU and the Nuon Chea defence. Namely, I invite you to comment on the following:

1. Based on your experience with similar types of documents and your staff's observations of the Heynowski materials, what measures (additional to those that are currently in place at the ECCC), if any, could or should be taken to protect the Heynowski materials from deterioration?
2. Whether Tuol Sleng Museum has the resources and expertise available to implement such additional measures (archiving and remediation, if necessary) at the Museum?
3. If the Heynowski documents were to be transferred to Tuol Sleng Museum at some point:
  - a. How can the materials be accessed? (see para. 27 of the Nuon Chea defence's response)
  - b. What are the Museum's policies regarding chain of custody and security (prevention of interference, including by the public)?
  - c. Will public display of the materials prevent access requests by the parties? If so, to which extent?

The Supreme Court Chamber will receive jurisdiction over Case 002/02 once notices of appeals are filed. This is currently anticipated to happen at some point in early July. I suggest that you direct any answer submitted after that time to the Supreme Court Chamber's greffier ([phan.theoun@eccc.gov.kh](mailto:phan.theoun@eccc.gov.kh)).

Encl. (2)

- Nuon Chea defence's response to Trial Chamber memorandum (E443/12/1)
- Records and Archives Unit's response to Trial Chamber's additional memorandum (E443/14)

Thank you for your cooperation with this matter.

Please accept the assurances of my highest considerations.

Phnom Penh, 11 June 2019  
**President of the Trial Chamber**



**NiL Nonn**