



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

Extraordinary Chambers in the Courts of Cambodia

Chambres Extraordinaires au sein des Tribunaux Cambodgiens

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E127/7/2

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

TRIAL CHAMBER

សាធារណៈ / Public

TO: All Parties, Case 002

FROM: NIL Nonn, President of the Trial Chamber

CC: All Trial Chamber Judges; Trial Chamber Secretary; Investigating Judges



SUBJECT: Admission of Case 003 and 004 statements relevant to Case 002

- On 7 August 2013, the International Co-Prosecutor notified the Chamber of 16 written statements taken by the Office of the Co-Investigating Judges in Cases 003 and 004 that he considered may be relevant to aspects of Case 002/01 (E127/7). In an attached Strictly Confidential annex, the International Co-Prosecutor listed the document numbers of the statements though the statements themselves were not provided (E127/7.1).
- The Chamber acknowledged the International Co-Prosecutor had acted pursuant to his continuing obligation to disclose any material in his possession that may suggest the innocence or mitigate the guilt of the Accused or affect the reliability of evidence (E127/4). The Chamber nonetheless considered that the Co-Investigating judges must first decide whether to grant leave to disclose these written statements to the Chamber and directed the International Co-Prosecutor to direct his request to the OCIJ (E127/7/1).
- Upon being seised of the international Co-Prosecutor's request, the international Co-Investigating Judge provided the statements in question to the Trial Chamber, noting that some of the Case 004 witness statements appear in redacted form to protect the integrity of the on-going investigation and to ensure the safety of victims and witnesses (D81/1, Case 003; D167/1, Case 004). The international Co-Investigating Judge requests that the Chamber classify these documents as Confidential if it decides to disclose the documents to the parties in Case 002.
- The Trial Chamber recalls that statements taken by the OCIJ are presumed reliable and authentic (E142/3, para. 10; E185 para. 20). The Trial Chamber has reviewed these

documents and considers they are also conducive to ascertaining the truth in Case 002/01 as they relate to the credibility of witnesses who have already testified or may suggest the innocence or mitigate the guilt of the Accused. Although these documents are new, the Chamber considers it to be in the interests of justice to put them before the Chamber pursuant to Internal Rule 87. The Chamber directs the Greffier to notify the parties of the 16 statements in question, the relevant decisions of the international Co-Investigating Judge, and the list of statements provided by the international Co-Prosecutor (E127/7.1).

5. The Chamber recognizes the parties may wish to make observations concerning the probative value of these documents. It therefore permits each party to file a motion, outlining any observations relevant to the Case 003 and 004 statements by 30 September 2013. No response or reply briefs will be accepted. The parties will also have an opportunity to make observations on these statements in their Closing Briefs or during the time already allocated for Closing Statements.