

**BEFORE THE TRIAL CHAMBER
EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA**

FILING DETAILS

Case No: 002/19-09-2007-ECCC/TC **Party Filing:** International Co-Prosecutor

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**INTERNATIONAL CO-PROSECUTOR'S DISCLOSURE OF DOCUMENTS FROM
CASE FILE 004 RELEVANT TO CASE 002 PURSUANT TO CASE 004-D193/13**

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Judge Mark B. HARMON

I. DISCLOSURE

1. The International Co-Prosecutor (“the Co-Prosecutor”) hereby discloses five statements (the “Materials”) admitted in Case 004 which are relevant to the trial in Case 002/02. All of the Materials are identified in Strictly Confidential **Annex I**.
2. The Co-Prosecutor sought leave to disclose the materials included in this disclosure via two requests (collectively, the “Requests”) made to the Co-Investigating Judges on 29 January 2015¹ and 19 February 2015². The International Co-Investigating Judge granted the Requests in relation to the documents currently being disclosed on 24 February 2015, which decision is attached as Strictly Confidential **Annex 1**.³
3. The Trial Chamber has stated that the obligation to disclose relevant material, whether inculpatory or exculpatory, is an obligation that is owed to the Trial Chamber, as well as the Accused, as it is “in the interests of ascertaining the truth that the Trial Chamber has access to these documents.”⁴ Moreover, this Chamber has previously held that “Internal Rule 53(4) imposes a continuing obligation on the Co-Prosecutors to disclose to the Trial Chamber any material in its possession that may suggest the innocence or mitigate the guilt of the Accused or affect the reliability of the evidence.”⁵ The Trial Chamber has instructed the Co-Prosecutors to first direct their disclosure requests to the Chamber seized of the evidence the Co-Prosecutors seek to disclose, and then petition the Trial Chamber for admission of any documents thereby approved for disclosure.⁶
4. The Trial Chamber has previously ordered that all disclosures from Cases 003 and 004 to Case 002 should be filed and notified to the Trial Chamber provisionally on a strictly confidential basis, and that the Trial Chamber will then make a determination as to whether the documents should be reclassified as confidential.⁷ Therefore, the Co-Prosecutor notifies the Trial Chamber of the statements contained in **Annex I** on a strictly confidential basis.

¹ **D193/9** International Co-Prosecutor’s Request to Disclose Case 004 Statements Relevant to the Case 002/02 Trial, 29 January 2015.

² **D193/12** International Co-Prosecutor’s Request to Disclose Case 004 Statement Relevant to the Case 002/02 Trial, 19 February 2015.

³ Case 004-**D193/13** Decision on International Co-Prosecutor’s Case 002 Disclosure Requests Concerning a Witness, 24 February 2015.

⁴ **E127/4** Trial Chamber Memorandum “Disclosure of witness statements for witnesses who may testify in Case 002”, 24 January 2012.

⁵ **E127/4** Trial Chamber Memorandum “Disclosure of witness statements for witnesses who may testify in Case 002”, 24 January 2012, at p. 1.

⁶ **E127/7/1** Information concerning Case 003 and Case 004 witness statements that may be relevant to Case 002, 16 August 2013, para. 2.


⁷ **E127/4** Trial Chamber Memorandum “Disclosure of witness statements for witnesses who may testify in Case 002”, 24 January 2012, at p. 1.

5. The ICIJ's authorization to disclose is subject to the requirements outlined in previous ICIJ decisions and set out in previous disclosure notices.⁸ In compliance with these restrictions, the Co-Prosecutor will be making available as soon as possible to the Lead Co-Lawyers, Nuon Chea Defence, Khieu Samphan Defence, and Standby Counsel for Khieu Samphan one marked and numbered paper copy each of the Materials.

II. RELIEF REQUESTED

6. Therefore, the Co-Prosecutor requests that the Trial Chamber obtain and admit into Case File 002 the statements identified in **Annex I**.

Respectfully submitted,

Date	Name	Place	Signature
27 February 2015	Nicholas KOUMJIAN Co-Prosecutor	Phnom Penh	

⁸ See, e.g., **E319.12.1.1** Partial Decision on International Co-Prosecutor's Request to Disclose Case 004 Interviews Relevant to the Case 002/02 Trial and Case 002/01 Appeal, Dated 21 January 2015, 21 January 2015, at paras. 14, 15, 17, and 18.