

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

FILING DETAILS

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**CO-PROSECUTORS' SUBMISSION REGARDING OFFICE OF THE CO-
INVESTIGATING JUDGES COMBINED S-21 PRISONER LIST
WITH ANNEXES A & B**

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SUBMISSION

1. The Co-Prosecutors file a list of S-21 prisoners who were not included in the list compiled by the Office of the Co-Investigating Judges (“OCIJ S-21 List”) but for whom contemporaneous S-21 records exist on the Case 002 Case File (**Annex A**). The Co-Prosecutors’ request that this additional list of individuals be taken into account by the Trial Chamber to assist it to more accurately establish the number of persons imprisoned and executed at S-21. The International Co-Prosecutor has made the OCIJ aware of the results of the Co-Prosecutors analysis of the OCIJ S-21 List.
2. By way of background, on 19 May 2009, the OCP filed a revised list of S-21 prisoners in Case 001 which identified 12,273 names with contemporaneous S-21 documentation (“OCP Revised List”).¹ The list was subsequently placed on the Case 002 Case File. Just under seven years later, on 30 March 2016, the OCIJ provided the OCIJ S-21 List to the Trial and Supreme Court Chambers.² This list contained names and other information concerning 15,101 prisoners detained at S-21 based on contemporaneous S-21 documentation.³ The Trial Chamber admitted the OCIJ S-21 List into evidence on 5 April 2016.⁴ The underlying S-21 documents supporting this list were admitted on 11 May 2016.⁵
3. On analysis of the OCIJ S-21 List, there are 2,237 individuals who appear on the OCP Revised List that do not appear on the OCIJ S-21 List. Of these, 447 were removed by the OCIJ which considered them to be duplicate entries in the OCP Revised List.
4. After carefully reviewing the underlying S-21 documentation available on the Case File for the remaining 1,790 individuals who appeared on the OCP Revised List but not the OCIJ S-21 List, the OCP has identified contemporaneous S-21 records for 1,606 of these individuals. We believe the evidence demonstrates that these 1,606 individuals were

¹ **E3/342** Annex 1 – Revised S-21 Prisoner List. The list was annexed to **E68** Co-Prosecutors’ Rule 92 motion to disclose analysis of the revised S-21 prisoner list, 19 May 2009.

² **E393.1** Interoffice Memorandum entitled ‘The OCIJ S-21 Prisoner List and explanation of the applied methodology’, 30 March 2016.

³ **E393.2** OCIJ S-21 Prisoners List, 30 March 2016.

⁴ **E393** Decision admitting new OCIJ prisoner list, 5 April 2016 (“Chamber Decision admitting OCIJ S-21 List”).

⁵ **E393/1** Admission of documents underlying S21 prisoners list produced by the Office of the Co-Investigating Judges (OCIJ), 11 May 2016.

prisoners at S-21, which would mean that combined with the 15,101 individuals on the OCIJ's list, there is S-21 documentation showing that 16,707 individuals were sent as prisoners to S-21.

5. **Annex A** lists the names of each of these 1,606 additional names identified by OCP along with the E3 number of the document(s) on which their name appears. The columns show for each individual: the prisoner's name in Khmer and English; the number at which the individual is located on the OCP Revised List; the DC-Cam document number in which the individual appears; the E3 number of the underlying S-21 document; the English ERN identifying where the individual appears in the underlying S-21 document; and the number at which the individual appears on the S-21 document, where applicable.
6. **Annex B** is a list of the DC-Cam document numbers that are not included in the table of underlying documents provided by the OCIJ to support the OCIJ S-21 List.⁶ It would appear that these documents were not considered by the OCIJ when compiling its list of S-21 prisoners and for this reason the 1,606 prisoners' names were not included in the OCIJ S-21 List.⁷
7. The OCP recognises that it will never be possible to establish a definitive, complete and totally accurate list of all individuals at S-21. Not all S-21 records have survived. The evidence also establishes that many of those who entered S-21, particularly children, were often killed without having their names recorded. Further, the lists were written by different S-21 personnel, many of the lists are handwritten and the writing is not always clear. Sometimes the same name could be spelled differently and mistakenly listed as two individuals, while other times two individuals with the same or similar names who appear on separate lists could mistakenly be considered duplicates.
8. However, the Co-Prosecutors submit that it is in the interests of justice to establish the most accurate list possible. Identifying and recognising those who were detained at S-21 is conducive to ascertaining the truth on a topic directly at issue in Case 002/02.⁸ The number of individuals at S-21 is significant in terms of the individual responsibility of the Accused. Moreover, for the civil parties, other surviving family members and Cambodian society as

⁶ E393.3 List of Documents for OCIJ S-21 Prisoners, 5 April 2016.


⁷ Annex B.

⁸ E393 Chamber Decision admitting OCIJ S-21 List, para. 2.

a whole, a more complete and accurate list is important in order to preserve the memory of the victims of S-21 and establish the truth of what happened at this infamous institution.

9. For the reasons set out above, the Co-Prosecutors submit the annexed list of individuals at S-21 who were not included on the OCIJ S-21 Prisoner List for the Chamber's consideration.

Respectfully submitted,

Date	Name	Place	Signature
8 August 2016	CHEA Leang Co-Prosecutor	Phnom Penh	
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