

ឯកសារដើម
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du dossier: **SANN RADA**

E443/6

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

សម្ងាត់ / Confidential / Confidentiel

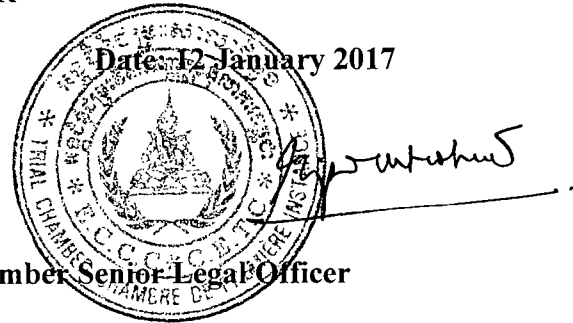
TRIAL CHAMBER

TO: All Parties, Case 002

FROM: NIL Nonn, President

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

SUBJECT: Decision on the Requests by the Co-Prosecutors and the KHIEU Samphan Defence to admit photographs related to the documentation provided by Professor Walter HEYNOWSKI (2-TCW-946)



1. On 5 January 2017, the Chamber informed the Parties that it had obtained approximately 500 photographs of S-21 detainees from Professor Walter HEYNOWSKI (2-TCW-946) (E443/2/1). The S-21 photographs were inspected by the Records and Archives Unit (RAU) in the presence of Greffiers and the Chamber instructed RAU to place the photographs that could be safely scanned or photographed on the shared folder. The Parties were instructed to make oral submissions on any Internal Rule 87(4) requests related to the S-21 photographs on 10 January 2017 (E443/2/1, para. 5).

2. During the hearing of 10 January 2017, the Co-Prosecutors requested that all of the S-21 photographs placed on the shared folder be admitted into evidence, and the Lead Co-Lawyers supported this request (T. 10 January 2017, pp. 53-55 (Draft)). Neither of the Defence teams objected to the request (T. 10 January 2017, pp. 55-56 (Draft)). The KHIEU Samphan Defence requested that additional photographs be admitted as well (T. 10 January 2017, pp. 57-58 (Draft)). These photographs were taken by RAU during the scanning of the orange logbook received from Professor HEYNOWSKI (2-TCW-946) to the Chamber. None of the other Parties objected to this request, although the Lead Co-Lawyers noted that they had not seen these photographs (T. 10 January 2017, pp. 61-62 (Draft)). The Chamber obtained the logbook photographs from RAU and has now added them to the shared folder in Sub-Folder number 5. The KHIEU Samphan Defence confirmed that these are the photos they requested for admission (Email response from KHIEU Samphan Defence dated 10 January 2017).

3. According to Internal Rule 87(4), the Trial Chamber may admit, at any stage of the trial, all evidence that it deems conducive to ascertaining the truth, where that evidence also satisfies the *prima facie* standards of relevance, reliability and authenticity required under Internal Rule 87(3). The Chamber determines the merit of a request to admit new evidence in accordance with the criteria in Internal Rule 87(3).

4. The Chamber recalls that on 27 December 2016 it admitted into evidence the orange logbook provided by Professor HEYNOWSKI (2-TCW-946), as it is “directly relevant to a crime site within the scope of the current trial” (E443/3, para. 3). The Chamber notes that the S-21 photographs are also relevant to a crime site within the scope of Case 002/02. Additionally, both the S-21 photographs and the logbook photographs are relevant to evidence already on the Case File, notably the orange logbook admitted as E3/10770.

5. Therefore the Chamber grants both the Co-Prosecutors’ request and the KHIEU Samphan Defence’s request to admit the photographs into evidence, and assigns them the following E3 numbers according to the sub-folders on the shared drive to which they are saved. Sub-Folder 1a is assigned document number E3/10785; Sub-Folder 1b is assigned document number E3/10786; Sub-Folder 2 is assigned document number E3/10787; Sub-Folder 4 is assigned document number E3/10788; and Sub-Folder 5 is assigned document number E3/10789.