

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

FILING DETAILS

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**INTERNATIONAL CO-PROSECUTOR'S DISCLOSURE TO TRIAL CHAMBER OF
CASE 002 WITNESS STATEMENTS IN CASES 003 AND 004 IN COMPLIANCE WITH
TRIAL CHAMBER MEMORANDUM E127/4**

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DISCLOSURE

1. On 6 October 2011 the International Co-Prosecutor requested direction from the Trial Chamber regarding interviews that had been conducted with Case 002 witnesses in the judicial investigations in Cases 003 and 004 (the 'Request').¹ The Request was filed as public, and notified to the Co-Investigating Judges, with a strictly confidential annex identifying 29 relevant witnesses. These witnesses were either selected for oral testimony by the Trial Chamber, or proposed by the Co-Prosecutors to testify or have their statements admitted as evidence at trial.
2. As noted in the Request, under the ECCC Rules and procedural rules established at the international level for similar cases, such statements are required to be disclosed on the basis that they (1) may contain exculpatory material or material that may effect the credibility of a witness' testimony and (2) are prior statements of a witness at trial.
3. In its Memorandum of 24 January 2012² the Trial Chamber indicated 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. It is in the interests of ascertaining the truth that the Trial Chamber has access to these documents, not least because consideration of the prior statements will assist in evaluating the credibility of these witnesses.
4. Accordingly, the Chamber ordered the Co-Prosecutors to file the statements of the 29 witnesses identified in the Request, along with the corresponding audio recordings, and notify these to the Trial Chamber provisionally on a strictly confidential basis. The Chamber has further indicated that, should the Co-Prosecutors become aware of further statements from Case 002 witnesses obtained by the Co-Investigating Judges in conjunction with another case, such statements should be filed with the Trial Chamber in the same manner.
5. In compliance with the Trial Chamber's order, and with no disagreement between the Co-Prosecutors, the International Co-Prosecutor files all statements made by these 29

¹ E127 International Co-Prosecutor's Disclosure to Trial Chamber Regarding Interviews of Case 002 Witnesses in Cases 003 and 004 with Strictly Confidential Annex A, 6 October 2011 with E127.2 Strictly Confidential Annex A, 6 October 2011

² E127/4 Disclosure of witness statements for witnesses who may testify in Case 002, 24 January 2012

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witnesses contained in Case Files 003 and 004 (as listed in **Annex A**) and the corresponding audio files of these interviews (as listed in **Annex B**) with the Trial Chamber. These statements and audio files are also attached and are made available to the Chamber on a strictly confidential basis.

Respectfully submitted,

Date	Name	Place	Signature
2 February 2012	Andrew CAYLEY Co-Prosecutor	Phnom Penh	