



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

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

សំណុំរឿងលេខ: ០០២/១៩ កញ្ញា ២០០៧/អវតក/អជសដ
Case File/Dossier No. 002/19-09-2007/ECCC/TC

ឯកសារដើម
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du dossier:..... SANN RADA

Before: Judge NIL Nonn, President
Judge Jean-Marc LAVERGNE
Judge YA Sokhan
Judge Claudia FENZ
Judge YOU Ottara

Date: 26 January 2017
Original language(s): Khmer/English/French
Classification: PUBLIC

ORDER CLOSING INVESTIGATION RELATED TO DOCUMENTS RECEIVED FROM PROF. WALTER HEYNOWSKI

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1. INTRODUCTION

1. The Chamber recalls that it obtained from Prof. Walter HEYNOWSKI several documents originating from S-21, specifically an orange logbook and several loose pages in German and Khmer (“Heynowski Documents”). Noting that with the exception of the orange logbook the Heynowski Documents were not scanned by the Records and Archives Unit because they were badly deteriorated and any handling of the documents risked further damaging them, the Chamber, by order of 28 December 2016:

[decided] to initiate an additional investigation pursuant to Internal Rule 93 to obtain if possible a description, a scanned copy and a first assessment of the uniqueness and authenticity of the Heynowski Documents in addition to ensure their preservation for possible use as evidence in Case 002/02;

[and requested] the Director of the Tuol Sleng Museum to examine the Heynowski Documents and to report the following information to the Chamber by 10 January 2017:

- (1) a detailed description of each document, including the nature and title, the number of pages, the language used, the nature of the document (typed, handwritten, mixed, etc.) and the condition of the document;
- (2) an indication of whether it is possible to preserve and scan/photograph these documents, and if so, within what time period such scans or photographs may be provided to the Trial Chamber;
- (3) an assessment of whether the documents are new to the Tuol Sleng archive or are duplicates of documents already within the Tuol Sleng or any other public archive; and
- (4) a *prima facie* assessment of the authenticity of the Khmer documents.¹

2. The Chamber further recalls that, on 29 December 2016, it provided to the Director of the Tuol Sleng Museum, Mr. CHHAY Visoth, the Heynowski Documents and a letter requesting the aforementioned information.²

3. The Chamber received a letter in response from Mr. Visoth dated 9 January 2017, indicating that his team and experts from the National Archives conducted a *prima facie* assessment of the Heynowski Documents; that they determined that the documents are “so fragile and sticky that it is difficult for preservation and impossible for in-depth research”; and that “the documents need emergency restoration by removing acidity from the papers” which may in any event “damage [the] quality of scripts on the documents and sheets.” The Chamber notes Mr. Visoth’s request that his team be given permission to remove clips from

¹ Order to Initiate Investigation of Documents Received from Prof. Walter Heynowski, E443/5, 28 December 2016 (“IR 93 Order”), para. 2, disposition.

² Letter to Director of Tuol Sleng Museum entitled “Donation of documents from Professor Walter Heynowski and Request for information, E443/4, 28 December 2016; Written Record of Transfer of Documents, E443/4.1, 29 December 2016.

the Heynowski Documents as they are being damaged by rust from the metal, which may spread further.³

4. The Chamber understands therefore that the Tuol Sleng Museum is currently unable to provide further answers to the Chamber's inquiry until the Heynowski Documents are fully restored. Given the absence of any predictable date when such restoration could be achieved, the Chamber decides to close the Internal Rule 93 investigation.

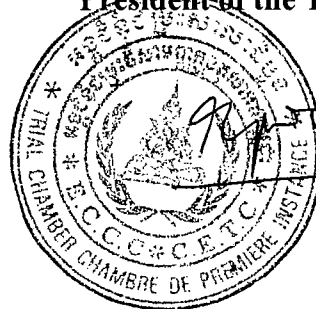
FOR THE FOREGOING REASONS, THE TRIAL CHAMBER:

DIRECTS the Greffier to inform the Director of the Tuol Sleng Museum, Mr. CHHAY Visoth, that the Chamber does not object to the removal of the metal clips for the purposes of preserving the Heynowski Documents;

INVITES the Director of the Tuol Sleng Museum, Mr. CHHAY Visoth (1) to continue to pursue efforts to preserve and restore the Heynowski Documents; (2) to seek international support to preserve the documents, especially considering the fact that the Tuol Sleng Genocide Museum is registered as a UNESCO Memory of the World (MOW) for Asia and the Pacific region; and (3) to inform the ECCC administration of any progress made in preserving the documents or ascertaining further information noted in the Chamber's initial request and;

DECIDES to close the investigation pursuant to Internal Rule 93.

Phnom Penh, 26 January 2017
President of the Trial Chamber



Nil Nonn

³ Letter from Director of Tuol Sleng Museum to Trial Chamber President, E443/4/1, 9 January 2017.