This simulation is based on the following article about application of the exclusionary rule contained in Article 15 of the Torture Convention.  For this simulation, assume the International Prosecutor of the Cambodia Genocide Tribunal wants to submit  
the following evidence in the trial of Kang Ling (a Khmer Rouge guard at the Choeng Ek concentration camp), Nuan Chea (one of the leaders of the Khmer Rouge), and Leng Sary (another leader of the Khmer Rouge):

1.  Self-incriminatory biographical statements about the role that the Defendant Kang Ling played as a guard at the Choeng Ek concentration camp from 1977-1978 which were provided by the defendant to Khmer Rouge officers just prior to Ling’s interrogation  
at the Tuol Sleng torture facility in 1979.  Defendant was not abused prior or during this preliminary interview, but he knew that he would be subjected to electric shocks and whipping during the interrogation that was to follow.

The Prosecutor asserts that this information should be admissible because it was provided prior to the commencement of torture.

2.  Statements incriminating Defendant Nuan Chea that were provided by Defendant Kang Ling to Khmer Rouge officers during interrogation at the Tuol Sleng torture facility.  Defendant Kang Ling had been subject to electric shocks and whipping  
during the interrogation resulting in these statements.

The Prosecutor asserts that this information should be admissible under the “silver platter doctrine” because the Tribunal’s personnel had not been involved in the torture and under the “exception for evidence against the torturer” since Nuan Chea was  
one of the Khmer Rouge leaders responsible for establishing the Tuol Sleng torture facility and directing that suspected spies be sent there for harsh interrogation.

3.  Statements incriminating co-Defendant Leng Sary which were provided by Defendant Kang Ling to investigators of the Cambodia Tribunal during Ling’s pre-trial detention at the Tribunal’s facility.  Kang Ling was not apprised of his right to  
remain silent and was not provided a lawyer during the eight-hour interrogation resulting in these statements.

The Prosecutor asserts that this information should be admissible because, though the Tribunal’s personnel were involved in the interrogation, mere failure to apprise a defendant of his rights or to provide a lawyer does not trigger the Torture Evidence  
Exclusionary Rule.

**Directions**: The Defense moves to exclude the evidence under the Torture Evidence Exclusionary Rule. Based on these stipulated facts and the article below, members of **Group A** (last names that begin with the letters A-H) are invited to upload  
a submission, representing the Prosecution, arguing in favor of admission of the evidence in one or more of the three scenarios described above.  Members of **Group B** (last names that begin with the letters I-Z) are invited to upload a submission,  
representing the Defense, arguing that the evidence in one or more of the scenarios should excluded be under the Torture Evidence Exclusionary Rule.