

IENG Sary's Objections to the Documents Proposed by the OCP in E223/2/1 (E223/2/1.2)

| | Doc. No. | E9/31 | TYPE | AUTHOR | DATE | TITLE | DESCRIPTION | Point of Indictment | OBJECTION |
|---|-------------------|--------------------------------------|--------------------------------|--|-----------------|--|---|---|--|
| 1 | D199/26.2.1 16 | E9/31.5 (Annex 5), No. 21 | FUNK / GRUNK Publication | GRUNK | 10-May- 1975 | GRUNK Publication - Press Communique from Minister of Propaganda entitled "Sur Le Départ des Etrangers du Kampuchéa" | Describes the order given to all foreigners to leave the country. | Movement of the Population from Phnom Penh (Phase 1) [60:221 to 261] | The Defence takes no position as to the admissibility of this document and leaves the matter to the Trial Chamber's discretion. |
| 2 | D199/26.2.1 93 | E9/31.17 (Annex 17), No. 51 | Int'l Communicatio n | French Ministry of Defence, S.S | 17-Apr- 1975 | Telegram from the French Ministry of Defence to the French Ministry of Foreign Affairs, entitled "Situation in Phnom Penh (17 April 1975 at 23:00)" | Describes the fact that after a "large exodus," the city of Phnom Penh seems dead, and that nationals and foreigners have gathered at the French embassy. Also describes that the French Consul managed to contact Khmer Rouge leaders, but they didn't reply after 5 hours. | Movement of the Population from Phnom Penh (Phase 1) [60:221 to 261] | In accordance with Rule 87(3), the Defence objects to the admission of this document unless the OCP can sufficiently demonstrate the authenticity, reliability and relevance of this document by demonstrating who is responsible for the content of this document. Should this document be admitted, the Defence submits that limited weight, if any, should be given to it unless the content of the document can be verified or supported through independent indicia. Further, Mr. IENG Sary has not been afforded the opportunity to confront the author of this document. This document should therefore be found inadmissible pursuant to Rule 87(3)(d). For further argument, <i>see</i> IENG Sary's Objections to the Admissibility of Certain Categories of Documents, 6 September 2011, E114, paras. 1 (Standards for the admission of documentary evidence set by the Establishment Law), 7-9 (Reliability), 11 (Relevance), 18-19 (Reports, articles and non- contemporaneous documents). |
| 3 | D199/26.2.1 94 | E9/31.17 (Annex 17), No. 59 | Int'l Communicatio n | French Ministry of Defence | 18-Apr- 1975 | Telegram from French Ministry of Defence to French Ministry of Foreign Affairs re 'Situation at the French Embassy in Phnom Penh' | Describes the evacuation of Phnom Penh including sick people being forced out of hospitals. Also describes the fear of having to evacuate the French Embassy in Phnom Penh. | Movement of the Population from Phnom Penh (Phase 1) [60:221 to 261] | In accordance with Rule 87(3), the Defence objects to the admission of this document unless the OCP can sufficiently demonstrate the authenticity, reliability and relevance of this document by demonstrating who is responsible for the content of this document. Should this document be admitted, the Defence submits that limited weight, if any, should be given to it unless the content of the document can be verified or supported through independent indicia. Further, Mr. IENG Sary has not been afforded the opportunity to confront the author of this document. This document should therefore be found inadmissible pursuant to Rule 87(3)(d). For further argument, <i>see</i> IENG Sary's Objections to the Admissibility of Certain Categories of Documents, 6 September 2011, E114, paras. 1 (Standards for the admission of documentary evidence set by the Establishment Law), 7-9 (Reliability), 11 (Relevance), 18-19 (Reports, articles and non- contemporaneous documents). |

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| 4 | D199/26.2.2 05 | E9/31.17 (Annex 17), No. 63 | Int'l Communicatio n | French Embassy in Phnom Penh, DYRAC Jean | 19-Apr- 1975 | Telegram 602 from Jean DYRAC, French Embassy Phnom Penh, to French Ministry of Foreign Affairs re "SCCT" | Explains that all French cultural properties were confiscated on 18 April 1975 and reports about the picking up, under Khmer Rouge's strict control, of French nationals in Phnom Penh; lists those that were missing or refused the evacuation. | Movement of the Population from Phnom Penh (Phase 1) [60:221 to 261] | In accordance with Rule 87(3), the Defence objects to the admission of this document unless the OCP can sufficiently demonstrate the authenticity, reliability and relevance of this document by demonstrating who is responsible for the content of this document. Should this document be admitted, the Defence submits that limited weight, if any, should be given to it unless the content of the document can be verified or supported through independent indicia. Further, Mr. IENG Sary has not been afforded the opportunity to confront the author of this document. This document should therefore be found inadmissible pursuant to Rule 87(3)(d). For further argument, <i>see</i> IENG Sary's Objections to the Admissibility of Certain Categories of Documents, 6 September 2011, E114, paras. 1 (Standards for the admission of documentary evidence set by the Establishment Law), 7-9 (Reliability), 11 (Relevance), 18-19 (Reports, articles and non- contemporaneous documents). |
| 5 | D199/26.2.2 02 | E9/31.17 (Annex 17), No. 62 | Int'l Communicatio n | French Embassy in Peking, ARNAUD | 19-Apr- 1975 | Telegram 755/760 from ARNAUD, French Embassy in Peking, to French Ministry of Foreign Affairs re "Interview with Mr. PennNouth" | Analyses that both PENN Nouth and NORODOM Sihanouk ignore the exact field situation in Phnom Penh and do not envisage any return before the security is guaranteed. PENN Nouth denies the rumors of disorder and trouble in Phnom Penh and blames the Americans for them. | Movement of the Population from Phnom Penh (Phase 1) [60: 221 to 261] | In accordance with Rule 87(3), the Defence objects to the admission of this document unless the OCP can sufficiently demonstrate the authenticity, reliability and relevance of this document by demonstrating who is responsible for the content of this document. Should this document be admitted, the Defence submits that limited weight, if any, should be given to it unless the content of the document can be verified or supported through independent indicia. Further, Mr. IENG Sary has not been afforded the opportunity to confront the author of this document. This document should therefore be found inadmissible pursuant to Rule 87(3)(d). For further argument, <i>see</i> IENG Sary's Objections to the Admissibility of Certain Categories of Documents, 6 September 2011, E114, paras. 1 (Standards for the admission of documentary evidence set by the Establishment Law), 7-9 (Reliability), 11 (Relevance), 18-19 (Reports, articles and non- contemporaneous documents). |
| 6 | D199/26.2.2 13 | E9/31.17 (Annex 17), No. 67 | Int'l Communicatio n | French Embassy in Phnom Penh, DYRAC Jean | 20-Apr- 1975 | Telegram 609 from Jean DYRAC, French Embassy Phnom Penh, to French Ministry of Foreign Affairs re "Situation à Phnom Penh" | Reports about the grave situation in Phnom Penh (areas burning; water cut) and at the French Embassy. | Movement of the Population from Phnom Penh (Phase 1) [60: 221 to 261] | In accordance with Rule 87(3), the Defence objects to the admission of this document unless the OCP can sufficiently demonstrate the authenticity, reliability and relevance of this document by demonstrating who is responsible for the content of this document. Should this document be admitted, the Defence submits that limited weight, if any, should be given to it unless the content of the |

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| 7 | D199/26.2.2 09 | E9/31.17 (Annex 17), No. 65 | Int'l Communication | French Ministry of Defence | 20-Apr-1975 | Telegram from French Ministry of Defence to French Ministry of Foreign Affairs, entitled "Situation this morning - 20 April" - 20 April 1975 | Describes Phnom Penh as an empty city, all the foreigners locked in the French embassy under harsh living conditions, and a request to be evacuated as their only chance of survival. | Movement of the Population from Phnom Penh (Phase 1) [60: 221 to 261] | In accordance with Rule 87(3), the Defence objects to the admission of this document unless the OCP can sufficiently demonstrate the authenticity, reliability and relevance of this document by demonstrating who is responsible for the content of this document. Should this document be admitted, the Defence submits that limited weight, if any, should be given to it unless the content of the document can be verified or supported through independent indicia. Further, Mr. IENG Sary has not been afforded the opportunity to confront the author of this document. This document should therefore be found inadmissible pursuant to Rule 87(3)(d). For further argument, <i>see</i> IENG Sary's Objections to the Admissibility of Certain Categories of Documents, 6 September 2011, E114, paras. 1 (Standards for the admission of documentary evidence set by the Establishment Law), 7-9 (Reliability), 11 (Relevance), 18-19 (Reports, articles and non-contemporaneous documents). |
| 8 | D199/26.2.2 19 | E9/31.17 (Annex 17), No. 76 | Int'l Communication | French Embassy in Phnom Penh, LORINE | 21-Apr-1975 | Telegram from Lorine, a Phnom Penh French embassy employee, to the French Ministry of Foreign Affairs | Describes how a French doctor (Professor PICQUART) was forced to leave his patients and staff at the hospital in which he worked. | Movement of the Population from Phnom Penh (Phase 1) [60: 221 to 261] | In accordance with Rule 87(3), the Defence objects to the admission of this document unless the OCP can sufficiently demonstrate the authenticity, reliability and relevance of this document by demonstrating who is responsible for the content of this document. Should this document be admitted, the Defence submits that limited weight, if any, should be given to it unless the content of the document can be verified or supported through independent indicia. Further, Mr. IENG Sary has not been afforded the opportunity to confront the author of this document. This document should therefore be found inadmissible pursuant to Rule 87(3)(d). For further argument, <i>see</i> IENG Sary's Objections to the Admissibility of Certain Categories of Documents, 6 |

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| | | | | | | | | | September 2011, E114, paras. 1 (Standards for the admission of documentary evidence set by the Establishment Law), 7-9 (Reliability), 11 (Relevance), 18-19 (Reports, articles and non-contemporaneous documents). |
| 9 | D199/26.2.2 28 | E9/31.17 (Annex 17), No. 79 | Int'l Communicatio n | French diplomacy in Geneva, FERNAND- LAURENT | 22-Apr- 1975 | Telegram from a French diplomat in Geneva regarding a message sent by the International Red Cross in Geneva to its branch in Phnom Penh, as copied to the French Ministry of Foreign Affairs. | Telegram to be forwarded to the ICRC delegate in Phnom Penh, asking for information on the status of operations, and notifying that an ICRC delegate in Bangkok will be ready to come to Phnom Penh and negotiate with the authorities from 24 April. | Movement of the Population from Phnom Penh (Phase 1) [60: 221 to 261] | In accordance with Rule 87(3), the Defence objects to the admission of this document unless the OCP can sufficiently demonstrate the authenticity, reliability and relevance of this document by demonstrating who is responsible for the content of this document. Should this document be admitted, the Defence submits that limited weight, if any, should be given to it unless the content of the document can be verified or supported through independent indicia. Further, Mr. IENG Sary has not been afforded the opportunity to confront the author of this document. This document should therefore be found inadmissible pursuant to Rule 87(3)(d). For further argument, <i>see</i> IENG Sary's Objections to the Admissibility of Certain Categories of Documents, 6 September 2011, E114, paras. 1 (Standards for the admission of documentary evidence set by the Establishment Law), 7-9 (Reliability), 11 (Relevance), 18-19 (Reports, articles and non-contemporaneous documents). |
| 10 | D199/26.2.2 27 | E9/31.17 (Annex 17), No. 77 | Int'l Communicatio n | French Embassy in Peking, ARNAUD | 22-Apr- 1975 | Telegram 810/811 from ARNAUD, French Embassy in Peking, to French Ministry of Foreign Affairs re "Entretien avec M. CHIAO Kuan Hua" | Reports about the disorder in Phnom Penh, 1200 persons at the French Embassy and apparent absence of Khmer Rouge responsible authorities. The disorder is qualified by a Chinese minister as "inevitable" but he believes it will settle down soon. | Movement of the Population from Phnom Penh (Phase 1) [60: 221 to 261] | In accordance with Rule 87(3), the Defence objects to the admission of this document unless the OCP can sufficiently demonstrate the authenticity, reliability and relevance of this document by demonstrating who is responsible for the content of this document. Should this document be admitted, the Defence submits that limited weight, if any, should be given to it unless the content of the document can be verified or supported through independent indicia. Further, Mr. IENG Sary has not been afforded the opportunity to confront the author of this document. This document should therefore be found inadmissible pursuant to Rule 87(3)(d). For further argument, <i>see</i> IENG Sary's Objections to the Admissibility of Certain Categories of Documents, 6 September 2011, E114, paras. 1 (Standards for the admission of documentary evidence set by the Establishment Law), 7-9 (Reliability), 11 (Relevance), 18-19 (Reports, articles and non-contemporaneous documents). |
| 11 | D199/26.2.2 56 | E9/31.17 (Annex 17), No. | Int'l Communicatio n | French diplomacy in Geneva, | 30-Apr- 1975 | Telegram from a French diplomat in Geneva to French Ministry of Foreign Affairs | Describes arrangements being made by ICRC to receive the convoy of people evacuated | Movement of the Population from Phnom Penh | In accordance with Rule 87(3), the Defence objects to the admission of this document unless the OCP can sufficiently demonstrate the authenticity, |

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| | | 89 | | FERNAND-LAURENT | | regarding arrangements by ICRC at the Thai border to welcome the evacuees from the French Embassy in Phnom Penh. | from the French embassy in Phnom Penh at the Thai border. | (Phase 1) [60: 221 to 261] | reliability and relevance of this document by demonstrating who is responsible for the content of this document. Should this document be admitted, the Defence submits that limited weight, if any, should be given to it unless the content of the document can be verified or supported through independent indicia. Further, Mr. IENG Sary has not been afforded the opportunity to confront the author of this document. This document should therefore be found inadmissible pursuant to Rule 87(3)(d). For further argument, <i>see</i> IENG Sary's Objections to the Admissibility of Certain Categories of Documents, 6 September 2011, E114, paras. 1 (Standards for the admission of documentary evidence set by the Establishment Law), 7-9 (Reliability), 11 (Relevance), 18-19 (Reports, articles and non-contemporaneous documents). |
| 12 | D313/1.2.64 | E9/31.17 (Annex 17), No. 93 | Int'l Communication | US State Department | 03-May-1975 | Telegram from US Embassy in Bangkok to US Secretary of State re 'Evacuation of Foreigners From Cambodia' | Describes the evacuation of American refugees and their families out of Phnom Penh. Also describes the evacuation of Phnom Penh. | Movement of the Population from Phnom Penh (Phase 1) [60: 221 to 261] | This document contains summaries of statements given by witnesses. In accordance with Rule 87(3), the Defence objects to the admission of this document unless the OCP can sufficiently demonstrate the authenticity, reliability and relevance of this document by demonstrating who is responsible for the content of this document. Should this document be admitted, the Defence submits that limited weight, if any, should be given to it unless the content of the document can be verified or supported through independent indicia. Mr. IENG Sary has not been afforded the opportunity to confront the author of this document or the witnesses whose statements have been summarized in this document. This document should therefore be found inadmissible pursuant to Rule 87(3)(d). For further argument, <i>see</i> IENG Sary's Objections to the Admissibility of Certain Categories of Documents, 6 September 2011, E114, paras. 1 (Standards for the admission of documentary evidence set by the Establishment Law), 7-9 (Reliability), 11 (Relevance), 18-19 (Reports, articles and non-contemporaneous documents). |
| 13 | D313/1.2.65 | E9/31.17 (Annex 17), No. 94 | Int'l Communication | US Embassy in Bangkok | 04-May-1975 | Telegram from the US Embassy in Bangkok to the US Secretary of State, entitled "American Talks of Phnom Penh After The Fall" | Describes the evacuation of Phnom Penh as witnessed by an American citizen, including threats made by Khmer Rouge soldiers, patients being pushed along on stretchers, the French Embassy being forced to hand over Cambodians to the Khmer Rouge, including SIRIK Matak | Movement of the Population from Phnom Penh (Phase 1) [60: 221 to 261] | This document contains summaries of statements given by witnesses. In accordance with Rule 87(3), the Defence objects to the admission of this document unless the OCP can sufficiently demonstrate the authenticity, reliability and relevance of this document by demonstrating who is responsible for the content of this document. Should this document be admitted, the Defence submits that limited weight, if any, should be given to it unless |

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| | | | | | | | and UM Bun Hor, the Khmer Rouge detaining several other officials, and the death of a baby. | | the content of the document can be verified or supported through independent indicia. Mr. IENG Sary has not been afforded the opportunity to confront the author of this document or the witnesses whose statements have been summarized in this document. This document should therefore be found inadmissible pursuant to Rule 87(3)(d). For further argument, <i>see</i> IENG Sary's Objections to the Admissibility of Certain Categories of Documents, 6 September 2011, E114, paras. 1 (Standards for the admission of documentary evidence set by the Establishment Law), 7-9 (Reliability), 11 (Relevance), 18-19 (Reports, articles and non-contemporaneous documents). |
| 14 | D199/26.2.23 | E9/31.17 (Annex 17), No. 106 | Int'l Communication | French Embassy in Hanoi, RICHER | 23-May-1975 | Telegram 654 from Richer, French Ambassador in Hanoi, to several embassies through the French Ministry of Foreign Affairs, entitled "Chinese aircraft in Cambodia" | Describes the landing of a Chinese aircraft in Phnom Penh with medicines and Cambodian VIPs and the fact that the Chinese embassy is still closed. | Movement of the Population from Phnom Penh (Phase 1) [60: 221 to 261] | In accordance with Rule 87(3), the Defence objects to the admission of this document unless the OCP can sufficiently demonstrate the authenticity, reliability and relevance of this document by demonstrating who is responsible for the content of this document. Should this document be admitted, the Defence submits that limited weight, if any, should be given to it unless the content of the document can be verified or supported through independent indicia. Further, Mr. IENG Sary has not been afforded the opportunity to confront the author of this document. This document should therefore be found inadmissible pursuant to Rule 87(3)(d). For further argument, <i>see</i> IENG Sary's Objections to the Admissibility of Certain Categories of Documents, 6 September 2011, E114, paras. 1 (Standards for the admission of documentary evidence set by the Establishment Law), 7-9 (Reliability), 11 (Relevance), 18-19 (Reports, articles and non-contemporaneous documents). |
| 15 | D108/28.33 | E9/31.17 (Annex 17), No. 132 | Int'l Communication | International Committee of the Red Cross (ICRC) | ??-Dec-1975 | International Committee of the Red Cross (ICRC), Annual Reports on Cambodia for 1975, 1978 and 1979 (excerpts) | Describes the confiscation of medical supplies by CPK forces and the evacuation of Phnom Penh on 17 April 1975, including the hospital and safety zone established by the ICRC. Also describes the conflict between DK and Socialist Republic of Vietnam in 1977 & 1978, the capture of military personnel by both sides, and the failure of DK to respond to ICRC offer of services for POWs. | VI. ARMED CONFLICT [40: 150 to 155], Movement of the Population from Phnom Penh (Phase 1) [60: 221 to 261] | The Defence recognizes that the Trial Chamber has previously found that "material such as analytical reports, books, documentary films, and media articles may be relevant and will not be excluded as a category" (E185, para. 21(5)). However, the Defence submits that media articles cannot be accepted at face value as being accurate or objective, especially when the journalists may have been engaged by governments to present a particular version of the events or even to formulate disinformation. Simply, it is virtually impossible to test the validity of media articles without, at a minimum, adducing evidence from the author. It is impossible to verify the reliability of the reporting contained herein. The article contains information |

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| | | | | | | | | | and conclusions not based on direct observation of events. The document is unreliable and unsuitable to prove facts it purports to prove, and it is inadmissible pursuant to Rule 87(3)(c). Further, the author of this document is not presently scheduled to testify in Case 002/01. Because Mr. IENG Sary has not been afforded his absolute right under Rule 84(1) to confront the author of this article, this document is also inadmissible pursuant to Rule 87(3)(d). Should this document be admitted, the Defence submits that limited weight, if any, should be given to it unless the content of the document can be verified or supported through independent indicia. For further argument, <i>see</i> IENG Sary's Objections to the Admissibility of Certain Categories of Documents, 6 September 2011, E114, paras. 1 (Standards for the admission of documentary evidence set by the Establishment Law), 7-9 (Reliability), 11 (Relevance), 18-19 (Reports, articles and non-contemporaneous documents). |
| 16 | D199/26.2.102 | E9/31.17 (Annex 17), No. 133 | Int'l Communication | French Ministry of Foreign Affairs | ??-??-1976 | Communication from French Ministry of Foreign Affairs entitled "Premier questionnaire de la Commission des Finances de l'Assemblée Nationale sur le projet de loi des Finances pour 1976" | Describes the French nationals and foreigners sheltered at the French embassy being forcibly evacuated by the Khmer Rouge to Thailand early May 1975. | Movement of the Population from Phnom Penh (Phase 1) [60: 221 to 261] | In accordance with Rule 87(3), the Defence objects to the admission of this document unless the OCP can sufficiently demonstrate the authenticity, reliability and relevance of this document by demonstrating who is responsible for the content of this document. Should this document be admitted, the Defence submits that limited weight, if any, should be given to it unless the content of the document can be verified or supported through independent indicia. Further, Mr. IENG Sary has not been afforded the opportunity to confront the author of this document. This document should therefore be found inadmissible pursuant to Rule 87(3)(d). For further argument, <i>see</i> IENG Sary's Objections to the Admissibility of Certain Categories of Documents, 6 September 2011, E114, paras. 1 (Standards for the admission of documentary evidence set by the Establishment Law), 7-9 (Reliability), 11 (Relevance), 18-19 (Reports, articles and non-contemporaneous documents). |
| 17 | D365/1.1.3 | E9/31.18 (Annex 18), No. 36 | Int'l Media Report | Washington Post | 19-Apr-1975 | International Media Reports entitled "Phnom Penh Evacuation Is Ordered" and "Cambodians Told to Leave Capital" | Describes NORODOM Sihanouk explaining the evacuation of Phnom Penh by the need to clean "a bourgeois nest". | Movement of the Population from Phnom Penh (Phase 1) [60: 221 to 261] | The Defence recognizes that the Trial Chamber has previously found that "material such as analytical reports, books, documentary films, and media articles may be relevant and will not be excluded as a category" (E185, para. 21(5)). However, the Defence submits that media articles cannot be accepted at face value as being accurate or objective, especially when the journalists may have been engaged by governments to present a particular |

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| | | | | | | | | | version of the events or even to formulate disinformation. Simply, it is virtually impossible to test the validity of media articles without, at a minimum, adducing evidence from the author. It is impossible to verify the reliability of the reporting contained herein. The article contains information and conclusions not based on direct observation of events. The document is unreliable and unsuitable to prove facts it purports to prove, and it is inadmissible pursuant to Rule 87(3)(c). Further, the author of this document is not presently scheduled to testify in Case 002/01. Because Mr. IENG Sary has not been afforded his absolute right under Rule 84(1) to confront the author of this article, this document is also inadmissible pursuant to Rule 87(3)(d). Should this document be admitted, the Defence submits that limited weight, if any, should be given to it unless the content of the document can be verified or supported through independent indicia. For further argument, <i>see</i> IENG Sary's Objections to the Admissibility of Certain Categories of Documents, 6 September 2011, E114, paras. 1 (Standards for the admission of documentary evidence set by the Establishment Law), 7-9 (Reliability), 11 (Relevance), 18-19 (Reports, articles and non-contemporaneous documents). |
| 18 | D365/1.1.10 | E9/31.18 (Annex 18), No. 53 | Int'l Media Report | Washington Post | 05-May-1975 | International Media Report entitled "Phnom Penh Was Ghost City" | Describes reports by a French official on the evacuation of Phnom Penh he personally witnessed. | Movement of the Population from Phnom Penh (Phase 1) [60: 221 to 261] | The Defence recognizes that the Trial Chamber has previously found that "material such as analytical reports, books, documentary films, and media articles may be relevant and will not be excluded as a category" (E185, para. 21(5)). However, the Defence submits that media articles cannot be accepted at face value as being accurate or objective, especially when the journalists may have been engaged by governments to present a particular version of the events or even to formulate disinformation. Simply, it is virtually impossible to test the validity of media articles without, at a minimum, adducing evidence from the author. It is impossible to verify the reliability of the reporting contained herein. The article contains information and conclusions not based on direct observation of events. The document is unreliable and unsuitable to prove facts it purports to prove, and it is inadmissible pursuant to Rule 87(3)(c). Further, the author of this document is not presently scheduled to testify in Case 002/01. Because Mr. IENG Sary has not been afforded his absolute right under Rule 84(1) to confront the author of this article, this document is also inadmissible pursuant to Rule 87(3)(d). Should |

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| | | | | | | | | | <p>this document be admitted, the Defence submits that limited weight, if any, should be given to it unless the content of the document can be verified or supported through independent indicia. For further argument, <i>see</i> IENG Sary's Objections to the Admissibility of Certain Categories of Documents, 6 September 2011, E114, paras. 1 (Standards for the admission of documentary evidence set by the Establishment Law), 7-9 (Reliability), 11 (Relevance), 18-19 (Reports, articles and non-contemporaneous documents).</p> |
| 19 | D365/1.1.15 | E9/31.18 (Annex 18), No. 58 | Int'l Media Report | Los Angeles Times | 08-May-1975 | International Media Report entitled "Evacuees Tell of Executions, Kindness" | Describes forced evacuation of Phnom Penh, including the execution of civilians. | Movement of the Population from Phnom Penh (Phase 1) [60: 221 to 261] | <p>The Defence recognizes that the Trial Chamber has previously found that "material such as analytical reports, books, documentary films, and media articles may be relevant and will not be excluded as a category" (E185, para. 21(5)). However, the Defence submits that media articles cannot be accepted at face value as being accurate or objective, especially when the journalists may have been engaged by governments to present a particular version of the events or even to formulate disinformation. Simply, it is virtually impossible to test the validity of media articles without, at a minimum, adducing evidence from the author. It is impossible to verify the reliability of the reporting contained herein. The article contains information and conclusions not based on direct observation of events. The document is unreliable and unsuitable to prove facts it purports to prove, and it is inadmissible pursuant to Rule 87(3)(c). Further, the author of this document is not presently scheduled to testify in Case 002/01. Because Mr. IENG Sary has not been afforded his absolute right under Rule 84(1) to confront the author of this article, this document is also inadmissible pursuant to Rule 87(3)(d). Should this document be admitted, the Defence submits that limited weight, if any, should be given to it unless the content of the document can be verified or supported through independent indicia. For further argument, <i>see</i> IENG Sary's Objections to the Admissibility of Certain Categories of Documents, 6 September 2011, E114, paras. 1 (Standards for the admission of documentary evidence set by the Establishment Law), 7-9 (Reliability), 11 (Relevance), 18-19 (Reports, articles and non-contemporaneous documents).</p> |
| 20 | D365/1.1.22 | E9/31.18 (Annex 18), No. 63 | Int'l Media Report | Chicago Tribune | 09-May-1975 | International Media Report entitled "Inside Cambodia" | Describes forced evacuation of Phnom Penh. | Movement of the Population from Phnom Penh (Phase 1) [60: 221 | <p>The Defence recognizes that the Trial Chamber has previously found that "material such as analytical reports, books, documentary films, and media articles may be relevant and will not be excluded as</p> |

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| | | | | | | | | to 261] | a category" (E185, para. 21(5)). However, the Defence submits that media articles cannot be accepted at face value as being accurate or objective, especially when the journalists may have been engaged by governments to present a particular version of the events or even to formulate disinformation. Simply, it is virtually impossible to test the validity of media articles without, at a minimum, adducing evidence from the author. It is impossible to verify the reliability of the reporting contained herein. The article contains information and conclusions not based on direct observation of events. The document is unreliable and unsuitable to prove facts it purports to prove, and it is inadmissible pursuant to Rule 87(3)(c). Further, the author of this document is not presently scheduled to testify in Case 002/01. Because Mr. IENG Sary has not been afforded his absolute right under Rule 84(1) to confront the author of this article, this document is also inadmissible pursuant to Rule 87(3)(d). Should this document be admitted, the Defence submits that limited weight, if any, should be given to it unless the content of the document can be verified or supported through independent indicia. For further argument, see IENG Sary's Objections to the Admissibility of Certain Categories of Documents, 6 September 2011, E114, paras. 1 (Standards for the admission of documentary evidence set by the Establishment Law), 7-9 (Reliability), 11 (Relevance), 18-19 (Reports, articles and non-contemporaneous documents). |
| 21 | D365/1.1.17 | E9/31.18 (Annex 18), No. 61 | Int'l Media Report | Los Angeles Times | 09-May-1975 | International Media Report entitled "500 More Foreigners Leave Cambodia" | Describes forced evacuation of Phnom Penh and the escape of foreign citizens to Thailand. | Movement of the Population from Phnom Penh (Phase 1) [60: 221 to 261] | The Defence recognizes that the Trial Chamber has previously found that "material such as analytical reports, books, documentary films, and media articles may be relevant and will not be excluded as a category" (E185, para. 21(5)). However, the Defence submits that media articles cannot be accepted at face value as being accurate or objective, especially when the journalists may have been engaged by governments to present a particular version of the events or even to formulate disinformation. Simply, it is virtually impossible to test the validity of media articles without, at a minimum, adducing evidence from the author. It is impossible to verify the reliability of the reporting contained herein. The article contains information and conclusions not based on direct observation of events. The document is unreliable and unsuitable to prove facts it purports to prove, and it is inadmissible pursuant to Rule 87(3)(c). Further, the author of this |

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| 22 | D365/1.1.19 | E9/31.18 (Annex 18), No. 59 | Int'l Media Report | Los Angeles Times | 09-May-1975 | International Media Report entitled "Cambodia Leaders Shot, Doctor Says" | Details execution of former Khmer Republic figures and Phnom Penh residents during forced evacuation. | Movement of the Population from Phnom Penh (Phase 1) [60: 221 to 261] | The Defence recognizes that the Trial Chamber has previously found that "material such as analytical reports, books, documentary films, and media articles may be relevant and will not be excluded as a category" (E185, para. 21(5)). However, the Defence submits that media articles cannot be accepted at face value as being accurate or objective, especially when the journalists may have been engaged by governments to present a particular version of the events or even to formulate disinformation. Simply, it is virtually impossible to test the validity of media articles without, at a minimum, adducing evidence from the author. It is impossible to verify the reliability of the reporting contained herein. The article contains information and conclusions not based on direct observation of events. The document is unreliable and unsuitable to prove facts it purports to prove, and it is inadmissible pursuant to Rule 87(3)(c). Further, the author of this document is not presently scheduled to testify in Case 002/01. Because Mr. IENG Sary has not been afforded his absolute right under Rule 84(1) to confront the author of this article, this document is also inadmissible pursuant to Rule 87(3)(d). Should this document be admitted, the Defence submits that limited weight, if any, should be given to it unless the content of the document can be verified or supported through independent indicia. For further argument, <i>see</i> IENG Sary's Objections to the Admissibility of Certain Categories of Documents, 6 September 2011, E114, paras. 1 (Standards for the admission of documentary evidence set by the Establishment Law), 7-9 (Reliability), 11 (Relevance), 18-19 (Reports, articles and non- |

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| | | | | | | | | | contemporaneous documents). |
| 23 | D365/1.1.23 | E9/31.18 (Annex 18), No. 60 | Int'l Media Report | New York Times | 09-May- 1975 | International Media Report entitled "Cambodia Reds Are Uprooting Millions As They Impose a 'Peasant | Describes forced transfers and atrocities committed in DK. | Movement of the Population from Phnom Penh (Phase 1) [60: 221 to 261] | The Defence recognizes that the Trial Chamber has previously found that "material such as analytical reports, books, documentary films, and media articles may be relevant and will not be excluded as a category" (E185, para. 21(5)). However, the Defence submits that media articles cannot be accepted at face value as being accurate or objective, especially when the journalists may have been engaged by governments to present a particular version of the events or even to formulate disinformation. Simply, it is virtually impossible to test the validity of media articles without, at a minimum, adducing evidence from the author. It is impossible to verify the reliability of the reporting contained herein. The article contains information and conclusions not based on direct observation of events. The document is unreliable and unsuitable to prove facts it purports to prove, and it is inadmissible pursuant to Rule 87(3)(c). Further, the author of this document is not presently scheduled to testify in Case 002/01. Because Mr. IENG Sary has not been afforded his absolute right under Rule 84(1) to confront the author of this article, this document is also inadmissible pursuant to Rule 87(3)(d). Should this document be admitted, the Defence submits that limited weight, if any, should be given to it unless the content of the document can be verified or supported through independent indicia. For further argument, <i>see</i> IENG Sary's Objections to the Admissibility of Certain Categories of Documents, 6 September 2011, E114, paras. 1 (Standards for the admission of documentary evidence set by the Establishment Law), 7-9 (Reliability), 11 (Relevance), 18-19 (Reports, articles and non-contemporaneous documents). |
| Tt 62 4 | D365/1.1.18 | E9/31.18 (Annex 18), No. 62 | Int'l Media Report | New York Times | 09-May- 1975 | International Media Report entitled "Cambodia's Move In Emptying Cities May Fill Food Need" | Describes the forced mass evacuation from the cities. | Movement of the Population from Phnom Penh (Phase 1) [60: 221 to 261] | The Defence recognizes that the Trial Chamber has previously found that "material such as analytical reports, books, documentary films, and media articles may be relevant and will not be excluded as a category" (E185, para. 21(5)). However, the Defence submits that media articles cannot be accepted at face value as being accurate or objective, especially when the journalists may have been engaged by governments to present a particular version of the events or even to formulate disinformation. Simply, it is virtually impossible to test the validity of media articles without, at a minimum, adducing evidence from the author. It is |

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| 25 | D365/1.1.26 | E9/31.18 (Annex 18), No. 65 | Int'l Media Report | New York Times | 10-May-1975 | International Media Report entitled "Khmer Upheaval" | Describes the forced movement of population from the cities. | Movement of the Population from Phnom Penh (Phase 1) [60: 221 to 261] | The Defence recognizes that the Trial Chamber has previously found that "material such as analytical reports, books, documentary films, and media articles may be relevant and will not be excluded as a category" (E185, para. 21(5)). However, the Defence submits that media articles cannot be accepted at face value as being accurate or objective, especially when the journalists may have been engaged by governments to present a particular version of the events or even to formulate disinformation. Simply, it is virtually impossible to test the validity of media articles without, at a minimum, adducing evidence from the author. It is impossible to verify the reliability of the reporting contained herein. The article contains information and conclusions not based on direct observation of events. The document is unreliable and unsuitable to prove facts it purports to prove, and it is inadmissible pursuant to Rule 87(3)(c). Further, the author of this document is not presently scheduled to testify in Case 002/01. Because Mr. IENG Sary has not been afforded his absolute right under Rule 84(1) to confront the author of this article, this document is also inadmissible pursuant to Rule 87(3)(d). Should this document be admitted, the Defence submits that limited weight, if any, should be given to it unless the content of the document can be verified or supported through independent indicia. For further |

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| | | | | | | | | | argument, <i>see</i> IENG Sary's Objections to the Admissibility of Certain Categories of Documents, 6 September 2011, E114, paras. 1 (Standards for the admission of documentary evidence set by the Establishment Law), 7-9 (Reliability), 11 (Relevance), 18-19 (Reports, articles and non-contemporaneous documents). |
| 26 | D365/1.1.28 | E9/31.18 (Annex 18), No. 68 | Int'l Media Report | Washington Post | 11-May-1975 | International Media Report entitled "Cambodian Transformation" | Describes the evacuation of Phnom Penh including a doctor being forced to leave a patient on the operating table. | Movement of the Population from Phnom Penh (Phase 1) [60: 221 to 261] | The Defence recognizes that the Trial Chamber has previously found that "material such as analytical reports, books, documentary films, and media articles may be relevant and will not be excluded as a category" (E185, para. 21(5)). However, the Defence submits that media articles cannot be accepted at face value as being accurate or objective, especially when the journalists may have been engaged by governments to present a particular version of the events or even to formulate disinformation. Simply, it is virtually impossible to test the validity of media articles without, at a minimum, adducing evidence from the author. It is impossible to verify the reliability of the reporting contained herein. The article contains information and conclusions not based on direct observation of events. The document is unreliable and unsuitable to prove facts it purports to prove, and it is inadmissible pursuant to Rule 87(3)(c). Further, the author of this document is not presently scheduled to testify in Case 002/01. Because Mr. IENG Sary has not been afforded his absolute right under Rule 84(1) to confront the author of this article, this document is also inadmissible pursuant to Rule 87(3)(d). Should this document be admitted, the Defence submits that limited weight, if any, should be given to it unless the content of the document can be verified or supported through independent indicia. For further argument, <i>see</i> IENG Sary's Objections to the Admissibility of Certain Categories of Documents, 6 September 2011, E114, paras. 1 (Standards for the admission of documentary evidence set by the Establishment Law), 7-9 (Reliability), 11 (Relevance), 18-19 (Reports, articles and non-contemporaneous documents). |
| 27 | D365/1.1.34 | E9/31.18 (Annex 18), No. 79 | Int'l Media Report | New York Times | 13-Jun-1975 | International Media Report entitled "Urban Exodus Complete, Cambodia Refugees Say" | Describes mass evacuation from the cities and severe restrictions of movement. | Movement of the Population from Phnom Penh (Phase 1) [60: 221 to 261] | The Defence recognizes that the Trial Chamber has previously found that "material such as analytical reports, books, documentary films, and media articles may be relevant and will not be excluded as a category" (E185, para. 21(5)). However, the Defence submits that media articles cannot be accepted at face value as being accurate or objective, especially when the journalists may have been |

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| 28 | D365/1.1.38 | E9/31.18 (Annex 18), No. 90 | Int'l Media Report | New York Times | 09-Jul-1975 | International Media Report entitled "Cambodia's Crime..." | Details forced evacuation of Phnom Penh, forced labour and poor living conditions. | Movement of the Population from Phnom Penh (Phase 1) [60: 221 to 261] | The Defence recognizes that the Trial Chamber has previously found that "material such as analytical reports, books, documentary films, and media articles may be relevant and will not be excluded as a category" (E185, para. 21(5)). However, the Defence submits that media articles cannot be accepted at face value as being accurate or objective, especially when the journalists may have been engaged by governments to present a particular version of the events or even to formulate disinformation. Simply, it is virtually impossible to test the validity of media articles without, at a minimum, adducing evidence from the author. It is impossible to verify the reliability of the reporting contained herein. The article contains information and conclusions not based on direct observation of events. The document is unreliable and unsuitable to prove facts it purports to prove, and it is inadmissible pursuant to Rule 87(3)(c). Further, the author of this document is not presently scheduled to testify in Case 002/01. Because Mr. IENG Sary has not been afforded his absolute right under Rule 84(1) to confront the author of this article, this document is |

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| | | | | | | | | | also inadmissible pursuant to Rule 87(3)(d). Should this document be admitted, the Defence submits that limited weight, if any, should be given to it unless the content of the document can be verified or supported through independent indicia. For further argument, <i>see</i> IENG Sary's Objections to the Admissibility of Certain Categories of Documents, 6 September 2011, E114, paras. 1 (Standards for the admission of documentary evidence set by the Establishment Law), 7-9 (Reliability), 11 (Relevance), 18-19 (Reports, articles and non-contemporaneous documents). |
| 29 | NEW | E9/31.18 (Annex 18), No. 92 | Int'l Media Report | Los Angeles Times | 12-Aug-1975 | International Media Report entitled "Cambodia: a Forced Return to the Land" | Describes forced transfers and DK's attempts to eliminate all elements of modern civilisation. Details estimates of deaths from illness and starvation. | Movement of the Population from Phnom Penh (Phase 1) [60: 221 to 261], Treatment of Buddhists [184: 740 to 744] | The Defence recognizes that the Trial Chamber has previously found that "material such as analytical reports, books, documentary films, and media articles may be relevant and will not be excluded as a category" (E185, para. 21(5)). However, the Defence submits that media articles cannot be accepted at face value as being accurate or objective, especially when the journalists may have been engaged by governments to present a particular version of the events or even to formulate disinformation. Simply, it is virtually impossible to test the validity of media articles without, at a minimum, adducing evidence from the author. It is impossible to verify the reliability of the reporting contained herein. The article contains information and conclusions not based on direct observation of events. The document is unreliable and unsuitable to prove facts it purports to prove, and it is inadmissible pursuant to Rule 87(3)(c). Further, the author of this document is not presently scheduled to testify in Case 002/01. Because Mr. IENG Sary has not been afforded his absolute right under Rule 84(1) to confront the author of this article, this document is also inadmissible pursuant to Rule 87(3)(d). Should this document be admitted, the Defence submits that limited weight, if any, should be given to it unless the content of the document can be verified or supported through independent indicia. For further argument, <i>see</i> IENG Sary's Objections to the Admissibility of Certain Categories of Documents, 6 September 2011, E114, paras. 1 (Standards for the admission of documentary evidence set by the Establishment Law), 7-9 (Reliability), 11 (Relevance), 18-19 (Reports, articles and non-contemporaneous documents). |
| 30 | NEW | E9/31.18 (Annex 18), No. | Int'l Media Report | New York Times | 27-Mar-1976 | International Media Report entitled "Inside Cambodia" | Details forced evacuation of Phnom Penh and other urban areas; describes forced labour, | Movement of the Population from Phnom Penh | The Defence recognizes that the Trial Chamber has previously found that "material such as analytical reports, books, documentary films, and media |

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| | | 124 | | | | | starvation and disease. | (Phase 1) [60: 221 to 261] | articles may be relevant and will not be excluded as a category" (E185, para. 21(5)). However, the Defence submits that media articles cannot be accepted at face value as being accurate or objective, especially when the journalists may have been engaged by governments to present a particular version of the events or even to formulate disinformation. Simply, it is virtually impossible to test the validity of media articles without, at a minimum, adducing evidence from the author. It is impossible to verify the reliability of the reporting contained herein. The article contains information and conclusions not based on direct observation of events. The document is unreliable and unsuitable to prove facts it purports to prove, and it is inadmissible pursuant to Rule 87(3)(c). Further, the author of this document is not presently scheduled to testify in Case 002/01. Because Mr. IENG Sary has not been afforded his absolute right under Rule 84(1) to confront the author of this article, this document is also inadmissible pursuant to Rule 87(3)(d). Should this document be admitted, the Defence submits that limited weight, if any, should be given to it unless the content of the document can be verified or supported through independent indicia. For further argument, <i>see</i> IENG Sary's Objections to the Admissibility of Certain Categories of Documents, 6 September 2011, E114, paras. 1 (Standards for the admission of documentary evidence set by the Establishment Law), 7-9 (Reliability), 11 (Relevance), 18-19 (Reports, articles and non-contemporaneous documents). |
| 31 | D365/1.1.42 | E9/31.18 (Annex 18), No. 152 | Int'l Media Report | New York Times | 02-May-1977 | International Media Report entitled "Refugees Depict Grim Cambodia Beset by Hunger" | Describes the forced evacuation of Phnom Penh; disappearances for failure to follow "revolutionary precepts"; and mine fields and army patrols along all the borders. | VI. ARMED CONFLICT [40:150 to 155], Movement of the Population from Phnom Penh (Phase 1) [60: 221 to 261] | The Defence recognizes that the Trial Chamber has previously found that "material such as analytical reports, books, documentary films, and media articles may be relevant and will not be excluded as a category" (E185, para. 21(5)). However, the Defence submits that media articles cannot be accepted at face value as being accurate or objective, especially when the journalists may have been engaged by governments to present a particular version of the events or even to formulate disinformation. Simply, it is virtually impossible to test the validity of media articles without, at a minimum, adducing evidence from the author. It is impossible to verify the reliability of the reporting contained herein. The article contains information and conclusions not based on direct observation of events. The document is unreliable and unsuitable to prove facts it purports to prove, and it is inadmissible |

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| 32 | NEW | E9/31.18 (Annex 18), No. 162 | Int'l Media Report | New York Times | 27-Jul- 1977 | International Media Report entitled "A U.S. Aide Reports Huge Cambodia Toll Under Rule of Reds" | Describes the condemnation by a US House of Representatives Subcommittee of the deaths of up to 1.2 million people in DK, as well as forced transfer of urban population and other human rights abuses. | Movement of the Population from Phnom Penh (Phase 1) [60: 221 to 261] | The Defence recognizes that the Trial Chamber has previously found that "material such as analytical reports, books, documentary films, and media articles may be relevant and will not be excluded as a category" (E185, para. 21(5)). However, the Defence submits that media articles cannot be accepted at face value as being accurate or objective, especially when the journalists may have been engaged by governments to present a particular version of the events or even to formulate disinformation. Simply, it is virtually impossible to test the validity of media articles without, at a minimum, adducing evidence from the author. It is impossible to verify the reliability of the reporting contained herein. The article contains information and conclusions not based on direct observation of events. The document is unreliable and unsuitable to prove facts it purports to prove, and it is inadmissible pursuant to Rule 87(3)(c). Further, the author of this document is not presently scheduled to testify in Case 002/01. Because Mr. IENG Sary has not been afforded his absolute right under Rule 84(1) to confront the author of this article, this document is also inadmissible pursuant to Rule 87(3)(d). Should this document be admitted, the Defence submits that limited weight, if any, should be given to it unless the content of the document can be verified or supported through independent indicia. For further argument, <i>see</i> IENG Sary's Objections to the Admissibility of Certain Categories of Documents, 6 September 2011, E114, paras. 1 (Standards for the admission of documentary evidence set by the Establishment Law), 7-9 (Reliability), 11 |

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| 33 | D365/1.1.49 | E9/31.18 (Annex 18), No. 207 | Int'l Media Report | New York Times | 23-Dec-1977 | International Media Report entitled "Cambodian Women Recall Nightmare of 2 Escapes" | Describes the tales of two female refugees from Cambodia. Talks about forced movement from Phnom Penh, malnutrition, forced marriages. | Movement of the Population from Phnom Penh (Phase 1) [60: 221 to 261], Regulation of Marriage [209: 842 to 861] | The Defence recognizes that the Trial Chamber has previously found that "material such as analytical reports, books, documentary films, and media articles may be relevant and will not be excluded as a category" (E185, para. 21(5)). However, the Defence submits that media articles cannot be accepted at face value as being accurate or objective, especially when the journalists may have been engaged by governments to present a particular version of the events or even to formulate disinformation. Simply, it is virtually impossible to test the validity of media articles without, at a minimum, adducing evidence from the author. It is impossible to verify the reliability of the reporting contained herein. The article contains information and conclusions not based on direct observation of events. The document is unreliable and unsuitable to prove facts it purports to prove, and it is inadmissible pursuant to Rule 87(3)(c). Further, the author of this document is not presently scheduled to testify in Case 002/01. Because Mr. IENG Sary has not been afforded his absolute right under Rule 84(1) to confront the author of this article, this document is also inadmissible pursuant to Rule 87(3)(d). Should this document be admitted, the Defence submits that limited weight, if any, should be given to it unless the content of the document can be verified or supported through independent indicia. For further argument, <i>see</i> IENG Sary's Objections to the Admissibility of Certain Categories of Documents, 6 September 2011, E114, paras. 1 (Standards for the admission of documentary evidence set by the Establishment Law), 7-9 (Reliability), 11 (Relevance), 18-19 (Reports, articles and non-contemporaneous documents). |
| 34 | NEW | E9/31.18 (Annex 18), No. 296 | Int'l Media Report | New York Times | 23-Apr-1978 | International Media Report entitled "The World: Strong Words on Cambodia" | Describes tales seeping out of DK about forced transfers and other atrocities. | Movement of the Population from Phnom Penh (Phase 1) [60: 221 to 261] | The Defence recognizes that the Trial Chamber has previously found that "material such as analytical reports, books, documentary films, and media articles may be relevant and will not be excluded as a category" (E185, para. 21(5)). However, the Defence submits that media articles cannot be accepted at face value as being accurate or objective, especially when the journalists may have been engaged by governments to present a particular version of the events or even to formulate disinformation. Simply, it is virtually impossible to test the validity of media articles without, at a minimum, adducing evidence from the author. It is |

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| | | | | | | | | | impossible to verify the reliability of the reporting contained herein. The article contains information and conclusions not based on direct observation of events. The document is unreliable and unsuitable to prove facts it purports to prove, and it is inadmissible pursuant to Rule 87(3)(c). Further, the author of this document is not presently scheduled to testify in Case 002/01. Because Mr. IENG Sary has not been afforded his absolute right under Rule 84(1) to confront the author of this article, this document is also inadmissible pursuant to Rule 87(3)(d). Should this document be admitted, the Defence submits that limited weight, if any, should be given to it unless the content of the document can be verified or supported through independent indicia. For further argument, <i>see</i> IENG Sary's Objections to the Admissibility of Certain Categories of Documents, 6 September 2011, E114, paras. 1 (Standards for the admission of documentary evidence set by the Establishment Law), 7-9 (Reliability), 11 (Relevance), 18-19 (Reports, articles and non-contemporaneous documents). |
| 35 | D108/28.303 | E9/31.18 (Annex 18), No. 360 | Int'l Media Report | Christian Science Monitor | 13-Sep-1978 | International Media Report entitled "The Brutal Revolution of Once Gentle Cambodia" | Report of refugee accounts, describing forced evacuation, purges and summary executions; political study sessions; and general view of Vietnam as the enemy of Cambodia | VI. ARMED CONFLICT [40: 150 to 155], Movement of the Population from Phnom Penh (Phase 1) [60: 221 to 261], Treatment of Vietnamese [196: 791 to 841] | The Defence recognizes that the Trial Chamber has previously found that "material such as analytical reports, books, documentary films, and media articles may be relevant and will not be excluded as a category" (E185, para. 21(5)). However, the Defence submits that media articles cannot be accepted at face value as being accurate or objective, especially when the journalists may have been engaged by governments to present a particular version of the events or even to formulate disinformation. Simply, it is virtually impossible to test the validity of media articles without, at a minimum, adducing evidence from the author. It is impossible to verify the reliability of the reporting contained herein. The article contains information and conclusions not based on direct observation of events. The document is unreliable and unsuitable to prove facts it purports to prove, and it is inadmissible pursuant to Rule 87(3)(c). Further, the author of this document is not presently scheduled to testify in Case 002/01. Because Mr. IENG Sary has not been afforded his absolute right under Rule 84(1) to confront the author of this article, this document is also inadmissible pursuant to Rule 87(3)(d). Should this document be admitted, the Defence submits that limited weight, if any, should be given to it unless the content of the document can be verified or supported through independent indicia. For further |

IENG Sary's Objections to the Documents Proposed by the OCP in E223/2/1 (E223/2/1.2)

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| | | | | | | | | | argument, <i>see</i> IENG Sary's Objections to the Admissibility of Certain Categories of Documents, 6 September 2011, E114, paras. 1 (Standards for the admission of documentary evidence set by the Establishment Law), 7-9 (Reliability), 11 (Relevance), 18-19 (Reports, articles and non-contemporaneous documents). |
| 36 | D366/7.1.30 2 | E9/31.18 (Annex 18), No. 368 | Int'l Media Report | POL Pot, BBC SWB | 29-Sep- 1978 | International Media Report entitled "Cambodian Home and Foreign Policy: Party Anniversary Speech by Pol Pot" | BBC SWB transcript of a radio broadcast by Phnom Penh Domestic Service of POL Pot's anniversary party speech, which describes inter alia the improvements brought by the socialist revolution, the system of cooperatives and collectivism for all Cambodian population, the military incursions by Vietnam, and the need to preserve Cambodian race and smash the Vietnamese enemies. | VI. ARMED CONFLICT [40:150 to 155], Movement of the Population from Phnom Penh (Phase 1) [60: 221 to 261], Treatment of Vietnamese [196:791 to 841], Anti-Vietnamese War and Purge Propaganda [203:819 to 831] | This document is a BBC transcript of a radio broadcast of a speech purportedly by Pol Pot. The Defence objects to this document unless evidence is introduced demonstrating authenticity, not only of the BBC transcript itself, but also of its contents; i.e. that this is indeed a verbatim transcript of a speech Pol Pot actually gave. There is no recording of the speech to verify the contents of the transcript. The document is unreliable and unsuitable to prove facts it purports to prove. The Trial Chamber should reject this document pursuant to Rule 87(3)(c). For further argument, <i>see</i> IENG Sary's Objections to the Admissibility of Certain Categories of Documents, 6 September 2011, E114, paras. 1 (Standards for the admission of documentary evidence set by the Establishment Law), 7-9 (Reliability), 11 (Relevance), 18-19 (Reports, articles and non- contemporaneous documents). |
| 37 | D366/7.1.41 6 | E9/31.15 (Annex 15), No. 96 | Photograph | ROCKOFF Al | ??-Apr- 1975 | Photograph by Al Rockoff depicting evacuation of Phnom Penh | Photograph by Al Rockoff depicting young Khmer Rouge evacuating people from Phnom Penh. | Movement of the Population from Phnom Penh (Phase 1) [60: 221 to 261] | Should Al Rockoff testify in Case 002/01, as scheduled, and attest to the authenticity of this photograph, the Defence takes no position as to its admissibility and leaves the matter to the Trial Chamber's discretion. |
| 38 | D313/1.2.23 8 | E9/31.15 (Annex 15), No. 101 | Photograph | NHEM En | 17-Apr- 1975 | Photograph depicting KR combatants at Olympic Stadium | Photograph from NHEM En depicting Khmer Rouge combatants inspecting captured APC's at Olympic Stadium on 17 April 1975. | Movement of the Population from Phnom Penh (Phase 1) [60: 221 to 261] | This photograph cannot be accepted at face value as being authentic without, at a minimum, adducing evidence from the photographer. The photograph is unreliable and unsuitable to prove facts it purports to prove, and it is inadmissible pursuant to Rule 87(3)(c). Further, the photographer is not presently scheduled to testify in Case 002/01. Because Mr. IENG Sary has not been afforded his absolute right under Rule 84(1) to confront the photographer, this document is also inadmissible pursuant to Rule 87(3)(d). For further argument, <i>see</i> IENG Sary's Objections to the Admissibility of Certain Categories of Documents, 6 September 2011, E114, paras. 1 (Standards for the admission of documentary evidence set by the Establishment Law), 7-9 (Reliability), 11 (Relevance), 18-19 (Reports, articles and non-contemporaneous documents). |
| 39 | D277/9 | E9/31.20 (Annex 20), No. | Rogatory Report | ECCC-OCIJ | 28-Dec- 2009 | Rogatory Letter Completion Report | Describes interviews of 8 Civil Parties, detailing forced evacuation, regulation of | Movement of the Population from Phnom Penh | This document is a rogatory letter completion report. It does not, as alleged by the Co-Prosecutors, "[d]escribe[] interviews of 8 Civil Parties, detailing |

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| | | 165 | | | | | mariages, and security centres. | (Phase 1) [60: 221 to 261], S-21 Security Centre [108: 415 to 475], Sang Security Centre [122: 476 to 488], Kraing Ta Chan Security Centre [125: 489 to 515], Treatment of Buddhists [184: 740 to 744], Regulation of Marriage [209: 842 to 861] | forced evacuation, regulation of marriages, and security centres." Instead, it simply indicates that certain investigative actions had been completed pursuant to a rogatory letter. It provides no relevant information and therefore should be rejected pursuant to Rule 87(3)(c) and 87(3)(e). |
| 40 | NEW | E9/31.8 (Annex 8), No. 4 | Tram Kak District Record | Unknown | To Be Determined | Prisoner List of a Re-education Office of Tram Kak District | List of prisoners accused of having committed unwanted offences from a Re-education Office of Tram Kak District. | IV. COMMUNICATION STRUCTURE [25: 72 to 112], D. TREATMENT OF TARGETED GROUPS [55: 205 to 215], Movement of the Population from Phnom Penh (Phase 1) [60: 221 to 261], Tram Kok Cooperatives [79: 302 to 322], Kraing Ta Chan Security Centre [125: 489 to 515] | <p>This is a Tram Kak district record. The original versions of the Tram Kak records were purportedly obtained by Ben Kiernan but have been lost, according to Youk Chhang (D204/2). According to Khieu Kanharith, the Ministry of Information does not have these records (D269/6/1). These documents must not be admitted since Ben Kiernan will not appear before the Trial Chamber to testify as to their authenticity. Youk Chhang may have discussed his understanding as to the chain of custody of this material, but this is hearsay only and he cannot speak for Ben Kiernan. The Trial Chamber must reject this document pursuant to Rule 87(3)(c). Should this document be admitted, it must be accorded little weight since, as the Trial Chamber has previously ruled, "[o]riginal documents are a preferred method of proof and will be accorded more weight than photocopies of documents." See E185, para. 21.</p> <p>This document furthermore contains material which may be torture tainted. Torture-tainted material is, under all its forms and in every circumstance (except against a person accused of torture as evidence that a statement was made), inadmissible in judicial proceedings before the ECCC. All preliminary biographical information and other derivative evidence contained in this document derived from torture-tainted material and is inadmissible. Torture-tainted material is not allowed under the law and is inherently unreliable. The Trial Chamber must reject this document pursuant to Rule 87(3)(d). See E185, para. 21.</p> <p>The author of this document is not presently scheduled to testify in Case 002/01. If Mr. IENG</p> |

IENG Sary's Objections to the Documents Proposed by the OCP in E223/2/1 (E223/2/1.2)

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| | | | | | | | | | <p>Sary is not afforded his absolute right under Rule 84(1) to confront the author of this report, this document is also inadmissible pursuant to Rule 87(3)(d). For further argument, <i>see</i> IENG Sary's Objections to the Admissibility of Certain Categories of Documents, 6 September 2011, E114, paras. 1 (Standards for the admission of documentary evidence set by the Establishment Law), 7-9 (Reliability), 11 (Relevance), 18-19 (Reports, articles and non-contemporaneous documents).</p> <p>Finally, this document is only available in Khmer. Unless it is made available in English and French by 4 March 2013, it cannot be considered to have been put before the Chamber (E185/1, para. 16).</p> |
| 41 | D157.20, D157.20/Co rr-1 | E9/31.8 (Annex 8), No. 16 | Tram Kak District Record | KIT | ??-??-1975 - ??-??-1979 | Report on contemptible Lim (Lip) | Identifies traitors in Tram Kak District, including former militaries. | IV. COMMUNICATI ON STRUCTURE [25: 72 to 112], D. TREATMENT OF TARGETED GROUPS [55: 205 to 215], Movement of the Population from Phnom Penh (Phase 1) [60: 221 to 261], Tram Kok Cooperatives [79: 302 to 322], Kraing Ta Chan Security Centre [125: 489 to 515] | <p>This is a Tram Kak district record. The original versions of the Tram Kak records were purportedly obtained by Ben Kiernan but have been lost, according to Youk Chhang (D204/2). According to Khieu Kanharith, the Ministry of Information does not have these records (D269/6/1). These documents must not be admitted since Ben Kiernan will not appear before the Trial Chamber to testify as to their authenticity. Youk Chhang may have discussed his understanding as to the chain of custody of this material, but this is hearsay only and he cannot speak for Ben Kiernan. The Trial Chamber must reject this document pursuant to Rule 87(3)(c). Should this document be admitted, it must be accorded little weight since, as the Trial Chamber has previously ruled, "[o]riginal documents are a preferred method of proof and will be accorded more weight than photocopies of documents." <i>See</i> E185, para. 21.</p> <p>This document furthermore contains material which may be torture tainted. Torture-tainted material is, under all its forms and in every circumstance (except against a person accused of torture as evidence that a statement was made), inadmissible in judicial proceedings before the ECCC. All preliminary biographical information and other derivative evidence contained in this document derived from torture-tainted material and is inadmissible. Torture-tainted material is not allowed under the law and is inherently unreliable. The Trial Chamber must reject this document pursuant to Rule 87(3)(d). <i>See</i> E185, para. 21.</p> <p>The author of this document is not presently scheduled to testify in Case 002/01. If Mr. IENG Sary is not afforded his absolute right under Rule</p> |

IENG Sary's Objections to the Documents Proposed by the OCP in E223/2/1 (E223/2/1.2)

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| | | | | | | | | | 84(1) to confront the author of this report, this document is also inadmissible pursuant to Rule 87(3)(d). For further argument, <i>see</i> IENG Sary's Objections to the Admissibility of Certain Categories of Documents, 6 September 2011, E114, paras. 1 (Standards for the admission of documentary evidence set by the Establishment Law), 7-9 (Reliability), 11 (Relevance), 18-19 (Reports, articles and non-contemporaneous documents). |
| 42 | D157.10 | E9/31.8 (Annex 8), No. 9 | Tram Kak District Record | NOP Neang | ??-??-1975 - ??-??-1979 | Kraing Ta Chan Confession of NOP Neang alias KUNG Sokhon (partial). | Confession of a new person (public servant and Khmer Republic soldier) from Kraing Ta Chan archives. | IV. COMMUNICATION STRUCTURE [25: 72 to 112], D. TREATMENT OF TARGETED GROUPS [55: 205 to 215], Movement of the Population from Phnom Penh (Phase 1) [60: 221 to 261], Tram Kok Cooperatives [79: 302 to 322], Kraing Ta Chan Security Centre [125: 489 to 515] | <p>This is a Tram Kak district record. The original versions of the Tram Kak records were purportedly obtained by Ben Kiernan but have been lost, according to Youk Chhang (D204/2). According to Khieu Kanharith, the Ministry of Information does not have these records (D269/6/1). These documents must not be admitted since Ben Kiernan will not appear before the Trial Chamber to testify as to their authenticity. Youk Chhang may have discussed his understanding as to the chain of custody of this material, but this is hearsay only and he cannot speak for Ben Kiernan. The Trial Chamber must reject this document pursuant to Rule 87(3)(c). Should this document be admitted, it must be accorded little weight since, as the Trial Chamber has previously ruled, "[o]riginal documents are a preferred method of proof and will be accorded more weight than photocopies of documents." <i>See</i> E185, para. 21.</p> <p>This document furthermore contains material which may be torture tainted. Torture-tainted material is, under all its forms and in every circumstance (except against a person accused of torture as evidence that a statement was made), inadmissible in judicial proceedings before the ECCC. All preliminary biographical information and other derivative evidence contained in this document derived from torture-tainted material and is inadmissible. Torture-tainted material is not allowed under the law and is inherently unreliable. The Trial Chamber must reject this document pursuant to Rule 87(3)(d). <i>See</i> E185, para. 21.</p> <p>The author of this document is not presently scheduled to testify in Case 002/01. If Mr. IENG Sary is not afforded his absolute right under Rule 84(1) to confront the author of this report, this document is also inadmissible pursuant to Rule 87(3)(d). For further argument, <i>see</i> IENG Sary's Objections to the Admissibility of Certain Categories of Documents, 6 September 2011, E114, paras. 1</p> |

IENG Sary's Objections to the Documents Proposed by the OCP in E223/2/1 (E223/2/1.2)

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| | | | | | | | | | (Standards for the admission of documentary evidence set by the Establishment Law), 7-9 (Reliability), 11 (Relevance), 18-19 (Reports, articles and non-contemporaneous documents). |
| 43 | D157.9 | E9/31.8 (Annex 8), No. 8 | Tram Kak District Record | Unknown | ??-??-1975 - ??-??-1979 | Notebook entitled "For Interrogation" | An interrogator's notebook summarizing confessions extracted from several prisoners, including 'new people' and former Khmer Republic soldiers. | IV. COMMUNICATION STRUCTURE [25:72 to 112], D. TREATMENT OF TARGETED GROUPS [55:205 to 215], Movement of the Population from Phnom Penh (Phase 1) [60:221 to 261], Tram Kok Cooperatives [79:302 to 322], Kraing Ta Chan Security Centre [125:489 to 515] | <p>This is a Tram Kak district record. The original versions of the Tram Kak records were purportedly obtained by Ben Kiernan but have been lost, according to Youk Chhang (D204/2). According to Khieu Kanharith, the Ministry of Information does not have these records (D269/6/1). These documents must not be admitted since Ben Kiernan will not appear before the Trial Chamber to testify as to their authenticity. Youk Chhang may have discussed his understanding as to the chain of custody of this material, but this is hearsay only and he cannot speak for Ben Kiernan. The Trial Chamber must reject this document pursuant to Rule 87(3)(c). Should this document be admitted, it must be accorded little weight since, as the Trial Chamber has previously ruled, "[o]riginal documents are a preferred method of proof and will be accorded more weight than photocopies of documents." See E185, para. 21.</p> <p>This document furthermore contains material which may be torture tainted. Torture-tainted material is, under all its forms and in every circumstance (except against a person accused of torture as evidence that a statement was made), inadmissible in judicial proceedings before the ECCC. All preliminary biographical information and other derivative evidence contained in this document derived from torture-tainted material and is inadmissible. Torture-tainted material is not allowed under the law and is inherently unreliable. The Trial Chamber must reject this document pursuant to Rule 87(3)(d). See, E185, para. 21.</p> <p>The author of this document is not presently scheduled to testify in Case 002/01. If Mr. IENG Sary is not afforded his absolute right under Rule 84(1) to confront the author of this report, this document is also inadmissible pursuant to Rule 87(3)(d). For further argument, see IENG Sary's Objections to the Admissibility of Certain Categories of Documents, 6 September 2011, E114, paras. 1 (Standards for the admission of documentary evidence set by the Establishment Law), 7-9 (Reliability), 11 (Relevance), 18-19 (Reports, articles and non-contemporaneous documents).</p> |
| 44 | D157.17 | E9/31.8 | Tram Kak | unknown | ??-??-1975 | Notebook of an interrogator at | Describes biographies and | IV. | This is a Tram Kak district record. The original |

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| | | (Annex 8), No. 11 | District Record | | - ??-??- 1979 | Kraing Ta Chan Security Centre | confessions of prisoners detained at Kraing Ta Chan prison, including 'new people' and former Khmer Republic soldiers and public servants. | COMMUNICATI ON STRUCTURE [25:72 to 112], D. TREATMENT OF TARGETED GROUPS [55:205 to 215], Movement of the Population from Phnom Penh (Phase 1) [60:221 to 261], Tram Kok Cooperatives [79:302 to 322], Kraing Ta Chan Security Centre [125:489 to 515] | versions of the Tram Kak records were purportedly obtained by Ben Kiernan but have been lost, according to Youk Chhang (D204/2). According to Khieu Kanharith, the Ministry of Information does not have these records (D269/6/1). These documents must not be admitted since Ben Kiernan will not appear before the Trial Chamber to testify as to their authenticity. Youk Chhang may have discussed his understanding as to the chain of custody of this material, but this is hearsay only and he cannot speak for Ben Kiernan. The Trial Chamber must reject this document pursuant to Rule 87(3)(c). Should this document be admitted, it must be accorded little weight since, as the Trial Chamber has previously ruled, "[o]riginal documents are a preferred method of proof and will be accorded more weight than photocopies of documents." <i>See</i> E185, para. 21. This document furthermore contains material which may be torture tainted. Torture-tainted material is, under all its forms and in every circumstance (except against a person accused of torture as evidence that a statement was made), inadmissible in judicial proceedings before the ECCC. All preliminary biographical information and other derivative evidence contained in this document derived from torture-tainted material and is inadmissible. Torture- tainted material is not allowed under the law and is inherently unreliable. The Trial Chamber must reject this document pursuant to Rule 87(3)(d). <i>See</i> E185, para. 21. The author of this document is not presently scheduled to testify in Case 002/01. If Mr. IENG Sary is not afforded his absolute right under Rule 84(1) to confront the author of this report, this document is also inadmissible pursuant to Rule 87(3)(d). For further argument, <i>see</i> IENG Sary's Objections to the Admissibility of Certain Categories of Documents, 6 September 2011, E114, paras. 1 (Standards for the admission of documentary evidence set by the Establishment Law), 7-9 (Reliability), 11 (Relevance), 18-19 (Reports, articles and non-contemporaneous documents). |
| 45 | IS 18.6 | E9/31.8 (Annex 8), No. 18 | Tram Kak District Record | Unknown | ??-??-1975 -??-??-1979 | List entitled "List of Khmer Kampuchea Krom" from a Tram Kak District commune | Lists Khmer Krom persons; comprises personal information such as spouse's name and former army rank and birthplace. | IV. COMMUNICATI ON STRUCTURE [25: 72 to 112], D. TREATMENT OF TARGETED | This is a Tram Kak district record. The original versions of the Tram Kak records were purportedly obtained by Ben Kiernan but have been lost, according to Youk Chhang (D204/2). According to Khieu Kanharith, the Ministry of Information does not have these records (D269/6/1). These documents |

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| | | | | | | | | <p>GROUPS [55: 205 to 215], Movement of the Population from Phnom Penh (Phase 1) [60: 221 to 261], Tram Kok Cooperatives [79:302 to 322], Kraing Ta Chan Security Centre [125: 489 to 515], Treatment of Vietnamese [196: 791 to 841]</p> | <p>must not be admitted since Ben Kiernan will not appear before the Trial Chamber to testify as to their authenticity. Youk Chhang may have discussed his understanding as to the chain of custody of this material, but this is hearsay only and he cannot speak for Ben Kiernan. The Trial Chamber must reject this document pursuant to Rule 87(3)(c). Should this document be admitted, it must be accorded little weight since, as the Trial Chamber has previously ruled, "[o]riginal documents are a preferred method of proof and will be accorded more weight than photocopies of documents." See E185, para. 21.</p> <p>This document furthermore contains material which may be torture tainted. Torture-tainted material is, under all its forms and in every circumstance (except against a person accused of torture as evidence that a statement was made), inadmissible in judicial proceedings before the ECCC. All preliminary biographical information and other derivative evidence contained in this document derived from torture-tainted material and is inadmissible. Torture-tainted material is not allowed under the law and is inherently unreliable. The Trial Chamber must reject this document pursuant to Rule 87(3)(d). See E185, para. 21.</p> <p>The author of this document is not presently scheduled to testify in Case 002/01. If Mr. IENG Sary is not afforded his absolute right under Rule 84(1) to confront the author of this report, this document is also inadmissible pursuant to Rule 87(3)(d). For further argument, see IENG Sary's Objections to the Admissibility of Certain Categories of Documents, 6 September 2011, E114, paras. 1 (Standards for the admission of documentary evidence set by the Establishment Law), 7-9 (Reliability), 11 (Relevance), 18-19 (Reports, articles and non-contemporaneous documents).</p> |
| 46 | D157.26 | E9/31.8 (Annex 8), No. 20 | Tram Kak District Record | Unknown | ??-??-1975 - ??-??-1979 | Report to the Party | Summarizes in a report the confession of a prisoner arrested in Tram Kak District (new person and former Khmer Republic soldier) | <p>IV. COMMUNICATION STRUCTURE [25:72 to 112], D. TREATMENT OF TARGETED GROUPS [55:205 to 215], Movement of the Population from Phnom Penh (Phase 1) [60: 221</p> | <p>This is a Tram Kak district record. The original versions of the Tram Kak records were purportedly obtained by Ben Kiernan but have been lost, according to Youk Chhang (D204/2). According to Khieu Kanharith, the Ministry of Information does not have these records (D269/6/1). These documents must not be admitted since Ben Kiernan will not appear before the Trial Chamber to testify as to their authenticity. Youk Chhang may have discussed his understanding as to the chain of custody of this material, but this is hearsay only and he cannot speak</p> |

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| | | | | | | | | to 261], Tram Kok Cooperatives [79:302 to 322], Kraing Ta Chan Security Centre [125: 489 to 515] | <p>for Ben Kiernan. The Trial Chamber must reject this document pursuant to Rule 87(3)(c). Should this document be admitted, it must be accorded little weight since, as the Trial Chamber has previously ruled, “[o]riginal documents are a preferred method of proof and will be accorded more weight than photocopies of documents.” See E185, para. 21.</p> <p>This document furthermore contains material which may be torture tainted. Torture-tainted material is, under all its forms and in every circumstance (except against a person accused of torture as evidence that a statement was made), inadmissible in judicial proceedings before the ECCC. All preliminary biographical information and other derivative evidence contained in this document derived from torture-tainted material and is inadmissible. Torture-tainted material is not allowed under the law and is inherently unreliable. The Trial Chamber must reject this document pursuant to Rule 87(3)(d). See E185, para. 21.</p> <p>The author of this document is not presently scheduled to testify in Case 002/01. If Mr. IENG Sary is not afforded his absolute right under Rule 84(1) to confront the author of this report, this document is also inadmissible pursuant to Rule 87(3)(d). For further argument, see IENG Sary's Objections to the Admissibility of Certain Categories of Documents, 6 September 2011, E114, paras. 1 (Standards for the admission of documentary evidence set by the Establishment Law), 7-9 (Reliability), 11 (Relevance), 18-19 (Reports, articles and non-contemporaneous documents).</p> |
| 47 | IS 18.2 | E9/31.8 (Annex 8), No. 23 | Tram Kak District Record | unknown | ??-??-1975 - ??-??-1979 | List of Vietnamese or Khmer Krom in Ang Ta Som Commune | List of Vietnamese or Khmer Krom living in Ang Ta Som Commune, District 105, including place of birth, current residence and original residence. The list includes many 'new people' from Phnom Penh. | IV. COMMUNICATION STRUCTURE [25:72 to 112], D. TREATMENT OF TARGETED GROUPS [55:205 to 215], Movement of the Population from Phnom Penh (Phase 1) [60:221 to 261], Tram Kok Cooperatives [79:302 to 322], Treatment of Vietnamese | <p>This is a Tram Kak district record. The original versions of the Tram Kak records were purportedly obtained by Ben Kiernan but have been lost, according to Youk Chhang (D204/2). According to Khieu Kanharith, the Ministry of Information does not have these records (D269/6/1). These documents must not be admitted since Ben Kiernan will not appear before the Trial Chamber to testify as to their authenticity. Youk Chhang may have discussed his understanding as to the chain of custody of this material, but this is hearsay only and he cannot speak for Ben Kiernan. The Trial Chamber must reject this document pursuant to Rule 87(3)(c). Should this document be admitted, it must be accorded little weight since, as the Trial Chamber has previously ruled, “[o]riginal documents are a preferred method</p> |

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| | | | | | | | | [196:791 to 841] | <p>of proof and will be accorded more weight than photocopies of documents." See E185, para. 21.</p> <p>This document furthermore contains material which may be torture tainted. Torture-tainted material is, under all its forms and in every circumstance (except against a person accused of torture as evidence that a statement was made), inadmissible in judicial proceedings before the ECCC. All preliminary biographical information and other derivative evidence contained in this document derived from torture-tainted material and is inadmissible. Torture-tainted material is not allowed under the law and is inherently unreliable. The Trial Chamber must reject this document pursuant to Rule 87(3)(d). See E185, para. 21.</p> <p>The author of this document is not presently scheduled to testify in Case 002/01. If Mr. IENG Sary is not afforded his absolute right under Rule 84(1) to confront the author of this report, this document is also inadmissible pursuant to Rule 87(3)(d). For further argument, see IENG Sary's Objections to the Admissibility of Certain Categories of Documents, 6 September 2011, E114, paras. 1 (Standards for the admission of documentary evidence set by the Establishment Law), 7-9 (Reliability), 11 (Relevance), 18-19 (Reports, articles and non-contemporaneous documents).</p> |
| 48 | D157.27 | E9/31.8 (Annex 8), No. 27 | Tram Kak District Record | AN, KAP | 04-Aug-1976 - 04-May-1977 | Report from Kraing Ta Chan Chairman to District Office; Report from Chamcar Pot | The first document from Kraing Ta Chan prison, summarizes the confessions and alleged offences of two prisoners, including a former Khmer Republic soldier, with an annotation that they be interrogated and Smashed. The second details the background of four commune members to Angkar, including one half-breed Khmer-Vietnamese and three former Khmer republic soldiers. | IV. COMMUNICATION STRUCTURE [25: 72 to 112], D. TREATMENT OF TARGETED GROUPS [55:205 to 215], Movement of the Population from Phnom Penh (Phase 1) [60: 221 to 261], Tram Kok Cooperatives [79: 302 to 322], Kraing Ta Chan Security Centre [125: 489 to 515] Treatment of Vietnamese [196:791 to 841 to CF004 | <p>This is a Tram Kak district record. The original versions of the Tram Kak records were purportedly obtained by Ben Kiernan but have been lost, according to Youk Chhang (D204/2). According to Khieu Kanharith, the Ministry of Information does not have these records (D269/6/1). These documents must not be admitted since Ben Kiernan will not appear before the Trial Chamber to testify as to their authenticity. Youk Chhang may have discussed his understanding as to the chain of custody of this material, but this is hearsay only and he cannot speak for Ben Kiernan. The Trial Chamber must reject this document pursuant to Rule 87(3)(c). Should this document be admitted, it must be accorded little weight since, as the Trial Chamber has previously ruled, "[o]riginal documents are a preferred method of proof and will be accorded more weight than photocopies of documents." See E185, para. 21.</p> <p>This document furthermore contains material which may be torture tainted. Torture-tainted material is, under all its forms and in every circumstance (except</p> |

IENG Sary's Objections to the Documents Proposed by the OCP in E223/2/1 (E223/2/1.2)

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| | | | | | | | | | <p>against a person accused of torture as evidence that a statement was made), inadmissible in judicial proceedings before the ECCC. All preliminary biographical information and other derivative evidence contained in this document derived from torture-tainted material and is inadmissible. Torture-tainted material is not allowed under the law and is inherently unreliable. The Trial Chamber must reject this document pursuant to Rule 87(3)(d). <i>See</i> E185, para. 21.</p> <p>The author of this document is not presently scheduled to testify in Case 002/01. If Mr. IENG Sary is not afforded his absolute right under Rule 84(1) to confront the author of this report, this document is also inadmissible pursuant to Rule 87(3)(d). For further argument, <i>see</i> IENG Sary's Objections to the Admissibility of Certain Categories of Documents, 6 September 2011, E114, paras. 1 (Standards for the admission of documentary evidence set by the Establishment Law), 7-9 (Reliability), 11 (Relevance), 18-19 (Reports, articles and non-contemporaneous documents).</p> |
| 49 | D157.14 | E9/31.8 (Annex 8), No. 32 | Tram Kak District Record | Unknown | ??-??-1977 - 25-Aug-1977 | Reports between Sub-district and District Offices. | Describes communications between a commune chief in Tram Kak District about the traitorous activities of enemies, including former Khmer Republic public servants or soldiers. Describes the use of torture in Tram Kak District to re-educate the offenders before requesting a decision from the District Office. | IV. COMMUNICATION STRUCTURE [25: 72 to 112], D. TREATMENT OF TARGETED GROUPS [55: 205 to 215], Movement of the Population from Phnom Penh (Phase 1) [60: 221 to 261], Tram Kok Cooperatives [79: 302 to 322], Kraing Ta Chan Security Centre [125: 489 to 515] | <p>This is a Tram Kak district record. The original versions of the Tram Kak records were purportedly obtained by Ben Kiernan but have been lost, according to Youk Chhang (D204/2). According to Khieu Kanharith, the Ministry of Information does not have these records (D269/6/1). These documents must not be admitted since Ben Kiernan will not appear before the Trial Chamber to testify as to their authenticity. Youk Chhang may have discussed his understanding as to the chain of custody of this material, but this is hearsay only and he cannot speak for Ben Kiernan. The Trial Chamber must reject this document pursuant to Rule 87(3)(c). Should this document be admitted, it must be accorded little weight since, as the Trial Chamber has previously ruled, "[o]riginal documents are a preferred method of proof and will be accorded more weight than photocopies of documents." <i>See</i> E185, para. 21.</p> <p>This document furthermore contains material which may be torture tainted. Torture-tainted material is, under all its forms and in every circumstance (except against a person accused of torture as evidence that a statement was made), inadmissible in judicial proceedings before the ECCC. All preliminary biographical information and other derivative evidence contained in this document derived from</p> |

IENG Sary's Objections to the Documents Proposed by the OCP in E223/2/1 (E223/2/1.2)

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| | | | | | | | | | <p>torture-tainted material and is inadmissible. Torture-tainted material is not allowed under the law and is inherently unreliable. The Trial Chamber must reject this document pursuant to Rule 87(3)(d). <i>See</i> E185, para. 21.</p> <p>The author of this document is not presently scheduled to testify in Case 002/01. If Mr. IENG Sary is not afforded his absolute right under Rule 84(1) to confront the author of this report, this document is also inadmissible pursuant to Rule 87(3)(d). For further argument, <i>see</i> IENG Sary's Objections to the Admissibility of Certain Categories of Documents, 6 September 2011, E114, paras. 1 (Standards for the admission of documentary evidence set by the Establishment Law), 7-9 (Reliability), 11 (Relevance), 18-19 (Reports, articles and non-contemporaneous documents).</p> |
| 50 | D157.87 | E9/31.8 (Annex 8), No. 35 | Tram Kak District Record | KHUN, KITH PRUONH, MENG | 04-Jan-1977 -11-Oct-1977 | Reports from communes to District office | Reports to the Tram Kak District about the alleged traitorous activities and the arrest of two persons (new people). Contains annotations by Kit. | IV. COMMUNICATION STRUCTURE [25: 72 to 112], D. TREATMENT OF TARGETED GROUPS [55:205 to 215], Movement of the Population from Phnom Penh (Phase 1) [60: 221 to 261], Tram Kok Cooperatives [79: 302 to 322], Kraing Ta Chan Security Centre [125: 489 to 515] | <p>This is a Tram Kak district record. The original versions of the Tram Kak records were purportedly obtained by Ben Kiernan but have been lost, according to Youk Chhang (D204/2). According to Khieu Kanharith, the Ministry of Information does not have these records (D269/6/1). These documents must not be admitted since Ben Kiernan will not appear before the Trial Chamber to testify as to their authenticity. Youk Chhang may have discussed his understanding as to the chain of custody of this material, but this is hearsay only and he cannot speak for Ben Kiernan. The Trial Chamber must reject this document pursuant to Rule 87(3)(c). Should this document be admitted, it must be accorded little weight since, as the Trial Chamber has previously ruled, "[o]riginal documents are a preferred method of proof and will be accorded more weight than photocopies of documents." <i>See</i> E185, para. 21.</p> <p>This document furthermore contains material which may be torture tainted. Torture-tainted material is, under all its forms and in every circumstance (except against a person accused of torture as evidence that a statement was made), inadmissible in judicial proceedings before the ECCC. All preliminary biographical information and other derivative evidence contained in this document derived from torture-tainted material and is inadmissible. Torture-tainted material is not allowed under the law and is inherently unreliable. The Trial Chamber must reject this document pursuant to Rule 87(3)(d). <i>See</i> E185, para. 21.</p> |

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| | | | | | | | | | | <p>The author of this document is not presently scheduled to testify in Case 002/01. If Mr. IENG Sary is not afforded his absolute right under Rule 84(1) to confront the author of this report, this document is also inadmissible pursuant to Rule 87(3)(d). For further argument, <i>see</i> IENG Sary's Objections to the Admissibility of Certain Categories of Documents, 6 September 2011, E114, paras. 1 (Standards for the admission of documentary evidence set by the Establishment Law), 7-9 (Reliability), 11 (Relevance), 18-19 (Reports, articles and non-contemporaneous documents).</p> |
| 51 | D157.32 | E9/31.8 (Annex 8), No. 36 | Tram Kak District Record | MENG | 09-Jan-1977 | Reports between sub-district and district offices and Kraing Ta Chan Security Office. | Describes communication exchanges between Tram Kak District officials about activities of enemies, including a Khmer Krom, Khmer Republic soldier and 'new people'. Describes enemies being sent to Kraing Ta Chan prison. | IV. COMMUNICATION STRUCTURE [25: 72 to 112], D. TREATMENT OF TARGETED GROUPS [55: 205 to 215], Movement of the Population from Phnom Penh (Phase 1) [60: 221 to 261], Tram Kok Cooperatives [79: 302 to 322], Kraing Ta Chan Security Centre [125: 489 to 515], Treatment of Vietnamese [196: 791 to 841] | <p>This is a Tram Kak district record. The original versions of the Tram Kak records were purportedly obtained by Ben Kiernan but have been lost, according to Youk Chhang (D204/2). According to Khieu Kanharith, the Ministry of Information does not have these records (D269/6/1). These documents must not be admitted since Ben Kiernan will not appear before the Trial Chamber to testify as to their authenticity. Youk Chhang may have discussed his understanding as to the chain of custody of this material, but this is hearsay only and he cannot speak for Ben Kiernan. The Trial Chamber must reject this document pursuant to Rule 87(3)(c). Should this document be admitted, it must be accorded little weight since, as the Trial Chamber has previously ruled, "[o]riginal documents are a preferred method of proof and will be accorded more weight than photocopies of documents." <i>See</i> E185, para. 21.</p> <p>This document furthermore contains material which may be torture tainted. Torture-tainted material is, under all its forms and in every circumstance (except against a person accused of torture as evidence that a statement was made), inadmissible in judicial proceedings before the ECCC. All preliminary biographical information and other derivative evidence contained in this document derived from torture-tainted material and is inadmissible. Torture-tainted material is not allowed under the law and is inherently unreliable. The Trial Chamber must reject this document pursuant to Rule 87(3)(d). <i>See</i> E185, para. 21.</p> <p>The author of this document is not presently scheduled to testify in Case 002/01. If Mr. IENG Sary is not afforded his absolute right under Rule 84(1) to confront the author of this report, this</p> | |

IENG Sary's Objections to the Documents Proposed by the OCP in E223/2/1 (E223/2/1.2)

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| | | | | | | | | | document is also inadmissible pursuant to Rule 87(3)(d). For further argument, <i>see</i> IENG Sary's Objections to the Admissibility of Certain Categories of Documents, 6 September 2011, E114, paras. 1 (Standards for the admission of documentary evidence set by the Establishment Law), 7-9 (Reliability), 11 (Relevance), 18-19 (Reports, articles and non-contemporaneous documents). |
| 52 | D157.34 | E9/31.8 (Annex 8), No. 39 | Tram Kak District Record | AN | 07-Mar-1977 - ??-Sep-1977 | Reports from Kraing Ta Chan Security Office to the District Office | A series of reports from An, Kraing Ta Chan prison Head, detailing, based on confessions, the alleged criminal acts of various commune members in Tram Kak District, including several former Khmer Republic soldiers or officials. | IV. COMMUNICATION STRUCTURE [25: 72 to 112], D. TREATMENT OF TARGETED GROUPS [55: 205 to 215], A. MOVEMENT OF THE POPULATION [60: 221 to 301], Movement of the Population from Phnom Penh (Phase 1) [60: 221 to 261], Tram Kok Cooperatives [79: 302 to 322], Kraing Ta Chan Security Centre [125: 489 to 515] | <p>This is a Tram Kak district record. The original versions of the Tram Kak records were purportedly obtained by Ben Kiernan but have been lost, according to Youk Chhang (D204/2). According to Khieu Kanharith, the Ministry of Information does not have these records (D269/6/1). These documents must not be admitted since Ben Kiernan will not appear before the Trial Chamber to testify as to their authenticity. Youk Chhang may have discussed his understanding as to the chain of custody of this material, but this is hearsay only and he cannot speak for Ben Kiernan. The Trial Chamber must reject this document pursuant to Rule 87(3)(c). Should this document be admitted, it must be accorded little weight since, as the Trial Chamber has previously ruled, "[o]riginal documents are a preferred method of proof and will be accorded more weight than photocopies of documents." <i>See</i> E185, para. 21.</p> <p>This document furthermore contains material which may be torture tainted. Torture-tainted material is, under all its forms and in every circumstance (except against a person accused of torture as evidence that a statement was made), inadmissible in judicial proceedings before the ECCC. All preliminary biographical information and other derivative evidence contained in this document derived from torture-tainted material and is inadmissible. Torture-tainted material is not allowed under the law and is inherently unreliable. The Trial Chamber must reject this document pursuant to Rule 87(3)(d). <i>See</i> E185, para. 21.</p> <p>The author of this document is not presently scheduled to testify in Case 002/01. If Mr. IENG Sary is not afforded his absolute right under Rule 84(1) to confront the author of this report, this document is also inadmissible pursuant to Rule 87(3)(d). For further argument, <i>see</i> IENG Sary's Objections to the Admissibility of Certain Categories of Documents, 6 September 2011, E114, paras. 1 (Standards for the admission of documentary</p> |

IENG Sary's Objections to the Documents Proposed by the OCP in E223/2/1 (E223/2/1.2)

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| | | | | | | | | | evidence set by the Establishment Law), 7-9 (Reliability), 11 (Relevance), 18-19 (Reports, articles and non-contemporaneous documents). |
| 53 | D2-15.9, D157.38 | E9/31.8 (Annex 8), No. 44 | Tram Kak District Record | CHORN and NEAN | 09-Apr-1977 - 11-Apr-1977 | Reports from Communes to District Office. | Describes communication exchanges between Tram Kak District officials about activities of enemies and arrests, including KRep soldiers and 'new people'. | IV. COMMUNICATION STRUCTURE [25: 72 to 112], D. TREATMENT OF TARGETED GROUPS [55: 205 to 215], Movement of the Population from Phnom Penh (Phase 1) [60: 221 to 261], Tram Kok Cooperatives [79: 302 to 322], Kraing Ta Chan Security Centre [125: 489 to 515] | <p>This is a Tram Kak district record. The original versions of the Tram Kak records were purportedly obtained by Ben Kiernan but have been lost, according to Youk Chhang (D204/2). According to Khieu Kanharith, the Ministry of Information does not have these records (D269/6/1). These documents must not be admitted since Ben Kiernan will not appear before the Trial Chamber to testify as to their authenticity. Youk Chhang may have discussed his understanding as to the chain of custody of this material, but this is hearsay only and he cannot speak for Ben Kiernan. The Trial Chamber must reject this document pursuant to Rule 87(3)(c). Should this document be admitted, it must be accorded little weight since, as the Trial Chamber has previously ruled, "[o]riginal documents are a preferred method of proof and will be accorded more weight than photocopies of documents." See E185, para. 21.</p> <p>This document furthermore contains material which may be torture tainted. Torture-tainted material is, under all its forms and in every circumstance (except against a person accused of torture as evidence that a statement was made), inadmissible in judicial proceedings before the ECCC. All preliminary biographical information and other derivative evidence contained in this document derived from torture-tainted material and is inadmissible. Torture-tainted material is not allowed under the law and is inherently unreliable. The Trial Chamber must reject this document pursuant to Rule 87(3)(d). See E185, para. 21.</p> <p>The author of this document is not presently scheduled to testify in Case 002/01. If Mr. IENG Sary is not afforded his absolute right under Rule 84(1) to confront the author of this report, this document is also inadmissible pursuant to Rule 87(3)(d). For further argument, see IENG Sary's Objections to the Admissibility of Certain Categories of Documents, 6 September 2011, E114, paras. 1 (Standards for the admission of documentary evidence set by the Establishment Law), 7-9 (Reliability), 11 (Relevance), 18-19 (Reports, articles and non-contemporaneous documents).</p> |
| 54 | D157.40 | E9/31.8 (Annex 8), | Tram Kak District | Lviev Commune | 19-Apr-1977 | Report from Lviev Commune to District Office | Details request for further instructions from Angkar | IV. COMMUNICATION | This is a Tram Kak district record. The original versions of the Tram Kak records were purportedly |

IENG Sary's Objections to the Documents Proposed by the OCP in E223/2/1 (E223/2/1.2)

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|----|---------|---------------------------|--------------------------|---------|-------------|---------------------------------------|---|---|---|
| | | No. 46 | Record | | | | (District 105) after the arrest of a member of the commune (member of the 'new people'). | ON STRUCTURE [25:72 to 112], D. TREATMENT OF TARGETED GROUPS [55:205 to 215], Movement of the Population from Phnom Penh (Phase 1) [60: 221 to 261], Tram Kok Cooperatives [79: 302 to 322], Kraing Ta Chan Security Centre [125: 489 to 515] | obtained by Ben Kiernan but have been lost, according to Youk Chhang (D204/2). According to Khieu Kanharith, the Ministry of Information does not have these records (D269/6/1). These documents must not be admitted since Ben Kiernan will not appear before the Trial Chamber to testify as to their authenticity. Youk Chhang may have discussed his understanding as to the chain of custody of this material, but this is hearsay only and he cannot speak for Ben Kiernan. The Trial Chamber must reject this document pursuant to Rule 87(3)(c). Should this document be admitted, it must be accorded little weight since, as the Trial Chamber has previously ruled, "[o]riginal documents are a preferred method of proof and will be accorded more weight than photocopies of documents." See E185, para. 21. This document furthermore contains material which may be torture tainted. Torture-tainted material is, under all its forms and in every circumstance (except against a person accused of torture as evidence that a statement was made), inadmissible in judicial proceedings before the ECCC. All preliminary biographical information and other derivative evidence contained in this document derived from torture-tainted material and is inadmissible. Torture-tainted material is not allowed under the law and is inherently unreliable. The Trial Chamber must reject this document pursuant to Rule 87(3)(d). See E185, para. 21. The author of this document is not presently scheduled to testify in Case 002/01. If Mr. IENG Sary is not afforded his absolute right under Rule 84(1) to confront the author of this report, this document is also inadmissible pursuant to Rule 87(3)(d). For further argument, see IENG Sary's Objections to the Admissibility of Certain Categories of Documents, 6 September 2011, E114, paras. 1 (Standards for the admission of documentary evidence set by the Establishment Law), 7-9 (Reliability), 11 (Relevance), 18-19 (Reports, articles and non-contemporaneous documents). |
| 55 | D157.44 | E9/31.8 (Annex 8), No. 50 | Tram Kak District Record | unknown | 24-Apr-1977 | Report from Tram Kak District Office. | Describes a Tram Kak District order to enquire whether some persons are 'new people' or 'old people'. | IV. COMMUNICATI ON STRUCTURE [25: 72 to 112], D. TREATMENT OF TARGETED GROUPS [55: 205 | This is a Tram Kak district record. The original versions of the Tram Kak records were purportedly obtained by Ben Kiernan but have been lost, according to Youk Chhang (D204/2). According to Khieu Kanharith, the Ministry of Information does not have these records (D269/6/1). These documents must not be admitted since Ben Kiernan will not |

IENG Sary's Objections to the Documents Proposed by the OCP in E223/2/1 (E223/2/1.2)

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| | | | | | | | | to 215], Movement of the Population from Phnom Penh (Phase 1) [60: 221 to 261], Tram Kok Cooperatives [79: 302 to 322], Kraing Ta Chan Security Centre [125: 489 to 515] | appear before the Trial Chamber to testify as to their authenticity. Youk Chhang may have discussed his understanding as to the chain of custody of this material, but this is hearsay only and he cannot speak for Ben Kiernan. The Trial Chamber must reject this document pursuant to Rule 87(3)(c). Should this document be admitted, it must be accorded little weight since, as the Trial Chamber has previously ruled, "[o]riginal documents are a preferred method of proof and will be accorded more weight than photocopies of documents." See E185, para. 21. The author of this document is not presently scheduled to testify in Case 002/01. If Mr. IENG Sary is not afforded his absolute right under Rule 84(1) to confront the author of this report, this document is also inadmissible pursuant to Rule 87(3)(d). For further argument, see IENG Sary's Objections to the Admissibility of Certain Categories of Documents, 6 September 2011, E114, paras. 1 (Standards for the admission of documentary evidence set by the Establishment Law), 7-9 (Reliability), 11 (Relevance), 18-19 (Reports, articles and non-contemporaneous documents). |
| 56 | D157.42 | E9/31.8 (Annex 8), No. 48 | Tram Kak District Record | YEE, KIT | 24-Apr-1977 | Reports from Communes to District Office. | Describes communications between Ta Phem and Kus Communes with Tram Kak District Office about the activities of alleged enemies, including Khmer Republic soldiers and new people. | IV. COMMUNICATION STRUCTURE [25: 72 to 112], D. TREATMENT OF TARGETED GROUPS [55: 205 to 215], Movement of the Population from Phnom Penh (Phase 1) [60: 221 to 261], Tram Kok Cooperatives [79: 302 to 322], Kraing Ta Chan Security Centre [125: 489 to 515] | This is a Tram Kak district record. The original versions of the Tram Kak records were purportedly obtained by Ben Kiernan but have been lost, according to Youk Chhang (D204/2). According to Khieu Kanharith, the Ministry of Information does not have these records (D269/6/1). These documents must not be admitted since Ben Kiernan will not appear before the Trial Chamber to testify as to their authenticity. Youk Chhang may have discussed his understanding as to the chain of custody of this material, but this is hearsay only and he cannot speak for Ben Kiernan. The Trial Chamber must reject this document pursuant to Rule 87(3)(c). Should this document be admitted, it must be accorded little weight since, as the Trial Chamber has previously ruled, "[o]riginal documents are a preferred method of proof and will be accorded more weight than photocopies of documents." See E185, para. 21. The author of this document is not presently scheduled to testify in Case 002/01. If Mr. IENG Sary is not afforded his absolute right under Rule 84(1) to confront the author of this report, this document is also inadmissible pursuant to Rule 87(3)(d). For further argument, see IENG Sary's Objections to the Admissibility of Certain Categories |

IENG Sary's Objections to the Documents Proposed by the OCP in E223/2/1 (E223/2/1.2)

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| | | | | | | | | | of Documents, 6 September 2011, E114, paras. 1 (Standards for the admission of documentary evidence set by the Establishment Law), 7-9 (Reliability), 11 (Relevance), 18-19 (Reports, articles and non-contemporaneous documents). |
| 57 | IS 18.32 | E9/31.8 (Annex 8), No. 53 | Tram Kak District Record | TOT | 27-Apr-1977 | Prisoner List of Kraing Ta Chan Security Office | List of prisoners at Kraing Ta Chan; prisoners appear to come from Districts 105 and 109 and comprise numerous former Khmer Republic soldiers or public servants as well as returnees from France. | IV. COMMUNICATION STRUCTURE [25: 72 to 112], D. TREATMENT OF TARGETED GROUPS [55: 205 to 215], Movement of the Population from Phnom Penh (Phase 1) [60: 221 to 261], Tram Kok Cooperatives [79: 302 to 322], Kraing Ta Chan Security Centre [125: 489 to 515] | <p>This is a Tram Kak district record. The original versions of the Tram Kak records were purportedly obtained by Ben Kiernan but have been lost, according to Youk Chhang (D204/2). According to Khieu Kanharith, the Ministry of Information does not have these records (D269/6/1). These documents must not be admitted since Ben Kiernan will not appear before the Trial Chamber to testify as to their authenticity. Youk Chhang may have discussed his understanding as to the chain of custody of this material, but this is hearsay only and he cannot speak for Ben Kiernan. The Trial Chamber must reject this document pursuant to Rule 87(3)(c). Should this document be admitted, it must be accorded little weight since, as the Trial Chamber has previously ruled, “[o]riginal documents are a preferred method of proof and will be accorded more weight than photocopies of documents.” See E185, para. 21.</p> <p>This document furthermore contains material which may be torture tainted. Torture-tainted material is, under all its forms and in every circumstance (except against a person accused of torture as evidence that a statement was made), inadmissible in judicial proceedings before the ECCC. All preliminary biographical information and other derivative evidence contained in this document derived from torture-tainted material and is inadmissible. Torture-tainted material is not allowed under the law and is inherently unreliable. The Trial Chamber must reject this document pursuant to Rule 87(3)(d). See E185, para. 21.</p> <p>The author of this document is not presently scheduled to testify in Case 002/01. If Mr. IENG Sary is not afforded his absolute right under Rule 84(1) to confront the author of this report, this document is also inadmissible pursuant to Rule 87(3)(d). For further argument, see IENG Sary's Objections to the Admissibility of Certain Categories of Documents, 6 September 2011, E114, paras. 1 (Standards for the admission of documentary evidence set by the Establishment Law), 7-9 (Reliability), 11 (Relevance), 18-19 (Reports,</p> |

IENG Sary's Objections to the Documents Proposed by the OCP in E223/2/1 (E223/2/1.2)

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| | | | | | | | | | articles and non-contemporaneous documents). |
| 58 | D232/16.1 | E9/31.8 (Annex 8), No. 59 | Tram Kak District Record | DK | 30-Apr-1977 | Annex 1 to the Written Record of Interview of PECH Chim D232/16 | Describes communications about the enemy situation in Cheang Tong commune, including the sending of 2 people to Angkar. Discusses former position of evacuees (former Khmer Republic soldier and 'new person') | IV. COMMUNICATION STRUCTURE [25: 72 to 112], D. TREATMENT OF TARGETED GROUPS [55: 205 to 215], Movement of the Population from Phnom Penh (Phase 1) [60: 221 to 261], Tram Kok Cooperatives [79: 302 to 322], Kraing Ta Chan Security Centre [125: 489 to 515] | <p>This is a Tram Kak district record. The original versions of the Tram Kak records were purportedly obtained by Ben Kiernan but have been lost, according to Youk Chhang (D204/2). According to Khieu Kanharith, the Ministry of Information does not have these records (D269/6/1). These documents must not be admitted since Ben Kiernan will not appear before the Trial Chamber to testify as to their authenticity. Youk Chhang may have discussed his understanding as to the chain of custody of this material, but this is hearsay only and he cannot speak for Ben Kiernan. The Trial Chamber must reject this document pursuant to Rule 87(3)(c). Should this document be admitted, it must be accorded little weight since, as the Trial Chamber has previously ruled, "[o]riginal documents are a preferred method of proof and will be accorded more weight than photocopies of documents." See E185, para. 21.</p> <p>This document furthermore contains material which may be torture tainted. Torture-tainted material is, under all its forms and in every circumstance (except against a person accused of torture as evidence that a statement was made), inadmissible in judicial proceedings before the ECCC. All preliminary biographical information and other derivative evidence contained in this document derived from torture-tainted material and is inadmissible. Torture-tainted material is not allowed under the law and is inherently unreliable. The Trial Chamber must reject this document pursuant to Rule 87(3)(d). See E185, para. 21.</p> <p>The author of this document is not presently scheduled to testify in Case 002/01. If Mr. IENG Sary is not afforded his absolute right under Rule 84(1) to confront the author of this report, this document is also inadmissible pursuant to Rule 87(3)(d). For further argument, see IENG Sary's Objections to the Admissibility of Certain Categories of Documents, 6 September 2011, E114, paras. 1 (Standards for the admission of documentary evidence set by the Establishment Law), 7-9 (Reliability), 11 (Relevance), 18-19 (Reports, articles and non-contemporaneous documents).</p> |
| 59 | D157.4 | E9/31.8 (Annex 8), No. 61 | Tram Kak District Record | KAP | 03-May-1977 | Report from Kap, Nhaeng Nhang commune. | Reports about sending Khmer Krom back to Vietnam; further reports a security incident in Nheng Nhang commune | IV. COMMUNICATION STRUCTURE [25: 72 to 112], D. | <p>This is a Tram Kak district record. The original versions of the Tram Kak records were purportedly obtained by Ben Kiernan but have been lost, according to Youk Chhang (D204/2). According to</p> |

IENG Sary's Objections to the Documents Proposed by the OCP in E223/2/1 (E223/2/1.2)

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| | | | | | | | involving a '17 April person'. | TREATMENT OF TARGETED GROUPS [55:205 to 215], Movement of the Population from Phnom Penh (Phase 1) [60: 221 to 261], Tram Kok Cooperatives [79: 302 to 322], Treatment of Vietnamese [196: 791 to 841] | <p>Khieu Kanharith, the Ministry of Information does not have these records (D269/6/1). These documents must not be admitted since Ben Kiernan will not appear before the Trial Chamber to testify as to their authenticity. Youk Chhang may have discussed his understanding as to the chain of custody of this material, but this is hearsay only and he cannot speak for Ben Kiernan. The Trial Chamber must reject this document pursuant to Rule 87(3)(c). Should this document be admitted, it must be accorded little weight since, as the Trial Chamber has previously ruled, "[o]riginal documents are a preferred method of proof and will be accorded more weight than photocopies of documents." See E185, para. 21.</p> <p>The author of this document is not presently scheduled to testify in Case 002/01. If Mr. IENG Sary is not afforded his absolute right under Rule 84(1) to confront the author of this report, this document is also inadmissible pursuant to Rule 87(3)(d). For further argument, see IENG Sary's Objections to the Admissibility of Certain Categories of Documents, 6 September 2011, E114, paras. 1 (Standards for the admission of documentary evidence set by the Establishment Law), 7-9 (Reliability), 11 (Relevance), 18-19 (Reports, articles and non-contemporaneous documents).</p> |
| 60 | D157.54 | E9/31.8 (Annex 8), No. 69 | Tram Kak District Record | NHUAM | 08-May-1977 | Report from Nhuam Khbop Trabek Commune to District Office | Requests action to be taken against two former Khmer Republic officers badly speaking of the CPK. | IV. COMMUNICATION STRUCTURE [25: 72 to 112], D. TREATMENT OF TARGETED GROUPS [55:205 to 215], Movement of the Population from Phnom Penh (Phase 1) [60: 221 to 261], Tram Kok Cooperatives [79: 302 to 322], Kraing Ta Chan Security Centre [125: 489 to 515] | <p>This is a Tram Kak district record. The original versions of the Tram Kak records were purportedly obtained by Ben Kiernan but have been lost, according to Youk Chhang (D204/2). According to Khieu Kanharith, the Ministry of Information does not have these records (D269/6/1). These documents must not be admitted since Ben Kiernan will not appear before the Trial Chamber to testify as to their authenticity. Youk Chhang may have discussed his understanding as to the chain of custody of this material, but this is hearsay only and he cannot speak for Ben Kiernan. The Trial Chamber must reject this document pursuant to Rule 87(3)(c). Should this document be admitted, it must be accorded little weight since, as the Trial Chamber has previously ruled, "[o]riginal documents are a preferred method of proof and will be accorded more weight than photocopies of documents." See E185, para. 21.</p> <p>This document furthermore contains material which may be torture tainted. Torture-tainted material is, under all its forms and in every circumstance (except against a person accused of torture as evidence that a statement was made), inadmissible in judicial</p> |

IENG Sary's Objections to the Documents Proposed by the OCP in E223/2/1 (E223/2/1.2)

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| | | | | | | | | | <p>proceedings before the ECCC. All preliminary biographical information and other derivative evidence contained in this document derived from torture-tainted material and is inadmissible. Torture-tainted material is not allowed under the law and is inherently unreliable. The Trial Chamber must reject this document pursuant to Rule 87(3)(d). <i>See</i> E185, para. 21.</p> <p>The author of this document is not presently scheduled to testify in Case 002/01. If Mr. IENG Sary is not afforded his absolute right under Rule 84(1) to confront the author of this report, this document is also inadmissible pursuant to Rule 87(3)(d). For further argument, <i>see</i> IENG Sary's Objections to the Admissibility of Certain Categories of Documents, 6 September 2011, E114, paras. 1 (Standards for the admission of documentary evidence set by the Establishment Law), 7-9 (Reliability), 11 (Relevance), 18-19 (Reports, articles and non-contemporaneous documents).</p> |
| 61 | IS 18.37 | E9/31.8 (Annex 8), No. 72 | Tram Kak District Record | CHORN, KHIT | 13-May-1977 - 26-Jul-1978 | Reports from Ta Phem and Popoel subdistrict offices to District Office. | Describes communications between Tram Kak District officials about traitorous activities of a former Khmer Republic soldier and 'new person'; describes Khmer Kroms being taken away. | IV. COMMUNICATION STRUCTURE [25: 72 to 112], D. TREATMENT OF TARGETED GROUPS [55: 205 to 215], Movement of the Population from Phnom Penh (Phase 1) [60: 221 to 261], Tram Kok Cooperatives [79: 302 to 322], Kraing Ta Chan Security Centre [125:489 to 515], Treatment of Vietnamese [196: 791 to 841] | <p>This is a Tram Kak district record. The original versions of the Tram Kak records were purportedly obtained by Ben Kiernan but have been lost, according to Youk Chhang (D204/2). According to Khieu Kanharith, the Ministry of Information does not have these records (D269/6/1). These documents must not be admitted since Ben Kiernan will not appear before the Trial Chamber to testify as to their authenticity. Youk Chhang may have discussed his understanding as to the chain of custody of this material, but this is hearsay only and he cannot speak for Ben Kiernan. The Trial Chamber must reject this document pursuant to Rule 87(3)(c). Should this document be admitted, it must be accorded little weight since, as the Trial Chamber has previously ruled, "[o]riginal documents are a preferred method of proof and will be accorded more weight than photocopies of documents." <i>See</i> E185, para. 21.</p> <p>The author of this document is not presently scheduled to testify in Case 002/01. If Mr. IENG Sary is not afforded his absolute right under Rule 84(1) to confront the author of this report, this document is also inadmissible pursuant to Rule 87(3)(d). For further argument, <i>see</i> IENG Sary's Objections to the Admissibility of Certain Categories of Documents, 6 September 2011, E114, paras. 1 (Standards for the admission of documentary evidence set by the Establishment Law), 7-9</p> |

IENG Sary's Objections to the Documents Proposed by the OCP in E223/2/1 (E223/2/1.2)

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| 62 | D157.61 | E9/31.8 (Annex 8), No. 79 | Tram Kak District Record | unknown | 28-Jun-1977 | Report from Leay Bo Commune to District Office | Describes the alleged traitorous activities of an individual in Tram Kak District and details the status of former Khmer Republic soldiers or 'new people' among his family members. | IV. COMMUNICATION STRUCTURE [25: 72 to 112], D. TREATMENT OF TARGETED GROUPS [55:205 to 215], Movement of the Population from Phnom Penh (Phase 1) [60: 221 to 261], Tram Kok Cooperatives [79: 302 to 322], Kraing Ta Chan Security Centre [125: 489 to 515] | <p>This is a Tram Kak district record. The original versions of the Tram Kak records were purportedly obtained by Ben Kiernan but have been lost, according to Youk Chhang (D204/2). According to Khieu Kanharith, the Ministry of Information does not have these records (D269/6/1). These documents must not be admitted since Ben Kiernan will not appear before the Trial Chamber to testify as to their authenticity. Youk Chhang may have discussed his understanding as to the chain of custody of this material, but this is hearsay only and he cannot speak for Ben Kiernan. The Trial Chamber must reject this document pursuant to Rule 87(3)(c). Should this document be admitted, it must be accorded little weight since, as the Trial Chamber has previously ruled, "[o]riginal documents are a preferred method of proof and will be accorded more weight than photocopies of documents." See E185, para. 21.</p> <p>This document furthermore contains material which may be torture tainted. Torture-tainted material is, under all its forms and in every circumstance (except against a person accused of torture as evidence that a statement was made), inadmissible in judicial proceedings before the ECCC. All preliminary biographical information and other derivative evidence contained in this document derived from torture-tainted material and is inadmissible. Torture-tainted material is not allowed under the law and is inherently unreliable. The Trial Chamber must reject this document pursuant to Rule 87(3)(d). See E185, para. 21.</p> <p>The author of this document is not presently scheduled to testify in Case 002/01. If Mr. IENG Sary is not afforded his absolute right under Rule 84(1) to confront the author of this report, this document is also inadmissible pursuant to Rule 87(3)(d). For further argument, see IENG Sary's Objections to the Admissibility of Certain Categories of Documents, 6 September 2011, E114, paras. 1 (Standards for the admission of documentary evidence set by the Establishment Law), 7-9 (Reliability), 11 (Relevance), 18-19 (Reports, articles and non-contemporaneous documents).</p> |
| 63 | IS 18.46, D232/73.4 | E9/31.8 (Annex 8), No. 80 | Tram Kak District Record | AN | ??-Jul-1977 | Reports entitled "To Kit, Tram Kok District" and "To the Party". | Describes the activities and situation at Kraing Ta Chan prison in July 1977, indicating | IV. COMMUNICATION STRUCTURE | <p>This is a Tram Kak district record. The original versions of the Tram Kak records were purportedly obtained by Ben Kiernan but have been lost,</p> |

IENG Sary's Objections to the Documents Proposed by the OCP in E223/2/1 (E223/2/1.2)

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| | | | | | | | the total number of detainees, the number of detainees purged (39) or deaths of illness (2), and detailing a political indoctrination session, expenditures and food production; also contains the summary of a confession of a 'new person'. | [25: 72 to 112], D. TREATMENT OF TARGETED GROUPS [55: 205 to 215], Movement of the Population from Phnom Penh (Phase 1) [60: 221 to 261], Tram Kok Cooperatives [79: 302 to 322], Kraing Ta Chan Security Centre [125: 489 to 515] | according to Youk Chhang (D204/2). According to Khieu Kanharith, the Ministry of Information does not have these records (D269/6/1). These documents must not be admitted since Ben Kiernan will not appear before the Trial Chamber to testify as to their authenticity. Youk Chhang may have discussed his understanding as to the chain of custody of this material, but this is hearsay only and he cannot speak for Ben Kiernan. The Trial Chamber must reject this document pursuant to Rule 87(3)(c). Should this document be admitted, it must be accorded little weight since, as the Trial Chamber has previously ruled, "[o]riginal documents are a preferred method of proof and will be accorded more weight than photocopies of documents." See E185, para. 21. This document furthermore contains material which may be torture tainted. Torture-tainted material is, under all its forms and in every circumstance (except against a person accused of torture as evidence that a statement was made), inadmissible in judicial proceedings before the ECCC. All preliminary biographical information and other derivative evidence contained in this document derived from torture-tainted material and is inadmissible. Torture-tainted material is not allowed under the law and is inherently unreliable. The Trial Chamber must reject this document pursuant to Rule 87(3)(d). See E185, para. 21. The author of this document is not presently scheduled to testify in Case 002/01. If Mr. IENG Sary is not afforded his absolute right under Rule 84(1) to confront the author of this report, this document is also inadmissible pursuant to Rule 87(3)(d). For further argument, see IENG Sary's Objections to the Admissibility of Certain Categories of Documents, 6 September 2011, E114, paras. 1 (Standards for the admission of documentary evidence set by the Establishment Law), 7-9 (Reliability), 11 (Relevance), 18-19 (Reports, articles and non-contemporaneous documents). |
| 64 | D157.62 | E9/31.8 (Annex 8), No. 81 | Tram Kak District Record | Unknown | 01-Jul-1977 | Report from Ang Ta Saom Subdistrict to District Office | Describes alleged traitorous activities of two individuals, including a 14 year-old 'new person' evacuated from Phnom Penh and their transfer to Angkar for further interrogation. | IV. COMMUNICATION STRUCTURE [25: 72 to 112], D. TREATMENT OF TARGETED GROUPS [55: 205 to 215], Movement | This is a Tram Kak district record. The original versions of the Tram Kak records were purportedly obtained by Ben Kiernan but have been lost, according to Youk Chhang (D204/2). According to Khieu Kanharith, the Ministry of Information does not have these records (D269/6/1). These documents must not be admitted since Ben Kiernan will not appear before the Trial Chamber to testify as to their |

IENG Sary's Objections to the Documents Proposed by the OCP in E223/2/1 (E223/2/1.2)

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| | | | | | | | | <p>of the Population from Phnom Penh (Phase 1) [60: 221 to 261], Tram Kok Cooperatives [79: 302 to 322], Kraing Ta Chan Security Centre [125: 489 to 515]</p> <p>authenticity. Youk Chhang may have discussed his understanding as to the chain of custody of this material, but this is hearsay only and he cannot speak for Ben Kiernan. The Trial Chamber must reject this document pursuant to Rule 87(3)(c). Should this document be admitted, it must be accorded little weight since, as the Trial Chamber has previously ruled, “[o]riginal documents are a preferred method of proof and will be accorded more weight than photocopies of documents.” <i>See</i> E185, para. 21.</p> <p>This document furthermore contains material which may be torture tainted. Torture-tainted material is, under all its forms and in every circumstance (except against a person accused of torture as evidence that a statement was made), inadmissible in judicial proceedings before the ECCC. All preliminary biographical information and other derivative evidence contained in this document derived from torture-tainted material and is inadmissible. Torture-tainted material is not allowed under the law and is inherently unreliable. The Trial Chamber must reject this document pursuant to Rule 87(3)(d). <i>See</i> E185, para. 21.</p> <p>The author of this document is not presently scheduled to testify in Case 002/01. If Mr. IENG Sary is not afforded his absolute right under Rule 84(1) to confront the author of this report, this document is also inadmissible pursuant to Rule 87(3)(d). For further argument, <i>see</i> IENG Sary's Objections to the Admissibility of Certain Categories of Documents, 6 September 2011, E114, paras. 1 (Standards for the admission of documentary evidence set by the Establishment Law), 7-9 (Reliability), 11 (Relevance), 18-19 (Reports, articles and non-contemporaneous documents).</p> |
| 65 | D232/18.2 | E9/31.8 (Annex 8), No. 83 | Tram Kak District Record | AN | 11-Jul-1977 | Annex 2: Report attached to Written Record of Interview of PECH Chim D232/18 | Describes a report from the chief of Kraing Ta Chan prison to Angkar, containing annotations to smash and arrest one former Khmer republic soldier who confessed. | <p>IV. COMMUNICATION STRUCTURE [25: 72 to 112], D. TREATMENT OF TARGETED GROUPS [55: 205 to 215], Movement of the Population from Phnom Penh (Phase 1) [60: 221 to 261], Tram Kok Cooperatives [79:</p> <p>This is a Tram Kak district record. The original versions of the Tram Kak records were purportedly obtained by Ben Kiernan but have been lost, according to Youk Chhang (D204/2). According to Khieu Kanharith, the Ministry of Information does not have these records (D269/6/1). These documents must not be admitted since Ben Kiernan will not appear before the Trial Chamber to testify as to their authenticity. Youk Chhang may have discussed his understanding as to the chain of custody of this material, but this is hearsay only and he cannot speak for Ben Kiernan. The Trial Chamber must reject this document pursuant to Rule 87(3)(c). Should this</p> |

IENG Sary's Objections to the Documents Proposed by the OCP in E223/2/1 (E223/2/1.2)

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| | | | | | | | 302 to 322], Kraing Ta Chan Security Centre [125: 489 to 515] | <p>document be admitted, it must be accorded little weight since, as the Trial Chamber has previously ruled, "[o]riginal documents are a preferred method of proof and will be accorded more weight than photocopies of documents." <i>See</i> E185, para. 21.</p> <p>This document furthermore contains material which may be torture tainted. Torture-tainted material is, under all its forms and in every circumstance (except against a person accused of torture as evidence that a statement was made), inadmissible in judicial proceedings before the ECCC. All preliminary biographical information and other derivative evidence contained in this document derived from torture-tainted material and is inadmissible. Torture-tainted material is not allowed under the law and is inherently unreliable. The Trial Chamber must reject this document pursuant to Rule 87(3)(d). <i>See</i> E185, para. 21.</p> <p>The author of this document is not presently scheduled to testify in Case 002/01. If Mr. IENG Sary is not afforded his absolute right under Rule 84(1) to confront the author of this report, this document is also inadmissible pursuant to Rule 87(3)(d). For further argument, <i>see</i> IENG Sary's Objections to the Admissibility of Certain Categories of Documents, 6 September 2011, E114, paras. 1 (Standards for the admission of documentary evidence set by the Establishment Law), 7-9 (Reliability), 11 (Relevance), 18-19 (Reports, articles and non-contemporaneous documents).</p> | |
| 66 | D157.65 | E9/31.8 (Annex 8), No. 88 | Tram Kak District Record | KHIT | 01-Aug-1977 | Reports from communes to District Office and Kraing Ta Chan Security Office. | Describes communication exchanges between Tram Kak District officials about the traitorous activities of two persons, including a 'new person'. | <p>IV. COMMUNICATION STRUCTURE [25: 72 to 112], D. TREATMENT OF TARGETED GROUPS [55: 205 to 215], Movement of the Population from Phnom Penh (Phase 1) [60: 221 to 261], Tram Kok Cooperatives [79: 302 to 322], Kraing Ta Chan Security Centre [125: 489 to 515]</p> | <p>This is a Tram Kak district record. The original versions of the Tram Kak records were purportedly obtained by Ben Kiernan but have been lost, according to Youk Chhang (D204/2). According to Khieu Kanharith, the Ministry of Information does not have these records (D269/6/1). These documents must not be admitted since Ben Kiernan will not appear before the Trial Chamber to testify as to their authenticity. Youk Chhang may have discussed his understanding as to the chain of custody of this material, but this is hearsay only and he cannot speak for Ben Kiernan. The Trial Chamber must reject this document pursuant to Rule 87(3)(c). Should this document be admitted, it must be accorded little weight since, as the Trial Chamber has previously ruled, "[o]riginal documents are a preferred method of proof and will be accorded more weight than photocopies of documents." <i>See</i> E185, para. 21.</p> |

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| | | | | | | | | | <p>This document furthermore contains material which may be torture tainted. Torture-tainted material is, under all its forms and in every circumstance (except against a person accused of torture as evidence that a statement was made), inadmissible in judicial proceedings before the ECCC. All preliminary biographical information and other derivative evidence contained in this document derived from torture-tainted material and is inadmissible. Torture-tainted material is not allowed under the law and is inherently unreliable. The Trial Chamber must reject this document pursuant to Rule 87(3)(d). <i>See</i> E185, para. 21.</p> <p>The author of this document is not presently scheduled to testify in Case 002/01. If Mr. IENG Sary is not afforded his absolute right under Rule 84(1) to confront the author of this report, this document is also inadmissible pursuant to Rule 87(3)(d). For further argument, <i>see</i> IENG Sary's Objections to the Admissibility of Certain Categories of Documents, 6 September 2011, E114, paras. 1 (Standards for the admission of documentary evidence set by the Establishment Law), 7-9 (Reliability), 11 (Relevance), 18-19 (Reports, articles and non-contemporaneous documents).</p> |
| 67 | D232/78.2 | E9/31.8 (Annex 8), No. 87 | Tram Kak District Record | PHAN Chhen | 01-Aug-1977 | Letter from Ann to Boeun | Letter from Chief of KraingTaChan Security Centre ordering the arrest of two individuals, including one born in Phnom Penh. | IV. COMMUNICATION STRUCTURE [25: 72 to 112], D. TREATMENT OF TARGETED GROUPS [55: 205 to 215], Movement of the Population from Phnom Penh (Phase 1) [60: 221 to 261], Tram Kok Cooperatives [79: 302 to 322], Kraing Ta Chan Security Centre [125: 489 to 515] | <p>This is a Tram Kak district record. The original versions of the Tram Kak records were purportedly obtained by Ben Kiernan but have been lost, according to Youk Chhang (D204/2). According to Khieu Kanharith, the Ministry of Information does not have these records (D269/6/1). These documents must not be admitted since Ben Kiernan will not appear before the Trial Chamber to testify as to their authenticity. Youk Chhang may have discussed his understanding as to the chain of custody of this material, but this is hearsay only and he cannot speak for Ben Kiernan. The Trial Chamber must reject this document pursuant to Rule 87(3)(c). Should this document be admitted, it must be accorded little weight since, as the Trial Chamber has previously ruled, "[o]riginal documents are a preferred method of proof and will be accorded more weight than photocopies of documents." <i>See</i> E185, para. 21.</p> <p>The author of this document is not presently scheduled to testify in Case 002/01. If Mr. IENG Sary is not afforded his absolute right under Rule 84(1) to confront the author of this report, this document is also inadmissible pursuant to Rule</p> |

IENG Sary's Objections to the Documents Proposed by the OCP in E223/2/1 (E223/2/1.2)

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| | | | | | | | | | 87(3)(d). For further argument, <i>see</i> IENG Sary's Objections to the Admissibility of Certain Categories of Documents, 6 September 2011, E114, paras. 1 (Standards for the admission of documentary evidence set by the Establishment Law), 7-9 (Reliability), 11 (Relevance), 18-19 (Reports, articles and non-contemporaneous documents). |
| 68 | D157.37 | E9/31.8 (Annex 8), No. 90 | Tram Kak District Record | BOEUN | 02-Aug-1977 | Reports from Cheang Tong Commune and Khpaub Trabek Commune to District Office. | Reports about criminal acts of individuals, including a 'new person', within communes in Tram Kak District, and seeks guidance from Angkar. | IV. COMMUNICATION STRUCTURE [25: 72 to 112], D. TREATMENT OF TARGETED GROUPS [55: 205 to 215], Movement of the Population from Phnom Penh (Phase 1) [60: 221 to 261], Tram Kok Cooperatives [79: 302 to 322], Kraing Ta Chan Security Centre [125: 489 to 515] | <p>This is a Tram Kak district record. The original versions of the Tram Kak records were purportedly obtained by Ben Kiernan but have been lost, according to Youk Chhang (D204/2). According to Khieu Kanharith, the Ministry of Information does not have these records (D269/6/1). These documents must not be admitted since Ben Kiernan will not appear before the Trial Chamber to testify as to their authenticity. Youk Chhang may have discussed his understanding as to the chain of custody of this material, but this is hearsay only and he cannot speak for Ben Kiernan. The Trial Chamber must reject this document pursuant to Rule 87(3)(c). Should this document be admitted, it must be accorded little weight since, as the Trial Chamber has previously ruled, "[o]riginal documents are a preferred method of proof and will be accorded more weight than photocopies of documents." <i>See</i> E185, para. 21.</p> <p>This document furthermore contains material which may be torture tainted. Torture-tainted material is, under all its forms and in every circumstance (except against a person accused of torture as evidence that a statement was made), inadmissible in judicial proceedings before the ECCC. All preliminary biographical information and other derivative evidence contained in this document derived from torture-tainted material and is inadmissible. Torture-tainted material is not allowed under the law and is inherently unreliable. The Trial Chamber must reject this document pursuant to Rule 87(3)(d). <i>See</i> E185, para. 21.</p> <p>The author of this document is not presently scheduled to testify in Case 002/01. If Mr. IENG Sary is not afforded his absolute right under Rule 84(1) to confront the author of this report, this document is also inadmissible pursuant to Rule 87(3)(d). For further argument, <i>see</i> IENG Sary's Objections to the Admissibility of Certain Categories of Documents, 6 September 2011, E114, paras. 1 (Standards for the admission of documentary evidence set by the Establishment Law), 7-9</p> |

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| | | | | | | | | | (Reliability), 11 (Relevance), 18-19 (Reports, articles and non-contemporaneous documents). |
| 69 | D157.67 | E9/31.8 (Annex 8), No. 91 | Tram Kak District Record | KHUN | 04-Aug-1977 | Report from Khun, Kbal Pou commune, Tram Kak District | Discusses the activities of a 'new person of 17 April' of Vietnamese descent. | IV. COMMUNICATI ON STRUCTURE [25: 72 to 112], D. TREATMENT OF TARGETED GROUPS [55: 205 to 215], Movement of the Population from Phnom Penh (Phase 1) [60: 221 to 261], Tram Kok Cooperatives [79: 302 to 322], Kraing Ta Chan Security Centre [125: 489 to 515], Treatment of Vietnamese [196: 791 to 841] | <p>This is a Tram Kak district record. The original versions of the Tram Kak records were purportedly obtained by Ben Kiernan but have been lost, according to Youk Chhang (D204/2). According to Khieu Kanharith, the Ministry of Information does not have these records (D269/6/1). These documents must not be admitted since Ben Kiernan will not appear before the Trial Chamber to testify as to their authenticity. Youk Chhang may have discussed his understanding as to the chain of custody of this material, but this is hearsay only and he cannot speak for Ben Kiernan. The Trial Chamber must reject this document pursuant to Rule 87(3)(c). Should this document be admitted, it must be accorded little weight since, as the Trial Chamber has previously ruled, "[o]riginal documents are a preferred method of proof and will be accorded more weight than photocopies of documents." See E185, para. 21.</p> <p>This document furthermore contains material which may be torture tainted. Torture-tainted material is, under all its forms and in every circumstance (except against a person accused of torture as evidence that a statement was made), inadmissible in judicial proceedings before the ECCC. All preliminary biographical information and other derivative evidence contained in this document derived from torture-tainted material and is inadmissible. Torture-tainted material is not allowed under the law and is inherently unreliable. The Trial Chamber must reject this document pursuant to Rule 87(3)(d). See E185, para. 21.</p> <p>The author of this document is not presently scheduled to testify in Case 002/01. If Mr. IENG Sary is not afforded his absolute right under Rule 84(1) to confront the author of this report, this document is also inadmissible pursuant to Rule 87(3)(d). For further argument, see IENG Sary's Objections to the Admissibility of Certain Categories of Documents, 6 September 2011, E114, paras. 1 (Standards for the admission of documentary evidence set by the Establishment Law), 7-9 (Reliability), 11 (Relevance), 18-19 (Reports, articles and non-contemporaneous documents).</p> |
| 70 | NEW | E9/31.8 (Annex 8), No. 92 | Tram Kak District Record | ANN | 25-Aug-1977 | Report from Ann entitled "Office of Education of District 105 - Report" | Describes the arrest and interrogation of three former Khmer Republic military | IV. COMMUNICATI ON STRUCTURE | <p>This is a Tram Kak district record. The original versions of the Tram Kak records were purportedly obtained by Ben Kiernan but have been lost,</p> |

IENG Sary's Objections to the Documents Proposed by the OCP in E223/2/1 (E223/2/1.2)

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| | | | | | | officers (and 'new people') at Kraing Ta Chan prison. Bears annotation as follows: "These 5 traitors, the party decided to smash them 27-07-77."). | [25: 72 to 112], D. TREATMENT OF TARGETED GROUPS [55: 205 to 215], Movement of the Population from Phnom Penh (Phase 1) [60: 221 to 261], Tram Kok Cooperatives [79: 302 to 322], Kraing Ta Chan Security Centre [125: 489 to 515] | according to Youk Chhang (D204/2). According to Khieu Kanharith, the Ministry of Information does not have these records (D269/6/1). These documents must not be admitted since Ben Kiernan will not appear before the Trial Chamber to testify as to their authenticity. Youk Chhang may have discussed his understanding as to the chain of custody of this material, but this is hearsay only and he cannot speak for Ben Kiernan. The Trial Chamber must reject this document pursuant to Rule 87(3)(c). Should this document be admitted, it must be accorded little weight since, as the Trial Chamber has previously ruled, "[o]riginal documents are a preferred method of proof and will be accorded more weight than photocopies of documents." See E185, para. 21. This document furthermore contains material which may be torture tainted. Torture-tainted material is, under all its forms and in every circumstance (except against a person accused of torture as evidence that a statement was made), inadmissible in judicial proceedings before the ECCC. All preliminary biographical information and other derivative evidence contained in this document derived from torture-tainted material and is inadmissible. Torture-tainted material is not allowed under the law and is inherently unreliable. The Trial Chamber must reject this document pursuant to Rule 87(3)(d). See E185, para. 21. The author of this document is not presently scheduled to testify in Case 002/01. If Mr. IENG Sary is not afforded his absolute right under Rule 84(1) to confront the author of this report, this document is also inadmissible pursuant to Rule 87(3)(d). For further argument, see IENG Sary's Objections to the Admissibility of Certain Categories of Documents, 6 September 2011, E114, paras. 1 (Standards for the admission of documentary evidence set by the Establishment Law), 7-9 (Reliability), 11 (Relevance), 18-19 (Reports, articles and non-contemporaneous documents). | |
| 71 | D157.68 | E9/31.8 (Annex 8), No. 93 | Tram Kak District Record | NAN | 26-Aug-1977 | Report from Ta Phem Commune to District Office; Report from District 105 Re-Education Office to Party | Details the arrest of nine individuals and their transfer to the "Police" (Security Office): a second document from Kraing Ta Chan prison summarizes a confession of a Phnom Penh 'new person' prisoner from a Tram Kak | IV. COMMUNICATION STRUCTURE [25: 72 to 112], D. TREATMENT OF TARGETED GROUPS [55: 205 to 215], Movement | This is a Tram Kak district record. The original versions of the Tram Kak records were purportedly obtained by Ben Kiernan but have been lost, according to Youk Chhang (D204/2). According to Khieu Kanharith, the Ministry of Information does not have these records (D269/6/1). These documents must not be admitted since Ben Kiernan will not appear before the Trial Chamber to testify as to their |

IENG Sary's Objections to the Documents Proposed by the OCP in E223/2/1 (E223/2/1.2)

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| | | | | | | | District cooperative. | <p>of the Population from Phnom Penh (Phase 1) [60: 221 to 261], Tram Kok Cooperatives [79: 302 to 322], Security [83: 315 to 318], Kraing Ta Chan Security Centre [125: 489 to 515]</p> | <p>authenticity. Youk Chhang may have discussed his understanding as to the chain of custody of this material, but this is hearsay only and he cannot speak for Ben Kiernan. The Trial Chamber must reject this document pursuant to Rule 87(3)(c). Should this document be admitted, it must be accorded little weight since, as the Trial Chamber has previously ruled, "[o]riginal documents are a preferred method of proof and will be accorded more weight than photocopies of documents." <i>See</i> E185, para. 21.</p> <p>This document furthermore contains material which may be torture tainted. Torture-tainted material is, under all its forms and in every circumstance (except against a person accused of torture as evidence that a statement was made), inadmissible in judicial proceedings before the ECCC. All preliminary biographical information and other derivative evidence contained in this document derived from torture-tainted material and is inadmissible. Torture-tainted material is not allowed under the law and is inherently unreliable. The Trial Chamber must reject this document pursuant to Rule 87(3)(d). <i>See</i> E185, para. 21.</p> <p>The author of this document is not presently scheduled to testify in Case 002/01. If Mr. IENG Sary is not afforded his absolute right under Rule 84(1) to confront the author of this report, this document is also inadmissible pursuant to Rule 87(3)(d). For further argument, <i>see</i> IENG Sary's Objections to the Admissibility of Certain Categories of Documents, 6 September 2011, E114, paras. 1 (Standards for the admission of documentary evidence set by the Establishment Law), 7-9 (Reliability), 11 (Relevance), 18-19 (Reports, articles and non-contemporaneous documents).</p> |
| 72 | D157.70 | E9/31.8 (Annex 8), No. 95 | Tram Kak District Record | AN | 02-Sep-1977 - 03-Sep-1977 | Report from An, Kraing Ta Chan Security Centre to San, Tram Kok District. | Describes the content of a confession extracted in Kraing Ta Chan prison. Annotations recommend the arrest of all traitors implicated by the confession, including a former Khmer Republic soldier. Describes communication between Kraing Ta Chan prison and District Office. | <p>IV. COMMUNICATION STRUCTURE [25: 72 to 112], D. TREATMENT OF TARGETED GROUPS [55: 205 to 215], Movement of the Population from Phnom Penh (Phase 1) [60: 221 to 261], Tram Kok Cooperatives [79:</p> | <p>This is a Tram Kak district record. The original versions of the Tram Kak records were purportedly obtained by Ben Kiernan but have been lost, according to Youk Chhang (D204/2). According to Khieu Kanharith, the Ministry of Information does not have these records (D269/6/1). These documents must not be admitted since Ben Kiernan will not appear before the Trial Chamber to testify as to their authenticity. Youk Chhang may have discussed his understanding as to the chain of custody of this material, but this is hearsay only and he cannot speak for Ben Kiernan. The Trial Chamber must reject this document pursuant to Rule 87(3)(c). Should this</p> |

IENG Sary's Objections to the Documents Proposed by the OCP in E223/2/1 (E223/2/1.2)

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| | | | | | | | | 302 to 322], Kraing Ta Chan Security Centre [125: 489 to 515] | <p>document be admitted, it must be accorded little weight since, as the Trial Chamber has previously ruled, “[o]riginal documents are a preferred method of proof and will be accorded more weight than photocopies of documents.” See E185, para. 21.</p> <p>This document furthermore contains material which may be torture tainted. Torture-tainted material is, under all its forms and in every circumstance (except against a person accused of torture as evidence that a statement was made), inadmissible in judicial proceedings before the ECCC. All preliminary biographical information and other derivative evidence contained in this document derived from torture-tainted material and is inadmissible. Torture-tainted material is not allowed under the law and is inherently unreliable. The Trial Chamber must reject this document pursuant to Rule 87(3)(d). See E185, para. 21.</p> <p>The author of this document is not presently scheduled to testify in Case 002/01. If Mr. IENG Sary is not afforded his absolute right under Rule 84(1) to confront the author of this report, this document is also inadmissible pursuant to Rule 87(3)(d). For further argument, see IENG Sary's Objections to the Admissibility of Certain Categories of Documents, 6 September 2011, E114, paras. 1 (Standards for the admission of documentary evidence set by the Establishment Law), 7-9 (Reliability), 11 (Relevance), 18-19 (Reports, articles and non-contemporaneous documents).</p> |
| 73 | D157.72 | E9/31.8 (Annex 8), No. 97 | Tram Kak District Record | ON, MEAN | 05-Sep-1977 | Report from Communes to District Office | Reports to the superior alleged offences or traitorous activities of individuals in Tram Kak District, including former Kmer republic soldiers. | IV. COMMUNICATION STRUCTURE [25: 72 to 112], D. TREATMENT OF TARGETED GROUPS [55: 205 to 215], Movement of the Population from Phnom Penh (Phase 1) [60: 221 to 261], Tram Kok Cooperatives [79: 302 to 322], Kraing Ta Chan Security Centre [125: 489 to 515] | <p>This is a Tram Kak district record. The original versions of the Tram Kak records were purportedly obtained by Ben Kiernan but have been lost, according to Youk Chhang (D204/2). According to Khieu Kanharith, the Ministry of Information does not have these records (D269/6/1). These documents must not be admitted since Ben Kiernan will not appear before the Trial Chamber to testify as to their authenticity. Youk Chhang may have discussed his understanding as to the chain of custody of this material, but this is hearsay only and he cannot speak for Ben Kiernan. The Trial Chamber must reject this document pursuant to Rule 87(3)(c). Should this document be admitted, it must be accorded little weight since, as the Trial Chamber has previously ruled, “[o]riginal documents are a preferred method of proof and will be accorded more weight than photocopies of documents.” See E185, para. 21.</p> |

IENG Sary's Objections to the Documents Proposed by the OCP in E223/2/1 (E223/2/1.2)

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| | | | | | | | | | <p>This document furthermore contains material which may be torture tainted. Torture-tainted material is, under all its forms and in every circumstance (except against a person accused of torture as evidence that a statement was made), inadmissible in judicial proceedings before the ECCC. All preliminary biographical information and other derivative evidence contained in this document derived from torture-tainted material and is inadmissible. Torture-tainted material is not allowed under the law and is inherently unreliable. The Trial Chamber must reject this document pursuant to Rule 87(3)(d). <i>See</i> E185, para. 21.</p> <p>The author of this document is not presently scheduled to testify in Case 002/01. If Mr. IENG Sary is not afforded his absolute right under Rule 84(1) to confront the author of this report, this document is also inadmissible pursuant to Rule 87(3)(d). For further argument, <i>see</i> IENG Sary's Objections to the Admissibility of Certain Categories of Documents, 6 September 2011, E114, paras. 1 (Standards for the admission of documentary evidence set by the Establishment Law), 7-9 (Reliability), 11 (Relevance), 18-19 (Reports, articles and non-contemporaneous documents).</p> |
| 74 | D157.77 | E9/31.8 (Annex 8), No. 103 | Tram Kak District Record | ONN | 16-Sep-1977 | Report from On, K-105, to Angkar. | Reports on alleged traitorous activities and arrest of PRAK Nam, former Kmer Republic soldier and 'new person'. Bears annotations from Kit requesting the transfer of the prisoner to him. | IV. COMMUNICATION STRUCTURE [25: 72 to 112], D. TREATMENT OF TARGETED GROUPS [55: 205 to 215], Movement of the Population from Phnom Penh (Phase 1) [60: 221 to 261], Tram Kok Cooperatives [79: 302 to 322] | <p>This is a Tram Kak district record. The original versions of the Tram Kak records were purportedly obtained by Ben Kiernan but have been lost, according to Youk Chhang (D204/2). According to Khieu Kanharith, the Ministry of Information does not have these records (D269/6/1). These documents must not be admitted since Ben Kiernan will not appear before the Trial Chamber to testify as to their authenticity. Youk Chhang may have discussed his understanding as to the chain of custody of this material, but this is hearsay only and he cannot speak for Ben Kiernan. The Trial Chamber must reject this document pursuant to Rule 87(3)(c). Should this document be admitted, it must be accorded little weight since, as the Trial Chamber has previously ruled, "[o]riginal documents are a preferred method of proof and will be accorded more weight than photocopies of documents." <i>See</i> E185, para. 21.</p> <p>This document furthermore contains material which may be torture tainted. Torture-tainted material is, under all its forms and in every circumstance (except against a person accused of torture as evidence that a statement was made), inadmissible in judicial</p> |

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| | | | | | | | | | <p>proceedings before the ECCC. All preliminary biographical information and other derivative evidence contained in this document derived from torture-tainted material and is inadmissible. Torture-tainted material is not allowed under the law and is inherently unreliable. The Trial Chamber must reject this document pursuant to Rule 87(3)(d). <i>See</i> E185, para. 21.</p> <p>The author of this document is not presently scheduled to testify in Case 002/01. If Mr. IENG Sary is not afforded his absolute right under Rule 84(1) to confront the author of this report, this document is also inadmissible pursuant to Rule 87(3)(d). For further argument, <i>see</i> IENG Sary's Objections to the Admissibility of Certain Categories of Documents, 6 September 2011, E114, paras. 1 (Standards for the admission of documentary evidence set by the Establishment Law), 7-9 (Reliability), 11 (Relevance), 18-19 (Reports, articles and non-contemporaneous documents).</p> |
| 75 | D157.79 | E9/31.8 (Annex 8), No. 105 | Tram Kak District Record | KIT | 20-Sep-1977 | Report from Ta Phem Commune to District Office | Describes report from a Commune cooperative to Tram Kak District about the arrest and interrogation of a 17 April person. | IV. COMMUNICATION STRUCTURE [25: 72 to 112], D. TREATMENT OF TARGETED GROUPS [55: 205 to 215], Movement of the Population from Phnom Penh (Phase 1) [60: 221 to 261], Tram Kok Cooperatives [79: 302 to 322], Kraing Ta Chan Security Centre [125: 489 to 515] | <p>This is a Tram Kak district record. The original versions of the Tram Kak records were purportedly obtained by Ben Kiernan but have been lost, according to Youk Chhang (D204/2). According to Khieu Kanharith, the Ministry of Information does not have these records (D269/6/1). These documents must not be admitted since Ben Kiernan will not appear before the Trial Chamber to testify as to their authenticity. Youk Chhang may have discussed his understanding as to the chain of custody of this material, but this is hearsay only and he cannot speak for Ben Kiernan. The Trial Chamber must reject this document pursuant to Rule 87(3)(c). Should this document be admitted, it must be accorded little weight since, as the Trial Chamber has previously ruled, "[o]riginal documents are a preferred method of proof and will be accorded more weight than photocopies of documents." <i>See</i> E185, para. 21.</p> <p>This document furthermore contains material which may be torture tainted. Torture-tainted material is, under all its forms and in every circumstance (except against a person accused of torture as evidence that a statement was made), inadmissible in judicial proceedings before the ECCC. All preliminary biographical information and other derivative evidence contained in this document derived from torture-tainted material and is inadmissible. Torture-tainted material is not allowed under the law and is</p> |

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| | | | | | | | | | <p>inherently unreliable. The Trial Chamber must reject this document pursuant to Rule 87(3)(d). <i>See</i> E185, para. 21.</p> <p>The author of this document is not presently scheduled to testify in Case 002/01. If Mr. IENG Sary is not afforded his absolute right under Rule 84(1) to confront the author of this report, this document is also inadmissible pursuant to Rule 87(3)(d). For further argument, <i>see</i> IENG Sary's Objections to the Admissibility of Certain Categories of Documents, 6 September 2011, E114, paras. 1 (Standards for the admission of documentary evidence set by the Establishment Law), 7-9 (Reliability), 11 (Relevance), 18-19 (Reports, articles and non-contemporaneous documents).</p> |
| 76 | D157.83 | E9/31.8 (Annex 8), No. 108 | Tram Kak District Record | MEAN | 29-Sep-1977 | Report from Nheng Nhang commune to Kraing Ta Chan Security Office. | Describes communications with Kraing Ta Chan prison about the arrest and transfer of a former teacher ('new person'). | IV. COMMUNICATION STRUCTURE [25: 72 to 112], D. TREATMENT OF TARGETED GROUPS [55: 205 to 215], Movement of the Population from Phnom Penh (Phase 1) [60: 221 to 261], Tram Kok Cooperatives [79: 302 to 322], Kraing Ta Chan Security Centre [125: 489 to 515] | <p>This is a Tram Kak district record. The original versions of the Tram Kak records were purportedly obtained by Ben Kiernan but have been lost, according to Youk Chhang (D204/2). According to Khieu Kanharith, the Ministry of Information does not have these records (D269/6/1). These documents must not be admitted since Ben Kiernan will not appear before the Trial Chamber to testify as to their authenticity. Youk Chhang may have discussed his understanding as to the chain of custody of this material, but this is hearsay only and he cannot speak for Ben Kiernan. The Trial Chamber must reject this document pursuant to Rule 87(3)(c). Should this document be admitted, it must be accorded little weight since, as the Trial Chamber has previously ruled, "[o]riginal documents are a preferred method of proof and will be accorded more weight than photocopies of documents." <i>See</i> E185, para. 21.</p> <p>This document furthermore contains material which may be torture tainted. Torture-tainted material is, under all its forms and in every circumstance (except against a person accused of torture as evidence that a statement was made), inadmissible in judicial proceedings before the ECCC. All preliminary biographical information and other derivative evidence contained in this document derived from torture-tainted material and is inadmissible. Torture-tainted material is not allowed under the law and is inherently unreliable. The Trial Chamber must reject this document pursuant to Rule 87(3)(d). <i>See</i> E185, para. 21.</p> <p>The author of this document is not presently</p> |

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| 77 | D157.84 | E9/31.8 (Annex 8), No. 109 | Tram Kak District Record | THIM | 02-Oct-1977 | Report from Popel Commune to District Office | Details report of two 'new people' commune residents, including a former Khmer Republic soldier, who committed offences; contains request for further instructions from Angkar. | IV. COMMUNICATION STRUCTURE [25: 72 to 112], D. TREATMENT OF TARGETED GROUPS [55: 205 to 215], Movement of the Population from Phnom Penh (Phase 1) [60: 221 to 261], Tram Kok Cooperatives [79: 302 to 322], Kraing Ta Chan Security Centre [125: 489 to 515] | <p>This is a Tram Kak district record. The original versions of the Tram Kak records were purportedly obtained by Ben Kiernan but have been lost, according to Youk Chhang (D204/2). According to Khieu Kanharith, the Ministry of Information does not have these records (D269/6/1). These documents must not be admitted since Ben Kiernan will not appear before the Trial Chamber to testify as to their authenticity. Youk Chhang may have discussed his understanding as to the chain of custody of this material, but this is hearsay only and he cannot speak for Ben Kiernan. The Trial Chamber must reject this document pursuant to Rule 87(3)(c). Should this document be admitted, it must be accorded little weight since, as the Trial Chamber has previously ruled, "[o]riginal documents are a preferred method of proof and will be accorded more weight than photocopies of documents." <i>See</i> E185, para. 21.</p> <p>This document furthermore contains material which may be torture tainted. Torture-tainted material is, under all its forms and in every circumstance (except against a person accused of torture as evidence that a statement was made), inadmissible in judicial proceedings before the ECCC. All preliminary biographical information and other derivative evidence contained in this document derived from torture-tainted material and is inadmissible. Torture-tainted material is not allowed under the law and is inherently unreliable. The Trial Chamber must reject this document pursuant to Rule 87(3)(d). <i>See</i> E185, para. 21.</p> <p>The author of this document is not presently scheduled to testify in Case 002/01. If Mr. IENG Sary is not afforded his absolute right under Rule 84(1) to confront the author of this report, this document is also inadmissible pursuant to Rule 87(3)(d). For further argument, <i>see</i> IENG Sary's</p> |

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| 78 | IS 18.52 | E9/31.8 (Annex 8), No. 111 | Tram Kak District Record | DK-Government | 09-Oct-1977 | Report from Trapeang Thom Khang Cheun Sub-district Cooperative to the Tram Kak District Office. | Reports to the District Office that four young persons belonging to the 'new people' were arrested by the militia in Trapeang Thom Khang Cheun commune, Tram Kak District, for holding a night meeting. | IV. COMMUNICATION STRUCTURE [25: 72 to 112], D. TREATMENT OF TARGETED GROUPS [55: 205 to 215], Movement of the Population from Phnom Penh (Phase 1) [60: 221 to 261], Tram Kok Cooperatives [79: 302 to 322], Kraing Ta Chan Security Centre [125: 489 to 515] | <p>This is a Tram Kak district record. The original versions of the Tram Kak records were purportedly obtained by Ben Kiernan but have been lost, according to Youk Chhang (D204/2). According to Khieu Kanharith, the Ministry of Information does not have these records (D269/6/1). These documents must not be admitted since Ben Kiernan will not appear before the Trial Chamber to testify as to their authenticity. Youk Chhang may have discussed his understanding as to the chain of custody of this material, but this is hearsay only and he cannot speak for Ben Kiernan. The Trial Chamber must reject this document pursuant to Rule 87(3)(c). Should this document be admitted, it must be accorded little weight since, as the Trial Chamber has previously ruled, "[o]riginal documents are a preferred method of proof and will be accorded more weight than photocopies of documents." See E185, para. 21.</p> <p>This document furthermore contains material which may be torture tainted. Torture-tainted material is, under all its forms and in every circumstance (except against a person accused of torture as evidence that a statement was made), inadmissible in judicial proceedings before the ECCC. All preliminary biographical information and other derivative evidence contained in this document derived from torture-tainted material and is inadmissible. Torture-tainted material is not allowed under the law and is inherently unreliable. The Trial Chamber must reject this document pursuant to Rule 87(3)(d). See E185, para. 21.</p> <p>The author of this document is not presently scheduled to testify in Case 002/01. If Mr. IENG Sary is not afforded his absolute right under Rule 84(1) to confront the author of this report, this document is also inadmissible pursuant to Rule 87(3)(d). For further argument, see IENG Sary's Objections to the Admissibility of Certain Categories of Documents, 6 September 2011, E114, paras. 1 (Standards for the admission of documentary evidence set by the Establishment Law), 7-9 (Reliability), 11 (Relevance), 18-19 (Reports,</p> |

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| | | | | | | | | | articles and non-contemporaneous documents). |
| 79 | D157.33 | E9/31.8 (Annex 8), No. 113 | Tram Kak District Record | unknown | 12-Oct-1977 | Report on Three New Local People by unidentified author in Tram Kak District | Reports that three individuals, members of the 'new people' and Khmer republic soldiers, were heard complaining about life in DK regime. | IV. COMMUNICATION STRUCTURE [25: 72 to 112], D. TREATMENT OF TARGETED GROUPS [55: 205 to 215], Movement of the Population from Phnom Penh (Phase 1) [60: 221 to 261], Tram Kok Cooperatives [79: 302 to 322], Kraing Ta Chan Security Centre [125: 489 to 515] | <p>This is a Tram Kak district record. The original versions of the Tram Kak records were purportedly obtained by Ben Kiernan but have been lost, according to Youk Chhang (D204/2). According to Khieu Kanharith, the Ministry of Information does not have these records (D269/6/1). These documents must not be admitted since Ben Kiernan will not appear before the Trial Chamber to testify as to their authenticity. Youk Chhang may have discussed his understanding as to the chain of custody of this material, but this is hearsay only and he cannot speak for Ben Kiernan. The Trial Chamber must reject this document pursuant to Rule 87(3)(c). Should this document be admitted, it must be accorded little weight since, as the Trial Chamber has previously ruled, "[o]riginal documents are a preferred method of proof and will be accorded more weight than photocopies of documents." See E185, para. 21.</p> <p>This document furthermore contains material which may be torture tainted. Torture-tainted material is, under all its forms and in every circumstance (except against a person accused of torture as evidence that a statement was made), inadmissible in judicial proceedings before the ECCC. All preliminary biographical information and other derivative evidence contained in this document derived from torture-tainted material and is inadmissible. Torture-tainted material is not allowed under the law and is inherently unreliable. The Trial Chamber must reject this document pursuant to Rule 87(3)(d). See E185, para. 21.</p> <p>The author of this document is not presently scheduled to testify in Case 002/01. If Mr. IENG Sary is not afforded his absolute right under Rule 84(1) to confront the author of this report, this document is also inadmissible pursuant to Rule 87(3)(d). For further argument, see IENG Sary's Objections to the Admissibility of Certain Categories of Documents, 6 September 2011, E114, paras. 1 (Standards for the admission of documentary evidence set by the Establishment Law), 7-9 (Reliability), 11 (Relevance), 18-19 (Reports, articles and non-contemporaneous documents).</p> |
| 80 | D157.89 | E9/31.8 (Annex 8), No. 115 | Tram Kak District Record | CHAM | 20-Oct-1977 | Report from Khpaub Trabek Commune to District Office | Reports about allegedly traitorous activities of a member of the commune, a Chinese 'capitalist'. | IV. COMMUNICATION STRUCTURE [25: 72 to 112], D. | <p>This is a Tram Kak district record. The original versions of the Tram Kak records were purportedly obtained by Ben Kiernan but have been lost, according to Youk Chhang (D204/2). According to</p> |

IENG Sary's Objections to the Documents Proposed by the OCP in E223/2/1 (E223/2/1.2)

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| | | | | | | | | <p>TREATMENT OF TARGETED GROUPS [55: 205 to 215], Movement of the Population from Phnom Penh (Phase 1) [60: 221 to 261], Tram Kok Cooperatives [79: 302 to 322], Kraing Ta Chan Security Centre [125: 489 to 515]</p> | <p>Khieu Kanharith, the Ministry of Information does not have these records (D269/6/1). These documents must not be admitted since Ben Kiernan will not appear before the Trial Chamber to testify as to their authenticity. Youk Chhang may have discussed his understanding as to the chain of custody of this material, but this is hearsay only and he cannot speak for Ben Kiernan. The Trial Chamber must reject this document pursuant to Rule 87(3)(c). Should this document be admitted, it must be accorded little weight since, as the Trial Chamber has previously ruled, "[o]riginal documents are a preferred method of proof and will be accorded more weight than photocopies of documents." See E185, para. 21.</p> <p>This document furthermore contains material which may be torture tainted. Torture-tainted material is, under all its forms and in every circumstance (except against a person accused of torture as evidence that a statement was made), inadmissible in judicial proceedings before the ECCC. All preliminary biographical information and other derivative evidence contained in this document derived from torture-tainted material and is inadmissible. Torture-tainted material is not allowed under the law and is inherently unreliable. The Trial Chamber must reject this document pursuant to Rule 87(3)(d). See E185, para. 21.</p> <p>The author of this document is not presently scheduled to testify in Case 002/01. If Mr. IENG Sary is not afforded his absolute right under Rule 84(1) to confront the author of this report, this document is also inadmissible pursuant to Rule 87(3)(d). For further argument, see IENG Sary's Objections to the Admissibility of Certain Categories of Documents, 6 September 2011, E114, paras. 1 (Standards for the admission of documentary evidence set by the Establishment Law), 7-9 (Reliability), 11 (Relevance), 18-19 (Reports, articles and non-contemporaneous documents).</p> |
| 81 | D157.91 | E9/31.8 (Annex 8), No. 118 | Tram Kak District Record | KHUN, KIT, CHHEIM, CHAY | 06-Nov-1977 - 17-Nov-1977 | Reports between subdistrict and district offices and Kraing Ta Chan Security Office. | Reports on traitorous activities of individuals, including '17 April' people and former Khmer Republic soldiers; describes arrests and transfers to Kraing Ta Chan prison for interrogation; bears annotations by KIT, Chairman of Sector 13. | IV. COMMUNICATION STRUCTURE [25: 72 to 112], D. TREATMENT OF TARGETED GROUPS [55: 205 to 215], Movement of the Population | <p>This is a Tram Kak district record. The original versions of the Tram Kak records were purportedly obtained by Ben Kiernan but have been lost, according to Youk Chhang (D204/2). According to Khieu Kanharith, the Ministry of Information does not have these records (D269/6/1). These documents must not be admitted since Ben Kiernan will not appear before the Trial Chamber to testify as to their authenticity. Youk Chhang may have discussed his</p> |

IENG Sary's Objections to the Documents Proposed by the OCP in E223/2/1 (E223/2/1.2)

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| | | | | | | | | <p>from Phnom Penh (Phase 1) [60: 221 to 261], Tram Kok Cooperatives [79: 302 to 322], Kraing Ta Chan Security Centre [125:489 to 515]</p> | <p>understanding as to the chain of custody of this material, but this is hearsay only and he cannot speak for Ben Kiernan. The Trial Chamber must reject this document pursuant to Rule 87(3)(c). Should this document be admitted, it must be accorded little weight since, as the Trial Chamber has previously ruled, “[o]riginal documents are a preferred method of proof and will be accorded more weight than photocopies of documents.” See E185, para. 21.</p> <p>This document furthermore contains material which may be torture tainted. Torture-tainted material is, under all its forms and in every circumstance (except against a person accused of torture as evidence that a statement was made), inadmissible in judicial proceedings before the ECCC. All preliminary biographical information and other derivative evidence contained in this document derived from torture-tainted material and is inadmissible. Torture-tainted material is not allowed under the law and is inherently unreliable. The Trial Chamber must reject this document pursuant to Rule 87(3)(d). See E185, para. 21.</p> <p>The author of this document is not presently scheduled to testify in Case 002/01. If Mr. IENG Sary is not afforded his absolute right under Rule 84(1) to confront the author of this report, this document is also inadmissible pursuant to Rule 87(3)(d). For further argument, see IENG Sary's Objections to the Admissibility of Certain Categories of Documents, 6 September 2011, E114, paras. 1 (Standards for the admission of documentary evidence set by the Establishment Law), 7-9 (Reliability), 11 (Relevance), 18-19 (Reports, articles and non-contemporaneous documents).</p> |
| 82 | D157.92 | E9/31.8 (Annex 8), No. 119 | Tram Kak District Record | KITH, SIM | 05-Dec-1977 - 17-Dec-1977 | Reports between Nheng Nhang commune, Kraing Ta Chan Security Office and Sector 13. | Reports about the arrest of two alleged enemies ('new people') in Nheng Nhang commune sent to Kraing Ta Chan prison pursuant to a District Office decision; contains annotations from Kit, Sector 13 Committee Member, giving some instructions to An. | IV. COMMUNICATION STRUCTURE [25: 72 to 112], D. TREATMENT OF TARGETED GROUPS [55: 205 to 215], Movement of the Population from Phnom Penh (Phase 1) [60: 221 to 261], Tram Kok Cooperatives [79: 302 to 322], Kraing | <p>This is a Tram Kak district record. The original versions of the Tram Kak records were purportedly obtained by Ben Kiernan but have been lost, according to Youk Chhang (D204/2). According to Khieu Kanharith, the Ministry of Information does not have these records (D269/6/1). These documents must not be admitted since Ben Kiernan will not appear before the Trial Chamber to testify as to their authenticity. Youk Chhang may have discussed his understanding as to the chain of custody of this material, but this is hearsay only and he cannot speak for Ben Kiernan. The Trial Chamber must reject this document pursuant to Rule 87(3)(c). Should this document be admitted, it must be accorded little</p> |

IENG Sary's Objections to the Documents Proposed by the OCP in E223/2/1 (E223/2/1.2)

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| | | | | | | | | Ta Chan Security Centre [125: 489 to 515] | <p>weight since, as the Trial Chamber has previously ruled, “[o]riginal documents are a preferred method of proof and will be accorded more weight than photocopies of documents.” See E185, para. 21.</p> <p>This document furthermore contains material which may be torture tainted. Torture-tainted material is, under all its forms and in every circumstance (except against a person accused of torture as evidence that a statement was made), inadmissible in judicial proceedings before the ECCC. All preliminary biographical information and other derivative evidence contained in this document derived from torture-tainted material and is inadmissible. Torture-tainted material is not allowed under the law and is inherently unreliable. The Trial Chamber must reject this document pursuant to Rule 87(3)(d). See E185, para. 21.</p> <p>The author of this document is not presently scheduled to testify in Case 002/01. If Mr. IENG Sary is not afforded his absolute right under Rule 84(1) to confront the author of this report, this document is also inadmissible pursuant to Rule 87(3)(d). For further argument, see IENG Sary's Objections to the Admissibility of Certain Categories of Documents, 6 September 2011, E114, paras. 1 (Standards for the admission of documentary evidence set by the Establishment Law), 7-9 (Reliability), 11 (Relevance), 18-19 (Reports, articles and non-contemporaneous documents).</p> |
| 83 | D157.94 | E9/31.8 (Annex 8), No. 121 | Tram Kak District Record | CHHAUN | 13-Dec-1977 | Reports from Communes to Kraing Ta Chan Security Office. | Describes communications between commune officials of Tram Kak District and Kraing Ta Chan prison; motives of arrest and transfer to Kraing Ta Chan prison; the arrest of ‘new people -17 April people’. | IV. COMMUNICATION STRUCTURE [25: 72 to 112], D. TREATMENT OF TARGETED GROUPS [55: 205 to 215], Movement of the Population from Phnom Penh (Phase 1) [60: 221 to 261], Tram Kok Cooperatives [79: 302 to 322], Kraing Ta Chan Security Centre [125: 489 to 515] | <p>This is a Tram Kak district record. The original versions of the Tram Kak records were purportedly obtained by Ben Kiernan but have been lost, according to Youk Chhang (D204/2). According to Khieu Kanharith, the Ministry of Information does not have these records (D269/6/1). These documents must not be admitted since Ben Kiernan will not appear before the Trial Chamber to testify as to their authenticity. Youk Chhang may have discussed his understanding as to the chain of custody of this material, but this is hearsay only and he cannot speak for Ben Kiernan. The Trial Chamber must reject this document pursuant to Rule 87(3)(c). Should this document be admitted, it must be accorded little weight since, as the Trial Chamber has previously ruled, “[o]riginal documents are a preferred method of proof and will be accorded more weight than photocopies of documents.” See E185, para. 21.</p> <p>This document furthermore contains material which</p> |

IENG Sary's Objections to the Documents Proposed by the OCP in E223/2/1 (E223/2/1.2)

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| | | | | | | | | | <p>may be torture tainted. Torture-tainted material is, under all its forms and in every circumstance (except against a person accused of torture as evidence that a statement was made), inadmissible in judicial proceedings before the ECCC. All preliminary biographical information and other derivative evidence contained in this document derived from torture-tainted material and is inadmissible. Torture-tainted material is not allowed under the law and is inherently unreliable. The Trial Chamber must reject this document pursuant to Rule 87(3)(d). <i>See</i> E185, para. 21.</p> <p>The author of this document is not presently scheduled to testify in Case 002/01. If Mr. IENG Sary is not afforded his absolute right under Rule 84(1) to confront the author of this report, this document is also inadmissible pursuant to Rule 87(3)(d). For further argument, <i>see</i> IENG Sary's Objections to the Admissibility of Certain Categories of Documents, 6 September 2011, E114, paras. 1 (Standards for the admission of documentary evidence set by the Establishment Law), 7-9 (Reliability), 11 (Relevance), 18-19 (Reports, articles and non-contemporaneous documents).</p> |
| 84 | D157.97 | E9/31.8 (Annex 8), No. 123 | Tram Kak District Record | KHEM, AN, SORN | 26-Dec-1977 - 29-Dec-1977 | Reports from communes cooperatives to district office and from Kraing Ta Chan Security Office. | Describes motives of arrest and transfer to Kraing Ta Chan prison, including a 'new person' and a former Khmer Republic soldier; also describes the content of confessions obtained at Kraing Ta Chan prison and decisions taken by Angkar (District Office). | IV. COMMUNICATION STRUCTURE [25: 72 to 112], D. TREATMENT OF TARGETED GROUPS [55: 205 to 215], Movement of the Population from Phnom Penh (Phase 1) [60: 221 to 261], Tram Kok Cooperatives [79: 302 to 322], Kraing Ta Chan Security Centre [125: 489 to 515] | <p>This is a Tram Kak district record. The original versions of the Tram Kak records were purportedly obtained by Ben Kiernan but have been lost, according to Youk Chhang (D204/2). According to Khieu Kanharith, the Ministry of Information does not have these records (D269/6/1). These documents must not be admitted since Ben Kiernan will not appear before the Trial Chamber to testify as to their authenticity. Youk Chhang may have discussed his understanding as to the chain of custody of this material, but this is hearsay only and he cannot speak for Ben Kiernan. The Trial Chamber must reject this document pursuant to Rule 87(3)(c). Should this document be admitted, it must be accorded little weight since, as the Trial Chamber has previously ruled, "[o]riginal documents are a preferred method of proof and will be accorded more weight than photocopies of documents." <i>See</i> E185, para. 21.</p> <p>This document furthermore contains material which may be torture tainted. Torture-tainted material is, under all its forms and in every circumstance (except against a person accused of torture as evidence that a statement was made), inadmissible in judicial proceedings before the ECCC. All preliminary</p> |

IENG Sary's Objections to the Documents Proposed by the OCP in E223/2/1 (E223/2/1.2)

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| | | | | | | | | | <p>biographical information and other derivative evidence contained in this document derived from torture-tainted material and is inadmissible. Torture-tainted material is not allowed under the law and is inherently unreliable. The Trial Chamber must reject this document pursuant to Rule 87(3)(d). See E185, para. 21.</p> <p>The author of this document is not presently scheduled to testify in Case 002/01. If Mr. IENG Sary is not afforded his absolute right under Rule 84(1) to confront the author of this report, this document is also inadmissible pursuant to Rule 87(3)(d). For further argument, see IENG Sary's Objections to the Admissibility of Certain Categories of Documents, 6 September 2011, E114, paras. 1 (Standards for the admission of documentary evidence set by the Establishment Law), 7-9 (Reliability), 11 (Relevance), 18-19 (Reports, articles and non-contemporaneous documents).</p> |
| 85 | D157.99 | E9/31.8 (Annex 8), No. 125 | Tram Kak District Record | BOEUN | 16-Jan-1978 | Reports between subdistrict and district offices and Kraing Ta Chan Security Office. | Describes communications between Kraing Ta Chan prison and various officials in Tram Kak District about enemies, including one person identified as a 'new person', being sent to Kraing Ta Chan prison for interrogation. | IV. COMMUNICATION STRUCTURE [25: 72 to 112], D. TREATMENT OF TARGETED GROUPS [55: 205 to 215], Movement of the Population from Phnom Penh (Phase 1) [60: 221 to 261], Tram Kok Cooperatives [79: 302 to 322], Kraing Ta Chan Security Centre [125: 489 to 515] | <p>This is a Tram Kak district record. The original versions of the Tram Kak records were purportedly obtained by Ben Kiernan but have been lost, according to Youk Chhang (D204/2). According to Khieu Kanharith, the Ministry of Information does not have these records (D269/6/1). These documents must not be admitted since Ben Kiernan will not appear before the Trial Chamber to testify as to their authenticity. Youk Chhang may have discussed his understanding as to the chain of custody of this material, but this is hearsay only and he cannot speak for Ben Kiernan. The Trial Chamber must reject this document pursuant to Rule 87(3)(c). Should this document be admitted, it must be accorded little weight since, as the Trial Chamber has previously ruled, "[o]riginal documents are a preferred method of proof and will be accorded more weight than photocopies of documents." See E185, para. 21.</p> <p>This document furthermore contains material which may be torture tainted. Torture-tainted material is, under all its forms and in every circumstance (except against a person accused of torture as evidence that a statement was made), inadmissible in judicial proceedings before the ECCC. All preliminary biographical information and other derivative evidence contained in this document derived from torture-tainted material and is inadmissible. Torture-tainted material is not allowed under the law and is inherently unreliable. The Trial Chamber must</p> |

IENG Sary's Objections to the Documents Proposed by the OCP in E223/2/1 (E223/2/1.2)

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| | | | | | | | | | <p>reject this document pursuant to Rule 87(3)(d). <i>See</i> E185, para. 21.</p> <p>The author of this document is not presently scheduled to testify in Case 002/01. If Mr. IENG Sary is not afforded his absolute right under Rule 84(1) to confront the author of this report, this document is also inadmissible pursuant to Rule 87(3)(d). For further argument, <i>see</i> IENG Sary's Objections to the Admissibility of Certain Categories of Documents, 6 September 2011, E114, paras. 1 (Standards for the admission of documentary evidence set by the Establishment Law), 7-9 (Reliability), 11 (Relevance), 18-19 (Reports, articles and non-contemporaneous documents).</p> |
| 86 | D157.100 | E9/31.8 (Annex 8), No. 129 | Tram Kak District Record | Unknown | 01-Mar-1978 - 07-Jan-1979 | Notebook of an interrogator at Kraing Ta Chan Security Centre | Details biographies and traitorous activities taken during interrogations of the prisoners detained at Kraing Ta Chan prison from March 1978. The traitors include numerous former Khmer Republic soldiers / Officers, public servants and 'new people'. | IV. COMMUNICATION STRUCTURE [25: 72 to 112], D. TREATMENT OF TARGETED GROUPS [55: 205 to 215], Movement of the Population from Phnom Penh (Phase 1) [60: 221 to 261], Tram Kok Cooperatives [79: 302 to 322], Kraing Ta Chan Security Centre [125: 489 to 515] | <p>This is a Tram Kak district record. The original versions of the Tram Kak records were purportedly obtained by Ben Kiernan but have been lost, according to Youk Chhang (D204/2). According to Khieu Kanharith, the Ministry of Information does not have these records (D269/6/1). These documents must not be admitted since Ben Kiernan will not appear before the Trial Chamber to testify as to their authenticity. Youk Chhang may have discussed his understanding as to the chain of custody of this material, but this is hearsay only and he cannot speak for Ben Kiernan. The Trial Chamber must reject this document pursuant to Rule 87(3)(c). Should this document be admitted, it must be accorded little weight since, as the Trial Chamber has previously ruled, "[o]riginal documents are a preferred method of proof and will be accorded more weight than photocopies of documents." <i>See</i> E185, para. 21.</p> <p>This document furthermore contains material which may be torture tainted. Torture-tainted material is, under all its forms and in every circumstance (except against a person accused of torture as evidence that a statement was made), inadmissible in judicial proceedings before the ECCC. All preliminary biographical information and other derivative evidence contained in this document derived from torture-tainted material and is inadmissible. Torture-tainted material is not allowed under the law and is inherently unreliable. The Trial Chamber must reject this document pursuant to Rule 87(3)(d). <i>See</i> E185, para. 21.</p> <p>The author of this document is not presently scheduled to testify in Case 002/01. If Mr. IENG</p> |

IENG Sary's Objections to the Documents Proposed by the OCP in E223/2/1 (E223/2/1.2)

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| | | | | | | | | | Sary is not afforded his absolute right under Rule 84(1) to confront the author of this report, this document is also inadmissible pursuant to Rule 87(3)(d). For further argument, <i>see</i> IENG Sary's Objections to the Admissibility of Certain Categories of Documents, 6 September 2011, E114, paras. 1 (Standards for the admission of documentary evidence set by the Establishment Law), 7-9 (Reliability), 11 (Relevance), 18-19 (Reports, articles and non-contemporaneous documents). |
| 87 | D312.1.51, D312.1.51-Correction 1 | E9/31.8 (Annex 8), No. 131 | Tram Kak District Record | AN | 15-May-1978 - 31-May-1978 | Prisoner List from Kraing Ta Chan Security Office | List of prisoners from Kraing Ta Chan prison, with handwritten note ordering executions. The list includes former Khmer Republic soldiers. | IV. COMMUNICATION STRUCTURE [25: 72 to 112], D. TREATMENT OF TARGETED GROUPS [55: 205 to 215], Movement of the Population from Phnom Penh (Phase 1) [60: 221 to 261], Kraing Ta Chan Security Centre [125: 489 to 515] | <p>This is a Tram Kak district record. The original versions of the Tram Kak records were purportedly obtained by Ben Kiernan but have been lost, according to Youk Chhang (D204/2). According to Khieu Kanharith, the Ministry of Information does not have these records (D269/6/1). These documents must not be admitted since Ben Kiernan will not appear before the Trial Chamber to testify as to their authenticity. Youk Chhang may have discussed his understanding as to the chain of custody of this material, but this is hearsay only and he cannot speak for Ben Kiernan. The Trial Chamber must reject this document pursuant to Rule 87(3)(c). Should this document be admitted, it must be accorded little weight since, as the Trial Chamber has previously ruled, "[o]riginal documents are a preferred method of proof and will be accorded more weight than photocopies of documents." <i>See</i> E185, para. 21.</p> <p>This document furthermore contains material which may be torture tainted. Torture-tainted material is, under all its forms and in every circumstance (except against a person accused of torture as evidence that a statement was made), inadmissible in judicial proceedings before the ECCC. All preliminary biographical information and other derivative evidence contained in this document derived from torture-tainted material and is inadmissible. Torture-tainted material is not allowed under the law and is inherently unreliable. The Trial Chamber must reject this document pursuant to Rule 87(3)(d). <i>See</i> E185, para. 21.</p> <p>The author of this document is not presently scheduled to testify in Case 002/01. If Mr. IENG Sary is not afforded his absolute right under Rule 84(1) to confront the author of this report, this document is also inadmissible pursuant to Rule 87(3)(d). For further argument, <i>see</i> IENG Sary's Objections to the Admissibility of Certain Categories</p> |

IENG Sary's Objections to the Documents Proposed by the OCP in E223/2/1 (E223/2/1.2)

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| | | | | | | | | | of Documents, 6 September 2011, E114, paras. 1 (Standards for the admission of documentary evidence set by the Establishment Law), 7-9 (Reliability), 11 (Relevance), 18-19 (Reports, articles and non-contemporaneous documents). |
| 88 | D157.108 | E9/31.8 (Annex 8), No. 137 | Tram Kak District Record | CHIM, MENG, SORN, BOEUN | 03-Aug-1978 - 08-Aug-1978 | Report on Tram Kak District by Choecun, Sorn, Meng and Boeun | Describes communications between cadres in Tram Kak District about 'enemy' situation (including a former Khmer Republic soldier) in their base and details proposal to 'smash' people. | IV. COMMUNICATION STRUCTURE [25: 72 to 112], D. TREATMENT OF TARGETED GROUPS [55: 205 to 215], Movement of the Population from Phnom Penh (Phase 1) [60: 221 to 261], Tram Kok Cooperatives [79: 302 to 322], Kraing Ta Chan Security Centre [125: 489 to 515] | <p>This is a Tram Kak district record. The original versions of the Tram Kak records were purportedly obtained by Ben Kiernan but have been lost, according to Youk Chhang (D204/2). According to Khieu Kanharith, the Ministry of Information does not have these records (D269/6/1). These documents must not be admitted since Ben Kiernan will not appear before the Trial Chamber to testify as to their authenticity. Youk Chhang may have discussed his understanding as to the chain of custody of this material, but this is hearsay only and he cannot speak for Ben Kiernan. The Trial Chamber must reject this document pursuant to Rule 87(3)(c). Should this document be admitted, it must be accorded little weight since, as the Trial Chamber has previously ruled, "[o]riginal documents are a preferred method of proof and will be accorded more weight than photocopies of documents." See E185, para. 21.</p> <p>This document furthermore contains material which may be torture tainted. Torture-tainted material is, under all its forms and in every circumstance (except against a person accused of torture as evidence that a statement was made), inadmissible in judicial proceedings before the ECCC. All preliminary biographical information and other derivative evidence contained in this document derived from torture-tainted material and is inadmissible. Torture-tainted material is not allowed under the law and is inherently unreliable. The Trial Chamber must reject this document pursuant to Rule 87(3)(d). See E185, para. 21.</p> <p>The author of this document is not presently scheduled to testify in Case 002/01. If Mr. IENG Sary is not afforded his absolute right under Rule 84(1) to confront the author of this report, this document is also inadmissible pursuant to Rule 87(3)(d). For further argument, see IENG Sary's Objections to the Admissibility of Certain Categories of Documents, 6 September 2011, E114, paras. 1 (Standards for the admission of documentary evidence set by the Establishment Law), 7-9 (Reliability), 11 (Relevance), 18-19 (Reports, articles and non-contemporaneous documents).</p> |

IENG Sary's Objections to the Documents Proposed by the OCP in E223/2/1 (E223/2/1.2)