

	Doc. Number	Date	Doc. Title	Ref in Closing Order	Doc. Type	Docs Objection Reason
1	D108/28.104	5/11/1977	"Annex 104: Democratic Kampuchea Military Telegram entitled ""Telegram 04, Band 429, For Respected and Beloved Brother Mut"""	Military structure  Para0142 Fn0431  Fn0434	Telegram	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). Finally, this document is only available in Khmer and English. Unless it is made available in French by 4 March 2013, it cannot be considered to have been put before the Chamber (E185/1, para. 16).
2	D108/28.48	13/08/1976	"Annex 48: Telegram No 44, sent to respected Brother 89 for his knowledge, about the situation in August 1976."	Military structure  Para0137 Fn0414	Telegram	This document was shown by Judge Lavergne to Witness Meas Vooun on 8 October 2012 (although the document number stated in the English version of the transcript was incorrect). <i>See</i> Transcript, 8 October 2012, E1/131.1, p. 52. The witness simply stated that he was not aware of the meeting referred to in the document. No further comment on this document was made. The Defence was not provided an opportunity to object to this document.

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						<p>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.</p> <p>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).</p>
3	D108/31.28	1/6/1977	Letter from Met to Duch	Military structure  Para0145 Fn0443	Letter	<p>This letter also appears on the Case File as D108/7.3, which was admitted and accorded the new number E3/1049. However, the English versions of these two documents are not identical. For example, D108/31.28 refers to a person named "Sokh" and a person named "Lay Chea," while E3/1049 refers to persons named "Song" and "Lay."</p> <p>Since D108/31.28 was relied upon by the OCIJ in the Closing Order, the Defence must be provided an opportunity to object to it.</p> <p>In accordance with Rule 87(3), the Defence objects to the admission of this document unless its authenticity, reliability and relevance has been demonstrated.</p>

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						<p>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.</p> <p>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.</p>
4	D125/97	11/8/2008	Written Record of Interview of HIM Man	<p>population movement phase 2</p> <p>Para0266 Fn1028</p> <p>Para0268 Fn1051, Fn1056, Fn1061</p>	Witness Interview	<p>This witness statement is not listed in OCP Requests E208, E208/1 or E96/8. It therefore will not be the subject of a future hearing and its admissibility must be decided now.</p> <p>Mr. IENG Sary was afforded no opportunity to confront this witness. Should the Trial Chamber find that the statement is admissible pursuant to the criteria set out in Rule 87(3), it should give little or no weight to this statement.</p> <p>This statement should not be admitted since the witness was asked by the investigators mainly to confirm statements he had made several years before (in 2004) to a DC-Cam interviewer. Statements taken by an entity external to the ECCC enjoy no presumption of reliability (E96/7, para. 29). The statement was taken by an organization the Defence considers to be biased.</p> <p>According to E96/7, para. 24, the statement should</p>

	Doc. Number	Date	Doc. Title	Ref in Closing Order	Doc. Type	Docs Objection Reason
						<p>not be accorded any probative value unless it:</p> <ul style="list-style-type: none"> <li>○ Is of a cumulative nature</li> <li>○ Relates to background, crime base, or proof of threshold elements of international crimes</li> <li>○ Is a general or statistical analysis of ethnic composition of population</li> <li>○ Concerns impact on victims</li> <li>○ Is impossible to subject to confrontation because the author has died, cannot be traced, or is unable to testify orally</li> </ul>
5	D153.13	4/2/1975	Annex 13: USAID, Cambodia termination report volume I, 1975, pp. 44-46,77-107,143	<p>Population movement phase 1</p> <p>Para0221 Fn0784</p> <p>Para0223 Fn0791</p>		<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 this USAID report cannot be accepted at face value as being accurate or objective, especially when considering that USAID may have had reason to seek to present a particular version of the events or even to formulate disinformation. Simply, it is virtually impossible to test the validity of this report without, at a minimum, adducing evidence from the author. It is impossible to verify the reliability of the reporting contained herein. The report 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</p>

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						<p>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> <p>This document predates the time period at issue in Case 002/01, and is not relevant to the proceedings. The Trial Chamber has previously stated that evidence falling outside the temporal jurisdiction of the ECCC may be admitted where relevant to establishing background or context. <i>See</i> E185, para. 29. However, admission of this document is not necessary to establish background information or context; instead, the document would needlessly clog the Case File. The Trial Chamber should reject this document pursuant to Rule 87(3)(a) as irrelevant and repetitious.</p>
6	D172.11	14/07/1975	Attachment 10: William Goodfellow, "Starvation in Cambodia", New York Times, 14 July 1975	population movement phase 1  Para0223 Fn0791	Media article	<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</p>

	Doc. Number	Date	Doc. Title	Ref in Closing Order	Doc. Type	Docs Objection Reason
						<p>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). Finally, this document is only available in English. Unless it is made available in Khmer and French by 4 March 2013, it cannot be considered to have been put before the Chamber (E185/1, para. 16).</p>
7	D172.16	10/3/1975	Attachment 15: Tom Matthews, "Phnom Penh: Trial by Fire", Newsweek, 10 March 1975, pp. 24-25	Population movement phase 1  Para0221	Media article	<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</p>

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				Fn0784		<p>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). Finally, this document is only available in English. Unless it is made available in Khmer and French by 4 March 2013, it cannot be considered to have been put before the Chamber (E185/1, para. 16).</p>

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8	D172.21	12/3/1975	Attachment 20: Office of the Inspector General of Foreign Assistance, "Cambodia: An Assessment of Humanitarian Needs and Relief Efforts", Inspection Report, 12 March 1975, in Congressional Record, 20 March 1975, Vol. 121, 94th Congress, 1st Session	Population movement phase 1  Para0221 Fn0784  Para0222 Fn0786, Fn0787  Para0223 Fn0791, Fn0792	Report	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 this report cannot be accepted at face value as being accurate or objective, especially when considering that the US may have had reason to seek to present a particular version of the events or even to formulate disinformation. Simply, it is virtually impossible to test the validity of this report without, at a minimum, adducing evidence from the author. It is impossible to verify the reliability of the reporting contained herein. The report contains information and conclusions not based on direct observation of events. It quotes extensively from newspaper articles. 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 or the documents quoted within 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,



	Doc. Number	Date	Doc. Title	Ref in Closing Order	Doc. Type	Docs Objection Reason
						<p>articles and non-contemporaneous documents).</p> <p>This document predates the time period at issue in Case 002/01, and is not relevant to the proceedings. The Trial Chamber has previously stated that evidence falling outside the temporal jurisdiction of the ECCC may be admitted where relevant to establishing background or context. <i>See</i> E185, para. 29. However, admission of this document is not necessary to establish background information or context; instead, the document would needlessly clog the Case File. The Trial Chamber should reject this document pursuant to Rule 87(3)(a) as irrelevant and repetitious.</p>
9	D178.11	??/02/1972	Attachment 10: Report to the Subcommittee to investigate problems connected with refugees and escapees, Committee on the Judiciary, United States Senate, Problems in the Khmer Republic (Cambodia) Concerning War, Victims, Civilian Health, And War-Related C	Population movement phase 1  Para0222 Fn0788	Report	<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 this report cannot be accepted at face value as being accurate or objective, especially when considering that the US may have had reason to seek to present a particular version of the events or even to formulate disinformation. Simply, it is virtually impossible to test the validity of this report without, at a minimum, adducing evidence from the author. It is impossible to verify the reliability of the reporting contained herein. The report 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</p>

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						<p>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> <p>This document predates the time period at issue in Case 002/01, and is not relevant to the proceedings. The Trial Chamber has previously stated that evidence falling outside the temporal jurisdiction of the ECCC may be admitted where relevant to establishing background or context. <i>See</i> Decision on Objections to Documents Proposed to be put before the Chamber on the Co-Prosecutors' Annexes A1-A5 and to Documents Cited in the Paragraphs of the Closing Order Relevant to the First Two Trial Segments of Case 002/01, 9 April 2012, E185, para. 29. However, admission of this document is not necessary to establish background information or context; instead, the document would needlessly clog the Case File. The Trial Chamber should reject this document pursuant to Rule 87(3)(a) as irrelevant and repetitious.</p> <p>Finally, this document is only available in English. Unless it is made available in Khmer and French by 4</p>

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						March 2013, it cannot be considered to have been put before the Chamber (pursuant to E185/1, para. 16).
10	D210/14/1	8/1/2010	Response from Steve Heder to CIJs	Military structure  Para0121 Fn0369	letter	<p>This document was cited incorrectly as D210/14.1 in the Closing Order, but D210/14.1 is a completely irrelevant document to the facts at issue in Case 002/01.</p> <p>The letter by Steve Heder must not be admitted unless and until Mr. IENG Sary is afforded his right to confront Mr. Heder about the statements contained in this letter. Should this document be admitted, it should be accorded no weight. While Mr. Heder may be asked about the interview he conducted and he may explain or justify the manner in which the interviews were done and were memorialized this document has no probative value. Simply because this letter was provided to his employer (OCIJ) does not change this.</p> <p>The Defence notes that Mr. Heder's summary of Becker's interview with Ms. IENG Thirith was not admitted because it was found to be unreliable by the Trial Chamber (<i>See</i> E185.2)</p>
11	D210/14.1	6/1/2010	Power Delegation Decision	Military structure		This document has nothing to do with the facts at issue in Case 002/01. It is not relevant and should be rejected pursuant to Rule 87(3)(a).

	Doc. Number	Date	Doc. Title	Ref in Closing Order	Doc. Type	Docs Objection Reason
				Para0121 Fn0369		The document name listed with this document number does not match the document number. This document may have been cited in error.
12	D232/65	18/11/09	Written Record of Interview of LIM Sat	Military structure  Para0148 Fn0449  Tuol Po Chrey excution site  Para0705, Fn3042  Para0707, Fn3045, Fn3047  Para0709, Fn3050  Fn3054  Para0711, Fn3059  Fn3061	Witness Interview	This witness statement is not listed in OCP Requests E208, E208/1 or E96/8. It therefore will not be the subject of a future hearing and its admissibility must be decided now.  This is a statement of a witness which does not appear to go to acts and conduct of the accused. Mr. IENG Sary was afforded no opportunity to confront this witness. Should the Trial Chamber find that the statement is admissible pursuant to the criteria set out in Rule 87(3), it should give little or no weight to this statement. According to E96/7, para. 24, the statement should not be accorded any probative value unless it: <ul style="list-style-type: none"> <li>○ Is of a cumulative nature</li> <li>○ Relates to background, crime base, or proof of threshold elements of international crimes</li> <li>○ Is a general or statistical analysis of ethnic composition of population</li> <li>○ Concerns impact on victims</li> <li>○ Is impossible to subject to confrontation because the author has died, cannot be traced, or is unable to testify orally</li> </ul>

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13	D233/8	21/10/09	Written Record of Interview of YUNG Yem Dated 21-10-2009	<p>population movement phase 2</p> <p>Para0262 Fn1001, Fn1004, Fn1006</p> <p>Para0263 Fn1010</p> <p>Para0271 Fn1084</p>	Witness Interview	<p>This witness statement is not listed in OCP Requests E208, E208/1 or E96/8. It therefore will not be the subject of a future hearing and its admissibility must be decided now.</p> <p>This is a statement that goes to the acts and conduct of the accused. It discusses Mr. IENG Sary accompanying a delegation and alleges that Mr. IENG Sary told the witness that the witness had been implicated. Mr. IENG Sary was afforded no opportunity to confront this witness. This statement must be regarded as “not allowed under the law” pursuant to Rule 87(3)(d) and E96/7, para. 22.</p>
14	D248/5.1.28	??/07/1974	Telegram from Department of State, recent movement of Khmer refugees to Neak Loeung.	<p>population movement phase 1</p> <p>Para0223 Fn0793</p> <p>Para0237 Fn0878</p>	Telegram	<p>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.</p> <p>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</p>

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						Establishment Law), 7-9 (Reliability), 11 (Relevance), 18-19 (Reports, articles and non-contemporaneous documents). This document predates the time period at issue in Case 002/01, and is not relevant to the proceedings. The Trial Chamber has previously stated that evidence falling outside the temporal jurisdiction of the ECCC may be admitted where relevant to establishing background or context. <i>See</i> E185, para. 29. However, admission of this document is not necessary to establish background information or context; instead, the document would needlessly clog the Case File. The Trial Chamber should reject this document pursuant to Rule 87(3)(a) as irrelevant and repetitious.
15	D304/1.1	9/5/1972	"Problems Posed by Displaced Persons Around Phnom Penh" as referred to in the United States Senate, Problems of War victims in Indochina, Part II: Cambodia and Laos, Hearings Before the Subcommittee to Investigate Problems Connected with Refugees and Escapees, Comm	Population movement phase 1  Para0221 Fn0784  Para0222 Fn0786  Fn0789		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 this report cannot be accepted at face value as being accurate or objective, especially when considering that the US may have had reason to seek to present a particular version of the events or even to formulate disinformation. Simply, it is virtually impossible to test the validity of this report without, at a minimum, adducing evidence from the author. It is impossible to verify the reliability of the reporting contained herein. The report 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

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						<p>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> <p>This document predates the time period at issue in Case 002/01, and is not relevant to the proceedings. The Trial Chamber has previously stated that evidence falling outside the temporal jurisdiction of the ECCC may be admitted where relevant to establishing background or context. <i>See</i> E185, para. 29. However, admission of this document is not necessary to establish background information or context; instead, the document would needlessly clog the Case File. The Trial Chamber should reject this document pursuant to Rule 87(3)(a) as irrelevant and repetitious.</p> <p>Finally, this document is only available in English. Unless it is made available in Khmer and French by 4 March 2013, it cannot be considered to have been put before the Chamber (E185/1, para. 16).</p>

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16	D304/1.2	??/12/1974	The UNICEF Office to the Khmer Republic, Annual Report for 1974	Population movement phase 1  Para0221 Fn0784  Para0222 Fn0788, Fn0789, Fn0790  Para0223 Fn0793	Report	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 this report cannot be accepted at face value as being accurate or objective, especially when considering that the organization which produced this report may have had reason to seek to present a particular version of the events or even to formulate disinformation. Simply, it is virtually impossible to test the validity of this report without, at a minimum, adducing evidence from the author. It is impossible to verify the reliability of the reporting contained herein. The report 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).



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						<p>This document predates the time period at issue in Case 002/01, and is not relevant to the proceedings. The Trial Chamber has previously stated that evidence falling outside the temporal jurisdiction of the ECCC may be admitted where relevant to establishing background or context. <i>See</i> Decision on Objections to Documents Proposed to be put before the Chamber on the Co-Prosecutors' Annexes A1-A5 and to Documents Cited in the Paragraphs of the Closing Order Relevant to the First Two Trial Segments of Case 002/01, 9 April 2012, E185, para. 29. However, admission of this document is not necessary to establish background information or context; instead, the document would needlessly clog the Case File. The Trial Chamber should reject this document pursuant to Rule 87(3)(a) as irrelevant and repetitious.</p> <p>Finally, this document is only available in English. Unless it is made available in Khmer and French by 4 March 2013, it cannot be considered to have been put before the Chamber (E185/1, para. 16).</p>
17	D306/1.11	??/08/73	Cambodia: World Vision Magazine from Jul-Aug 1973. 3 pages	population movement phase 1  Para0223 Fn0791	Media article	<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 this report cannot be accepted at face value as being accurate or objective, especially when considering that the organization which produced this report may have had reason to seek to present a particular version of the events or even to formulate disinformation. Simply, it is virtually impossible to</p>

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						<p>test the validity of this report without, at a minimum, adducing evidence from the author. It is impossible to verify the reliability of the reporting contained herein. The report 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> <p>This document predates the time period at issue in Case 002/01, and is not relevant to the proceedings. The Trial Chamber has previously stated that evidence falling outside the temporal jurisdiction of the ECCC may be admitted where relevant to establishing background or context. <i>See</i> E185, para. 29. However, admission of this document is not necessary to establish background information or context; instead, the document would needlessly clog the Case File. The Trial Chamber should reject this</p>

	Doc. Number	Date	Doc. Title	Ref in Closing Order	Doc. Type	Docs Objection Reason
						document pursuant to Rule 87(3)(a) as irrelevant and repetitious.
18	D306/1.12	3/5/1971	Letter of Dr. Stan Mooneyham on may 3rd, 1971. 2 pages	Population movement phase 1  Para0221 Fn0784		<p>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.</p> <p>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).</p> <p>This document predates the time period at issue in Case 002/01, and is not relevant to the proceedings. The Trial Chamber has previously stated that evidence falling outside the temporal jurisdiction of the ECCC may be admitted where relevant to establishing background or context. <i>See</i> E185, para. 29. However, admission of this document is not necessary to establish background information or context; instead, the document would needlessly clog the Case File. The Trial Chamber should reject this</p>

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						document pursuant to Rule 87(3)(a) as irrelevant and repetitious.
19	D306/1.13	??/04/1975	My Intensely Personal encounter with the Cambodian people. World Vision Magazine April 1975. 6 pages.	Population movement phase 1  Para0221 Fn0784	Media article	<p>This media article essentially amounts to a witness statement by Stanley Mooneyham. It was taken by an entity external to the ECCC. It therefore enjoys no presumption of reliability (E96/7, para. 29). Unless Mr. IENG Sary is permitted to confront this witness at trial to verify the accuracy of his statement, the statement must not be admitted. Should the Trial Chamber nonetheless find that the statement is admissible, it should accord the statement little or no weight.</p> <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.</p>

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						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).
20	D306/1.3	14/01/1972	Confidential Letter from Pastor James W. Hagelganz about the needs for Cambodia	population movement phase 1  Para0222 Fn0788	Letter	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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						This document predates the time period at issue in Case 002/01, and is not relevant to the proceedings. The Trial Chamber has previously stated that evidence falling outside the temporal jurisdiction of the ECCC may be admitted where relevant to establishing background or context. <i>See</i> E185, para. 29. However, admission of this document is not necessary to establish background information or context; instead, the document would needlessly clog the Case File. The Trial Chamber should reject this document pursuant to Rule 87(3)(a) as irrelevant and repetitious.
21	D306/1.5	TBD	Need of Relief in Cambodia from LAT June 21st 1970	population movement phase 1  Para0223 Fn0791		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

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						<p>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> <p>This document predates the time period at issue in Case 002/01, and is not relevant to the proceedings. The Trial Chamber has previously stated that evidence falling outside the temporal jurisdiction of the ECCC may be admitted where relevant to establishing background or context. <i>See</i> Decision on Objections to E185, para. 29. However, admission of this document is not necessary to establish background information or context; instead, the document would needlessly clog the Case File. The Trial Chamber should reject this document pursuant to Rule 87(3)(a) as irrelevant and repetitious.</p>
22	D306/1.8	=> ??/??/1970	Need for Hospital document. 1 page	Population movement phase 1  Para0222 Fn0788, Fn0789		<p>This is a one-page document that appears to be extracted from a lengthier document. The source is not clear. Without information as to what this document is and who prepared it, it should not be admitted into evidence.</p> <p>The Defence recognizes that the Trial Chamber has previously found that "material such as analytical reports, books, documentary films, and media articles</p>

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						<p>may be relevant and will not be excluded as a category” (E185, para. 21(5)). However, the Defence submits that this report cannot be accepted at face value as being accurate or objective, especially when considering that the organization which produced this report may have had reason to seek to present a particular version of the events or even to formulate disinformation. Simply, it is virtually impossible to test the validity of this report without, at a minimum, adducing evidence from the author. It is impossible to verify the reliability of the reporting contained herein. The report 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> <p>This document predates the time period at issue in Case 002/01, and is not relevant to the proceedings.</p>



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						The Trial Chamber has previously stated that evidence falling outside the temporal jurisdiction of the ECCC may be admitted where relevant to establishing background or context. <i>See</i> E185, para. 29. However, admission of this document is not necessary to establish background information or context; instead, the document would needlessly clog the Case File. The Trial Chamber should reject this document pursuant to Rule 87(3)(a) as irrelevant and repetitious.
23	D306/1.9	=> ??/1970	Cambodia Project by World Vision International. 2 pages	Population movement phase 1  Para0222 Fn0788		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 this report cannot be accepted at face value as being accurate or objective, especially when considering that the organization which produced this report may have had reason to seek to present a particular version of the events or even to formulate disinformation. Simply, it is virtually impossible to test the validity of this report without, at a minimum, adducing evidence from the author. It is impossible to verify the reliability of the reporting contained herein. The report 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

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						<p>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> <p>This document predates the time period at issue in Case 002/01, and is not relevant to the proceedings. The Trial Chamber has previously stated that evidence falling outside the temporal jurisdiction of the ECCC may be admitted where relevant to establishing background or context. <i>See</i> E185, para. 29. However, admission of this document is not necessary to establish background information or context; instead, the document would needlessly clog the Case File. The Trial Chamber should reject this document pursuant to Rule 87(3)(a) as irrelevant and repetitious.</p>
24	D309/3/1.1	??/??/1974	Organisation Mondiale de la Santé (World Health Organisation), 'République Khmer, Approvisionnement en eau potable de Kompong Som, Rapport sur les résultats du projet, Conclusion et Recommendations',	population movement phase 1  Para0223 Fn0793	Report	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 this report cannot be accepted at face value as being accurate or objective, especially when considering that the organization which produced this report may have had reason to seek to present a particular version of the events or even to formulate disinformation. Simply, it is virtually impossible to

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			Geneve 1974, PNUD/KMR/70/516- OMS/Khmer Republic 3201			<p>test the validity of this report without, at a minimum, adducing evidence from the author. It is impossible to verify the reliability of the reporting contained herein. The report 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> <p>This document predates the time period at issue in Case 002/01, and is not relevant to the proceedings. The Trial Chamber has previously stated that evidence falling outside the temporal jurisdiction of the ECCC may be admitted where relevant to establishing background or context. <i>See</i> E185, para. 29. However, admission of this document is not necessary to establish background information or context; instead, the document would needlessly clog the Case File. The Trial Chamber should reject this</p>

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						document pursuant to Rule 87(3)(a) as irrelevant and repetitious.  Finally, this document is only available in French. Unless it is made available in Khmer and English by 4 March 2013, it cannot be considered to have been put before the Chamber (E185/1, para. 16).
25	D309/3/1.15	20/05/1974	Organisation Mondiale de la Santé (World Health Organisation), 'Assignment Report, 08 April 1974 to 13 April 1974	Population movement phase 1  Para0221 Fn0784  Para0223 Fn0791, Fn0792	Report	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 this report cannot be accepted at face value as being accurate or objective, especially when considering that the organization which produced this report may have had reason to seek to present a particular version of the events or even to formulate disinformation. Simply, it is virtually impossible to test the validity of this report without, at a minimum, adducing evidence from the author. It is impossible to verify the reliability of the reporting contained herein. The report 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

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						<p>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> <p>This document predates the time period at issue in Case 002/01, and is not relevant to the proceedings. The Trial Chamber has previously stated that evidence falling outside the temporal jurisdiction of the ECCC may be admitted where relevant to establishing background or context. <i>See</i> E185, para. 29. However, admission of this document is not necessary to establish background information or context; instead, the document would needlessly clog the Case File. The Trial Chamber should reject this document pursuant to Rule 87(3)(a) as irrelevant and repetitious.</p> <p>Finally, this document is only available in English. Unless it is made available in Khmer and French by 4 March 2013, it cannot be considered to have been put before the Chamber (E185/1, para. 16).</p>
26	D309/3/1.17	??/12/1973	Organisation Mondiale de la Santé (World Health Organisation), Report on a Field Visit to Phnom Penh 29 October to 2 November 1973	Population movement phase 1  Para0222 Fn0787	Report	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 this report cannot be accepted at face value as being accurate or objective, especially when considering that the organization which produced this report may have had reason to seek to present a

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						<p>particular version of the events or even to formulate disinformation. Simply, it is virtually impossible to test the validity of this report without, at a minimum, adducing evidence from the author. It is impossible to verify the reliability of the reporting contained herein. The report 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> <p>This document predates the time period at issue in Case 002/01, and is not relevant to the proceedings. The Trial Chamber has previously stated that evidence falling outside the temporal jurisdiction of the ECCC may be admitted where relevant to establishing background or context. <i>See</i> E185, para. 29. However, admission of this document is not necessary to establish background information or</p>

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						context; instead, the document would needlessly clog the Case File. The Trial Chamber should reject this document pursuant to Rule 87(3)(a) as irrelevant and repetitious.
27	D309/3/1.19	6/1/1972	Organisation Mondiale de la Santé (World Health Organisation), 'Assignment Report, 1 October 1968-31 August 1971	Population movement phase 1  Para0222 Fn0785 Fn0787	Report	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 this report cannot be accepted at face value as being accurate or objective, especially when considering that the organization which produced this report may have had reason to seek to present a particular version of the events or even to formulate disinformation. Simply, it is virtually impossible to test the validity of this report without, at a minimum, adducing evidence from the author. It is impossible to verify the reliability of the reporting contained herein. The report 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

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						<p>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>This document predates the time period at issue in Case 002/01, and is not relevant to the proceedings. The Trial Chamber has previously stated that evidence falling outside the temporal jurisdiction of the ECCC may be admitted where relevant to establishing background or context. <i>See</i> E185, para. 29. However, admission of this document is not necessary to establish background information or context; instead, the document would needlessly clog the Case File. The Trial Chamber should reject this document pursuant to Rule 87(3)(a) as irrelevant and repetitious.</p> <p>Finally, this document is only available in English. Unless it is made available in Khmer and French by 4 March 2013, it cannot be considered to have been put before the Chamber (E185/1, para. 16).</p>
28	D309/3/1.4	31/05/1974	Projets en cours d'exécution (du 01-07-1973 au 31-05-1974), WPR/RC25/3	population movement phase 1  Para0223 Fn0793		<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 this report cannot be accepted at face value as being accurate or objective, especially when considering that the organization which produced this report may have had reason to seek to present a particular version of the events or even to formulate disinformation. Simply, it is virtually impossible to</p>



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						<p>test the validity of this report without, at a minimum, adducing evidence from the author. It is impossible to verify the reliability of the reporting contained herein. The report 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> <p>This document predates the time period at issue in Case 002/01, and is not relevant to the proceedings. The Trial Chamber has previously stated that evidence falling outside the temporal jurisdiction of the ECCC may be admitted where relevant to establishing background or context. <i>See</i> E185, para. 29. However, admission of this document is not necessary to establish background information or context; instead, the document would needlessly clog the Case File. The Trial Chamber should reject this</p>

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						document pursuant to Rule 87(3)(a) as irrelevant and repetitious.  Finally, this document is only available in French. Unless it is made available in Khmer and English by 4 March 2013, it cannot be considered to have been put before the Chamber (E185/1, para. 16).
29	D309/3/1.6	1/12/1971	Organisation Mondiale de la Santé (World Health Organisation), 'Final Report (11-1963 to 09-1971)', Khmer Republic 4401E (0013), 01-12-1971	Population movement phase 1  Para0222 Fn0785 Fn0787		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 this report cannot be accepted at face value as being accurate or objective, especially when considering that the organization which produced this report may have had reason to seek to present a particular version of the events or even to formulate disinformation. Simply, it is virtually impossible to test the validity of this report without, at a minimum, adducing evidence from the author. It is impossible to verify the reliability of the reporting contained herein. The report 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

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						<p>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> <p>This document predates the time period at issue in Case 002/01, and is not relevant to the proceedings. The Trial Chamber has previously stated that evidence falling outside the temporal jurisdiction of the ECCC may be admitted where relevant to establishing background or context. <i>See</i> E185, para. 29. However, admission of this document is not necessary to establish background information or context; instead, the document would needlessly clog the Case File. The Trial Chamber should reject this document pursuant to Rule 87(3)(a) as irrelevant and repetitious.</p>
30	D309/3/1.7	15/07/1972	Organisation Mondiale de la Santé (World Health Organisation), 'Assignment Report (01-06 to 15-07-1972)', Khmer Republic 3301E, 19-01-1973	population movement phase 1  Para0223 Fn0793		<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 this report cannot be accepted at face value as being accurate or objective, especially when considering that the organization which produced this report may have had reason to seek to present a particular version of the events or even to formulate disinformation. Simply, it is virtually impossible to test the validity of this report without, at a minimum, adducing evidence from the author. It is impossible to verify the reliability of the reporting contained herein.</p>

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						<p>The report 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> <p>This document predates the time period at issue in Case 002/01, and is not relevant to the proceedings. The Trial Chamber has previously stated that evidence falling outside the temporal jurisdiction of the ECCC may be admitted where relevant to establishing background or context. <i>See</i> E185, para. 29. However, admission of this document is not necessary to establish background information or context; instead, the document would needlessly clog the Case File. The Trial Chamber should reject this document pursuant to Rule 87(3)(a) as irrelevant and repetitious.</p>

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						Finally, this document is only available in English. Unless it is made available in Khmer and French by 4 March 2013, it cannot be considered to have been put before the Chamber (E185/1, para. 16).
31	D309/3/1.8	1/12/1971	Organisation Mondiale de la Santé (World Health Organisation), 'Assignment Report, 01-12-1971', Khmer Republic 1201 (0503)	Population movement phase 1  Para0222 Fn0785 Fn0787  Para0223 Fn0793	Report	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 this report cannot be accepted at face value as being accurate or objective, especially when considering that the organization which produced this report may have had reason to seek to present a particular version of the events or even to formulate disinformation. Simply, it is virtually impossible to test the validity of this report without, at a minimum, adducing evidence from the author. It is impossible to verify the reliability of the reporting contained herein. The report 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

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						<p>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>This document predates the time period at issue in Case 002/01, and is not relevant to the proceedings. The Trial Chamber has previously stated that evidence falling outside the temporal jurisdiction of the ECCC may be admitted where relevant to establishing background or context. <i>See</i> E185, para. 29. However, admission of this document is not necessary to establish background information or context; instead, the document would needlessly clog the Case File. The Trial Chamber should reject this document pursuant to Rule 87(3)(a) as irrelevant and repetitious.</p> <p>Finally, this document is only available in English. Unless it is made available in Khmer and French by 4 March 2013, it cannot be considered to have been put before the Chamber (E185/1, para. 16).</p>
32	D309/3/1.9	3/6/1974	Organisation Mondiale de la Santé (World Health Organisation), 'Report On A Special Mission To Khmer Republic, 01-04 to 10-04-1974', (WP)N3/80/1 KHM/MCH/01(9601)E , 03-06-1974	Population movement phase 1  Para0221 Fn0784  Para0222	Report	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 this report cannot be accepted at face value as being accurate or objective, especially when considering that the organization which produced this report may have had reason to seek to present a particular version of the events or even to formulate

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				Fn0786, Fn0787  Para0223 Fn0791, Fn0792, Fn0793		<p>disinformation. Simply, it is virtually impossible to test the validity of this report without, at a minimum, adducing evidence from the author. It is impossible to verify the reliability of the reporting contained herein. The report 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> <p>This document predates the time period at issue in Case 002/01, and is not relevant to the proceedings. The Trial Chamber has previously stated that evidence falling outside the temporal jurisdiction of the ECCC may be admitted where relevant to establishing background or context. <i>See</i> E185, para. 29. However, admission of this document is not necessary to establish background information or context; instead, the document would needlessly clog</p>

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						<p>the Case File. The Trial Chamber should reject this document pursuant to Rule 87(3)(a) as irrelevant and repetitious.</p> <p>Finally, this document is only available in Khmer and English. Unless it is made available in French by 4 March 2013, it cannot be considered to have been put before the Chamber (E185/1, para. 16).</p>
33	D366/7.1.366	17/03/1975	Kendall files - Memorandum for Bill Kendall - Cambodia Fact Sheets	Military structure  Para0125 Fn0377		<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 this report cannot be accepted at face value as being accurate or objective, especially when considering that the organization which produced this report may have had reason to seek to present a particular version of the events or even to formulate disinformation. Simply, it is virtually impossible to test the validity of this report without, at a minimum, adducing evidence from the author. It is impossible to verify the reliability of the reporting contained herein. The report 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</p>



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						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).  Finally, this document is only available in English. Unless it is made available in Khmer and French by 4 March 2013, it cannot be considered to have been put before the Chamber (E185/1, para. 16).
34	D369/6	2/3/2010	Written Record of Interview of Witness CHUON Thi	Military structure  Para0137 Fn0414, Fn0416  Para0138 Fn0417  Fn0420	Witness Interview	This witness statement is not listed in OCP Requests E208, E208/1 or E96/8. It therefore will not be the subject of a future hearing and its admissibility must be decided now.  This witness is currently scheduled to testify in Case 002/01. The Defence submits that this summary statement should not be admitted because the best evidence will be the actual in-court testimony of the witness. Should the Trial Chamber be inclined to admit this statement, it should not do so unless and until this witness testifies and is questioned on the contents of the statement.
35	D84/2.7	??/08/1978	Copy of an Amnesty International submission to the UN Commission on Human Rights	population movement phase 2  Para0267 Fn1034		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 this report cannot be accepted at face value as being accurate or objective, especially when considering that the organization which produced this

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						<p>report may have had reason to seek to present a particular version of the events or even to formulate disinformation. Simply, it is virtually impossible to test the validity of this report without, at a minimum, adducing evidence from the author. It is impossible to verify the reliability of the reporting contained herein. The report 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> <p>Finally, this document is only available in Khmer and English. Unless it is made available in French by 4 March 2013, it cannot be considered to have been put before the Chamber (E185/1, para. 16).</p>
36	IS12.38	5/10/1996	International Media Article	Military structure	Media report	This is an open letter by Suong Sikoeun. Suong Sikoeun testified at the ECCC; his testimony is the best evidence before the Trial Chamber. The Defence

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				Para0119 Fn0356		leaves the admission of this document to the Trial Chamber's discretion.
				Para0121 Fn0369		
37	IS13.31	16/09/1976	Democratic Kampuchea Military Meeting Minutes entitled "Meeting of Division 290 and Division 170"	Military structure  Para0141 Fn0424  Para0147 Fn0446  Fn0446	Meeting Minutes	<p>This document also appears on the Case File as D248/6.1.5, which was admitted and accorded the new number E3/822. However, the English versions of these two documents are not identical. The English version of IS13.31 has an additional English translation not included in E3/822. Since IS13.31 was relied upon by the OCIJ in the Closing Order, the Defence must be provided an opportunity to object to it.</p> <p>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-</p>

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						contemporaneous documents).
38	IS19.71	??/??/1980	International Statement of KHO Vanny.	<p>population movement JCE</p> <p>Para0162 Fn0472</p> <p>population movement phase 1</p> <p>Para0243 Fn0926</p> <p>Para0250 Fn0954</p>	Statement	<p>This witness statement is not listed in OCP Requests E208, E208/1 or E96/8. It therefore will not be the subject of a future hearing and its admissibility must be decided now.</p> <p>This is a statement that goes to the acts and conduct of the accused. Mr. IENG Sary was afforded no opportunity to confront this witness. This statement must be regarded as “not allowed under the law” pursuant to Rule 87(3)(d) and E96/7, para. 22. If the OCP seeks to admit only the portions of this statement that do not relate to acts and conduct of the accused, all other portions relating to acts and conduct must be redacted prior to the admission of the statement. Admitting the statements without redaction would be a violation of Rule 87(3).</p> <p>This is a statement taken by an entity external to the ECCC. It therefore enjoys no presumption of reliability (E96/7, para. 29). It is unclear who took this statement. If it was taken by DC-Cam, this is an entity the Defence considers biased. If taken by Steve Heder (who has indicated that he did interview this witness at one time), the statement must not be admitted because the notes upon which the statement was based were lost (<i>see</i> D210/14/1). Furthermore, this written statement appears to have no audio recording. The statement itself is merely a summary of what the witness actually said to the interviewer. Without an audio recording or the notes, it is impossible to verify whether the summary is accurate.</p>

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						Unless Mr. IENG Sary is permitted to confront this witness at trial to verify the accuracy of his/her statement, the statement must not be admitted. Should the Trial Chamber nonetheless find that the statement is admissible, it should accord the statement little or no weight.