

**ANNEX A :OCP SPECIFIC OBSERVATIONS REGARDING THE OBJECTIONS
BY KHIEU SAMPHAN ON 12 “NEW” DOCUMENTS**

002/19-09-2007-ECCC/TC

E246/1/1.2 Rank no.	Doc No.	OCP Annex & No.	Date	Type & Title	K ERN	E ERN	F ERN	OCP Observations
19	E190.1.391	A19 (no. 20)	31 May 1976	Analytical Report by Amnesty International entitled “The Amnesty International Report 1975 – 1976 Democratic Kampuchea (Cambodia)”	00634978-00634880	00002901-00002901	00596731-00596732	<p>The Co-Prosecutors determined that this is a duplicate of a document that has already been admitted by the Trial Chamber on 3 December 2012 and allocated the E3 number E3/3865 (D84-Annex A-01, OCP Revised Lists, Annex 19 no. 19, ERN ENG 00004213-00004213, KHM 00597825-00597827, FRE 00607934-00607935).</p> <p>The Co-Prosecutors submit that, while the Defence objections are invalid and should be rejected, this particular document is a duplicate and for this reason could be removed.</p>
20	E190.1.392	A19 (no. 21)	14 Jul 1978	Analytical Report by Amnesty International entitled “Submission from Amnesty International under Commission on Human Rights Decision 9 (XXXIV)”	00664694-00664702	00076003-00076007	00616844-00616848	<ul style="list-style-type: none"> - Other reports by Amnesty International have been deemed relevant and reliable by the Trial Chamber and admitted as being put before it (Decision E185/1) : E3/3865, E3/3307, E3/3311, E3/3316. - The document presents identical features to all other documents submitted to the United Nations Economic and Social Council (Commission on Human Rights), including documents admitted as evidence by the Chamber, for example E3/3577, E3/1802 or E3/1804. Its authenticity cannot reasonably be challenged. - Regarding its content, the report cites documents such as the 1976 DK Constitution (admitted document as E3/259) or quotes Pol Pot in his September 1977 speech as broadcasted by Radio Phnom Penh (the speech was published in at least the following admitted documents: E3/144, E3/145, E3/290). - The observations regarding the fact that the report mentions that allegations of human rights violations by refugees remain uncorroborated relate to the probative value of the document. Furthermore, to the contrary of the Defence’s claim, the accounts by refugees proved to be valid over time and to corroborate each other as demonstrated by F. Ponchaud in his book « Cambodia, Year Zero » (admitted by the Chamber as E3/1820). - Finally, it must be noted that this document and its translations in Khmer and French are accessible on ZyLab.
23	E190.1.393	A19 (no. 38)	29 Apr 1997	Analytical report by DC-Cam entitled “Mapping the Killing Fields of Cambodia 1997: Khet Banteay Meanchey”.	00750665-00750682	00218603-00218611	00756971-00756980	<ul style="list-style-type: none"> - Numerous similar documents from the same DC-Cam Mapping Project presenting the same features have already been admitted as relevant and reliable by the Trial Chamber. For example, in its decision E185/1 and attached table E185/1.3, the documents E3/2630 (D176.4; report regarding Khet Kampong Cham), E3/2648 (D196.10, Khet Kampong Thom), E3/2063 (IS 18.74, Khet Takeo) or E3/2065 (IS 18.76, Khet Battambang) were admitted. There is no reason for the Trial Chamber to depart from its previous position regarding that type of documents which are relevant to several points of the indictment: JCE, treatment of targeted groups and widespread or systematic attack against the civilian population. - The Defence’s arguments relate for the most part to the probative value of the report, not its admissibility.
24	E190.1.394	A19 (no. 51)	21-25 Jun 1999	Analytical Report by DC-Cam entitled “Banteay Meanchey Province”	00769908-00769922	00222947-00222955	00756981-00756988	Same as above (E190.1.393)
26	E190.1.399	A19 (no. 137)	Nov 2002	Analytical Report by Sokhym Em entitled “Revolutionary Female Medical Staff in Tram Kak District”	00549329-00599331	00549326-00549328	00854207-00854210	- The Defence is right when mentioning that this is the second part of an article. The first part of the article was actually published by DC-Cam “Searching for the Truth” Magazine in October 2002 and has already been

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								<p>admitted by the Trial Chamber as reliable and relevant (E3/1919, IS 12.44, A19-136, ENG ERN 00080502-05). Consequently, to be consistent with its previous decision, it is submitted that this article should be admitted by the Trial Chamber so that the parties can use the entirety of the article as evidence.</p> <ul style="list-style-type: none"> - Other articles by the same author have also been admitted as relevant and reliable by the Trial Chamber (E3/1917, IS 12.42, entitled "Rabbit Dropping Medicine", June 2002 and E3/1918, IS 12.43, A19-135, entitled "Criticism and Self-Criticism", July 2002). - As for its relevance, this article concerns the situation in Tram Kak district (whose records were admitted as evidence, OCP Revised Lists Annex 8). Its content corroborates elements such as the 12 morality points, the discriminatory treatment of 17 April people in Tram Kak (as illustrated by the 57 Tram Kak district records already admitted), the enemy policy and the class struggle as well as forced marriages.
28	E190.1.396	A19 (no. 76)	30 Jul 2007	Analytical Report by Craig ETCHESON entitled "OCP Mission to Batheay District, Kampong Cham Province"	00800700-00800718	00221792-00221806	00790477-00790492	<ul style="list-style-type: none"> - At least one other OCP Mission Report has been placed on the Case File and admitted as relevant and reliable by the Trial Chamber (E3/2654, D196.8). As far as the objection refers to the fact that this is a report produced by OCP, it should be rejected. It is part of the OCP mandate to conduct preliminary investigations. The document is relevant to the widespread or systematic element of the attack against the civilian population. - The observations from the Defence exclusively relate to the probative value of the report and not its admissibility as such.
29	E190.1.395	A19 (no. 69)	3 Jun 2010	Analytical Report by Elizabeth DO entitled "Treatment of the Vietnamese Minority in Democratic Kampuchea From a Comparative Perspective"	00768915-00768987	00548809-00548881	00750974-00751041	<ul style="list-style-type: none"> - Contrary to the Defence assertion, this report has been fully translated in both Khmer and English. - There is no objective reason why this analytical report should be treated differently from the other documents in Annex 19, which, according to the Trial Chambers' jurisprudence, will not be rejected as a category (E185, para. 21 (5), E185/1, para. 9 (e)). - The consideration that the witnesses quoted in the report will not testify is in relation to the probative value of the report, not its admissibility. The document is authentic. - The report is relevant insofar as it relates to the DK Policy towards the Vietnamese.
30	E190.1.403	A19 (no. 234)	20 Nov 1978	Book by SAK Sutsakhan entitled "The Khmer Republic at War and the Final Collapse"	00776247-00776250	00495583-00495776	00777508-00777511	<ul style="list-style-type: none"> - There is no objective reason why this book should be treated differently from the other documents in Annex 19, which according to the Trial Chambers' jurisprudence, will not be rejected as a category (E185, para. 21 (5), E185/1, para. 9 (e)). - Once again, the observations made by the Defence are related to the probative value of the document, not its admissibility. - As for its relevance, the book describes the situation in Cambodia before the fall of Phnom Penh from the point of view of a high-ranking Khmer Republic cadre. This is a unique document and it is relevant for the historical background of the case and the evacuation of Phnom Penh, including the fate of Long Boret and other persons considered by the Khmer Rouge as "super

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								traitors”. - Excerpts of the report have effectively been translated into Khmer and French so far.
31	E190.1.402	A19 (no. 232)	2005	Book by Jaya RAMJI and Beth Van SCHAACK entitled “Bringing the Khmer Rouge to Justice”	N/A	00553496- 00553948	N/A	- There is no objective reason why the Trial Chamber should, for this particular book, depart from its position regarding all Annex 19 documents, which according to the Trial Chamber’s jurisprudence will not be rejected as a category (E185, para. 21 (5), E185/1, para. 9 (e)). - It must be noted that one article from this book has already been admitted by the Chamber (E3/1665 , D366/7.1.829, “Reassessing the Role of Senior Leaders and Local Officials in Democratic Kampuchea Crimes, by Stephen Heder). - Other articles are relevant for the trial case: (1) “Onslaught on Beings’: A Theravada Buddhist Perspective on Accountability for Crimes Committed in the Democratic Kampuchea Period”, by Ian Harris; (2) “Documenting the Crimes of Democratic Kampuchea” by John Ciorciari with Youk Chhang; and for a victims’ perspective (3) “A Collective Response to Mass Violence: Reparations and Healing in Cambodia”, by Jaya Ramji.
32	E190.1.400	A19 (no. 232)	2005	Book by P.T. LINH entitled “History of the Combat Operations Department 1945-2000”	00503881- 00503895 Vietnamese	00503867- 00503880	N/A	After reviewing this document, and considering its limited relevance to the case, the Co-Prosecutors defer to the discretion of the Trial Chamber regarding its admissibility.
33	E190.1.401	A19 (no. 232)	2009	Book by PHAM Van Tra entitled “Memoirs”	00432813- 00432844 Vietnamese 00827878- 00827879 Khmer	00432792- 00432812	00845877- 00845878	After reviewing this document, and considering its limited relevance to the case, the Co-Prosecutors defer to the discretion of the Trial Chamber regarding its admissibility.
97	E190.1.327	A18 (no. 146)	8 April 1977	International Media Article entitled “Forced Cambodian Labor Depicted” (Washington Post)	00657711- 00657713	00445449- 00445449	00596692- 00596693	The Co-Prosecutors express doubts about the credibility of Noam Chomsky’s opinions in relation to the DK regime in light of the views expressed in his publications. Despite those doubts regarding the validity of his criticism of this document, considering its limited relevance to the case, the Co-Prosecutors defer to the discretion of the Trial Chamber regarding the admissibility of this document.