

BEFORE THE TRIAL CHAMBER
EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA

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**CO-PROSECUTORS' RESPONSE TO KHIEU SAMPHAN'S ADMISSIBILITY
OBJECTIONS TO DOCUMENTS PROPOSED FOR CASE 002/02**

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I. INTRODUCTION

1. The Co-Prosecutors respond to Khieu Samphan's admissibility objections to documents proposed for Case 002/02 in their motion E327/3 filed on 2 February 2015 as notified to the parties on 4 February 2015.¹ The Defence for Khieu Samphan ("the Defence") notably requested the Trial Chamber (i) to summarily reject the Co-Prosecutors' request E305/13/1 dated 5 September 2014;² and (ii) to declare inadmissible the documents listed by the Defence in their Annex A (E327/3.2), which are documents proposed by the Co-Prosecutors in their Annex C1 (Documents in Case File 002, E305/13.22) and Annex C2 (Documents not in Case File 002; E305/13.23)³ on 13 June 2014.
2. In response to these assertions and objections, the Co-Prosecutors submit that: A. The Trial Chamber has already decided that the Co-Prosecutors' document list E305/13/1 constituted a permissible revision to the 2011 document lists to which Internal Rule 87(4) does not apply; B. All documents proposed by the Co-Prosecutors in Annexes C1 and C2 are relevant as they constitute evidence falling within the scope of Case 002/02 as defined by the Trial Chamber's decision in E301/9/1.1 and are not repetitious.

II. ARGUMENTS

A. Documents listed by the Co-Prosecutors in E305/13/1 (Annexes D1, D2 & D3)

3. The Defence claim that the documents proposed by the Co-Prosecutors in E305/13/1, dated 5 September 2014, were not put before the Chamber in furtherance of the Chamber's directions,⁴ and submit that Internal Rule 87(4) must apply to these documents.⁵ Furthermore, they assert that admitting these documents would unduly favour the Co-Prosecutors to the detriment of the Defence, and that the OCP request should be summarily

¹ **E327/3** Khieu Samphan's '*Exceptions d'irrecevabilité portant sur certains documents proposés pour le procès 002/02 et demande d'un véritable débat contradictoire sur la valeur probante*', 2 February 2015, FR ERN 01059843-48 and **E327/3.2** Annex A entitled '*Exceptions d'irrecevabilité relatives aux documents listés par les Co-Procureurs*', at ERN 01060735.

² **E327/3** paras 14-16 & para 25.

³ **E327/3** para 25

⁴ **E305** Trial Chamber Order to File Updated Material in Preparation for Trial in Case 002/02, as completed by **E307/1** Trial Chamber Decision on Parties' Joint Request for Clarification regarding the Application of Rule 87(4) (E307) and the NUON Chea Defence Notice of Non-Filing of Updated Lists Evidence (E305/3):

⁵ **E327/3** para 14.

rejected or that the documents proposed should be deemed inadmissible pursuant to Internal Rules 87(4) and 87(3).⁶

4. The Co-Prosecutors recall that the Trial Chamber's Decision on Joint Request for *de novo* Ruling on the application of Internal Rule 87(4), dated 21 October 2014,⁷ where it was found in paragraph 11 that "on an exceptional basis, the Chamber will consider the 2014 lists filed pursuant to E305 as constituting a permissible revision of the 2011 lists to which Internal Rule 87(4) does not apply."⁸ In paragraph 12 the Trial Chamber went further by considering that "in the interest of a fair and expeditious hearing, the Chamber is now considering the parties' 2014 lists filed pursuant to E305 as permissible revisions to the 2011 lists to which Internal Rule 87(4) does not apply, even though they were filed after the commencement of the trial."⁹ To make it even clearer, the Trial Chamber emphasized "that proposals to put before the Chamber any new documents or any request to hear new witnesses in future must satisfy the requirements of IR 87(4)",¹⁰ *i.e.* after 21 October 2014.
5. On 11 December 2014, the Chamber confirmed that the Co-Prosecutors' proposed lists of documents relevant to Case 002/02 (E305/13 and E305/13/1), were duly filed in response to the Trial Chamber's Order E305¹¹ and that any objections had to be filed no later than 2 February 2015. It is therefore the Trial Chamber's decision that all the documents listed in the three annexes to the OCP motion E305/13/1 are considered to be regularly put before the Chamber, *i.e.* Annex D1,¹² Annex D2¹³ and Annex D3.¹⁴ The Defence did not put forward any new fact or circumstances that would justify a reconsideration of the Chamber's decision.
6. Further, the Defence failed to present specific objections to any of the E305/13/1 documents pursuant to Internal Rule 87(3). As indicated in the Annexes D1, D2 and D3

⁶ E327/3 para 16.

⁷ E307/1/2 **Decision** on Joint Request for *de novo* Ruling on the application of Internal Rule 87(4), 21 October 2014.

⁸ E307/1/2 para 11.

⁹ E307/1/2 para 12, emphasis added.

¹⁰ E307/1/2 para 12, emphasis added.

¹¹ E327 Trial Chamber Scheduling of Objections to Documents Relevant to Case 002/02, 11 December 2014, para. 1.

¹² E305/13/1.1 - Annex D1 comprises 16 documents already admitted in Case 002/01 but not on OCP April 2011 List.

¹³ E305/13/1.2 - Annex D2 comprises 101 documents already in Case File 002.

¹⁴ E305/13/1.3 - Annex D3 comprises 26 documents not in Case File 002.

under the ‘Description’ and ‘Points of Indictment’ fields, these documents are all relevant to Case 002/02. In addition, many of these documents are statements, written records or civil party applications whose authors have been proposed by the Co-Prosecutors as witnesses or civil parties to testify before the Chamber in Case 002/02. Some of those documents have even been placed on the interface by the Defence as documents they intended to use during the Case 002/02 testimonial hearings.¹⁵

B. Documents listed by the Co-Prosecutors in E305/13 (Annexes C1 and C2)

7. The Defence claim that a large number of documents proposed by the Co-Prosecutors in E305/13 relate to facts falling completely outside the scope of Case 002/02 as defined in E301/9/1.1—namely 52 documents in Annex C1 (out of 383 documents in E305/13.22) and 32 documents in Annex C2 (out of 473 documents in E305/13.23).¹⁶ Moreover, they argue that other OCP proposed documents would relate mainly to facts falling outside the scope of Case 002/02 and that the fraction of the documents appearing to be relevant would be repetitious (namely 15 documents in Annex C1 and 44 documents in Annex C2).¹⁷
8. The Co-Prosecutors recall that they have the burden of proving the guilt of the accused and that all evidence is admissible pursuant to Internal Rule 87(1), except for a limited number of specific grounds set out by Rule 87(3) upon which evidence can be excluded. The Co-Prosecutors emphasize that Khieu Samphan did not object to any of the documents proposed by the Co-Prosecutors in their 2011 document list as updated on 13 June 2014, in particular to the 1546 documents bearing no highlighting in Annexes 1A to 20A.¹⁸ Further, no objection was made to the majority of documents proposed in Annexes C1 and C2, *i.e.* 316 documents in Annex C1 and 397 documents in C2. The Defence’s objections focus on 143 documents based solely on an alleged irrelevance or repetitiousness as per Internal Rule 87(3)(a). The Defence does not actually claim that any of the 143 documents would be

¹⁵ For example regarding Say Sen’s testimony, the Defence listed the following documents on the interface: (a) **E3/4846** (Say Sen’s DC-Cam statement listed by the Defence on the interface for the hearing dated 5 February 2015, at nos. 272-274; document appearing on **E305/13/1.1**, OCP Annex D1 at no.16); (b) **D22/1370** and **D22 1370/1** (Say Sen’s civil party application listed by the Defence on the interface for the hearing dated 5 February 2015, at nos. 296-298; document appearing on **E305/13/1.2**, OCP Annex D2 at no.36); (c) **D22/1370.2** (DC-Cam article entitled “Former Prisoner of Kraing Ta Chan” listed by the Defence on the interface for the hearing dated 5 February 2015, at nos. 296-298; document appearing on **E305/13/1.2**, OCP Annex D2 at no.89).

¹⁶ **E327/3** para 19 and **E327/3.2**, single page at FR ERN 01060735.

¹⁷ **E327/3** para 19 and **E327/3.2**, single page at FR ERN 01060735.

¹⁸ **E305/13** Co-Prosecutors’ Rule 80(3) Trial Document List, 13 June 2014.

unreliable or not authentic. To support their contention that those 143 documents would be irrelevant or repetitious, the Defence provided a single page table classifying documents identified by their Case 002 reference into two categories: (i) those completely falling out of the scope of case 002/02; and (ii) those mainly falling outside the scope and otherwise repetitious.¹⁹

9. These objections are unacceptably vague regarding the evidence objected to and relief sought. They are not sufficiently specific or reasoned to satisfy the requirements of Internal Rule 87(3) for exclusion of evidence and should be rejected. The Trial Chamber has made clear in its Decision E185.1, paragraph 9 (f) that: “[o]bjections lacking sufficient specificity as to the basis of the alleged inadmissibility of particular documents or categories of documents shall be rejected”.²⁰
10. In the alternative, the 143 documents are *prima facie* relevant to Case 002/02 as indicated by the Co-Prosecutors in their Annexes C1 and C2, under the ‘Description’ and ‘Points of the Indictment’ fields. The Co-Prosecutors provide further details below regarding the relevance of the 143 documents proposed in Annexes C1 and C2. They recall that the burden on the party seeking to introduce evidence is only to demonstrate *minimum* levels of relevance (or reliability). The Co-Prosecutors are not required to establish that the evidence is of a high probative value. In addition, the Co-Prosecutors underline that this evidence is not repetitious but constitutes either direct evidence of crimes committed or is corroborative of other pieces of evidence. Corroborative evidence is particularly important for the Co-Prosecutors to be able to fulfill their duty to prove the case.

a. Annex C1 – 52 documents allegedly falling outside the scope of Case 002/02

11. In regard to the 52 documents in OCP Annex C1 that the Defence erroneously consider as manifestly falling outside the scope of Case 002/02:

¹⁹ **E327/3.2** Khieu Samphan’s Annex A entitled “Exception d’irrecevabilité relatives aux documents listés par les Co-Procureurs”, single page at FR ERN 01060735.

²⁰ **E185/1** Trial Chamber Decision on Objections to Documents Proposed to be Put Before the Chamber in Co-Prosecutors’ Annexes A6-A11 and A14-A20 and by the Other Parties, para. 9 (f), referring to **E185** Trial Chamber Decision on Objections to Documents Proposed to Be Put Before the Chamber on the Co-Prosecutors’ Annexes A1-A5 and to Documents Cited in Paragraphs of the Closing Order Relevant to the First Two Trial Segments of Case 002/01, 9 April 2012 at para. 23.

- (i) 26 documents are dated prior to 17 April 1975 and relate to the historical background.²¹ Among those documents, 9 are relevant to the activities of Khieu Samphan prior to 17 April 1975 (accused background, role in conceiving the policies, character information);²² 5 relate to the treatment of the Buddhists in “liberated” areas²³ (conception of policy towards Buddhism, contextual evidence); 14 are relevant to executions, forced movement and other violence exercised against the civilian population (contextual evidence, pattern of widespread or systematic attack against the civilian population);²⁴ and 1 relates to the living and working conditions in cooperatives (policy conception of cooperatives and worksites);²⁵
- (ii) 5 documents relate to the operation of the M-13 security centre under the authority of Kaing Guek Eav *alias* Duch.²⁶ These documents are relevant to the policy towards alleged enemies prior to 17 April 1975 and to the historical background of the security centres generally, and in particular to the functioning of S-21, including the interrogation, torture techniques and execution under the supervision of the aforementioned Duch;
- (iii) 2 documents directly concern the S-21 security centre and the internal purges;²⁷
- (iv) 14 documents relate to the treatment of the targeted groups,²⁸ including 3 regarding the killing of Khmer Republic officials²⁹ and 11 regarding the treatment of Buddhists.³⁰ Although those documents do not directly relate to the specific crime

²¹ These documents are: **D313/1.2.26, E282.1.1, E282.1.2, E282.1.3, E282.1.4, E282.1.5, E282.1.6, E282.1.7, E282.1.8, E282.1.9, E282.1.10, E282.1.11, E282.1.12, E282.1.13, E282.1.14, E282.1.15, E282.1.16, E282.1.17, E282.1.18, E282.1.19, E282.1.20, E282.1.21, E282.1.22, E282.1.23, E282.1.24, E282.1.25**. The relevant paras **D427 Closing Order** are paras 18-32.

²² **E282.1.9, E282.1.10, E282.1.12, E282.1.13, E282.1.14, E282.1.15, E282.1.16, E282.1.19, E282.1.22**.

²³ **D313/1.2.26, E282.1.2, E282.1.3, E282.1.17, E282.1.23**.

²⁴ **E282.1.1, E282.1.2, E282.1.3, E282.1.4, E282.1.5, E282.1.6, E282.1.7, E282.1.8, E282.1.11, E282.1.18, E282.1.20, E282.1.21, E282.1.24, E282.1.25**. Note that documents **E282.1.2 & E282.1.3** concern both the treatment of Buddhists and violence against the civilian population.

²⁵ **E282.1.3**. This document also relates to the treatment of Buddhists and violence against the civilian population.

²⁶ **IS1.4, IS19.25, D108/27.4, D108/27.12, D108/27.2**; See Closing Order paras 18-32 and 415-474.

²⁷ **D108/7.8, D108/40.7**: Closing Order paragraphs 178-203 and 415-474.

²⁸ **E282.1.26, D366/7.1.592, IS19.66, D267/3.44, D267/3.43, D267/3.52, D267/3.68, D267/3.53, D267/3.58, E305/13.22.2, IS19.62, D267/3.75, D267/3.78, IS19.128**; See Closing Order relevant paras 205-207, 210, 740-743 & 205-209, 1350-1372.

²⁹ **E282.1.26, D366/7.1.592, IS19.66**.

³⁰ **D267/3.44, D267/3.43, D267/3.52, D267/3.68, D267/3.53, D267/3.58, E305/13.22.2, IS19.62, D267/3.75, D267/3.78, IS19.128**.

sites mentioned in the Trial Chamber's Decision E301/9/1.1,³¹ they provide useful contextual evidence, illustrate a pattern of crimes nationwide and meet the requirements of the "chapeau" elements of the crimes against humanity (systematic or widespread attack against the civilian population);

- (v) 2 documents predominantly relate to the internal purges (factual findings of Joint Criminal Enterprise, security centres and execution sites; direct evidence, contextual evidence or evidence of the "chapeau" elements of crimes against humanity),³²
- (vi) 3 documents are mainly but not exclusively relevant to the activities, statements and/or liability of the Accused Khieu Samphan during the DK regime.³³

b. Annex C1 – 15 documents allegedly mainly falling outside the scope of Case 002/02 and otherwise repetitious

12. In regard to the 15 documents listed in Annex C1 that the Defence erroneously consider as mainly falling outside the scope of case 002/02 and otherwise repetitious:

- (i) 3 documents are statements of witnesses proposed by OCP for Case 002/02,³⁴ including 1 statement directly relating to the security centre of Kraing Ta Chan and the role of Nuon Chea (chair of Borei Keila meeting);³⁵ 1 relevant to the treatment of the Cham the role of Nuon Chea and the internal purges;³⁶ and 1 relevant to Au Kanseng security centre and internal purges.³⁷ As statements of OCP proposed witnesses, they present a high degree of relevance to Case 002/02. These statements should necessarily be part of the evidence put before the Chamber upon confirmation by the Chamber that these proposed witnesses will be selected to testify;

³¹ E301/9/1.1 Trial Chamber Decision on Scope of Case 002/02 - Annex entitled «List of paragraphs and portions of the Closing Order relevant to Case 002/02, at EN 00981688.

³² E127/7.1.15 & E127/7.1.15R and E127/7.1.15 & E127/7.1.15R. Some victims of the purges described in those documents were sent and executed at S-21. See Closing Order relevant paras 178-203, 1350-1372.

³³ D84/2.3, D84/2.4, D56-Doc.495 ((the latter is also relevant to S-21). See Closing Order paragraphs 1126-1162, 1164-1200, 1521-1560, 1598-1604.

³⁴ D22/406 & D22/406a, D22/2577, E127/5.1.4

³⁵ D22/406 & D22/406a: D427 Closing Order, paras 489-514, 862-993.

³⁶ D22/2577: D427 Closing Order, paras 178-203, 205-207, 211-212, 745-770, 776-789, 862-993.

³⁷ E127/5.1.4: D427 Closing Order, paras 178-203 & 589-623.

- (ii) 7 statements relate to the treatment of the targeted groups,³⁸ including 6 relevant to the treatment of Buddhists (contextual evidence and “chapeau” elements)³⁹ and 1 relevant to the treatment of the Cham (direct and contextual evidence);⁴⁰
- (iii) 2 statements relate to the CPK internal purges;⁴¹
- (iv) 1 statement relates to the S-21 security centre, the role of Nuon Chea chairing a mass meeting and the Kampong Chhnang airport construction site;⁴²
- (v) 1 statement is relevant to the S-21 security centre (torture during interrogations, conditions of detention, internal purges);⁴³
- (vi) 1 statement relates to the military structure, the internal purge of RAK senior cadres, including at S-21 and at the Kampong Chhnang Airport site.⁴⁴

c. Annex C2 - 32 documents allegedly falling outside the scope of Case 002/02

13. In regard to the 32 documents of OCP Annex C2 that the Defence erroneously consider as manifestly falling outside the scope of Case 002/02, the Co-Prosecutors provide the following details in addition to those mentioned in the table E305/13.23:
- (i) 9 documents are UNTAC-era maps showing various relevant districts in Kampong Cham, Mondulkiri, Ratanakiri, Banteay Meanchey, Kampong Thom and Kampong Chhnang provinces.⁴⁵ Those maps are relevant as they directly relate to either areas where security centres within the scope were located (such as Phnom Kraol and Au Kanseng security centres),⁴⁶ districts in Kampong Cham where crimes against the Cham were allegedly committed,⁴⁷ or other areas in relation with Case 002/02 crime sites: Trapeang Thma Dam,⁴⁸ 1st January Dam⁴⁹ and Kampong Chhnang Airport Construction Site;⁵⁰

³⁸ **D315/8.60, D267/3.41, D267/3.47, D267/3.51, D267/3.60, D267/3.76, D175/3.44**; Closing Order, paragraphs 205-207, 210-212, 740-743, 745-770, 776-789).

³⁹ **D315/8.60** (also relating to security centres and execution sites and the internal purges), **D267/3.41** (also providing details regarding forced marriages), **D267/3.47, D267/3.51, D267/3.60, D267/3.76**

⁴⁰ **D175/3.44**

⁴¹ **IS19.89 & E127/5.1.30**; Closing Order, paragraphs 178-203.

⁴² **IS19.143**

⁴³ **IS19.107**

⁴⁴ **E127/5.1.14**; Closing Order paragraphs 113-149, 178-203, 383-398.

⁴⁵ **E305/13.23.37, E305/13.23.39, E305/13.23.40, E305/13.23.41, E305/13.23.42, E305/13.23.43, E305/13.23.44, E305/13.23.45, E305/13.23.46.**

⁴⁶ **E305/13.23.39, E305/13.23.41**; Closing Order paragraphs 589-642.

⁴⁷ **E305/13.23.37, E305/13.23.42, E305/13.23.43, E305/13.23.44**; Closing Order paragraphs 205-207, 211-212, 745-770, 776-789.

⁴⁸ **E305/13.23.40**; Closing Order paragraphs 168-177, 323-349.

- (ii) There are 6 photographs of Khieu Samphan during his 1974 trip to Laos.⁵¹ These photographs relate to official functions carried out by Khieu Samphan and are relevant to the role of Khieu Samphan and his background;
- (iii) 7 statements concern the internal purges (direct, contextual evidence and “chapeau” elements);⁵²
- (iv) 5 statement relate to the search for / killing of former Khmer Republic officials or any person associated with them;⁵³
- (v) 2 statements relate to the treatment of Buddhists prior to 17 April 1975 (contextual evidence);⁵⁴
- (vi) 1 statement by an OCP proposed witness relates to the treatment of the Cham;⁵⁵ 1 statement describes the treatment of Buddhists during the DK regime;⁵⁶
- (vii) 1 statement relates to the factual findings of Joint Criminal Enterprise, security centres and execution sites.⁵⁷

d. Annex C2 - 44 documents allegedly mainly falling outside the scope of Case 002/02 and otherwise repetitious

14. In regard to the 44 documents listed in Annex C2 considered by the Defence as mainly falling outside the scope of Case 002/02 and otherwise repetitious, the Co-Prosecutors note that 38 of them are statements collected by the Documentation Center of Cambodia (“DC-Cam”). It would be incorrect for the Defence to suggest that because DC-Cam is not a judicial institution focusing primarily on Case 002/02 matters, the evidence collected would necessarily fall outside the scope of Case 002/02. To the contrary, large portions of those

⁴⁹ E305/13.23.45: Closing Order paragraphs 168-177, 351-367.

⁵⁰ E305/13.23.46: Closing Order paragraphs 168-177, 383-398.

⁵¹ E305/13.23.53, E305/13.23.54, E305/13.23.55, E305/13.23.56, E305/13.23.57, E305/13.23.58: Closing Order paragraphs 18-32, 1126-1162, 1164-1200.

⁵² E305/13.23.310, E305/13.23.322 (also relevant to the regulation of marriage), E305/13.23.332 (also relevant to the military structure and administrative structures (Centre)), E305/13.23.373, E305/13.23.388 (also relevant to the military structure and administrative structures (Centre) and to the policy regarding cooperatives and worksites), E305/13.23.419 (also relevant to the policy regarding cooperatives and worksites), E305/13.23.435 (also relevant to the military structure and administrative structures (Centre)).

⁵³ E305/13.23.333, E305/13.23.357, E305/13.23.363, E305/13.23.391 and E305/13.23.424: Closing Order paragraphs 178-203, 205-209.

⁵⁴ E305/13.23.288, E305/13.23.298: Closing Order paragraphs 18-32, 205-207 and 210. E305/13.23.288 also concerns the treatment of Vietnamese (Khmer Krom) and indirectly the role of Khieu Samphan during the DK regime.

⁵⁵ E305/13.23.421: Closing Order paragraphs 205-207, 211-212, 745-770 & 776-789.

⁵⁶ E305/13.23.428: Closing Order paragraphs 205-207, 210 & 740-743.

⁵⁷ E305/13.23.339: Closing Order paragraphs 178-203.

DC-Cam statements are in fact directly relevant to factual findings within the scope of this trial and constitute powerful evidence. The Co-Prosecutors provide the following details regarding those 44 documents:

- (i) 6 documents directly relate to the S-21 security centre (including information regarding the release of prisoners);⁵⁸
- (ii) 2 books / studies are directly relevant for the regulation of marriage,⁵⁹ including sexual violence against Vietnamese, Khmer Krom and Cham people; 4 additional statements relate to the practice of forced marriages;⁶⁰
- (iii) 3 statements relate to the role of the Accused Nuon Chea and/or Khieu Samphan in Party meetings in Phnom Penh or the role of Khieu Samphan in commerce matters as well as to CPK internal purges;⁶¹ 1 other statement relates to the role of both Accused, the historical background and administrative structures;⁶²
- (iv) 11 statements relate to the CPK internal purges,⁶³
- (v) 15 statements relate to worksites and cooperatives,⁶⁴ including 13 regarding Trapeang Thma Dam,⁶⁵ 1 regarding Kampong Chhnang Airport Construction Site⁶⁶ and 1 regarding Tram Kak cooperatives;⁶⁷

⁵⁸ E305/13.23.1, E305/13.23.68, E305/13.23.304, E305/13.23.381, E305/13.23.418, E305/13.23.436 (also relevant to the treatment of the Cham): Closing Order paragraphs 178-203, 415-474.

⁵⁹ E305/13.23.8, E305/13.23.9: Closing Order paragraphs 216-220, 842-860.

⁶⁰ E305/13.23.341 (also relevant to the treatment of Buddhists), E305/13.23.364 (also relevant to the CPK internal purges), E305/13.23.402, E305/13.23.442 (also relevant to the treatment of the former Khmer Republic Officials)

⁶¹ E305/13.23.289, E305/13.23.377 (also relevant to the treatment of Buddhists, the treatment of Vietnamese), E305/13.23.343 (also relevant to the treatment of Buddhists as the witness Khiev Neou was disrobed on the orders of Ta Mok). E305/13.23.377 is a statement of an OCP Proposed Trial Witness for Case 002/02.

⁶² E305/13.23.420

⁶³ E305/13.23.290, E305/13.23.300, E305/13.23.321, E305/13.23.325, E305/13.23.389, E305/13.23.399, E305/13.23.410 (also relevant to armed conflict and military structure), E305/13.23.422 (also relevant to Khieu Samphan's background and security centres), E305/13.23.434, E305/13.23.452 (also relevant to the role of Nuon Chea), E305/13.23.470 (also relevant to the role of Nuon Chea).

⁶⁴ E305/13.23.309, E305/13.23.327, E305/13.23.329, E305/13.23.330, E305/13.23.331, E305/13.23.338, E305/13.23.376, E305/13.23.380, E305/13.23.398, E305/13.23.401 (also relevant to the treatment of Buddhists and regulation of marriage), E305/13.23.413 (also relevant to the treatment of Buddhists), E305/13.23.414 (also relevant to the treatment of Buddhists and internal purges), E305/13.23.430, E305/13.23.447 (also relevant to internal purges), E305/13.23.471 (also relevant to the internal purges). Note that E305/13.23.330, E305/13.23.331 are statements of an OCP Proposed Reserve Trial Witness for Case 002/02.

⁶⁵ E305/13.23.309, E305/13.23.327, E305/13.23.329, E305/13.23.330, E305/13.23.331, E305/13.23.338, E305/13.23.376, E305/13.23.380, E305/13.23.401, E305/13.23.413, E305/13.23.414, E305/13.23.447, E305/13.23.471.


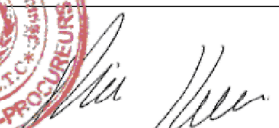
⁶⁶ E305/13.23.430

- (vi) 1 statement relates to the treatment of Vietnamese;⁶⁸ and
- (vii) 1 statement relates to the treatment of the former Khmer Republic Officials.⁶⁹
15. As detailed above, the evidence proffered in both Annexes C1 and C2 is *prima facie* material to the issues falling within the scope of Case 002/02 (existence of indicia of relevance).

V. CONCLUSION

16. Based on the above, the Co-Prosecutors respectfully request the Trial Chamber to:
- (a) Dismiss the Defence's submission that Annexes D1, D2 and D3 to the Co-Prosecutors' request E305/13/1 dated 5 September 2014 are subject to the requirements of Internal Rule 87(4);
- (b) Reject the objections raised by the Defence for Khieu Samphan in the table E327/3.2 regarding 143 documents listed in OCP Annexes C1 and C2; and
- (c) Pursuant to Internal Rule 87(3), admit as evidence all documents proposed by the Co-Prosecutors on 13 June 2014 in updated Annexes 1A to 20A and Annexes C1 and C2 (E305/13), as well as all documents proposed by the Co-Prosecutors on 5 September 2014 in Annexes D1, D2 and D3 (E305/13/1).

Respectfully submitted,

Date	Name	Place	Signature
16 February 2015	CHEA Leang Co-Prosecutor	Phnom Penh	
	Nicholas KOUMJIAN Co-Prosecutor		

⁶⁷ E305/13.23.398. This statement is also relevant to S-21 security centre.

⁶⁸ E305/13.23.407

⁶⁹ E305/13.23.454