

## IENG Sary's Objections to Documents Listed in E223/2.1 Annex 1

No.	Prop. Party	Doc. No.	Type	Author	Date	Title	Source	Objection
1	None (Closing Order)	IS 5.63	S-21 Confession	MUOL Sambath alias Ros Nhim	14-Jun-1978	S-21 Confession of MUOL Sambath alias Ros Nhim	Closing Order Footnote 3018	This document contains a confession. Confessions contain torture-tainted material. Torture-tainted material is, under all its forms and in every circumstance (except against a person accused of torture as evidence that a statement was made), inadmissible in judicial proceedings before the ECCC. All preliminary biographical information and other derivative evidence contained in this document derived from torture-tainted material and is inadmissible. Torture-tainted material is not allowed under the law and is inherently unreliable. The Trial Chamber must reject this document pursuant to Rule 87(3)(d). <i>See</i> E185, para. 21.
2	None (Closing Order)	D125/217	Site ID Report	ECCC-OCIJ	17-Mar-2009	Site Identification Report for Tuol Po Chrey	Closing Order Footnote 3025	This document is a report of execution of rogatory letter. It contains summaries of witness interviews and does not necessarily reflect an accurate representation of the answers the witnesses may have provided to questions posed. Thus, this document should be rejected pursuant to Rule 87(3)(c), as it is unreliable and unsuitable to prove facts it purports to prove. Further, Mr. IENG Sary was afforded no opportunity to confront these witnesses. Should the Trial Chamber find that this document is admissible pursuant to the criteria set out in Rule 87(3), it should give little or no weight to their statements contained herein. According to Trial Chamber Decision E96/7, para. 24, the statements contained in this report should not be accorded any probative value unless they: are of a cumulative nature; relate to background, crime base, or proof of threshold elements of international crimes; are a general or statistical analysis of ethnic composition of population; concern impact on victims; or are impossible to subject to confrontation because the author has died, cannot be traced, or is unable to testify orally. For further argument, see IENG Sary's Response to the Co-Prosecutors' Rule 92 Submission Regarding the Admission of Written Witness Statements Before the Trial Chamber & Request for Public Hearing, 22 July 2011, E96/3; IENG Sary's Objections to the Admissibility of Certain Categories of

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								Documents, 6 September 2011, E114, paras. 1 (Standards for the admission of documentary evidence set by the Establishment Law), 7-9 (Reliability), 11 (Relevance), 18-19 (Reports, articles and non-contemporaneous documents).
3	Co-Prosecutors	E216/3.1 (Different excerpts than E3/40 or IS 3.9)	Book	SUONG Sikoeun	To Be Determined	Book (handwritten) entitled "Odyssey of a Khmer Rouge intellectual : The road to hell is paved with good intentions"	OCP Request E216 partially granted by TC in E216/3	Suong Sikoeun testified in court and all parties had ample opportunity to question him. The Defence objects to the admission of any portions of this book not shown to and commented on by Suong Sikoeun.
4	Co-Prosecutors	E152.2	Book	(NUON Chea), Gina CHON, SAMBATH Thet	To Be Determined	Book entitled "Behind the Killing Fields"	TC Decision E190.1 (OCP request E152)	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 book cannot be accepted at face value as being accurate or objective. Simply, it is virtually impossible to test the validity of the book without, at a minimum, adducing evidence from the authors. It is impossible to verify the reliability of the reporting contained therein. The book contains information and conclusions not based on direct observation of events. It is unreliable and unsuitable to prove facts it purports to prove, and it is inadmissible pursuant to Rule 87(3)(c). Further, the authors of this book are 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 authors, this book is also inadmissible pursuant to Rule 87(3)(d). Should this book be admitted, the Defence submits that limited weight, if any, should be given to it unless the content 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).
5	Co-Prosecutors	E3/128	DK Biography	LONG Norin alias Rith	> 17-Apr-1975	Biography of LONG Narin alias Rith	TC Decision 8 Dec 2011 (Transcript E1/19.1, p.6) (OCP	The Defence submits that this document should not be admitted into evidence. Long Norin testified that he wrote a biography.

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							Request E131/1/4.1)	The fact that he wrote a biography is uncontested. The content of the biography is irrelevant and should be rejected pursuant to Rule 87(3)(a). The content of the biography is unreliable since Long Norin was told what sorts of statements to make in his biography and he was not questioned extensively as to the content. It should therefore also be rejected pursuant to Rule 87(3)(c).
6	Co-Prosecutors	E152.1.1R – E152.1.54R E152.1.1.1 – E152.1.54.1	Video	KHIEU Samphan	To Be Determined	Khieu Samphan interview parts 1 to 54	TC Decision E190.1 (OCP Request E152)	The entire video does not appear to be transcribed and it is unclear what content was omitted from the transcription. This may cause certain statements to be taken out of context. Further, Mr. IENG Sary has not had the opportunity to confront the filmmaker. It is unknown what statements the filmmaker may have chosen to omit from this video. Statements contained in the video were taken by an entity external to the ECCC. This video therefore enjoys no presumption of reliability (E96/7, para. 29). It is impossible to verify accuracy of the statements. Unless Mr. IENG Sary is permitted to confront the filmmaker at trial, this video must not be admitted. Should the Trial Chamber nonetheless find that the video is admissible, it should accord the video little or no weight.
7	Co-Prosecutors	A190/I/15R, E190.1.297R	Video	NUON Chea, KHIEU Samphan	??-??-1998	Khieu Samphan and Nuon Chea's Press Conference	TC Decision E190.1	This video has not been transcribed. Further, Mr. IENG Sary has not had the opportunity to confront the filmmaker. It is unknown what statements the filmmaker may have chosen to omit from this video. Statements contained in the video were taken by an entity external to the ECCC. This video therefore enjoys no presumption of reliability (E96/7, para. 29). It is impossible to verify accuracy of the statements. Unless Mr. IENG Sary is permitted to confront the filmmaker at trial, this video must not be admitted. Should the Trial Chamber nonetheless find that the video is admissible, it should accord the video little or no weight.
8	Co-Prosecutors	E93/7.3R, E93/7.2R	Video	SAMBATH Thet	??-??-2000	Interview of Nuon Chea entitled "Nuon Chea on Confessions" and "Nuon Chea on Year Zero"	TC Decision E190.1 (OCP Request E93/7)	This interview is an excerpt from hundreds of hours of taped interviews. The editing process was designed to promote a particular point of view. Without placing Thet Sambath's entire archive on the Case File and without confronting Thet Sambath, this video excerpt should not be admitted into evidence. It is unreliable and unsuitable to

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								prove the facts it purports to prove and should be rejected pursuant to Rule 87(3)(c). Statements contained in the video were taken by an entity external to the ECCC. This video therefore enjoys no presumption of reliability (E96/7, para. 29).
9	LCL Civil Parties	E109/2.3.1	Book	JENNAR Raoul Marc	To Be Determined	Livre écrit par Raoul Marc Jennar intitulé "Khieu Samphan and les Khmers Rouges"	TC Decision E190.1 (LCL List E109/2.3)	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 book cannot be accepted at face value as being accurate or objective. Simply, it is virtually impossible to test the validity of the book without, at a minimum, adducing evidence from the author. It is impossible to verify the reliability of the reporting contained therein. The book contains information and conclusions not based on direct observation of events. It 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 book 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, this book is also inadmissible pursuant to Rule 87(3)(d). Should this book be admitted, the Defence submits that limited weight, if any, should be given to it unless the content 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).
10	LCL Civil Parties	E109/2.3R (?)*	Video	SAIDNATTAR Roshane	To Be Determined	Documentary film entitled "Survive in the heart of the Khmer Rouge Madness"	TC Decision E190.1 (LCL List E109/2.3). *Used by LCL on 15 Feb 2012 before the Chamber (E1/44.1) but <u>unfound as such in Zylab</u> , E109/2.3R being the	This video is unavailable in zylab (See OCP note in E223/2/1.1, number 10) and must be rejected since the parties are unable to view it and formulate objections. Even if made available to the parties, the video should not be admitted into evidence. There is no transcript of the video and the video is not available in all three official

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							Aronowitsch and Lindberg film.	languages. Mr. IENG Sary has not had the opportunity to confront the filmmaker, who is apparently a Civil Party (D22/3668). It is unknown what statements the filmmaker may have chosen to omit from this video. Statements contained in the video were taken by an entity external to the ECCC. This video therefore enjoys no presumption of reliability (E96/7, para. 29). It is impossible to verify accuracy of the statements. Unless Mr. IENG Sary is permitted to confront the filmmaker at trial, this video must not be admitted. Should the Trial Chamber nonetheless find that the video is admissible, it should accord the video little or no weight.
11	LCL Civil Parties and Co-Prosecutors	E186.1R	Video	SAMBATH Thet and LEMKIN Rob	To Be Determined	Documentary film entitled "Enemies of the people" (Nuon Chea interview) and 16 additional footages	TC Decision E190.1 (LCL List E109/2.3)	This interview is an excerpt from hundreds of hours of taped interviews. The editing process was designed to promote a particular point of view. Without placing Thet Sambath's entire archive on the Case File and without confronting Thet Sambath, this video excerpt should not be admitted into evidence. It is unreliable and unsuitable to prove the facts it purports to prove and should be rejected pursuant to Rule 87(3)(c). Statements contained in the video were taken by an entity external to the ECCC. This video therefore enjoys no presumption of reliability (E96/7, para. 29).
12	Ieng Sary	D172.6	Book	CHANDLER David	01-Apr-1977	Attachment 5 entitled "Transformation in Cambodia", Commonwealth	TC Decision E172/24/4 (IS Request, E172/24/3 (F))	No objection.
13	Ieng Sary	E190.1.407	Book	VICKERY Michael	??-??-1981	Book entitled "Democratic Kampuchea: Themes and Variations"	TC Decision E190.1 (IS List E109/6.2)	The Defence withdrew this document and does not seek its admission. The Defence had placed this document on its document list, but after it was ordered to put the book on the SMD so that it could be considered for admission (through E190), the Defence did not place this document on the SMD so that it would not be considered by the Trial Chamber ( <i>See</i> E190/2).
14	Ieng Sary	E190/2.2	Book	OSBORNE Milton	??-??-1994	Book entitled "Sihanouk, Prince of Light, Prince of Darkness"	TC Decision E190/2.1 (found under the Shared Material Drive only)	The Defence withdraws this document.
15	Ieng Sary	D22/2052.1	Media Article	GILLISON Douglas, LY HOR	28-Aug-2000	Article entitled "177 released from S-21, DC-Cam Records show"; LY HOR (civil party) biographical database	TC Decision E172/24/4 (IS Request, E172/24/3 (K))	No objection.
16	Khieu Samphan	E190/2.6, D153.12 (updated)	Academic Article	KIERNAN Ben, OWEN Taylor	??-Oct-2006	Article entitled "Bombs over Cambodia"	TC Decision E190/2.1	This is an article by Ben Kiernan. Ben Kiernan has refused to testify at the ECCC,

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		version 2009)						and “[i]n accordance with internationally-protected fair trial guarantees, it follows from the Trial Chamber’s inability to call Professor KIERNAN that his conclusions can have little if any probative value in Case 002 given that their author cannot be adversarially challenged.” E166/1/4, p. 2. Additionally, “[w]hile the Chamber determines [documents authored by experts proposed by the parties] to be relevant to Case 002/01, the Chamber agrees that absent the ability to examine the authors of certain of these documents, their probative value will be negligible.” E185/1, para. 14. The Defence submits that this article should not be admitted into evidence. If the statement is admitted, it should be accorded no probative value.
17	Khieu Samphan	E190/2.10	Book	KIERNAN Ben	> ??-04-1987	Book entitled “The US Bombardment of Cambodia, 1969-1973, Vietnam Generation”	TC Decision E190/2.1	This is a book by Ben Kiernan. Ben Kiernan has refused to testify at the ECCC, and “[i]n accordance with internationally-protected fair trial guarantees, it follows from the Trial Chamber’s inability to call Professor KIERNAN that his conclusions can have little if any probative value in Case 002 given that their author cannot be adversarially challenged.” E166/1/4, p. 2. Additionally, “[w]hile the Chamber determines [documents authored by experts proposed by the parties] to be relevant to Case 002/01, the Chamber agrees that absent the ability to examine the authors of certain of these documents, their probative value will be negligible.” E185/1, para. 14. The Defence submits that this book should not be admitted into evidence. If the book is admitted, it should be accorded no probative value.
18	Khieu Samphan	E190/2.11	Book	KILJUNEN Kimmo	??-??-1984	Kampuchea decade of the genocide (Third World Studies): Report of a Finnish Inquiry Commission	TC Decision E190/2.1	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 book cannot be accepted at face value as being accurate or objective. Simply, it is virtually impossible to test the validity of the book without, at a minimum, adducing evidence from the author. It is impossible to verify the

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							reliability of the reporting contained therein. The book contains information and conclusions not based on direct observation of events. It 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 book 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, this book is also inadmissible pursuant to Rule 87(3)(d). Should this book be admitted, the Defence submits that limited weight, if any, should be given to it unless the content 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).
19	Khieu Samphan	E190/2.13	Int'l Communication	US Department of State	09-Dec-1970	Transcription of a conversation between Nixon and Kissinger	TC Decision E190/2.1  The US engaged in an aggressive, covert operation about which the American public and even Congress were deceived. Anything generated by the US government during this period is suspect. In accordance with Rule 87(3), the Defence objects to the admission of this document unless its authenticity, reliability and relevance have been demonstrated. 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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20	Khieu Samphan	E190/2.14	Int'l Communication	US Department of State	09-Dec-1970	Transcription of a conversation between Kissinger and General Haig	TC Decision E190/2.1	<p>The US engaged in an aggressive, covert operation about which the American public and even Congress were deceived. Anything generated by the US government during this period is suspect. In accordance with Rule 87(3), the Defence objects to the admission of this document unless its authenticity, reliability and relevance have been demonstrated. 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>
21	Khieu Samphan	E190/2.16	Int'l Communication	US Department of State	??-??-1975	Memorandum of a conversation between Indonesian President Suharto and Ford & Kissinger	TC Decision E190/2.1	<p>The US engaged in an aggressive, covert operation about which the American public and even Congress were deceived. Anything generated by the US government during this period is suspect. In accordance with Rule 87(3), the Defence objects to the admission of this document unless its authenticity, reliability and relevance have been demonstrated. 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</p>



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								(Relevance), 18-19 (Reports, articles and non-contemporaneous documents).
22	Khieu Samphan	E190/2.15	Int'l Communication	US Department of State	26-Nov-1975	Memorandum of conversation : Secretary's Meeting with Foreign Minister Chatchai of Thailand »	TC Decision E190/2.1	The US engaged in an aggressive, covert operation about which the American public and even Congress were deceived. Anything generated by the US government during this period is suspect. In accordance with Rule 87(3), the Defence objects to the admission of this document unless its authenticity, reliability and relevance have been demonstrated. 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).
23	Khieu Samphan	E190.1.408	Int'l Communication	French Ministry of Foreign Affairs, PECH Lim Kuon	11-Aug-1976	Notes from French Diplomat entitled "Conversation with PECH Lim Kuon"	TC Decision E190.1 (KS List E109/1.1)	These are the notes a French Ministry of Foreign Affairs official took of a conversation with a person named Pech Lim Kuon. This amounts to a witness statement taken by an entity external to the ECCC. It therefore enjoys no presumption of reliability (E96/7, para. 29). Without an audio recording, it is impossible to verify whether the notes are an accurate summary of the statement given by Pech Lim Kuon. 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.
24	Khieu Samphan	E190/2.9	Int'l Communication	UN General Assembly	14-Nov-1979	Résolution de l'Assemblée Générale des Nations Unies, 34 ème session, la Situation au Kampuchea, A/RES/34/22	TC Decision E190/2.1	The Defence takes no position as to the admission of this document and leaves the matter to the Trial Chamber's discretion.
25	Khieu Samphan	E190/2.17	Int'l Media Report	CHOMSKY Noam (NY Review of	04-Jun-1970	A Special Supplement: Cambodia, The New York Review of Books, Noam	TC Decision E190/2.1	The Defence recognizes that the Trial Chamber has previously found that "material

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				Books)		Chomsky		such as analytical reports, books, documentary films, and media articles may be relevant and will not be excluded as a category" (E185, para. 21(5)). However, the Defence submits that media articles cannot be accepted at face value as being accurate or objective, especially when the journalists may have been engaged by governments to present a particular version of the events or even to formulate disinformation. Simply, it is virtually impossible to test the validity of media articles without, at a minimum, adducing evidence from the author. It is impossible to verify the reliability of the reporting contained herein. The article contains information and conclusions not based on direct observation of events. The document is unreliable and unsuitable to prove facts it purports to prove, and it is inadmissible pursuant to Rule 87(3)(c). Further, the author of this document is not presently scheduled to testify in Case 002/01. Because Mr. IENG Sary has not been afforded his absolute right under Rule 84(1) to confront the author of this article, this document is also inadmissible pursuant to Rule 87(3)(d). Should this document be admitted, the Defence submits that limited weight, if any, should be given to it unless the content of the document can be verified or supported through independent indicia. For further argument, <i>see</i> IENG Sary's Objections to the Admissibility of Certain Categories of Documents, 6 September 2011, E114, paras. 1 (Standards for the admission of documentary evidence set by the Establishment Law), 7-9 (Reliability), 11 (Relevance), 18-19 (Reports, articles and non-contemporaneous documents).
26	Khieu Samphan	E190.1.412	Int'l Media Report	AFP	16-Dec-1975	Dépêche de l'AFP intitulée "Arrivée d'une délégation laotienne en visite au Cambodge"	TC Decision E190.1 (KS List E109/1.1)	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

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27	Khieu Samphan	E190.1.411	Int'l Media Report	The TIMES	04-May-1976	Article entitled "Defecting Khmer Rouge helicopter pilot tells of life in Phnom Penh" by The Times	TC Decision E190.1 (KS List E109/1.1)	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

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28	Khieu Samphan	E190.1.409	Int'l Media Report	HERALD TRIBUNE	11-May-1976	Article entitled "Escape because of Khmer brutality"	TC Decision E190.1 (KS List E109/1.1)	The Defence recognizes that the Trial Chamber has previously found that "material such as analytical reports, books, documentary films, and media articles may be relevant and will not be excluded as a category" (E185, para. 21(5)). However, the Defence submits that media articles cannot be accepted at face value as being accurate or objective, especially when the journalists may have been engaged by governments to present a particular version of the events or even to formulate disinformation. Simply, it is virtually impossible to test the validity of media articles without, at a minimum, adducing evidence from the author. It is impossible to verify the reliability of the reporting contained herein. The article contains information and conclusions not based on direct observation of events. The document is unreliable and unsuitable to prove facts it purports to prove, and it is inadmissible pursuant to Rule 87(3)(c). Further, the author of this document is not presently scheduled to testify in Case 002/01. Because Mr. IENG Sary has not been afforded his absolute right under Rule 84(1) to confront the author of this article, this document is also inadmissible pursuant to Rule 87(3)(d). Should this document be

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								admitted, the Defence submits that limited weight, if any, should be given to it unless the content of the document can be verified or supported through independent indicia. For further argument, <i>see</i> IENG Sary's Objections to the Admissibility of Certain Categories of Documents, 6 September 2011, E114, paras. 1 (Standards for the admission of documentary evidence set by the Establishment Law), 7-9 (Reliability), 11 (Relevance), 18-19 (Reports, articles and non-contemporaneous documents).
29	Khieu Samphan	E190.1.410	Int'l Media Report	NEWSWEEK	17-May-1976	Article entitled "Cambodia: Two Views from Inside"	TC Decision E190.1 (KS List E109/1.1)	The Defence recognizes that the Trial Chamber has previously found that "material such as analytical reports, books, documentary films, and media articles may be relevant and will not be excluded as a category" (E185, para. 21(5)). However, the Defence submits that media articles cannot be accepted at face value as being accurate or objective, especially when the journalists may have been engaged by governments to present a particular version of the events or even to formulate disinformation. Simply, it is virtually impossible to test the validity of media articles without, at a minimum, adducing evidence from the author. It is impossible to verify the reliability of the reporting contained herein. The article contains information and conclusions not based on direct observation of events. The document is unreliable and unsuitable to prove facts it purports to prove, and it is inadmissible pursuant to Rule 87(3)(c). Further, the author of this document is not presently scheduled to testify in Case 002/01. Because Mr. IENG Sary has not been afforded his absolute right under Rule 84(1) to confront the author of this article, this document is also inadmissible pursuant to Rule 87(3)(d). Should this document be admitted, the Defence submits that limited weight, if any, should be given to it unless the content of the document can be verified or supported through independent indicia. For further argument, <i>see</i> IENG Sary's Objections to the Admissibility of Certain Categories of Documents, 6 September 2011, E114, paras. 1 (Standards for the admission of documentary evidence set by the

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								Establishment Law), 7-9 (Reliability), 11 (Relevance), 18-19 (Reports, articles and non-contemporaneous documents).
30	Khieu Samphan	E190/2.8	Int'l Media Report	SHAWCROSS William (Far East Economic Review)	07-Jan-1977	Article entitled "Cambodia: The verdict is guilty on Nixon and Kissinger"	TC Decision E190/2.1	The Defence recognizes that the Trial Chamber has previously found that "material such as analytical reports, books, documentary films, and media articles may be relevant and will not be excluded as a category" (E185, para. 21(5)). However, the Defence submits that media articles cannot be accepted at face value as being accurate or objective, especially when the journalists may have been engaged by governments to present a particular version of the events or even to formulate disinformation. Simply, it is virtually impossible to test the validity of media articles without, at a minimum, adducing evidence from the author. It is impossible to verify the reliability of the reporting contained herein. The article contains information and conclusions not based on direct observation of events. The document is unreliable and unsuitable to prove facts it purports to prove, and it is inadmissible pursuant to Rule 87(3)(c). Further, the author of this document is not presently scheduled to testify in Case 002/01. Because Mr. IENG Sary has not been afforded his absolute right under Rule 84(1) to confront the author of this article, this document is also inadmissible pursuant to Rule 87(3)(d). Should this document be admitted, the Defence submits that limited weight, if any, should be given to it unless the content of the document can be verified or supported through independent indicia. For further argument, <i>see</i> IENG Sary's Objections to the Admissibility of Certain Categories of Documents, 6 September 2011, E114, paras. 1 (Standards for the admission of documentary evidence set by the Establishment Law), 7-9 (Reliability), 11 (Relevance), 18-19 (Reports, articles and non-contemporaneous documents).
31	Khieu Samphan	E190/2.5	Letter	JULLIAN-GAUFRES Phillipe	15-Oct-2010	Letter of Philippe Jullian-Gaufres in favour of Khieu Samphan	TC Decision E190/2.1	The Defence takes no position as to the admission of this document and leaves the matter to the Trial Chamber's discretion.
32	Khieu Samphan	E190/2.7	Letter	SAM Sok	21-Jan-2011	Letter of Sam Sok in favour of Khieu Samphan	TC Decision E190/2.1	The Defence takes no position as to the admission of this document and leaves the matter to the Trial Chamber's discretion.

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33	Khieu Samphan	E190/2.18	Letter	DUMAS Roland	14-Feb-2011	Letter of Roland Dumas in favour of Khieu Samphan	TC Decision E190/2.1	The Defence takes no position as to the admission of this document and leaves the matter to the Trial Chamber's discretion.
34	Khieu Samphan	E190/2.19	Letter	KATZ Claude	18-Apr-2011	Letter of Mrs Claude Katz in favour of Khieu Samphan	TC Decision E190/2.1	The Defence takes no position as to the admission of this document and leaves the matter to the Trial Chamber's discretion.
35	Khieu Samphan	E190/2.4	Media Article	PICQ Laurence, DESGOUTTES Jean-Paul	??-06-1984	Article entitled « Entretien avec Laurence Picq, juin 1984 »	TC Decision E190/2.1	<p>This is an interview with a Civil Party who may testify in Case 002/01. This interview was taken by an entity external to the ECCC. It therefore enjoys no presumption of reliability (E96/7, para. 29). There is no audio recording of this interview to verify its accuracy. Because this statement goes to acts and conduct of Mr. IENG Sary, unless he is permitted to confront this Civil Party at trial to verify the accuracy of her statement, this interview must be regarded as “not allowed under the law” pursuant to Rule 87(3)(d) and E96/7, para. 22. Should the Trial Chamber nonetheless find that the statement is admissible, it should accord it little or no weight.</p> <p>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).</p>
36	Khieu Samphan	E190/2.20	Media Article	McLEOD George (Phnom Penh Post)	27-Mar-2009	Article entitled « Noam Chomsky Interview by George McLeod »	TC Decision E190/2.1	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. 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 document is unreliable and unsuitable to prove facts it purports to prove, and it is inadmissible pursuant to Rule 87(3)(c). Further, the article contains an interview with Noam Chomsky. Neither Noam Chomsky nor the author of this document is presently scheduled to testify in Case 002/01. Because Mr. IENG Sary has not been afforded his absolute right under

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								Rule 84(1) to confront Noam Chomsky and the article's author, 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).
37	<b>Khieu Samphan</b>	<b>E190/2.12</b>	Media Article	KIERNAN Ben, OWEN Taylor	28-Jun-2010	Article entitled "Roots of the US Troubles in Afghanistan: Civilian Bombing Casualties and the Cambodian precedent"	TC Decision E190/2.1	This is an article by Ben Kiernan. Ben Kiernan has refused to testify at the ECCC, and "[i]n accordance with internationally-protected fair trial guarantees, it follows from the Trial Chamber's inability to call Professor KIERNAN that his conclusions can have little if any probative value in Case 002 given that their author cannot be adversarially challenged." E166/1/4, p. 2. Additionally, "[w]hile the Chamber determines [documents authored by experts proposed by the parties] to be relevant to Case 002/01, the Chamber agrees that absent the ability to examine the authors of certain of these documents, their probative value will be negligible." E185/1, para. 14. The Defence submits that this article should not be admitted into evidence. If the article is admitted, it should be accorded no probative value.
38	<b>Nuon Chea</b>	<b>E131/1/13.3</b>	Academic Article	HEDER Stephen	??-??-1997	Article by Steve Heder entitled "Racism, Marxism, Labelling and Genocide in Ben Kiernan's The Pol Pot Regime"	TC Decision E190.1 (NC List E131/1/13.1)	This article should not be admitted since it is a review of a book by Ben Kiernan and Ben Kiernan has refused to testify at the ECCC. "In accordance with internationally-protected fair trial guarantees, it follows from the Trial Chamber's inability to call Professor KIERNAN that his conclusions can have little if any probative value in Case 002 given that their author cannot be adversarially challenged." E166/1/4, p. 2. Additionally, "[w]hile the Chamber determines [documents authored by experts proposed by the parties] to be relevant to Case 002/01, the Chamber agrees that absent



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								the ability to examine the authors of certain of these documents, their probative value will be negligible." E185/1, para. 14. Additionally, there is no reason to admit this article since Steve Heder will be testifying before the Trial Chamber and may be questioned on his opinion of Ben Kiernan's work.
39	Nuon Chea	E131/1/13.12	Book	BRINKLEY Joel	??-??-2011	Excerpt of book by JOEL Brinkley entitled "Cambodia's Curse, The modern history of a troubled land"	TC Decision E190.1 (NC List E131/1/13.1)	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 book cannot be accepted at face value as being accurate or objective. Simply, it is virtually impossible to test the validity of the book without, at a minimum, adducing evidence from the author. It is impossible to verify the reliability of the reporting contained therein. The book contains information and conclusions not based on direct observation of events. It 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 book 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, this book is also inadmissible pursuant to Rule 87(3)(d). Should this book be admitted, the Defence submits that limited weight, if any, should be given to it unless the content 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).
40	Nuon Chea	E131/1/13.8	Int'l Communication	USGAO	30-Apr-1974	USGAO Report entitled "Report to the subcommittee on refugees and escapees committee on the judiciary United States Senate"	TC Decision E190.1 (NC List E131/1/13.1)	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

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								Defence submits that reports such as this cannot be accepted at face value as being accurate or objective, especially when the authors 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 such reports without, at a minimum, adducing evidence from their authors. 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).
41	Nuon Chea	E131/1/13.6	Int'l Media Report	SHIPLER David	19-Jul-1973	Article by The New York Times "Saigon, Podded by U.S., Lends Rice to Cambodia"	TC Decision E190.1 (NC List E131/1/13.1)	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,

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								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).
42	Nuon Chea	E131/1/13.4	Int'l Media Report	SCHANBERG Sydney (The New York Times)	19-Mar-1975	Article entitled "A Cambodian Anniversary Marked only by misery"	TC Decision E190.1 (NC List E131/1/13.1)	The parties should be permitted to use articles by Sydney Schanberg during his testimony. The Defence submits, however, that articles by Schanberg should not be admitted simply because Schanberg is expected to testify. He has written a large number of articles and will not have an opportunity to comment upon each of them. The Defence recognizes that the Trial Chamber has previously found that "material such as analytical reports, books, documentary films, and media articles may be relevant and will not be excluded as a category" (E185, para. 21(5)). However, the Defence submits that media articles cannot be accepted at face value as being accurate or objective, especially when the journalists may have been engaged by governments to present a particular version of the events or even to formulate disinformation. Simply, it is virtually impossible to test the validity of media articles without, at a minimum, adducing evidence from the author. It is

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								impossible to verify the reliability of the reporting contained therein. The document is unreliable and unsuitable to prove facts it purports to prove, and it is inadmissible pursuant to Rule 87(3)(c). Unless Mr. IENG Sary is 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).
43	Nuon Chea	E131/1/13.7	Int'l Media Report	Angus DEMING (Newsweek)	22-Jan-1979	Article entitled "Phnom Penh New Rulers"	TC Decision E190.1 (NC List E131/1/13.1)	The Defence recognizes that the Trial Chamber has previously found that "material such as analytical reports, books, documentary films, and media articles may be relevant and will not be excluded as a category" (E185, para. 21(5)). However, the Defence submits that media articles cannot be accepted at face value as being accurate or objective, especially when the journalists may have been engaged by governments to present a particular version of the events or even to formulate disinformation. Simply, it is virtually impossible to test the validity of media articles without, at a minimum, adducing evidence from the author. It is impossible to verify the reliability of the reporting contained herein. The article contains information and conclusions not based on direct observation of events. The document is unreliable and unsuitable to prove facts it purports to prove, and it is inadmissible pursuant to Rule 87(3)(c). Further, the author of this document is not presently scheduled to testify in Case 002/01. Because Mr. IENG Sary has not been afforded his absolute right under Rule 84(1) to confront the author of this article, this document is also inadmissible pursuant to Rule 87(3)(d). Should this document be

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								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).
44	Nuon Chea	E131/1/13.5	Media Article	SCHANBERG Sydney (The New York Times)	26-Feb-1975	Article entitled "Children starving in once-Lush Land"	TC Decision E190.1 (NC List E131/1/13.1)	The parties should be permitted to use articles by Sydney Schanberg during his testimony. The Defence submits, however, that articles by Schanberg should not be admitted simply because Schanberg is expected to testify. He has written a large number of articles and will not have an opportunity to comment upon each of them. 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 therein. The document is unreliable and unsuitable to prove facts it purports to prove, and it is inadmissible pursuant to Rule 87(3)(c). Unless Mr. IENG Sary is 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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								Categories of Documents, 6 September 2011, E114, paras. 1 (Standards for the admission of documentary evidence set by the Establishment Law), 7-9 (Reliability), 11 (Relevance), 18-19 (Reports, articles and non-contemporaneous documents).
45	Nuon Chea	E131/1/13.2	Media Article	T.D. ALLMAN (Vanity Fair)	??-Apr-1990	Article by T.D. Allman in Vanity Fair entitled "Sihanouk's Sideshow"	TC Decision E190.1 (NC List E131/1/13.1)	The Defence recognizes that the Trial Chamber has previously found that "material such as analytical reports, books, documentary films, and media articles may be relevant and will not be excluded as a category" (E185, para. 21(5)). However, the Defence submits that media articles cannot be accepted at face value as being accurate or objective, especially when the journalists may have been engaged by governments to present a particular version of the events or even to formulate disinformation. Simply, it is virtually impossible to test the validity of media articles without, at a minimum, adducing evidence from the author. It is impossible to verify the reliability of the reporting contained herein. The article contains information and conclusions not based on direct observation of events. The document is unreliable and unsuitable to prove facts it purports to prove, and it is inadmissible pursuant to Rule 87(3)(c). Further, the author of this document is not presently scheduled to testify in Case 002/01. Because Mr. IENG Sary has not been afforded his absolute right under Rule 84(1) to confront the author of this article, this document is also inadmissible pursuant to Rule 87(3)(d). Should this document be admitted, the Defence submits that limited weight, if any, should be given to it unless the content of the document can be verified or supported through independent indicia. For further argument, <i>see</i> IENG Sary's Objections to the Admissibility of Certain Categories of Documents, 6 September 2011, E114, paras. 1 (Standards for the admission of documentary evidence set by the Establishment Law), 7-9 (Reliability), 11 (Relevance), 18-19 (Reports, articles and non-contemporaneous documents).
46	Nuon Chea	E131/1/13.9	Report	US Senate SFRC	27-Apr-1973	U.S. Air Operations in Cambodia: April 1973	TC Decision E190.1 (NC List E131/1/13.1)	The Defence recognizes that the Trial Chamber has previously found that "material such as analytical reports, books,

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								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 reports such as this cannot be accepted at face value as being accurate or objective, especially when the authors 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 such reports without, at a minimum, adducing evidence from their authors. 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).
47	Nuon Chea	E131/1/13.11	Report	PRK Council of Ministers	23-Aug-1986	Decision - K-5 Construction plan for fiscal year 1987 - The Council of Minister	TC Decision E190.1 (NC List E131/1/13.1)	The Defences leaves the admissibility of this document to the Trial Chamber's discretion, recognizing that the Trial Chamber has previously resisted the admission of any evidence concerning K-5. The Defence maintains that evidence concerning K-5 may be relevant to the actual number of deaths that occurred between 1975-79.
48	Nuon Chea	E131/1/13.10	Report	Cambodian & Thai Governements	06-07-May-1998	Working visit to Thailand of H.E. Second Prime Minister HUN Sen	TC Decision E190.1 (NC List E131/1/13.1)	The Defences leaves the admissibility of this document to the Trial Chamber's discretion, recognizing that the Trial Chamber has

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								previously resisted the admission of any evidence concerning K-5. The Defence maintains that evidence concerning K-5 may be relevant to the actual number of deaths that occurred during the relevant period.
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