BEFORE THE TRIAL CHAMBER

EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA

FILING DETAILS

Case No: 002/19-09-2007-ECCC/TC

Filed to: The Trial Chamber

Date of document: 22 February 2013

CLASSIFICATION

Classification of the document suggested by the filing party:

PUBLIC

Classification by OCIJ or Chamber: សាធារណ:/Public

Classification Status:

Review of Interim Classification:

Records Officer Name:

Signature:

IENG SARY'S OBJECTIONS TO THE ADMISSION OF DOCUMENTS CONTAINED IN E190.1 AND E190/2.1

<u>Filed by:</u> **The Co-Lawyers:** ANG Udom Michael G. KARNAVAS Distribution to: The Trial Chamber Judges: Judge NIL Nonn Judge YOU Ottara Judge YA Sokhan Judge Silvia CARTWRIGHT Judge Jean-Marc LAVERGNE Reserve Judge THOU Mony Reserve Judge Claudia FENZ

Co-Prosecutors: CHEA Leang Andrew CAYLEY

All Defence Teams

All Civil Parties



Party Filing: The Defence for IENG Sary

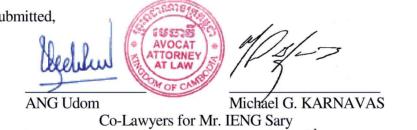
Original language: ENGLISH

E223/2/2/1

Mr. IENG Sary, through his Co-Lawyers ("the Defence"), pursuant to Rule 87(3) of the ECCC Internal Rules ("Rules"), hereby sets out in the attached Annex his objections to the admission of documents contained in E190.1. Documents already accorded an E3 number have been excluded, as have documents contained in OCP Annex E223/2/1.1,¹ since these documents were the subject of other recent objections.² Objections to statements proposed by the Civil Parties listed in E190.1 have been included, although it appears that the Civil Parties no longer propose these statements for admission into evidence.³ The objections in the attached Annex are submitted in order to assist the Trial Chamber in determining the admissibility of specific documents as evidence before it in Case 002. The Defence is unable to object to the documents on the basis of relevance since the scope of the trial is currently unknown. Many of the documents contained in E190.1 do not appear to be relevant to the scope of the trial envisaged in the Trial Chamber's Severance Order.⁴ In the event the Trial Chamber does not decide to try Case 002 as a whole, the Defence requests the opportunity to make further submissions as to relevance. Finally, because the Defence is not in a position to assess the authenticity of these documents, it objects to the admission of any document not demonstratively authentic or shown to be authentic by the party seeking to introduce it.

WHEREFORE, for all the reasons stated in the attached Annex, the Defence respectfully requests the Trial Chamber to REJECT the documents objected to therein.

Respectfully submitted,



Signed in Phnom Penh, Kingdom of Cambodia on this 22nd day of January, 2013



¹ Co-Prosecutors' Response to the Trial Chamber's Request to Indicate Additional Documents Relevant to the Population Movement and Tuol Po Chrey Trial Segments and Motion for Scheduling of Documentary Hearings, 23 November 2012, E223/2/1, Annex E223/2/1.1.

² See IENG Sary's Objections to the Admission of Certain Documents, 23 January 2013, E223/2/2, Annex E223/2/2.4.

³ These statements were listed on the Civil Parties' early document list (E109/2.3). On 20 June 2012, the Trial Chamber issued its Decision on Co-Prosecutors' Rule 92 Submission Regarding the Admission of Witness statements and Other Documents Before the Trial Chamber, E96/7, requiring the parties, *inter alia*, to review the documents on their lists in light of its Decision, to particularize the evidentiary purpose of each document and to provide specifications by 27 July 2012. The Civil Parties, however, did not do so, but only made further submissions concerning Civil Party Applications (*see* E208/4), not other statements.

⁴ Severance Order Pursuant to Internal Rule 89*ter*, 22 September 2011, E124.