

**BEFORE THE TRIAL CHAMBER  
EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA**

**FILING DETAILS**

**Case File:** 002/19-09-2007-ECCC/TC

**Party filing:** Mr KHIEU Samphân

**Filed to:** Trial Chamber

**Original language:** French

**Date of document:** 5 January 2012

**CLASSIFICATION**

**Classification of the Document Suggested by the Filing Party:** Public

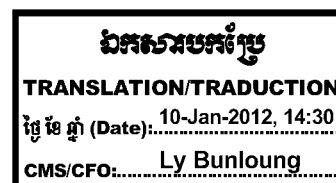
**Classification by the Trial Chamber:** សាធារណៈ/Public

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**Review of Interim Classification:**

**Records Officer Name:**

**Signature:**



**OBJECTION TO THE ADMISSIBILITY OF THE OTHER PARTIES'  
REMAINING DOCUMENT LISTS FOR THE FIRST FOUR SEGMENTS OF  
THE FIRST TRIAL**

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To:

**The Trial Chamber**  
Judge NIL Nonn  
Judge Silvia CARTWRIGHT  
Judge YOU Ottara  
Judge Jean-Marc LAVERGNE  
Judge YA Sokhan

**Co-Prosecutors**  
Mrs CHEA Leang  
Mr Andrew CAYLEY

**All Civil Party Lawyers**

**All Defence Teams**

## MAY IT PLEASE THE TRIAL CHAMBER

1. On 25 October 2011, the Trial Chamber communicated to the parties the list of witnesses called during the first session of the first trial dealing with the hearing of the evidence, and ordered the parties to indicate, no later than 1 November 2011, which documents from their earlier lists they will seek to admit before the Chamber in connection with those witnesses.<sup>1</sup>
2. The Chamber added that objections, if any, to the admissibility of these documents, or categories of documents, were to be filed within 10 days of notification of the list that the filing parties intended to introduce during the first trial segment.<sup>2</sup>
3. The Chamber also directed the parties to indicate, no later than 5 January 2012, “which, if any, of the remaining documents sought to be admitted by the opposing parties in connection with the first four trial segments are objected to, and the basis for these challenges”.<sup>3</sup>
4. On 14 November 2011, Mr KHIEU Samphân filed admissibility challenges by document category, because it was impossible for him and his Defence Team to review thousands of documents within ten days.<sup>4</sup>
5. To this day, it is still impossible for Mr KHIEU Samphân to review the remaining thousands of documents.<sup>5</sup> He therefore refers to his previously raised arguments.<sup>6</sup>

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<sup>1</sup> Witness lists for the early trial segments, deadline for filing of admissibility challenges to documents and exhibits, and response to Motion E109/5, 25 October 2011, **E131/1** (“Memorandum”), p. 2, 1<sup>st</sup> paragraph.

<sup>2</sup> *Ibid.*

<sup>3</sup> *Ibid.*, p. 2, 2<sup>nd</sup> paragraph.

<sup>4</sup> Objections to the Admissibility of Other Parties’ Document Lists for the First Session of the First Trial (28 November – 16 December 2011), 14 November 2011, E131/6.

<sup>5</sup> Memorandum, p. 2-3: “Following a review by the Chamber of the documents proposed by the parties, it appears that: - [t]he Co-Prosecutors (...) submit that 4768 documents are relevant to the initial four trial segments (...); - [t]he Civil Party Lead Co-Lawyers proposed all of the documents from the Case File referenced in the footnotes of the Closing Order, as well as 24 additional documents also from the Case File.”

6. Nonetheless, Mr KHIEU Samphân wishes to point out that the admissibility challenges by document category do not in any way preclude challenges to specific documents. On the contrary, he submits that it is **imperative** to assess **each and every** item of evidence that the parties and the Chamber intend to put at trial.

7. Mr KHIEU Samphân wants it to be on record that he **challenges any “assumption of admissibility”**,<sup>7</sup> and that he intends to challenge any document whose content will not have been read out, summarised or **appropriately** identified in court (pursuant to Internal Rule 87(3))<sup>8</sup>, *“in order to give the parties and the Chamber the opportunity to assess the document”*.<sup>9</sup>

	KONG Sam Onn	Phnom Penh	[signed]
	Arthur VERCKEN	Paris	p.p. [signed]
	Jacques VERGÈS	Paris	p.p. [signed]
Date	Name	Place	Signature

<sup>6</sup> Objections to the Admissibility of Other Parties’ Document Lists for the First Session of the First Trial (28 November – 16 December 2011), 14 November 2011, **E131/6**.

<sup>7</sup> Transcript of Trial Proceedings, 15 December 2011, **E1/23.1**, p. 61, line 24; Response to issues raised by parties in advance of trial in Case File 002 and scheduling of informal meeting with Senior Legal Officer on 18 November 2011, Memorandum, 17 November 2011, **E141**, p. 3.

<sup>8</sup> Internal Rule 87(3), as amended according to the practice developed in **Case 001** as per the Trial Chamber’s oral decision on the matter: Transcript of Trial Proceedings, 20 May 2009, **D288/4.22.1**, pp. 4-7; *Duch* Judgement, 26 July 2010, **E188**, para. 57, footnote 83.

<sup>9</sup> **Case 001**, Transcript of Trial Proceedings, 20 May 2009, **D288/4.22.1**, p. 5, line 25 to p. 6, line 1.