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Extraordinary Chambers in the Courts of Cambodia
Chambres extraordinaires au sein des tribunaux cambodgiens

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

Kingdom of Cambodia
Nation Religion King
Royaume du Cambodge
Nation Religion Roi

អង្គបុរេជំនុំជម្រះ
Pre-Trial Chamber
Chambre Préliminaire

D411/3/6

In the name of the Cambodian people and the United Nations and pursuant to the Law on the Establishment of the Extraordinary Chambers in the Courts of Cambodia for the Prosecution of Crimes Committed During the Period of Democratic Kampuchea

Case File No: 002/19-09-2007-ECCC/OCIJ (PTC76, PTC112, PTC113, PTC114, PTC115, PTC142, PTC157, PTC164, PTC165 and PTC172)¹

Before: Judge PRAK Kimsan, President
Judge Katinka LAHUIS
Judge NEY Thol
Judge Catherine MARCHI-UHEL
Judge HUOT Vuthy

Greffiers: SAR Chanrath,
Entela JOSIFI,
KONG Tarachhath,
Anne-Marie BURNS,

Date: 24 June 2011

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PUBLIC
DECISION ON APPEALS AGAINST ORDERS OF THE CO-INVESTIGATING JUDGES
ON THE ADMISSIBILITY OF CIVIL PARTY APPLICATIONS

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THE PRE-TRIAL CHAMBER OF THE EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA (“ECCC”) is seised of the Appeals filed by the Co-Lawyers for the Civil Parties (“the Co-Lawyers”) against the respective Orders of the Co-Investigating Judges (each, an “Impugned Order” and collectively, “the Impugned Orders”) on admissibility of Applications filed by Victims in order to become Civil Party to the proceedings in Case 002.

I. BACKGROUND

1. On 18 July 2007 the Co-Prosecutors filed their Introductory Submission to the Co-Investigating Judges (“Introductory Submission”).² They identified five suspects,³ including NUON Chea, IENG Sary, IENG Thirith, KHIEU Samphan and KANG Keck Iev (DUCH), who, they submitted, had taken part in a common criminal plan,⁴ the implementation of which constituted a systematic and unlawful denial of basic rights of the *Cambodian population*.⁵ The Co-Prosecutors identified twenty-five distinct factual situations of murder,⁶ torture,⁷ forcible transfer,⁸ unlawful detention,⁹ forced labor¹⁰ and religious, political and ethnic persecution¹¹ as evidence of the crimes committed in the execution of this common criminal plan, which they submitted constitute *crimes against humanity, genocide, grave breaches of the Geneva Conventions, homicide, torture and religious persecution*.¹² The Introductory Submission, and subsequent Supplementary Submissions, were filed as strictly confidential and thus not subject to access by the public, the Civil Party Applicants or the Civil Parties, but were accessible to the lawyers for the Civil Parties once they were recognized by the Co-Investigating Judges or a Chamber.
2. On 19 September 2007 the Co-Investigating Judges decided to:

² Co-Prosecutors’ Introductory Submission, 18 July 2007, D3 (“Introductory Submission”).

³ Introductory Submission, paras. 73 – 113.

⁴ Introductory Submission, paras. 5 – 16.

⁵ Introductory Submission, paras. 2 – 3.

⁶ Introductory Submission paras. 49 – 72.

⁷ *Idem*.

⁸ Introductory Submission, paras. 37 – 42.

⁹ Introductory Submission, paras. 43 – 48.

¹⁰ *Idem*.

¹¹ Introductory Submission, paras. 69, 70 and 72.

¹² Introductory Submission, paras. 122.



- a. Separate the case file of Duch, for “those facts committed inside the framework of S-21” which “section of the case file will be investigated under the Case File Number 001/18-07-2007;”
 - b. Announce that “other facts specified in the Introductory Submission dated 18 July 2007” and “those facts related to Duch or other persons mentioned in the above Introductory Submission will be investigated under Case File Number 002/19-09-2007.”¹³
3. On 26 March 2008 the Co-Prosecutors filed a Supplementary Submission¹⁴ requesting the Co-Investigating Judges to investigate the crimes committed as a result of the operation of the North Zone Security Centre during the period of Democratic Kampuchea, crimes believed to fall within the jurisdiction of the ECCC. The Co-Prosecutors indicated that these new facts have been referred to them by the Co-Investigating Judges who requested advice on whether they should investigate the contents of some Civil Party Applications received.¹⁵ The Co-Prosecutors then clarified¹⁶ that paragraphs 37-39 of the Introductory Submission constitute a request to investigate only the forcible transfer of people from Phnom Penh and that paragraph 39 of the Introductory Submission “describes the origin of the policy that led to the evacuation and simply *notes that the policy was applied to all cities in Cambodia, not just Phnom Penh.*” They classified the new facts as homicide and torture and as the Crimes Against Humanity of murder, extermination, imprisonment, torture, persecutions on political grounds of former officials of the Khmer Republic, and other inhumane acts. Referring to the five suspects, the Co-Prosecutors stated that “these acts were part of the common criminal plan or joint criminal enterprise described in paragraphs 5-16 of the Introductory Submission.
4. On 13 August 2008 the Co-Prosecutors filed a clarification¹⁷ that the judicial investigation is not limited to the facts specified in paragraphs 37 to 72 of the Introductory Submission and paragraphs 5 to 20 of the Supplementary Submission, but extended to all facts, referred to in these two Submissions, provided these facts assist in investigating whether



¹³ Separation Order, 19 September 2007, D18.

¹⁴ Co-Prosecutors Supplementary Submission regarding the North Zone security centre, 26 March 2008, D83.

¹⁵ Co-Prosecutors Supplementary Submission regarding the North Zone security centre, 26 March 2008, D83, paras 2 and 3.

¹⁶ Co-Prosecutors Supplementary Submission regarding the North Zone security centre, 26 March 2008, D83, para. 4.

¹⁷ Co-Prosecutors' Response to the Co-Investigating Judges Request to Clarify the Scope of the Judicial Investigation Requested in its Introductory and Supplementary Submission, 13 August 2008, D98/1.

the specified factual situations constitute crimes within the jurisdiction of the ECCC or the modes of liability named in the Introductory Submission.

5. On 30 April 2009 the Co-Prosecutors filed a Supplementary Submission¹⁸ in which they requested and authorised the Co-Investigating Judges to investigate incidences of forced marriage and sexual relations mentioned in four civil party applications which were pending before the Co-Investigating judges at the time. Further, on 5 November 2009, the Co-Prosecutors filed another Supplementary Submission¹⁹ authorizing the Co-Investigating Judges, “where they determine it appropriate, [to] consider and investigate further alleged incidents of forced marriage and sexual relations other than those [already identified in the Supplementary Submission of 30 April 2009].”
6. On 31 July 2009 the Co-Prosecutors filed a Supplementary Submission²⁰ in which they requested that the genocide of the Cham, homicide, torture and religious persecution of the Cham and murder, extermination, enslavement, imprisonment, torture, rape, persecution on political, racial and religious grounds of the Cham, and other inhumane acts become part of the judicial investigation.²¹ Referring to the five suspects, the Co-Prosecutors stated that “these acts were *part of the common criminal plan or joint criminal enterprise* described in paragraphs 5-16 of the Introductory Submission.” Throughout this Supplementary Submission the Co-Prosecutors referred to the *whole Cham population as a group*.
7. On the 11 September 2009 the Co-Prosecutors filed a Supplementary Submission²² clarifying that the scope of factual allegations for which the suspects were being investigated had changed from the original Introductory Submission in relation to five sites and requested that the factual matters and crimes as described in this Supplementary Submission become part of case 002 which was being investigated by the Co-Investigating Judges. They classified these facts as crimes within the jurisdiction of the ECCC, including, but not limited to: homicide and torture, and to crimes against humanity, including murder, extermination, enslavement, imprisonment, torture,



¹⁸ Co-Prosecutors’ Response to the Forwarding Order of the Co-Investigating Judges and Supplementary Submission, 30 April 2009, D146/3.

¹⁹ Further Authorisation Pursuant to Co-Prosecutors’ 30 April 2009 Response to the Forwarding Order of the Co-Investigating Judges and Supplementary Submission, 5 November 2009, D146/4.

²⁰ Co-Prosecutors’ Supplementary Submission Regarding Genocide of the Cham, 31 July 2009, D196.

²¹ Co-Prosecutors’ Supplementary Submission Regarding Genocide of the Cham, 31 July 2009, D196, para.24.

²² Co-Prosecutors’ Clarification of Allegations Regarding Five Security Centres and Execution Sites Described in the Introductory Submission, 11 September 2009, D202.

persecutions on political grounds of former officials of the Khmer Republic and other inhumane acts. The Co-Prosecutors stated they have reason to believe that the five suspects committed these criminal acts as *part of the common criminal plan or joint criminal enterprise* described in paragraphs 5-16 of the Introductory Submission.

8. On 5 November 2009, the Co-Investigating Judges released a Statement in which they stated that they intended to complete the investigation in Case 002 by the end of 2009 and that “pursuant to the amended Internal Rules, anyone who wishes to apply to become a Civil Party must submit an application no later than 15 days after the Co-Investigating Judges have issued the notification that they have concluded the investigation.”²³ The Co-Investigating Judges “in order to assist any members of the public who wish to apply to become a Civil Party,” provided in this statement “information outlining the facts falling within the scope of the ongoing investigation.” The Co-Investigating Judges explained that “according to the Internal Rules,²⁴ a victim is a natural person or legal entity that has suffered direct physical, material or psychological injury as a result of the commission of any crime within the jurisdiction of the ECCC.” “If a victim wishes to become a civil party, his/her alleged prejudice must be personal and directly *linked to one or more factual situations that form the basis of the ongoing judicial investigation.*” The Co-Investigating Judges then enumerate the “material facts [that] form part of the [judicial] investigation,” by listing: the “cooperatives and worksites” and the “security centers and execution sites” that are under investigation and the “acts directed against the population and/or groups of persons.”

9. On 13 January 2010 the Co-Investigating Judges issued a Notice pursuant to Internal Rule 23 concerning placement on the Case File of Civil Party applications.²⁵ The Notice reiterated that Victims had fifteen days after their notification by the Co-Investigating Judges of the conclusion of the judicial investigation to submit Civil Party applications. It explained that all civil party applications and supporting documents are filed with the ECCC Victims Unit and then transferred to the Greffier of the Co-Investigating Judges together with a “Victims unit Individual Form” which contains a summary of the alleged



²³ Statement from the Co-Investigating Judges, 5 November 2009, http://www.eccc.gov.kh/english/cabinet/press/138/ECCC_Press_Release_5_Nov_2009_Eng.pdf.

²⁴ Note that the Internal Rules in force by 5 November 2009 were Internal Rules (Rev. 4) adopted on 11 September 2009.

²⁵ Notice pursuant to Internal Rule 23 concerning placement on the Case File of Civil Party applications, 13 January 2010, D316.

criminal acts. The Co-Investigating Judges also drew attention to their public statement of 5 November 2009 which reiterated the requirement that:

“if a victim wishes to become a civil party :

- i. his/her alleged prejudice must be direct and personal and
- ii. directly *linked to one or more factual situations* that form the basis of the ongoing judicial investigation [...] as set out in CO-prosecutors Introductory and supplementary submissions.”

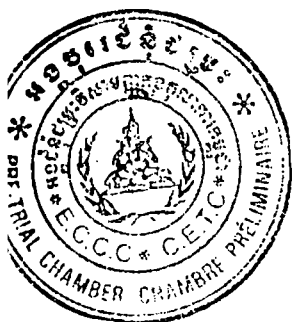
10. On 14 January 2010 the Co-Investigating Judges issued their Notice of Conclusion of Judicial Investigation²⁶ which specified the investigation as relating to charges of Crimes against Humanity, Grave breaches of the Geneva Conventions dated 12 August 1949, Genocide, Murder, Torture and Religious Persecution.

11. On 27 January 2010 the Co-Investigating Judges issued an Interoffice Memorandum on the filing of Civil Party Applications and complaints.²⁷ The Memorandum was aimed at providing “the Victims Unit with details necessary to provide information to complainants and civil parties.” It confirmed that the Victims had fifteen days after the conclusion of the judicial investigation to submit their applications, which was the 29th of January 2010. The Victims Unit had to file the applications with the Greffiers of the Co-Investigating Judges by the 29th of March 2010. The Victims Unit could also submit any supplementary information provided to complete an initial application, within three months from 29 January 2010.

12. On 9 February 2010 Revision Five of the Internal Rules entered into force. Revision Five of the Internal Rules introduced Rule 23 *bis* (1)(b) which provided:

“In order for Civil Party application to be admissible, the Civil Party applicant shall:

- a) be clearly identified; and
- b) Demonstrate as a direct consequence of at least one of the crimes alleged against the Charged Person, that he or she has in fact suffered



²⁶Notice of Conclusion of Investigation, 14 January 2010, D317.

²⁷Filing of Civil Party Applications and Complaints, 27 January 2010, D337.

physical, material or psychological injury upon which a claim of collective and moral reparation might be based.”

13. Rule 23(2) of the Internal Rules under Revision Four provided:

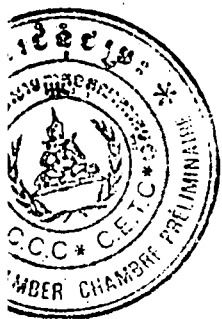
“The right to take civil action may be exercised by Victims of a crime coming within the jurisdiction of the ECCC, without any distinction based on criteria such as current residence or nationality. In order for Civil Party action to be admissible, the injury must be :

- a) Physical, material or psychological ; and
- b) The direct consequence of the offence, personal and have actually come into being.”

14. On 26 March 2010 the Co-Investigating Judges extended the deadline for the Victims Unit to file the civil party applications from 29 March 2010 until 30 April 2010.²⁸

15. On 29 April 2010, the Co-Investigating Judges issued an Interoffice Memorandum in English to the Head of the Victims Unit²⁹ allowing Civil Party Applicants more time in which to file supplementary information to the Victims Unit in relation to their applications by extending the deadline until 30 June 2010 for those Civil Party Applicants that had already submitted their applications to the Victims Unit by 29 January 2010.

16. On 2 August 2010 the Co-Investigating Judges issued an Order in Khmer and English pursuant to Internal Rule 23 *ter* organizing Civil Party Representation for the 799 remaining unrepresented Civil Parties.³⁰ The Order was notified in French on 8 September 2010. On 12 August 2010 the Co-Investigating Judges issued a Response to Civil Parties Lawyers’ Request for an extension of the period of time for gathering and submitting supplementary information for the 569 civil party applicants who had just been designated a lawyer,³¹ rejecting the request due to the advanced stage of the Closing



²⁸ Deadline to file remaining civil party applications, 26 March 2010, D337/1.

²⁹ Deadline for Filing Supplementary Information, 29 April 2010, D337/6.

³⁰ Order on the Organisation of Civil Party Legal Representation under Rule 23 *ter* of the Rules, 2 August 2010, (D337/10).

³¹ Response to Civil Parties Lawyers’ Request for an extension of period of time for gathering and submitting supplementary information for the recently designated 569 civil party applicants, 12 August 2010, D337/11/1.

Order, but reminding the Lawyers that they would be entitled to assert any new information received in the interim at the appeals stage.

17. On 16 August 2010, the Co-Prosecutors filed their Rule 66 Final Submission,³² in which they requested that the Charged Persons be indicted with and sent to trial for crimes of Genocide, Crimes Against Humanity, Grave Breaches of the Geneva Conventions and violations of the 1956 Cambodian Penal Code,³³ as superiors.³⁴ The Co-Prosecutors submitted that each defendant bears individual criminal responsibility because of committing, planning, instigating, ordering and/or aiding and abetting these crimes.³⁵ They submitted that each defendant is responsible for committing these crimes through a joint criminal enterprise.³⁶ The Submission was notified to the Parties on 18 August 2010.
18. On 16 September 2010, the Co-Investigating Judges issued the Closing Order³⁷ concluding that “as a result of the judicial investigation, there is sufficient evidence that Nuon Chea, Ieng Sary, Khieu Samphan and Ieng Thirith, in Phnom Penh, within the territory of Cambodia, and during the incursions into Vietnam, between 17 April 1975 and 6 January 1979, through their acts or omissions, committed (via joint criminal enterprise), planned, instigated, ordered or aided and abetted, or are responsible by virtue of superior responsibility,” for crimes against humanity, genocide, grave breaches of the Geneva Conventions of 12 August 1949, and violations of the 1956 Penal Code.³⁸ The Closing Order was notified to the Parties on the same day.
19. Between 25 August 2010 and 15 September 2010, the Co-Investigating Judges issued 25 orders on the admissibility of victims who had submitted applications to become Civil Parties in Case 002 pursuant to Rule 23*bis*.
20. The Co-Lawyers, in accordance with Rule 77*bis*, filed appeals for those Civil Party applicants who had been found inadmissible. The Appeals were filed within the time limits set by the Internal Rules or in accordance with the specific directions of the Pre-



³² Co-Prosecutors' Rule 66 Final Submission, 16 August 2010, D390 ("Final Submission").

³³ Final Submission, para. 1645.

³⁴ Final Submission, paras. 1565, 1590, 1615, 1640, 1646.

³⁵ Final Submission, paras. 1535, 1536, 1571, 1596, 1622.

³⁶ Final Submission, paras. 1537ff, 1572ff, 1597ff, 1623ff.

³⁷ Co-Investigating Judges' Closing Order, 16 September 2010, D427 ("Closing Order").

³⁸ Closing Order, para. 1613.

Trial Chamber.³⁹ In the Appeals, the Co-Lawyers request the Pre-Trial Chamber to overturn the Impugned Orders with respect to the Applicants and to admit them as Civil Parties.

21. On 28 September 2010, the Co-Lawyers of the Accused, IENG Sary, filed a Response to the Appeals,⁴⁰ applicable to all Appeals, relying on “the discretion of the Pre-Trial Chamber to determine whether the Office of Co-Investigating Judges has applied the correct test when evaluating Civil Party applications correctly pursuant to Rule 23bis while encouraging the Pre-Trial Chamber to take a flexible and inclusive approach in its determination of the admissibility of the Civil Party Appeals.”
22. On 4 May 2011 the Pre-Trial Chamber issued Directions to the Co-Lawyers for Ieng Sary, Ieng Thirith and Nuon Chea to file responses to those appeals “not available in English” without waiting for their English translation and setting as deadline the 19th of May 2011.⁴¹ On 4 May 2011 the Pre-Trial Chamber also issued Directions to the Co-Lawyers for Khieu Samphan to file responses to the appeals “not available in French” without waiting for their French translation and setting as a deadline the 19th of May 2011.⁴² The Co-Lawyers for the Accused were required to “use their internal linguistic resources [...] by using the Khmer” or English or French versions of the Appeals, as applicable.
23. On 5 May 2011 the Co-Lawyers for IENG Sary filed their Responses to the Appeals,⁴³ indicating again that they would rely on “the discretion of the Pre-Trial Chamber to determine whether the Office of Co-Investigating Judges has applied the correct test when evaluating Civil Party applications pursuant to Rule 23bis” and encouraging the Pre-Trial



³⁹ Certain Co-Lawyers were directed to amend and re-file appeals filed in respect of more than one Impugned Order. In each case, the Co-Lawyers complied with the direction of the Pre-Trial Chamber.

⁴⁰ Ieng Sary’s Response to the Appeal of Civil Party Applications Rejected by the [Co-Investigating Judges], 28 September 2010, D399/2/2.

⁴¹ Directions to the Co-Lawyers for Ieng Sary, Ieng Thirith and Nuon Chea to File a Response to the Appeals Lodged by the Civil Party Applicants, 4 May 2011, D392/2/2; see also D393/4/2; D394/2/2; D394/4/2; D397/5/2; D401/4/3; D401/5/2; D401/6/2; D399/3/2; D424/4/2; D426/4/2; D419/2/2; D419/7/2; D419/8/2; D404/5/2; D423/6/2; D423/7/2; D406/3/2; D417/4/2.

⁴² Directions to the Co-Lawyers for Khieu Samphan to File a Response to the Appeals Lodged by the Civil Party Applicants, 4 May 2011, D417/2/4; see also D404/3/2; D393/3/3; D394/3/2; D395/3/2; D396/3/2; D397/2/2; D397/6/2; D398/2/2; D398/3/3; D401/3/2; D399/2/3; D399/4/2; D424/3/5; D424/2/2; D426/2/2; D426/3/2; D404/6/2; D423/4/2; D423/5/3; D416/5/2; D416/6/2; D403/2/2; D409/2/2; D403/2/2; D409/2/2; D409/2/2D406/2/2; D415/2/2; D415/5/2; D414/3/2; D417/7/2; D416/7/2; D415/7/2; D423/8/2; D410/6/2; D410/5/2; D417/8/2; D418/5/2; D426/6/3; D403/6/2; D406/4/2; D409/5/2; D423/9/2; D410/7/2; D403/7/2; D418/6/2; D415/8/2; D416/8/2; D414/5/2; D411/5/2.

⁴³ Ieng Sary’s Response to the Appeals of Civil Party Applications Rejected by the Co-Investigating Judges, 5 May 2011, D392/2/3; see also D393/4/3; D394/2/3; D394/4/3; D397/5/3; D401/4/4; D401/5/3; D401/6/3; D399/3/3; D424/4/3; D426/4/3; D419/2/3; D404/5/3; D423/6/3; D423/7/3; D417/4/3.

Chamber to take a flexible and inclusive approach in its determination of the admissibility of the Civil Party Appeals.”

24. No other responses to the appeals were filed. No replies are permitted pursuant to Internal Rule 77bis(2).

II. SUMMARY OF APPEALS

1. Relief sought by the Lawyers of Civil Party Applicants:

25. In the Appeals the Lawyers of Civil Party Applicants request the Pre-Trial Chamber to:

- a. Declare the appeals admissible;
- b. Overturn the respective Co-Investigating Judges’ Order, insofar as they relate to the rejected civil party applicants who have appealed;
- c. Grant to the not-admitted civil party applicants mentioned in the appeal the status of civil parties in case 002.

2. Submissions of the Lawyers for Civil Party Applicants on Admissibility of Appeals:

26. The Civil Party Lawyers have generally submitted the following arguments for admissibility of their appeals:

“According to [Internal Rule] (Revision 5) 77 bis (1) and (2), an order regarding the admissibility of a Civil Party application can be appealed within ten days from notification of the Order which was 3 September 2010. The deadline expires on 13 September 2010. Therefore, the appeal was filed within the timeframe given. The impugned Order is a decision on the admissibility of Civil Party applications. Therefore, the appeal is admissible both in fact and timeframe.”

3. Grounds of Appeals:

27. The Appeals filed before the Pre-Trial Chamber from the Lawyers of Civil Party Applicants contain a number of grounds of appeal. Before going further on this section, the Pre-Trial Chamber notes that whereas a supermajority of the Pre-Trial Chamber



examines the appeals and impugned orders as in the following paragraphs, Judge Catherine Marchi-Uhel disagrees with the approach adopted by the supermajority and, pursuant to Article 14(2) of the ECCC Law and Internal Rule 77(14), appends separate and partially dissenting opinion which is made available below. The reasons of the supermajority of the Pre-Trial Judges are expressed in paragraphs 28 – 101 below.⁴⁴ The term “Pre-Trial Chamber” used in paragraphs 28-101 is to be understood as “the supermajority of the Pre-Trial Chamber.”

28. The Pre-Trial Chamber finds that some of the most common and important appeal grounds include complaints that the Co-Investigating Judges erred in law in not providing specific reasons for the rejection of Civil Party applications, that other alleged errors in law by the Co-Investigating Judges before and after issuing their orders on Civil Party Applications brought as a result procedural unfairness, and that by misconstruing the term “injury” the Co-Investigating Judges erred in law and wrongfully rejected Civil Party Applicants.

III. THE ORDERS

29. In all of the impugned Orders on Civil Party applications, the Co-Investigating Judges use the following guiding principles when reaching their inadmissibility decisions:

“A. GUIDING PRINCIPLES

8. Civil action before the ECCC is open to all Victims who are able to demonstrate, in a plausible manner, that they have *de facto* suffered physical, material, or psychological harm as a direct consequence of at least one of the crimes alleged against the Charged Persons, i.e. a material fact of a criminal nature coming within the [Co-Prosecutors] Introductory Submission and Supplementary Submissions.

⁴⁴ Pursuant to Internal Rule 77(13) “a decision of the Chamber requires the affirmative vote of at least 4 (four) judges,” therefore the decision reached and expressed in the disposition of this decision, is a “decision of the Pre-Trial Chamber.”

i) Level of proof and sufficiency of information

[...] The Co-Investigating Judges note that, at the pre-trial stage, they are not in a position to make final determinations concerning the harm suffered by Victims. Such final determinations will only be made, as appropriate by the Trial Chamber in its Judgment, based on all of the evidence submitted in the course of proceedings. Consequently, for a Civil Party [application] to be admissible, the Co-Investigating Judges must assess whether, on the basis of the elements in the Case File, there are *prima facie* credible grounds to suggest that the applicant has indeed suffered harm directly linked to the facts under investigation.

[..]

Moreover, all applicants must clearly prove their identity. The Co-Investigating Judges acknowledge, however, that the nature of the birth and death registration procedures in Cambodia makes it difficult and sometimes impossible for some applicants to provide satisfactory proof of identity. Accordingly, they are of the view that a flexible approach is required.

Furthermore, the Co-Investigating Judges note that most applicants alleging psychological harm will not be in a position to substantiate their relationship with the immediate victim. Therefore, where appropriate, they will apply a presumption of kinship based on the applicant's Victim Information Form and any available supporting documents.

ii) Existence of harm

To have standing, a Victim who wishes to be joined as a Civil Party must make a plausible allegation so that the Co-Investigating Judges are able to admit as possible the existence of personal physical, material or psychological harm, which has actually come into being. With regards to psychological harm, the Co-Investigating Judges note that Article 3.2 of the Practice Direction provides that "*psychological harm may include the death of kin who were the victim of such crimes*". Therefore, to be admissible, the harm suffered by the applicant does not necessarily have to be immediate but it must be personal.

To establish the existence of personal psychological harm, the Co-Investigating Judges consider that:



a. There is a presumption of psychological harm for the members of the direct family of the immediate Victim. In applying the criteria set out in the present order, the notion of direct family encompasses not only parents and children, but also spouses and siblings of the direct Victim. The presumption will be considered as determinant in the following situations:

i) When the immediate Victim is deceased or has disappeared as a direct consequence of the facts under investigation.

ii) When the immediate Victim has been forcibly moved and separated from the direct family as a direct consequence of facts under investigation. Such separation results in suffering for the direct family members which meets the personal psychological harm threshold.

b. When the immediate Victim has been forcibly married, such circumstances inevitably result to a suffering which meets the personal psychological harm threshold for his or her parents, spouse, and child(ren).

c. The Co-Investigating Judges agree with the Trial Chamber finding that “*direct harm may be more difficult to substantiate in relation to more attenuated familial relationships*” and consider that only a relative presumption exists for extended family members (grand-parents, aunts and uncles, nieces and nephews, cousins, in-laws and other indirect kin). In such cases, the Co-Investigating Judges will assess on a case-by-case basis, whether there are sufficient elements to presume bonds of affection or dependency between the applicant and the immediate Victim. The presumption will be considered as determinant when the immediate Victim is deceased or has disappeared as a direct consequence of facts under investigation.

d. Therefore the personal psychological harm alleged as a consequence of the murder or disappearance of a next of kin will be more easily admissible than in relation to forced marriage or religious persecution. Similar reasoning must *apply a fortiori* to simple witnesses of facts under investigation: psychological harm has a dimension and character distinct from the emotional distress that may be regarded as inevitably caused to witnesses of crimes of



this nature and their application will be rejected unless they have witnessed events of an exceedingly violent and shocking nature.

iii) Causality link between the harm and the crimes alleged against the charged persons

For the Civil Party application to be admissible, the applicant must demonstrate harm as a direct consequence of facts in the Introductory and Supplementary Submissions.

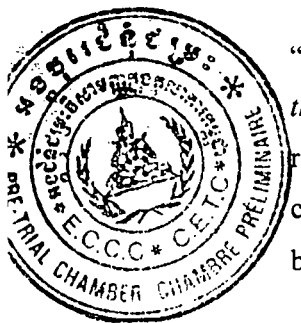
This criterion is specific to Civil Party applications by way of intervention. Under ECCC procedure, contrary to Cambodian Criminal Procedure, an applicant cannot launch a judicial investigation simply by being joined as a Civil Party: being limited to action by way of intervention, he or she may only join ongoing proceedings through the application, and not widen the investigation beyond the factual situations of which the *Co-Investigating Judges are seized by the Co-Prosecutors (in rem seisin)*.

The Civil Party application is therefore limited in the sense that it may not allege new facts during the judicial investigation without first receiving a Supplementary Submission from the Co-Prosecutors.

Accordingly, in order for a Civil Party application to be admissible, the applicant is required to demonstrate that his or her alleged harm results only from facts for which the judicial investigation has already been opened.”

30. In the paragraphs where they reject Civil Party applications, the Co-Investigating Judges Orders provide reasons which were limited in only providing what is quoted below (*footnotes not omitted for ease of reference*):

“the Co-Investigating Judges find that the necessary *causal link between the alleged harm and the facts under investigation was not established* by [...] applicants,⁴⁵ to the extent that the reported facts are in their entirety distinct from those of which the Co-Investigating Judges are currently seized and no circumstances allow them to consider the possibility of a direct link between the alleged injury and the alleged crimes under investigation.



⁴⁵ See Annex [...] Inadmissible Civil Parties: Harm is not linked to the facts under investigation.

Moreover, the Co-Investigating Judges note that [...] Civil Party applicants,⁴⁶ *did not provide sufficient information in their applications to verify compliance* with Rules 23bis (1) and (4).

[...] Civil Party applicant⁴⁷ *did not provide sufficient proof of identity.*”

IV. THE APPLICABLE LAW

31. Reference is made to:

- a. The Agreement⁴⁸ and the ECCC Establishment Law (“ECCC Law”);⁴⁹
- b. Internal Rules 21, 23, 23bis (revisions 3, 4, 5 and 7),⁵⁰ 23ter, 23quarter, 23 quinquies, 80, 91 and 114;
- c. Articles 3.2, 3.7 and 3.8 of the Practice Direction on Victim Participation; and

32. Guidance can be sought from the general principles⁵¹ on victims as found in international law, which include:



Articles 1, 2, 4 and 18 of the United Nations General Assembly, Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, UNGA Res.40/34 of 29 November 1985:

1. "Victims" means persons who, individually or *collectively*, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of criminal laws operative within Member States, including those laws proscribing criminal abuse of power.

⁴⁶ See Annex [...] Inadmissible Civil Parties: Insufficient information to verify compliance with Internal Rule 23bis (1) and (4).

⁴⁷ See Annex [...] Inadmissible Civil Parties: No proof of identification provided.

⁴⁸ Agreement between the United Nations and the Royal Government of Cambodia concerning the prosecution under Cambodian Law of crimes committed during the period of Democratic Kampuchea, 6 June 2003 (“Agreement”).

⁴⁹ Law on the Establishment of the Extraordinary Chambers, with inclusion of amendments as promulgated on 27 October 2004 (NS/RKM/1004/006), (“ECCC Law”).

⁵⁰ Please note that revisions 5 and 7 of Internal Rule 23bis are identical.

⁵¹ *Lubanga* ICC, 11 July 2008, ICC-01/04-01/06 OA9 OA10, para.33: “The Appeals Chamber finds no error in the Trial Chamber’s reference to the Basic Principles [...] for the purpose of guidance.”

2. A person may be considered a victim, under this Declaration, regardless of whether the perpetrator is identified, apprehended, prosecuted or convicted and regardless of the familial relationship between the perpetrator and the victim. The term "victim" also includes, where appropriate, the immediate family or dependants of the direct victim *and persons who have suffered harm in intervening to assist victims in distress or to prevent victimization.*

4. Victims should be treated with compassion and respect for their dignity. They are *entitled to access to the mechanisms of justice* and to prompt redress, as provided for by national legislation, for the harm that they have suffered.

18. "Victims" means persons who, individually or *collectively*, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through *acts or omissions that do not yet constitute violations of national criminal laws but of internationally recognized norms relating to human rights.*

Principles 8 and 9 of the UN General Assembly, Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law : resolution / adopted by the General Assembly, 21 March 2006, A/RES/60/147:

8. For purposes of the present document, victims are persons who individually *or collectively* suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through *acts or omissions that constitute gross violations of international human rights law, or serious violations of international humanitarian law.* Where appropriate, and in accordance with domestic law, the term "victim" also includes the immediate family or dependants of the direct victim *and persons who have suffered harm in intervening to assist victims in distress or to prevent victimization.*

9. A person shall be considered a victim regardless of whether the perpetrator of the violation is identified, apprehended, prosecuted, or convicted and regardless of the familial relationship between the perpetrator and the victim.



V. ADMISSIBILITY OF APPEALS

33. Internal Rule 74(4)(b) states that the "civil parties may appeal against [an] order by the Co-Investigating Judges [...] declaring a civil party application inadmissible." Internal Rule 77bis provides that "within 10 days of the notification of the decision on admissibility, an Appellant shall file an appeal." The Appeals are brought in pursuance of Internal Rules 74(4)(b) and 77bis and in compliance with the directions of the Pre-Trial Chamber and are therefore admissible.

VI. STANDARD OF REVIEW

34. Internal Rule 77bis permits the Chamber to reverse on appeal orders of the Co-Investigating Judges on admissibility of civil party applicants if it finds that the Co-Investigating Judges committed an error of fact and/or an error of law. The Pre-Trial Chamber has found that “it is well-established in international jurisprudence that, on appeal, alleged errors of law are reviewed *de novo* to determine whether the legal decisions are correct and alleged errors of fact are reviewed under a standard of reasonableness to determine whether no reasonable trier of fact could have reached the finding of fact at issue.”⁵²
35. Pursuant to Internal Rule 21, the Pre-Trial Chamber has a duty to ensure that proceedings before the ECCC are fair. This, in part, involves people in similar position being treated equally before the court.⁵³ The fundamental principles of the procedure before the ECCC, enshrined in Internal Rule 21, require that the law shall be interpreted so as to always “safeguard the interests of all” the parties involved, that care must be taken to “preserve a balance between the rights of the parties” and that “proceedings before the ECCC shall be brought to a conclusion within a *reasonable time*.”⁵⁴ Keeping this in mind and considering the unusual number of appeals before it, the Pre-Trial Chamber, after receiving the 95 Civil Party Appeals, having reviewed the related Co-Investigating Judges’ orders, has identified a number of fundamental errors which are relevant to all the rejected Civil Party Applicants. The Pre-Trial Chamber finds that a significant injustice would occur to the rejected civil parties who did not raise the errors identified by the Pre-Trial Chamber. The Pre-Trial Chamber has, in the both of the differently composed panels⁵⁵ dealing with all these Civil Party Appeals, determined, in the interests of justice, to join all the Appeals filed against the impugned Orders also in order to allow the examination, in its



⁵² Decision on Ieng Sary’s Appeal against the Closing Order, 11 April 2011, D427/1/30, para. 113.

⁵³ International Covenant on Civil and Political Rights, adopted and opened for signature, ratification and accession by UN General Assembly resolution 2200A(XXI) of 16 December 1966, entered into force on 23 March 1976 (“ICCPR”), Article 14(1) *first sentence*.

⁵⁴ See also ICCPR, Article 14(1) and (3)(c).

⁵⁵ See also Decisions of the Pre-Trial Chamber on Appeals: PTC73, PTC74, PTC77, PTC78, PTC79, PTC80, PTC81, PTC82, PTC83, PTC84, PTC85, PTC86, PTC87, PTC88, PTC89, PTC90, PTC91, PTC92, PTC93, PTC94, PTC95, PTC96, PTC97, PTC98, PTC99, PTC100, PTC101, PTC102, PTC103, PTC105, PTC106, PTC107, PTC108, PTC109, PTC110, PTC111, PTC116, PTC117, PTC118, PTC119, PTC120, PTC121, PTC122, PTC123, PTC124, PTC125, PTC126, PTC127, PTC128, PTC129, PTC130, PTC131, PTC132, PTC133, PTC134, PTC135, PTC136, PTC137, PTC138, PTC139, PTC140, PTC141, PTC143, PTC144, PTC148, PTC149, PTC150, PTC151, PTC153, PTC154, PTC155, PTC156, PTC158, PTC159, PTC160, PTC161, PTC162, PTC163, PTC166, PTC167, PTC168, PTC169, PTC170, PTC171.

decisions,⁵⁶ of the common and fundamental errors identified in all the impugned Orders and after considering the conclusions drawn therefrom, to make a fresh review, on the basis of these findings, in respect of all those Civil Party Applications that were rejected by the Co-Investigating Judges and who have appealed.

36. The Pre-Trial Chamber notes that the appeals are not being contested⁵⁷ and has also taken in account the effects on the rights of the other parties in case 002.

VII. EXAMINATION OF THE ERRORS IDENTIFIED IN THE ORDERS:

1) Error in law - lack of specific reasons for rejection of Civil Party Applicants:

37. The Pre-Trial Chamber finds that the approach taken by the Co-Investigating Judges, especially in relation to those paragraphs in their orders and the related annexes where they reject Civil Party applications, is not such as to adequately or properly demonstrate an individual consideration of the applications. In this respect, the Pre-Trial Chamber observes that the Co-Investigating Judges, where they reject Civil Party applicants, mention as grounds only that “the necessary causal link between the alleged harm and the facts under investigation was not established” or “the Civil Party applicants did not provide sufficient information in their applications to verify compliance with Rules 23bis (1) and (4).” In the respective annexes attached to such sentences in the orders, the Co-Investigating Judges provide a table with information about all the rejected applicants. Each such table consists in three columns, in which the first and second columns indicate the document numbers of the applications and the third column indicates the “reasons” for rejection. The Pre-Trial Chamber observes that, in all such tables, the number of sentences used to describe the reasons for rejection for each applicant is, in maximum, two; the length of each sentence is 5-15 in word-count; and the substance for rejection of each and every applicant under these grounds is identical for all and not specific to each

⁵⁶ Note that although the decisions of the Pre-Trial Chamber on these appeals are issued by two differently composed panels, the reasoning of the majority in all these decisions is mainly the same. Please note that, following its reasoning, the Pre-Trial Chamber has also decided to grant a Request for the Reconsideration of one of its previous decisions (*the request was filed with the Appeal PTC 74 by the Lawyers of a group of Vietnamese Civil Party applicants*).

⁵⁷ From all the Accused only the Co-Lawyers for Ieng Sary filed common replies to the Appeals, and they do not explicitly contest the Appeals either.

application. For example, it is simply stated: “harm is not linked to the facts under investigation” or “insufficient information to verify compliance to Rules 23*bis* (1) and (4) of the Internal Rules in relation to the alleged criminal acts.” No further explanation is provided in the orders or related annexes.

38. Having made the above observation, the Pre-Trial Chamber notes that it has recognized the requirement for judicial bodies to provide reasoned decisions as an international standard.⁵⁸ In its previous Decisions, the Pre-Trial Chamber has found that although the Co-Investigating Judges are not required to ‘indicate a view on all the factors’ considered in their decision making process,⁵⁹ it is important that all parties concerned know the reasons for a decision. The Chamber considered this necessary in order to place ‘an aggrieved party in a position to be able to determine whether to appeal, and upon what grounds. Equally a respondent to any appeal has a right to know the reasons of a decision so that a proper and pertinent response may be considered.’⁶⁰ An “aggrieved party” will be any person who may have a right of appeal, and may include an accused person as well as a rejected Applicant. Reasons are also necessary for the Pre-Trial Chamber to be able to ‘conduct an effective appellate review pursuant to Rule 77(14).’⁶¹ Following an Appeal by the Ieng Thirith Defence team against a rejection of a request for investigative action, the Pre-Trial Chamber considered “how detailed the Co- Investigating Judges’ reasons must be under Rule 55(10). The Chamber examined the Rules of the Court⁶² and the jurisprudence of both the European Court of Human Rights (ECtHR)⁶³ and the International Criminal Tribunal for the Former Yugoslavia (ICTY)⁶⁴ before providing the following guidance:

“The Co-Investigating Judges have the discretion – reviewable by the Pre-Trial Chamber upon an admissible appeal - to determine the degree of specific detail that is required by the legal framework of the ECCC. The Co-Investigating Judges must be guided in their

⁵⁸ Decision on Nuon Chea's Appeal against Order Refusing Request for Annulment, 26 August 2008, D55/I/8, para. 21.

⁵⁹ Decision on Appeal against Provisional Detention Order of Ieng Sary, 17 October 2008, C22/I/73, para. 66.

⁶⁰ Decision On Co-Prosecutors' Appeal Against The Co-Investigating Judges Order On Request To Place Additional Evidentiary Material On The Case File Which Assists In Proving The Charged Persons' Knowledge Of The Crimes, 15 June 2010, D365/2/10, para. 24.

⁶¹ Decision on Appeal against Co-Investigating Judges' Order on Requests D153, D172, D173, D174, D178 & D284 (Nuon Chea's Twelfth Request For Investigative Action), 14 July 2010, D300/I/5, para. 41.

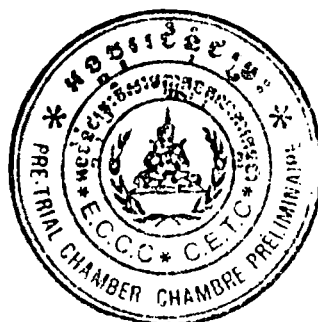
⁶² Decision on the Ieng Thirith Defence Appeal against 'Order on Requests for Investigative Action by the Defence for IENG Thirith' of 14 June 2010, D353/2/3, para. 23.

⁶³ *Ibid*, paras. 24 - 26

⁶⁴ *Ibid*, para. 27

discretion by the purposes of the requirement in Rule 55(10) to issue a reasoned rejection of a request, as stated above. The Pre-Trial Chamber does not take the position that the Co-Investigating Judges should have exhaustively presented every detail of all the "information already existing on the Case File." Rather, the Pre-Trial Chamber decides that the Co-Investigating Judges should have provided, at a minimum, a representative sample of such information, including, where appropriate, the relevant Document numbers. If a Document number is not available, then the Co-Investigating Judges must provide sufficient details on the source, location, and content of a representative sample of information already on the case file."⁶⁵

39. The Pre Trial Chamber finds that in general, a judicial decision must, implicitly disclose the material which has been taken into account by the judges when making a decision. This will ensure that parties having been unsuccessful in their application can be assured that the facts submitted and their submissions in respect of the law have been properly and fully taken into account. Each applicant to be joined as a Civil Party has a right to have their individual application considered and to a demonstration that this has occurred, even if the decision is provided in a short and tabular form. It is further noted that whilst the appeal procedure provided for under Internal Rule 23 *bis* 2, is by of an "expedited" or summary appeal, the consideration by the Co-Investigating Judges of an application to be joined as a Civil Party is not to be considered in such a manner. While understanding the unusual volume of work before the Co-Investigating Judges and the requirement for consideration of the matters "within a reasonable time," the Pre-Trial Chamber notes that, in the case of the rejected applicants, more detailed reasons than the ones provided in the orders were warranted.
40. Therefore, the Pre-Trial Chamber finds that this is a significant error in law made by the Co-Investigating Judges in all their orders in relation to those parts of the orders where they reject Civil Party Applicants.



⁶⁵ *Ibid*, para 30.

2) Error in Law – application of the wrong criteria in its determinations on the causal link:

41. The Pre-Trial Chamber observes that the Co-Investigating Judges have dealt with Civil Party Applications upon the basis of *the facts* as they were set forth in the Introductory and Supplementary Submissions.⁶⁶ They did so when they were soon⁶⁷ to file the Closing Order and therefore can be presumed to have had knowledge of the actual indictments. The Co-Investigating Judges informed the Victims at a late stage in the investigations by only summarizing the Introductory Submission and the Supplementary Submissions and explaining that “if a victim wishes to become a civil party, his/her alleged prejudice must be personal and directly linked to one or more *factual situations* that form the basis of the ongoing judicial investigation.”⁶⁸ They also applied in their impugned orders the wrong standard in limiting the admission of victims as civil parties to only those who alleged that harm resulted “*only from facts for which the judicial investigation has already been opened*” and defining these facts as limited to the “factual situations of which the Co-Investigating Judges are seized by the Co-Prosecutors (*in rem seisin*).” The Co-Investigating Judges, justify this by referring to jurisprudence from the *French Cour de Cassation* and concluding that “the Civil Party application is therefore limited in the sense that it *may not allege new facts* during the judicial investigation without first receiving a Supplementary Submission from the Co-Prosecutors.”
42. While it concurs that the Civil Parties may not, on their own, allege new facts for the purposes of the investigation, the Pre-Trial Chamber considers that the Co-Investigating Judges should have been able to distinguish between two different situations such as: 1) Civil Parties alleging *new facts for the purposes of investigation* and 2) Victims indicating in their Civil Party applications *facts which are likely capable to show that they suffered harm as a direct consequence from ‘at least one of the crimes alleged against the Charged Person’.* Internal Rule 23bis(1)(b) does not require a causal link between the harm and the facts investigated, it explicitly requires a causal link between the harm and any of *the crimes alleged*. Crimes being the legal characterizations of the facts investigated, the term “crimes” cannot be identified or replaced with the term “facts.” The

⁶⁶ Note that the Introductory and Supplementary Submissions while asking the Co-Investigating Judges to “open a judicial investigation” against the Accused, they also “propose charges” against them.

⁶⁷ The impugned Orders were all issued within two to three weeks before 16 September 2010 when the Closing Order in case 002 was issued.

⁶⁸ Co-Investigating Judges’ Press statement of 5 November 2009.

Co-Investigating Judges erred in law by setting the wrong criteria for the examination of the existence of a causal link. Consequently, the Pre-Trial Chamber notes, many victims were not accepted as civil parties although their harm is related to the crimes alleged. While the facts investigated are limited to certain areas or crime sites, the legal characterizations of such facts, as it is clear from the way how the Introductory Submission,⁶⁹ the Supplementary Submissions and the Closing Order⁷⁰ are written, include crimes which represent mass atrocities allegedly committed by the Charged Persons by acting in a joint criminal enterprise together and with others against the population and “*throughout* the country.”⁷¹ It is the legal characterization of the investigated factual situations, and not the investigated factual situations themselves, that should have been considered by the Co-Investigating Judges when reviewing Civil Party applications pursuant to Internal Rule 23*bis*(1)(b).

43. Therefore, the Pre-Trial Chamber finds that this is a significant error in law made by the Co-Investigating Judges in all their orders on Civil Party Applications who have been rejected.

3) Error in law – restrictive application of the term “injury” resulted in wrongful rejection of Civil Party Applicants:

44. Having reviewed the orders, the Pre-Trial Chamber notes that the Co-Investigating Judges also followed a restrictive approach when applying the term “injury” and especially in respect of the psychological aspect of such. The Co-Investigating Judges failed to fully consider the nature of *victimization* from crimes such as genocide and crimes against humanity which represent mass atrocities and serious violations of international humanitarian law, the nature and extent of such injury and further, the fact that IR23

⁶⁹ The Co-Prosecutors in their Introductory Submission identified twenty-five distinct factual situations of murder, torture, forcible transfer, unlawful detention, forced labor and religious, political and ethnic persecution as evidence of the crimes committed in the execution of a *common criminal plan*, which in turn constituted crimes against humanity, genocide, grave breaches of the Geneva Conventions, homicide, torture and religious persecution.

⁷⁰ The Closing Order in paragraph 1613 concludes that “as a result of the judicial investigation, there is sufficient evidence that Nuon Chea, Ieng Sary, Khieu Samphan and Ieng Thirith, in Phnom Penh, *within the territory of Cambodia, and during the incursions into Vietnam*, between 17 April 1975 and 6 January 1979, through their acts or omissions, committed (*via joint criminal enterprise*), planned, instigated, ordered or aided and abetted, or are responsible by virtue of superior responsibility,” for *crimes against humanity, genocide, grave breaches of the Geneva Conventions of 12 August 1949, and violations of the 1956 Penal Code.*”

⁷¹ Closing Order, paras. 1335, 1341, 1349, 1350, 1362, 1363, 1372, 1380, 1390, 1396, 1401, 1407, 1414, 1415, 1431, 1434, 1435, 1440, 1442, 1466, 1467, 1476 - 1478 and 1613.

bis(1)(b) involves considerations of “[...] injury upon which a claim of collective and moral reparations might be based.” The Pre-Trial Chamber observes that there was no consideration, in the orders, of the personal harm suffered within a context of the mass atrocities alleged. The Pre-Trial Chamber finds that the nature of victimization from mass atrocities was not adequately or properly considered, with psychological harm being specifically excluded and a number of presumptions being applied for admission, to the exclusion of those to whom such presumptions did not apply. The Pre-Trial Chamber finds that in this way many victims have been erroneously excluded as civil parties.

45. Firstly, the Pre-Trial Chamber notes that the use by the Co-Investigating Judges of a “hierarchy of crimes,”⁷² especially in relation to psychological injury as also noted by the Civil Party Lawyers in their appeals, cannot be applied when measuring psychological harm caused by crimes such as the ones alleged in case 002. An isolated event in itself may not cause harm but, when put within the context of the mass atrocities alleged, it assumes other dimensions: the level of fear that may come from witnessing events and/or knowledge of the existence and implementation of the CPK⁷³ policies is readily understandable. The fact that a person, 30 years after what occurred, still remembers witnessing certain events and recalls emotional distress shows the high intensity of the effect those events had on the person.
46. Secondly, the Pre-Trial Chamber observes that, with regards to psychological harm, the Co-Investigating Judges have applied a presumption of familial kinship using as legal basis Article 3.2 of the Practice Direction that “psychological injury may include the death of kin who were the victim of such crimes.” The Pre-Trial Chamber considers that this is an inclusive definition, which was erroneously applied as an exclusive definition by the Co-Investigating Judges. Furthermore, the Pre-Trial Chamber notes that there is no such limitation placed upon the definition of “psychological injury” in the applicable Internal Rules or the ECCC Law. The Pre-Trial Chamber notes that a practice direction, even if it were to place such limitation upon the definition (which it does not) could not be seen as providing a restrictive definition of what is provided in the Internal Rules or the ECCC law.

⁷² See paras. 14/c and d in the impugned Orders (*note that the paragraph number may be slightly different in some of the impugned Orders*).

⁷³ “CPK” stands for: Communist Party of Kampuchea (see Closing Order, Part One, II.A).

47. Thirdly, the Pre-Trial Chamber notes also that there is no explicit provision in the Internal Rules or the ECCC Law that the injury must be personal. The Co-Investigating Judges, referring to jurisprudence from the International Criminal Court (ICC),⁷⁴ find in their orders that: “[t]he harm suffered by the applicant does not necessarily have to be immediate but it must be personal.” While agreeing with the use of the term personal to qualify injury, the Pre-Trial Chamber considers that were applying the term “personal” for assessment of “psychological harm” the Co-Investigating Judges should have done this within the context of the mass atrocities alleged in case 002. The Pre-Trial Chamber emphasizes that although, as instructed by the provisions of the Agreement and ECCC Law, it can seek guidance on the *principles* of the application of the rules established at international level, caution must be taken when seeking such guidance in relation to their *particular* application in practice of their *specific rules* which are not in all cases applicable to the ECCC Internal Rules. These do not provide the parties the same rights in the proceedings as in ECCC and do not necessarily apply to identical circumstances as those before ECCC.

48. The Pre-Trial Chamber further observes that the Co-Investigating Judges define “personal psychological harm,” in their orders, in restrictive terms. The Pre-Trial Chamber considers that where finding that a familial relationship was required, the Co-Investigating Judges applied a limitation without proper basis or consideration.⁷⁵ The presumptions in relation to psychological harm are used to the exclusion of other considerations and conclude with the unsupported statement in paragraph 14 d of the orders. This paragraph reads: “Therefore the personal psychological harm alleged as a consequence of the murder or disappearance of a next of kin will be more easily admissible than in relation to forced marriage or religious persecution. Similar reasoning must *apply a fortiori* to simple witnesses of facts under investigation: psychological harm has a dimension and character distinct from emotional distress that may be regarded as inevitably caused to witnesses of crime of this nature and their application will be rejected unless they have witnessed events of an exceedingly violent and shocking nature.”

49. Psychological injury should have been considered within the specific context of the Cambodian society in general and especially of its nature and organization during the

⁷⁴ *Lubanga* ICC, 8 April 2009, Trial Chamber I (ICC-01/04-01/06) para. 49 and *Lubanga* ICC, 11 July 2008, ICC-01/04-01/06 OA9 OA10, para 32.

⁷⁵ See paras. 14/a, b and c in the impugned Orders.

period of the CPK regime. The way in which this society was organized, differs from the way other societies are organized. It could also be said that even within a country the way in which different groups or communities of the society are organized differs from each other. Such differences cannot be ignored. Where “the next of kin” relationship is the only close relationship identified by the Co-Investigating Judges, considering the nature of the crimes alleged, a much broader range of people should have been identified as presumed to have suffered injury as a consequence of crimes committed against a person, or they could have been considered as a matter for independent proof. This is particularly so in respect of the alleged involvement of the Accused in making and implementing policies to the effect of both genocide and crimes against humanity. The Pre-Trial Chamber notes that in the Closing Order the Co-Investigating Judges made positive findings of the widespread and systematic nature of the attacks on the civilian population of Cambodia, as a whole or of targeted groups thereof, and that the intellectual involvement of the Accused in such attacks is the basis of the *mens rea* elements of a number of the indicted crimes of the Accused. Events such as the occurrence of isolated incidents of violence or a disappearance of friends and neighbours, as well as relatives, can make it more than likely that a person has suffered psychological injury once such isolated occurrences are seen within the context of the mass atrocities allegedly having been committed in a widespread and systematic manner, in the whole country as a consequence of the implementation of the CPK policies. Considering such circumstances, it is likely that persons have also suffered injury collectively. Such arises from and is evident in the very nature of the crimes alleged such as genocide and crimes against humanity, which are serious violations of international humanitarian law.⁷⁶ Other international courts that try serious violations of international human rights law, to which Principle 8 applies identically as in the case of serious violations of international humanitarian law, although trying crimes specifically directed against the individual, appear “ready to abandon [the] individual centered doctrine in favor of a more encompassing approach, considering that cases frequently reveal a pattern and not a single violation.”⁷⁷



⁷⁶ UN General Assembly, Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law : resolution / adopted by the General Assembly, 21 March 2006, A/RES/60/147, Principle 8.

⁷⁷ Judith Schonsteiner “Dissuasive Measures and the “Society as a Whole”: A working Theory of Reparations in the Inter-American Court of Human Rights” at 138 referring to *Goiburú v. Paraguay*, 2006 Inter-American Court of Human Rights (IACtHR) (ser. C) No. 153, 82, which states: “responsibility is increased when the violation is part of a systematic pattern;” and to Dinah Shelton, Remedies In International Human Rights Law,

50. Therefore, the Pre-Trial Chamber finds that these are significant errors in law made by the Co-Investigating Judges in all their orders on Civil Party Applications who have been rejected.

4) Lack of due diligence by the Co-Investigating Judges :

51. The Pre-Trial Chamber takes note of the issue also raised by some of the Civil Party Lawyers in the appeals that the Co-Investigating Judges did not keep the victims informed in a timely fashion.⁷⁸ The Pre-Trial Chamber considers that the due diligence⁷⁹ displayed in the Co-Investigating Judge's conduct is a relevant factor when considering victims' rights in the proceedings. Therefore, examination of what steps have been taken by the Co-Investigating Judges and to what degree they affect the situation of the victims is necessary. The Internal Rules apply in this regard as follows:

52. While the Pre-Trial Chamber has previously found that "many factors affect the timing of decisions"⁸⁰ and it acknowledges that the Co-Investigating Judges were bound by specific provisions of the Internal Rules on confidentiality of investigations and therefore were restricted in respect of information they could make public, it notes that such specific provisions should, at all times, be read in conjunction with the provisions on the fundamental principles of procedure before the ECCC which require that "victims are kept informed and that their rights are respected *throughout* the proceedings."⁸¹ The Pre-Trial Chamber emphasizes that Internal Rule 21(1)(c) does not leave room for interpretation, it does not say "as soon as possible" or "in any event, before the end of the judicial

Oxford University Press, USA, (2005) at 99 remarking that the "concern for victims not part of the litigation as well as for potential victims, must be among the factors taken into account in affording remedies."

⁷⁸ The Co-Investigating Judges issued their first public guideline for addressing Civil Party admissibility on 5 November 2009.

⁷⁹ The Pre-Trial Chamber has previously considered that an analysis of Co-Investigating Judges' due diligence is relevant when considering continuation of detention or release issues raised in appeals by the Charged Persons. See for instance Decision on Ieng Sary's Appeal against Order on Extension of Provisional Detention, C22/9/14, 30 April 2010, paras. 57-61; Decision on Ieng Thirith's Appeal against Order on Extension of Provisional Detention, C20/9/15, 30 April 2010, paras. 44-50; Decision on Khieu Samphan's Appeal against Order on Extension of Provisional Detention, C26/9/12, 30 April 2010, paras. 40-47; Decision on Appeal against Order on Extension of Provisional Detention of Nuon Chea, C9/4/6, 4 May 2009, paras. 44-49.

⁸⁰ Decision on Khieu Samphan's Application to Disqualify Co-Investigating Judge Marcel Lemonde, 14 December 2009, Doc. No. 7, ERN 00414098-00414110, Application PTC 02, para. 33 quoting *Prosecutor v. Bagosora et al.*, ICTR-98-41-T, "Decision on Motion for Disqualification of Judges" (Bureau), 28 May 2007, para. 15; *Karemera et al.*, ICTR-98-44-T, Decision on Motion by Nzirorera for Disqualification of Trial Judges, 17 May 2004, para 27.

⁸¹ Internal Rule 21(1)(c).

investigation.”⁸² Specific provision in the Internal Rules of the necessity to keep the Victims informed throughout the proceedings is necessary also because, pursuant to the Internal Rules, unlike the lawyers of the parties to the proceedings, the legal representatives of the Victims do not have an automatic right of access to the case file, therefore they are fully dependent on the information they get from the Co-Investigating Judges.

53. The Pre-Trial Chamber further notes that the Co-Investigating Judges, pursuant to the requirement in Internal Rule 21 to safeguard the interests of all parties, should have taken into consideration also the fact that Internal Rules were amended in respect of the possibility of victims to be admitted as civil parties in the trial phase.⁸³ Where, in the past, the Trial Chamber, “at the initial hearing,” would consider “any applications submitted by Victims to be joined as Civil Parties,”⁸⁴ which was done in the light of the Closing Order, the system was redesigned so that the decision on admissibility of a Victims’ application to become a Civil Party became solely within the jurisdiction of the Co-Investigating Judges with an appeal to the Pre-Trial Chamber.⁸⁵ This fact makes the necessity for proper and timely information to be provided to the victims throughout the pre-trial phase significantly more compelling than before.
54. For these reasons, the Pre-Trial Chamber finds that the conduct of the Co-Investigating Judges does not fulfill the requirement of due diligence and that the fundamental rights of the victims have, as a consequence, not been duly safeguarded.



⁸² Internal Rule 55 (10)

⁸³ Instead, the Co-Investigating Judges, seeking guidance from jurisprudence of other courts, which apply their rules in relation to differing cases and circumstances thereof, such as the French Cour de Cassation, the ICC or even from the ECCC’s Trial Judgment in case 001, the Co-Investigating Judges make a finding in all their orders that “at the pre-trial stage, they are not in a position to make final determinations concerning the harm suffered by Victims. Such final determinations will only be made, as appropriate by the Trial Chamber in its Judgment, based on all of the evidence submitted in the course of proceedings.”

⁸⁴ Internal Rules (Rev. 4 – as revised on 11 September 2009), Internal Rule 83; and Practice Direction on Victim Participation 02/2007/Rev.1 - Amended on 27 October 2008) Articles 3.7 and 3.8.

⁸⁵ Internal Rules (Rev.5 – as revised on 9 February 2010), Internal Rule 83 was repealed and the new Internal Rule 23bis (3) introduced the new Internal Rule 77bis which relates only to appeals before the Pre-Trial Chamber and not to those before the Supreme Court Chamber and provides: “The decision of the Pre-Trial Chamber shall be final.” Internal Rule 110(5) which was present in Rev. 4 of the Internal Rules was kept also in Rev.5 as it allows the Civil Parties to appeal to the Supreme Court Chamber “only in relation to their civil interests.”

Conclusion:

55. Considering the totality and significance of the errors identified above, the Pre-Trial Chamber will judge the rejected Civil Party applications before it afresh, taking into account the actual findings in the Closing Order and any supplementary material filed by the Appellants.

VIII. CONSIDERATIONS ON LEGAL REQUIREMENTS APPLICABLE TO CIVIL PARTY APPLICATIONS:

56. The criteria for admissibility of Civil Party applications is provided for in Internal Rule 23bis(1),⁸⁶ which provides:

1. "In order for Civil Party action to be admissible, the Civil Party applicant shall:

a) be clearly identified; and

b) demonstrate as a direct consequence of at least one of the crimes alleged against the Charged Person, that he or she has in fact suffered physical, material or psychological injury upon which a claim of collective and moral reparation might be based.

When considering the admissibility of the Civil Party application, the Co-Investigating Judges shall be satisfied that facts alleged in support of the application are more likely than not to be true."

57. The Pre-Trial Chamber notes that the elements of IR23bis(1) include the following:



- The existence of a causal link between the crimes and the injury;
- Injury;
- Proof of identification;
- Level of proof.

58. The Pre-Trial Chamber notes that the Internal Rules do not provide any explanation or criteria on how to apply each of these elements to the civil party applications. Under these

⁸⁶ At this time that the Pre-Trial Chamber is reviewing the Civil Party applications, Revision 7 of the Internal Rules, as revised on 23 February 2011, is in force. Pursuant to Internal Rule 114, "Amendments concerning Civil Parties adopted at the 7th, 8th and 9th Plenary Sessions shall be applicable to all cases except Case File No. 001/18-07-2007/ECCC."

circumstances, considering the specific nature of the ECCC, in its application of these elements of the Internal Rules to the Civil Party applications before it the Pre-Trial Chamber shall be guided by the principles established in the Agreement and the ECCC Law.

59. A general principle of the Agreement is found in its Article 2 which provides: “The Vienna Convention on the Law of Treaties, and in particular it’s Articles 26 and 27, [apply] to the Agreement.” Article 26 of the Vienna Convention provides that every treaty must be performed by its parties in good faith and Article 27 requires that a party may not invoke the provisions of its internal law as justification for its failure to perform a treaty.
60. A more specific principle is enshrined in Article 12(2) of the Agreement and Article 33new of the ECCC Law which provide: “if there is uncertainty regarding the interpretation or application [of the existing procedures], or if there is a question regarding their consistency with international standards, guidance may also be sought in procedural rules established at the international level.” The Pre-Trial Chamber observes that the International Criminal Court in its application of the Rules sought guidance from the principles enshrined in the Vienna Convention on the Law of Treaties.⁸⁷ It found that “the provisions must be read in context and in accordance with its object and purpose” and that this principle “applies to the Rules.” It explained that “the context of a given legislative provision is defined by the particular sub-section of the law read as a whole in conjunction with the section of an enactment in its entirety” and that “its objects may be gathered from the Chapter of the law in which the particular section is included and its purposes from the wider aims of the law as may be gathered from its preamble and general tenor.”⁸⁸ The Pre-Trial Chamber considers such guidance on the application of the rules appropriate.
61. On a contextual application of IR23bis (1), the Pre-Trial Chamber notes that it is titled “Application and admission of Civil Parties” and it is situated in Section III of the Internal Rules: “Procedure,” sub-Section A: “General Provisions.” The location of IR23bis (1) is indicative of a general provision relating to the procedure for admission of civil party applications. It has to, therefore, be read in conjunction with:

⁸⁷ *Vienna Convention on the Law of Treaties*, signed on 23 May 1969 and entered into force on 27 January 1980, United Nations, *Treaty Series*, vol. 1155, 18232 (“Vienna Convention”).

⁸⁸ *Lubanga ICC*, 11 July 2008, Trial Chamber I (ICC-01/04-01/06-1432 OA9 AO10) paras. 54-58.

- IR21 which sets the fundamental principles of procedure before ECCC and provides that “IRs shall be interpreted so as to always safeguard the interests ofvictims and so as to ensure legal certainty and transparency of proceedings, in light of the inherent specificity of the ECCC, set out in the ECCC Law and the Agreement;”
- IR23 which sets the general principles of victims participation as Civil Parties, which is to participate in criminal proceedings against those responsible by (only) supporting the prosecution and to seek collective and moral reparations, as provided in IR 23 *quinquies*;
- IRs 23^{ter} and 23 quarter which respectively provide for the way in which representation of Civil Parties is arranged in a collective manner and for the possibility for “a group of victims” to organize their Civil Party action together by becoming members of a “Victims Association;
- IR 23^{quinquies}(3)(a) which provides that, in case of a conviction, the convicted person shall pay “the costs of the award;”
- IR 80(2) which provides that at trial, the Civil Parties consolidated group has the right to summon witnesses who are not on the list provided by the Co-Prosecutors.

62. The Pre-Trial Chamber considers that the object and purpose of IR23^{bis} (1) is not there to restrict or limit the notion of victim or civil party action in the ECCC. It rather is to set criteria for admissibility of civil party applications.

63. The wider aims and general tenor of the Internal Rules, as provided in IR21 can be found in the “inherent specificity of ECCC, set out in the ECCC Law and Agreement.”

64. The Agreement provides in its preamble:

“WHEREAS in the same resolution the General Assembly recognized the legitimate concern of the Government and the people of Cambodia in the *pursuit of justice and national reconciliation*, stability, peace and security;”⁸⁹

65. In this context, it is noted accordingly that the Agreement provides that one of the fundamental principles for the establishment of ECCC is “national reconciliation.” This

⁸⁹ It is to be recalled that the Pre-Trial Chamber has already determined that “the inclusion of civil parties in proceedings is in recognition of the stated pursuit of national reconciliation,” *see* Decision on civil Party Participation in Provisional Detention Appeals, C11/53, 20 March 2008, para. 37.

guides the Judges and Chambers of ECCC to not only seek the truth about what happened in Cambodia, but also to pay special attention and assure a meaningful participation for the victims of the crimes committed as part of its pursuit for national reconciliation.

66. The ECCC Establishment Law provides in its Article 1 that “the purpose of this law is to bring to trial senior leaders of the Democratic Kampuchea and those who were most responsible for the crimes and serious violations of Cambodian penal law, international humanitarian law and custom and international conventions recognized by Cambodia, that were committed during the period from 17 April 1975 to 6 January 1979.” The inherent and specific nature of the ECCC is that it has to deal not only with violations of the Cambodian law but also with international crimes and modes of liability. These crimes and modes of liability include: genocide,⁹⁰ which is directed towards whole groups and not just individuals; crimes against humanity⁹¹ which are acts committed as part of a “widespread and systematic” attack against the population; the modes of liability of joint criminal enterprise,⁹² command responsibility planning, instigating, ordering, aiding and abetting,⁹³ which if proven, greatly increase the gravity and seriousness of the crimes even more by way of confirming that mass atrocities were committed in an organized manner and may have targeted not only specific groups or specific crime sites but even the whole of the population throughout the country. In addition, the ECCC has a limited jurisdiction for two specific categories, being the senior leaders of the Democratic Kampuchea and those most responsible for the crimes within ECCC’s jurisdiction.

67. By way of its specific nature, the Pre-Trial Chamber reads the Internal Rules in a manner that takes into account the nature, the extent, the modes of participation and founding elements of the alleged crimes and the needs of the affected community as expressed in ECCC’s foundation instruments.

68. The inherent nature of the ECCC is that although its Internal Rules are modelled after the Cambodian Procedural Code (CPC) which was in turn modelled upon the French Law (FL), unlike the CPC or FL, which deal mainly with ordinary crimes and claims for

⁹⁰ ECCC Law, Art 4.

⁹¹ ECCC Law, Art. 5.

⁹² Although joint criminal enterprise is not explicitly counted in the ECCC Law, appeals against the applicability of its forms before ECCC have been rejected (*in part*) by the Pre-Trial Chamber: *See Decision on Appeals against the Co-Investigating Judges Order on Joint Criminal Enterprise*, 20 May 2010, D97/14/15; D97/17/6; D97/15/9; and D97/16/10. See also the Introductory Submission, paras. 5 -10 and the Closing Order, para. 1613.

⁹³ ECCC Law, Art. 29.

individual reparations of a measurable nature, the ECCC, especially in case 002, is dealing not only with allegations about the most serious international crimes known to mankind but also with allegations of particular modes of liability which, when combined, amount to alleged systematic and wide spread mass atrocities. The direct events in respect of such mass atrocities could be argued to have caused collective injury of a nature that cannot be measured in respect of any one individual alone, but only seen in the context of collective damage caused to the whole of a society or directed parts thereof.

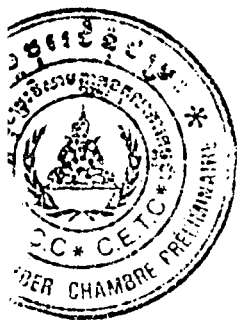
69. In addition, the Victims before ECCC, especially in case 002, are in a different position from those before domestic courts and even from those in ECCC's case 001. Civil Parties in a domestic court are usually aware of the allegations and the specific acts upon which they can base their claim. In a domestic court the proximity to the matters alleged is immediate and not complicated by either the passage of time or the inclusion of the consideration of international crimes and the complexity involved in respect of such crimes, including the various special modes of participation. In the ECCC's case 001, the victims knew that the only site they had to relate their claim with was the S21 Security Centre and there was only one accused charged. Kaing Guek Eav, "Duch," was not indicted for committing crimes throughout the country through the different forms of liability, the presence of which distinguishes case 002 from case 001. In case 002 the Accused are indicted for crimes allegedly committed throughout the country.
70. Before the ECCC a civil claimant has no right to individual and material compensatory damages, but rather may make a claim only for collective and moral reparations. Moral reparations mean that a moral obligation may arise in respect of injury caused consequent upon a confirmation of allegations for commission of crimes through the implementation of the CPK policies by the Accused.⁹⁴ Collective reparations also stem from collective injury which has an individual effect as well. It would be unrealistic to see the injury caused from alleged mass atrocities only on individual basis because it encompasses individual parameters. Mass atrocities result from a systematic and widespread implementation of policies directed towards the whole of the community as well as particular groups and individuals within the community. Whilst there will be claims for individual injury, the individual applications to be joined as a Civil Party must be seen in the special circumstances of the conflict. The cultural and social background of Cambodia

⁹⁴ It is noted that awarding moral reparations *may* involve a financial cost, Internal Rule 23 *quinquies* (3)(a)

must be considered. In addition, it must also be kept in mind that in the period 1975-79 the whole social structure was dramatically changed allegedly as a consequence of the actions of the Accused acting together and with others, as set out in the Closing Order.

A. Causal link:

71. Internal Rule 23*bis*(1)(b) provides that the injury has to be the direct consequence of “crimes alleged against the Charged Person.” The Pre-Trial Chamber notes that in case 002 there is only one Closing Order against four Accused together.⁹⁵ These Accused are charged with offences allegedly committed by way of their participation together in a joint criminal enterprise (and other forms of liability) throughout Cambodia, including crimes against humanity, genocide, grave breaches of the Geneva Conventions of 12 August 1949 and violations of the 1969 Penal Code.
72. The Pre-Trial Chamber further notes that, unlike in case 001, where the Civil Parties had to show relation to crimes committed only in the S21 Security Centre,⁹⁶ in case 002 where there are allegations for the CPK policies being implemented *throughout* Cambodia by way of the Accused allegedly participating in a joint criminal enterprise (or acting together in other forms of liability), the Civil Party Applicants do not necessarily have to relate their injury to only one crime site or even to only those crime sites identified in the part of the Closing Order titled “factual findings,” as the crimes and the underlying CPK policies forming the basis of the indictments were allegedly implemented throughout Cambodia. The Closing Order alleges that committing the enumerated crimes by participating in a joint criminal enterprise (and through other forms of liability), the intention of the Accused was not to just commit crimes that happened at specific sites, but rather to implement the CPK policies throughout Cambodia. The Co-Investigating Judges made positive findings of the widespread and systematic nature of the attacks on the civilian population. The intellectual involvement of the Accused in such is the basis of the *mens rea* element for a number of the crimes with which the Accused are indicted. Therefore injury caused to communities or specific groups must also be seen to relate to the Accused acting in concert so as to implement the CPK policies throughout Cambodia.



⁹⁵ Closing Order, para. 1613.

⁹⁶ ECCC Trial Chamber’s Judgment in Case 001, 26 July 2010, E188 (“Judgment in Case 001”), paras. 644ff.

Injury caused by the actions of the Accused together to individual victims is part of the collective and immeasurable damage caused to the targeted groups and communities to which the individual victims may belong. In this context, the nature of the responsibility of the Accused in respect of which the injury must to be proven takes on collective parameters. It would be unrealistic, on the basis of the manner in which the Closing Order is formulated, to try to establish individual injury against an individual Accused.

73. The Pre-Trial Chamber observes that all the Civil Parties are admitted in case 002 to claim against all the Accused both as individuals and collectively as a group. The Pre-Trial Chamber notes that this was not done in accordance with the text of Internal Rule 23bis (1) (b) where it is prescribed that the causal link should be established with the crimes alleged against “the Charged Person”, that is, each individual “Charged Person.” The Closing Order alleges responsibility of the Accused acting together in a joint criminal enterprise. The Co-Investigating Judges, being aware of this, may have had no choice but to apply IR23bis(1) in the way in which they did, however, they did not explain the rationale behind this in their impugned orders. In this respect, the Pre-Trial Chamber finds that it is bound to follow the same approach as the Co-Investigating Judges to avoid major inconsistency in the position of the Civil Parties admitted by the Co-Investigating Judges and those who may be admitted by the Pre-Trial Chamber.

74. The Closing Order makes the following factual findings on joint criminal enterprise. Paragraphs 156,157, 158 and 159 of the Closing Order state:

I. “FACTUAL FINDINGS OF JOINT CRIMINAL ENTERPRISE

156 The common purpose of the CPK leaders was to implement rapid socialist revolution in Cambodia through a “great leap forward” and defend the Party against internal and external enemies, by whatever means necessary.

157 To achieve this common purpose, the CPK leaders *inter alia* designed and implemented the five following policies:

- The repeated movement of the population from towns and cities to rural areas, as well as from one rural area to another;
- The establishment and operation of cooperatives and worksites;
- The reeducation of “bad-elements” and killing of “enemies”, both inside and outside the Party ranks;
- The targeting of specific groups, in particular the Cham, Vietnamese, Buddhists and former officials of the Khmer Republic, including both civil servants and former military personnel and their families; and
- The regulation of marriage.

158 The common purpose came into existence on or before 17 April 1975 and continued until at least 6 January 1979. The five policies designed to achieve this common purpose were



implemented within or before these dates. These policies evolved and increased in scale and intensity throughout the regime. One of the consequences of these policies was the collectivisation of all aspects of society. This collectivisation involved the suppression of markets, currency and private property, the prohibition of peoples' freedom of movement, and generally forcing *everyone* to live in communal units according to their categorisation. This resulted in the implementation of a system which Cambodians have subsequently described in the following way: *the entire country had become a "prison without walls"*.

159 The persons who shared this common purpose included, but were not limited to: members of the Standing Committee, including **Nuon Chea** and **Ieng Sary**; members of the Central Committee, including **Khieu Samphan**; heads of CPK ministries, including **Ieng Thirith**; zone and autonomous sector secretaries; and heads of the Party Centre military divisions."

75. In the Closing Order the different investigated crime scenes are mentioned and reported upon in respect of how the implementation of these policies occurred. Details are included that allege how the implementation of the policies resulted in actual mass atrocities throughout Cambodia. The Co-Investigating Judges state in the Closing Order that from "approximately 200 security centres and countless execution sites [...] located in every Zone throughout Cambodia and at all levels of the CPK administration structure, including at the Party Centre," they were seized of only eleven such security centres and three execution sites.⁹⁷ However their description of how the "two key objectives of security centres and execution sites" were implemented, clearly shows that the eleven security centres and three execution sites serve only as examples in order to demonstrate how all these centres and sites functioned *throughout* Cambodia.⁹⁸

76. These alleged facts specifically related to the initial role of the Accused and are then qualified as being committed by way of participating in a joint criminal enterprise, where the common purpose is achieved through designing and implementing the five above mentioned policies resulting in the indicted crimes. Further modes of liability mentioned are planning, instigating, superior responsibility, ordering, aiding and abetting. The Closing Order further provides:

"Findings of Responsibility under the Joint Criminal Enterprise

1524 The common purpose of the CPK leaders was to implement rapid socialist revolution by in Cambodia through a "great leap forward" and to defend the Party against internal and external enemies, by whatever means necessary. The purpose itself was not entirely criminal in nature but its implementation resulted in and/or involved the commission of crimes within the jurisdiction of the ECCC.

⁹⁷ Closing Order, para. 178.

⁹⁸ Closing Order, paras. 178ff.

1525 To achieve this common purpose, the CPK leaders designed and implemented five policies. Their implementation resulted in and/or involved the commission of the following crimes which were committed by members and non-members of the [joint criminal enterprise]:

(i) Repeated movements of the population from towns and cities to rural areas;

CRIMES AGAINST HUMANITY, punishable under Articles 5, 29 (new) and 39 (new) of the ECCC Law, specifically:

- (a) murder
- (b) persecution on political grounds
- (c) other inhumane acts through “attacks against human dignity” and forced transfer

(ii) Establishment and operation of cooperatives and worksites;

CRIMES AGAINST HUMANITY, punishable under Articles 5, 29 (new) and 39 (new) of the ECCC Law, specifically:

- (a) murder
- (b) extermination
- (c) enslavement
- (d) imprisonment
- (e) torture
- (f) persecution on political grounds
- (g) persecution on racial grounds
- (h) persecution on religious grounds
- (i) other inhumane acts through “attacks against human dignity” and enforced disappearances

(iii) Reeducation of “bad elements” and “enemies”, both inside and outside the Party ranks;

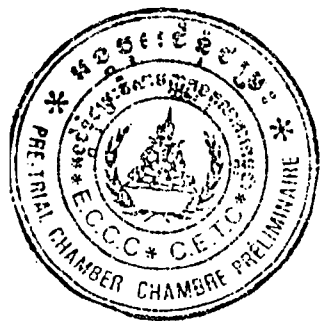
CRIMES AGAINST HUMANITY, punishable under Articles 5, 29 (new) and 39 (new) of the ECCC Law, specifically:

- (a) murder
- (b) extermination
- (c) enslavement
- (d) imprisonment
- (e) torture
- (f) persecution on political grounds
- (g) persecution on racial grounds
- (h) persecution on religious grounds
- (i) other inhumane acts through “attacks against human dignity” and enforced disappearances

GRAVE BREACHES OF THE GENEVA CONVENTIONS OF 12 AUGUST 1949, punishable under Articles 6, 29 (new) and 39 (new) of the ECCC Law, specifically:

- (a) wilful killing
- (b) torture or inhumane treatment
- (c) wilfully causing great suffering or serious injury to body or health
- (d) wilfully depriving a prisoner of war or civilian the rights of fair and regular trial
- (e) unlawful confinement of a civilian
- (f) unlawful deportation of a civilian

(iii) The targeting of specific groups, in particular the Cham, Vietnamese, Buddhists and former officials of the Khmer Republic, including both civil servants and former military personnel and their families;



GENOCIDE, by killing, punishable under Articles 4, 29 (new) and 39 (new) of the ECCC Law, specifically:

- (a) Cham
- (b) Vietnamese

CRIMES AGAINST HUMANITY, punishable under Articles 5, 29 (new) and 39 (new) of the ECCC Law, specifically:

- (a) murder
- (b) extermination
- (c) deportation
- (d) imprisonment
- (e) torture
- (f) persecution on racial grounds
- (g) persecution on religious grounds
- (h) other inhumane acts through enforced disappearances

GRAVE BREACHES OF THE GENEVA CONVENTIONS OF 12 AUGUST 1949, punishable under Articles 6, 29 (new) and 39 (new) of the ECCC Law, specifically:

- (a) wilful killing

(iv) **Regulation of marriage**

CRIMES AGAINST HUMANITY, punishable under Articles 5, 29 (new) and 39 (new) of the ECCC Law, specifically:

- (a) rape
- (b) other inhumane acts through forced marriage.

1526 These crimes increased in scale and gravity when, having taken power over the whole territory, the CPK leaders endeavored to carry through the revolutionary project by addressing its presumed failures.

1527 With regard to the policies targeting Chams and Vietnamese, the plan to eliminate these groups may not have existed until April 1977 for the Vietnamese and from 1977 for the Cham. From that moment the members of the [joint criminal enterprise] knew that the implementation of the common purpose expanded to include the commission of genocide of these protected groups. Acceptance of this greater range of criminal means, coupled with persistence in implementation, amounted to an intention of the [joint criminal enterprise] members to pursue the common purpose through genocide.

1528 Co-Investigating Judges find that the common purpose came into existence before 17 April 1975 and continued until at least 6 January 1979. Its five policies were implemented on or before the temporal jurisdiction of the ECCC, which demonstrate the intent of the **Charged Persons** to achieve the common purpose even prior to 1975 and establishes a pattern of conduct that continued throughout the temporal jurisdiction of the ECCC.

1529. The members of the common purpose included, but were not limited to, members of the Standing Committee, including **Nuon Chea** and **Ieng Sary**; members of the Central Committee including **Khieu Samphan**; heads of CPK Ministries, including **Ieng Thirith**, zone and autonomous sector secretaries, and the heads of the Party Centre military divisions, as set out in the sections of this Closing Order regarding CPK structures.

1530. The contribution of the **Charged Persons** to the [joint criminal enterprise] was not limited to setting up the CPK Party and its administration and communication structures. As demonstrated below, *they also actively contributed to the furtherance of the common purpose in many different ways throughout the whole CPK regime.*



1531. With regard to the contribution or participation of the **Charged Persons** to the Joint Criminal Enterprise and their intention to further the common purpose the Co-Investigating Judges make the following legal findings:..."

77. In the Closing Order where the Co-Investigating Judges qualify the facts as crimes, on all occasions, they state that the Accused made and implemented policies for the *whole of Cambodia*. The Pre-Trial Chamber finds that where Civil Party Appellants state that they have suffered from the implementation of policies but in areas other than those chosen to be investigated, they shall be considered for admission as Civil Parties.
78. The Pre-Trial Chamber further observes that in the conclusion⁹⁹ of the Closing Order the Co-Investigating Judges qualify the facts as genocide and crimes against humanity, allegedly committed by the Accused through their acts and omissions committed through a joint criminal enterprise and by virtue of their being in command, crimes which are, by definition, ultimately directed against groups or the population.¹⁰⁰ This is because each isolated act against individual members of the group is, by definition, committed "with the [special] intent to destroy, in whole or in part, a [...] group" and is "part of a "widespread or systematic attack directed against any civilian population."¹⁰¹ The alleged crimes and underlying policies will remain, therefore, to have allegedly been designed to have an effect over whole groups or the whole of the population and an examination of the victimization in such circumstances should take this into account¹⁰² when there have been findings of a nature that demonstrate country wide occurrences. The admission as a civil party in respect of mass atrocity crimes should therefore be seen in the context of dealing with wide spread and systematic actions resulting from the implementation of nation wide policies in respect of which the individual liability alleged against each of the accused also



⁹⁹ Closing Order, para. 1613.

¹⁰⁰ Articles 4 and 5 of the ECCC Law. As also pointed out by the Civil Party Lawyers in the Appeal, see also *Prosecutor v. Milosevic*, ICTY Case No IT-02-54-T, Trial Chamber's Decision on Motion for Judgment on Acquittal, 16 June 2004, para 246 states: "the genocidal intent of the Bosnian Serb leadership can be inferred from all the evidence ... the scale and pattern of the attacks, their intensity, the substantial number of Muslims killed... the detention of Muslims, their brutal treatment in detention centres and elsewhere, and the targeting of persons essential to the survival of the Muslims as a group are all factors that point to Genocide."

¹⁰¹ See also Antonio Cassese, *International Criminal Law*, Oxford University Press, 2003 ("Cassese 2003"), p. 106: "[genocide and crimes against humanity] do not constitute isolated events but are instead normally part of a larger context, either because they are large-scale and massive infringement of human dignity or because they are linked to a broader practice of misconduct."

¹⁰² UN General Assembly, Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law : resolution / adopted by the General Assembly, 21 March 2006, A/RES/60/147, Principle 8.

takes collective dimensions due to allegations for acting together as part of a joint criminal enterprise.

79. The Pre-Trial Chamber further observes that although the Grave Breaches of the Geneva Conventions, with which the Accused are also indicted in the Closing Order, are, by definition, crimes directed against persons,¹⁰³ the way the pertaining facts have been legally characterized in the Closing Order,¹⁰⁴ may lead, where appropriate, to the conclusion that it is likely that such crimes, at times, have also been of a systematic nature and were designed to be directed against “all the detainees,” or to have had, at least psychologically, not only an individual but also a collective effect, as is demonstrated by the following findings in the Closing Order: “the conditions [having been designed] to keep *the detainees*¹⁰⁵ in a *permanent climate of fear*.”¹⁰⁶ The Pre-Trial Chamber considers this when reviewing the Civil Party applications before it.
80. The Pre-Trial Chamber further notes that in the Closing Order, the Co-Investigating Judges send the Accused to trial also for violations of the 1956 Penal Code¹⁰⁷ (national crimes), which are by definition crimes directed against persons. Despite of laying out the reasons, in the Closing Order,¹⁰⁸ explaining why the Co-Investigating Judges “find themselves in a procedural stalemate” in relation to national crimes, the Pre-Trial Chamber has, unanimously, observed in paragraph 296 of its Decision on Ieng Sary’s Appeal against the Closing Order, D427/1/30, dated 11 April 2011, the following:

“Reading the Closing Order as a whole, the Pre-Trial Chamber understands that the charges for the national crimes are based on the facts set out in the paragraphs dealing with the corresponding underlying crime as genocide, crimes against humanity or grave breaches of the Geneva Convention. The same holds true for the modes of liability, save for the modes of liability that the Co-Investigating Judges have said to be international, namely commission via a joint criminal enterprise, superior responsibility and instigation, which shall not apply to the national crimes. Whether the facts stated in the indictment can actually be characterised as murder, torture and religious persecution under the 1956 Penal Code is ultimately a question of legal characterisation that is to be determined by the Trial Chamber and bears no effect, at this stage, on the jurisdiction of the ECCC to send the accused for trial in relation to these crimes.”

¹⁰³ ECCC Law, Article 6.

¹⁰⁴ Closing Order, paras. 1491-1520.

¹⁰⁵ Emphasis added to the plural version of the word “detainee” used.

¹⁰⁶ Closing Order, para. 1502.

¹⁰⁷ Closing Order, para. 1613.

¹⁰⁸ Closing Order, paras. 1564-1576.



81. The Pre-Trial Chamber similarly examines crimes within the context of the Closing Order.
82. The Pre-Trial Chamber shall examine whether injury alleged by Civil Party applicants relates to any of the crimes alleged against the Accused as charged in the Closing Order.

B. Injury:

83. Internal Rule 23bis(1)(b) provides that the injury must be physical, material or psychological. The Pre-Trial Chamber, as also noted by the Co-Investigating Judges in their Orders, adopts the finding of ICC's Appeal Chamber that injury must be personal and that it does not necessarily have to be direct.¹⁰⁹ The Pre-Trial Chamber further adopts the finding of the ECCC's Trial Chamber that psychological injury includes mental disorders or psychiatric trauma, such as post-traumatic stress disorder.¹¹⁰ In relation to psychological injury, the Pre-Trial Chamber finds it essential to place the considerations of victimization also within the social and cultural context relevant at the time when the alleged crimes occurred in Cambodia. Particular care needs to be taken with this to ensure that the position of civil party applicants is considered within the correct context. Such context will be country and culture specific.¹¹¹

84. As noted above, the Pre-Trial Chamber observes that expert opinion on the nature of extended family in Cambodia was provided before the Trial Chamber of the ECCC in case 001 by Mr. CHHIM Sotheara, a psychiatrist and university professor who lives and works in Phnom Penh and who was qualified by the Trial Chamber as an expert. On 25 August 2009 when he appeared before the Trial Chamber, while replying to questions directed from Civil Party Lawyers, Mr. Sotheara stated the following:¹¹²



¹⁰⁹ *Lubanga* ICC, 11 July 2008, ICC-01/04-01/06 OA9 OA10, Disposition para. 1(i).

¹¹⁰ Judgment in Case 001, para. 641.

¹¹¹ The Pre-Trial Chamber notes that other international courts have applied the same *culturally sensitive* approach. For instance see: *Aloeboetoe et al.* Case, Reparations Judgment of September 10, 1993, Inter-American Court of Human Rights, paras. 54 – 63 (Emphasis added to para. 55); *Case of Saramaka People v. Suriname*, Inter-American Court of Human Rights, Preliminary Objections, Merits, Reparations, and Costs, Judgment of November 28, 2007, paras. 188-189; See also Nowak, Manfred, *U.N. Covenant on Civil and Political Rights CCPR Commentary*, N.P.Engel, ("ICCPR Commentary"), p. 405: which, referring to the practice of ECtHR and of the Human Rights Committee notes that "the term family is to be interpreted broadly in the sense of the respective cultural understandings of the States Parties."

¹¹² Transcript of Trial Proceedings, KAING GUEK EAV, "DUCH," D288/4.68.1, 25 August 2009.

“Question: Thank you. Regarding S-21, or the Tuol Sleng genocidal museum, as it is known now, most of the victims are the relatives of those executed at S-21. What are the main reasons for the victims wanting to know the exact location of the death of their relatives? What are the connections between the place of the death and their psychological experience?”

Answer: Thank you for the question, Counsel. I would like to say that first let me talk about the family and the social environment in Cambodia. The social and family situation in Cambodia is that we live in family [closely together,]¹¹³ so the impact of the relationship is tense and the closeness between each family member, who might be the dead victims or the victims who are survivors now -- and those people who died could be the ones who assisted them, who had gratitude over them. So the death of such dear people or relatives are exactly the same type of suffering they would experience. And the secondary traumatization experienced by them is the post-traumatic stress disorder or the trauma. Even if they are not the direct victims of the mistreatment or torture but due to the closeness of relationship between them and the dead people leads to the secondary traumatization, the hearing of the torture or the mistreatment or other events related to their death would cause the secondary traumatization in a similar fashion experienced by those people who died. This is my response, Counsel.”¹¹⁴

85. The expert evidence continued as follows:

“Question: My last question: some of our clients not only lost their mother or their brother or their sisters or their fathers at S-21, but also their cousins or their grandfathers or even their brother-in-law; people who would be considered in other cultures as more distant family members, but however what we observed in the proceedings that our clients pain is just as acute so how can you explain that people who might have lost their brother-in-law or their grandfather or more distant relatives might feel pain in such an acute way?”

Answer: It depends on the attachment, the linkages between the person to that persons. In Cambodian society and family, the Cambodian society has a tradition of showing homage, gratitude, respect to the senior members of the family so the younger children or members of the family must have had established some kind of connection with the dead people. Those people who died could have been the role model, the mentors for them. So this establishes a kind of bond -- the very close bond for the people who live and who have to pay the gratitude to dead people. So they have to find all means to return their gratitude to them; so only by way of finding justice for them would be the best remedy. That's why they have joined as the civil parties in these proceedings.”¹¹⁵

¹¹³ The transcript in English refers here to “separately”. The Pre-Trial Chamber has examined the Khmer version of the transcript which is the original statement of the expert and notices that, if translated correctly from the Khmer original, the word “separately” should actually be “closely together.”

¹¹⁴ Transcript of Trial Proceedings, KAING GUEK EAV, “DUCH,” D288/4.68.1, 25 August 2009, (English version), at pages 36 – 37, from line 14 (questioning by Civil Party Counsel Mr Hong Kimsuon).

¹¹⁵ Transcript of Trial Proceedings, KAING GUEK EAV, “DUCH,” D288/4.68.1, 25 August 2009, (English version) at page 47, from line 25 (questioning by International Civil Party Counsel Mr Alain Werner).

86. The Pre-Trial Chamber also notes that the very nature of the *societal and cultural context at the time when the alleged crimes occurred* requires another and wider consideration of the matter of victimization. This is particularly so in respect of the alleged involvement of the Accused in implementing policies that affected whole groups and communities, even the whole Cambodian society. Under such circumstances, relationships of dependency are relevant, as are relationships of people within close knit village communities, where people know each other well and placed reliance upon each other in many ways in order to live and survive. The Pre-trial Chamber considers that the mere knowledge of the fate of another human who is a direct victim of crimes committed resulting from the implementation of policies to that effect must be more than not likely to be psychologically disturbing to any person of ordinary sensibility. Such disturbance flows not just from seeing such crimes being committed but also from the implied and constant threat generated by such occurrences that can reasonably be expected to instill fear on the others that this could also be their fate due to them belonging to the same targeted group or community as the direct victim of a crime committed as part of the implementation of the CPK policies.

87. The Pre-Trial Chamber notes that the implementation of the CPK policies, allegedly by the Accused acting in a joint criminal enterprise (and through other forms of liability) together and with others, brought as a consequence the restructuring of the whole social structure in Cambodia at the time,¹¹⁶ the creation of the “new people,” which was allegedly achieved by: repeatedly moving the population from towns and cities to rural areas; by “re-educating the “bad elements” and “enemies,” both inside and outside the Party ranks,” or by establishing the new cooperatives and worksites. All of these social restructuring brought people, who were suddenly separated from their families, to new environments and amongst other people, whom they had even never met or seen in their lives before but, most importantly, with whom they had to share the same fate in circumstances of great difficulty and oppression. It would be just to consider that other bonds from the ordinary familial ones evolved as a consequence, these being similar to such bonds as the ones created between prisoners thrown together in the same cell.¹¹⁷ These people, just because of being part of the same targeted group or community, apart

¹¹⁶ Closing Order paras. 158, 161, 169, 207.

¹¹⁷ Closing order, para. 158: “*the entire country had become a “prison without walls.”*”

from the usual traditions and values, appear to have had to share everything, including their fears and sorrows, with people they never met before, in the same way or at even deeper levels than they would, under normal circumstances, with their family members. The Pre-Trial Chamber considers that such bonds cannot be ignored and applying only a presumption of familial kinship, under the circumstances, would be too limited. To a large extent, it is reasonable to presume that, due to the implementation of the CPK Policies throughout Cambodia, people with no previous relationship of any kind, but who were part of the same targeted group or community, had to rely upon each other for their very survival.

88. The Pre-Trial Chamber considers that in case 002, for the reasons mentioned above, the degree of relationship between a Civil Party applicant with the immediate victim is not dependent only on a presumption of familial kinship but may also extend to the fact of an applicant belonging to the same persecuted group or community as the immediate victim. When the indirect victim is a member of a group or community targeted by the implementation of CPK policies, no distinction between what happened to the individual and the collective can be made.

89. In this context, the Pre-Trial Chamber notes that the Closing Order¹¹⁸ alleges that the CPK leaders and their followers in the implementation of their policies made sure that fear of violence or death was instilled to all the members of the targeted group or community, thus passing a message to everyone, which circumstance shows that not only the direct victim of a crime but also those who witnessed the crime were affected because of shock and very direct fear of being subject of the same treatment just because of belonging to that same group or community. Under the circumstances where the alleged crimes were committed in a widespread and systematic manner, it is more likely than not that even being a witness of a crime committed against another member of the same group or community would cause psychological suffering and injury.

90. The Closing Order makes allegations about the treatment of targeted *groups* and that “this measure adversely affected many *groups* of people [...] directly or indirectly.”¹¹⁹ It also states that “the Co-Investigating Judges are seized of facts [of forced marriage]¹²⁰ and of

¹¹⁸ Closing Order, paras. 210-212, 219, 220, 231-232.

¹¹⁹ Closing Order, para. 205.

¹²⁰ Closing Order, para. 216.

[establishment and operation of cooperatives and worksites]¹²¹ occurring *throughout* Cambodia” and that “one of the objectives of the population movements was to fulfill the labor requirements of the cooperatives and worksites”¹²² which were established *throughout* Cambodia.¹²³ It is more likely than not that the implementation of the alleged policies had an impact not only on individuals but also on groups of the population or on whole communities *throughout* Cambodia.

91. The Closing Order further alleges that the policies were implemented by doing “*whatever must be done*” to reach the objective and that this included, from directions for the *killing of all members* that belonged to a certain community,¹²⁴ to killing or threatening to kill those who did not do what they were directed to do.¹²⁵ It is alleged in the Closing Order and it is more likely than not that people throughout Cambodia were not able to assert their opposition for *fear of violence or death*. Such fear, combined with the surrounding circumstances at the time, as described in the Closing Order, make it more likely than not that in many cases even people who witnessed¹²⁶ or had knowledge of the crimes could suffer emotional distress and psychological injury not only from harm caused to other individuals but also from a *perception of direct and actual threat* of the same happening to them if they belonged to the same targeted group or community.
92. It is more likely than not and conforms with human sensibility that those who witnessed what happened to anyone who objected (the latter not necessary being a family member), feared they could suffer the same, which combined with the fact that they had to also, against their will, put up with being separated from their homes and loved ones (at times these included hospitalized family members or wives/mothers/daughters who had just given birth)¹²⁷ and thus ended up feeling alone, lost and hopeless at a time when they needed to be strong, would have experienced psychological injury.
93. Therefore, the Pre-Trial Chamber, for those applicants alleging psychological injury who are not in a position to substantiate a close relationship with the immediate victim, shall,

¹²¹ Closing Order, para. 168.

¹²² Closing Order, para. 161.

¹²³ Closing Order, para. 168.

¹²⁴ Closing order, para. 214.

¹²⁵ Closing Order, paras. 210, 211, 219,

¹²⁶ The Pre-Trial Chamber in its decision on Civil Party admissibility in appeals PTC 47&48 has previously accepted as Civil Parties victims alleging harm suffered from witnessing a crime: Decision on Appeals against Co-Investigating Judges Combined Order D250/3/3 dated 13 January 2010 and Order D250/3/2 dated 13 January 2010 on Admissibility of Civil Party Applications, 27 April 2010, D250/3/2/1/5, para 38.

¹²⁷ Closing Order, para. 225.

where appropriate, apply a presumption of collective injury in its assessment of civil party applications in case 002. The presumption of collective injury derives from the very nature of the source of such injury, these being crimes like genocide or crimes against humanity which, as mentioned above, are, by definition, crimes directed against groups or the population.¹²⁸ The Pre-Trial Chamber understands that the only way to make collective injury tangible is by means of individual examples which are capable of showing the nature and depth of the damage caused to the collective.¹²⁹ By presumption of collective injury, the Pre-Trial Chamber means that as long as a civil party applicant submits that he/she was a *member of the same targeted group or community* as the direct victim and such is more likely than not to be true, psychological harm suffered by the indirect victim arises out of the harm suffered by the direct victim, brought about by the commission of crimes which represent grave violations of international humanitarian law as alleged in the Closing Order.

C. Level of proof:

94. Pursuant to Internal Rule 23(1), when considering the admissibility of the Civil Party application, the Pre-Trial Chamber shall be satisfied that facts alleged in support of the application are *more likely than not to be true*.

D. Proof of identity:

95. The Pre-Trial Chamber shall apply a flexible approach in relation to the requirement pursuant to IR23bis(1)(a) for all applicants to clearly prove their identity. In this respect,

¹²⁸ See also Cassese 2003, pp. 89-90 referring to the *Chambre d'accusation* of the Paris Court of Appeal, judgment of 13 April 1992 in *Touvier* (at 352): "Jews and members of the Resistance persecuted in a systematic manner in the name of a State practicing a policy of ideological supremacy, the **former by reason of their membership of a racial or religious community**, the later **by reason of their opposition to that policy**, can equally be the victims of crimes against humanity"

¹²⁹ The Pre-Trial Chamber notes that the Inter-American Court of Human Rights (IACtHR) has also made similar applications: *Case of the Plan de Sánchez Massacre v. Guatemala*, Judgment of November 19, 2004, Reparations, Inter-American Court of Human Rights, para. 93: "Reparations are not exhausted by compensation for pecuniary and non pecuniary damage (supra paras. 72 to 76 and 80 to 89); other forms of reparation must be added. In this section, the Court will begin to determine measures of satisfaction seeking to repair the non-pecuniary damage, which are not of a pecuniary nature, but rather have public repercussions. These measures have particular relevance in this case, owing to the extreme gravity of the facts and *the collective nature of the damage produced*."

the Pre-Trial Chamber shall also follow the common practice applied in Cambodian courts and accept as proof of identity also statements issued in a form or the other from the village elder or the communal chiefs.

E. Whether the application of a broader Civil Party admissibility criteria affects the balance that has to be maintained with the rights of the other parties involved in the proceedings:

96. The Pre-Trial Chamber notes that the purpose of Civil Party action before ECCC is: a) to participate in criminal proceedings against those responsible for crimes within the jurisdiction of the ECCC by supporting the prosecution; and b) to seek collective and moral reparations, as provided in Internal Rule 23 *quinquies*.¹³⁰

Participation in proceedings:

97. The Pre-Trial Chamber notes that in ECCC the role of the Civil Parties at trial is limited to the following: as members of a consolidated group, they may summon witnesses who are not on the list provided by the Co-Prosecutors,¹³¹ they may be heard through the Civil Party Co-Lead Lawyers by the Trial Chamber,¹³² and may be allowed to ask questions or to object to the continued hearing of the testimony of any witnesses, if they consider that such testimony is not conducive to ascertaining the truth. As far as the rights of the Civil Parties in proceedings go in ECCC, they do not have a direct effect on decisions that would directly and adversely affect the position of the Accused, such as whether to prosecute or not, they do not explicitly have a say in possible amendments to the charges or in relation to decisions on joint or separate trials or on guilt. The Pre-Trial Chamber considers that the moral and collective nature of representation before the Trial Chamber and simplified purpose of civil party action at trial before ECCC do not support any concerns that a possible admission of a larger number of people as Civil Parties may have an adverse effect on the rights of the accused.



¹³⁰ Internal Rule 23.

¹³¹ Internal Rule 80(2).

¹³² Internal Rule 91.

Reparations in the case of possible convictions:

98. Internal Rule 23 *quinquies* provides:

“Civil Party Claim

1. If an Accused is convicted, the Chambers may award *only collective and moral reparations* to Civil Parties. Collective and moral reparations for the purpose of these Rules are measures that:

- a) acknowledge the harm suffered by Civil Parties as a result of the commission of the crimes for which an Accused is convicted and
- b) provide benefits to the Civil Parties which address this harm.

These benefits shall not take the form of monetary payments to Civil Parties.

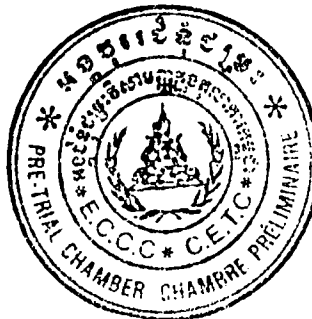
2. Reparations shall be requested in a single submission, which may seek a limited number of awards. This submission shall provide:

- a) a description of the awards sought;
- b) reasoned argument as to how they addresses the harm suffered and specify, where applicable, the Civil Party group within the consolidated group to which they pertains; and
- c) in relation to each award, the single, specific mode of implementation described in Rule 23*quinquies*(3)(a)-(b) sought.

3. In deciding the modes of implementation of the awards, the Chamber may, in respect of each award, either:

- a) order that the *costs of the award* shall be borne by the convicted person; or
- b) recognize that a specific project appropriately gives effect to the award sought by the Lead Co-Lawyers and may be implemented. Such project shall have been designed or identified in cooperation with the Victims Support Section and have secured sufficient external funding.”

99. The Pre-Trial Chamber observes that the only right the Civil Parties have in the case of convictions, which may directly affect the rights of the Accused, is that to seek in a “single submission” “in relation to each award, the single specific mode of implementation” of the award which *may* include an “order that the costs of the award shall be borne by the convicted person.” The issue is not one in relation to the cost of the award, but rather the fact that a Civil Party has a right, as a member of a collective “class” to request moral reparations. This is a right which flows from the fact of joinder in the proceedings and is not an issue to be balanced against the position of the accused.



IX. INDIVIDUAL ASSESSMENT OF CIVIL PARTY APPLICATIONS:

100. The Pre-Trial Chamber makes a fresh review of each Civil Party application brought before it by the Appeals. The full reasons for the rejection or admission of each Civil Party applicant shall be filed separately as attachments to this decision.
101. Given the important information they contain concerning the facts which occurred between 17 April 1975 and 6 January 1979, within the territory of Democratic Kampuchea, the applications of those Civil Party applicants who are found inadmissible, shall remain, as also indicated by the Co-Investigating Judges in their orders, on Case File 002 as complaints.



X. DISPOSITION

THEREFORE THE PRE-TRIAL CHAMBER DECIDES AS FOLLOWS:

- a. To, unanimously, declare all the appeals admissible;
- b. To, unanimously, overturn the Co-Investigating Judges' impugned Orders, insofar as they relate to the rejection of the civil party applications listed in the table below; to admit their respective application and to grant them the status of civil parties in case 002;

Appeals against Impugned Order D411 (Kampong Speu Province)¹³³		
PTC 76¹³⁴		
08-VU-01222 (D22/1401)	08-VU-01227 (D22/1411)	08-VU-01306 (D22/1013)
09-VU-02516 (D22/2288)	09-VU-02517 (D22/2289)	09-VU-02521 (D22/2293)
09-VU-03309 (D22/2318)	09-VU-3310 (D22/2319)	09-VU-03311 (D22/2320)
09-VU-03314 (D22/2323)	09-VU-03318 (D22/2327)	09-VU-3323 (D22/2331)
09-VU-03331 (D22/2337)	09-VU-03349 (D22/2353)	09-VU-03350 (D22/2354)
09-VU-03358 (D22/2362)	09-VU-03393 (D22/2395)	09-VU-03395 (D22/2397)
09-VU-03429 (D22/2424)	09-VU-03455 (D22/3164)	09-VU-03461 (D22/3170)
09-VU-04172 (D22/2463)	09-VU-04178 (D22/2469)	09-VU-04187 (D22/2473)
09-VU-04189 (D22/3583)	10-VU-00026 (D22/2505)	10-VU-00404 (D22/3822)
08-VU-01483 (D22/1752)	09-VU-01052 (D22/1545)	09-VU-01502 (D22/0785)
09-VU-04191 (D22/3585)	09-VU-03312 (D22/2321)	
PTC 172¹³⁵		
08-VU-01347 (D22/383)	09-VU-01417 (D22/0843)	08-VU-01460 (D22/1723)
09-VU-01422 (D22/1860)	08-VU-01303 (D22/364)	
Appeals against Impugned Order D419 (Kampot Province)¹³⁶		
PTC 112¹³⁷		
09-VU-03389 (D22/2392)	09-VU-01186 (D22/1490)	08-VU-01858 (D22/1946)
09-VU-04181 (D22/3577)		
PTC 113¹³⁸		
09-VU-01336 (D22/0647)	09-VU-01317 (D22/0636)	
PTC 114¹³⁹		

¹³³ Order on the Admissibility of Civil Party Applicants from Current Residents of Kampong Speu Province, 9 September 2010, D411 ("Impugned Order D411").

¹³⁴ Appeal against Order on the Inadmissibility of Civil Party Applicants from Current Residents of Kampong Speu Province (D411), 20 September 2010, D411/3/3 ("PTC 76").

¹³⁵ Appeal Against Orders on the Admissibility of Civil Party Applicants from Current Residents of Kampong Speu, 2 November 2010, D411/5/1 ("Appeal PTC 172").

¹³⁶ Order on the Admissibility of Civil Party Applicants from Current Residents of Kampot Province, 14 September 2010, D419 ("Impugned Order D419").

¹³⁷ *Appel des Co-avocats de parties civiles, Groupe Avocats Sans Frontières France, de l'ordonnance D419 sur la recevabilité des constitutions de parties civiles résidant dans la province de Kampot*, 27 September 2010, D419/2/1 ("Appeal PTC 112").

¹³⁸ Appeal Against Order on the Admissibility of Civil Party Applicants from Current Residents of Kampot Province, filed on 24 September 2010, D419/5/1 ("Appeal PTC 113").

08-VU-00820 (D22/448)	08-VU-01553 (D22/385)	08-VU-01775 (D22/1500)
08-VU-01776 (D22/388)	08-VU-01783 (D22/919)	08-VU-01787 (D22/1501)
08-VU-01789 (D22/923)	08-VU-01833 (D22/225)	09-VU-00576 (D22/1982)
09-VU-03790 (D22/3441)	09-VU-03870 (D22/3521)	09-VU-03874 (D22/3525)
09-VU-03876 (D22/3527)	09-VU-03880 (D22/3530)	09-VU-03882 (D22/3532)
09-VU-03896 (D22/3546)	09-VU-04254 (D22/3640)	09-VU-04257 (D22/3643)
09-VU-03793 (D22/3444)	08-VU-01785 (D22/921)	08-VU -01844 (D22/224)
08-VU-02184 (D22/478)	08-VU-02370 (D22/1147)	09-VU-00059 (D22/1720)
09-VU-00060 (D22/1719)	09-VU-00572 (D22/2080)	09-VU-00573 (D22/1979)
09-VU-00575 (D22/221)	09-VU-00619 (D22/1978)	09-VU-00621 (D22/900)
09-VU-00723 (D22/830)	09-VU-03773 (D22/3424)	09-VU-03783 (D22/3434)
09-VU-03796 (D22/3447)	09-VU-03794 (D22/3445)	09-VU-03864 (D22/3515)
09-VU-03871 (D22/3522)	09-VU-03875 (D22/3526)	09-VU-03878 (D22/3528)
09-VU-03883 (D22/3533)	09-VU-03885 (D22/3535)	09-VU-03890 (D22/3540)
09-VU-03892 (D22/3542)	09-VU-04240 (D22/3626)	09-VU-04244 (D22/3630)
09-VU-04253 (D22/3639)	09-VU-04262 (D22/3648)	08-VU-01778 (D22/945)
09-VU-00055 (D22/531)	09-VU-00622 (D22/1502)	
PTC 115¹⁴⁰		
09-VU-03797 (D22/3448)	09-VU-00261 (D22/1970)	09-VU-00262 (D22/1459)
09-VU-03761 (D22/3412)	08-VU-01832 (D22/1943)	09-VU-03863 (D22/3514)
09-VU-00062 (D22/1673)	09-VU-01426 (D22/1915)	09-VU-02063 (D22/3024)
08-VU-01828 (D22/1200)	09-VU-01427 (D22/1916)	09-VU-00703 (D22/1605)
PTC157¹⁴¹		
08-VU-02160 (D22/0098)	08-VU-02163 (D22/0215)	09-VU-00329 (D22/1815)
PTC 164¹⁴²		
09-VU-01756 (D22/2169)		
PTC 165¹⁴³		
09-VU-00926 (D22/1253)	09-VU-03359 (D22/2363)	09-VU-2104 (D22/2200)

- c. To, by majority of four judges, Judge Marchi-Uhel dissenting, overturn the Co-Investigating Judges' impugned Orders, insofar as they relate to the rejection of the civil party applicants listed in the table below; to admit their respective application and to grant them the status of civil parties in case 002;

Appeals against Impugned Order D411 (Kampong Speu Province)		
PTC 76		
09-VU-03394 (D22/2396)	09-VU-02519 (D22/2291)	09-VU-02520 (D22/2292)
09-VU-03397 (D22/3146)	08-VU-01533 (D22/0408)	09-VU-03462 (D22/3171)

¹³⁹ *Requête d'appel d'ordonnance sur la recevabilité des constitutions de parties civiles résidant dans la province de Kampot (52 requérants) Table des sources*, 27 September 2010, D419/7/1. Despite the reference to the table of authorities in the title of this document, it contains the appeal; the table of authorities is in the document entitled *Requête d'appel d'ordonnance sur la recevabilité des constitutions de parties civiles résidant dans la province de Kampot (52 requérants)*, dated 27 September 2010, D419/7/1.1 («Appeal PTC 114 »).

¹⁴⁰ Appeal against the Order on the Admissibility of Civil Party Applicants from Current Residents of Kampot Province (23 Applicants), 27 September 2010, D419/8/1 («Appeal PTC 115»).

¹⁴¹ Appeal against Orders on the Inadmissibility of Civil Party Applicants from current Residents of Kampot Province (D419), 27 October 2010, D419/10/1 («Appeal PTC 157»).

¹⁴² Appeal against Orders on the Admissibility of Civil Party Applicants from Current residents of Kampot Province (D419), 2 November 2010, D419/11/1 («Appeal PTC 164»).

¹⁴³ Appeal against Orders on the Admissibility of Civil Party Applicants from Current residents of Kampot Province, 2 November 2010, D419/12/1 («Appeal PTC 165»).

09-VU-03430 (D22/2425)	08-VU-02024 (D22/0372)	09-VU-04176 (D22/2467)
09-VU-03431 (D22/2426)	08-VU-02026 (D22/1025)	09-VU-04184 (D22/3579)
09-VU-03433 (D22/2427)	08-VU-02037 (D22/0361)	08-VU-00227 (D22/1298)
09-VU-03453 (D22/3162)	08-VU-02335 (D22/0474)	08-VU-00248 (D22/1375)
09-VU-03454 (D22/3163)	08-VU-02340 (D22/386)	08-VU-00666 (D22/363)
09-VU-03457 (D22/3166)	08-VU-02341 (D22/0407)	08-VU-01178 (D22/387)
09-VU-03458 (D22/3167)	08-VU-02345 (D22/1141)	08-VU-01295 (D22/373)
09-VU-03826 (D22/3477)	08-VU-02347 (D22/0413)	08-VU-01298 (D22/1012)
09-VU-04153 (D22/3560)	08-VU-02348 (D22/1142)	08-VU-01303 (D22/0428)
09-VU-04174 (D22/2465)	09-VU-00014 (D22/0473)	08-VU-01342 (D22/0914)
09-VU-04183 (D22/3578)	09-VU-00016 (D22/1176)	08-VU-01457 (D22/1768)
09-VU-04186 (D22/3581)	09-VU-00017 (D22/0499)	08-VU-01485 (D22/1731)
09-VU-00348 (D22/3773)	09-VU-00162 (D22/0617)	08-VU-01486 (D22/1730)
09-VU-00469 (D22/3827)	09-VU-01048 (D22/1688)	08-VU-01514 (D22/0768)
09-VU-01059 (D22/2087)	09-VU-01051 (D22/1547)	09-VU-03326 (D22/2334)
09-VU-01060 (D22/1430)	09-VU-01054 (D22/1548)	09-VU-03328 (D22/2335)
09-VU-01411 (D22/1849)	09-VU-01055 (D22/1550)	09-VU-03330 (D22/3140)
09-VU-01413 (D22/1848)	09-VU-01057 (D22/1551)	09-VU-03339 (D22/2343)
09-VU-01910 (D22/2897)	09-VU-02431 (D22/2210)	09-VU-03341 (D22/D2345)
09-VU-01911 (D22/2898)	09-VU-02432 (D22/2211)	09-VU-03344 (D22/2348)
09-VU-01912 (D22/2899)	09-VU-02433 (D22/2212)	09-VU-03345 (D22/2349)
09-VU-01915 (D22/2902)	09-VU-02434 (D22/2213)	09-VU-03347 (D22/2351)
09-VU-01916 (D22/2903)	09-VU-02435 (D22/2214)	09-VU-03348 (D22/2352)
09-VU-01917 (D22/2904)	09-VU-02514 (D22/2286)	09-VU-03351 (D22/2355)
09-VU-01918 (D22/2905)	09-VU-02518 (D22/2290)	09-VU-03352 (D22/2356)
09-VU-01919 (D22/2906)	09-VU-02428 (D22/2208)	09-VU-03353 (D22/2357)
09-VU-02427 (D22/2207)	09-VU-03316 (D22/2325)	09-VU-03354 (D22/2358)
09-VU-02430 (D22/2209)	09-VU-03319 (D22/2328)	09-VU-03356 (D22/2360)
09-VU-03321 (D22/2329)	09-VU-03324 (D22/2332)	
PTC 142¹⁴⁴		
08-VU-01230 (D22/2046)	08-VU-01443 (D22/1798)	08-VU-01228 (D22/1400)
08-VU-01293 (D22/0437)	08-VU-01550 (D22/1045)	08-VU-01229 (D22/1409)
08-VU-01300 (D22/1658)	08-VU-02052 (D22/0946)	08-VU-01231 (D22/1404)
Appeals against Impugned Order D419 (Kampot)		
PTC 112		
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09-VU-03391 (D22/2394)	09-VU-00774 (D22/1114)	09-VU-00505 (D22/0960)
09-VU-03771 (D22/3422)	09-VU-00775 (D22/1101)	09-VU-01460 (D22/2713)
09-VU-03788 (D22/3439)	09-VU-00776 (D22/0553)	09-VU-01750 (D22/2164)
09-VU-03865 (D22/3516)	09-VU-00780 (D22/0807)	09-VU-00772 (D22/0555)
09-VU-03879 (D22/3529)	09-VU-00781 (D22/0806)	
09-VU-04127 (D22/3551)	09-VU-00782 (D22/0805)	09-VU-03305 (D22/2314)
09-VU-04129 (D22/2445)	09-VU-00787 (D22/1627)	09-VU-03308 (D22/2317)
09-VU-04130 (D22/3552)	09-VU-00790 (D22/1592)	09-VU-03298 (D22/2307)
09-VU-04131 (D22/2446)	09-VU-00801 (D22/1449)	09-VU-03300 (D22/2309)
09-VU-04133 (D22/2447)	09-VU-00803 (D22/1447)	09-VU-03301 (D22/2310)
09-VU-04135 (D22/3555)	09-VU-00806 (D22/1523)	09-VU-03304 (D22/2313)
09-VU-04136 (D22/2448)	09-VU-00808 (D22/1516)	09-VU-03306 (D22/2315)
09-VU-04137 (D22/3556)	09-VU-00905 (D22/1117)	09-VU-03360 (D22/2364)
09-VU-04139 (D22/3557)	09-VU-00907 (D22/1096)	09-VU-03361 (D22/2365)

¹⁴⁴ Appeal Brief against the Order on the Admissibility of Civil Party Applicant from current Residents of Kampong Speu Province (D411), 19 September 2010, D411/4/1 (“Appeal PTC 139”).

09-VU-04140 (D22/2450)	09-VU-01175 (D22/1493)	09-VU-03363 (D22/2367)
09-VU-04143 (D22/2453)	09-VU-01176 (D22/1492)	09-VU-03364 (D22/2368)
09-VU-04144 (D22/2454)	09-VU-01177 (D22/2698)	09-VU-03365 (D22/2369)
09-VU-04147 (D22/2457)	09-VU-01179 (D22/1532)	09-VU-03366 (D22/2370)
09-VU-04149 (D22/2458)	09-VU-01180 (D22/2699)	09-VU-03368 (D22/2372)
09-VU-04245 (D22/3631)	09-VU-01181 (D22/1714)	09-VU-03369 (D22/2373)
09-VU-00770 (D22/1594)	09-VU-01182 (D22/2700)	09-VU-03371 (D22/2375)
09-VU-00771 (D22/0556)	09-VU-01184 (D22/1533)	09-VU-03375 (D22/2379)
09-VU-00772 (D22/0555)	09-VU-01188 (D22/2701)	09-VU-03376 (D22/3143)
09-VU-00773 (D22/0554)	09-VU-01189 (D22/2702)	09-VU-03377 (D22/2380)
09-VU-01327 (D22/0645)	09-VU-01190 (D22/2703)	09-VU-03378 (D22/2381)
09-VU-01331 (D22/1887)	09-VU-01191 (D22/2704)	09-VU-03379 (D22/2382)
09-VU-01332 (D22/1886)	09-VU-01192 (D22/1489)	09-VU-03381 (D22/2384)
09-VU-01335 (D22/0646)	09-VU-01307 (D22/0663)	09-VU-03383 (D22/2386)
09-VU-01338 (D22/1596)	09-VU-01310 (D22/0660)	09-VU-03385 (D22/2388)
09-VU-01340 (D22/1881)	09-VU-01311 (D22/0630)	09-VU-03386 (D22/2389)
09-VU-01424 (D22/0708)	09-VU-01312 (D22/0631)	09-VU-03387 (D22/2390)
09-VU-01425 (D22/0709)	09-VU-01313 (D22/0632)	09-VU-01322 (D22/0641)
09-VU-01319 (D22/0638)	09-VU-01314 (D22/0633)	09-VU-01323 (D22/0642)
09-VU-01320 (D22/0639)	09-VU-01318 (D22/0637)	09-VU-01326 (D22/1889)
09-VU-01433 (D22/0659)	09-VU-01459 (D22/2128)	09-VU-02107 (D22/2202)
09-VU-01434 (D22/0658)	09-VU-01461 (D22/2129)	09-VU-02108 (D22/3062)
09-VU-01435 (D22/1847)	09-VU-01462 (D22/2130)	09-VU-02109 (D22/3063)
09-VU-01436 (D22/1846)	09-VU-01465 (D22/2714)	09-VU-02110 (D22/3064)
09-VU-01438 (D22/1844)	09-VU-01467 (D22/2716)	09-VU-02111 (D22/2203)
09-VU-01440 (D22/1843)	09-VU-01468 (D22/2717)	09-VU-02112 (D22/3065)
09-VU-01442 (D22/1842)	09-VU-01752 (D22/2165)	09-VU-02132 (D22/3066)
09-VU-01445 (D22/1831)	09-VU-01753 (D22/2166)	09-VU-02237 (D22/3118)
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09-VU-01452 (D22/2121)	09-VU-01762 (D22/2763)	09-VU-03287 (D22/2296)
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09-VU-01455 (D22/2124)	09-VU-01769 (D22/2768)	09-VU-03294 (D22/2303)
09-VU-01456 (D22/2125)	09-VU-01772 (D22/2771)	09-VU-03296 (D33/2305)
09-VU-01457 (D22/2126)	09-VU-02105 (D22/3061)	08-VU-01554 (D22/384)
08-VU-01869 (D22/0731)	09-VU-00065 (D22/1669)	08-VU-01559 (D22/1007)
08-VU-01870 (D22/2650)	09-VU-00066 (D22/1664)	08-VU-01846 (D22/2649)
08-VU-01895 (D22/0467)	09-VU-00070 (D22/1538)	08-VU-01855 (D22/0733)
08-VU-01927 (D22/0767)	09-VU-00071 (D22/0955)	09-VU-00769 (D22/0557)
08-VU-01929 (D22/0950)	09-VU-00072 (D22/1610)	09-VU-00546 (D22/1106)
08-VU-01931 (D22/0951)	09-VU-00076 (D22/1035)	09-VU-00548 (D22/1237)
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08-VU-02201 (D22/1054)	09-VU-00255 (D22/1460)	09-VU-00742 (D22/1115)
08-VU-02204 (D22/1153)	09-VU-00256 (D22/1040)	09-VU-00744 (D22/1075)
08-VU-02209 (D22/1727)	09-VU-00257 (D22/1041)	09-VU-00768 (D22/1546)
08-VU-02361 (D22/1138)	09-VU-00258 (D22/1042)	09-VU-00348 (D22/1822)
08-VU-02363 (D22/0464)	09-VU-00259 (D22/1043)	09-VU-00545 (D22/1076)
08-VU-02366 (D22/0492)	09-VU-00260 (D22/1044)	09-VU-00064 (D22/1668)



08-VU-02367 (D22/1144)		
PTC 113		
08-VU-01561 (D22/1064)	09-VU-01308 (D22/0662)	08-VU-01790 (D22/1143)
09-VU-00069 (D22/2671)	09-VU-01316 (D22/0635)	08-VU-01556 (D22/1006)
09-VU-00254 (D22/1039)	09-VU-0174 (D22/2172)	09-VU-00788 (D22/1584)
09-VU-00547 (D22/1133)	09-VU-01337 (D22/1883)	09-VU-00789 (D22/1593)
09-VU-00549 (D22/1223)	08-VU-02203 (D22/0420)	08-VU-02368 (D22/0470)
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09-VU-00805 (D22/2085)	09-VU-01333 (D22/1885)	09-VU-00216 (D22/1262)
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09-VU-00758 (D22/1488)		
PTC 114		
09-VU-04252 (D22/3638)	09-VU-00620 (D22/901)	
PTC 115		
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09-VU-00626 (D22/1443)	08-VU-02199 (D22/1131)	09-VU-01428 (D22/1917)
09-VU-04251 (D22/3637)	08-VU-00830 (D22/993)	09-VU-01429 (D22/1918)
09-VU-03869 (D22/3520)	08-VU-01829 (D22/393)	
PTC 157		
08-VU-02155 (D22/1799)	09-VU-00347 (D22/1797)	09-VU-00328 (D22/1814)
09-VU-00322 (D22/1795)		

- d. To dismiss, unanimously, the Appeals, insofar as they relate to the rejection of the civil party application listed below, which has been found inadmissible.

Appeal against Impugned Order D411 (Kampong Speu Province)		
PTC 76		
08-VU-02051 (D22/0360)		

Phnom Penh, 24 June 2011

Pre-Trial Chamber



Katinka LAHUIS



NEY Thol



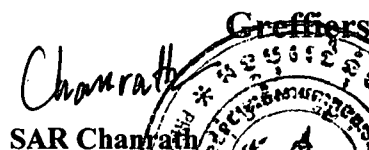
Catherine MARCHI-UHEL



HUOT Vuthy

PRAK Kimsan

Greffiers



SAR Chanrath



Antela JOSIFI



KONG Tarachhath



Anne-Marie BURNS

Judge Catherine Marchi Uhel appends separate and partial dissenting opinion.

SEPARATE AND PARTIALLY DISSENTING OPINION OF JUDGE CATHERINE MARCHI-UHEL

INTRODUCTION

1. I have read the Decision of the majority of judges (the “Majority”) in the appeals against the orders on admissibility (each, an “Impugned Order” and collectively, “the Impugned Orders”) issued by the Office of the Co-Investigating Judges (the “Co-Investigating Judges”) in respect of those victims whose applications to be a civil party to the proceedings in Case 002 were found inadmissible and who have appealed such finding to the Pre-Trial Chamber (“the Applicants” or “the Appellants”).
2. I concur with the Majority that all of the appeals are admissible. While, as detailed below, I consider that the Co-Investigating Judges have committed errors of facts and mixed errors of law and facts, I am of the view that the *de novo* review on appeal undertaken by the Majority is not warranted.
3. On the substance, these appeals are raising two major issues related to the admissibility of civil party applications. The first issue concerns the interpretation of the Internal Rules as to the link to be established between the injury suffered by the applicant and at least one of the crimes alleged against the accused. In this respect, the Majority has in my view not properly taken into account the necessary relationship between the scope of the Indictment and final determinations on civil party admissibility. Under the Internal Rules¹, a “victim” is a natural person who has suffered harm as a result of the commission of any crime within the jurisdiction of the ECCC. Any victim may file a complaint with the Co-Prosecutors pursuant to Rule 49(2). A “civil party” is a victim whose application to become a civil party has been declared admissible by the Co-Investigating Judges or the Pre-Trial Chamber. I agree with the Co-Investigating Judges and the Majority that most Applicants whose application was declared inadmissible in the Impugned Orders have demonstrated that it is plausible that they suffered harm as a direct consequence of at least one crime within the jurisdiction of the ECCC. These applicants may be considered as victims, in the sense of the Internal Rules. Not all of them, however, meet the requirements to consider their respective civil party application admissible. This is particularly so when the crime(s) they alleged to have caused their respective harm is not a crime for which the accused are indicted and I cannot agree with the import of the Majority decision in this respect. I consider that most Appellants have alleged crimes which

¹ ECCC Internal Rules (Rev. 6), as revised on 17 September 2010.



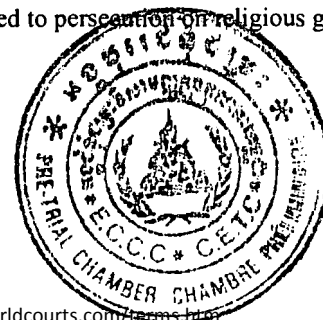
may have been committed in furtherance of one or more of the policies which according to the Indictment form part of the common purpose allegedly shared by the accused. Indeed, according to the Indictment the common purpose of the Communist Party of Kampuchea (the “CPK”) leaders was to implement rapid socialist revolution in Cambodia through a “great leap forward” and defend the Party against internal and external enemies, by whatever means necessary.² In order to achieve this common purpose, the CPK leaders *inter alia* designed and implemented the following five policies: (1) the repeated movement of the population from towns and cities to rural areas, as well as from one rural area to another; (2) the establishment and operation of cooperatives and worksites; (3) the reeducation of “bad-elements” and killing of “enemies”, both inside and outside the Party ranks; (4) the targeting of specific groups, in particular the Cham, Vietnamese, Buddhists and former officials of the Khmer Republic, including both civil servants and former military personnel and their families; and (5) the regulation of marriage.³ Further, among the phenomenon alleged to have occurred increasingly in parallel with the evolution of these policies, the Indictment describes a large phenomenon of internal purges.⁴ Importantly however, the accused are not indicted for each and every crime allegedly committed by the Khmer Rouge during the CPK regime, even as part of the above mentioned policies and/or against members of the targeted groups. In particular, for most of the crimes for which the accused are indicted, the scope of the Indictment is limited to crimes committed during three specific phases of forced movements of population and at a listed number of worksites, cooperatives, security centres and execution sites.⁵ I believe that the Majority is aware of the scope of the Indictment. However, its interpretation of the Internal Rules relevant to the admissibility of civil party applications is in my view contrary to both the spirit and the letter of the rules in question and amounts to admitting civil party applicants who are not even alleging that they suffered harm as a result of at least one of the crimes for which the accused are indicted. Because of my divergence of view with the Majority on this point, I do not agree that the Impugned Order should have been reversed in respect of the admissibility of a number of Applicants. I am appending to this Opinion an Annex giving specific reasons dealing with the individual facts of each of the Applicants in question.

² Indictment, para. 156.

³ Indictment, para. 157.

⁴ Indictment, para. 192 and following.

⁵ For an exception to this approach, see below discussion under Ground 8, related to persecution on religious grounds and Grounds 10 and 11, related to other inhumane acts through forced marriage.



4. Admitting civil parties who do not allege suffering harm from at least one crime for which the accused are indicted in Case 002 is in my view not only against the spirit and the letter of the Internal Rules but it also brings with it a number of risks, i.e. 1) undermining the role of the consolidated group of civil parties in the trial, whose legitimacy is directly resulting from the fact that they are suffering from at least one of the crimes for which the accused are indicted and whose participation aims at supporting the prosecution of these crimes and seeking collective and moral reparation for the harm caused by these; 2) delaying the process as the Co-Lead Lawyers will have to identify the interest of a group whose members are not all alleging crimes for which the accused are indicted, and this situation raises potential for unnecessary challenges by the parties before the Trial Chamber; 3) frustrating the civil parties who met the requirements of admissibility and will see these challenges delaying the trial; and 4) also frustrating the civil party wrongly admitted due to the fact that the crimes they were directly victims of would not be discussed at trial and not result in a conviction.
5. I am satisfied that there are other avenues in the Internal Rules to address the interest of victims who do not meet the requirements of admissibility as civil parties. First of all, the Co-Investigating Judges have and the Pre-Trial Chamber recognized that it is plausible that they suffered harm as a direct consequence of at least one crime within the jurisdiction of the ECCC. Second, in respect of the Applicants which I find could not be admitted as civil parties, I have endeavored in the Annex to this Opinion to address each of the crimes alleged by these Applicants which were argued in the appeal. This is not only with a view to provide a reasoned opinion, but also to give recognition to the suffering reported by these Applicants. Finally, unlike reparations which may be granted by the Trial Chamber in Case 002 to the consolidated group of civil parties, in the event that the trial leads to a conviction of one or more accused, measures envisaged by Internal Rule 12bis(3) aim at addressing the broader interest of 'victims' and are not limited to civil parties. Indeed, this rule entrusts the Victim Support Section to develop and implement programs and measures other than those of a legal nature addressing the broader interest of victims, including where appropriate in collaboration with governmental and non-governmental entities external to the ECCC. When adopting Revision 5 of the Internal Rules, the Plenary of Judges carefully reviewed the use of the term 'victims' and 'civil parties' in the respective rules and I have no doubt that the non judicial measures in question may have a broader scope and benefit to the victims in parallel to the judicial process, including to those who do not qualify as civil parties. I am convinced that the avenue offered by Internal Rule 12bis(3)

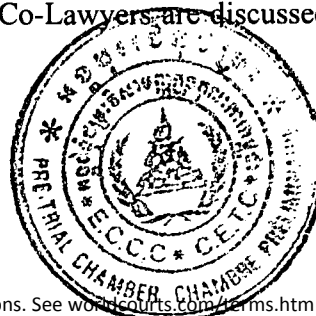


is, in respect of victims who do not even allege having suffered harm as a direct consequence of at least one crime for which the accused are indicted, one appropriate avenue for addressing the suffering(s) of this class of victims. The avenue chosen by the Majority is in my view not an appropriate one.

6. The second important issue raised by these appeals goes to the way a civil party applicant can satisfy this Chamber that he/she suffered psychological harm as a result of the alleged crime(s). In this respect, while I must admit that I do not fully understand what the Majority means by the notion of victimization it relies upon and how it actually applies to individual Applicants, I do agree that the Co-Investigating Judges have been too restrictive in their approach. I explain below why I consider that a broader class of applicants than that retained by the Co-Investigating Judges shall benefit from a presumption of psychological harm before the ECCC. Moreover, like the Majority, I consider that the circumstances which prevailed at the ECCC for Case 002 demand that the Pre-Trial Chamber accepts further statements or particulars from civil party applicants in the course of the appeals before it.

I. THE COMMON GROUNDS AND PRELIMINARY REMARKS RELATED THERETO

7. The ninety four appeals received by the Pre-Trial Chamber contain various and sundry grounds of appeal. Most grounds of appeals alleging errors of facts, errors of law or mixed errors of law and facts have been raised in several appeals, although the formulation may vary from one appeal to another ("common grounds"). Not every Applicant has raised every ground contained in this Opinion. However, given (i) the common interests of many of the Applicants, (ii) the fact that the admissibility regime as contained in the Internal Rules and further interpreted by the Co-Investigating Judges applies equally to all applications, and (iii) especially in light of the practice of the Co-Lawyers who chose to incorporate by reference the appellate arguments made in other appeals, often by other Co-Lawyers, I concur with the Majority that it is appropriate to issue one Opinion dealing with these common grounds and to issue in the form of annexes further reasons pertaining to the specific case of each Applicant, in order to ensure that the legal and factual considerations of each application and/or appeal are adequately addressed. Many of the grounds of appeal that are found in more than one appeal by the Co-Lawyers are discussed in this Opinion. In



those instances in which the Co-Lawyers have made slightly different submissions related to the same ground of appeal, I have included those submissions, as appropriate, in my discussion of the individual grounds and the submissions made in respect of that ground. As the Pre-Trial Chamber is under no obligation to consider those arguments that are plainly without merit or that are not properly pleaded by the Co-Lawyers, I have not addressed those in this Opinion. To ensure equality of treatment to all applicants who have appealed their rejection to become a civil party and a coherent approach in the management of the admissibility regime for civil parties, I have reviewed all individual applications in the light of my conclusions on the common grounds. This means that even if, in some instances, the Co-Lawyers have not raised a specific error, or have qualified it differently, I have applied my findings to the individual applicants and admitted some on the basis of grounds that were not specifically raised by their Lawyers.

8. I am of the view that there are more common grounds alleged in the appeals than the few selected by the Majority. I will therefore consider each common ground that I have identified in turn rather than following the structure adopted by the Majority in order to ensure coherence in the way my reasoning and approach to these appeals are exposed.
9. The following alleged errors of law are summarized herein for ease of reference.

(1) Ground 1: failure by the Co-Investigating Judges to provide a reasoned decision, in particular as the Co-Investigating Judges made “mass rejection orders” and violated Rule 23(3) of the Internal Rules (Rev. 3) in violation of the requirement to proceed with procedural fairness;

(2) Ground 2: erroneous restriction on the rights of civil parties;

(3) Ground 3: erroneous application by the Co-Investigating Judges of Revision 5 of the Internal Rules, and in particular the application of an incorrect interpretation of Rule 23(1)(b) of the Internal Rules (Rev. 5), Rules 21(1), 21(1)(a)(c), 23(2) of the Internal Rules (Rev. 4) and all previous revisions, thus breaching procedural fairness;

(4) Ground 4: erroneous limitation of the “scope of the investigation” by the Co-Investigating Judges and application of this restriction to the civil party applications, in particular by



restricting the scope of investigations to paragraphs 37-72 of the Introductory Submission and the Supplementary Submissions;

(5) Ground 5: erroneous construction of the terms 'injury' and 'direct consequence' under Rule 23(2)(a) of the Internal Rules (Rev. 4 and previous revisions), and Rule 23bis(1)(b) (Rev. 5) respectively, resulting in the rejection of victims who suffered injury as a direct consequence of witnessing or having knowledge of crimes within the ECCC's jurisdiction or under the scope of investigation.

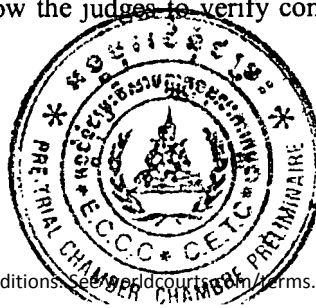
10. I have considered the alleged errors of fact that are specific to the case of individual Applicants in the Annex to this Opinion, however specific alleged errors of fact that are repeatedly raised by the Co-Lawyers will be discussed herein. These specific alleged factual errors are noted below under the heading of the general description of the error provided by the Co-Lawyers. My conclusion in relation to the facts in question applies to each appeal that contains the facts related to the alleged error, notwithstanding the fact that the Co-Investigating Judges may have found the application inadmissible for differing reasons. Failure to list the alleged error of fact under every ground retained by the Co-Investigating Judges does not affect my consideration of the facts and the alleged error or the final determinations made for each applicant regarding the same.

(6) Ground 6: erroneous conclusions of fact drawn by the Co-Investigating Judges in rejecting the applications on the basis of insufficient information when there was in fact sufficient information in the applications to allow the judges to verify compliance with Rules 23bis (1) and (4) of the Internal Rules, as applied to the following: the Applicant alleges that he was forcibly evacuated from a town to the countryside and the Co-Investigating Judges were seised of the facts related to such evacuation upon receipt of the Introductory or Supplementary Submission by the Co-Prosecutors;

(7) Ground 7: erroneous conclusions of fact drawn by the Co-Investigating Judges in rejecting the applications on the basis of insufficient information when there was in fact sufficient information in the applications to allow the judges to verify compliance with Rules 23bis (1) and (4) of the Internal Rules, as applied to the following: killings in other sites than those listed;

(8) Ground 8: erroneous determination by the Co-Investigating Judges that the Applicant did not establish the necessary causal link between the harm and the crimes alleged against the accused, as applied to the following crime: persecution on religious grounds;

(9) Ground 9: erroneous conclusions of fact drawn by the Co-Investigating Judges in rejecting the applications on the basis of insufficient information when there was in fact sufficient information in the applications to allow the judges to verify compliance with



Rules 23*bis* (1) and (4) of the Internal Rules, as applied to the following: the Applicant alleges that he or she experienced persecution on political grounds related to purges of Khmer Republic officials and their families, and, in the alternative, erroneous determination by the Co-Investigating Judges that the applicant did not establish the necessary causal link between the harm and the crimes alleged against the accused, as applied to the following crime: persecution on political grounds related to purges of Khmer Republic officials and members of their families.

11. At this juncture, I wish to stress that while the Co-Investigating Judges knew the content of the Closing Order⁶ they were about to issue when they issued the Impugned Orders, this was not the case for the Appellants. As the “Factual Findings of Crimes” section of the Indictment is more detailed than the “Crimes” section of the Introductory Submission, the Indictment may thus contain elements in support of the Appellants’ claims that demonstrate that the Co-Investigating Judges erred in declaring certain civil party applications inadmissible. I have therefore considered the merits of the appeal made by each Applicant by reviewing the specific situation of each Applicant in light of the crimes for which the accused have been indicted in the Indictment and those portions of the Factual Findings of Crimes in the Indictment that are related to the crimes for which the accused have been indicted. The Co-Investigating Judges also had the authority in the course of the judicial investigation to narrow the crimes charged from those that were recommended by the Co-Prosecutors. Therefore the Indictment may exclude certain facts relevant to the admissibility of a civil party application that are found in the “Crimes” section of the Introductory Submission. This narrowing from the Introductory Submission to the Indictment will impact on the admissibility of the application in question.
12. In addition to the preliminary remark related to crimes and errors of fact in the preceding paragraph, I note that it is important to bear in mind that the standard of review for the appeals made against the Impugned Orders permits the Pre-Trial Chamber to consider not only whether the Co-Investigating Judges have committed an error of law or an error of fact but also any mixed error of law and fact in their interpretation of admissibility criteria and the application of such criteria. The Co-Investigating Judges were guided by Rules 12, 12 *bis*, 21, 23, 23 *bis*, 23 *ter*, 49, 53, 55, 56(2)(a), 66 and 100 of the ECCC Internal Rules (Rev. 5), the Practice Direction on Victim Participation, Cambodian Law⁷ and

⁶ Since the Closing Order issued by the Co-Investigating Judges contains an indictment and the appeals against it have been adjudicated by the Pre-Trial Chamber and the accused are indicted, in the remainder of this Opinion and its Annex I will use the term Indictment when referring to the Closing Order unless otherwise required.

⁷ Impugned Orders, page 2 and paragraphs 13, 15-16, referring to the Cambodian Penal Code, Article 13 and the Cambodian Code of Criminal Procedure (the “CPC”), Articles 13, 138 to 142.



the determinations of other courts or adjudicatory bodies that permit victim or civil party participation in order to apply the guidelines found in the Internal Rules to the situation of civil party applicants. I recognise that the task before the Co-Investigating Judges necessitated adopting both the findings or standards and the rationale or logic behind such findings or standards of other bodies to make determinations on these civil party applications. I also note that due to the particular circumstances of some victims seeking recognition as civil parties, the Co-Investigating Judges had to make determinations in many cases without full information. As I reviewed the Appeals, I have noted that the following constitute possible mixed errors of law and fact identified by the Co-Lawyers or *ex officio* and I have treated them as such:

- (9) Ground 10: erroneous use and application of a presumption of psychological harm for members of the direct and extended family of an immediate victim;
- (10) Ground 11: erroneous treatment by the Co-Investigating Judges of a presumption of psychological harm applicable to certain members of the direct family of the immediate victim of forced marriage.

II. MERITS: ERRORS OF LAW

Ground 1: Failure to Provide a Reasoned Decision Resulting in Procedural Unfairness

13. The Co-Lawyers allege that in making “mass rejection orders” the Co-Investigating Judges erred in law and violated Rules 23(3) and (4) of the Internal Rules (Rev. 3) as well as the obligation to proceed with procedural fairness including by providing reasoned decisions. This ground of appeal is supported by the following particular arguments. First, the Appellants criticise particular sections of the Impugned Orders, including paragraphs 22 and 24, inclusive of footnotes, and Annex 3 thereto, which identify the specific ground on the basis of which each particular applicants have been rejected. They state that the Appellants are obliged to guess which, if any, of the general reasons contained in paragraphs 4 to 18 of the Impugned Orders could or should apply to them. In addition, they submit that paragraphs 15-18 of the Impugned Order cannot amount to ‘reasons’ for rejection of the civil party applications and further note that the Impugned Orders may not contain specific reference to the details provided by each applicant in their respective Victim Information Form and in supplementary materials.

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14. I agree with the Co-Lawyers and the Majority that an order rejecting the admissibility of a civil party application must be reasoned. The Co-Lawyers correctly note that this requirement, made explicit in earlier versions of the Internal Rules, is only implicit in Revision 5. Notwithstanding the revisions that have been made to the Internal Rules, the requirement to provide a reasoned decision remains and attaches to any order or decision for which a party has a right of appeal. This requirement exists, in part, to facilitate an appeal by the applicant whose application was rejected. Such applicant must be informed, in sufficient detail, of the reason(s) for the rejection and may thus decide whether or not to appeal and on what grounds. This requirement also enables the appellate body to conduct an effective appellate review.⁸
15. I disagree with the Co-Lawyers and the Majority that the Impugned Orders fail to provide sufficient reasoning in support of the finding of inadmissibility of the civil party applications. The Co-Investigating Judges devote an entire section of the Impugned Orders entitled “II- Reasons for the Decision” to expose their reasoning. The section is divided into two parts. The first section, entitled “Guiding Principles,” contains the Co-Investigating Judges’ description of the level of proof and sufficiency of information required, the existence of harm and of psychological harm in particular, and the causality link required between the harm and the crimes alleged against the charged persons. Next, the Co-Investigating Judges apply the Guiding Principles to the circumstances of each civil party application in a section entitled “Individual Assessment of Civil Party Applications.” This entire section of each Impugned Order unambiguously contains the reasoning of the Co-Investigating Judges. I observe that the inclusion of the legal standards applied to civil party applications in the “Reasons for the Decision” section, including the inclusion of those standards that relate to only certain civil party applicants, does not mitigate or diminish the fact that the Co-Investigating Judges have provided reasoning for rejecting each of the Applicants in each Impugned Order.
16. I did not experience any difficulty in understanding the reasons for the rejection of the civil party applications. The Co-Investigating Judges were not required to make specific reference to the submissions in each Victim Information Form and in any supplementary information related to each Applicant. The reasoning provided by the Co-Investigating Judges is adequate and allows each

⁸ See for instance in relation to appeals against orders on request for investigative action and appeals pursuant to Rule 74(3)(b), Decision on the Ieng Thirith Appeal Against ‘Order on Request for Investigative Action by the Defense for Ieng Thirith’ of 15 March 2010, 14 June 2010, D353/2/3, para. 23.



Applicant to file an appeal in respect of the rejection of his or her application. My finding that the Impugned Order is reasoned is of course independent of any analysis as to whether the reasons provided by the Co-Investigating Judges are legally or factually accurate.

Ground 2: Erroneous Restriction on the Rights of Civil Parties

17. The Co-Lawyers have raised a series of arguments on appeal concerning the general treatment of civil parties before the ECCC. They have labeled specific aspects of their treatment and the general status of civil parties and their counsel by the Co-Investigating Judges as constituting an error of law. I note that not all general arguments on treatment made by the Co-Lawyers are considered herein as many are made in unclear and imprecise terms. The Pre-Trial Chamber is under no obligation to consider such arguments; as such, I will summarize and assess only those arguments which in my view warrant consideration. These arguments include the following allegations by the Appellants: (i) they were not interviewed pursuant to Internal Rule 59; (ii) the facts they reported, which were beyond the scope of investigation, were not communicated to the Co-Prosecutors in accordance with Internal Rule 55; (iii) their rights were infringed owing to material and financial constraints, notably the fact that they were assigned lawyers at the eleventh hour and that they were not granted additional time to provide additional information; and (iv) the information they were given during the judicial investigation was insufficient.
18. Regarding the first issue raised as a general argument, I note that while civil party applicants are interviewed by the investigating judge in the ordinary course under the civil law system,⁹ Internal Rule 59 – which quite clearly derives from the context of the ECCC, in particular, the exceptionally large number of people that could potentially file a civil party application – permits an interview by the Co-Investigating Judges but does not require it. Furthermore, the scope of the facts that potentially fall within the ECCC's jurisdiction renders it impossible for the Co-Investigating Judges to investigate all facts, which limitation is seemingly acknowledged by the Appellants who concede that the Co-Investigating Judges *could not* investigate every fact within the jurisdiction of the ECCC. I therefore dismiss any argument that the Co-Investigating Judges committed an error of law because they did not interview every civil party applicant.

⁹ See CPC, Article 150.



19. Next, regarding the second issue raised as a general argument, I recall that, as a matter of procedure, the Co-Prosecutors limit the scope of the judicial investigation to certain facts of which they have knowledge at a given time. This is accomplished by selecting which facts to submit to the Co-Investigating Judges in the Introductory Submission and any supplementary submissions. In their general arguments concerning an alleged failure by the Co-Investigating Judges to remit facts to the Co-Prosecutors that were beyond the scope of the investigation, the Appellants do not specify whether the facts they allege to be the cause of their injury – which the Co-Investigating Judges found to be distinct from the ones of which they were seised – amount to new facts that the Co-Investigating Judges must have disclosed to the Co-Prosecutors, pursuant to Internal Rule 55(2).¹⁰ The fact that no supplementary submission was issued on the facts in question does not exempt an Appellant from satisfying the requirement set out in Internal Rule 23bis(1)(b), namely that an applicant must demonstrate that he or she in fact suffered physical, material or psychological injury as a direct consequence of at least one of the crimes alleged against the Charged Person, as further explained below. The vagueness of the argument made by the Appellants renders it defective and it does not merit additional consideration. I finally note that the Co-Prosecutors have access to all information provided by civil party applicants and could expand the scope of the judicial investigation on that basis, as necessary.
20. As to the third issue raised as a general argument concerning the facilities afforded to the Appellants to support their civil party applications, I note that the deadline for filing civil party applications was 29 January 2010, corresponding to 15 days after the closing of the judicial investigation.¹¹ The Co-Investigating Judges however authorised the Applicants to file supplementary information in relation to their initial civil party applications, in consideration of the press release of 5 November 2009 on the scope of the judicial investigation in Case File 002.¹² While they initially set the deadline to 29 April

¹⁰ I note that the Co-Investigating Judges applied the procedure required by Rule 55(2) in relation to several factual circumstances, including the evacuation of Siem Reap in April 1975: Forwarding Order, 29 February 2008, D77.

¹¹ Press Release entitled “Conclusion of the Judicial Investigation in Case 002/19-09-2007-ECCC-OCIJ”, 14 January 2010; Memorandum of the Co-Investigating Judges, 27 January 2009, D337.

¹² OCIJ Press Release entitled “Statement from the Co-Investigating Judges on the Judicial Investigation of Case 002/19-09-2007-ECCC-OCIJ and Civil Party Applications dated 5 November 2009, at http://www.eccc.gov.kh/english/cabinet/press/138/ECCC_Press_Release_5_Nov_2009_Eng.pdf (the “OCIJ Press Release on the Scope of the Investigation”). In the OCIJ Press Release, the Co-Investigating Judges stated that the scope of the investigations can be understood as various crime sites and acts against the population. The Press Release states that “[i]f a victim wishes to become a civil party, his/her alleged prejudice must be personal and directly linked to one or more factual situations that form the basis of the ongoing judicial investigation.”



2010¹³, they later extended it to 30 June¹⁴. I note many applicants filed a power of attorney reflecting the designation of counsel and provided supplementary information in relation to their initial applications. I note, in particular, that in those appeals in which the Co-Lawyers challenge the process of the Co-Investigating Judges, they have not specifically alleged that an Appellant has not filed a power of attorney or provided supplementary information because they were unable to do so. In light of these circumstances, I find that the Co-Investigating Judges did not commit an error of law. I similarly find that there has been no infringement of the Appellants' Rule 21(1) rights as separately alleged by certain Co-Lawyers.

21. In addition to the general argument made in respect of facilities and treatment, the Co-Lawyers note that 799 applicants were not designated counsel until 2 August 2010.¹⁵ These applicants were unable to provide supplementary information prior to 30 June 2010. The Co-Lawyers emphasize that by failing to take this into account, the Co-Investigating Judges placed these appellants in a situation of inequity compared to other applicants. I recognize that the belated assignment of lawyers could have made it challenging for the applicants in this situation to support their respective applications. This is particularly true owing to the Co-Investigating Judges' refusal to grant the Co-Lawyers additional time to obtain and submit additional information in support of the application after designation in August 2010. I observe that not all of the Co-Lawyers who made this general argument on appeal filed a request to submit additional information or filed additional information without a request being made to the Pre-Trial Chamber, as was suggested by the Co-Investigating Judges. Nor have the Co-Lawyers filed a request for additional time to this end. Upon consideration of the argument advanced by the Co-Lawyers with respect to the difficulties caused by the eleventh hour designation of counsel, I find that there has been no demonstration that the Co-Investigating Judges' either (i) committed an error of law culminating in the determination that an application was inadmissible or (ii) committed an error of law in finding the applications inadmissible.

22. The Co-Lawyers have further alleged that they were not provided with sufficient information throughout the course of the judicial investigation. The Co-Lawyers allege that the Co-Investigating Judges have breached their obligation to ensure procedural fairness to civil party applicants through

¹³ Press Release entitled "Co-Investigating Judges Set Deadline for Supplementary Information from Case 002 Civil Party Applicants", 25 February 2010.

¹⁴ Memorandum of the Co-Investigating Judges, 29 April 2010, D337/6.

¹⁵ Order on the Organisation of Civil Party Legal Representation under Rule 23^{ter} of the Rules, 2 August 2010, D337/10.



their conduct and management of the civil party admissibility regime. In support of this claim, the Co-Lawyers cite the changing deadlines and various pronouncements of the Co-Investigating Judges and note that for multiple years, civil society groups, including volunteers, worked with applicants to complete applications without a full understanding of the final admissibility regime and without knowing the scope of the investigation, which was publicly disclosed on 5 November 2009. The Co-Lawyers have appealed what they have deemed an unfair determination of a matter, in particular the lack of certainty and clarity afforded to them in contravention to their expectation that the matter would be handled in a predictable and defined manner. While I do not fully endorse the management of the civil party admissibility regime by the Co-Investigating Judges, I consider that the Majority has not properly taken into account the relationship between the scope of the judicial investigation and final determinations on civil party admissibility. Since civil party status should only be afforded, at the pre-trial stage, to applicants who can demonstrate the appropriate causal link between the harm and a crime charged and, on appeal, for which an accused is indicted in the Closing Order, it was not possible for the Co-Investigating Judges to know with certainty, prior to the issuance of the Closing Order, precisely which applicants would be found admissible and which would not. In this respect, civil party lawyers face a difficulty that is similar to that faced by the Co-Investigating Judges – the very conduct of an impartial judicial investigation means that it is not possible to know in advance exactly which offenses will form part of any indictment. The factual parameters of the offenses for which a charged person may be indicted will move, which will cause the civil party lawyers to supplement the applications of their clients as the target is moving. This moving target is shared by the Co-Investigating Judges. If civil parties choose to file an application at an early stage of the investigation, they may still file supplementary materials in support of their application. I have noted above that civil parties were directed by the Co-Investigating Judges to file, if necessary, additional supplementary materials on appeal. The task of the civil party lawyers may be difficult, but the process is not unfair as the civil party lawyers have several opportunities to present the best case possible for their clients at different stages of the investigation, including as the judicial investigation neared completion. I accordingly find that the complaints of the civil party lawyers as to the method by which they received information, the timeline for receipt of information and the procedural unfairness resulting therefrom, should have been dismissed.

23. In any event, in fairness to the Applicants and considering the difficulties that some lawyers may have met in assisting their clients in filing their applications, the Pre-Trial Chamber has accepted as

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validly filed further information provided by the Applicants as an annex to the appeal or incorporated therein. It has, in some cases, even invited the lawyers to submit additional information, notably in cases where a proof of identification was lacking, or to clarify certain information contained in the application.

Ground 3: Erroneous Application of Revision 5 of the Internal Rules

24. The Co-Lawyers allege that the Co-Investigating Judges erroneously applied Revision 5 of the Internal Rules in determining the admissibility of civil party applications thereby adversely impacting on the applicants. The Co-Lawyers argue that Revision 5 was not in force at the time of the filing of the civil party applications and that the prior rule, Rule 23(2) (Rev. 4), contained broader criteria for admissibility. They submit that to apply Revision 5 to the civil party applications violates the requirement for procedural fairness. They further submit that the Internal Rules in force at the time when an application is filed should be applied in any determination of civil party status.¹⁶
25. In addition to positing that the “rule” to be applied should be the “rule” in force at the time of the filing of the application, the Co-Lawyers explain that Rule 23(2) (Rev. 4) provided that the right to participate in a civil action could be exercised by victims of a crime within the jurisdiction of the ECCC and that in order for an application to be admissible, the injury had to be a) physical, material or psychological; and b) the direct consequence of the offence, personal and have actually come into being.¹⁷ According to the Co-Lawyers, the entry into force of Rule 23bis (1)(b) of the Internal Rules on 9 February 2010 (Rev. 5) expressly limits civil party participation to victims who suffered injury as a direct consequence of at least one of the crimes alleged against the charged persons.¹⁸ The Co-Lawyers submit that the application of Revision 5 results in a substantial restriction of the rights of victims and, as such, should not be retroactively imposed on those applicants whose applications were filed prior to 9 February 2010. They challenge the validity of the Pre-Trial Chamber’s prior decision in which the Pre-Trial Chamber unanimously found that both versions of the Internal Rules “provide that for a civil party action to be admissible, the Civil Party Applicant shall *inter alia* demonstrate that he or she has suffered injury as a direct consequence of at least one of the crimes

¹⁶ See for example Appeal against Order on the admissibility of Civil Party Applicants from current residents outside the Kingdom of Cambodia (D404), 15 September 2010, D404/1/3 (Appeal PTC77), paras 12-14. Similar submissions are also made *inter alia* in the appeals filed in cases PTC73, 80, 81, 86, 108, 118, 141.

¹⁷ Internal Rules (Rev. 4), 11 September 2009 (emphasis added).

¹⁸ Internal Rules (Rev. 5), 9 February 2010 (emphasis added).



alleged against the charged person.”¹⁹ They argue that Rule 23(2)(b) of Revision 4 of the Internal Rules does not restrict the possible meaning of the term “the offence” to solely those crimes alleged against a charged person, which restriction has been made explicit in Revision 5. In support of this argument, they rely on jurisprudence of the International Criminal Court (the “ICC”) according to which Rule 85 of the ICC Rules of Procedure and Evidence does not have the effect of restricting the participation of victims to those who demonstrate a link to the crimes charged.²⁰

26. I have considered this alleged error of law and the Internal Rules and have concluded that the Co-Lawyers are incorrect in their submission that the application of Revision 5 was erroneous and prejudicial to the applicants. Revisions 4 and 5 of Rule 23 and 23bis contain two admissibility requirements, which in my view are equivalent in the two versions of the rules.
27. The first requirement concerns jurisdiction. Rule 23(2) of Revision 4 and Rule 23(1) of Revision 5 refer to this jurisdictional requirement by specifying that civil parties may only participate in proceedings against those responsible for crimes within the jurisdiction of the ECCC by supporting the prosecution.
28. The second requirement is that the injury alleged must be the direct consequence of the offence or crime alleged against a charged person(s). While Rule 23bis(1)(b) of Revision 5 is certainly more explicit in this respect, the requirement in Rule 23(2)(b) of Revision 4 that the injury be the direct consequence of “the offence” is without a doubt referring to the offence charged. The second requirement reflects the requirements for eligibility as a civil party according to traditional civil law notions that have been partially adopted and applied at the ECCC. As such, the comparison with the ICC Rules and practice is not determinative. Indeed, in the Cambodian and French systems, a civil party applicant may participate in criminal proceedings in two ways: the victim can either initiate the public action by filing a complaint with a request to become a civil party (“*plainte avec constitution de partie civile*”)²¹ or join proceedings initiated by the Prosecutor by way of intervention.²² In the

¹⁹ The Appellants refer to Decision on Appeals Against Co-Investigating Judges’ Combined Order D250/3/3 Dated 13 January 2010 and Order D250/3/2 Dated 13 January 2010 on Admissibility of Civil Party Applications, 27 April 2010, D250/3/2/1/5 (“Decision on Combined Order”), para. 29.

²⁰ Rule 85 provides, in pertinent part, that “victims means natural persons who have suffered as the result of the commission of any crime within the jurisdiction of the Court.” Rules of Procedure and Evidence of the ICC, U.N. Doc. ICC-ASP/1/3 (2002) (“ICC Rules”), Rule 85.

²¹ CPC, Article 138; French Code of Criminal Procedure (‘French Code’), Articles 1, 2 and 85.

²² CPC, Article. 137; French Code, Article 87.



two cases, there is necessarily a link between the harm alleged by the civil party in his or her application and the crime for which the accused is prosecuted at trial. As emphasized by the Co-Investigating Judges in the Impugned Orders, “[under the ECCC procedure], contrary to the Cambodian Criminal Procedure, an applicant cannot launch a judicial investigation simply by being joined as a Civil Party: being limited to action by *way of intervention*, he or she may only join ongoing proceedings through the application, and not widen the investigation beyond the factual situations of which the *Co-Investigating Judges are seized by the Co-Prosecutors (in rem seisin)*.”²³ In other words, at the ECCC, the prosecution has sole authority to delimit the scope of all potential criminal proceedings against a suspect in each case by filing an Introductory and Supplementary Submissions at the investigative stage and prosecutes within the confines of the indictment at the trial stage and beyond. As a consequence, a civil party application, to be found admissible, has to fall within the ambit of the crimes the Co-Prosecutors have elected to prosecute and that are ultimately part of the Indictment issued by the Co-Investigating Judges. The second requirement is thus consistent with the purpose of a civil party action at the ECCC, which is to support the prosecution. Furthermore, the fact that the cost of moral and collective reparations that may be awarded to the civil parties shall be borne by the convicted person is an additional reason for civil party status to be restricted to those victims whose applications are found to relate to those crimes of which a charged person may ultimately be convicted.²⁴

29. The two requirements for admissibility are cumulative. If a civil party alleges an injury as a direct consequence of a crime charged but it is determined that the ECCC has no jurisdiction over the crime in question, the civil party application is inadmissible, unless the conduct that allegedly caused the injury also forms part of another crime for which the ECCC has jurisdiction. Equally, if the civil party applicant alleges an injury as a direct consequence of a crime falling within the jurisdiction of the ECCC but for which no indictment has been issued by the Co-Investigating Judges, the civil party application is inadmissible. I find that none of the arguments raised by the Co-Lawyers under this ground of appeal are cogent reasons to depart from the Pre-Trial Chamber’s prior decision that

²³ See for instance Impugned Order D417, para. 16.

²⁴ See Rule 23 (11) of Revision 4 and Rule 23 *quinquies* of Revision 5. Revision 6 of the Internal Rules entered into force on 17 September 2010. Rule 23 *quinquies* (3) of Revision 6 provides that in addition to the traditional regime which permits the Trial Chamber to order that the convicted person bear the costs of an award, the Trial Chamber may elect to recognise that a specific project appropriately gives effect to the award sought by the Lead Co-Lawyers and may be implemented. In order to be eligible for such recognition by the Trial Chamber, the project shall have been designed or identified in cooperation with the Victims Support Section and have secured sufficient external funding.



both Rule 23(2) of Revision 4 and Rule 23bis(1)(b) of Revision 5 provide that “for a civil party action to be admissible, the Civil Party Applicant shall *inter alia* demonstrate that he or she has suffered injury as a direct consequence of at least one of the crimes alleged against the Charged Person(s).”²⁵ For the aforementioned reasons, I consider that this ground of appeal should have been rejected.

Ground 4: Erroneous limitation of the “scope of the investigation” and application of this restriction to the civil party applications

30. The Co-Lawyers have alleged that the Co-Investigating Judges erred in fact in constructing the definition of “scope of the investigation” and in law by requiring that admissibility be linked to the “scope of the investigation.”²⁶ I consider that this ground is properly considered as a ground of appeal concerning an alleged error of law, as the relationship between the matters which may be investigated and charged and civil party participation is a matter of law. It is upon the establishment of the contours of this relationship that the determination to be made by the Co-Investigating Judges or Pre-Trial Chamber becomes a matter of fact.
31. The Co-Lawyers refer to the clarification made on 13 August 2008 by the Co-Prosecutors in response to a Forwarding Order from the Co-Investigating Judges²⁷ concerning the scope of the investigation requested (the “Co-Prosecutors’ Response”).²⁸ The Co-Lawyers argue that the Co-Investigating Judges’ restriction of the matters that fall within the scope of the investigation to only parts of the Introductory and Supplementary Submission(s) and not incorporating each submission in its entirety is contrary to the Co-Prosecutors’ Response and has no basis in the Internal Rules or

²⁵ Decision on Combined Order, para. 29. See also, Confidential Decision on the Appeal Against the Order Declaring Civil Party Application [REDACTED] Inadmissible, 1 June 2010, D364/1/3 (“PTC 53”), separate opinion of Judges NEY Thol, Catherine MARCHI-UHEL and HUOT Vuthy (the “Opinion”), para. 1, in which the three judges noted, adopting by reference the Decision on Combined Order, that the terms in question are no more stringent than those of Rule 23(2)(b) as they stood when the Appellant filed her Civil Party Application.

²⁶ See for example Appeal PTC77, paras 53-65. Similar submissions are made *inter alia* in the appeals filed in cases PTC73, 78, 80, 85, 108, 116, 118, 141.

²⁷ Forwarding Order, 8 August 2008, D98.

²⁸ Co-Prosecutor’s Response to the Co-Investigating Judges Request to Clarify the Scope of the Judicial Investigation Requested in its Introductory and Supplementary Submissions, 13 August 2008, D98/1 (the “Co-Prosecutors’ Response”), para. 2. In this response, the Co-Prosecutors clarify that the judicial investigation requested is not limited to the facts specified in paragraphs 37 to 72 of the Introductory Submission and paragraphs 5 to 20 of the Supplementary Submission but extends to all facts, referred to in these two Submissions, provided these facts assist in investigating (a) the jurisdictional elements necessary to establish whether the factual situations specified in paragraphs 27 to 72 and 5 to 20 respectively, constitute crimes within the jurisdiction of the ECCC or (b) the mode of liability of the Suspects named in the Introductory Submission.



Cambodian law.²⁹ The Co-Lawyers challenge the definition of the term “scope of the investigation” used by the Co-Investigating Judges as unduly restricted to the sites and acts described under the heading “Crimes” of the Introductory Submission, which corresponds to paragraphs 37 to 72, or the facts contained in any Supplementary Submission. The Co-Lawyers also submit that this interpretation is contrary to a prior decision of the Pre-Trial Chamber.³⁰ They argue that admission should not be limited to those applicants who can show a link between the harm suffered and a crime described in the enumerated paragraphs of the Introductory Submission or any Supplementary Submission. They submit that civil party status should also extend to applicants who can demonstrate a link between the harm suffered and facts found in other sections of the Introductory Submission, including under the heading “Participation and Knowledge.” The Co-Lawyers submit that due to this unduly restrictive interpretation of the parameters of the scope of the investigation, the Co-Investigating Judges erred in declaring the civil party applications of many applicants inadmissible on the ground that “they do not establish a link between the harm suffered and areas under the ‘scope of investigation’”.

32. This ground of appeal appears to conflate two distinct notions, i.e. the scope of the investigation and the crimes for which the charged persons have been charged and subsequently indicted. In light of the Co-Prosecutors’ Response, I agree with the Co-Lawyers that the former is broader than the latter since the scope of the judicial investigation is not limited to the facts specified under the heading “Crimes” of the Introductory Submission (paragraphs 37 to 72) and the First Supplementary Submission (paragraphs 5 to 20)³¹ but extends to all facts, referred to in these submissions, provided

²⁹ The Co-Lawyers sometimes refer to Rule 55(2) of the Internal Rules and Article 125 of the CPC, which reads: “The investigating judge is seized with the facts specified in the introductory submission. The investigating judge shall investigate only those facts.

If during a judicial investigation, new facts susceptible to be qualified as a criminal offense arise, the investigating judge shall inform the Prosecutor. The Prosecutor can ask the investigating judge to investigate the new facts by making a supplementary submission. If there is no such supplementary submission, the investigating judge has no power to investigate the new facts.

However, if the new facts only constitute aggravating circumstances of the facts already under judicial investigation, no supplementary submission is required.”

³⁰ The Co-Lawyers refer to PTC 53, in particular paragraph 16 of the Opinion of Judges PRAK Kimsan and Rowan DOWNING.

³¹ Co-Prosecutors’ Supplementary Submission Regarding the North Zone Security Centre, 26 March 2008, D83 (“First Supplementary Submission”). I consider that paragraphs 12-20 of the First Supplementary Submission, found under the heading “II. Context of Crimes”, contain information that exceeds the “facts” alleged by the Co-Prosecutors in the First Supplementary Submission under “Crimes” In the first paragraph of the First Supplementary Submission, the Co-



that these facts assist in investigating a) the jurisdictional elements necessary to establish whether the factual situations, specified in paragraphs 37 to 72 and 5 to 20 respectively, constitute crimes within the jurisdiction of the ECCC, or b) the mode of liability of the Suspects named in the Introductory Submission.³² As the Co-Prosecutors' Response was issued prior to the issuance of several supplementary submissions, the Co-Prosecutors' Response was logically restricted to specifying only the relevant paragraphs of the submissions in existence as of the date of the Co-Prosecutors' Response, 13 August 2008, as pertaining to the scope of the investigation. It is self-evident that the clarification provided by the Co-Prosecutors' Response applies to subsequent supplementary submissions.³³

33. In the context of civil party participation, during the judicial investigation, the *scope of the investigation* is relevant in particular to determine whether investigative actions can be undertaken by the Co-Investigating Judges on their own initiative or upon request by a party.³⁴ During the investigative stage of proceedings, a civil party may request the Co-Investigating Judges to undertake an investigative action which it deems necessary for the conduct of the investigation, even if it goes beyond the material facts alleged by the Co-Prosecutors as underlying the crimes charged, provided it remains within the broader scope of the investigation as determined by the Co-Prosecutors.³⁵ In contrast to the relatively wide range of matters that fall within the scope of the

Prosecutors ask the Co-Investigating Judges to investigate crimes it has reason to believe were committed and that are described in paragraphs 5-11 of the First Supplementary Submission. Thereafter, however, the Co-Prosecutors implicitly affirmed in the Co-Prosecutors' Response that paragraphs 12-20 of the First Supplementary Submission are also to be considered factual situations constituting the alleged crimes. The Pre-Trial Chamber does not have the authority to change the scope of the investigation set by the Co-Prosecutors. The Chamber cannot either modify the crimes charged in the Closing Order if it disagrees with the Co-Prosecutors' decision to include paragraphs 12-20 of the First Supplementary Submission in the directions it issued in the Co-Prosecutors' Response.

³² Co-Prosecutors' Response, para. 2.

³³ See, e.g. Co-Prosecutor's Supplementary Submission Regarding Genocide of the Cham, 31 July 2009, D196, paras 3-23. See also, Co-Prosecutors Response to the Forwarding Order and Supplementary Submission, 30 April 2009, D146/3, para. 2; Further Authorization Pursuant to Co-Prosecutor's 30 April 2009 Response to the Forwarding Order of the Co-Investigating Judges and Supplementary Submission, 5 November 2009, D146/4; Further Statement of Co-Prosecutors Regarding 30 April 2009 Response to the Forwarding Order of the Co-Investigating Judges and Supplementary Submission, 26 November 2009, S146/5 and Co-Prosecutors' Clarification of Allegations Regarding five Security Centres and Execution Sites Described in the Introductory Submission, 11 September 2009, paras 3-13. The inclusion of the crimes in the paragraphs listed above from supplementary submissions of the Co-Prosecutors must be read alongside the crimes charged in the Indictment.

³⁴ Decision on Combined Order, paras 17, 48, 51.

³⁵ Rule 55(10) gives the civil parties (and civil party applicants) the right to make requests to the Co-Investigating Judges for investigative action. In the Decision on Combined Order, the Pre-Trial Chamber affirmed that civil parties and civil party applicants have no standing for requesting investigative actions for "new facts" unless they are included by the Co-Prosecutors in a supplementary submission. Decision on Combined Order, para. 48. "New facts" are facts that go beyond the material facts alleged by the Co-Prosecutors in an existing submission and are therefore not subject to investigation by the Co-Investigating Judges without the issuance of a supplementary submission by the Co-Prosecutors. The Co-Prosecutors'



judicial investigation which may be the subject of a request for investigative action, the admissibility of a civil party application is strictly dependant on his or her ability to establish that the harm suffered is a direct consequence of at least one of the crimes charged.³⁶

34. I note that there is ambiguity in this respect in the Impugned Orders, which seem to treat both notions as interchangeable, which is not the case. When identifying the applicable standard, the Impugned Orders elaborate on the requirement of, on the one hand, a “causality link between the harm and the crimes alleged against the charged persons”³⁷ and, on the other hand, demonstrating that the “alleged harm results only from facts for which the judicial investigation has already been opened.”³⁸ Moreover, the Co-Investigating Judges find that the necessary causal link between the harm alleged by the Co-Lawyers and the facts under investigation was not established to the extent that the reported facts are in their entirety distinct from those of which the Co-Investigating Judges are seized and no circumstances allow them to consider the possibility of a direct link between the alleged injury and the alleged crimes under investigation.³⁹ As stressed above, the link that must be made by the civil party applicants is to a crime charged and not to (i) the broader scope of the investigation, (ii) facts for which the judicial investigation has already been opened, or (iii) facts under investigation.

35. I have considered the arguments made by the Co-Lawyers concerning PTC 53 and concede that paragraph 4 of the separate opinion of Judges MARCHI-UHEL, HUOT and THOL (“the PTC 53 Opinion”) may have caused the Co-Lawyers to believe that civil party applications establishing a causal link between the harm alleged and a fact contained in the Introductory Submission under the heading “Participation and Knowledge” would be found admissible irrespective of whether such facts are the material facts alleged by the Co-Prosecutors as underlying the particular crimes recommended for charging by the Co-Prosecutors and, since the Closing Order has been issued, for which the accused have been indicted. This interpretation was not intended. As one of the authors of

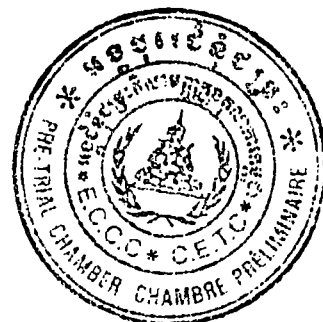
Response clarifies that matters which may be investigated during the judicial investigation are not limited to the material facts underlying the crimes charged. It is implicit that they must, however, be within the scope of the investigation, as determined by the Co-Prosecutors in the Introductory and Supplementary Submissions and as clarified in the Co-Prosecutors’ Response. As previously confirmed by the Pre-Trial Chamber, civil parties and civil party applicants may, during the judicial investigation, make a request under Rule 55(10), and thereby cause the investigation of such matters, with due regard for the discretion of the Co-Investigating Judges.

³⁶ Rule 23bis (b) of the Internal Rules. See also Decision on Combined Order, para. 51.

³⁷ Impugned Orders, page 7 (title of heading for (A)(iii)).

³⁸ Impugned Orders, para. 18.

³⁹ Impugned Orders, para. 24.



the PTC 53 Opinion, I believed that the facts contained in paragraphs 88(d) and (e) of the Introductory Submission were also found within the material facts in the “Crimes” section of the Introductory Submission, specifically under either of the following headings: “Forced Labour, Inhumane Living Conditions and Unlawful Detention” or “Killing, Torture and Physical and Mental Abuse.” The PTC 53 Opinion was implicitly based on this mistaken understanding.

36. With the issuance of the Indictment, I now have the occasion to consider that while many factual references in the Introductory Submission not enumerated as “Crimes” in paragraphs 37-72 re-appear as material facts underlying the crimes for which the accused are indicted, this is not the case for all facts that can be found in the Introductory Submission, any supplementary submission or the Indictment.⁴⁰ For instance, the Co-Prosecutors did not plead the facts alleged by the applicant in the case PTC 53 (detention and ill-treatment directed against staff of the Ministry of Foreign Affairs at the Ministry building) as material facts of a crime charged in paragraphs 37-72 of the Introductory Submission (or in a supplementary submission). Since the Co-Investigating Judges cannot expand the crimes for which the investigation is conducted as set by the Co-Prosecutors, the applicant in PTC 53 could not succeed in her application to be a civil party.

Ground 5: Erroneous construction of the terms ‘injury’ and ‘direct consequence’ under Rule 23(2)(a) of the Internal Rules (Rev. 4 and previous revisions), and Rule 23bis(1)(b) (Rev. 5) respectively,

⁴⁰ I note that as the Appellants have carefully parsed the decision of the Pre-Trial Chamber in PTC 53, an examination of the position of such applicant may prove instructive in demonstrating the relationship between admissibility of civil party applicants in light of the crimes charged in the Indictment, the information provided by applicants in civil party applications and the facts contained in the Introductory Submission and any Supplementary Submissions, as such submissions delineated the scope of the judicial investigation. The applicant in PTC 53 alleged harm as a result of her arrest at the Ministry of Foreign Affairs (“the Ministry”). In the Introductory Submission in the section titled Participation and Knowledge of the charged person IENG Sary (paragraphs 87-88), the Co-Prosecutors state that IENG Sary allegedly facilitated, planned, supervised and coordinated the arrest and execution of individuals within the Ministry (Introductory Submission, para. 88 (d)). Some persons who were detained at the Ministry were subsequently confined, tortured and suffered other forms of ill-treatment when they were sent to re-education sites such as the Ministry’s M-1 Office of Boeung Trabek and Chraing Chamres (Introductory Submission, para. 88(e)). The applicant was not transferred to Boeung Trabek or Chraing Chamres. The authors of the PTC 53 Opinion found that based on the facts contained in her application, she failed to prove that she was under arrest at the Ministry (Opinion, para. 4). The authors of the PTC 53 Opinion took note of the fact that her freedom of movement was severely curtailed but determined that she was not subject to an “arrest proper” (PTC 53 Opinion, para. 4). The authors noted that her experience, namely the confinement, torture and ill-treatment she suffered as a staff member of the Ministry could be linked to a crime within the scope of the investigation had she endured such experiences in one of the locations that are part of the crimes to be investigated in the Co-Prosecutors’ submissions. Since the Co-Prosecutors specify in the Introductory Submission that staff of the Ministry were subject to ill-treatment at “various detention centres, such as the Ministry’s M-1 Office at Chraing Chamres and Boeung Trabek” and not at the Ministry itself, the authors of the PTC 53 Opinion could not conclude that the harm suffered by the applicant was linked to the crimes for which the charged person was under judicial investigation (PTC 53 Opinion, paras 4-5).



resulting in the rejection of victims who suffered injury as a direct consequence of witnessing or having knowledge of crimes within the ECCC's jurisdiction or under the scope of investigation.

37. The Co-Lawyers have alleged that the Co-Investigating Judges erred in rejecting the applications of victims who claim that they suffered psychological harm as a direct consequence of witnessing a crime. The Applicants have specified that the Co-Investigating Judges found the applications in question inadmissible because they misconstrued and wrongly applied the requirement of "injury suffered as a direct consequence of a crime." These Appellants rely on ICC case law according to which "psychological trauma as a result of 'witnessing events of an exceedingly violent and shocking nature' may qualify a person to acquire the status of a victim."⁴¹ Paragraph 14 of the Impugned Orders addresses the situation of civil party applicants who witnessed crimes and this discussion closely follows the Co-Investigating Judges' discussion of the attachment of a presumption of having suffered psychological harm for certain categories of applicants and in respect of certain crimes. Having found that there is a presumption of psychological harm for the members of the direct family of the immediate victim (parents, children, spouse and siblings of the direct victim), the Impugned Order concludes as follows for civil party applicants who witnessed crimes:

"Therefore the personal psychological harm alleged as a consequence of the murder or disappearance of a next of kin will be more easily admissible than in relation to forced marriage or religious persecution. Similar reasoning must apply a fortiori to simple witnesses of facts under investigation: psychological harm has a dimension and character distinct from the emotional distress that may be regarded as inevitably caused to witnesses of crimes of this nature and their application will be rejected unless they have witnessed events of an exceedingly violent and shocking nature."⁴²

38. As a preliminary note, I stress that I have *ex officio* considered the use of presumptions by the Co-Investigating Judges in this Opinion (see Grounds 10 and 11). While the Co-Investigating Judges have not cited any authority in support of their implicit finding that persons having witnessed events of an exceedingly violent and shocking nature may qualify as civil parties, the Co-Investigating Judges have in fact adopted the language of ICC jurisprudence referred to by the Appellant. Given the context in which the above-mentioned finding is made, I understand it to mean that such persons are presumed to have suffered psychological injury as a result of witnessing such events. I agree

⁴¹ The Applicants refer to the following decision from the ICC: Situation in Uganda, Prosecutor v. Joseph Kony *et al.*, Decision on Victims' Applications for Participation A/0010/06, a/0064/06, to a/0070/06, a/0081/06 to a/0104/06 and a/0111 to a/0127/06, 10 August 2007, ICC-02/04-01-01/05-252, paras 27 and 31, 36 and 40.

⁴² Impugned Orders, para. 14(d).



with such finding. I find, however, that the Co-Investigating Judges erred in finding that the applications of witnesses of crimes charged will be rejected unless they have witnessed events of an exceedingly violent and shocking nature. I am not satisfied that witnesses of events underlying the crimes charged but other than of an exceedingly violent and shocking nature may under no circumstances qualify as civil parties. Indeed, this class of applicants should be able to choose to adduce evidence to establish that it is plausible that they suffered psychological injury as a direct consequence of the crime committed against the immediate victim. I am of the view that the Co-Investigating Judges erred in finding that the application of such class of applicants will be rejected unless they have witnessed events of an exceedingly violent and shocking nature.

39. In the case of those persons who seek admissibility as witnesses of events not considered as being of an exceedingly violent and shocking nature, I find that the Applicant must adduce evidence to establish that it is plausible that he or she suffered psychological injury as a direct consequence of the crime committed against the immediate victims. By way of example, certain Co-Lawyers have produced, on appeal, statements from an Applicant who witnessed the evacuation of Phnom Penh. The Applicant states that he was very scared when he witnessed crimes taking place because he believed that the people he saw being separated were going to be killed. I have no reason to doubt that this statement is genuine and I consider given the circumstances of the case that this is sufficient to make it plausible that the Applicant suffered psychological injury as a direct consequence of the crime committed against immediate victims of the evacuation of Phnom Penh. However, whilst I have accepted statements made by the lawyers for the Appellants stated to be directly upon instruction from their client, I have not accepted speculations from lawyers as to their belief as to how their clients were affected psychologically.
40. The Co-Lawyers also submitted that “by extension” of previous findings concerning suffering caused to victims from witnessing events under investigation, persons, including extended family members and others living abroad, who had knowledge of crimes committed against persons in Cambodia, can equally be considered as entitled to a presumption that they have suffered direct psychological harm stemming from this knowledge. I recall that in my view the link to be established between such class of applicants would in any event be between the injury suffered and the crimes for which the accused are indicted, rather than with the broader scope of events under investigation. The situation of a person witnessing a crime is not necessarily equivalent to that of a



person having knowledge of crimes, by other means than having witnessed the commission of crimes against their relatives. For the reasons indicated below (Grounds 10 and 11), I am of the view that members of the family of the immediate victim are presumed to have suffered psychological injury as a result of the crime committed against their relative. There is therefore no need to address separately the impact of knowledge by an applicant that a member of his/her family was the immediate victim of a crime for which the accused are indicted.

III. MERITS: ERRORS OF FACT

Ground 6: Insufficient Information – Forced Transfer

41. Many Applicants allege that the Co-Investigating Judges erred in finding that they had provided insufficient information to satisfy the requirements of Rules 23bis(1) and 23bis(4) as they have described being relocated from their town to the countryside. I have, where possible, reviewed the submissions, applications and supplementary material to determine whether the Applicant provided sufficient information to find it plausible that he or she satisfies the requirements of the Internal Rules. Broadly speaking, I observed that those Applicants who stated that they experienced the forcible transfer of the population as charged in the Indictment as phase 2 and phase 3 made explicit such link to the crimes as described in the Introductory and Supplementary Submissions and the Indictment.
42. However, I observed that many Applicants did not describe their experience in such detail, and instead merely stated they were forcibly transferred in April 1975.⁴³ The Co-Lawyers' arguments made on behalf of these Applicants failed to specify, in the affirmative or the negative, whether the Applicants experienced forcible transfer as charged in the Indictment. The question of whether the Co-Prosecutors intended, in the Introductory Submission, to limit the facts to be investigated concerning forcible transfer in April 1975 to the forcible evacuation of the population of Phnom Penh to the countryside or, alternatively, extended to the proffered charge of forcible evacuation of other cities of Democratic Kampuchea in April 1975 or thereabouts, has been clarified by the Co-Prosecutors.⁴⁴ In response to the direct questions asked by the Co-Investigating Judges in the

⁴³ I consider that Phases 2 and 3 of the movements of population would not be applicable as those incidents of forced transfer occurred outside the temporal descriptions provided by this category of applicant.

⁴⁴ First Supplementary Submission, para. 4. This clarification was made following the Forwarding Order issued on 3 March 2008 by the Co-Investigating Judges, D77 (the "Forwarding Order").



Forwarding Order about the possible ambiguity of paragraphs 37-39 of the Introductory Submission, the Co-Prosecutors clarified as follows:

“[p]aragraphs 37-39 of the Introductory Submission constitute *a request to investigate only the forcible transfer of people from Phnom Penh (as stated in the title heading which precedes those paragraphs)*. Paragraph 39 describes the origin of the policy that led to the evacuation and simply notes that the policy was applied to all cities in Cambodia, not just Phnom Penh (emphasis added).”⁴⁵

43. In light of the above clarification, there is no doubt that the matter of which the Co-Investigating Judges were seised did not include the forcible evacuation of cities other than Phnom Penh in April 1975. Therefore, I find that any Applicant seeking admission on appeal related to the forcible transfer of the population in 1975 from towns other than Phnom Penh to the countryside, and other than as specified in the Indictment as forming part of phase 2 or phase 3, cannot succeed on appeal on the basis of this ground.

Ground 7: Insufficient Information – killings in other sites than those listed

44. A number of Applicants allege that the Co-Investigating Judges erred in finding that they had provided insufficient information to satisfy the requirements of Rules 23bis(1) and 23bis(4) as they had alleged a crime of murder of the same nature than those charged, but committed in another worksite, cooperative, security center or execution site than those specifically listed in the charging documents and ultimately the Indictment.

45. In reviewing this argument, I have noticed a discrepancy between the Khmer and French versions of the second sentence of paragraph 1373 of the Indictment containing legal findings regarding the crime against humanity of murder committed at execution sites and security centers, on the one hand, and its English version, on the other hand. While the English version states that the legal elements of the crimes against humanity of murder have been established and that the facts in question concern the persons killed at a number of enumerated execution sites and security centres, the French and Khmer versions of the same paragraph use an expression suggesting that the list of execution sites and security centres in question is open ended.⁴⁶ No such discrepancy exists between

⁴⁵ First Supplementary Submission, para. 4.

⁴⁶ The French version of the second sentence of para. 1373 states that “[c]es faits concernent les personnes tuées dans les sites d’exécution tels que [...]” akin to the Khmer version which state that “អង្គហេតុទាំងនេះពាក់ព័ន្ធជាចំបងទៅនឹងជនដែលត្រូវបាន



the three versions of the Indictment in relation to murder at worksites and cooperatives as well as during phases 1 and 3 of population movements and in relation to the treatment of Buddhists, Vietnamese and the Cham, as the Indictment makes it clear that only those killings that occurred at the specific sites or in the course of the specific events or circumstances listed are charged.

46. I find that the ambiguity resulting from the contradiction pertaining to the second sentence of paragraph 1373 is lifted when reading it in conjunction with paragraph 178 of the Indictment. In that paragraph, the Co-Investigating Judges state that approximately 200 security centres and countless execution sites had been established, located in every Zone throughout Cambodia as part of the five policies to implement and defend the socialist revolution including the reeducation of “bad-elements” and the killing of “enemies”, both inside and outside the Party ranks and stress that they are *seized of eleven security centres* (S-21 security centre, Au Kanseng security centre, Koh Kyang security centre, Kok Kduoch security centre, Kraing Ta Chan security centre, North Zone security centre, Prey Damrei Srot security centre, Phnom Kraol security centre, Sang security centre, Wat Kirirum security centre, Wat Tlorck security centre) and *three execution sites*, in addition to Choeng Ek, related to S-21: (Execution Sites in District 12, Steung Tauch and Tuol Po Chrey execution sites).⁴⁷ In light of this explicit language, I have no doubt that the killings for which the accused are indicted for the crime against humanity of murder committed in execution sites and security centres are limited to those committed in the sites listed in paragraph 1373. Therefore, I find that an applicant can only succeed in his or her appeal if he or she provides sufficient information to make it plausible that the alleged murder occurred at one of the specific sites or during one of the events listed in the Indictment.

Ground 8: Failure to Establish the Necessary Causal Link: Persecution on Religious Grounds

i) Persecution on religious grounds of the Buddhists

សម្លាប់នៅតាមកន្លែង សម្លាប់មនុស្សទាំងឡាយ [...]”. This language in the French and Khmer versions suggests that killings in execution sites *such as* the one listed would be charged, which is not reflected in the English version whereby it is stated that “[t]hese facts concern the persons killed at execution sites in District 12, [...]”. The execution sites and security centers in question are execution sites in District 12, Steung Tauch, Tuol Po Chrey and Choeng Ek; and in security centres Koh Kyang, Kok Kduoch, Kraing Ta Chan, the North Zone security centre, Phnom Kraol, Au Kanseng, Prey Damrei Srot, S-21, Sang, Wat Kirirum and Wat Tlorck.

⁴⁷ Indictment, para. 178.



47. The Co-Lawyers have appealed the rejection of Applicants who suffered harm caused by persecution on religious grounds and the alleged limitation of the findings of the Co-Investigating Judges of the harm to monks and their immediate relatives. I note that in the Indictment section containing the Factual Findings of Crimes related to the treatment of Buddhists, the Co-Investigating Judges find that the “CPK adopted a policy of *prohibiting Buddhism and the practice of Buddhism*” (emphasis added).⁴⁸ In addition to alleging (i) the destruction of many pagodas and sanctuaries or their conversion for other purposes such as serving as security centres, pig pens, dining halls, hospitals or warehouses; (ii) the destruction of images of Buddha; (iii) the prohibition of lighting incense; (iv) the incitement to hatred of monks and nuns, and (v) the dissemination of related propaganda, in the same paragraph of the Indictment, the Co-Investigating Judges specifically allege on the basis of witness testimony that:

“immediately after the Khmer Rouge took control of this area, *they forbid religions*. They did not allow ceremonies or alms giving. The monks were all forced to leave the monkhood. The unit chiefs, the village chiefs, and the subdistrict chiefs announced that *religious beliefs were not permitted*” (emphasis added).⁴⁹

48. The next paragraph alleges that virtually all Buddhist monks and nuns were disrobed and that some of them were threatened with death or killed if they did not comply.⁵⁰ Finally, the same section of the Indictment alleges that the “abolition of religion” occurred throughout every area of Cambodia during the CPK regime.⁵¹

49. The section of the Indictment containing Legal Findings in respect of the persecution of Buddhists alleges that:

“religious persecution has been established throughout every zone in Cambodia including at the following sites (...). *Buddhism was prohibited*. Pagodas and sanctuaries were destroyed, or converted for other purposes, and images of Buddha were destroyed. Virtually all Buddhist monks and nuns were defrocked and some monks were threatened with death or killed if they did not comply.”⁵²

50. In light of the very broad terms of the charge, i.e. the prohibition of Buddhism throughout every zone in Cambodia charged as an act underlying the crime of persecution on religious grounds, I am

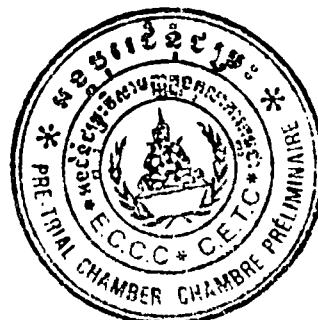
⁴⁸ Indictment, para. 740.

⁴⁹ Indictment, para. 740.

⁵⁰ Indictment, para. 741.

⁵¹ Indictment, para. 743.

⁵² Indictment, para. 1421.



of the view that it is not necessary for an application to allege having suffered harm as a result of crimes committed against monks, as retained by the Co-Investigating Judges, but that having suffered from the prohibition of Buddhism, as described above, is sufficient for an applicant to be admitted as a civil party. The only relevant question in respect of applicants who have alleged that they should be admitted on the basis of religious persecutions of Buddhists is whether it is plausible that they suffered the alleged psychological harm as a result of one of the acts underlying the crime of persecution on religious grounds of Buddhists for which the accused are indicted, including the general prohibition to practice Buddhism. The role of religion in the life of its adherents is personal and not capable of universal qualification. As such, it is to be expected that individuals will have varying reactions to the prohibition of their religion. As a result of the inherently subjective nature of the exercise of and importance placed upon religion by individuals, and especially as viewed by others, I will consider the merits of an appeal based on this ground by determining whether there is any information before the Pre-Trial Chamber to cause me to have reason to believe that an applicant is not genuine in making a statement concerning the harm he suffered as a result of the prohibition of Buddhism, as charged by the Co-Investigating Judges. If I have no reason to believe that an applicant is not genuine in such an assertion, I will conclude that it is plausible that he is a direct victim of the crime of persecution as charged because it is plausible that he suffered psychological harm as a direct consequence of the prohibition of Buddhism. In these instances, I find that the Co-Investigating Judges erred in finding applications inadmissible.

ii) Persecution on religious grounds of the Cham population

51. Similarly, a number of civil party applicants, members of the Cham community, submit that the Co-Investigating Judges erroneously failed to find the existence of a link between their harm and the crimes charged because they unduly restricted on a geographical basis the admissibility of civil party applications alleging persecution against the Cham population. They argue that such restriction is not justified by the relevant Supplementary Submission. I agree and consider that the Co-Investigating Judges erred in fact in doing so for the reasons expressed below.
52. The Co-Investigating Judges indicated in a number of Orders on the Admissibility of Civil Party Applicants that they considered that they were only authorized to investigate crimes in relation to the treatment of the Cham population – according to the Communist Party of Kampuchea’s system of



identifying administrative boundaries – in the Central and Eastern Zones and in context of the forcible transfer of population (phase 2), as described in paragraph 41 of the Introductory and paragraphs 3-23 of the Supplementary Submission (D196).⁵³ I am of the view that this geographical limitation is indeed unambiguously contained in the section of the Introductory Submission related to the “Forcible transfer to the North and Northwest Zones : Phase 2”, whose paragraph 41, related to the transfer of members of the Cham population, reads:

“Among those forcibly removed were members of the Cham ethnic and religious minority. In 1975, the Cham population in Democratic Kampuchea was concentrated in Kampong Chhnang and Pursat. Beginning in late 1975, the CPK forcibly moved the Cham population from their villages and forcibly dispersed them throughout ethnically Khmer villages. Tens of thousands of Cham were forcibly moved to the North and Northwest Zones as part of a specific policy designed to “break [the Cham] up.” This took place in a number of locations including Koh Sotin sub-district, Koh Sotin district, Kampong Cham province and Koh Thom district, Kandal province. This forced movement, and the systematic discrimination that accompanied it, resulted in the death of many Cham (footnote omitted)⁵⁴.”

53. This limitation however does not apply to forms of persecution other than forcible transfer retained in the Co-Prosecutors’ Supplementary Submission Regarding Genocide of the Cham.⁵⁵ Indeed, in spite of its title, the Supplementary Submission in question is not limited to the supplementary submission that in 1977 and 1978 the policy became genocide in that whole communities of the Cham were gathered and victim of mass execution with a view to destroy, in whole or in part, their ethnic and religious group. The Supplementary Submission also extends the investigation to various acts which it alleges amount to persecution of the Cham on religious and ethnic grounds. These acts are described at paragraphs four to six of the Supplementary Submission, in a section entitled “Persecution of the Cham”. It firstly refers to acts of forcible transfer of members of the Cham population from the above mentioned regions.⁵⁶ It secondly refers to the ban of “reactionary” religions, including Islam, by the DK Constitution and to the fact that “Cham were forbidden to partake in any Islamic duty (*vachip*), such as praying (*sambayang*), fasting, alms giving or any other religious ceremony or funeral. They were banned from possessing Islamic texts, which were

⁵³ See for instance, Order on the Admissibility of Civil Party Applicants from Current Residents of Kampot Province, 14 September 2010, D419, para. 26, rejecting on that basis the civil party applications of sixty-four applicants in relation to the treatment the Cham minority in Kampot province.

⁵⁴ Introductory Submission, 18 July 2007, D3, para. 41.

⁵⁵ Co-Prosecutors’ Supplementary Submission Regarding Genocide of the Cham, 31 July 2009, D196 (the “Cham Supplementary Submission”).

⁵⁶ Cham Supplementary Submission, para. 4, referring specifically to the forcible transfer of Cham population from Kang Meas, Kroch Chhmar and Koh Sotin districts of Kampong Cham province.



collected and burnt by Khmer Rouge cadres. Many mosques were damaged or destroyed. The CPK targeted Cham Muslim religious and political leaders, as well as those Cham who refused to renounce their religion, for execution.”⁵⁷ “The Cham language was prohibited, as was wearing traditional Cham attire (the *sarong*, *fez* and *makhna*, a long prayer garment for women) and using Cham names. The Cham were forced to commit acts strictly forbidden by their faith (*haram*), such as eating pork, and Cham women were forced to cut their hair short, and were not allowed to use the traditional covering for their heads. Failure to follow these rules could result in execution.”⁵⁸ I note that these forms of persecution other than the forcible movements of the Cham population are not limited by the Supplementary Submission to specific geographical areas.

54. Furthermore, I note that the Co-Investigating Judges have themselves followed the same approach in the Indictment in relation to these forms of persecution. They have not been limited to specific geographical areas but rather cover the whole country. Indeed, the Indictment states at paragraph 756 in the Factual findings of crimes related to the treatment of Cham between 1975 and 1977, that “[w]itnesses (Cham and non-Cham) from throughout Cambodia consistently state that the CPK banned the practice of Islam and forbade the Cham from praying, seized and burned Qurans, closed or destroyed mosques, or used them for other purposes such as communal dining halls, store houses, or facilities for pigs. Many witnesses (with the exception of three amongst them) state that Cham were forced to eat pork. Religious leaders and learned Islamic scholars were arrested and/or killed. Cham women were forced to cut their hair and were prohibited from covering their heads. The Cham language was prohibited. Cham traditional dress was prohibited.” The Indictment’s section containing legal findings related to religious persecution further states:

“1419. As regards religious persecution, Buddhists and Chams were systematically targeted for persecution on a widespread basis. Buddhist and Cham people were targeted on discriminatory grounds, due to their membership of the group. The acts described below constituted violations of their fundamental rights.

1420. The elements of the crime of religious persecution of the Cham have been established (see the sections regarding “**Treatment of the Cham**”, **phase 2 of the movement of population and the “1st January Dam**”). There was a country-wide suppression of Cham culture, traditions and language. The

⁵⁷ Cham Supplementary Submission, para. 5.

⁵⁸ Cham Supplementary Submission, para. 6.



CPK banned the practice of Islam and forbade the Cham from praying, seized and burned Qurans, closed or destroyed mosques, and forced Cham people to eat pork. Religious leaders and learned Islamic scholars were arrested and killed. Cham women were forced to cut their hair and were prohibited from covering their heads. Cham communities were broken up and Cham people were forcibly moved throughout Cambodia and dispersed among other communities.”

55. In light of these provisions, I am of the view that the Co-Investigating Judges erred in rejecting civil party applications alleging forms of persecutions related to the treatment of Chams other than their forcible transfer on the basis of geographical limits which both the relevant Supplementary Submission and the Indictment only establish in relation to forced transfers.

Ground 9: Failure to Establish the Necessary Causal Link: Purges/Persecution on Political Grounds

56. The Co-Lawyers have appealed the determination of inadmissibility for several applicants by arguing that the Co-Investigating Judges erred in declaring inadmissible the civil party applications of certain applicants because the prejudice they allege resulted from purges. The Co-Lawyers have noted that the 5 November 2009 Statement from the Co-Investigating Judges⁵⁹ included purges as within the scope of the investigation, and defined the term “purge” as an act against a group “conducted by the Democratic Kampuchea regime and in particular in the (Old and/or New) North Zone in 1976 and (New) North Zone in late 1976 and early 1977, and in the East Zone in 1978.”⁶⁰

57. The Co-Prosecutors have clarified that the scope of the judicial investigation is not limited to the facts specified under the heading “Crimes” of the Introductory Submission (paragraphs 37 to 72) and the First Supplementary Submission (paragraphs 5 to 20)⁶¹ “but extends to all facts, referred to in these two Submissions, *provided* these facts assist in investigating a) the jurisdictional elements necessary to establish whether the factual situations, specified in paragraphs 37 to 72 and 5 to 20 respectively, constitute crimes within the jurisdiction of the ECCC or b) the mode of liability of the Suspects named in the Introductory Submission.”⁶² In so far as purges are concerned, in particular, it is clear that the scope of investigations included, as forming part of the common plan, the targeting of former officials of the Khmer Republic (both of civil servants and former military personnel and

⁵⁹ OCIJ Press Release on the Scope of the Investigation.

⁶⁰ OCIJ Press Release on the Scope of the Investigation.

⁶¹ First Supplementary Submission.

⁶² Co-Prosecutors’ Response, para. 2.



their families)⁶³ and that the purges involved searches and executions resulting therefrom. The Co-Prosecutors submitted that beginning in 1976, these searches and executions were committed against ordinary soldiers and minor officials.⁶⁴ The Introductory Submission contains the following information related to the treatment of former Khmer Republic officials: in relation to the crimes of (1) forced evacuation of the population (Phase I), paragraph 38 discusses the searches and executions carried out by CPK troops of former Khmer Republic government officials and military officers; (2) Forced Labour, inhumane living conditions and unlawful detention, e.g. in the Southwest Zone, paragraph 43 discusses the following acts committed at the cooperatives in Tram Kok District against former Khmer Republic officials and soldiers being discriminated against, spied upon, arrested and executed; and (3) killing, torture and physical and mental abuse, e.g. in Kratie Sector, Kok Kduoch Security Centre, paragraph 63 notes that prisoners included former Khmer Republic officials.

58. The Indictment states that the legal elements of the crime against humanity of persecution on political grounds have been established in the following instances and that the facts cover nearly all the sites within the scope of the investigation, namely: phases 1, 2 and 3 of the population movements; the worksites 1st January Dam, Kampong Chhnang Airport, Prey Sar, Srae Ambel, the Tram Kok Cooperatives and the Trapeang Thma Dam; the security centres at Koh Kyang, Kok Kduoch, Kraing Ta Chan, the North Zone, Phnom Kraol, Au Kanseng, Prey Damrei Srot, S-21, Sang, Wat Kirirum, and Wat Tlork; and the execution sites at Choeng Ek and in District 12, Steung Tauch and Tuol Po Chrey.⁶⁵ As to groups targeted, it further specifies that:

“[t]he CPK authorities identified several groups as “enemies” based on their real or perceived political beliefs or political opposition to those wielding power within the CPK. Some of these categories of people, such as former ranking civilian and military personnel of the Khmer Republic, were automatically excluded from the common purpose of building socialism. As for junior officials of the former regime, some were arrested immediately after the CPK took power, because of their allegiance to the previous government, and many were executed at security centres such as S-21 and at **Tuol Po Chrey**. The entire population remaining in towns after the CPK came to power was labelled as “new people” or “17 April people”, and subjected to harsher treatment than the old people, with a view to reeducating them or identifying “enemies” amongst them. Intellectuals, students and diplomatic staff who were living abroad were recalled to Cambodia and, upon arrival, were sent to reeducation camps or to S-21. The categories of

⁶³ Introductory Submission, para. 12.

⁶⁴ Introductory Submission, para. 12(a).

⁶⁵ Indictment, paras 1415-1416.



so-called “enemies” continued to expand over time. Moreover, the identification of people as targets for persecution, on the basis that anyone who disagreed with the CPK ideology was excluded, amounts to persecution on political grounds.⁶⁶

In **cooperatives and worksites**, and during **population movements**, real or perceived enemies of the CPK were subjected to harsher treatment and living conditions than the rest of the population. Also, they were arrested *en masse* for reeducation and elimination at **security centres and execution sites**.⁶⁷

59. I stress that it is within the discretion of the Co-Investigating Judges to decide not to charge every instance of persecution on political grounds that may have occurred between 17 April 1975 and 6 January 1979. Upon review of the Indictment, I consider that the instances comprising the charge of persecution on political grounds, as pleaded, are those that encompass the material facts identified in the Factual Findings of Crimes. Therefore, any Applicant who alleged persecution on political grounds but not as charged in the Indictment, in particular purges of Khmer Republic officials and their families, and is seeking admission on appeal on the basis of an alleged error committed by the Co-Investigating Judges in rejecting the application for failing to (i) establish the necessary causal link between the harm and crime alleged, (ii) provide sufficient information for the Co-Investigating Judges to verify compliance with Rules 23*bis*(1) and (4) of the Internal Rules, or (iii) any other ground, cannot prevail on appeal on the basis of this ground.
60. The same rationale applies in relation to purges of the Old and New North Zone⁶⁸ as well as of the East Zone.⁶⁹ The Indictment describes purges in these Zones in the Factual Findings of Joint

⁶⁶ Indictment, para. 1417.

⁶⁷ Indictment, para. 1418.

⁶⁸ The Indictment (paras 193-198) specifies that purges started following the decision of 30 March 1976 to conduct “smashings” inside the revolutionary ranks and were implemented *inter alia* by mass killings of Party members in the North Zone and in Sector 106, from the end of 1976. This escalated dramatically in early 1977 and continued until the end of that year. Inside the North Zone, the implementation of this 30 March 1976 decision led to the arrests of high-level cadres in late 1976, which were sent to S-21 and were made to produce confessions under torture implicating other cadres. This led to a sharp increase in the scope of the purges of alleged traitors from Sector 106 who arrived at S-21 beginning early 1977. Lower-ranking victims of the purge were executed locally and replaced by Southwest Zone cadre that had been sent to assist in the purge by relatives of Ke Pork. The purges of the North Zone continued until 1978.

⁶⁹ The Indictment (paras 199-203) specifies that purges of the East zone started from mid-1976 with the arrest, interrogation and torture of former cadres of Sector 24, and of East Zone Division 170, followed by a series of arrests of East Zone cadre, many of whom were sent to S-21 through 1977. In March 1978, a massive escalation of purges of East Zone cadre and combatants occurred in Svay Rieng in Sector 23. This was followed by even more arrests and executions in May-June 1978 in other parts of the East Zone. Purges of remaining East Zone cadres, and of cadre who, although operating outside the East Zone were originally from the East Zone, including in various Ministries such as the Ministry of Social Affairs, continued through to the end of the CPK regime. Some of these cadres were sent from the East Zone to S-21 while others were killed on the spot or moved to other parts of the country. Many other East Zone or ex-East Zone cadre and combatants were sent for “reeducation” at worksites such as the Kampong Chhnang Airport construction site. Further facts relating to the East Zone



Criminal Enterprise.⁷⁰ It states that the term “purge” means to politically purify by means of a range of sanctions, from being demoted or reeducated, to being smashed. It adds that this applied to both members of the Party and non-members and that a number of situations under investigation may be described factually as purges.⁷¹ I note that all facts that formed part of the phenomena of purges during the Regime do not necessarily amount to crimes and that in so far as the Co-Investigating Judges claim that they do, including illegal detention, torture, forced labour and executions, the findings of facts supporting those of these crimes which have been charged are to be found in the Factual Findings of Crimes, to which the relevant legal findings refer.⁷² The link to be established by an Appellant is between the alleged harm and the criminal acts that are alleged to have taken place in the worksites, cooperatives, detention centers and execution sites as well as during the relevant phases of population movements retained in the Indictment. In my view, any Applicant who alleged a harm resulting from purges in the Old/New North Zone or in the East Zone but not as charged in the Indictment, and is seeking admission on appeal on the basis of an alleged error committed by the Co-Investigating Judges in rejecting the application for failing to (i) establish the necessary causal link between the harm and crime alleged, (ii) provide sufficient information for the Co-Investigating Judges to verify compliance with Rules 23bis(1) and (4) of the Internal Rules, or (iii) any other ground, cannot succeed on appeal on the basis of this ground.

IV. MERITS: MIXED ERRORS OF LAW AND FACT

Grounds 10 and 11: Erroneous use and application of a presumption of psychological harm for members of the direct and extended family of an immediate victim and erroneous treatment by the Co-Investigating Judges of a presumption of psychological harm applicable to certain members of the direct family of the immediate victim of forced marriage

i) General scope of the presumption of psychological harm

purges are set out the section of the Indictment regarding S-21, Kampong Chhnang airport, Steung Tauch execution site and the movement of people from the East Zone (Phase 3).

⁷⁰ Indictment, paras 193-204.

⁷¹ Indictment, para. 192.

⁷² See for instance in relation to executions, paras 1373 and 1381 concerning the underlying crimes of murder and extermination as crimes against humanity.



61. The Co-Lawyers also appealed against the Impugned Orders on the basis that the Co-Investigating Judges erred in excluding siblings of a direct victim from the benefit of a presumption of psychological harm in cases of forced marriage. This ground of appeal is interrelated to my *ex officio* consideration of the terminology and substance of the presumptions utilised by the Co-Investigating Judges. I shall consider the presumptions and terminology and then determine whether it is erroneous to exclude members of the extended family from the presumption of harm as the result of the crimes charged in the Indictment committed against the immediate victim and, more particularly, siblings from the presumption of harm in cases of forced marriage.,
62. Relying on jurisprudence from the ICC and the Inter-American Court of Human Rights (“IACHR”), the Impugned Orders state that there is a presumption of psychological harm for the members of the direct family of the immediate victim and that, applying the criteria in the Impugned Orders, the term “direct family” encompasses parents, children, spouses and siblings of the immediate victim.⁷³ They add that the “presumption will be considered as *determinant* when the immediate victim is deceased or has disappeared, or has been forcibly moved and separated from the direct family as a direct consequence of the facts under investigation” (emphasis added).⁷⁴ However, only parents, spouse and children would benefit from a presumption of harm in cases of forced marriages, siblings being excluded, and nothing is mentioned in respect of the other crimes that are indicted such as imprisonment, torture, enslavement, other inhuman acts through attacks against human dignity and persecutions. As to members of the “extended family” (grand-parents, aunts and uncles, nieces and nephews, cousins, in-laws and other indirect kin), the Co-Investigating Judges agreed with the Trial Chamber’s finding that “direct harm may be more difficult to substantiate in relation to more attenuated familial relationship” and considered that “only a *relative presumption* exists” in their regard. These instances were to be addressed on a case-by-case basis, by determining “whether there are sufficient elements to presume bonds of affection or dependency between the applicants and the immediate Victim”. The Co-Investigating Judges added that “[t]he presumption will be considered *determinant* when the immediate Victim is deceased or has disappeared as a direct consequence of facts under investigation.”

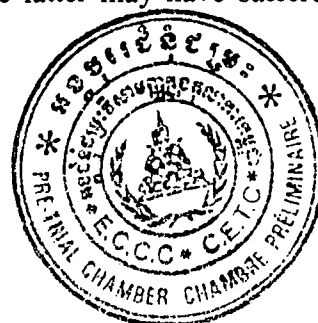
⁷³ Impugned Orders, para. 14 (a), relying on the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (UNGA Resolution 40/43 adopted on 29 November 1985); Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law. It also refers to several ICC and IACHR cases (see, fn. 12 of the Impugned Orders).

⁷⁴ Impugned Orders, para. 15 (a) (i) and (ii). As indicated earlier the harm must be a direct consequence of the crimes charged rather than the facts under investigation.



63. At the outset, I observe that it is not clear precisely how the Appellants and the Pre-Trial Chamber are meant to interpret the Co-Investigating Judges' statement that some presumptions are "determinant" and other are "relative". A presumption is a means of proving a fact, without having to adduce evidence of its existence. If the statement by the Co-Investigating Judges on the determinant nature of the presumption in certain circumstances means that in these cases, the applicant does not need to adduce evidence for the fact to be considered as having been established, in the absence of any contradictory evidence, then I agree that it is so.
64. However, I note that the Co-Investigating Judges state that "only a relative presumption exists for extended family members."⁷⁵ If this statement means that the presumption of psychological harm can be refuted as to extended family members of the immediate victim but cannot be refuted as to direct family members, I disagree in two respects. First, the presumption which benefits direct family members of the immediate victim is refutable. The defence or the Co-Prosecutors may, in principle, adduce evidence in support of the non-existence of psychological harm alleged by any civil party applicant. Second, to refer to the position of extended family members as subject to a "relative presumption" is misleading. If the members of the extended family represent a class of applicants who were in the views of the Co-Investigating Judges not presumed to have suffered psychological harm as a result of crimes committed against the immediate victim, and therefore had to demonstrate that they have suffered psychological harm through providing evidence of bonds of affection or dependency with the immediate victim, they did not benefit from any presumption, whether described as "determinant" or "relative". I understand that the Co-Investigating Judges did not admit applications of members of the extended family unless they had adduced evidence that it is plausible that they experienced personal psychological direct harm as a result of a crime committed against the immediate victim. I also note that there is uncertainty as to how the Co-Investigating Judges have treated those instances where a member of the direct family alleges crimes not involving the decease, disappearance or forced transfer of the immediate victim, as the presumption appears not to have been considered as "determinant".
65. Given the crimes charged in the Indictment which, by nature, all affect the liberty, the life, the physical or mental integrity or the dignity of the immediate victim, I find that it is plausible that those applicants who have a bond of affection with the latter may have suffered a psychological

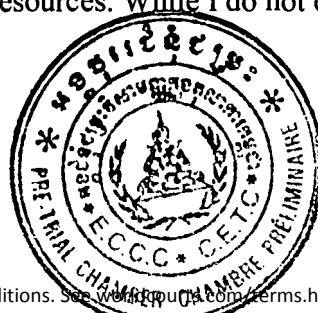
⁷⁵ Impugned Orders, para. 14(c).



harm as a direct consequence of the commission of these crimes. I see no reason to distinguish, for the purpose of the presumption, between the various crimes set out in the Indictment.

66. Furthermore, I take into consideration that the crimes for which the accused are prosecuted, namely genocide, crimes against humanity and war crimes, are not only among the most serious crimes known to mankind but also occurred in a very particular context where a large part of the population, if not all, was allegedly subject to a “widespread or systematic attack” and where some groups were allegedly targeted for the purpose of bringing about their destruction. The crimes for which the accused are indicted committed during the Khmer Rouge regime, throughout Cambodia, have affected broad aspects of the society by *inter alia* prohibiting the practice of any religion, imposing mistrust in families and thus attempting to undermine family relationships, forcing people to marry, depriving individuals of their property, forcing people to evacuate their home in order to live in inhuman conditions and to be forced to work and destroying public institutions, including the judicial system. As a result, individuals lost their references and landmarks, lived in constant fear and could hardly heal their suffering. The fact that the population was left in an extremely vulnerable state shall be taken into consideration when assessing whether it is plausible that an individual applicant has suffered harm as a result of a crime committed against an immediate victim. Moreover, given the fact that most applicant allege a psychological harm as a result of a variety of crimes, some that might be committed against themselves and/or members of their direct family as well as crimes committed against members of the extended family or of the same community, it would in any event be difficult to determine exactly how each crime have impacted upon the applicant. I also understand the difficulty in obtaining evidence such as medical and psychological reports to substantiate the claim of direct consequential harm. While this type of evidence may be standard in other jurisdictions, it is not necessarily possible for all applicants to obtain it.

67. In light of the submissions of the Co-Lawyers and the insight provided by the national judges on Cambodian society, I acknowledge the particular bond of affection between members of the extended family in the context of Cambodian culture where members of the extended family tend to live together or close to each other and very often provide support to each other. A profound respect is paid to older members of the extended family and some often play the role of a model for the younger ones. The same holds true for some communities where people live together as a group, have very close ties and sometimes even share their resources. While I do not endorse the very broad

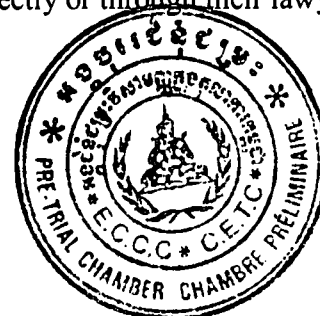


notion of “community” upon which the Majority has based its opinion, I have accepted a few applicants who, for instance, have described being part of a small community sharing the belief in forest spirits, burying their dead in forest burials and holding various ceremonies together and have alleged suffering from crimes committed against members of their community.⁷⁶ In sum, I consider that the more restricted notion of family adopted so far by the jurisprudence of the ICC and the IACHR does not correspond to the Cambodian reality and the particular context of the crimes committed during the Democratic Kampuchea regime. Due to their close relationship and to the context in which the crimes were allegedly committed throughout Cambodia, which left the population in a state of extreme vulnerability, I find it plausible that members of the extended family of the immediate victim of (a) crime(s) for which the accused are indicted, or of his/her community in Cambodia may have suffered psychological harm as a result of such crime. The fact that an applicant takes the time and makes the effort to submit an application to become a civil party for the purpose of obtaining “moral reparation”, knowing that he or she will not receive a financial compensation, means that the applicant remains, even more than 30 years after the commission of the alleged crimes, deeply affected by them.

68. In these circumstances, I deem it appropriate to adopt a broader approach than that adopted by the Co-Investigating Judges and the Trial Chamber in Case 001 and accept that there is a presumption that where crimes charged in the Indictment have been committed against members of the applicant’s family – direct or extended – defined as including parents, children, siblings, grandparents, in-laws, uncles and aunts and cousins, such crimes have caused a psychological harm to the applicant. I will also apply a presumption of psychological harm in those instances where the applicants allege to be part of a community with close ties and allege to have suffered harm as a result of a crime committed against a member of his or her community.

69. I note that most applicants did not provide any information in their application in respect of the bond of affection they may have with members of their extended family or other next of kin, probably due to the fact that the application form did not specifically require it. The Pre-Trial Chamber, when considering the first appeals, has initially asked further particulars to some of those who did not mention the existence of a bond of affection with members of their extended family in their application. Some applicants then provided a statement, directly or through their lawyers, confirming

⁷⁶ See *inter alia* Applicant D22/0154 and D22/0932, in Annex A.



the existence of as bond of affection or dependency. The answers received thus far contributed to confirm the existence of bonds of affection between members of the extended family in the Cambodian society. After further deliberations, the Chamber considered that a bond of affection can be presumed and that it was therefore not necessary anymore to obtain, from each individual applicant, a statement to this effect.

70. Having extended the scope of the presumption from which applicants may benefit, I will consider on an individual basis, for each applicant, whether the Co-Lawyers have properly alleged that certain applicants should be admitted as civil parties on the basis of having suffered harm as the immediate victim or as a member of his/her direct or extended family or of his/her community. Outside the confines of the presumption described above, I will assess individual cases on the basis of the information provided by the applicant as to the existence of a bond of affection or dependency with the immediate victim, such as a statement of the applicant describing the bonds or other evidence adduced to that effect. As the nature of a relationship with an individual is subjective, I find it appropriate to rely on the statement of the applicant in this respect, which I considered sufficient to establish, *prima facie*, a bond of affection.

ii) Presumption of psychological harm in the cases of forced marriages

71. Insofar as the forced marriages are more particularly concerned, I note that the Co-Investigating Judges have limited the presumption of psychological harm to parents, spouse and children of the immediate victim, without citing any authority in support of their findings which implicitly exclude siblings of the immediate victim from the benefit of the presumption of psychological harm as a direct consequence of the forced marriage of the immediate victim. I see no cogent reason to consider that siblings of the immediate victim, who are also members of the victim's direct family, should be excluded from the benefit of such presumption for the crime of other inhumane acts through forced marriage. Furthermore, upon review of the submissions of certain Co-Lawyers, I have noted that the Co-Investigating Judges did admit a few civil party applicants on the basis of the harm they suffered as the sibling of an immediate victim of forced marriage. This was the case of applicants in the following Impugned Orders: D396,⁷⁷ D397,⁷⁸ D401,⁷⁹ D406,⁸⁰ D408,⁸¹ D409,⁸²

⁷⁷ D22/1674 (forced marriage of the applicant's older sister) and D396.1.

⁷⁸ D22/1069 (forced marriage of the applicant's brother and sister) and D397.1

⁷⁹ D22/1165 (forced marriage of the applicant's two brothers) and D401.1.



D411,⁸³ D414,⁸⁴ D415,⁸⁵ D416,⁸⁶ D417,⁸⁷ D418,⁸⁸ D423,⁸⁹ D426⁹⁰, who appear to have benefited from a determinant presumption. I therefore find that the Co-Investigating Judges erred in law in concluding that siblings should be excluded from the benefit of the presumption of psychological harm in the case of forced marriage of the immediate victim. I further find that the presumption of psychological harm should equally apply to members of the extended family and of the community of the immediate victim as there is, in my view, no distinction to be made between the other crimes charged in the Indictment and the crimes of forced marriages. In the context prevailing in Cambodia at the time and in light of the societal relationships in the Cambodian society, I find it plausible that any person who is deemed to have a bond of affection with an immediate victim of forced marriage may have suffered a personal psychological harm as a result of such crime.

72. Given that the crimes of other inhumane acts through forced marriages are subject to a specific ground of appeal and that an error of law has been identified as the Co-Investigating Judges have specifically excluded from the presumption of psychological harm the siblings of the immediate victim and have generally rejected those applicants who I deem have a sufficient bond of affection with the immediate victim to be presumed to have suffered harm as a result of the crime of forced marriage committed against the immediate victim, I consider it appropriate to examine whether this error of law caused the Co-Investigating Judges to err in their consideration of the admissibility of civil party applicants.

73. The English version of the Indictment states in the section containing legal findings with respect to “Crimes Against Humanity, Other Inhumane Acts Through Forced Marriage” that for “*each of the incidences listed* in the section ‘[Regulation of] Marriage’ and ‘Factual Findings [of] Crimes’, the Co-Investigating Judges find that the constitutive elements of the crime against humanity of other inhumane acts through acts of forced marriage have been established nationwide as well as the

⁸⁰ D22/2531 (forced marriage of the applicant’s older sister) and D406.1.

⁸¹ D22/2892 (forced marriage of the applicant’s elder sister) and D408.1.

⁸² D22/2218 (forced marriage of the applicant’s younger sister) and D409.1.

⁸³ D22/0701 (forced marriage of the applicant’s younger sister) and D411.1.

⁸⁴ D22/1510 (forced marriage of the applicant’s sister) and D414.1.

⁸⁵ D22/2141 (forced marriage of the applicant’s younger sister) and D415.1.

⁸⁶ D22/2596 (forced marriage of the applicant’s two younger brothers) and D416.1.

⁸⁷ D22/3678 (forced marriage of the applicant’s younger sister) and D417.1

⁸⁸ D22/0593 (forced marriage of the applicant’s older sister), D22/0974 (forced marriage of an older brother) and D418.1.

⁸⁹ D22/1581 (forcible marriage of the applicant’s elder brother) and D423.1.

⁹⁰ D22/3101 (forced marriage of the applicant’s older sister and older brother), D22/1471 (forced marriage of the applicant’s older sister) and D426.1.



worksites 1st January Dam, Tram Kok Cooperatives, and Trapeang Thma Dam, at the Kok Kduoch security centre and in regard to the treatment of Buddhists.”⁹¹ I note that part of the English version of the Indictment may suggest that the accused are only indicted for the few specific instances of forced marriage specifically described by the Co-Investigating Judges in the sections ‘[Regulation of] Marriage’ contained in the section ‘Factual Findings [of] Crimes’ and/or in the evidence referred to in footnotes 3545 to 3651 of the Indictment.⁹² In other words, the English version of the Indictment may give the impression that the accused are only indicted for those specific instances of forced marriages and not generally for all facts of forced marriages that are alleged to have occurred in Cambodia during the DK regime as part of the policy of the Khmer Rouge, which would prevent me from declaring admissible those civil party applications alleging instances of forced marriage other than these specifically described in the Indictment or to which the Indictment specifically refers.

74. At the outset, I note that the French version of the Indictment does not contain such ambiguity and clearly states that the accused are indicted for all the facts set out in the section “Regulation of Marriage”.⁹³ Both the English and French versions also state that the “the constitutive elements of the crime against humanity of other inhumane acts through acts of forced marriage have been established nationwide”, making clear that the Indictment for the crimes of other inhumane acts through forced marriages is not limited in its geographical scope, as it is the case for some other crimes.⁹⁴ I also note that the facts described in support of the charges of other inhumane acts through forced marriages are set out in a general way rather than by reference to specific instances, with the underlying idea of supporting the finding that the Khmer Rouge’s policy in relation to the regulation of marriages was implemented systematically throughout Cambodia.

⁹¹ Indictment, para. 1442 (our emphasis). I note that the French version of para. 1442 does not refer to two sections of the Indictment but rather to the sub-section ‘[Regulation of] Marriage’ within the section ‘Factual Findings [of] Crimes’, i.e. “Le mariage’ (dans la partie ‘Caractérisation factuelle des crimes’)”, which is consistent with the approach adopted by the Co-investigating judges in the remainder of the legal conclusions.

⁹² Paras 842-861 of the Indictment, in the section “Factual Findings [of] Crimes”.

⁹³ The French version of para. 1442 of the Indictment reads as follows: « Pour chacun des faits décrits dans la section « *Le mariage* » (dans la partie « *Caractérisation factuelle des Crimes* »), les éléments constitutifs du crime contre l’humanité constitué d’autres actes inhumains sous forme de mariages forcés ont été établis dans l’ensemble du Cambodge et, en particulier, dans les sites suivantes : **Barrage du premier janvier, Barrage de Trapeang Thma, Cooperatives de Tram Kok, le centre de sécurité de Kok Duoch**, ainsi que dans le contexte du **traitement des bouddhistes**. »

⁹⁴ Indictment, para. 1442.

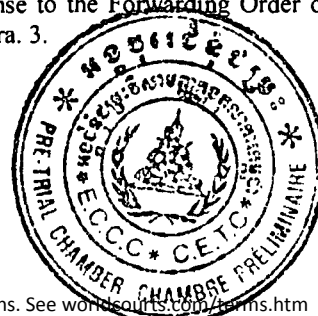


75. This approach is in line with the Co-Prosecutors' submissions who requested the Co-Investigating Judges to investigate instances of forced marriages throughout Cambodia, without setting out a geographic limitation or any other kind of limitation. Indeed, on 30 April 2009, they authorised the Co-Investigating Judges to investigate the complaints of certain civil parties and civil party applicants related to allegations of forced marriage and forced sexual relations in Kampot and Takeo Provinces (the "30 April 2009 Response")⁹⁵ and, on 5 November 2009, they further authorised the Co-Investigating Judges to "consider and investigate further alleged incidents of forced marriage and sexual relations other than those identified in paragraph 2 of the 30 April 2009 Response."⁹⁶
76. Furthermore, I note that the Co-Investigating Judges did not restrict themselves to admitting civil party applicants who have alleged having suffered harm as a result of one of the specific instances of forced marriage referred to in the footnotes supporting the factual conclusions related to forced marriage. Indeed, the Co-Investigating Judges listed in the Indictment an important number of civil party applicants that they have admitted as victims of forced marriages and whose application is not necessarily referred to in the above-mentioned footnotes. The approach adopted by the Co-Investigating Judges confirms that not only the instances listed to support the description of the facts supporting the crimes for which the accused are indicted are covered by the Indictment but that the accused are indicted, more generally, for all facts set out in the Indictment in the section "Regulation of Marriage" contained in the section "Factual Findings of Crimes" of the Indictment.
77. For all these reasons, I find that the Indictment allows me to admit those civil party applicants who benefit from the presumption of psychological harm as a result of forced marriage and whose application have been, in my view, erroneously rejected by the Co-Investigating Judges.

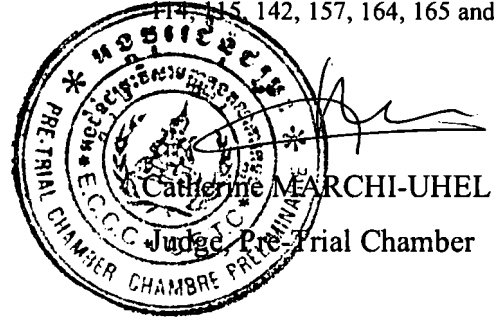
Done in Phnom Penh, on 24 June 2011

⁹⁵ Response to the Forwarding Order of the Co-Investigating Judges and Supplementary Submission, 30 April 2009, D146/3, (the "30 April 2009 Response"), para. 2.

⁹⁶ Further Authorisation Pursuant to the Co-Prosecutors' 30 April 2009 Response to the Forwarding Order of the Co-Investigating Judges and Supplementary Submission, 5 November 2009, D146/4, (the "5 November 2009 Further Authorisation"), para. 3. On 26 November 2009, the Co-Prosecutors filed an additional statement concerning the authorisation given to the Co-Investigating Judges to investigate alleged incidents of forced marriage and sexual relations that stated that the incidents "may be legally characterised as Crimes Against Humanity (rape and other inhumane acts), punishable under Articles 5, 29 (new) and 39 (new) of the ECCC Law, where such acts were committed as part of a widespread or systematic attack against a civilian population, on national, political, ethnical, racial or religious grounds.": Further Statement of Co-Prosecutors Regarding 30 April 2009 Response to the Forwarding Order of the Co-Investigating Judges and Supplementary Submission, 26 November 2009, D146/5, para. 3.



002/19-09-2007-ECCC/OCIJ (PTC 76, 112, 113,
114, 115, 142, 157, 164, 165 and 172)



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

ANNEX CONCERNING THE CIVIL PARTY APPLICANTS FOR WHOM JUDGE MARCHI-UHEL CONCURS WITH THE MAJORITY THAT IT IS PLAUSIBLE THAT THEY SUFFERED A HARM AS A RESULT OF AT LEAST ONE CRIME FOR WHICH THE ACCUSED ARE INDICTED

IMPUGNED ORDER	APPEAL	CIVIL PARTY APPLICANT REJECTED BY CIJs	ADMISSIBILITY FINDING	IMMEDIATE VICTIM
D392 (Kep Province)¹	PTC 108²	08-VU-01552 (D22/2647) ³	Persecution on religious grounds against Buddhists	Applicant (prohibited from practicing Buddhism) ⁴
D393 (Oddar Meanchey Province)⁵	PTC 79⁶	09-VU-00583 (D22/880) ⁷	Persecution on religious grounds against Buddhists	Applicant (prohibited from practicing Buddhism) ⁸
		09-VU-00582 (D22/881) ⁹	Persecution on religious grounds against Buddhists	Applicant (prohibited from practicing Buddhism; prohibited from attending his pagoda) ¹⁰
		09-VU-00578 (D22/910) ¹¹	Inhumane acts through forced marriage	Applicant's brother ¹²

¹ Order on the Admissibility of Civil Party Applicants from Current Residents of Kep Province, 25 August 2010, D392.

² Appeal Against Order on the Admissibility of Civil Party Applicants from Current Residents of Kep Province (D392), 6 September 2010, filed 6 September 2010, D392/3/1 ("Appeal PTC 108").

³ Harm is not linked to the facts under investigation (Impugned Order D392, para. 25 and Annex 3).

⁴ Additional information incorporated in the Appeal.

⁵ Order on the Admissibility of Civil Party Applicants from Current Residents of Oddar Meanchey Province, 26 August 2010, D393.

⁶ Appeal Against Order on the Admissibility of Civil Party Applicants from Current Residents of Oddar Meanchey Province (D393), 6 September 2010, filed on 6 September 2010, D393/2/1 ("Appeal PTC 79").

⁷ Harm is not linked to the facts under investigation (Impugned Order D393, para. 24 and Annex 3).

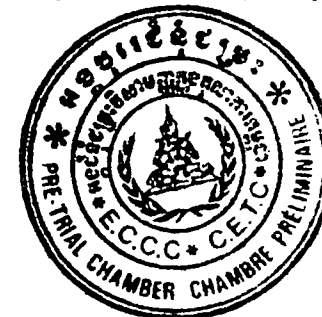
⁸ Additional information provided by the Co-Lawyers at the request of the Pre-Trial Chamber, D393/2/2.

⁹ Harm is not linked to the facts under investigation (Impugned Order D393, para. 24 and Annex 3).

¹⁰ Summary of supplementary information D22/881a (not translated in the summary D22/881b).

¹¹ Harm is not linked to the facts under investigation (Impugned Order D393, para. 24 and Annex 3).

¹² Additional information provided by the Co-Lawyers at the request of the Pre-Trial Chamber, D393/2/2.



Civil party applications admissible in the view of Judge Marchi-Uhel

002/19-09-2007-ECCC/OCJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		09-VU-03779 (D22/3430) ¹³	Inhumane acts through forced marriage	Applicant's elder sister ¹⁴
		09-VU-03777 (D22/3428) ¹⁵	Persecution on religious grounds against Buddhists	Applicant (prohibited from practising Buddhism) ¹⁶
	PTC 80 ¹⁷	09-VU-00584 (D22/1469) ¹⁸	Inhumane acts through forced marriage	Applicant's two sisters ¹⁹
		09-VU-00579 (D22/1470) ²⁰	Inhumane acts through forced marriage	Applicant's nephew ²¹
D394 (Rattanakiri Province)²²	PTC 82²³	08-VU-01537 (D22/1343) ²⁴	Phase 1 of forced transfer	Applicant ²⁵
		08-VU-01028 (D22/927) ²⁶	Inhumane acts through forced marriage	Applicant's brother ²⁷
		09-VU-00053 (D22/0764) ²⁸	Inhumane acts through forced	Applicant's elder sister ²⁹

¹³ Harm is not linked to the facts under investigation and the threshold for personal psychological harm is not met in relation to inhumane acts through forced marriage (Impugned Order D393, para. 22 and 24 and Annex 3).

¹⁴ Additional information provided by the Co-Lawyers at the request of the Pre-Trial Chamber, D393/2/2.

¹⁵ Harm is not linked to the facts under investigation (Impugned Order D393, para. 24 and Annex 3).

¹⁶ Additional information incorporated in the Appeal.

¹⁷ Appeal Against Order on the Inadmissibility of Civil Party Applicants from Current Residents of Oddar Meanchey Province (with references), 6 September 2010, filed 22 September 2010, D393/3/1 ("Appeal PTC 80").

¹⁸ Harm is not linked to the facts under investigation and the threshold for personal psychological harm is not met in relation to inhumane acts through forced marriage (Impugned Order D393, paras 22 and 24, and Annex 3).

¹⁹ Summary of supplementary information D393/3/1.3.2.

²⁰ Harm is not linked to the facts under investigation (Impugned Order D393, para. 24, and Annex 3).

²¹ Additional information incorporated in the Appeal.

²² Order on the Admissibility of Civil Party Applicants from Current Residents of Rattanakiri Province, 27 August 2010, D394.

²³ *Requete d'Appel d'Ordonnance sur la Recevabilite des Constitutions de Parties Civiles Residant dans la Province de Rattanakiri*, 2 September 2010, filed on 3 September 2010, D394/2/1 ("Appeal PTC 82").

²⁴ Insufficient proof of identification (Impugned Order D394, para. 20 and Annex 3).

²⁵ Additional information incorporated in the Appeal.

²⁶ Harm is not linked to the facts under investigation and the threshold for personal psychological harm is not met in relation to inhumane acts through forced marriage (Impugned Order D394, para. 26 and Annex 3).

²⁷ Summary of supplementary information D22/927a and Supplementary Information filed by ADHOC on 8 April 2010.



002/19-09-2007-ECCC/OCU (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

			marriage	
		08-VU-01190 (D22/0154) ³⁰	Inhumane acts through forced marriage	Applicant's cousin ³¹
		08-VU-01191 (D22/0932) ³²	Inhumane acts through forced marriage	Applicant's cousin ³³
		09-VU-00046 (D22/0957) ³⁴	Inhumane acts through forced marriage	Applicant's niece ³⁵
		09-VU-00035 (D22/1162) ³⁶	Inhumane acts through forced marriage	Applicant's brother ³⁷
	PTC 84 ³⁸	08-VU-01033 (D22/0042) ³⁹	Imprisonment at S-21	Applicant, who witnessed friends being arrested and sent to S-21, was afraid to be sent there too. ⁴⁰
		08-VU-01032 (D22/0043) ⁴¹	Imprisonment, torture and murder at S-21	Applicant, who witnessed friends being arrested and sent to S-21, was afraid to be sent there too. He attempted to commit suicide to

²⁸ Harm is not linked to the facts under investigation (Impugned Order D394, para. 26 and Annex 3).

²⁹ Summary of supplementary information D22/764b.

³⁰ Harm is not linked to the facts under investigation and the threshold for personal psychological harm is not met in relation to inhumane acts through forced marriage (Impugned Order D394, para. 26 and Annex 3).

³¹ Summary of supplementary information D22/154b.

³² Harm is not linked to the facts under investigation and the threshold for personal psychological harm is not met in relation to inhumane acts through forced marriage (Impugned Order D394, para. 26 and Annex 3).

³³ Supplementary information Form D22/932b.

³⁴ Harm is not linked to the facts under investigation and the threshold for personal psychological harm is not met in relation to inhumane acts through forced marriage (Impugned Order D394, para. 26 and Annex 3).

³⁵ Summary of supplementary information D22/957b.

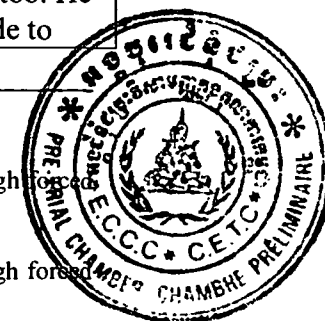
³⁶ Harm is not linked to the facts under investigation and the threshold for personal psychological harm is not met in relation to inhumane acts through forced marriage (Impugned Order D394, para. 26 and Annex 3).

³⁷ Supplementary information Form D22/1162b.

³⁸ Appeal by the *Avocats Sans Frontières France* Civil Party Co-Lawyers Against Order D394 on the Admissibility of Civil Party Applicants from Current Residents of Ratanakiri Province (D394), 6 September 2010, D394/4/1 ("Appeal PTC 84").

³⁹ Harm is not linked to the facts under investigation and no proof of kinship with the immediate victim(s) (Impugned Order D394, para. 24 and Annex 3).

⁴⁰ Additional Information from Applicant D22/42.3.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

				avoid this faith. ⁴²
		08-VU-01034 (D22/0048) ⁴³	Imprisonment, torture and murder at S-21	Applicant's uncle ⁴⁴
D395 (Mondulkiri Province)⁴⁵	PTC 85⁴⁶	08-VU-01819 (D22/1179) ⁴⁷	Enslavement and other inhuman acts through attacks against human dignity at the 1 st January dam worksite	Applicant ⁴⁸
		09-VU-0571 (D22/575) ⁴⁹	Enslavement and other inhuman acts through attacks against human dignity at Tram Kok cooperatives	Applicant ⁵⁰
D396 (Preah Vihear Province)⁵¹	PTC 87⁵²	09-VU-00021 (D22/00056) ⁵³	Imprisonment at S-21	Applicant's uncle ⁵⁴
D397 (Koh Kong Province)⁵⁵	PTC 89⁵⁶	08-VU-01842 (D22/1205) ⁵⁷	Persecution on religious grounds against Buddhists	Applicant (prohibited from practising Buddhism) ⁵⁸

⁴¹ Harm is not linked to the facts under investigation and no proof of kinship with the immediate victim(s) (Impugned Order D394, para. 24 and Annex 3).

⁴² Report on Civil Party Application D22/43/2.

⁴³ Insufficient information to verify compliance with Rule 23 *bis* (1) and (4) (Impugned Order D394, para. 27 and Annex 3).

⁴⁴ Report on Civil Party Application D22/48/1.

⁴⁵ Order on the Admissibility of Civil Party Applicants from Current Residents of Mondulkiri Province, 26 August 2010, D395.

⁴⁶ Appeal Against Order on the Admissibility of Civil Party Applicants from Current Residents of Mondulkiri Province (D395), 6 September 2010, D395 ("Appeal PTC 85").

⁴⁷ Harm is not linked to the facts under investigation and failure to demonstrate special bonds of affection with or dependency on the immediate victim (Impugned Order D395, para. 22 and 24 and Annex 3).

⁴⁸ Appeal PTC 85, para. 28 and footnote 28; Indictment, para. 1391. See also Report on Civil Party Application D22/1179/1.

⁴⁹ Harm is not linked to the facts under investigation and failure to demonstrate special bonds of affection with or dependency on the immediate victim (Impugned Order D395, para. 22 and 24 and Annex 3).

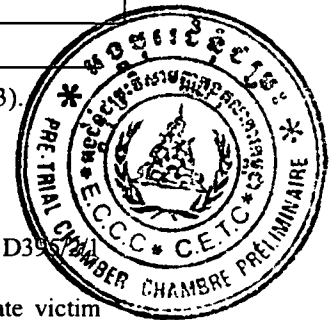
⁵⁰ Appeal PTC 85, para. 29, and D22/575/1; Indictment, para. 1391.

⁵¹ Order on the admissibility of Civil Party Applicants from Current Residents of Preah Vihear Province, 30 August 2010, filed on 31 August 2010, D 396.

⁵² Appeal Against Order on the Admissibility of Civil Party Applicants from Current Residents of Preah Vihear Province, 9 September 2010, filed 9 September 2010, D396/2/1 ("Appeal PTC 87")

⁵³ Harm is not linked to the facts under investigation (Impugned Order D396, para. 23 and Annex 3)

⁵⁴ Applicant's information D22/56.



002/19-09-2007-ECCC/OCU (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		08-VU-02182 (D22/1206) ⁵⁹	Inhumane acts through forced marriage	Applicant's younger sister ⁶⁰
		08-VU-02194 (D22/0444) ⁶¹	Persecution on racial grounds against the Vietnamese in Prey Veng province	Applicant and his wife (arrested on the basis that they were perceived as being Vietnamese) ⁶²
		09-VU-00279 (D22/1998) ⁶³	Inhumane acts through forced marriage	Applicant's aunt ⁶⁴
		09-VU-00289 (D22/1137) ⁶⁵	Inhumane acts through forced marriage	Applicant's neighbours ⁶⁶
		09-VU-00291 (D22/0874) ⁶⁷	Persecution on religious grounds against Buddhists	Applicant (prohibited from practicing Buddhism; witnessed the destruction of the Kao Savann Pagoda and the Bantheay Dei Pagoda; witnessed the disappearance of monks; prohibited from attending a pagoda; prohibited from praying) ⁶⁸

⁵⁵ Order on the Admissibility of Civil Party Applicants from Current Residents of Koh Kong Province, 30 August 2010, filed on 31 August 2010, D397.

⁵⁶ Appeal Against Order on the Admissibility of Civil Party Applicants from Current Residents of Koh Kong, 9 September 2010, filed 9 September 2010, D397/2/1 ("Appeal PTC 89").

⁵⁷ Harm is not linked to the facts under investigation (Impugned Order D397, para. 25 and Annex 3).

⁵⁸ Summary of supplementary information D22/1205b.

⁵⁹ Harm is not linked to the facts under investigation and the threshold for personal psychological harm is not met in relation to inhumane acts through forced marriage (Impugned Order D397, para. 25 and Annex 3).

⁶⁰ Applicant's supplementary information D22/1206b.

⁶¹ Harm is not linked to the facts under investigation (Impugned Order D397, para. 25 and Annex 3).

⁶² Report on Civil Party Application D22/444/1.

⁶³ Harm is not linked to the facts under investigation and the threshold for personal psychological harm is not met in relation to inhumane acts through forced marriage (Impugned Order D397, para. 25 and Annex 3).

⁶⁴ Summary of supplementary information D22/1998b.

⁶⁵ Harm is not linked to the facts under investigation (Impugned Order D397, para. 25 and Annex 3).

⁶⁶ Summary of supplementary information D22/1137b.

⁶⁷ Harm is not linked to the facts under investigation (Impugned Order D397, para. 25 and Annex 3).

⁶⁸ Summary of supplementary information D22/874b and Supplementary Documentation on Appeal, D397/2.1.2



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

	PTC 90 ⁶⁹	07-VU-00104 (D22/1263) ⁷⁰	Persecution on religious grounds against Chams and Phase 1 of forced transfer	Applicant (prohibited from practising Islam; forced to eat pork and forcibly evacuated from Phnom Penh) ⁷¹
	PTC 91 ⁷²	09-VU-00544 (D22/1091) ⁷³	Phase 1 of forced transfer	Applicant's brother ⁷⁴
	PTC 92 ⁷⁵	08-VU-02195 (D22/501) ⁷⁶	Persecution on religious grounds against Chams	Applicant (prohibited from practising Islam; forced to eat pork) ⁷⁷
		09-VU-01788 (D22/2784) ⁷⁸	Persecution on religious grounds against Chams	Applicant (change of name; prohibited from praying; prohibited from wearing traditional clothes) ⁷⁹
		08-VU-00822 (D22/1498) ⁸⁰	Persecution on religious grounds against Chams	Applicant (forced to eat pork) ⁸¹
		08-VU-02325 (D22/1128) ⁸²	Persecution on religious grounds	Applicant (prohibited from

⁶⁹ Appeal Against Order on the Admissibility of Civil Party Applicants from Current Residents of Koh Kong Province (D397), 9 September 2010, D397/3/1 ("Appeal PTC 90").

⁷⁰ Insufficient proof of identification (Impugned Order D397, para. 20 and Annex 3).

⁷¹ Additional information incorporated in the Appeal.

⁷² Appeal Against Order on the Admissibility of Civil Party Applicants from Current Residents of Koh Kong (D397), 9 September 2010, D397/4/1 ("Appeal PTC 91").

⁷³ Appeal Against Order on the Admissibility of Civil Party Applicants from Current Residents of Koh Kong (D397), 9 September 2010, D397/4/1 ("Appeal PTC 91").

⁷⁴ Additional information incorporated into the Appeal.

⁷⁵ *Requête D'appel D'ordonnance Sur La Recevabilité des Constitutions de Parties Civiles Résidant Dans La Province de Koh Kong*, 9 September 2010, filed 10 September 2010, D397/5/1 ("Appeal PTC 92").

⁷⁶ Harm is not linked to the facts under investigation and the threshold for psychological harm is not met in relation to forced marriage (Impugned Order D397, para. 25 and Annex 3).

⁷⁷ Summary of supplementary information D22/501b.

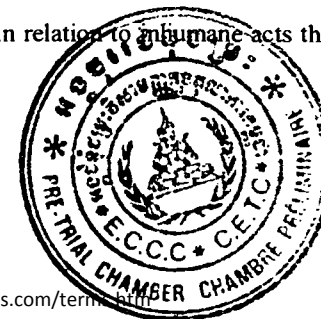
⁷⁸ Harm is not linked to the facts under investigation and the threshold for psychological harm is not met in relation to inhumane acts through forced marriage (Impugned Order D397, para. 25 and Annex 3).

⁷⁹ Summary of supplementary information D22/2784b

⁸⁰ Harm is not linked to the facts under investigation (Impugned Order D397, para. 25 and Annex 3).

⁸¹ Summary of Supplementary Information D22/1498b.

Civil party applications admissible in the view of Judge Marchi-Uhel



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

			against Chams	practising Islam; forced to eat pork) ⁸³
		09-VU-01786 (D22/1880) ⁸⁴	Persecution on religious grounds against Chams	Applicant ⁸⁵
		09-VU-01787 (D22/2783) ⁸⁶	Persecution on religious grounds against Chams	Applicant (prohibited from practising Islam; prohibited from wearing traditional clothes; prohibited from speaking Cham) ⁸⁷
		09-VU-01789 (D22/2785) ⁸⁸	Persecution on religious grounds against Chams	Applicant (prohibited from practising Islam; prohibited from praying; destruction of her mosque; prohibited from speaking Cham) ⁸⁹
D398 (Stung Treng Province)⁹⁰	PTC 94⁹¹	08-VU-01797 (D22/0395) ⁹²	Persecution on religious grounds against Buddhists	Applicant (prohibited from practising Buddhism; prohibited from attending the Ou Svay and Ochentear Pagodas) ⁹³

⁸² Harm is not linked to the facts under investigation (Impugned Order D397, para. 25 and Annex 3).

⁸³ Summary of supplementary information D22/1128b.

⁸⁴ Harm is not linked to the facts under investigation (Impugned Order D397, para. 25 and Annex 3).

⁸⁵ Summary of supplementary information D22/1880b.

⁸⁶ Harm is not linked to the facts under investigation (Impugned Order D397, para. 25 and Annex 3).

⁸⁷ Summary of supplementary information D22/2783b.

⁸⁸ Harm is not linked to the facts under investigation (Impugned Order D397, para. 25 and Annex 3).

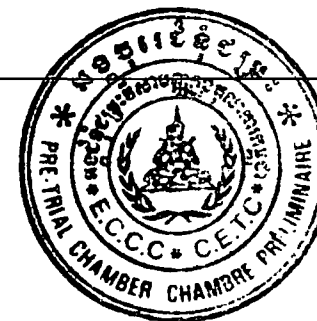
⁸⁹ Summary of supplementary information D22/2785b.

⁹⁰ Order on the Admissibility of Civil Party Applicants from Current Residents of Stung Treng Province, 30 August 2010, D398.

⁹¹ Appeal Against Order on the Admissibility of Civil Party Applicants from Current Residents of Stung Treng (D398), 9 September 2010, D398/2/1 ("Appeal PTC 94").

⁹² Harm is not linked to the facts under investigation and the threshold for psychological harm is not met in relation to inhumane acts through forced marriage (Impugned Order D398, para. 24 and Annex 3).

⁹³ Summary of supplementary information D22/395b and additional information incorporated in the Appeal.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		08-VU-00665 (D22/0430) ⁹⁴	Persecution on religious grounds against Buddhists	Applicant (prohibited from practising Buddhism; prohibited from attending pagodas) ⁹⁵
		08-VU-00643 (D22/0483) ⁹⁶	Persecution on religious grounds against Buddhists	Applicant (prohibited from practising Buddhism) ⁹⁷
		08-VU-01794 (D22/1197) ⁹⁸	Persecution on religious grounds against Buddhists	Applicant (prohibited from practising Buddhism; witnessed the destruction of the Ou Svay Pagoda's religious symbols) ⁹⁹
		09-VU-00300 (D22/1671) ¹⁰⁰	Persecution on religious grounds against Buddhists	Applicant (prohibited from practising Buddhism; prohibited from attending the Ou Svay Pagoda; prohibited from holding a funeral ceremony for his father) ¹⁰¹
		09-VU-01374 (D22/1894) ¹⁰²	Persecution on religious grounds against Buddhists	Applicant (witnessed the destruction of the Chey Mongkul Pagoda; suffered from having no place to pray) ¹⁰³

⁹⁴ Harm is not linked to the facts under investigation (Impugned Order D398, para. 24 and Annex 3).

⁹⁵ Summary of supplementary information D22/430b.

⁹⁶ Harm is not linked to the facts under investigation and no proof of kinship in relation to inhumane acts through forced marriage (Impugned Order D398, para. 24 and Annex 3).

⁹⁷ Additional information incorporated in the appeal.

⁹⁸ Harm is not linked to the facts under investigation and no proof of kinship in relation to inhumane acts through forced marriage (Impugned Order D398, para. 24 and Annex 3).

⁹⁹ Summary of supplementary information D22/1197b.

¹⁰⁰ Harm is not linked to the facts under investigation (Impugned Order D398, para. 24 and Annex 3).

¹⁰¹ Summary of supplementary information D22/1671b.

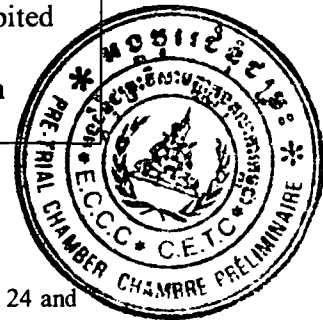
¹⁰² Harm is not linked to the facts under investigation (Impugned Order D398, para. 24 and Annex 3).

¹⁰³ Additional information incorporated in the appeal.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		09-VU-01375 (D22/1904) ¹⁰⁴	Persecution on religious grounds against Buddhists	Applicant (prohibited from practising Buddhism; witnessed the killing of a monk in her village of Kampong) ¹⁰⁵
		08-VU-01818 (D22/1184) ¹⁰⁶	Persecution on religious grounds against Buddhists	Applicant (prohibited from practising Buddhism; prohibited from holding Buddhist ceremonies; witnessed the killing of a monk from the Chey Mongkul pagoda) ¹⁰⁷
		09-VU-01940 (D22/2185) ¹⁰⁸	Persecution on religious grounds against Buddhists	Applicant (prohibited from practising Buddhism; prohibited from attending her pagoda) ¹⁰⁹
		09-VU-01478 (D22/2727) ¹¹⁰	Persecution on religious grounds against Buddhists	Applicant (prohibited from practising Buddhism; prohibited from attending Buddhist ceremonies; prohibited from praying) ¹¹¹



¹⁰⁴ Harm is not linked to the facts under investigation and there is no proof of kinship in relation to Buddhist persecution (Impugned Order D398, para. 24 and Annex 3).

¹⁰⁵ Report on Civil Party Application D22/1904/1 and additional information incorporated in the appeal. See also Indictment, paras. 741 and 1421 according to which ‘virtually all Buddhist monks and nuns were disrobed. Some monks were threatened with death or killed if they did not comply.’

¹⁰⁶ Harm is not linked to the facts under investigation and there is no proof of kinship in relation to Buddhist persecution (Impugned Order D398, para. 24 and Annex 3).

¹⁰⁷ Report on Civil Party Application D22/2184/1 and additional information incorporated in the appeal.

¹⁰⁸ Harm is not linked to the facts under investigation and there is no proof of kinship in relation to Buddhist persecution (Impugned Order D398, para. 24 and Annex 3).

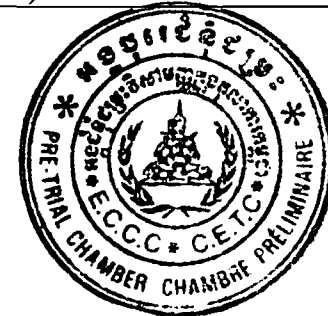
¹⁰⁹ Report on Civil Party Application D22/2185/1.

¹¹⁰ Harm is not linked to the facts under investigation and there is no proof of kinship in relation to Buddhist persecution (Impugned Order D398, para. 24 and Annex 3).

¹¹¹ Report on Civil Party Application D22/2727/1 and additional information incorporated in the appeal.

002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		09-VU-01941 (D22/2926) ¹¹²	Persecution on religious grounds against Buddhists	Applicant (prohibited from praying) ¹¹³
		09-VU-01945 (D22/2930) ¹¹⁴	Persecution on religious grounds against Buddhists	Applicant (prohibited from practising Buddhism; prohibited from praying; prohibited from giving offerings to monks) ¹¹⁵
		09-VU-01947 (D22/2932) ¹¹⁶	Persecution on religious grounds against Buddhists	Applicant (prohibited from practising Buddhism; witnessed the destruction of the Chey Mongkul pagoda; witnessed the disrobing of monks) ¹¹⁷
		09-VU-01951 (D22/2936) ¹¹⁸	Persecution on religious grounds against Buddhists	Applicant (prohibited from practising Buddhism; witnessed the destruction of the Chey Mongkul pagoda; witnessed Buddha statues being thrown into the river) ¹¹⁹



¹¹² Harm is not linked to the facts under investigation and no proof of kinship in relation to Buddhist persecution (Impugned Order D398, para. 24 and Annex 3).

¹¹³ Report on Civil Party Application D22/2926/1 and additional information incorporated in the appeal.

¹¹⁴ Harm is not linked to the facts under investigation and no proof of kinship in relation to Buddhist persecution (Impugned Order D398, para. 24 and Annex 3).

¹¹⁵ Report on Civil Party Application D22/2930/1 and additional information incorporated in the appeal.

¹¹⁶ Harm is not linked to the facts under investigation (Impugned Order D398, para. 24 and Annex 3).

¹¹⁷ Report on Civil Party Application D22/2932/1 and additional information incorporated in the appeal.

¹¹⁸ Harm is not linked to the facts under investigation (Impugned Order D398, para. 24 and Annex 3).

¹¹⁹ Report on Civil Party Application D22/2936/1 and additional information incorporated in the appeal.

002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		09-VU-01982 (D22/2965) ¹²⁰	Persecution on religious grounds against Buddhists	Applicant (prohibited from practising Buddhism; witnessed the body of a monk floating in the river among other corpses; witnessed the clothes of monks, who had been forced to disrobe, scattered around beheaded Buddha statues) ¹²¹
		09-VU-01985 (D22/2968) ¹²²	Persecution on religious grounds against Buddhists	Applicant (prohibited from practising Buddhism; prohibited from praying; witnessed attacks against her religious symbols; witnessed the killing of a monk who refused to disrobe) ¹²³
		09-VU-01987 (D22/2970) ¹²⁴	Persecution on religious grounds against Buddhists	Applicant (prohibited from practising Buddhism; prohibited from attending Buddhist ceremonies; witnessed attacks against religious symbols; witnessed the disrobing of ten monks from the Hang Ko Pagoda) ¹²⁵



¹²⁰ Harm is not linked to the facts under investigation and no proof of kinship in relation to Buddhist persecution (Impugned Order D398, para. 24 and Annex 3).

¹²¹ Report on Civil Party Application D22/2965/1 and additional information incorporated in the appeal.

¹²² Harm is not linked to the facts under investigation and no proof of kinship in relation to Buddhist persecution (Impugned Order D398, para. 24 and Annex 3).

¹²³ Report on Civil Party Application D22/2968/1 and additional information incorporated in the appeal.

¹²⁴ Harm is not linked to the facts under investigation and no proof of kinship in relation to Buddhist persecution (Impugned Order D398, para. 24 and Annex 3).

¹²⁵ Report on Civil Party Application D22/2970/1 and additional information incorporated in the appeal.

002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		09-VU-01939 (D22/2184) ¹²⁶	Persecution on religious grounds against Buddhists	Applicant (prohibited from practising Buddhism; prohibited from attending Buddhist ceremonies; witnessed attacks against religious symbols; witnessed the killing of a monk at the Chey Mongkul Pagoda) ¹²⁷
		08-VU-01203 (D22/0966) ¹²⁸	Persecution on religious grounds against Buddhists	Applicant's mother (prohibited from practising Buddhism; witnessed attacks against Buddhists) ¹²⁹
		09-VU-01944 (D22/2929) ¹³⁰	Persecution on religious grounds against Buddhists	Applicant's mother (prohibited from practising Buddhism; prohibited from praying; prohibited from attending her pagoda) ¹³¹
		09-VU-01946 (D22/2931) ¹³²	Persecution on religious grounds against Buddhists	Applicant's mother (prohibited from practising Buddhism; suffered from having no place to find relief or to pray at any time) and the applicant (attended meeting in April 1975 at which participants were instructed to disrespect monks and pagodas) ¹³

¹²⁶ Harm is not linked to the facts under investigation and no proof of kinship in relation to Buddhist persecution (Impugned Order D398, para. 24 and Annex 3).

¹²⁷ Report on Civil Party Application D22/2184/1 and additional information incorporated in the appeal.

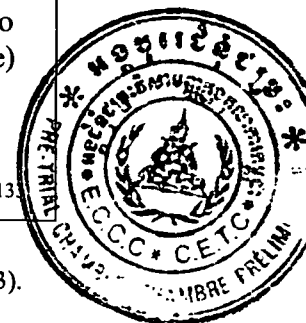
¹²⁸ Harm is not linked to the facts under investigation and no proof of kinship in relation to inhumane acts through forced marriage (Impugned Order D398, para. 24 and Annex 3).

¹²⁹ Report on Civil Party Application D22/966/1 and additional information incorporated in the appeal.

¹³⁰ Harm is not linked to the facts under investigation (Impugned Order D398, para. 24 and Annex 3).

¹³¹ Report on Civil Party Application D22/2929/1 and additional information incorporated in the appeal.

¹³² Harm is not linked to the facts under investigation and the threshold for personal psychological harm is not met in relation to inhumane acts through forced marriage (Impugned Order D398, para. 24 and Annex 3).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		09-VU-01983 (D22/2966) ¹³⁴	Persecution on religious grounds against Buddhists	Applicant's mother (prohibited from practising Buddhism; suffered from being unable to pray) ¹³⁵
		09-VU-01949 (D22/2934) ¹³⁶	Persecution on religious grounds against Buddhists	Applicant (prohibited from practising Buddhism; witnessed the destruction of the Chey Mongkul Pagoda; witnessed the killing of three monks) ¹³⁷
		09-VU-01950 (D22/2935) ¹³⁸	Persecution on religious grounds against Buddhists	Applicant (prohibited from practicing Buddhism; destruction of the Chey Mongkul Pagoda; witnessed a monk being shot at) ¹³⁹
		09-VU-00309 (D22/1665) ¹⁴⁰	Inhumane acts through forced marriage	Applicant's cousin ¹⁴¹
		09-VU-01480 (D22/2729) ¹⁴²	Inhumane acts through forced marriage	Applicant's elder sister ¹⁴³
	PTC 95 ¹⁴⁴	09-VU-00296 (D22/2078) ¹⁴⁵	Persecution on religious grounds against Buddhists	Applicant (prohibited from practising Buddhism; prohibited from attending her child's funeral; prohibited from praying) ¹⁴⁶

¹³³ Report on Civil Party Application D22/2931/1 and additional information incorporated in the appeal.

¹³⁴ Harm is not linked to the facts under investigation (Impugned Order D398, para. 24 and Annex 3).

¹³⁵ Report on Civil Party Application D22/2966/1 and additional information incorporated in the appeal.

¹³⁶ Harm is not linked to the facts under investigation (Impugned Order D398, para. 24 and Annex 3).

¹³⁷ Report on Civil Party Application D22/2934/1 and additional information incorporated in the appeal.

¹³⁸ Harm is not linked to the facts under investigation (Impugned Order D398, para. 24 and Annex 3).

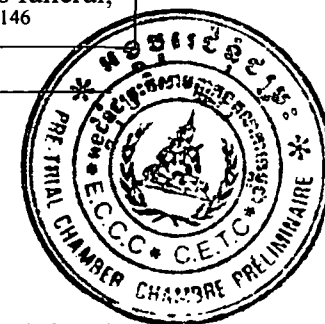
¹³⁹ Report on Civil Party Application D22/2935/1 and additional information incorporated in the appeal.

¹⁴⁰ Harm is not linked to the facts under investigation and the threshold for personal psychological harm is not met in relation to inhumane acts through forced marriage (Impugned Order D398, para. 24 and Annex 3).

¹⁴¹ Summary of supplementary information D22/1665b and additional information incorporated in the appeal.

¹⁴² Harm is not linked to the facts under investigation and no proof of kinship in relation to Buddhist persecution (Impugned Order D398, para. 24 and Annex 3).

¹⁴³ Summary of supplementary information D22/2729b and additional information incorporated in the appeal.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		09-VU-01481 (D22/2133) ¹⁴⁷	Persecution on religious grounds against Buddhists	Applicant (witnessed the destruction being turned into a rice storage room; monks were disrobed) ¹⁴⁸
D399 (Takeo Province)¹⁴⁹	PTC 101¹⁵⁰	08-VU-01836 (D22/1167) ¹⁵¹	Persecution on religious grounds against Buddhists	Applicant (prohibited from practising Buddhism; closure of the Svay Teap Pagoda) ¹⁵²
		09-VU-00601 (D22/1220) ¹⁵³	Inhumane acts through forced marriage	Applicant's mother ¹⁵⁴
		09-VU-02077 (D22/3038) ¹⁵⁵	Persecution on religious grounds against Buddhists	Applicant (prohibited from practising Buddhism; closure of his pagoda) ¹⁵⁶
		09-VU-03465 (D22/3174) ¹⁵⁷	Persecution on religious grounds against Buddhists	Applicant (prohibited from practising Buddhism; transformation of his pagoda into prison where he was himself imprisoned; prohibited from practicing his religion) ¹⁵⁸

¹⁴⁴ Appeal Against Order on the Inadmissibility of Civil Party Applicants from Current Residents of Stung Treng Province (with references), 9 September 2010, filed on 28 September 2010, D398/3/1 ("Appeal PTC 95").

¹⁴⁵ Harm is not linked to the facts under investigation (Impugned Order D398, para. 24 and Annex 3).

¹⁴⁶ Summary of supplementary information D22/2078b; Additional information submitted following a request of the Pre-Trial Chamber on 23 February 2011, D398/3/2.

¹⁴⁷ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D398, para. 24 and Annex 3).

¹⁴⁸ Additional information provided following a request from the Pre-Trial Chamber, D398/3/2.

¹⁴⁹ Order on the Admissibility of Civil Party Applicants from Current Residents of Takeo Province, 31 August 2010, D399.

¹⁵⁰ Appeal Against Order on the Admissibility of Civil Party Applicants from Current Residents of Takeo, 10 September 2010, D399/2/1 ("Appeal PTC 10").

¹⁵¹ Harm is not linked to the facts under investigation (Impugned Order D399, para. 24 and Annex 3).

¹⁵² Additional Documentation filed by the Co-Lawyers, D399/2/1.2.

¹⁵³ Harm is not linked to the facts under investigation (Impugned Order D399, para. 24 and Annex 3).

¹⁵⁴ Summary of supplementary information, D22/1220b.

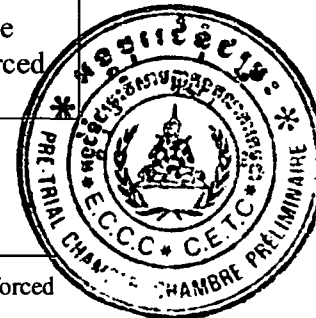
¹⁵⁵ Harm is not linked to the facts under investigation and the threshold for personal psychological harm is not met in relation to inhumane acts through forced marriage (Impugned Order D399, para. 24 and Annex 3).

¹⁵⁶ Additional information incorporated in the Appeal.



002/19-09-2007-ECCC/OCU (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

D401 (Preah Sihanouk Province)¹⁵⁹	PTC 96¹⁶⁰	09-VU-02070 (D22/3031) ¹⁶¹	Inhumane acts through forced marriage	Applicant's cousin ¹⁶²
		09-VU-02076 (D22/3037) ¹⁶³	Persecution on religious grounds against Buddhists	Applicant (prohibited from practising Buddhism; witnessed monks being prohibited from staying in the Angk Mrehpraov Pagoda; witnessed the Angk Mrehpraov Pagoda being used as a detention centre; witnessed killings at the Angk Mrehpraov pagoda) ¹⁶⁴
	PTC 98¹⁶⁵	08-VU-01269 (D22/1009) ¹⁶⁶	Persecution on religious grounds against Chams	Applicant (prohibited from practising Islam; witnessed the destruction of his mosque; forced to eat pork) ¹⁶⁷



¹⁵⁷ Harm is not linked to the facts under investigation and the threshold for personal psychological harm is not met in relation to inhumane acts through forced marriage (Impugned Order D399, para. 24 and Annex 3).

¹⁵⁸ Additional Documentation filed by the Co-Lawyers, D399/2/1.3.

¹⁵⁹ Order on the Admissibility of Civil Party Applicants from Current Residents of Preah Sihanouk Province, 2 September 2010, D401.

¹⁶⁰ Appeal Against Order on the Admissibility of Civil Party Applicants from Current Residents of Preah Sihanouk Province (D401), 8 September 2010, D401/2/1 ("Appeal PTC 96").

¹⁶¹ Harm is not linked to the facts under investigation and failure to demonstrate special bonds of affection with or dependency on the immediate victim (Impugned Order D401, para. 22 and Annex 3).

¹⁶² Summary of supplementary information D22/3031b.

¹⁶³ Insufficient information to verify compliance with Rule 23 bis (1) and (4) (Impugned Order D401, para. 25 and Annex 3).

¹⁶⁴ Additional information incorporated in the Appeal.

¹⁶⁵ *Requête D'appel D'ordonnance Sur La Recevabilité des Constitutions de Parties Civiles Résidant Dans La Province de Preah Sihanouk*, 12 September 2010, D401/4/1 ("Appeal PTC 98").

¹⁶⁶ Harm is not linked to the facts under investigation (Impugned Order D410, para. 24 and Annex 3).

¹⁶⁷ Summary of supplementary information D22/1009b.

002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		09-VU-03798 (D22/3449) ¹⁶⁸	Persecution on religious grounds against Chams	Applicant (prohibited from practising Islam; forced to eat pork) ¹⁶⁹
		09-VU-01523 (D22/1866) ¹⁷⁰	Persecution on religious grounds against Chams	Applicant (prohibited from practising Islam; forced to eat pork) ¹⁷¹
		09-VU-02053 (D22/3014) ¹⁷²	Persecution on religious grounds against Chams	Applicant (prohibited from practising Islam; forced to eat pork; witnessed her younger cousin being forced to eat pork and nearly dying) ¹⁷³
		09-VU-03801 (D22/3452) ¹⁷⁴	Persecution on religious grounds against Chams	Applicant (prohibited from practising Islam; forced to change her name; forced to eat pork meat) ¹⁷⁵
		09-VU-03802 (D22/3453) ¹⁷⁶	Persecution on religious grounds against Chams	Applicant (prohibited from practising Islam; prohibited from speaking Cham; forced to eat pork) ¹⁷⁷

¹⁶⁸ Harm is not linked to the facts under investigation (Impugned Order D410, para. 24 and Annex 3).

¹⁶⁹ Summary of supplementary information D22/3449b.

¹⁷⁰ Harm is not linked to the facts under investigation and failure to demonstrate special bonds of affection with or dependency on the immediate victim (Impugned Order D401, para. 22 and Annex 3).

¹⁷¹ Summary of supplementary information D22/1866b.

¹⁷² Harm is not linked to the facts under investigation (Impugned Order D410, para. 24 and Annex 3).

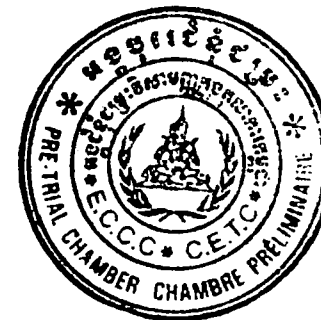
¹⁷³ Summary of supplementary information D22/3014b.

¹⁷⁴ Harm is not linked to the facts under investigation (Impugned Order D410, para. 24 and Annex 3).

¹⁷⁵ Summary of supplementary information D22/3452b.

¹⁷⁶ Harm is not linked to the facts under investigation (Impugned Order D410, para. 24 and Annex 3).

¹⁷⁷ Summary of supplementary information D22/3453b.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		09-VU-00627 (D22/898) ¹⁷⁸	Persecution on religious grounds against Chams	Applicant (prohibited from practising Islam, prohibited from praying; forced to eat pork, prohibition to worship and to engage in any religious practice) ¹⁷⁹
		09-VU-02052 (D22/3013) ¹⁸⁰	Persecution on religious grounds against the Cham	Applicant (forced to eat pork under the threat of being killed, prohibited from wearing traditional clothes, women forced to cut their hair, prohibition to hold any religious ceremony and for the Muslims to gather) ¹⁸¹
		09-VU-02054 (D22/3015) ¹⁸²	Persecution on religious grounds against the Cham	Applicant (forced to eat pork) and Applicant's uncle and grandfather(killed because they were found in possession of the Quoran) ¹⁸³
		09-VU-03799 (D22/3450) ¹⁸⁴	Persecution on religious grounds against the Cham	Applicant (forced to eat pork and confiscation of Quoran) ¹⁸⁵
		09-VU-02050 (D22/3011) ¹⁸⁶	Persecution on religious grounds against the Cham	Applicant (prohibition to practice religion, destruction of Mosques, people forced to eat pork and confiscation of Quoran) and

¹⁷⁸ Harm is not linked to the facts under investigation (Impugned Order D410, para. 24 and Annex 3).

¹⁷⁹ Additional information submitted on 23 February 2011 following a request from the Pre-Trial Chamber, D401/4/2.5.

¹⁸⁰ Harm is not linked to the facts under investigation (Impugned Order D401, para.24 and Annex 3).

¹⁸¹ Additional information provided on 23 February 2011 following a request from the Pre-Trial Chamber, D401/4/2.7.

¹⁸² Harm is not linked to the facts under investigation (Impugned Order D401, para.24 and Annex 3).

¹⁸³ Additional information provided on 23 February 2011 following a request from the Pre-Trial Chamber, D401/4/2.8.

¹⁸⁴ Harm is not linked to the facts under investigation (Impugned Order D401, para.24 and Annex 3).

¹⁸⁵ Additional information provided on 23 February 2011 following a request from the Pre-Trial Chamber, D401/4/2.9.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

				Applicant's grandfather (killed after being caught practicing his religion) ¹⁸⁷
		09-VU-01816 (D22/2179) ¹⁸⁸	Persecution on religious grounds against the Cham	Applicant (prohibition to practice religion, people forced to eat pork and confiscation of Quoran) ¹⁸⁹
		09-VU-01034 (D22/2691) ¹⁹⁰	Persecution on religious grounds against the Cham	Applicant (people forced to eat pork and prohibition to practice any religion) ¹⁹¹
		09-VU-02049 (D22/3010) ¹⁹²	Persecution on religious grounds against the Cham	Applicant (people forced to eat pork and women forced to cut their hair) ¹⁹³
		09-VU-00079 (D22/1559) ¹⁹⁴	Inhumane acts through forced marriage	Applicant's two cousins ¹⁹⁵
	PTC 99 ¹⁹⁶	08-VU-02313 (D22/1466) ¹⁹⁷	Inhumane acts through forced marriage	Two of the applicant's friends ¹⁹⁸
		09-VU-00084 (D22/1164) ¹⁹⁹	Inhumane acts through forced marriage	Applicant's cousin ²⁰⁰

¹⁸⁶ Harm is not linked to the facts under investigation (Impugned Order D401, para.24 and Annex 3).

¹⁸⁷ Additional information provided on 23 February 2011 following a request from the Pre-Trial Chamber, D401/4/2.6.

¹⁸⁸ Harm is not linked to the facts under investigation (Impugned Order D401, para.24 and Annex 3).

¹⁸⁹ Additional information provided on 23 February 2011 following a request from the Pre-Trial Chamber, D401/4/2.2.

¹⁹⁰ Harm is not linked to the facts under investigation (Impugned Order D401, para.24 and Annex 3).

¹⁹¹ Additional information provided on 23 February 2011 following a request from the Pre-Trial Chamber, D401/4/2.3.

¹⁹² Harm is not linked to the facts under investigation (Impugned Order D401, para.24 and Annex 3).

¹⁹³ Additional information provided on 23 February 2011 following a request from the Pre-Trial Chamber, D401/4/2.1.

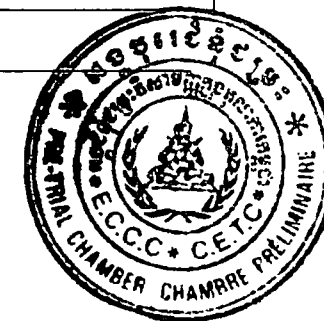
¹⁹⁴ Harm is not linked to the facts under investigation and failure to demonstrate special bonds of affection with or dependency on the immediate victim (Impugned Order D401, para. 22 and Annex 3).

¹⁹⁵ Summary of supplementary information D22/1559b.

¹⁹⁶ *Requête D'appel D'ordonnance Sur La Recevabilité des Constitutions de Parties Civiles Résidant Dans la Province de Preah Sihanouk*, 12 September 2010, D 401/5/1 ("Appeal PTC 99").

¹⁹⁷ Insufficient information to verify compliance with Rule 23 bis (1) and (4) (Impugned Order D401, para. 25 and Annex 3).

¹⁹⁸ Summary of supplementary information D22/1466b.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		09-VU-00087 (D22/461) ²⁰¹	Persecution on religious grounds against Buddhists	Applicant's two nephews who were monks (forced to disrobe; forced to work at a cooperative) ²⁰²
		09-VU-00624 (D22/899) ²⁰³	Persecution on religious grounds against the Buddhists	Applicant (prohibited from practicing his religion, witnessed monks being forced out of a pagoda) ²⁰⁴
		09-VU-00628 (D22/1442) ²⁰⁵	Inhumane acts through forced marriage	Applicant's niece ²⁰⁶
		09-VU-00082 (D22/490) ²⁰⁷	Inhumane acts through forced marriage	Applicant's niece ²⁰⁸
	PTC 100 ²⁰⁹	09-VU-00080 (D22/762) ²¹⁰	Persecution on religious grounds against Buddhists	Applicant (prohibited from practising Buddhism; prohibited from holding funeral ceremonies) ²¹¹

¹⁹⁹ Harm is not linked to the facts under investigation and failure to demonstrate special bonds of affection with or dependency on the immediate victim (Impugned Order D401, para. 22 and Annex 3).

²⁰⁰ Summary of supplementary information D22/1164b.

²⁰¹ Harm is not linked to the facts under investigation and failure to demonstrate special bonds of affection with or dependency on the immediate victim (Impugned Order D401, para. 22 and Annex 3).

²⁰² Summary of supplementary information D22/461b.

²⁰³ Harm is not linked to the facts under investigation and failure to demonstrate special bonds of affection with or dependency on the immediate victim (Impugned Order D401, para. 22 and Annex 3).

²⁰⁴ Supplementary Information D22/899b.

²⁰⁵ Harm is not linked to the facts under investigation and failure to demonstrate special bonds of affection with or dependency on the immediate victim (Impugned Order D401, para. 22 and Annex 3).

²⁰⁶ Summary of supplementary information D22/1442b.

²⁰⁷ Threshold for personal psychological harm is not met in relation to forced marriage and harm is not linked to the other facts under investigation (Impugned Order D401, paras. 22-23 and Annex 3).

²⁰⁸ Summary of supplementary information D22/490b.

²⁰⁹ Appeal Against the Order on the Admissibility of Civil Party Applicants from Current Residents of Preah Sihanouk Province, 12 September 2010, D401/6/1 ("Appeal PTC 100").

²¹⁰ Harm is not linked to the facts under investigation (Impugned Order D401, para. 24 and Annex 3).

²¹¹ Summary of supplementary information D22/762b.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		09-VU-00085 (D22/0493) ²¹²	Persecution on religious grounds against Buddhists	Applicant itnessed shocking and violent scenes of persecution against Buddhists, such as Khmer Rouge soldiers chasing and shooting at monks as well as others being arrested and put on trucks and sent to be killed ²¹³
		09-VU-01196 (D22/0747) ²¹⁴	Persecution on religious grounds against Buddhists	Applicant (prohibited from practising Buddhism; prohibited from offering food to spirits) ²¹⁵
		09-VU-01515 (D22/0863) ²¹⁶	Persecution on religious grounds against Buddhists	Applicant (prohibited from practising Buddhism; prohibited from holding funeral ceremonies for her child and husband) ²¹⁷
		09-VU-01518 (D22/0860) ²¹⁸	Inhumane acts through forced marriage	Applicant ²¹⁹
D403 (Kandal Province)²²⁰	PTC 127²²¹	09-VU-01995 (D22/2978) ²²²	Murder as part of the purges of the East Zone	Applicant's brother ²²³

²¹² Harm is not linked to the facts under investigation (Impugned Order D401, para. 24 and Annex 3).

²¹³ Summary of supplementary information D22/493b.

²¹⁴ Harm is not linked to the facts under investigation (Impugned Order D401, para. 24 and Annex 3).

²¹⁵ Summary of supplementary information D22/741b.

²¹⁶ Harm is not linked to the facts under investigation (Impugned Order D401, para. 24 and Annex 3).

²¹⁷ Summary of supplementary information D22/863b.

²¹⁸ Harm is not linked to the facts under investigation (Impugned Order D401, para. 24 and Annex 3).

²¹⁹ Summary of supplementary information D22/860b

²²⁰ Order on the Admissibility of Civil Party Applicants from Current Residents of Kandal Province, 6 September 2010, D403.

²²¹ Appeal Brief Against Order on the Admissibility of Civil Party Applications from Current Residents of Kandal Province of 6 September 2010, 16 September 2010, D403/4/1 ("Appeal PTC 127").

²²² Insufficient information to verify compliance with Rule 23 *bis* (1) and (4) (Impugned Order D403, para. 27 and Annex 3).

²²³ Supplementary information incorporated in the Appeal, para. 29; Supplementary Information D22/2192b. The Applicant is admitted on the basis of the same crime committed against his brother and for which another of his brother (Applicant 09-VU-02013 (D22/2192)) was admitted as a civil party by the Co-Investigating Judges.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		09-VU-02034 (D22/2996) ²²⁴	Other inhumane acts through forced marriage	Applicant's older sister ²²⁵
	PTC 128 ²²⁶	08-VU02058 (D22/0378) ²²⁷	Phase 1 of forced transfer	Applicant's younger brother ²²⁸
		09-VU-01194 (D22/1531) ²²⁹	Persecution on religious grounds against Buddhists	Applicant's father (prohibited from practising Buddhism; forced to disrobe) ²³⁰
		09-VU-01651 (D22/0818) ²³¹	Inhumane acts through forced marriage	Applicant ²³²
		09-VU-01874 (D22/2863) ²³³	Inhumane acts through forced marriage	Applicant's younger brother ²³⁴
		09-VU-01636 (D22/0536) ²³⁵	Inhumane acts through forced marriage	Applicant's sister ²³⁶
		09-VU-01627 (D22/0774) ²³⁷	Inhumane acts through forced marriage	Applicant's niece ²³⁸
		09-VU-02039 (D22/2198) ²³⁹	Inhumane acts through forced marriage	Applicant's two younger brothers ²⁴⁰

²²⁴ Harm is not linked to the facts under investigation (Impugned Order D403, para. 26 and Annex 3).

²²⁵ Summary of supplementary information, D22/2996b.

²²⁶ Appeal Against Order on the Inadmissibility of Civil Party Applicants from Current Residents of Kandal Province, 16 September 2010, D403/5/1 ("Appeal PTC 128").

²²⁷ Harm is not linked to the facts under investigation (Impugned Order D403, para. 26 and Annex 3).

²²⁸ Additional information incorporated in the Appeal.

²²⁹ Harm is not linked to the facts under investigation (Impugned Order D403, para. 26 and Annex 3).

²³⁰ Additional information incorporated in the Appeal.

²³¹ Insufficient information to verify compliance with Rule 23 *bis* (1) and (4) (Impugned Order D403, para. 27 and Annex 3).

²³² Additional information incorporated in the Appeal.

²³³ Harm is not linked to the facts under investigation (Impugned Order D403, para. 26 and Annex 3).

²³⁴ Summary of supplementary information D22/2863b

²³⁵ Harm is not linked to the facts under investigation (Impugned Order D403, para. 26 and Annex 3).

²³⁶ Summary of supplementary information D22/536b.

²³⁷ Harm is not linked to the facts under investigation and the threshold for personal psychological harm is not met in relation to inhumane acts through forced marriage (Impugned Order D403, para. 24 and Annex 3).

²³⁸ Report on civil party application D22/774/1.

²³⁹ Insufficient information to verify compliance with Rule 23 *bis* (1) and (4) (Impugned Order D403, para. 27 and Annex 3).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

	PTC 159 ²⁴¹	09-VU-01626 (D22/0775) ²⁴²	Persecution on religious grounds against Buddhists	Applicant (prohibited from practising Buddhism; witnessed the destruction of his pagoda; witnessed the killing of monks) ²⁴³
		10-VU-00415 (D22/3824) ²⁴⁴	Inhumane acts through forced marriage	Applicant ²⁴⁵
	PTC 166 ²⁴⁶	09-VU-01549 (D22/770) ²⁴⁷	Persecution on religious grounds against Buddhists	Applicant (prohibited from practising Buddhism; prohibited from attending the Koh Thum Pagoda) ²⁴⁸
		09-VU-01570 (D22/855) ²⁴⁹	Persecution on religious grounds against Buddhists	Applicant (prohibited from practising Buddhism; prohibited from attending her pagoda; prohibited from praying) ²⁵⁰
		09-VU-00997 (D22/1622) ²⁵¹	Persecution on religious grounds against Buddhists	Applicant (prohibited from practising Buddhism; witnessed the conversion of the Purthiban Pagoda into a rice storage facility) ²⁵²

²⁴⁰ Summary of supplementary information D22/2198b.

²⁴¹ Appeal Against Order on the Admissibility of Civil Party Applicants from Current Residents of Kandal Province, 2 November 2010, D403/6/1 (“Appeal PTC 159”).

²⁴² Insufficient information to verify compliance with Rule 23 *bis* (1) and (4) (Impugned Order D403, para. 27 and Annex 3).

²⁴³ Additional documentation filed by the Co-Lawyers, D403/6/1.4.2.

²⁴⁴ Harm is not linked to the facts under investigation (Impugned Order D403, para. 26 and Annex 3).

²⁴⁵ Additional documentation filed by the Co-Lawyers, D403/6/1.4.1.

²⁴⁶ Appeal Against Orders on the Admissibility of Civil Party Applicants from Current Resident of Kandal Province, 2 November 2010, D403/7/1 (“Appeal PTC 166”).

²⁴⁷ Harm is not linked to the facts under investigation (Impugned Order D403, para. 26 and Annex 3).

²⁴⁸ Additional documentation filed by the Co-Lawyers, D403/7/1.2.3.

²⁴⁹ Harm is not linked to the facts under investigation (Impugned Order D403, para. 26 and Annex 3).

²⁵⁰ Additional documentation filed by the Co-Lawyers, D403/7/1.2.4.

²⁵¹ Harm is not linked to the facts under investigation (Impugned Order D403, para. 26 and Annex 3).

²⁵² Additional information incorporated in the Appeal.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		09-VU-01856 (D22/2846) ²⁵³	Persecution on religious grounds against Buddhists	Applicant (prohibited from practising Buddhism; prohibited from attending her pagoda) ²⁵⁴
		09-VU-01538 (D22/1854) ²⁵⁵	Persecution on religious grounds against Buddhists	Applicant (prohibited from practising Buddhism; prohibited from attending the Koh Thom and Purthiban Pagodas) ²⁵⁶
		09-VU-01555 (D22/857) ²⁵⁷	Inhumane acts through forced marriage	Applicant's cousin ²⁵⁸
D404 (Outside Cambodia) ²⁵⁹	PTC 73 ²⁶⁰	10-VU-00400 (D22/3820) ²⁶¹	Imprisonment and murder at S-21	Applicant's wife's uncle ²⁶²
		10-VU-00193 (D22/3750) ²⁶³	Phase 1 of forced transfer	Applicant ²⁶⁴
		07-VU-00049 (D22/1270) ²⁶⁵	Phase 1 of forced transfer	Applicant witnessed phase 1 of forcible transfer ²⁶⁶

²⁵³ Harm is not linked to the facts under investigation (Impugned Order D403, para. 26 and Annex 3).

²⁵⁴ Additional information incorporated in the Appeal.

²⁵⁵ Harm is not linked to the facts under investigation and the threshold for personal psychological harm is not met in relation to inhumane acts through forced marriage (Impugned Order D403, para. 24 and Annex 3).

²⁵⁶ Additional information incorporated in the Appeal.

²⁵⁷ Harm is not linked to the facts under investigation and the threshold for personal psychological harm is not met in relation to inhumane acts through forced marriage (Impugned Order D403, para. 24 and Annex 3).

²⁵⁸ Supplementary Information D22/857b.

²⁵⁹ Order on the Admissibility of Civil Party Applicants Residing Outside the Kingdom of Cambodia, 6 September 2010, filed on 7 September 2010, D404 ("Impugned Order D404").

²⁶⁰ Appeal Against Order on the Admissibility of Civil Party Applicants Residing Outside the Kingdom of Cambodia (D404), 17 September 2010, D404/2/3 ("Appeal PTC 73").

²⁶¹ Harm is not linked to the facts under investigation (Impugned Order D404, para. 24 and Annex 3).

²⁶² Additional information filed with the Appeal (D404/2/3.2.8); D288/6.68.1 (entry 6385) confirming that the name in question indeed appears as the name of an inmate of S-21, an engineer who had studied in France and was executed on 23 May 1976.

²⁶³ Insufficient information to verify compliance with Rule 23 bis (1) and (4) (Impugned Order D404, para. 25 and Annex 3).

²⁶⁴ Additional information incorporated in the Appeal.

²⁶⁵ Insufficient information to verify compliance with Rule 23 bis (1) and (4) (Impugned Order D404, para. 25 and Annex 3).

²⁶⁶ Additional information incorporated in the Appeal.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		09-VU-04314 (D22/3677) ²⁶⁷	Persecution on religious grounds against Buddhists	Applicant (prohibited from practising Buddhism; prohibited from attending the Chroy Neang Nuom Village Pagoda; witnessed the disrobing of monks) ²⁶⁸
	PTC 119 ²⁶⁹	10-VU-00414 (D22/3823) ²⁷⁰	Phase 1 of forced transfer	Applicant's mother, brothers and sisters ²⁷¹
D406 (Phnom Penh Province) ²⁷²	PTC 135 ²⁷³	10-VU-00025 (D22/2504) ²⁷⁴	Phase 1 of forced transfer	Applicant's three siblings ²⁷⁵
		10-VU-00960 (D22/3959) ²⁷⁶	Phase 1 of forced transfer	Applicant ²⁷⁷
D408 (Pailin Province) ²⁷⁸	PTC 168 ²⁷⁹	09-VU-01906 (D22/2893) ²⁸⁰	Persecution on religious grounds against Buddhists	Applicant (prohibited from practising Buddhism; witnessed the death of a monk) ²⁸¹

²⁶⁷ Insufficient information to verify compliance with Rule 23 *bis* (1) and (4) (Impugned Order D404, para. 25 and Annex 3).

²⁶⁸ Supplementary statement filed as supporting documentation, D404/7/1.

²⁶⁹ Appeal against Order on the Admissibility of Civil Party Applicants Residing Outside the Kingdom of Cambodia (D404) 17 September 2010, D404/7/1 ("Appeal PTC 119").

²⁷⁰ Insufficient information to verify compliance with Rule 23 *bis* (1) and (4) (Impugned Order D404, para. 25 and Annex 3).

²⁷¹ Additional information incorporated in the Appeal.

²⁷² Order on the Admissibility of Civil Party Applicants from Current Residents of Phnom Penh, 6 September 2010, D406.

²⁷³ Appeal Against Order on the Admissibility of Civil Party Applicants from Current Residents of Phnom Penh (D406) 16 September 2010, D406/3/1 ("Appeal PTC 135").

²⁷⁴ Insufficient information to verify compliance with Rule 23 *bis* (1) and (4) (Impugned Order D406, para. 24 and Annex 3).

²⁷⁵ Additional information incorporated in the Appeal.

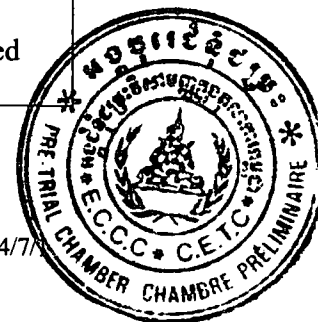
²⁷⁶ Insufficient proof of identification (Impugned Order D408 and Annex 3).

²⁷⁷ Summary of supplementary information D22/3959b. Following a request by the Pre-Trial Chamber, the applicant provided a sufficient proof of identity (D406/3/1.2.2). D22/3959b.

²⁷⁸ Order on the Admissibility of Civil Party Applicants from current residents of Pailin Province, 6 September 2010, filed on 7 September 2010, D408.

²⁷⁹ Appeal Against Order on the Admissibility of Civil Party Applicants from Current Residents of Pailin Province, 2 November 2010, D408/3/1 ("Appeal PTC 168").

²⁸⁰ Harm is not linked to the facts under investigation and no proof of kinship with the immediate victim in relation to forced marriage (Impugned Order D408, para. 23 and Annex 3).



002/19-09-2007-ECCC/OCU (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		09-VU-01924 (D22/2911) ²⁸²	Persecution on religious grounds against Buddhists	Applicant (prohibited from practising Buddhism; witnessed the destruction of religious symbols) ²⁸³
		09-VU-01925 (D22/2912) ²⁸⁴	Persecution on religious grounds against Buddhists	Applicant (prohibited from practising Buddhism; prohibited from attending the Korng Kang and Phnom Yat Pagodas) ²⁸⁵
		09-VU03827 (D22/3478) ²⁸⁶	Persecution on religious grounds against Buddhists	Applicant (prohibited from practising Buddhism; prohibited from praying; prohibited from attending the Chroy Mothes Pagoda; witnessed the conversion of the Chroy Mothes Pagoda into a kitchen, dining hall and a place for widows) ²⁸⁷
D409 (Svay Rieng Province)²⁸⁸	PTC 131²⁸⁹	08-VU-02372 (D22/765) ²⁹⁰	Phase 1 of forced transfer	Applicant's older cousin ²⁹¹
		08-VU-02109 (D22/1053) ²⁹²	Phase 2 of forcible transfer from	Applicant (connected to the Lon

²⁸¹ Additional information incorporated in the Appeal.

²⁸² Harm is not linked to the facts under investigation (Impugned Order D408, para. 25 and Annex 3).

²⁸³ Additional information incorporated in the Appeal.

²⁸⁴ Harm is not linked to the facts under investigation (Impugned Order D408, para. 25 and Annex 3).

²⁸⁵ Additional information incorporated in the Appeal.

²⁸⁶ Harm is not linked to the facts under investigation and the threshold for personal psychological harm is not met and no proof of relevant harm (Impugned Order D408, para. 22 and Annex 3).

²⁸⁷ Additional information incorporated in the Appeal.

²⁸⁸ Order on the Admissibility of Civil Party Applicants from Current Residents of Svay Rieng Province, 9 September 2010, D409.

²⁸⁹ Appeal Against Order on the Admissibility of Civil Party Applicants from Current Residents of Svay Rieng Province (D409), 17 September 2010, D409/2/1 ("Appeal PTC 131").

²⁹⁰ Harm is not linked to the facts under investigation (Impugned Order D409, para. 24 and Annex 3).

²⁹¹ Summary of supplementary information, D22/765b.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

			Chamkar Leav Village to Trapeang Bon Village, within Svay Rieng Province (April 1976)	Nol regime, since her husband and three brothers were all former Lon Nol soldiers) ²⁹³
		08-VU-02102 (D22/2056) ²⁹⁴	Persecution on racial grounds against the Vietnamese in Svay Rieng province (arrest, detention and killing)	Applicant's younger brother (perceived as being Vietnamese) ²⁹⁵
	PTC 132 ²⁹⁶	08-VU-02303 (D22/365) ²⁹⁷	Phase 2 of forcible transfer within Svay Rieng Province (between 1975 and 1977)	Applicant (connected to the Lon Nol's regime as her two young brothers and her uncle were all former Lon Nol soldiers who were sent for reeducation in 1975) ²⁹⁸
	PTC 133 ²⁹⁹	08-VU-02275 (D22/1150) ³⁰⁰	Phase 2 of forcible transfer from Trapeang Bon Village to Prey Kokir village, within Svay Rieng Province (April 1976)	Applicant (connected to the Lon Nol's regime as her father was a soldier in this regime) ³⁰¹
		09-VU-00340 (D22/1791) ³⁰²	Phase 2 of forcible transfer within Svay Rieng Province (April 1977)	Applicant (connected with Lon Nol's regime as her husband was a soldier) ³⁰³

²⁹² Harm is not linked to the facts under investigation (Impugned Order D409, para. 24 and Annex 3).

²⁹³ Report on Civil Party Application D22/1053/1; Appeal PTC 131, paras 91-92; Indictment, paras 263 and 265.

²⁹⁴ Harm is not linked to the facts under investigation (Impugned Order D409, para. 24 and Annex 3).

²⁹⁵ Appeal PTC 131, para. 95; Indictment, paras 1422 and 1415.

²⁹⁶ Appeal Against Order on the Admissibility of Civil Party Applicants from Current Residents of Svay Rieng Province (D409), 20 September 2010, D409/4/1 ("Appeal PTC 132").

²⁹⁷ Harm is not linked to the facts under investigation (Impugned Order D409, para. 24 and Annex 3).

²⁹⁸ Report on Civil Party Application D22/365/1.

²⁹⁹ Appeal Against Order on the Inadmissibility of Civil Party Applicants from Current Residents of Svay Rieng Province, 20 September 2010, D409/4/1 ("Appeal PTC 133").

³⁰⁰ Harm is not linked to the facts under investigation (Impugned Order D409, para. 24 and Annex 3).

³⁰¹ Report on civil party application, D22/1150/1.

³⁰² Insufficient information to verify compliance with Rule 23 *bis* (1) and (4) (Impugned Order D409, para. 24 and Annex 3).

³⁰³ Report on civil party application, D22/1791/1.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		09-VU-00645 (D22/1257) ³⁰⁴	Phase 2 of forcible transfer from Trapeang Bon Village to Check Village, within Svay Rieng Province (July 1977)	Applicant (a former Lon Nol soldier) ³⁰⁵
		09-VU-02444 (D22/2223) ³⁰⁶	Persecution on religious grounds against Buddhists	Applicant (prohibition to practice his religion) ³⁰⁷
		09-VU-02451 (D22/2230) ³⁰⁸	Persecution on racial grounds against the Vietnamese (murder) in Svay Rieng province	Applicant's younger brother (accused of being an "infiltrated YUON enemy") ³⁰⁹
	PTC 161 ³¹⁰	08-VU-00668 (D22/366) ³¹¹	Inhumane acts through forced marriage	Applicant's older sister ³¹²
D410 (Prey Veng Province) ³¹³	PTC 129 ³¹⁴	09-VU-02173 (D22/3085) ³¹⁵	Inhumane acts through forced marriage	Applicant's two cousins ³¹⁶
		09-VU-02177 (D22/3089) ³¹⁷	Inhumane acts through forced marriage	Applicant's cousin ³¹⁸

³⁰⁴ Harm is not linked to the facts under investigation (Impugned Order D409, para. 24 and Annex 3).

³⁰⁵ Report on civil party application, D22/1257/1.

³⁰⁶ Insufficient information to verify compliance with Rule 23 *bis* (1) and (4) (Impugned Order D409, para. 24 and Annex 3).

³⁰⁷ Report on civil party application, D22/2223/1 and Appeal.

³⁰⁸ Harm is not linked to the facts under investigation (Impugned Order D409, para. 24 and Annex 3).

³⁰⁹ Report on civil party application, D22/2230/1 (Khmer version).

³¹⁰ Appeal Against Orders on the Admissibility of Civil Party Applicants from Current Residents of Svay Rieng Province, 2 November 2010, D409/5/1 ("Appeal PTC 161").

³¹¹ Harm is not linked to the facts under investigation (Impugned Order D409, para. 24 and Annex 3).

³¹² Supplementary documentation filed by the Co-Lawyers, D409/5/1.2.1.

³¹³ Order on the Admissibility of Civil Party Applicants from Current Residents of Prey Veng Province, 9 September 2010, D410.

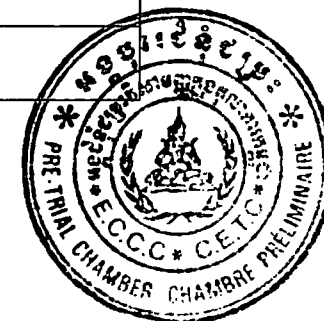
³¹⁴ Appeal Against Order on the Admissibility of Civil Party Applicants from Current Residents of Prey Veng Province (D410) 16 September 2010, D410/2/1 ("Appeal PTC 129")

³¹⁵ Harm is not linked to the facts under investigation (Impugned Order D410, para. 26 and Annex 3).

³¹⁶ Report on civil party application (Khmer version), D22/3085/1.

³¹⁷ Harm is not linked to the facts under investigation and the threshold for personal psychological harm is not met (Impugned Order D410, paras 24 and 26 and Annex 3).

³¹⁸ Additional information incorporated in the Appeal.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		09-VU-02181 (D22/3093) ³¹⁹	Persecution on religious grounds against Buddhists	Applicant (prohibited from practising Buddhism; witnessed the destruction of her pagoda at Kouk Kong Kaeut; witnessed the disrobing of monks; witnessed the disrobing of her two nephews who were monks at the Tham Ke Pagoda; witnessed the disappearance of her two nephews) ³²⁰
	PTC 130 ³²¹	07-VU-00142 (D22/0069) ³²²	Persecution on racial grounds against the Vietnamese (murder) in Prey Veng province	Applicant's younger brother (accused of being a <i>Yuon</i> , a derogatory word to designate a Vietnamese person) ³²³
	PTC 153 ³²⁴	09-VU-01091 (D22/0600) ³²⁵	Persecution on racial grounds against the Vietnamese (arrest, detention and disappearance) at a security centre in Cheung Chab, Sampoar Village in Prey Vieng Province	Applicant's husband (accused of having an affiliation with the Vietnamese and being an enemy of Angkar) ³²⁶
		09-VU-01099 (D22/0606) ³²⁷	Inhumane acts through forced marriage	Applicant's two daughters ³²⁸

³¹⁹ Insufficient information to verify compliance with Rule 23 *bis* (1) and (4) (Impugned Order D410, para. 27 and Annex 3).

³²⁰ Additional information incorporated in the Appeal.

³²¹ Appeal against the Order on the Admissibility of Civil Party Applicants from Current Residents of Prey Veng Province (D410), 19 September 2010, D410/41 ("Appeal PTC 130").

³²² Insufficient information to verify compliance with Rule 23 *bis* (1) and (4) (Impugned Order D410, para. 27 and Annex 3).

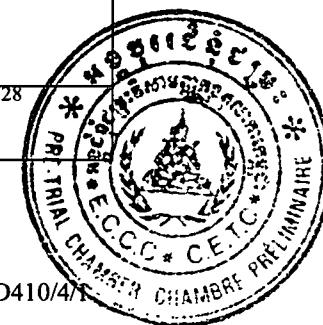
³²³ Report on civil party application, D22/0069/1 and information incorporated in the Appeal.

³²⁴ Amended Appeal of Civil Party Applicants against Order on the Inadmissibility of Civil Party Applicants from Current Residents of Prey Veng Province, D410, 22 October 2010, D410/6/1 ("Appeal PTC 153").

³²⁵ Harm is not linked to the facts under investigation (Impugned Order D410, para. 26 and Annex 3).

³²⁶ Report on Civil Party Application, D22/600/1 and information incorporated in the Appeal.

³²⁷ Harm is not linked to the facts under investigation (Impugned Order D410, para. 26 and Annex 3).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		09-VU-01102 (D22/0890) ³²⁹	Persecution on racial grounds against the Vietnamese (torture and murder) at Prey Vao pagoda in Prey Veng Province	Applicant's father (accused of being a Vietnamese agent and agent of the "enemy") ³³⁰
		09-VU-01110 (D22/0609) ³³¹	Persecution on racial grounds against the Vietnamese (arrest, torture and enforced disappearance in Prey Veng province)	Applicant's husband (accused of being a Vietnamese agent) ³³²
		09-VU-01103 (D22/0068) ³³³	Inhumane acts through forced marriage	Applicant's younger sibling ³³⁴
		09-VU-01124 (D22/0746) ³³⁵	Inhumane acts through forced marriage	Applicant's nephew ³³⁶
		09-VU-01292 (D22/0666) ³³⁷	Inhumane acts through forced marriage	Applicant's cousin ³³⁸
	PTC 154 ³³⁹	09-VU-02513 (D22/2285) ³⁴⁰	Phase 3 of forcible transfer Prey Veng to Pursat Province in 1978	Applicant's brother (Applicant perceived as Vietnamese) ³⁴¹
		08-VU-00800 (D22/1353) ³⁴²	Phase 1 of forced transfer	Applicant and her family ³⁴³

³²⁸ Summary of supplementary information, D22/606b.

³²⁹ Harm is not linked to the facts under investigation (Impugned Order D410, para. 26 and Annex 3).

³³⁰ Report on Civil Party Application, D22/890/1, Summary of supplementary information, D22/890b and Appeal PTC 153, paras. 63, 65, 73 and 143.

³³¹ Harm is not linked to the facts under investigation (Impugned Order D410, para. 26 and Annex 3).

³³² Report on Civil Party Application, D22/609/1 and Appeal PTC 153, paras. 100 and 145.

³³³ Harm is not linked to the facts under investigation (Impugned Order D410, para. 26 and Annex 3).

³³⁴ Additional information incorporated in the Appeal.

³³⁵ Harm is not linked to the facts under investigation (Impugned Order D410, para. 26 and Annex 3).

³³⁶ Summary of supplementary information, D22/746b.

³³⁷ Harm is not linked to the facts under investigation (Impugned Order D410, para. 26 and Annex 3).

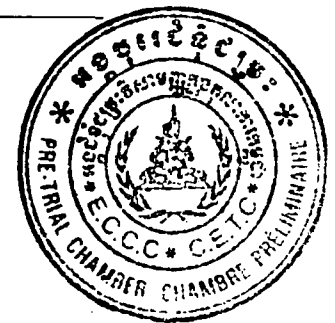
³³⁸ Summary of supplementary information, D22/666b.

³³⁹ Amended Appeal of Civil Parties Against Order on the Inadmissibility of Civil Party Applicants from Current Residents of Prey Veng Province (D410) 22 October 2010, D410/6/1 ("Appeal PTC 154").

³⁴⁰ Insufficient information to verify compliance with Rule 23 *bis* (1) and (4) (Impugned Order D410, para. 27 and Annex 3).

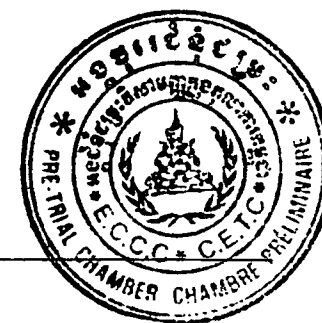
³⁴¹ Supporting documentation filed by the Co-Lawyers, D410/5/1.1.15.

³⁴² Insufficient information to verify compliance with Rule 23 *bis* (1) and (4) (Impugned Order D410, para. 27 and Annex 3).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		09-VU-00902 (D22/1108) ³⁴⁴	Persecution on religious grounds against Buddhists and inhumane acts through forced marriage	Applicant's uncle (a monk who was disrobed and forced to marry) ³⁴⁵
		08-VU-00799 (D22/1354) ³⁴⁶	Phase 3 of forcible transfer Prey Veng to Pursat Province in 1978	Applicant and her family (her father being perceived as an enemy) ³⁴⁷
		08-VU-00797 (D22/1384) ³⁴⁸	Inhumane acts through forced marriage	Applicant's elder sister ³⁴⁹
		08-VU-00796 (D22/1383) ³⁵⁰	Phase 3 of forcible transfer Prey Veng to Pursat Province in 1978	Applicant and her family (the Applicant's father, who was a first lieutenant in the Lon Nol's army, and her uncle, who was a Lon Nol's soldier, were considered as traitors/bad elements. They were both executed by the Khmer Rouge.) ³⁵¹



³⁴³ Supporting documentation filed by the Co-Lawyers, D410/5/1.1.11.

³⁴⁴ Insufficient information to verify compliance with Rule 23 *bis* (1) and (4) (Impugned Order D410, para. 27 and Annex 3).

³⁴⁵ Supporting documentation filed by the Co-Lawyers, D410/5/1.1.10.

³⁴⁶ Insufficient information to verify compliance with Rule 23 *bis* (1) and (4) (Impugned Order D410, para. 27 and Annex 3).

³⁴⁷ Supporting documentation filed by the Co-Lawyers, D410/5/1.1.8.

³⁴⁸ Insufficient information to verify compliance with Rule 23 *bis* (1) and (4) (Impugned Order D410, para. 27 and Annex 3).

³⁴⁹ Supporting documentation filed by the Co-Lawyers, D410/5/1.1.7.

³⁵⁰ Insufficient information to verify compliance with Rule 23 *bis* (1) and (4) (Impugned Order D410, para. 27 and Annex 3).

³⁵¹ Supporting documentation filed by the Co-Lawyers, D410/5/1.1.5.

002/19-09-2007-ECCC/OCU (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		09-VU-00923 (D22/2687) ³⁵²	Phase 3 of forcible transfer Prey Veng to Pursat Province (1978)	Applicant and his parents (who belonged to the class of persons targeted by the khmer rouge in the context of Phase Three since the applicant was imprisoned in Pornptoek Security Centre of Kampong Trabek district from 1975 to 1978, on an allegation that he was in the KGB, and that three of the applicant's brothers-in-law were killed by the Khmer Rouge in 1977 on an allegation that they had allied with an enemy) ³⁵³
		09-VU-00897 (D22/1258) ³⁵⁴	Inhumane acts through forced marriage	Applicant's son ³⁵⁵
		08-VU-02260 (D22/0959) ³⁵⁶	Phase 1 of forced transfer	Applicant ³⁵⁷
		09-VU-00901 (D22/1254) ³⁵⁸	Inhumane acts through forced marriage	Applicant ³⁵⁹
		09-VU-02449 (D22/2228) ³⁶⁰	Inhumane acts through forced marriage	Applicant's younger sister ³⁶¹
	PTC 163 ³⁶²	07-VU-00144 (D22/2609) ³⁶³	Persecution on racial grounds against the Vietnamese (arrest,	Applicant (arrested), his wife (Vietnamese) and his seven

³⁵² Harm is not linked to the facts under investigation (Impugned Order D410, para. 26 and Annex 3).

³⁵³ Supporting documentation filed by the Co-Lawyers, D410/5/1.1.14.

³⁵⁴ Harm is not linked to the facts under investigation (Impugned Order D410, para. 26 and Annex 3).

³⁵⁵ Supporting documentation filed by the Co-Lawyers, D410/5/1.1.4.

³⁵⁶ Harm is not linked to the facts under investigation (Impugned Order D410, para. 26 and Annex 3).

³⁵⁷ Supporting documentation filed by the Co-Lawyers, D410/5/1.1.3.

³⁵⁸ Harm is not linked to the facts under investigation (Impugned Order D410, para. 26 and Annex 3).

³⁵⁹ Supporting documentation filed by the Co-Lawyers, D410/5/1.1.2.

³⁶⁰ Harm is not linked to the facts under investigation (Impugned Order D410, para. 26 and Annex 3).

³⁶¹ Supporting documentation filed by the Co-Lawyers, D410/5/1.1.1.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

			imprisonment and murder) at Krang Kor Security Centre in Prey Veng Province	children (executed)
D414 (Kratie Province)³⁶⁴	PTC 139³⁶⁵	09-VU-03337 (D22/2342) ³⁶⁶	Persecution on religious grounds against Buddhists	Applicant (forced to destroy Buddha statues and Wat Reussei Kaev) ³⁶⁷
		08-VU-00792 (D22/1365) ³⁶⁸	Persecution on religious grounds against Buddhists	Applicant's two brothers (monks disrobed) ³⁶⁹
	PTC 140³⁷⁰	07-VU-00208 (D22/2612) ³⁷¹	Persecution on religious grounds against the Cham	Applicant's father (a religious teacher who was arrested and imprisoned) ³⁷²
	PTC 171³⁷³	08-VU-01220 (D22/2045) ³⁷⁴	Murder and other inhumane acts through attacks against human dignity at S-21	Applicant, a soldier of Division 310 which was alleged to be "traitor", alleges having suffered from witnessing many soldiers of his Division being sent to S-21, including a relative, where they would be mistreated and/or killed ³⁷⁵

³⁶² Appeal Against Order on the Admissibility of Civil Party Applicants from Current Residents of Prey Veng Province, 2 November 2010, D410/7/1 ("Appeal PTC 163").

³⁶³ Application inadmissible in the absence of any indication of willingness to continue the application of the deceased civil party (Impugned Order D410, p. 11).

³⁶⁴ Order on the Admissibility of Civil Party Applicants from Current Residents of Kratie Province, 10 September 2010, D414.

³⁶⁵ Appeal against Order on the Inadmissibility of Civil Party Applicants from Current Residents of Kratie Province, 20 September 2010, D414/3/1 ("PTC 139").

³⁶⁶ No proof of relevant harm (Impugned Order D414, para. 23 and Annex 3).

³⁶⁷ Report on Civil Party Application D22/2342/1 and Appeal PTC 139, para. 117.

³⁶⁸ Harm is not linked to the facts under investigation (Impugned Order D414, para. 27 and Annex 3).

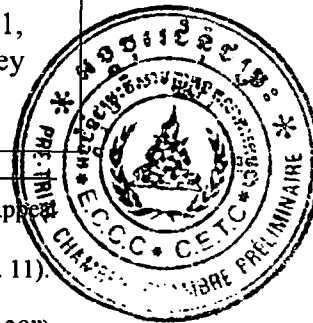
³⁶⁹ Supplementary information from the applicant filed as an annex to the Appeal.

³⁷⁰ Appeal Brief against Order on the Admissibility of Civil Party Applicants from Current Residents of Kratie Province (D414), 20 September 2010, D414/4/1 ("Appeal PTC 140").

³⁷¹ Harm is not linked to the facts under investigation (Impugned Order D414, para. 27 and Annex 3).

³⁷² Supplementary Information D22/2612b.

³⁷³ Appeal Against Orders on the Admissibility of Civil Party Applicants from Current Residents of Kratie Province, 2 November 2010, D414/5/1 ("Appeal PTC 171").



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		08-VU-02352 (D22/1139) ³⁷⁶	Persecution on religious grounds against Buddhists	Applicant (Prohibition of practicing Buddhism and destruction of his pagoda Sar Muy Roi) ³⁷⁷
		09-VU-00754 (D22/1485) ³⁷⁸	Persecution on religious grounds against Buddhists	Applicant (Prohibition of practicing Buddhism) ³⁷⁹
		09-VU-00756 (D22/1603) ³⁸⁰	Persecution on religious grounds against Buddhists	Applicant (Prohibition of practicing Buddhism) ³⁸¹
		09-VU-00757 (D22/1602) ³⁸²	Persecution on religious grounds against Buddhists	Applicant (Prohibition of practicing Buddhism and destruction of her pagoda Khno in Kampong Cham province) ³⁸³
		09-VU-01383 (D22/1900) ³⁸⁴	Persecution on religious grounds against Buddhists	Applicant (Prohibition of practicing Buddhism) ³⁸⁵
		09-VU-01776 (D22/2774) ³⁸⁶	Persecution on religious grounds against Buddhists	Applicant (Prohibition of practicing Buddhism) ³⁸⁷
		09-VU-01777 (D22/2775) ³⁸⁸	Inhumane acts through forced marriage	Applicant's aunt ³⁸⁹

³⁷⁴ Threshold for personal psychological harm is not met in relation to Tuol Sleng (S21) security centre (Impugned Order D414 and Annex 3).

³⁷⁵ Statement from the mother of the immediate victim filed by the Co-Lawyers as an annex to the appeal.

³⁷⁶ Harm is not linked to the facts under investigation (Impugned Order D414, para. 27 and Annex 3).

³⁷⁷ Additional information from telephone interview of the applicant held on 13 September 2010, incorporated in the appeal.

³⁷⁸ Harm is not linked to the facts under investigation and no proof of kinship with an immediate victim in relation to Buddhist persecution (Impugned Order D414 and Annex 3).

³⁷⁹ Additional information incorporated in the Appeal.

³⁸⁰ Harm is not linked to the facts under investigation (Impugned Order D414, para. 27 and Annex 3).

³⁸¹ Additional information from the applicant filed as an annex to the Appeal.

³⁸² Harm is not linked to the facts under investigation (Impugned Order D414, para. 27 and Annex 3).

³⁸³ Additional information incorporated in the Appeal.

³⁸⁴ Harm is not linked to the facts under investigation and no proof of kinship with an immediate victim of forced marriage (Impugned Order D414 and Annex 3).

³⁸⁵ Additional information from telephone interview of the applicant held on 14 September 2010, incorporated in the appeal.

³⁸⁶ Harm is not linked to the facts under investigation and no proof of kinship with an immediate victim of forced marriage (Impugned Order D414 and Annex 3).

³⁸⁷ Additional information from telephone interview of the applicant, incorporated in the appeal.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		09-VU-01780 (D22/2777) ³⁹⁰	Persecution on religious grounds against Buddhists	Applicant (Prohibition of practicing Buddhism and destruction of his pagoda Prey Kri) ³⁹¹
Order D415 (Battambang Province) ³⁹²	PTC 136 ³⁹³	09-VU-03517 (D22/3220) ³⁹⁴	Inhumane acts through forced marriage	Applicant's four nieces ³⁹⁵
		09-VU-03522 (D22/3225) ³⁹⁶	Persecution on religious grounds against Buddhists	Applicant (Prohibition of practicing Buddhism) ³⁹⁷
	PTC 137 ³⁹⁸	09-VU-03515 (D22/3218) ³⁹⁹	Inhumane acts through forced marriage	Applicant's two nieces ⁴⁰⁰
	PTC 150 ⁴⁰¹	09-VU-01678 (D22/2137) ⁴⁰²	Inhumane acts through forced marriage	Applicant's niece ⁴⁰³

³⁸⁸ Harm is not linked to the facts under investigation and threshold for psychological harm is not met in relation to forced marriage (Impugned Order D414 Annex 3).

³⁸⁹ Additional information incorporated to the appeal concerning the existence of a bond of affection between the applicant and her aunt, reinforcing the presumption of psychological harm

³⁹⁰ Harm is not linked to the facts under investigation and no proof of kinship with an immediate victim of forced marriage (Impugned Order D414 and Annex 3).

³⁹¹ Additional information from telephone interview of the applicant held on 11 September 2010, incorporated to the appeal.

³⁹² Order on the Admissibility of Civil Party Applications from Current Residents of Battambang Province, 13 September 2010, D415 ("Impugned Order D 415").

³⁹³ Appeal Against Orders on the Admissibility of Civil Party Applicants from Current Residents of Battambang Province, 27 September 2010, D415/2/1 ("Appeal PTC 136").

³⁹⁴ Harm is not linked to the facts under investigation (Impugned Order D415, para. 26 and Annex 3).

³⁹⁵ Additional information from the applicant filed as an annex to the Appeal, D415/2/1.3.1.

³⁹⁶ Harm is not linked to the facts under investigation (Impugned Order D415, para. 26 and Annex 3).

³⁹⁷ Additional information from the applicant, incorporated in the appeal (Appeal PTC 136, para. 80).

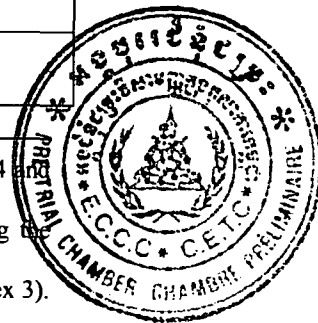
³⁹⁸ Appeal Against Order on the Inadmissibility of Civil Party Applicants from Current Residents of Battambang Province, 22 September 2010, D415/5/1 ("PTC 137").

³⁹⁹ Harm is not linked to the facts under investigation (Impugned Order D415, para. 26 and Annex 3).

⁴⁰⁰ Additional information from the applicant, incorporated to the appeal (Appeal PTC137, para. 81).

⁴⁰¹ Appeal Against Order on the Admissibility of Civil Party Applications from Current Residents of Battambang, D415, 20 October 2010, D415/7/1 ("Appeal PTC 150").

⁴⁰² Threshold for personal psychological harm is not met in relation to forced marriage and harm not linked to the facts under investigation in relation to the other alleged crimes (Impugned Order D415, paras. 24, 26 and Annex 3).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		09-VU-02074 (D22/3039) ⁴⁰⁴	Phase 1 of forced transfer	Applicant and members of her family ⁴⁰⁵
	PTC 169 ⁴⁰⁶	08-VU-01027 (D22/0376) ⁴⁰⁷	Persecution on religious grounds against Buddhists	Applicant (Prohibition of practicing Buddhism and destruction of her pagoda Ek Raing Sei) ⁴⁰⁸
		08-VU-01025 (D22/0167) ⁴⁰⁹	Inhumane acts through forced marriage	Applicant's niece ⁴¹⁰
		08-VU-01534 (D22/0381) ⁴¹¹	Persecution on religious grounds against Buddhists	Applicant (Prohibition of practicing Buddhism) ⁴¹²
		08-VU-01202 (D22/0141) ⁴¹³	Persecution on religious grounds against Buddhists	Applicant (Prohibition of practicing Buddhism) ⁴¹⁴
		08-VU-01026 (D22/0151) ⁴¹⁵	Persecution on religious grounds	Applicant (Prohibition of

⁴⁰³ Supplementary Information, D22/2137b.

⁴⁰⁴ Harm is not linked to the facts under investigation (Impugned Order D415, para.26 and Annex 3).

⁴⁰⁵ See Appeal PTC 150, stressing erroneous date of transfer of application in English summary (1973 instead of 1975) and clarifying from where the applicant was transferred, i.e. Phnom Penh, an information the application was lacking.

⁴⁰⁶ Appeal Against Orders on the Admissibility of Civil Party Applicants from Current Residents of Battambang Province, 2 November 2010, D415/8/1 ("Appeal PTC 169").

⁴⁰⁷ No proof of kinship with an immediate victim in relation to forced marriage and Buddhist persecution and harm is not linked to other crimes under investigation (Impugned Order D415, paras. 23, 26 and Annex 3).

⁴⁰⁸ Appeal PTC 169, para. 40 and further statement from the applicant annexed to the Appeal (D415/8.1.2.3).

⁴⁰⁹ Threshold for personal psychological harm is not met in relation to forced marriage and harm is not linked to the facts under investigation, in relation to Buddhist persecution at Wat Samrong, Samrong district, Battambang province as described in paragraph 72 of the Introductory Submission; and the other alleged crimes (Impugned Order D415, paras. 24, 26 and Annex 3).

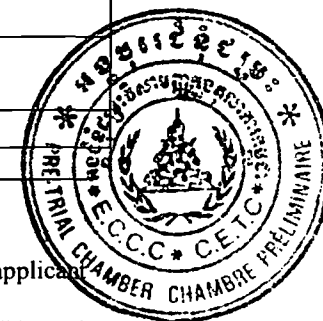
⁴¹⁰ Additional information about the existence of a bond of affection between the applicant and his niece (Appeal PTC 169, para. 43).

⁴¹¹ No proof of kinship with an immediate victim in relation to forced marriage and Buddhist persecution and the harm is not linked to other crimes under investigation (Impugned Order D415, paras. 23, 26 and Annex 3).

⁴¹² Additional information from the applicant (telephone interview of 15 September 2010), incorporated to the appeal. See also, Supplementary Information D22/381b.

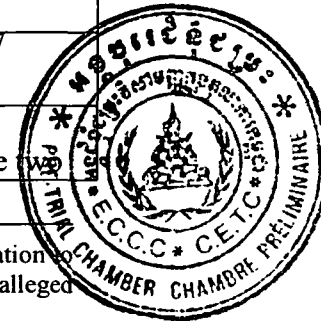
⁴¹³ Threshold for personal psychological harm is not met in relation to forced marriage and harm is not linked to the facts under investigation, in relation to Buddhist persecution at Wat Samrong, Samrong district, Battambang province as described in paragraph 72 of the Introductory Submission; and the other alleged crimes (Impugned Order D415, paras. 24, 26 and Annex 3).

⁴¹⁴ Additional information from the applicant (telephone interview of 16 September 2010), incorporated to the appeal Appeal PTC 169, para. 49. See also, Supplementary Information D22/381b.



002/19-09-2007-ECCC/OCU (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

			against Buddhists	practicing Buddhism, destruction of her pagoda Wat Ek in Preak Norint) ⁴¹⁶
D416 (Bantey Meanchey Province)⁴¹⁷	PTC 124⁴¹⁸	10-VU-00979 (D22/3977) ⁴¹⁹	Inhumane acts through forced marriage	Applicant ⁴²⁰
	PTC 125⁴²¹	10-VU-00987 (D22/1445) ⁴²²	Persecution on religious grounds against Buddhists	Applicant (Prohibition of practicing Buddhism) ⁴²³
		10-VU-01540 (D22/1837) ⁴²⁴	Enslavement and extermination (Trapeang Thma Dam worksite)	Applicant's two nieces aged 18 and 15 years old who died of exhaustion ⁴²⁵
		10-VU-01356 (D22/1933) ⁴²⁶	Inhumane acts through forced marriage	Applicant's female cousin ⁴²⁷
		10-VU-01892 (D22/2820) ⁴²⁸	Enslavement and murder (Trapeang Thma Dam worksite)	Applicant's two brothers (enslavement) and one of the



⁴¹⁵ Threshold for personal psychological harm is not met in relation to forced marriage and harm is not linked to the facts under investigation, in relation to Buddhist persecution at Wat Samrong, Samrong district, Battambang province as described in paragraph 72 of the Introductory Submission; and the other alleged crimes (Impugned Order D415, paras. 24, 26 and Annex 3).

⁴¹⁶ Additional information from the applicant (telephone interview of 16 September 2010), incorporated in the Appeal.

⁴¹⁷ Order on the Admissibility of Civil Party Applications from Current Residents of Bantey Meanchey Province, 13 September 2010, D416 ("Impugned Order D416").

⁴¹⁸ Appeal against Order on the Admissibility of Civil Party Applicants from Current Residents of Bantey Meanchey Province, 22 September 2010, D416/5/1 ("Appeal PTC 124").

⁴¹⁹ Harm not linked to the facts under investigation (Impugned Order D416, para. 26 and Annex 3).

⁴²⁰ Supplementary information incorporated in the Appeal (PTC 124, page 25).

⁴²¹ Appeal against Order on the Admissibility of Civil Party Applicants from Current Residents of Bantey Meanchey Province D416, 23 September 2010, D416/6/1 ("Appeal PTC 125").

⁴²² Harm is not linked to the facts under investigation (Impugned Order D416, para. 23 and Annex 3).

⁴²³ Appeal PTC 125 and excerpt from phone interviews of the Applicant by his Counsel on 19 September 2010.

⁴²⁴ Harm is not linked to the facts under investigation (Impugned Order D416, para. 23 and Annex 3).

⁴²⁵ Appeal PTC 125 and excerpt from phone interview of the applicant by his counsel on 19 September 2010.

⁴²⁶ Insufficient information to verify compliance to Rule 23 *bis* (1) and (4) of the Internal Rules (Impugned Order D416, para.24 and Annex 3).

⁴²⁷ Further information from applicant resulting from phone interview of 17 September 2010, incorporated to the Appeal (Appeal PTC 125, para. 109).

002/19-09-2007-ECCC/OCU (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

				brothers (murder) ⁴²⁹
	PTC 149 ⁴³⁰	10-VU-02092 (D22/3052) ⁴³¹	Inhumane acts through forced marriage	Applicant's elder brother and sister ⁴³²
	PTC 170 ⁴³³	09-VU-02092 (D22/1507) ⁴³⁴	Persecution on religious grounds against Buddhists	Applicant (Prohibition of practicing Buddhism and Applicant's pagodas Prum Chan and Ampean turned into rice granary and livestock hold) ⁴³⁵
		10-VU-00992 (D22/3989) ⁴³⁶	Inhumane acts through forced marriage	Applicant's sister ⁴³⁷
D417 (Kampong Chhnang Province)⁴³⁸	PTC 143 ⁴³⁹	08-VU-00251 (D22/1378) ⁴⁴⁰	Enslavement (1 st January Dam)	Applicant ⁴⁴¹
		09-VU-00229 (D22/1187) ⁴⁴²	Phase 1 of forced transfer	Applicant (witnessed the arrival of people forcibly evacuated from

⁴²⁸ Harm is not linked to the facts under investigation (Impugned Order D416, para.23 and Annex 3).

⁴²⁹ Further information from applicant resulting from phone interview of 17 September 2010, incorporated to the Appeal (Appeal PTC 125, para. 109).

⁴³⁰ Amended Appeal against Order on the Admissibility of Civil Party Applicants from Current Residents of Banteay Meanchey Province D416, 20 October 2010, D416/7/1 ("Appeal PTC 149").

⁴³¹ Harm is not linked to the facts under investigation (Impugned Order D416, para.23 and Annex 3).

⁴³² Further information from applicant resulting from phone interview of 19 September 2010, incorporated to the Appeal (Appeal PTC 149, para. 14)

⁴³³ Appeal against Orders on the Admissibility of Civil Party Applicants from Current Residents of Banteay Meanchey Province, 2 November 2010, D416/8/1 ("Appeal PTC 170").

⁴³⁴ Insufficient information to verify compliance to Rule 23 *bis* (1) and (4) of the Internal Rules (Impugned Order D416, para. 24 and Annex 3).

⁴³⁵ Appeal PTC 170 incorporating further information from the applicant.

⁴³⁶ Harm is not linked to the facts under investigation (Impugned Order D416, para.23 and Annex 3).

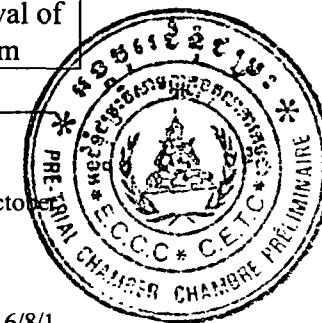
⁴³⁷ Additional information from the applicant annexed to the appeal (D416/8/1.2.3).

⁴³⁸ Order on the Admissibility of Civil Party Applicants from Current Residents of Kampong Chhnang Province, 13 September 2010, D417 ("Impugned Order D417").

⁴³⁹ *Mémoire d'appel contre l'ordonnance sur la recevabilité de constitution de parties civiles résidant en province de Kampong Chhnang (D417)*, 23 September 2010, D417/3/1 ("Appeal PTC 143").

⁴⁴⁰ No proof of kinship with an immediate victim (Impugned Order D417, para. 22 and Annex 3).

⁴⁴¹ Supplementary Information D22/1378a (original Khmer version of the statement).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

				Phnom Penh) ⁴⁴³
		09-VU-01001 (D22/1625) ⁴⁴⁴	Inhumane acts through forced marriage	Applicant's two cousins ⁴⁴⁵
		08-VU-00629 (D22/1941) ⁴⁴⁶	Persecution on religious grounds against the Cham	Applicant (prohibition of islam, forced to eat pork saw ⁴⁴⁷
	PTC 144 ⁴⁴⁸	09-VU-04309 (D22/3673) ⁴⁴⁹	Persecution on religious grounds against the Cham	Applicant (prohibition to practice Islam, to speak Cham language, burning of Quoran and obligation to engage in practice contrary to Islam <i>inter alia</i> to eat pork) ⁴⁵⁰
		09-VU-04312 (D22/3676) ⁴⁵¹	Persecution on religious grounds against the Cham	Applicant (prohibition to practice Islam, to speak Cham language, burning of Quoran and obligation to engage in practice contrary to Islam <i>inter alia</i> to eat pork) ⁴⁵²
		09-VU-02047 (D22/3008) ⁴⁵³	Persecution on religious grounds against the Cham	Applicant (prohibition to practice Islam and obligation to engage in practice contrary to Islam <i>inter alia</i> to eat pork) ⁴⁵⁴

⁴⁴² No proof of kinship with an immediate victim (Impugned Order D417, para. 22 and Annex 3).

⁴⁴³ Supplementary information, D22/1187b.

⁴⁴⁴ Threshold of personal psychological harm has not been met (Impugned Order D417, para. 23 and Annex 3).

⁴⁴⁵ Supplementary information, D22/1625c

⁴⁴⁶ Harm is not linked to the facts under investigation (Impugned Order D417, para. 25 and Annex 3).

⁴⁴⁷ Report on Civil Party Application D22/1941/1.

⁴⁴⁸ *Requête d'appel d'ordonnance sur la recevabilité des constitutions de parties civiles résidant dans la province de Kampong Chhnang*, 16 September 2010, D417/4/1 ("Appeal PTC 144").

⁴⁴⁹ Harm is not linked to the facts under investigation (outside geographic scope / Cham persecution) (Impugned Order D417, para. 25 and Annex 3).

⁴⁵⁰ Appeal PTC 144, para. 75; Report on Civil Party Application D22/3673.

⁴⁵¹ Harm is not linked to the facts under investigation (outside geographic scope / Cham persecution) (Impugned Order D417, para. 25 and Annex 3).

⁴⁵² Appeal PTC144, para. 75; Report on Civil Party Application D22/2676/1.

⁴⁵³ Harm is not linked to the facts under investigation (outside geographic scope / Cham persecution) (Impugned Order D417, para. 25 and Annex 3).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		09-VU-02058 (D22/3019) ⁴⁵⁵	Persecution on religious grounds against the Cham	Applicant (prohibition to practice Islam and any traditional practice associated to it, under threat of being executed) ⁴⁵⁶
		09-VU-02056 (D22/3018) ⁴⁵⁷	Inhumane acts through forced marriage	Applicant's niece ⁴⁵⁸
		09-VU-02059 (D22/3020) ⁴⁵⁹	Persecution on religious grounds against the Cham	Applicant (prohibition to practice Islam, forced to eat pork) ⁴⁶⁰
		09-VU-02060 (D22/3021) ⁴⁶¹	Persecution on religious grounds against the Cham	Applicant (prohibition to practice Islam and to speak Cham language and respect the traditions) ⁴⁶²
		09-VU-02061 (D22/3022) ⁴⁶³	Persecution on religious grounds against the Cham	Applicant (prohibition to practice Islam and to read Quoran) ⁴⁶⁴
		09-VU-03835 (D22/3486) ⁴⁶⁵	Persecution on religious grounds against Buddhists	Applicant (prohibition to pay respect to Buddha) ⁴⁶⁶

⁴⁵⁴ Appeal PTC144, para. 75; Supplementary Information D22/3008b.

⁴⁵⁵ No proof of kinship with an immediate victim and the harm is not linked to the facts under investigation (outside geographic scope / Cham persecution) (Impugned Order D417, paras 22 and 25 and Annex 3).

⁴⁵⁶ Appeal PTC144, para. 75; Supplementary Information D22/3019b.

⁴⁵⁷ Threshold of personal psychological harm was not met in relation to forced marriage and the harm is not linked to the facts under investigation (other alleged crimes) (Impugned Order D417, paras 23 and 25 and Annex 3).

⁴⁵⁸ Supplementary Information D22/3018b.

⁴⁵⁹ No proof of kinship with an immediate victim in relation to forced marriage the harm is not linked to the facts under investigation (other alleged crimes) (Impugned Order D417, paras 22 and 25 and Annex 3).

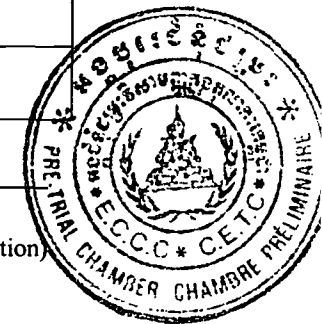
⁴⁶⁰ Supplementary Information D22/3020a and b.

⁴⁶¹ No proof of kinship with an immediate victim of Prey Trapeang execution site and the harm is not linked to the facts under investigation (other alleged crimes) (Impugned Order D417, paras 22 and 25 and Annex 3).

⁴⁶² Supplementary Information D22/3021a and b.

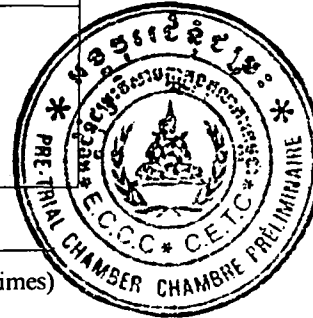
⁴⁶³ No proof of kinship with an immediate victim in relation to forced marriage and the harm is not linked to the facts under investigation (other alleged crimes) (Impugned Order D417, paras 22 and 25 and Annex 3).

⁴⁶⁴ Supplementary Information D22/3022a and b.



002/19-09-2007-ECCC/OCJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		09-VU-01794 (D22/2790) ⁴⁶⁷	Phase 1 of forced transfer	Applicant's cousin who disappeared during this phase ⁴⁶⁸
		09-VU-01003 (D22/1606) ⁴⁶⁹	Inhumane acts through forced marriage	Applicant's nephew ⁴⁷⁰
		09-VU-01214 (D22/710) ⁴⁷¹	Inhumane acts through forced marriage	Applicant's cousin ⁴⁷²
		08-VU-02187 (D22/502) ⁴⁷³	Persecution on religious grounds against Buddhists	Applicant (Prohibition of practicing Buddhism) ⁴⁷⁴
D418 (Kampong Thom Province) ⁴⁷⁵	PTC 156 ⁴⁷⁶	08-VU-02213 (D22/1810) ⁴⁷⁷	Inhumane acts through forced marriage	Applicant ⁴⁷⁸



⁴⁶⁵ No proof of kinship with an immediate victim in relation to forced marriage and the harm is not linked to the facts under investigation (other alleged crimes) (Impugned Order D417, paras 22 and 25 and Annex 3).

⁴⁶⁶ Appeal PTC144, para. 78; Supplementary Information D22/3486 a and b; Indictment, para. 741.

⁴⁶⁷ No proof of kinship with an immediate victim in relation to forced marriage and the harm is not linked to the facts under investigation (other alleged crimes) (Impugned Order D417, paras 22 and 25 and Annex 3).

⁴⁶⁸ Appeal PTC144, para. 79; Supplementary Information D22/2790 a and b.

⁴⁶⁹ Threshold for personal psychological harm was not met in relation to forced marriage and the harm is not linked to the facts under investigation (other alleged crimes) (Impugned Order D417, paras 23 and 25 and Annex 3).

⁴⁷⁰ Appeal PTC144, para. 79; Supplementary Information D22/1606 a and b.

⁴⁷¹ Threshold for personal psychological harm was not met in relation to forced marriage and the harm is not linked to the facts under investigation (other alleged crimes) (Impugned Order D417, paras 23 and 25 and Annex 3).

⁴⁷² Supplementary information, D22/710b.

⁴⁷³ No proof of kinship with an immediate victim in relation to forced marriage and the harm is not linked to the facts under investigation (other alleged crimes) (Impugned Order D417, paras 22 and 25 and Annex 3).

⁴⁷⁴ Appeal PTC144, para. 78; Supplementary Information D22/506 a and b.

⁴⁷⁵ Order on the Admissibility of Civil Party Applicants from Current Residents of Kampong Thom Province, issued on 26 August 2010 and filed on 14 September 2010 ("Impugned Order D418").

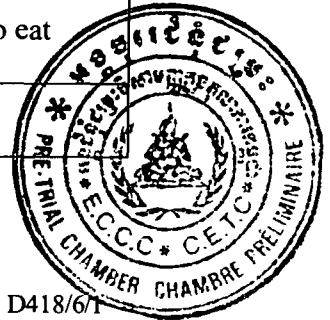
⁴⁷⁶ Re-Filing of the Appeal Against Order on the Admissibility of Civil Party Applicants from Current Residents of Kampong Thom Province D418, 27 September 2010, D418/5/1 ("Appeal PTC 156").

⁴⁷⁷ Harm not linked to the facts under investigation (Impugned Order D418, para. 24 and Annex 3).

⁴⁷⁸ Additional information inserted in Appeal PTC 156.

002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		10-VU-00907 (D22/3917) ⁴⁷⁹	Inhumane acts through forced marriage	Applicant's sister in law ⁴⁸⁰
	PTC 167 ⁴⁸¹	10-VU-00898 (D22/3908)	Imprisonment at S-21 Security Center and murder	Applicant's sister and extended family members ⁴⁸²
D423 (Pursat Province) ⁴⁸³	PTC 120 ⁴⁸⁴	09-VU-01071 (D22/2693) ⁴⁸⁵	Persecution on religious grounds against the Buddhists	Applicant's elder brothers (it is reported that they were monks and have been disrobed by the Khmer Rouge) ⁴⁸⁶
		07-VU00415 (D22/1390) ⁴⁸⁷	Persecution on religious grounds against the Cham	Applicant (Prohibition of practicing Islam, forced to eat pork meat) ⁴⁸⁸
		09-VU-00240 (D22/0790) ⁴⁸⁹	Inhumane acts through forced marriage	Applicant's uncle ⁴⁹⁰



⁴⁷⁹ Harm not linked to the facts under investigation (Impugned Order D418, para. 24 and Annex 3).

⁴⁸⁰ Additional information inserted in Appeal PTC 156.

⁴⁸¹ Appeal Against Order on the Admissibility of Civil Party Applicants from Current Residents of Kampong Thom Province, 2 November 2010, D418/6/T ("Appeal PTC 167").

⁴⁸² Report on Civil Party Application, D22/3908/1. The name of the Applicant's sister is not listed among the S-21 prisoners detained or executed (Revised S-21 Prisoner List, E68.1), however, this does not make it implausible that she, along with her family, were sent to S-21 since, as the Trial Chamber found in Case 001, the list is not exhaustive, and it is likely that a great many prisoners whose names are not on it (Judgement, Case No. 001/18-07-2007/ECCC/TC, 26 July 2010, E188, paras 142 & 143).

⁴⁸³ Order on the Inadmissibility of Civil Party Applicants from Current Residents of Pursat Province, 25 September 2010, D423.

⁴⁸⁴ Appeal Against Order on the Inadmissibility of Civil Party Applicants from Current Residents of Pursat Province, 24 September 2010, D423/4/1 ("Appeal PTC 120").

⁴⁸⁵ Harm not linked to facts under investigation (Impugned Order D423, para. 25 and Annex 3).

⁴⁸⁶ Supplementary Information D22/2693b.

⁴⁸⁷ Applicant did not substantiate sufficiently a bond of affection or dependency with the immediate victim to meet the psychological harm threshold and harm is not linked to the crimes under investigation (other alleged crimes) (Impugned Order D423, para. 25 and Annex 3).

⁴⁸⁸ Report on Civil Party Application D22/1390.

⁴⁸⁹ Applicant did not substantiate sufficiently a bond of affection or dependency with the immediate victim to meet the psychological harm threshold and harm is not linked to the crimes under investigation (other alleged crimes) (Impugned Order D423, para. 25 and Annex 3).

⁴⁹⁰ Supplementary information provided on 30 August 2010, incorporated to the Appeal PTC 120.

002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

	PTC 121 ⁴⁹¹	09-VU-01978 (D22/2961) ⁴⁹²	Persecution on religious grounds against the Buddhists	Applicant's brother in law (a monk who was defrocked by the Khmer Rouge) ⁴⁹³
		09-VU-00565 (D22/2012) ⁴⁹⁴	Murders during Phase 3 of forcible transfers from Svay Rieng to Pursat province in 1978	The applicant witnessed these murders, the victims being lined up, killed and thrown into a pond in Bakan district, Pursat province ⁴⁹⁵
		09-VU-01974 (D22/2957) ⁴⁹⁶	Inhumane acts through forced marriage	Applicant's cousin ⁴⁹⁷
	PTC 122 ⁴⁹⁸	10-VU-0860 (D22/3873) ⁴⁹⁹	Persecution on religious grounds against the Cham	Applicant (as he was a Cham he refused to eat pork and was starved until he accepted to eat porridge mixed with oil made of pork) ⁵⁰⁰

⁴⁹¹ Appeal Against Order on the Inadmissibility of Civil Party Applicants from Current Residents of Pursat Province, 27 September 2010, D423/5/1 ("Appeal PTC 121").

⁴⁹² Harm is not linked to the facts under investigation (Impugned Order D423, para. 25 and Annex 3).

⁴⁹³ Supplementary Information D22/2961b.

⁴⁹⁴ No proof of kinship with an immediate victim in relation to forcible transfer from the East Zone (Phase 3) and the harm is not linked to the other facts under investigation (Impugned Order D423, para. 25 and Annex 3).

⁴⁹⁵ It is not disputed that this is a crime for which the accused are indicted. The Co-investigating Judges considered that the applicant did not offer proof of kinship with an immediate victim of this crime. Witnessing mass killing and/or human being bodies having been voluntarily killed and thrown into a pond amount to an event of a shocking and violent nature which makes it plausible that the applicant suffered psychological harm from witnessing a crime for which the accused are indicted.

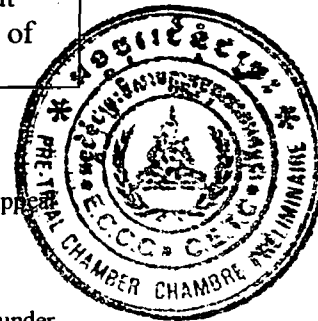
⁴⁹⁶ No proof of kinship with an immediate victim of forced marriage and the harm is not linked to the other facts under investigation (Impugned Order D423, para. 25 and Annex 3).

⁴⁹⁷ Supplementary Information D22/2957b.

⁴⁹⁸ *Appel des Co-avocats de parties civiles, groupe « Avocats Sans Frontières France », de l'ordonnance D423 sur la recevabilité des constitutions de parties civiles résidant dans la province de Pursat*, 27 September 2010, D423/6/1 ("Appeal PTC 122").

⁴⁹⁹ Harm is not linked to the facts under investigation and is outside geographical scope with respect to Cham persecution (Impugned Order D423, para. 25 and Annex 3)

⁵⁰⁰ Supplementary information, D22/3873b.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		10-VU-0861 (D22/3874) ⁵⁰¹	Persecution on religious grounds against the Cham	Applicant (forced to eat pork because he is a Cham) ⁵⁰²
		10-VU-0863 (D22/3876) ⁵⁰³	Persecution on religious grounds against the Cham	Applicant (forced to eat pork because he is a Cham and knew that, had he refused to do so, he would have been beaten, tortured or killed) ⁵⁰⁴
		10-VU-0864 (D22/3877) ⁵⁰⁵	Persecution on religious grounds against the Cham	Applicant (forced to eat pork in 1976, a practice against his religion) ⁵⁰⁶
		10-VU-0877 (D22/3887) ⁵⁰⁷	Persecution on religious grounds against the Cham	Applicant (forced to eat pork because of being Cham) ⁵⁰⁸
	PTC 123 ⁵⁰⁹	09-VU-00100 (D22/1082) ⁵¹⁰	Persecution on religious grounds against the Cham	Applicant (khmer rouge forced him and other Cham people to eat pork and that the fact he begged them not to force him had no effect) ⁵¹¹

⁵⁰¹ Harm is not linked to the facts under investigation and is outside geographical scope with respect to Cham persecution (Impugned Order D423, para. 25 and Annex 3).

⁵⁰² Supplementary Information D22/3374b.

⁵⁰³ Harm is not linked to the facts under investigation and is outside geographical scope with respect to Cham persecution (Impugned Order D423, para. 25 and Annex 3).

⁵⁰⁴ Report on Civil Party Application D22/3876/1 and Supplementary Information D3876b.

⁵⁰⁵ Harm is not linked to the facts under investigation and is outside geographical scope with respect to Cham persecution (Impugned Order D423, para. 25 and Annex 3).

⁵⁰⁶ Report on Civil Party Application D22/3877/1 and Indictment, para. 1420.

⁵⁰⁷ Harm is not linked to the facts under investigation and is outside geographical scope with respect to Cham persecution (Impugned Order D423, para. 25 and Annex 3).

⁵⁰⁸ Report on Civil Party Application D22/3887/1 and Indictment, para. 1420.

⁵⁰⁹ *Requête d'appel d'ordonnance sur la recevabilité des constitutions de parties civiles résidant dans la province de Pursat*, 27 September 2010, D423/7/1 ("Appeal PTC 123").

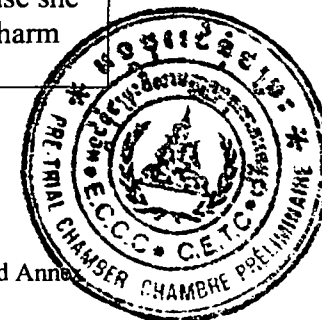
⁵¹⁰ Harm is not linked to the facts under investigation (outside geographical scope with respect to Cham persecution) (Impugned Order D423, para. 25 and Annex 3).

⁵¹¹ Report on Civil Party Application D22/1082/1.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		09-VU-00225 (D22/1132) ⁵¹²	Persecution on religious grounds against the Cham	Applicant (forced to eat pork because of being Cham) ⁵¹³
		09-VU-01955 (D22/2940) ⁵¹⁴	Inhumane acts through forced marriage	Applicant's aunt (sister of the applicant's father, forced to marry a non Cham person against her will. She died less than a year later due to exhaustion after having delivered a baby) ⁵¹⁵
		09-VU-01956 (D22/2941) ⁵¹⁶	Persecution on religious grounds against the Cham	Applicant (Prohibition of Islam as well as Cham culture he was forced by the Khmer rouge to live like Khmer families) ⁵¹⁷
		09-VU-01958 (D22/2943) ⁵¹⁸	Persecution on religious grounds against the Cham	Applicant (forced by the khmer rouge who knew she was a Cham, to eat soup mixed with pork. She did not dare to refuse because she was afraid that they would harm her) ⁵¹⁹



⁵¹² Harm is not linked to the facts under investigation (outside geographical scope with respect to Cham persecution) (Impugned Order D423, para. 25 and Annex 3).

⁵¹³ Report on Civil Party Application D22/1132/1.

⁵¹⁴ The threshold for psychological harm has not been met in relation to forced marriage and the harm is not linked to the facts under investigation (Impugned Order D423, para. 25 and Annex 3).

⁵¹⁵ Supplementary Information D22/2940b.

⁵¹⁶ Harm is not linked to the facts under investigation (outside geographical scope with respect to Cham persecution) (Impugned Order D423, para. 25 and Annex 3).

⁵¹⁷ Supplementary Information D22/2941b.

⁵¹⁸ Harm is not linked to the facts under investigation (outside geographical scope with respect to Cham persecution) (Impugned Order D423, para. 25 and Annex 3).

⁵¹⁹ Report on Civil Party Application D22/2943/1 and Supplementary Information D22/2943b.

002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		09-VU-01975 (D22/2958) ⁵²⁰	Phase 3 of forcible transfers from Svay Rieng to Pursat province in 1978	Applicant witnessed the arrival of persons forcibly transferred from Svay Rieng and Prey Veng to Pursat province, a shocking event as every information available to him including earlier killings he witnessed led him to conclude that these persons were to be executed ⁵²¹
		09-VU-01976 (D22/2959) ⁵²²	Inhumane acts through forced marriage	Applicant's aunt ⁵²³
		09-VU-01979 (D22/2962) ⁵²⁴	Inhumane acts through forced marriage	Applicant's cousin ⁵²⁵
	PTC 151 ⁵²⁶	08-VU-02112 (D22/1971) ⁵²⁷	Inhumane acts through forced marriage	Applicant (witnessed the forced marriage of ten couples, and that this event traumatized her, and caused her to fear that she might be subjected to such a marriage as well) ⁵²⁸

⁵²⁰ No proof of kinship with an immediate victim in relation to forcible transfers from the East Zone (Phase 3) (Impugned Order D423, para. 22 and Annex 3)

⁵²¹ Supplementary Information D22/2958b.

⁵²² Harm is not linked to the facts under investigation (Impugned Order D423, para. 25 and Annex 3).

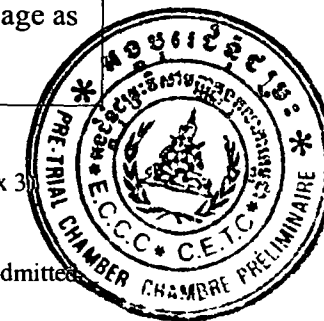
⁵²³ See information highlighted in the appeal regarding the family relationship existing between the applicant the niece of applicant D22/2942 who was admitted as a civil party on the basis of the forced marriage of her mother.

⁵²⁴ Threshold for psychological harm has not been met in relation to forced marriage and harm is not linked to the facts under investigation (outside geographical scope with respect to Cham persecution) (Impugned Order D423, paras 23 and 25 and Annex 3).

⁵²⁵ Supplementary information, D22/2962b.

⁵²⁶ Appeal Against Order on the Admissibility of Civil Party Applicants from Current Residents of Pursat Province (D423), 20 October 2010, D423/8/1 ("Appeal PTC 151").

⁵²⁷ No proof of kinship with an immediate victim in relation to forced marriage and harm is not linked to the facts under investigation (outside geographical scope/Khmer Kampuchea Kraom persecution) (Impugned Order D423, para. 25 and Annex 3).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		09-VU-01687 (D22/2145) ⁵²⁹	Persecution on religious grounds against Buddhists	Applicant (prohibition of Buddhism, he was prevented from visiting a Wat and practicing his religion during the Khmer Rouge regime. He was also greatly traumatized by the shooting of monks to death he witnessed) ⁵³⁰
		09-VU-01690 (D22/2148) ⁵³¹	Phase 3 of forcible transfers from the East Zone in 1978 to Pursat province	Applicant (witnessed forcible evacuation and the brutal killings of evacuees from the East Zone in 1978 to Pursat province) ⁵³²
		08-VU-02132 (D22/2658) ⁵³³	Inhumane acts through forced marriage	Applicant's daughter ⁵³⁴
		09-VU-03482 (D22/3185) ⁵³⁵	Phase 3 of forcible transfers from the East Zone in 1978 to Pursat province	Applicant (witnessed the forced transfer of evacuees from Svay Rieng Province, and their execution) ⁵³⁶
		09-VU-03485 (D22/3188) ⁵³⁷	Phase 3 of forcible transfers from the East Zone in 1978 to Pursat province	Applicant (witnessed several waves of evacuees from Svay Rieng Province forcibly transferred to Pursat province, and their subsequent execution) ⁵³⁸

⁵²⁸ Appeal PTC 151, para. 19.

⁵²⁹ Harm is not linked to the facts under investigation (Impugned Order D423, para. 25 and Annex 3).

⁵³⁰ Appeal PTC 151, para. 26.

⁵³¹ No proof of kinship with an immediate victim in relation o forced transfers Phase 3 (Impugned Order D423, para. 22 and Annex 3).

⁵³² Appeal PTC 151, para. 32.

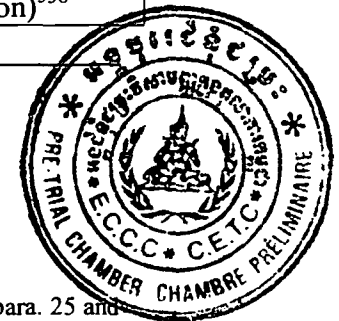
⁵³³ Harm is not linked to the facts under investigation (Impugned Order D423, para. 25 and Annex 3).

⁵³⁴ Further information from the applicant incorporated into the appeal (PTC 151, para. 33).

⁵³⁵ Harm is not linked to the facts under investigation (outside geographical scope/Khmer Kampuchea Kraom persecution) (Impugned Order D423, para. 25 and Annex 3).

⁵³⁶ Appeal PTC 151, para. 36.

⁵³⁷ No proof of kinship with an immediate victim in relation to the forced transfer from the East Zone (Phase 3) (Impugned Order D423, para. 22 and Annex 3).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		09-VU-03486 (D22/3189) ⁵³⁹	Inhumane acts through forced marriage	Applicant's mother (forced to marry 20 days after the killing of her husband, the applicant's father) ⁵⁴⁰
		09-VU-03487 (D22/3190) ⁵⁴¹	Inhumane acts through forced marriage	Applicant's sister ⁵⁴²
		09-VU-02094 (D22/3054) ⁵⁴³	Persecution on religious grounds against Buddhists	Applicant (Prohibited to practice her religion) ⁵⁴⁴
		09-VU-02096 (D22/3056) ⁵⁴⁵	Inhumane acts through forced marriage	Applicant (witnessed the forced marriage of twenty couples, including that of a second cousin of her husband's, who worked in the same cooperative as the applicant and with whom she had a close relationship. The applicant further stated that she felt sorry for Yem He, and was under a constant fear that it may happen to her daughter one day) ⁵⁴⁶

⁵³⁸ Appeal PTC 151, paras 38-39.

⁵³⁹ Harm is not linked to the facts under investigation (Impugned Order D423, para. 25 and Annex 3).

⁵⁴⁰ Appeal PTC 151, para. 41.

⁵⁴¹ Harm is not linked to the facts under investigation (Impugned Order D423, para. 25 and Annex 3).

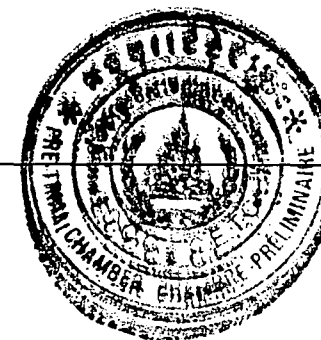
⁵⁴² Appeal PTC 151, para. 47.

⁵⁴³ Harm is not linked to the facts under investigation (Impugned Order D423, para. 25 and Annex 3).

⁵⁴⁴ Further information from the applicant incorporated in Appeal PTC 151.

⁵⁴⁵ Harm is not linked to the facts under investigation (Impugned Order D423, para. 25 and Annex 3).

⁵⁴⁶ Appeal PTC 151, para. 55.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

	PTC 162 ⁵⁴⁷	09-VU-00530 (D22/1425) ⁵⁴⁸	Persecution on religious grounds against Buddhists	Applicant (Prohibition of practicing Buddhism) and Applicant's two uncles (who were monks at Boeung Khnar Pagoda who were disrobed by the Khmer Rouge and sent for re-education) ⁵⁴⁹
		09-VU-00524 (D22/1426) ⁵⁵⁰	Persecution on religious grounds against Buddhists	Applicant (Prohibition of practicing Buddhism) and Applicant's uncle (a monk disrobed by the Khmer Rouge) ⁵⁵¹
		09-VU-00245 (D22/2074) ⁵⁵²	Persecution on religious grounds against Buddhists	Applicant (he was a Buddhist monk forcibly disrobed by the Khmer Rouge) ⁵⁵³ This caused him psychological harm. ⁵⁵⁴
D424 (Siem Reap Province) ⁵⁵⁵	PTC 105 ⁵⁵⁶	08-VU-01452 (D22/1754) ⁵⁵⁷	Inhumane acts through forced marriage	Applicant's cousin ⁵⁵⁸

⁵⁴⁷ Appeal Against Orders on the Admissibility of Civil Party Applicants from Current Residents of Pursat Province (D423), 2 November 2010, D423/9/1 ("Appeal PTC 162").

⁵⁴⁸ Harm is not linked to the facts under investigation (outside geographical scope of/Vietnamese persecution (Impugned Order D423, para. 25 and Annex 3).

⁵⁴⁹ Appeal, para. 76.

⁵⁵⁰ Harm is not linked to the facts under investigation (outside geographical scope of/Vietnamese persecution (Impugned Order D423, para. 25 and Annex 3).

⁵⁵¹ Supplementary Statement of the applicant, 17 September 2010, submitted with the Appeal, para. 2.

⁵⁵² Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D423, para. 25 and Annex 3).

⁵⁵³ Appeal PTC 151, para. 76 and Report on Civil Party Application D22/2074/1.

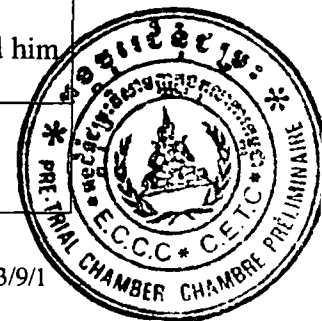
⁵⁵⁴ Report on Civil Party Application D22/2074/1.

⁵⁵⁵ Order on the Admissibility of Civil Party Applicants from Current Residents of Siem Reap Province of 15 September 2010, filed on 15 September 2010, D424 ("Impugned Order D424").

⁵⁵⁶ Appeal Against Order on the Inadmissibility of Civil Party Applicants From Current Residents of Siem Reap Province, 27 September 2010, D424/3/3 ("Appeal PTC 105").

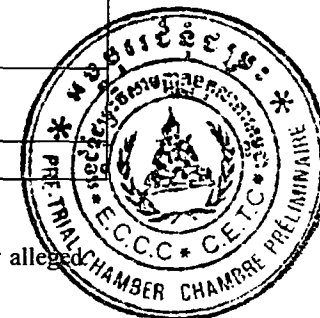
⁵⁵⁷ Threshold for personal psychological harm not met in relation to forced marriage and Harm is not linked to the facts under investigation (Impugned Order D424, paras. 25-26 and Annex 3).

⁵⁵⁸ Summary of supplementary information, D22/1754b.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		09-VU-00692 (D22/1438) ⁵⁵⁹	Inhumane acts though forced marriage	Applicant's niece ⁵⁶⁰
		09-VU-00698 (D22/1504) ⁵⁶¹	Inhumane acts though forced marriage	Applicant's nieces ⁵⁶²
		09-VU-00812 (D22/1514) ⁵⁶³	Inhumane acts though forced marriage	Members of the Applicant's cooperative (les) ⁵⁶⁴
		09-VU-01507 (D22/0781) ⁵⁶⁵	Persecution on Religious Grounds. Against Buddhists	Applicant ⁵⁶⁶
		09-VU-00800 (D22/1450) ⁵⁶⁷	Inhumane acts though forced marriage	Applicant's cousin ⁵⁶⁸
		09-VU-01495 (D22/0652) ⁵⁶⁹	Inhumane acts though forced marriage	Applicant's niece ⁵⁷⁰
		09-VU-00714 (D22/0837). ⁵⁷¹	Inhumane acts though forced marriage	Applicant's aunt ⁵⁷²
		09-VU-02202 (D22/3113) ⁵⁷³	Imprisonment at North Zone	Detainees (the Applicant



⁵⁵⁹ Threshold for personal psychological harm is not met in relation to forced marriage, and Harm is not linked to the facts under investigation (other alleged crimes) (Impugned Order D424, paras. 25-26 and Annex 3).

⁵⁶⁰ Summary of supplementary information, D22/1438b

⁵⁶¹ Threshold for personal psychological harm is not met in relation to forced marriage, and Harm is not linked to the facts under investigation (other alleged crimes) (Impugned Order D424, paras. 25-26 and Annex 3).

⁵⁶² Summary of supplementary information, D22/1504b.

⁵⁶³ No proof of relevant harm.

⁵⁶⁴ Summary of supplementary information, D22/1514b, according to which, as chief of the cooperative, the applicant was ordered to organize the forced marriage of 40 couples; see also Appeal PTC 105, para. 100.

⁵⁶⁵ Harm is not linked to the facts under investigation (Impugned Order D424, para. 26 and Annex 3).

⁵⁶⁶ Summary of supplementary information, D22/781b and additional information incorporated in the Appeal.

⁵⁶⁷ Application inadmissible on the ground that Threshold for personal psychological harm not met in relation to forced marriage and harm is not linked to the facts under investigation (other alleged crimes) (Impugned Order D424, para. 26 and Annex 3).

⁵⁶⁸ Summary of supplementary information. D22/1450b.

⁵⁶⁹ Application inadmissible on the ground that Threshold for personal psychological harm not met in relation to forced marriage and harm is not linked to the facts under investigation (other alleged crimes) (Impugned Order D424, para. 26 and Annex 3).

⁵⁷⁰ Summary of supplementary information, D22/652b.

⁵⁷¹ Harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

⁵⁷² Summary of supplementary information, D424/3/4.1.

002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

			Security Centre	witnessed their violent and shocking execution) ⁵⁷⁴
		09-VU-00693 (D22/1437) ⁵⁷⁵	Phase 2 of forced movement of population within Battambang province during 1975, 1976.	Applicant ⁵⁷⁶
		08-VU-02330 (D22/0460) ⁵⁷⁷	Inhumane acts though forced marriage	40 women forcibly married to handicapped soldiers at Svay Pagoda in 1976 (The Applicant witnessed the acts and afterwards heard that some of the women had committed suicide or were killed because they didn't obey the order to get married) ⁵⁷⁸
		09-VU-01012 (D22/2086) ⁵⁷⁹	Phase 1 of forced transfer	Applicant's father ⁵⁸⁰
		09-VU-01503 (D22/0796) ⁵⁸¹	Persecution on Religious Grounds. Against Buddhists	Applicant's relatives (they were not allowed to pray, dress in white robes or any other practice of Buddhism) ⁵⁸²

⁵⁷³ Harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

⁵⁷⁴ Summary of supplementary information, D22/3113/1.

⁵⁷⁵ Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

⁵⁷⁶ Report of civil party application D22/1437/1 and Summary of supplementary information, D22/1437b. See also Appeal PTC105, para. 101.

⁵⁷⁷ Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

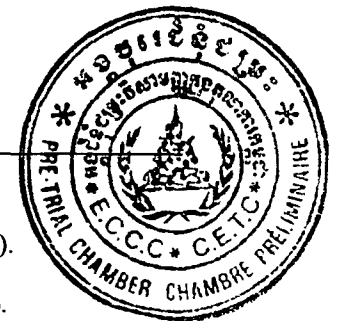
⁵⁷⁸ Supporting documentation filed by the Co-Lawyers, D424/3/4.2.

⁵⁷⁹ Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

⁵⁸⁰ Additional information incorporated in the Appeal (PTC105, para.104).

⁵⁸¹ Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

⁵⁸² Report on civil party application, D22/796/1 and Appeal PTC105, para. 156.



002/19-09-2007-ECCC/OCU (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		09-VU-02460 (D22/2239) ⁵⁸³	Persecution on Religious Grounds. Against Buddhists	Applicant (was not allowed to practice his religion, was told that Buddhist statutes were just cement statutes and monks were just villager's sons) ⁵⁸⁴
	PTC 106 ⁵⁸⁵	08-VU-00112 (D22/1290) ⁵⁸⁶	Persecution on religious grounds against Buddhists	Applicant's uncle (monk who was forced to work before being arrested and disappeared). ⁵⁸⁷
	PTC 107 ⁵⁸⁸	08-VU-00711 (D22/0450) ⁵⁸⁹	Inhumane acts through forced marriage	Applicant's female cousin ⁵⁹⁰
D426 (Kampong Cham Province)⁵⁹¹	PTC 109 ⁵⁹²	09-VU-02065 (D22/3026) ⁵⁹³	Imprisonment at S-21	Applicant's husband (Not only does the Applicant assert that she has seen a photograph of her husband at the Tuol Sleng Genocide Museum, ⁵⁹⁴ but additionally the husband's name, Preap Kim Sun alias Mann, is found on the S-21 Prisoner List) ⁵⁹⁵

⁵⁸³ Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

⁵⁸⁴ Summary of supplementary information D22/2239b; Appeal PTC105, para. 145.

⁵⁸⁵ *Appel des Co-avocats de parties civiles, groupe "Avocats Sans Frontières France", de l'ordonnance D424 sur la recevabilité des constitutions de parties civiles résidant dans la province de Siem Reap, 27 September 2010, D424/4/1 (PTC 106)".*

⁵⁸⁶ Insufficient information to verify compliance to Rule 23bis (1) and (4) of the Internal Rules (Impugned Order D424, para. 28 and Annex 3).

⁵⁸⁷ Supplementary Information D22/1290b.

⁵⁸⁸ Appeal against Order on the Inadmissibility of Civil Party Applicants from Current Residents of Siem Reap Province (D424), 26 September 2010, D424/2 ("Appeal PTC 107").

⁵⁸⁹ Insufficient information to verify compliance with Rule 23 bis (1) and (4) (Impugned Order D424, para. 28 and Annex 3).

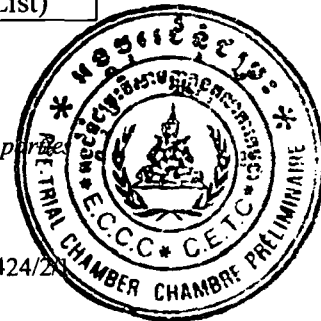
⁵⁹⁰ Further information provided by the applicant to Co-Lawyers by phone and inserted in the appeal (Appeal PTC 107, para. 12).

⁵⁹¹ Order on the Admissibility of Civil Party Applicants from Current Residents of Kampong Cham Province, 15 September 2010, D426, ("Impugned Order D426").

⁵⁹² Appeal Against Order on the Admissibility of Civil Party Applicants from Current Residents of Kampong Cham Province, 26 September 2010, D426/2/1 ("Appeal PTC 109").

⁵⁹³ Insufficient information to verify compliance with Rules 23 bis (1) and (4) in relation to the alleged crimes (Impugned Order D426, para. 26 and Annex 3).

⁵⁹⁴ Supplementary Information, D22/3026b.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		09-VU-02190 (D22/3102) ⁵⁹⁶	Inhumane acts through forced marriage	Two of the Applicant's nieces ⁵⁹⁷
		09-VU-02192 (D22/3104) ⁵⁹⁸	Persecution on religious grounds against Buddhists	Applicant's father (arrested, tortured, dragged along the path, and stepped on brutally by the Khmer Rouge in 1977 because of his attempts to pray to Buddha. Applicant's uncle (a monk arrested and tortured). These facts were additionally witnessed by the Applicant) ⁵⁹⁹
		09-VU-02200 (D22/3111) ⁶⁰⁰	Imprisonment at S-21 and killing	Applicant's father ⁶⁰¹
	PTC 110 ⁶⁰²	07-VU-00118 (D22/2608) ⁶⁰³	Phase 2 of forced transfers from Kampong Cham province to Kampong Thom province in early 1976	Applicant's brother (a former Lon Nol soldier) and his family ⁶⁰⁴
		10-VU-00173 (D22/2578) ⁶⁰⁵	Persecution on religious grounds against Buddhist	Applicant (destruction of statues and the Buddhist temple of her pagoda Wat Ta Ong, located in Chamkar Leu village, Ta Ong sub-district, Chamkar Leu district, Kampong Cham province.) ⁶⁰⁶

⁵⁹⁵ Revised S-21 Prisoner List, E68.1.

⁵⁹⁶ Harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

⁵⁹⁷ Further information provided by the applicant to the Co-lawyers on 23 September 2010 and incorporated to the Appeal PTC 109.

⁵⁹⁸ Harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

⁵⁹⁹ Report on Civil Party Application, D22/3104/1.

⁶⁰⁰ Harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

⁶⁰¹ The list of prisoners at S-21 includes a man named Preap Soreoun, who was arrested and executed in 1977 (Revised S-21 Prisoner List, E68.1).

⁶⁰² Appeal Brief Against Order on the Admissibility of Civil Party Applicants from Current Residents of Kampong Cham, filed on 27 September 2010, D426/10 ("Appeal PTC 110").

⁶⁰³ Harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

⁶⁰⁴ Appeal PTC 110, para. 29; Supplementary Information D22/2608 a and b.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		09-VU-00669 (D22/3334) ⁶⁰⁷	Genocide and/or Persecution on religious grounds against the Cham	Applicant witnessed 10 Cham families being killed in Tuol Chabeil village, Boeng Kok sub-district, Kampong Cham district, Kampong Cham province at the end of 1976 ⁶⁰⁸
		10-VU-03671 (D22/3336) ⁶⁰⁹	Genocide and/or Persecution on religious grounds against the Cham	Applicant witnessed the killing of 40 Cham families from his village, Chamkar Samseb village, Kokor sub-district, Kampong Siem district, Kampong Cham province ⁶¹⁰
		09-VU-03696 (D22/3361) ⁶¹¹	Genocide and/or Persecution on religious grounds against the Cham	Applicant witnessed Chams girls being taken away to be killed, being hit and crying knowing they were to be executed ⁶¹²
	PTC 111 ⁶¹³	08-VU-01357 (D22/2640) ⁶¹⁴	Inhumane acts through forced marriage	Applicant ⁶¹⁵

⁶⁰⁵ Harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

⁶⁰⁶ Report on Civil Party Application, D22/2578/1.

⁶⁰⁷ Harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

⁶⁰⁸ Appeal PTC 110, para. 106; Report on Civil Party Application D22/3334/1. The circumstances described make it plausible that the applicant suffered psychological harm from witnessing such a violent and shocking event.

⁶⁰⁹ Harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

⁶¹⁰ Appeal PTC 110, para. 107; Report on Civil Party Application D22/3336/1. The circumstances described make it plausible that the applicant suffered psychological harm from witnessing such a violent and shocking event.

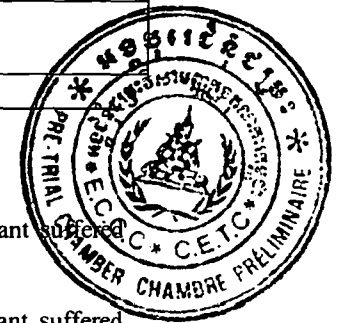
⁶¹¹ Harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

⁶¹² Additional information from the applicant annexed to the appeal, D426/3/1.24.

⁶¹³ *Requête d'appel d'ordonnance sur la recevabilité des constitutions de parties civiles résidant dans la province de Kampong Cham*, 27 September 2010, D426/4/1. A corrected version of the Appeal was filed on 29 November 2010 ("Appeal PTC 111").

⁶¹⁴ Insufficient information to verify compliance of their application with Rule 23bis (1) and (4) of the Internal Rules in relation to the alleged crimes (Impugned Order D426, para. 27 and Annex 3).

⁶¹⁵ Whereas the English summary of the supplementary information provided by the Applicant (D22/2640b) does not specify whether she herself was forcibly married, but only that some members of her family were forcibly married (with no further details), the Khmer version does (D22/2640a).



002/19-09-2007-ECCC/OCU (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		07-VU-0027 (D22/1015) ⁶¹⁶	Inhumane acts through forced marriage	Applicant's close relative ⁶¹⁷
		09-VU-00316 (D22/1473) ⁶¹⁸	Persecution on religious grounds against Buddhists	Applicant (Prohibition of Buddhism, was unable to organize a funeral for his son and brother-in-law, and thereby honor the memory of his deceased loved ones) ⁶¹⁹
		09-VU-02498 (D22/2274) ⁶²⁰	Inhumane acts through forced marriage	Applicant's niece and two brother/sister in law ⁶²¹
		09-VU-02493 (D22/2269) ⁶²²	Inhumane acts through forced marriage	Applicant's younger brother in law ⁶²³
		09-VU-03423 (D22/2418) ⁶²⁴	Inhumane acts through forced marriage	Applicant's nephew and niece ⁶²⁵
		09-VU-03412 (D22/2407) ⁶²⁶	Inhumane acts through forced marriage	Applicant's cousin ⁶²⁷
		08-VU-01199 (D22/0456) ⁶²⁸	Phase 1 of forced transfer	Applicant's extended family (applicant's great uncle and older brother in law and members of

⁶¹⁶ Insufficient information to verify compliance of their application with Rule 23bis (1) and (4) of the Internal Rules in relation to the alleged crimes (Impugned Order D426, para. 27 and Annex 3).

⁶¹⁷ Supplementary Information D22/1015b.

⁶¹⁸ Harm is not linked with the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

⁶¹⁹ Supplementary Information, D22/1473b.

⁶²⁰ Application declared inadmissible on the ground that it did not demonstrate proof of any kinship with the immediate victim of forced marriage (Impugned Order D426 and Annex 3).

⁶²¹ Supplementary Information D22/2274b.

⁶²² Did not demonstrate proof of bonds of affection or dependency with the immediate victim (Impugned Order D426 and Annex 3).

⁶²³ Supplementary Information D22/2269b.

⁶²⁴ Did not demonstrate proof of bonds of affection or dependency with the immediate victim (Impugned Order D426 and Annex 3).

⁶²⁵ Supplementary Information D22/2418b.

⁶²⁶ Harm is not linked with the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

⁶²⁷ Supplementary Information D22/2407b.

Civil party applications admissible in the view of Judge Marchi-Uhel



002/19-09-2007-ECCC/OCU (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

				their respective families) ⁶²⁹
		09-VU-00823 (D22/1663) ⁶³⁰	Inhumane acts through forced marriage	Applicant's cousin ⁶³¹
	PTC 158 ⁶³²	08-VU-02247 (D22/0115) ⁶³³	Phase 1 of forced transfer	Applicant's parents ⁶³⁴
		07-VU-00019 (D22/1273) ⁶³⁵	Inhumane acts through forced marriage	Applicant's niece ⁶³⁶
		08-VU-00723 (D22/1871) ⁶³⁷	Inhumane acts through forced marriage	Applicant's younger sister ⁶³⁸
		08-VU-01912 (D22/1062) ⁶³⁹	Phase 1 of forced transfer	Applicant along with members of her family ⁶⁴⁰
		09-VU-03581 (D22/3275) ⁶⁴¹	Inhumane acts through forced marriage	Applicant's brother ⁶⁴²
		08-VU-02250 (D22/1859) ⁶⁴³	Enslavement (Kampong Chhnang Airport worksite)	Applicant. ⁶⁴⁴

⁶²⁸ Insufficient Information to verify compliance with Internal Rules 23bis (1) and (4) and harm is not linked with the facts under investigation (treatment of Cham minority at Wat O Trakuon Security Center, Kampong Cham province) (Impugned Order D426, para. 26 and Annex 3).

⁶²⁹ Supplementary Information D22/456b.

⁶³⁰ Application declared inadmissible on the ground that the harm not linked to any other crime (Impugned Order D426, para. 26 and Annex 3).

⁶³¹ Supplementary Information D22/1663b.

⁶³² Re-Filing of Appeal Against Order on the Inadmissibility of Civil Party Applicants from Current Residents of Kampong Cham Province, 27 October 2011 (D426/6/1 ("Appeal PTC 158").

⁶³³ Applicant did not provide proof of identification (Impugned Order D426, para. 20 and Annex 3).

⁶³⁴ Appeal PTC 158, para. 113. Also, the Co-Lawyers have filed a family record book on 1 April 2011 which contains proof of identification including a picture of the applicant (D426/6/2), D22/115/1.

⁶³⁵ Threshold of psychological harm not met in relation to forced marriage and harm is not linked with the facts under investigation (other alleged crimes) (Impugned Order D426, paras 23 and 25 and Annex 3).

⁶³⁶ Appeal PTC 158, para. 94.

⁶³⁷ Threshold of psychological harm not met in relation to forced marriage and harm is not linked with the facts under investigation (other alleged crimes) (Impugned Order D426, paras 23 and 25 and Annex 3).

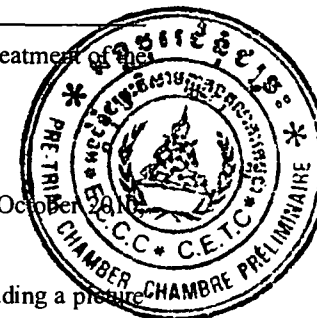
⁶³⁸ Appeal PTC 158, para. 96.

⁶³⁹ Insufficient information to verify compliance with Rules 23 bis (1) and (4) in relation to the alleged crimes (Impugned Order D426, para. 26 and Annex 3).

⁶⁴⁰ Further information from the applicant incorporated to the Appeal PTC 158, para. 87.

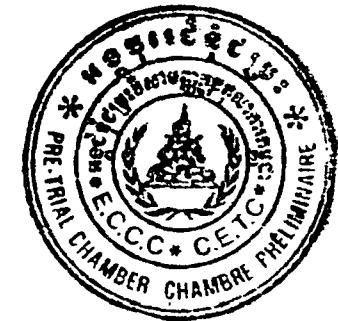
⁶⁴¹ Insufficient information to verify compliance with Rules 23 bis (1) and (4) in relation to the alleged crimes (Impugned Order D426, para. 26 and Annex 3).

⁶⁴² Further information from the applicant incorporated to the Appeal PTC 158, para. 88.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		08-VU-02245 (D22/0869) ⁶⁴⁵	Inhumane acts through forced marriage	Applicant's younger brother ⁶⁴⁶
		10-VU-00405 (D22/2587) ⁶⁴⁷	Inhumane acts through forced marriage	Applicant's younger sister (who was forced to marry with her cousin) ⁶⁴⁸



⁶⁴³ Harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

⁶⁴⁴ Appeal PTC 158, para. 114, corroborated by the original Khmer application, not by the English summary.

⁶⁴⁵ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

⁶⁴⁶ Appeal PTC 158, para. 92.

⁶⁴⁷ Harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

⁶⁴⁸ Further information from the applicant, incorporated in the Appeal PTC 158, para. 90.

002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

ANNEX CONCERNING CIVIL PARTY APPLICANTS WHOSE APPLICATIONS ARE, IN THE VIEW OF JUDGE MARCHI-UHEL, INADMISSIBLE¹

Appeals against Impugned Order D392 (Kep Province)²

Appeal PTC 78³

Civil Party Applicant 09-VU01302 (D22/2709).⁴ The Applicant did not provide sufficient details about the circumstances of the execution by the Khmer Rouge in 1976 of his children, aunt, nephews and nieces, and no circumstances allow me to consider it plausible that the executions occurred at one of the execution sites listed or during one of the events (in particular Phase 2 or 3 of the evacuation of population) retained in the Indictment underlying the crimes for which the Accused are indicted. Moreover, the location where the Applicant was forced to work is not included in the list of cooperatives and worksites underlying the crime of enslavement for which the Accused are indicted.

Civil Party Applicant 07-VU00344 (D22/0595).⁵ The Appellant, son of the Applicant, continues the civil action filed by his mother. The facts alleged by the Applicant occurred either outside the relevant temporal scope of the crimes for which the Accused are indicted (arrest and disappearance of her husband in 1974) or are too imprecise to allow me to conclude that they form part of the factual basis underlying the crimes for which the Accused are indicted. The same is true regarding the circumstances of the death of the Appellant's sister, the latter's husband and the couple's four children, as well as the worksite in the North where

¹ This Annex includes the applicants for whom I concur with the Majority that their application to become a civil party in Case File 002 shall be declared inadmissible, but, in most cases, for different reasons.

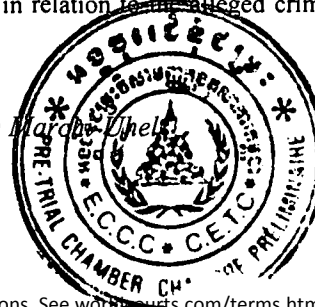
² Order on the Admissibility of Civil Party Applicants from Current Residents of Kep Province of 25 August 2010, filed on 26 August 2010, D392 ("Impugned Order D392").

³ *Appel des Co-Avocats de parties civiles, groupe "Avocats Sans Frontières France", de l'ordonnance D392 sur la recevabilité des constitutions de parties civiles résidant dans la Province de Kep*, 3 September 2010, D392/2/1 ("Appeal PTC 78").

⁴ Application declared inadmissible on the ground that it did not provide sufficient information to verify compliance with Rule 23bis (1) and (4) of the Internal Rules in relation to the alleged crimes (Impugned Order D392, para. 22, and Annex 3).

⁵ Application declared inadmissible on the ground that it did not provide sufficient information to verify compliance with Rule 23bis (1) and (4) of the Internal Rules in relation to the alleged crimes (Impugned Order D395, para. 22, and Annex 3).

Civil party applications inadmissible in the view of Judge Marchi-Uhel



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

they laid rail tracks. Furthermore, the location in Kep Province, where the Applicant was forced to work is not among the six cooperatives and worksites listed in the Indictment underlying the crime of enslavement for which the Accused are indicted.

Civil Party Applicant 09-VU-01304 (D22/1595).⁶ The Indictment refers to the Srae Ambel Worksite, located on the coast of Kampot District in Kampot Province. However, the crimes for which the Accused are indicted consist in forced labour and the inhumane working conditions imposed on the persons concerned at the complex of salt fields in the area.⁷ The facts alleged by the Applicant in this respect, i.e. working in the rice fields in the Kampot area or the murders or deaths from deprivation of food, are not among those underlying the crimes for which the Accused are indicted.

Civil Party Applicant 09-VU-01303 (D22/0665).⁸ The Indictment refers to the Srae Ambel Worksite, located on the coast of Kampot District in Kampot Province. However, the crimes for which the Accused are indicted consist in forced labour and the inhumane working conditions imposed on the persons concerned at the complex of salt fields in the area.⁹ The facts alleged by the Applicant in this respect are not among those underlying crimes for which the Accused are indicted.

Civil Party Applicant 09-VU-0434 (D22/3152).¹⁰ The facts alleged by the Applicant in relation to minding cattle do not form part of the factual basis of the crimes for which the Accused are indicted. Moreover, Tuk Meas Security Centre and Kaoh Sla Prison, where the Applicant was held and tortured after her arrest, are not among the security centres listed in the Indictment underlying the crimes for which the Accused are indicted.

⁶ Application declared inadmissible on the ground that it did not establish the necessary causal link between the alleged harm and the facts under investigation (Impugned Order D395, para. 21, and Annex 3).

⁷ Indictment, paras 369-370.

⁸ Application declared inadmissible on the ground that it did not establish the necessary causal link between the alleged harm and the facts under investigation (Impugned Order D395, para. 21, and Annex 3).

⁹ Indictment, paras 369-370.

¹⁰ Application declared inadmissible on the ground that it did not establish the necessary causal link between the alleged harm and the facts under investigation (Impugned Order D395, para. 21, and Annex 3).

Civil party applications inadmissible in the view of Judge Marchi-Ugel



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 09-VU-01305 (D22/2710).¹¹ The Indictment refers to the Srae Ambel Worksite, located on the coast of Kampot District in Kampot Province. However, the crimes for which the Accused are indicted consist in forced labour and the inhumane working conditions imposed on the persons concerned at the complex of salt fields in the area.¹² The facts alleged by the Applicant in this respect, i.e. catching fish to feed the workers in the rice fields, working in the rice fields, as well as the other forms of hard labour in Kampot District, Kampot Province, and the murder of the Appellant's uncle in Kep District, Kep Province do not form part of the factual basis of the crimes for which the Accused are indicted.

Appeals against Impugned Order D393 (Oddar Meanchey Province)¹³

Appeal PTC 81¹⁴

Civil Party Applicant 09-VU-04239 (D22/3625).¹⁵ I am of the view that, to the extent that the Co-Investigating Judges have detailed knowledge of the case file, they are *a priori* best placed to determine whether it is plausible for a fact reported by a victim to form part of the facts under investigation and, in this instance, whether the Appellant's alleged imprisonment at Tuol Sleng in 1976 took place at S-21. The Co-Lawyers raise no convincing argument in my view as to why they consider the Co-Investigating Judges erred in finding to the contrary and a review of the Appeal has not persuaded me that no reasonable trier of fact would have failed to conclude that the Appellant was detained at S-21. In addition, the several instances of forcible transfers of the Appellant and his family in Battambang Province; the forced labour performed by the Appellant in a mobile brigade under conditions of malnutrition; the deportation of his family to Takeo Province and the subsequent murder of some of his family members do not form part of the factual basis of the crimes for which the Accused are indicted.

¹¹ Application declared inadmissible on the ground that it did not establish the necessary causal link between the alleged harm and the facts under investigation (Impugned Order D395, para. 21, and Annex 3).

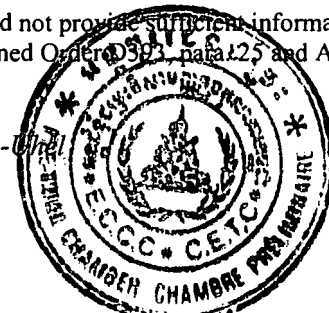
¹² Indictment, paras 369-370.

¹³ Order on the Admissibility of Civil Party Applicants from Current Residents of Oddar Meanchey Province, 26 August 2010, D393 ("Impugned Order D393").

¹⁴ *Appel des Co-avocats de parties civiles, groupe "Avocats Sans Frontières France", de l'ordonnance D393 sur la recevabilité des constitutions de parties civiles résidant dans la Province d'Oddar Meanchey*, 6 Septembre 2010, D393/4/1 ("Appeal PTC 81").

¹⁵ Application declared inadmissible on the ground that the Applicant did not provide sufficient information to verify compliance with Rule 23bis (1) and (4) in relation to S21 (Impugned Order D393, para. 25 and Annex 3).

Civil party applications inadmissible in the view of Judge Marchi-



002/19-09-2007-ECCC/OCJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Appeals against Impugned Order D 394 (Rattanakiri Province)¹⁶

Appeal PTC 82¹⁷

Civil Party Applicant 08-VU-01188 (D22/2637).¹⁸ The Co-Lawyers have annexed to the appeal proof of identification for the Applicant. They seem to assume that the appeal is otherwise admissible. However, having reviewed the application and supplementary information filed by the Applicant, they do not establish a link between the harm alleged and the crimes charged.

Civil Party Applicant 08-VU-01531 (D22/2645).¹⁹ The Co-Lawyers have annexed to the appeal proof of identification for the Applicant. They seem to assume that the appeal is otherwise admissible. However, having reviewed the application and supplementary information filed by the Applicant, they do not establish a link between the harm alleged and the crimes charged. The Applicant alleges forcible transfer from Kratie Province to Kampong Cham Province but this does not form part of Phase 2 as described in paragraphs 262 and 263 of the Indictment. The forced labour she was a victim of and the disappearance of her father and brother do not either form part of the factual basis of the crimes for which the Accused are indicted.

Civil Party Applicant 09-VU-00040 (D22/0488).²⁰ The Co-Lawyers argue that the Co-Investigating Judges erred in rejecting her application although she reported having suffered from the forced marriage of three of her friends. They state that since she was only about 20 years old *she was probably not married* and must have not only suffered from witnessing the

¹⁶ Order on the Admissibility of Civil Party Applicants from Current Residents of Rattanakiri Province, 27 August 2010, D394 (“Impugned Order D394”)

¹⁷ *Requête d’Appel d’Ordonnance sur la Recevabilité des Constitutions de Parties Civiles Résidant dans la Province de Rattanakiri*, 2 September 2010, D394/2/1 (“Appeal PTC 82”).

¹⁸ Application declared inadmissible on the ground that the Applicant did not provide sufficient proof of identification (*Impugned Order D394*, para. 20 and Annex 3).

¹⁹ Application declared inadmissible on the ground that the Applicant did not provide sufficient proof of identification (*Impugned Order D394*, para. 20 and Annex 3).

²⁰ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (*Impugned Order D394*, para. 26 and Annex 3).

Civil party applications inadmissible in the view of Judge March



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

forced marriage of her friends but also from the fear that situation generated. I note that the Applicant does not explain in any way the bond of affection that existed between her and these friends and does not even say that she witnessed their forced marriage.²¹ The English summary of her statement reads “in 1977, the Applicant knows that her 3 girl friends named Phas, Chim and Mi were forced to marry in a dinning hall by a chief of unit named chan.” Further the argument that she must have been afraid of being forced to marry does not come from the Applicant but from her lawyers.

Civil Party Applicant 09-VU-00048 (D22/0496).²² Contrary to the Co-Lawyers’ assertion, there is no indication that the Applicant’s uncle, who was arrested under the accusation of being a spy for Vietnam because he studied in Hanoi and was sent to be re-educated before he disappeared, has been transferred to security centre Au Kanseng, Phum 3 in Ratanakiri Province, which is indeed one of the security centres retained in the factual findings of crimes of the Indictment. The Applicant rather states that her uncle was arrested during the dry season in 1976 on the suspicion of being a spy and was sent to Srok Kraom for re-education.²³ While the section of the Indictment dealing with the security centre of Au Kanseng states that according to a telegram of June 1977, 209 Vietnamese Jarai were arrested and that they were executed, the date of the arrest several months after the Applicant’s uncle’s arrest do not allow me to draw the inference suggested by the Appeal. The Co-Lawyers’ further argument that the Applicant also suffered from all the crimes committed around her, including against persons arrested, detained and torture in Au Kanseng is not supported by the application and is misplaced. The Co-lawyers refer to facts concerning Au Kanseng raised by Applicants whose applications were found admissible and state that the Applicant probably knew these persons of the Jarai ethnic group, specially the second one who was approximately the same age. Such a speculative argument has no merit.

²¹ Supplementary information D22/488b.

²² Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D394, para. 26 and Annex 3).

²³ Report on Civil Party Application D22/496/1.



002/19-09-2007-ECCC/OCU (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 09-VU-00052 (D22/1667).²⁴ The Co-Lawyers argue that the Applicant witnessed forced marriages in 1977, at a time when she had just lost her husband and thus feared that she could herself be forced to marry. According to them, she lived in fear of a forced wedding contrary to the will of partners and the tradition of the Tumpoun people. Again, this is a speculative argument as revealed by the summary of the supplementary information reporting these crimes.²⁵ The Applicant merely states that she witnessed the Chief of the cooperative preparing to marry three couples at the same time in the kitchen of the cooperative and forcing each couple to pledge their commitment. The Applicant knew one of the couples, names the individuals in questions and indicates their respective age. She does not mention having been afraid of being forced to marry herself or that she suffered due to the facts she witnessed. Therefore, the Co-Lawyers do not establish a link between the crimes charged and any of the other crimes they refer to in support of the argument that their client was also a victim of the climate of terror surrounding her.

Appeal PTC 83²⁶

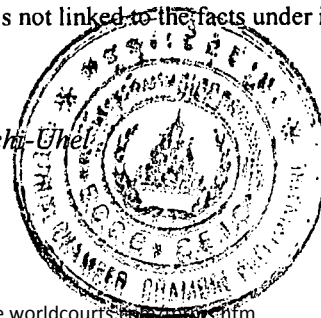
Civil Party Applicant 08-VU-01193 (D22/0934).²⁷ There is insufficient information about the location where the Applicant was forced to work and not given enough food to consider it plausible that it occurred at any of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks on human dignity. Similarly, there is insufficient information about the circumstances of the disappearance of the Applicant's cousin after he was forced to enrol in the Khmer Rouge forces in December 1978 to consider it plausible that it forms part of the facts underlying the crime of other inhumane acts through enforced disappearances for which the Accused are indicted.

²⁴ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D394, para. 26 and Annex 3).

²⁵ Supplementary information D22/1667b.

²⁶ Appeal Against Order on the Inadmissibility of Civil Party Applicants from Current Residents of Rattanakiri Province, 6 September 2010, D394/3/1 ("Appeal PTC 83").

²⁷ Application was declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D394, para. 26 and Annex 3).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Appeals against Impugned Order D395 (Mondulkiri Province)²⁸

Appeal PTC 85²⁹

Civil Party Applicant 09-VU-01205 (D22/718).³⁰ The mere fact that the alleged forced labour and harsh working conditions that the Applicant reported occurred in Koh Gnek District and in Mondulkiri Province, Autonomous Sector 105, a sector mentioned in the Introductory Submission (and the Indictment), does not establish the necessary link with the crimes under investigation. Even though the Phnom Kraol Detention Centre and the execution site associated with it were, indeed, located in this Sector, the Applicant did not provide sufficient information to make it plausible that her husband was sent to the centre in question following his arrest over accusations of being a CIA agent. The Co-Lawyers further argue that the application should have been admitted on the basis that it refers to KHAM Poun, who was then vice-commander for Region 105 and whose name and activities are included in the judicial investigation.³¹ This argument fails to demonstrate that the Applicant suffered injury as a consequence of at least one of the crimes under investigation.

Civil Party Applicant 09-VU-01531 (D22/2736).³² The Applicant reports having had to perform acts of forced labour in Sre Huy Commune, Koh Gnek District. This site is not among the worksites and cooperatives listed in the Indictment underlying the crime of enslavement for which the Accused are indicted. She provides no information as to the prison where her brother was killed for his alleged association with Vietnam. The killing of the six persons evacuated from Phnom Penh which she described would constitute a sufficiently violent and shocking event to establish psychological injury as a consequence of the at least one of the crimes under investigation, if the said murders had occurred during the evacuation of Phnom Penh in the

²⁸ Order on the Admissibility of Civil Party Applicants From Current Residents of Mondulkiri Province, 26 August 2010, D395 ("Impugned Order D395").

²⁹ *Mémoire d'appel contre l'ordonnance sur la recevabilité des constitutions de parties civiles résidant dans la Province de Mondulkiri*, 6 September 2010, D395/2/1 ("Appeal PTC 85").

³⁰ Application declared inadmissible on the ground that it does not provide sufficient information to verify compliance with Rules 23bis (1) and (4) of the Internal Rules in relation to the alleged crimes (Impugned Order D395, para. 25, and Annex 3).

³¹ Appeal PTC 85, para. 27 and footnote 26.

³² Application declared inadmissible on the ground that the necessary causal link between the injury and the alleged facts was not established and also because of failure to demonstrate special bonds of affection with or dependency on the immediate victim for the presumption of psychological harm as a consequence of a fact under investigation (Impugned Order D395, paras 22 and 24, and Annex 3).

Civil party applications inadmissible in the view of Judge March



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

period specified in the Indictment.³³ But such is not the case. The information reported by the Applicant tends to show that those murders occurred after the victims were transferred because they were unable to perform the work assigned to them in the rice fields. Careful analysis of the Indictment reveals that the Accused are not indicted for those murders. Finally, as regards the imprisonment of Khân and the murder of Sâ in Phnom Kraol, one of the security centres listed in the Indictment, the Appellant only states that they used to live together, with no further details, and fails to demonstrate that the Co-Investigating Judges erred in concluding that she did not demonstrate any bonds affection or dependency with the immediate victim for a presumption of psychological injury as a consequence of one of the crimes under investigation. The Co-Lawyers further argue that the application should have been admitted on the basis that it refers to KHAM Poun, who was then vice-commander for Region 105 and whose name and activities are included in the judicial investigation.³⁴ This argument fails to demonstrate as such that the Applicant suffered injury as a consequence of at least one of the crimes under investigation.

Civil Party Applicant 09-VU-01022 (D22/1711).³⁵ None of the worksites and cooperatives listed in the Indictment underlying the crime of enslavement for which the Accused are indicted is located in Mondulhiri Province. The fact that the prisoners at Phnom Kraol³⁶ were transferred at night via the road to Kratie, which the Applicant was building, does not establish a relevant link between the harm alleged by the Applicant and at least one of the crimes for which the Accused are indicted. The Co-Lawyers further argue that the application should have been admitted on the basis that it refers to KHAM Poun, who was then vice-commander for Region 105 and whose name and activities are included in the judicial investigation.³⁷ This argument fails to demonstrate as such that the Applicant suffered injury as a consequence of at least one of the crimes under investigation.

³³ The Indictment specifically refers to the murders committed during the evacuation of Phnom Penh (see, *inter alia*, para. 1373).

³⁴ Appeal PTC 85, para. 27 and footnote 26.

³⁵ Application declared inadmissible on the ground that the necessary causal link between the injury and the alleged facts was not established and also because of failure to demonstrate special bonds of affection with or dependency on the immediate victim for the presumption of psychological harm as a consequence of a fact under investigation (Impugned Order D395, paras 22 and 24, and Annex 3).

³⁶ One of the security centres listed in the Indictment underlying crimes for which the Accused are indicted.

³⁷ Appeal PTC 85, para. 27 and footnote 26.



002/19-09-2007-ECCC/OCU (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 09-VU-01802 (D22/2176).³⁸ None of the worksites and cooperatives listed in the Indictment underlying the crime of enslavement for which the Accused are indicted is located in Mondulkiri Province. The fact that many places were ‘under the Phnom Kraol Security Centre’ does not demonstrate – contrary to the Appellant’s claim – that the murder of the Appellant’s brother following his arrest is to be included in the murders of detainees at this Security Centre who are named in the Closing Order.

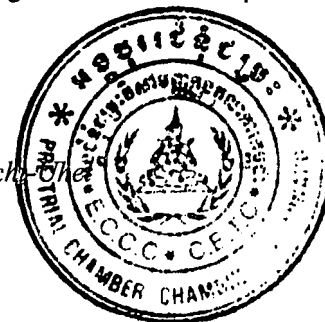
Civil Party Applicant 09-VU-01023 (D22/1712).³⁹ Some of the facts relating to the transfer of and forced labour the Applicant and her family where victims of occurred prior to 1975. Koh Gnek District where she alleges having been forced to work in 1977 is not amount the six worksites and cooperatives listed in the Indictment underlying the crime of enslavement for which the Accused are indicted. Further, the forcible transfer of the Applicant within Modulkiri Province in 1978 does not form part of any of the three phases of forced evacuation of population for which the Accused are indicted. The murder of the Applicant’s uncle and many other people, which she claims to have witnessed in early 1976, would qualify as an event of such exceedingly violent and shocking nature as to warrant declaring her application admissible if it formed part of the crimes for which the Accused are indicted. However, careful analysis of the Indictment reveals that it is not the case. The murder of the husband of the Applicant’s niece and the loss of her nephews do not either form part of the crimes for which the Accused are indicted. Although the Indictment alleges that murders were committed in Prey Veng Province during Phase 3 of the alleged movement of population,⁴⁰ the events alleged by the Appellant occurred in 1976, i.e. before the period specified in the Indictment as Phase 3 of the movement of population.⁴¹ Moreover, the other events which the Applicant claims to have witnessed are not among the facts underpinning the crimes for which the Accused are indicted. Finally, the Co-Lawyers argue that the application should have been

³⁸ Application declared inadmissible on the ground that the necessary causal link between the injury and the alleged facts was not established (Impugned Order D395, para. 24, and Annex 3).

³⁹ Application declared inadmissible on the ground that the necessary causal link between the injury and the alleged facts was not established and also because of failure to demonstrate special bonds of affection with or dependency on the immediate victim for the presumption of psychological harm as a consequence of a fact under investigation (Impugned Order D395, paras 22 and 24, and Annex 3).

⁴⁰ Indictment, para. 283.

⁴¹ *Ibid.*, para. 286.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

admitted on the basis that it refers to KHAM Poun, who was then vice-commander for Region 105 and whose name and activities are included in the judicial investigation.⁴² This argument fails to demonstrate as such that the Applicant suffered injury as a consequence of at least one of the crimes under investigation.

Civil Party Applicant 09-VU-01021 (D22/1710).⁴³ None of the worksites and cooperatives listed in the Indictment underlying the crime of enslavement for which the Accused are indicted is located in Mondulhiri Province. Further, the forcible transfer of the Applicant does not form part of any of the three phases of forced evacuation of population for which the Accused are indicted. The Co-Lawyers further argue that the application should have been admitted on the basis that it refers to KHAM Poun, who was then vice-commander for Region 105 and whose name and activities are included in the judicial investigation.⁴⁴ This argument fails to demonstrate as such that the Applicant suffered injury as a consequence of at least one of the crimes under investigation.

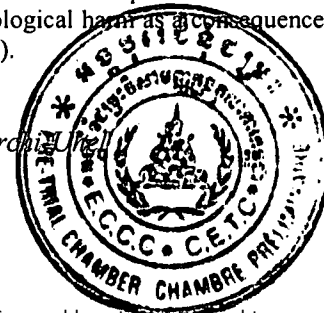
Civil Party Applicant 09-VU-01525 (D22/1826).⁴⁵ Koh Nehk District where the Applicant was victim of forced labour in 1975 is not among worksites and cooperatives listed in the Indictment underlying the crime of enslavement for which the Accused are indicted. The Applicant's forcible transfer in 1975 does not form part of any of the three phases of forced transfer of population for which the Accused are indicted. The information provided regarding the death of the Applicant's son and the murder of her husband over accusations of being a traitor to the regime do not allow me to conclude that these facts form part of the factual basis of the crimes of murder, extermination and persecution for which the Accused are indicted. The Co-Lawyers further argue that the application should have been admitted on the basis that it refers to KHAM Poun, who was then vice-commander for Region 105 and whose name and

⁴² Appeal PTC 85, para. 27 and footnote 26.

⁴³ Application declared inadmissible on the ground that the necessary causal link between the injury and the alleged facts was not established and also because of failure to demonstrate special bonds of affection with or dependency on the immediate victim for the presumption of psychological harm as a consequence of a fact under investigation (Impugned Order D395, paras 22 and 24, and Annex 3).

⁴⁴ Appeal PTC 85, para. 27 and footnote 26.

⁴⁵ Application declared inadmissible on the ground that the necessary causal link between the injury and the alleged facts was not established and also because of failure to demonstrate special bonds of affection with or dependency on the immediate victim for the presumption of psychological harm as a consequence of a fact under investigation (Impugned Order D395, paras 22 and 24, and Annex 3).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

activities are included in the judicial investigation.⁴⁶ This argument fails to demonstrate as such that the Applicant suffered injury as a consequence of at least one of the crimes under investigation.

Civil Party Applicant 09-VU-00617 (D22/902).⁴⁷ In the absence of sufficient information regarding the murder in 1978 by the Khmer Rouge of the two uncles of the Applicant who were former Lon Nol soldiers, I am not in a position to conclude that this crime is a crime for which the Accused are indicted. The same goes with the murder of the Applicant's cousin.

Civil Party Applicant 09-VU-630 (D22/2681).⁴⁸ The forcible displacement of the Applicant and her family from the East Region in 1975 occurred prior to Phase 3 of the forcible movement of population, which started in 1977. Moreover, Koh Gnek District, Monduliri Province, where the Applicant was forced to work under inhumane conditions is not among worksites and cooperatives listed in the Indictment underlying the crime of enslavement and other inhumane acts for which the Accused are indicted.

Civil Party Applicant 09-VU-820 (D22/1701).⁴⁹ Koh Gnek District, Monduliri Province, where the Applicant was forced to work under inhumane conditions in early 1976, is not among worksites and cooperatives listed in the Indictment underlying the crime of enslavement and other inhumane acts for which the Accused are indicted.

⁴⁶ Appeal PTC 85, para. 27 and footnote 26.

⁴⁷ Application declared inadmissible on the ground that the necessary causal link between the injury and the alleged facts was not established and also because of failure to demonstrate special bonds of affection with or dependency on the immediate victim for the presumption of psychological harm as a consequence of a fact under investigation (Impugned Order D395, paras 22 and 24, and Annex 3).

⁴⁸ Application declared inadmissible on the ground that the necessary causal link between the injury and the alleged facts was not established and also because of failure to demonstrate special bonds of affection with or dependency on the immediate victim for the presumption of psychological harm as a consequence of a fact under investigation (Impugned Order D395, paras 22 and 24, and Annex 3).

⁴⁹ Application declared inadmissible on the ground that the necessary causal link between the injury and the alleged facts was not established and also because of failure to demonstrate special bonds of affection with or dependency on the immediate victim for the presumption of psychological harm as a consequence of a fact under investigation (Impugned Order D395, paras 22 and 24, and Annex 3).

Civil party applications inadmissible in the view of Judge Marché



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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 09-VU-01026 (D22/1432).⁵⁰ Koh Gnek District, Mondulkiri Province, where the Applicant was forced to work under inhumane conditions in early 1976, is not among worksites and cooperatives listed in the Indictment underlying the crime of enslavement and other inhumane acts for which the Accused are indicted. Further, the circumstances of the Applicant's cousin disappearance following his arrest by the Khmer Rouge over accusations of having links with Vietnam are not precise enough to establish a link with a crime for which the Accused are indicted.

Civil Party Applicant 09-VU-01820 (D22/1172).⁵¹ The forcible transfer of the Applicant's brother, from Boribo District, in Kampong Chhnang Province, to Pursat Province in 1975 does not form part of any of the three phases of evacuation of population for which the Accused are indicted. The information provided by the Applicant in relation to the death of his brother in 1977 as a result of starvation does not allow me to conclude that it took place in any of the sites listed in the Indictment underlying the crimes for which the Accused are indicted.

Civil Party Applicant 09-VU-01019 (D22/1700).⁵² It is not alleged that the arrest, detention and murder of the brother of the Applicant took place in any of the limited number of sites listed in the Indictment underlying the crimes for which the Accused are indicted. Further, Nang Khi Lik Commune, Koh Nehk District where the Applicant reports having been victim of forced labour in 1976 is not among the six worksites and cooperatives listed in the Indictment, underlying the crime of enslavement for which the Accused are indicted.

⁵⁰ Application declared inadmissible on the ground that the necessary causal link between the injury and the alleged facts was not established and also because of failure to demonstrate special bonds of affection with or dependency on the immediate victim for the presumption of psychological harm as a consequence of a fact under investigation (Impugned Order D395, paras 22 and 24, and Annex 3).

⁵¹ Application declared inadmissible on the ground that the necessary causal link between the injury and the alleged facts was not established and also because of failure to demonstrate special bonds of affection with or dependency on the immediate victim for the presumption of psychological harm as a consequence of a fact under investigation (Impugned Order D395, paras 22 and 24, and Annex 3).

⁵² Application declared inadmissible on the ground that the necessary causal link between the injury and the alleged facts was not established and also because of failure to demonstrate special bonds of affection with or dependency on the immediate victim for the presumption of psychological harm as a consequence of a fact under investigation (Impugned Order D395, paras 22 and 24, and Annex 3).

Civil party applications inadmissible in the view of Judge March



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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 09-VU-01524 (D22/1827).⁵³ It is not alleged that the detention, torture and murder in 1975 of the husband of the Applicant took place in any of the limited number of sites listed in the Indictment underlying the crimes for which the Accused are indicted.

Civil Party Applicant 09-VU-01758 (D22/2760).⁵⁴ The Co-Lawyers argue that the application should have been admitted on the basis that it refers to KHAM Poun, who was then vice-commander for Region 105 and whose name and activities are included in the judicial investigation.⁵⁵ This argument fails to demonstrate as such that the Applicant suffered injury as a consequence of at least one of the crimes under investigation.

Civil Party Applicant 09-VU-01800 (D22/2796).⁵⁶ The Co-Lawyers argue that the application should have been admitted on the basis that it refers to KHAM Poun, who was then vice-commander for Region 105 and whose name and activities are included in the judicial investigation.⁵⁷ This argument fails to demonstrate as such that the Applicant suffered injury as a consequence of at least one of the crimes under investigation.

Appeal PTC 86⁵⁸

Civil Party Applicant 09-VU-00006 (D22/0399).⁵⁹ Contrary to the Co-Lawyers's assertion, the forced transfer of the Applicant within Kampong Cham Province 'for almost a months' in 1975, after the Pol Pot regime came into power, does not fall within the temporal scope of the second phase of evacuation of population underlying the crime of other inhumane acts through

⁵³ Application declared inadmissible on the ground that the necessary causal link between the injury and the alleged facts was not established and also because of failure to demonstrate special bonds of affection with or dependency on the immediate victim for the presumption of psychological harm as a consequence of a fact under investigation (Impugned Order D395, paras 22 and 24, and Annex 3).

⁵⁴ Application declared inadmissible on the ground that the necessary causal link between the injury and the alleged facts was not established and also because of failure to demonstrate special bonds of affection with or dependency on the immediate victim for the presumption of psychological harm as a consequence of a fact under investigation (Impugned Order D395, paras 22 and 24, and Annex 3).

⁵⁵ Appeal PTC 85, para. 27 and footnote 26.

⁵⁶ Application declared inadmissible on the ground that the necessary causal link between the injury and the alleged facts was not established (Impugned Order D395, para. 24, and Annex 3).

⁵⁷ Appeal PTC 85, para. 27 and footnote 26.

⁵⁸ Appeal against Order on the Inadmissibility of Applicant Civil Party Applicant Applicant Civil Party Applicant Applicant Civil Party Applicant Applicant Civil Party Applicants from Current Residents of Mondulkiri Province (with references), 6 September 2010, D395/3/1 ("Appeal PTC 86").

⁵⁹ Application declared inadmissible on the ground that the necessary causal link between the alleged harm and the facts under investigation was not established (Impugned Order D395, para. 24 and Annex 3).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

forced transfer for which the Accused are indicted.⁶⁰ Although it involves movements within the Central (Old North) Zone,⁶¹ the facts alleged to have occurred around September 1975 and continuing into 1976 and 1977. Further, it is not alleged that the killing of the Applicant's uncle and family members, in Ou Trakuon Village, Sambour Meas Sub-District, Kâng Meas District, Kampong Cham Province, occurred in any of the sites or during events listed in the Indictment underlying the crimes of murder and extermination for which the Accused are indicted.⁶²

Civil Party Applicant 09-VU-00008 (D22/0400).⁶³ The Applicant's forcible transfer in 1975 to Kouk Prceh Village, Kouk Pèng, Ou Angsa sub District, Takeo Province, does not form part of the first phase of evacuation of population underlying the crime of other inhumane acts through forcible transfer for which the Accused are indicted, as it is limited to the evacuation of the population of Phnom Penh. Furthermore, Kouk Prceh Village, Kouk Pèng, Ou Angsa sub District, Takeo Province, where the Applicant and her family were forced to work, resulting in the death of her husband and child, and where she witnessed the killing of children and that of members of her family whose bodies she saw close to a lake in 1978, does not correspond to one of the cooperatives, work site listed in the Indictment underlying the crime of enslavement for which the Accused are indicted.⁶⁴ Finally, the Co-Lawyers do not show that the killings reported formed part of the crimes charged. The killings for which the Applicant provide enough information did not occur in execution sites and security centres or any other site or during any event underlying the crimes of murder and extermination retained for which the Accused are indicted.⁶⁵ The Applicant provides insufficient information about the other killings reported for me to find it plausible that the killings in question form part of the crimes for which the Accused are indicted.

⁶⁰ Indictment, para. 1448.

⁶¹ Indictment, para. 263.

⁶² See in particular, Indictment, paras 1373 and 1381.

⁶³ Application declared inadmissible on the ground that she did not provide sufficient information to verify compliance with Rules 23 *bis* (1) and (4) in relation to the alleged crimes (Impugned Order D395, para. 25 and Annex 3).

⁶⁴ Indictment, para. 1391.

⁶⁵ See in particular, Indictment, paras 1373 and 1381.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 09-VU-00589 (D22/1650).⁶⁶ The Co-Lawyers submit that the facts reported by the Applicant fall within the jurisdiction of the ECCC, i.e. her forcible transfer from Kampot Provincial Town to Preaek Tal Sub-District, Kampot District, Kampot Province in 1975; the killing of her husband Accused by the Khmer Rouge of being a ‘new person’ in 1977; the killing of two of her sons respectively Accused of being ‘an American soldier’ and ‘an enemy burrowed from within’, in 1977 in Damrei Rormeal, Ang Ta Saom, Takeo Province; the death of her third son, his wife and children from starvation, sickness and lack of medicine. The Co-lawyers do not show that the facts reported form part of the facts underlying the crimes for which the Accused are indicted and close review of the Indictment does not warrant the conclusion that they do.⁶⁷

Civil Party Applicant 09-VU-01209 (D22/0715).⁶⁸ The forcible transfer in 1975 of the Applicant’s family from Kampong Cham Province to Mondulkiri Province, sector 105, does not form part of any of the three phases of forcible transfer for which the Accused are indicted.⁶⁹ The fact stressed by the Co-Lawyers that Sector 105 is ‘under the scope of the investigation’ is not in this respect relevant. The acts of forced labour imposed on the Applicant and his wife and the death of the latter and their children as a result of starvation, lack of medical care as well as the fact that one of them disappeared, do not either form part of the facts underlying the crimes for which the Accused are indicted.

Civil Party Applicant 09-VU-01803 (D22/2177).⁷⁰ The Co-Lawyers submit that the facts reported by the Applicant are under the scope of investigation, i.e. in 1975, forcible transfer of the Applicant to Srae Sangkom Sub-District, Kaoh Nheaek District, Mondulkiri Province, Sector 105; forced labour under inhumane conditions, especially after the killing of the Applicant’s brother in the same sector under the accusation of betraying Angkar. I note that, the acts of forcible transfer reported do not form part of any of the movements of population

⁶⁶ Application declared inadmissible on the ground that the necessary causal link between the alleged harm and the facts under investigation was not established (Impugned Order D395, para. 24 and Annex 3).

⁶⁷ Indictment, in particular, paras 1391, 1373 and 1381.

⁶⁸ Application declared inadmissible on the ground that the necessary causal link between the alleged harm and the facts under investigation was not established (Impugned Order D395, para. 24 and Annex 3).

⁶⁹ Indictment, para. 1448.

⁷⁰ Application declared inadmissible on the ground that the necessary causal link between the alleged harm and the facts under investigation was not established (Impugned Order D395, para. 24 and Annex 3).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

for which the Accused are indicted. Similarly, the acts of forced labour reported did not occur in one of the six worksites and cooperatives underlying the crime of enslavement for which the Accused are indicted.⁷¹ The killing of the Applicant's brother did not occur in one of the execution sites and security centres underlying the crimes murder and extermination and does not form part of any the acts underlying these crimes alleged to have been committed during the phases of evacuation of population, at work sites or cooperative, or in relation to the treatment inflicted to a particular group.⁷²

Civil Party Applicant 08-VU-01812 (D22/1185).⁷³ The Co-Lawyers submit that the injury suffered by the Applicant, directly results from facts under investigation, i.e. in 1975, forcible transfer of the Applicant and her family from the military sanctuary where her husband worked as a Lon Nol soldier, to Srae Sangkom Sub-District, Kaoh Nheak District, Mondulkiri Province, Sector 105 and separation of the members of that family Applicant; forced labour in a cooperative, digging canals, building dams and farming under harsher treatment due to the fact that they were considered feudalists and new people and even harsher after the cruel treatment and killing of her husband in 1976 which she witnessed; starvation and death of her two daughters in 1976 and 1977; another forcible transfer late 1978 'into the woods'. Having carefully reviewed the facts reported by the Applicant, I am of the view that they do not form part of the facts underlying any of the crimes for which the Accused are indicted, including the crime of persecution on political grounds and other inhumane acts through attacks against humane dignity.⁷⁴

Civil Party Applicant 08-VU-01840 (D22/0392).⁷⁵ The forced transfer of the Applicant, a former Lon Nol soldier, in 1975 from the provincial town of Battambang to Banan District does not form part of facts underlying phases 1 and 2 of the population evacuation. The forced labour and inhumane living conditions imposed on members of his family and resulting in the

⁷¹ Indictment, para. 1391.

⁷² See in particular, Indictment, paras 1373 and 1381.

⁷³ Application declared inadmissible on the ground that the necessary causal link between the alleged harm and the facts under investigation was not established (Impugned Order D395, para. 24 and Annex 3).

⁷⁴ Indictment, paras 1416 and 1434 and related parts of the Factual Findings of Crimes.

⁷⁵ Application declared inadmissible on the ground that the necessary causal link between the alleged harm and the facts under investigation was not established (Impugned Order D395, para. 24 and Annex 3).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

death of his wife and son did not occur in one of the cooperatives, work sites or security centres underlying the crime of enslavement for which the Accused are indicted.⁷⁶ Moreover, the absence of details about the killings of members of his group which the Applicant witnessed does not allow me to conclude that it is plausible that it forms part of the killings underlying the crimes of murder, extermination or any of the other relevant crimes for which the Accused are indicted.⁷⁷

Civil Party Applicant 09-VU-00005 (D22/0398).⁷⁸ The acts of torture reported by the Applicant, as a result of which she became blind, did not occur at one of the security centres, work sites and cooperatives listed in the Factual Findings of Crimes underlying the crimes of torture⁷⁹ and persecution on political grounds.⁸⁰ The 1975 forcible transfer of the Applicant from Preysâr Sub-District, Dangkao District, Kandal Province (at present Khan Dangkao, Phnom Penh) to Memot District, Kampong Cham Province and then to Kratie Province does not form part of the first phase evacuation concerning the population of the *city* of Phnom Penh.⁸¹ The forced labour she was then victim of did not occur in one of the worksites, cooperatives or security centres underlying the crime of enslavement for which the Accused are indicted.⁸² The lack of sufficient information about the circumstances of the killing of her husband, a former Nol Lon soldier, and of their three children does not allow me to conclude that it is plausible that they formed part of the instances of killings underlying the crimes of murder, extermination or any other crime for which the Accused are indicted,⁸³ including the crime of persecution on political grounds.⁸⁴

⁷⁶ Indictment, para. 1391.

⁷⁷ See in particular, Indictment, paras 1373-1378 and 1381.

⁷⁸ Application declared inadmissible on the ground that the necessary causal link between the alleged harm and the facts under investigation was not established (Impugned Order D395, para. 24 and Annex 3).

⁷⁹ Indictment, para. 1408 and related Factual Findings of Crimes.

⁸⁰ Indictment, para. 1416.

⁸¹ Indictment, para. 224.

⁸² Indictment, para. 1391.

⁸³ See in particular, Indictment, paras 1373-1378 and 1381.

⁸⁴ Indictment, para. 1416.



Civil party applications inadmissible in the view of Judge Marché-Ouellet

002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Appeals against Impugned Order D396 (Preah Vihear Province)⁸⁵

Appeal PTC 87⁸⁶

Civil Party Applicant 09-VU00027 (D22/1191).⁸⁷ The Co-Lawyers stress that the Applicant suffers from the murder of her husband and from the fact that her son was forcibly transferred and detained by the Khmer Rouge. The absence of information about the circumstances of the killing, forcible transfer and detention in question does not allow me to conclude that these facts form part of the factual basis of the crimes for which the Accused are indicted.

Civil Party Applicant 09-VU-01391 (D22/844b). The Co-Lawyers have not raised specific arguments in relation to the facts reported by the Applicant. Review of the information she provided does not allow me to conclude that the crimes in question are crimes for which the Accused are indicted. I note in particular that the Applicant does not know where her husband was detained and provided conflicted information she received from different persons as to the fact that he would have been detained and tortured in Siem Reap⁸⁸ or at Tuol Sleng.⁸⁹ Finally, the information about the circumstances of the disappearance of the Applicant's father do not allow me to conclude that these events form part of the factual basis of the crimes for which the Accused are indicted.

Civil Party Applicant 09-VU-00030 (D22/0424).⁹⁰ The Co-Lawyers stress that she recounted having been designated Chief of the women's unit working day and night without rest, that she was forcibly transferred from place to place to build dam and that she was forced to grow rice during the night, she was later imprisoned. I am of the view that the CIJ are correct when considering that the application is insufficiently precise. It does not allow me to conclude that

⁸⁵ Order on the Admissibility of Civil Party Applicants from Current Residents of Preah Vihear Province of 30 August 2010, filed on 31 August 2010, D396 ("Impugned Order D396").

⁸⁶ Appeal of Civil Party Lawyers (ASF-France) against Order on the Admissibility of Civil Party Applicants from Current Residents of Prey Vihear Province (D396), Province 9 September 2010, D396/2/1 ("Appeal PTC 87").

⁸⁷ Application declared inadmissible on the ground that the Applicant did not provide sufficient information to verify compliance with Rules 23 *bis* (1) and (4) in relation to the alleged crimes (Impugned Order D396, para. 24 and Annex 3).

⁸⁸ Summary of supplementary information, D22/844b.

⁸⁹ Report on Civil Party Application, D22/844/1.

⁹⁰ Application declared inadmissible on the ground that the Applicant did not provide sufficient information to verify compliance with Rules 23 *bis* (1) and (4) in relation to the alleged crimes (Impugned Order D396, para. 24 and Annex 3).

Civil party applications inadmissible in the view of Judge Marchetti



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

the facts of forced labour the Applicant endured took place in one of the six cooperatives and worksites underlying the crime of enslavement for which the Accused are indicted. The same goes with the Applicant's forcible transfers which cannot be linked with any of the three phases of forcible transfers retained in the Indictment and also with her imprisonment. Further, she does not allege that she was detained in any of the security centers where the Indictment alleges that the crime of imprisonment for which the Accused are indicted took place.

Civil Party Applicant 09-VU-01393 (D22/2104).⁹¹ The Co-Lawyers argue that the Applicant described the arrest of her husband, chief of secret groups, who was killed by the Khmer Rouge as well as the facts of forced labour and inhumane living conditions in Preah Vihear. Nothing in the application allows me to conclude that the killing of the Applicant's husband took place at one of the locations or sites or during one of the phases or population transfer underlying the crimes of murders and persecution on political grounds for which the Accused are indicted. Similarly, it is not alleged that the facts of forced labour and inhumane conditions alleged by the Applicant took place in any of the six cooperatives and worksites listed in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted.

Civil Party Applicant 09-VU-01806 (D22/2799).⁹² Nothing in the application allows me to conclude that the torture, detention and disappearance of the Applicant's husband, who worked for the District and was arrested under the accusation of being a CIA agent, took place at one of the locations or sites or during one of the phases or population transfer underlying the crimes of murders, other inhumane acts through enforced disappearances and persecution on political grounds for which the Accused are indicted.

⁹¹ Application declared inadmissible on the ground that the Applicant did not provide sufficient information to verify compliance with Rules 23 *bis* (1) and (4) in relation to the alleged crimes (Impugned Order D396, para. 24 and Annex 3).

⁹² Application declared inadmissible on the ground that the Applicant did not provide sufficient information to verify compliance with Rules 23 *bis* (1) and (4) in relation to the alleged crimes (Impugned Order D396, para. 24 and Annex 3).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 09-VU-01808 (D22/2801).⁹³ Nothing in the application allows me to conclude that the arrest under the accusation of being a CIA agent and disappearance of the Applicant's husband, who was Chief of a mobile unit, took place in any of the locations or during events underlying the crimes of torture, imprisonment, enforced other inhumane acts through enforced disappearances and persecution on political grounds for which the Accused are indicted.

Civil Party Applicant 09-VU-00711 (D22/1620).⁹⁴ The Co-Lawyers argue that the Applicant worked in the Ministry of Commerce and was imprisoned on the accusation of being an agent of the Vietnamese⁹⁵ and then transferred to Siem Reap in zone 31. There is insufficient information for me to find it plausible that the Applicant was detained in one of the security centres underlying the crimes for which the Accused are indicted and, in particular, the North Zone Security Centre.

Civil Party Applicant 09-VU-00022 (D22/396).⁹⁶ Bak Kam Village, Preah Vihear Province, where the Applicant witnessed the killing of 17 April people and other population considered enemies is not among the limited number of execution sites, or even security centers, worksites or cooperatives underlying the crimes of murder and extermination for which the Accused are indicted.

Civil Party Applicant 09-VU-00023 (D22/500).⁹⁷ The Applicant does not allege that the killing of her uncles took place at one of the locations underlying the crimes for which the Accused are indicted. Further, the facts of forcible transfer alleged do not form part of any of the three phases of movements of population underlying the crime of other inhumane acts through forcible transfer for which the Accused are indicted. The same goes for the acts of

⁹³ Application declared inadmissible on the ground that the Applicant did not provide sufficient information to verify compliance with Rules 23 *bis* (1) and (4) in relation to the alleged crimes (Impugned Order D396, para. 24 and Annex 3).

⁹⁴ Application declared inadmissible on the ground that the Applicant did not provide sufficient information to verify compliance with Rules 23 *bis* (1) and (4) in relation to the alleged crimes (Impugned Order D396, para. 24 and Annex 3).

⁹⁵ The application refers to an accusation of being KGB and CIA agent.

⁹⁶ Application declared inadmissible on the ground that the harm alleged is not linked to the facts under investigation (Impugned Order D396, para. 23 and Annex 3).

⁹⁷ Application declared inadmissible on the ground that the harm alleged is not linked to the facts under investigation (Impugned Order D396, para. 23 and Annex 3).

Civil party applications inadmissible in the view of Judge Marchal



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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

forced labour alleged. They did not occur in one of the six worksites or cooperatives underlying the crime of enslavement for which the Accused are indicted.

Civil Party Applicant 09-VU-00025 (D22/469).⁹⁸ The detention of the Applicant, a former chief of Village, and his subsequent torture did not occur in one of the limited number of sites listed in the Indictment underlying the crimes of imprisonment and torture for which the Accused are indicted.

Civil Party Applicant 09-VU-00026 (D22/2669).⁹⁹ The detention of the Applicant and his subsequent torture did not occur in one of the limited number of sites listed in the Indictment underlying the crimes of imprisonment and torture for which the Accused are indicted. Further, it is not alleged that the acts of forced labour imposed on the Applicant because she was considered a feudalist, occurred in any of the six cooperatives and worksites listed in the Indictment underlying the crime of enslavement for which the Accused are indicted.

Civil Party Applicant 09-VU-00031 (D22/0425).¹⁰⁰ It is not alleged that the torture and detention of the Applicant, a former chief of Village, Accused of being associated with the Vietnamese by the new chiefs of Village, took place in any of the security centres underlying the crimes for which the Accused are indicted.

Civil Party Applicant 09-VU-00032 (D22/1192).¹⁰¹ The killing of the Applicant's husband and their four children as well as her own arrest and detention do not form part of the crimes for which the Accused are indicted.

Civil Party Applicant 09-VU-00214 (D22/1252).¹⁰² The fact that the Applicant was forced to become the new chief of his Village under threat of being killed if he refused does not form part of the crimes for which the Accused are indicted.

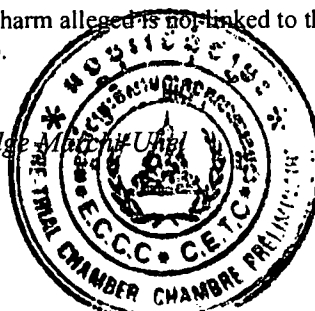
⁹⁸ Application declared inadmissible on the ground that the harm alleged is not linked to the facts under investigation (Impugned Order D396, para. 23 and Annex 3).

⁹⁹ Application declared inadmissible on the ground that the harm alleged is not linked to the facts under investigation (Impugned Order D396, para. 23 and Annex 3).

¹⁰⁰ Application declared inadmissible on the ground that the harm alleged is not linked to the facts under investigation (Impugned Order D396, para. 23 and Annex 3).

¹⁰¹ Application declared inadmissible on the ground that the harm alleged is not linked to the facts under investigation (Impugned Order D396, para. 23 and Annex 3).

Civil party applications inadmissible in the view of Judge



002/19-09-2007-ECCC/OCU (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 09-VU-00293 (D22/0612).¹⁰³ None of the two worksites where the Applicant was forced to work are listed among the six cooperatives and worksites retained in the Indictment underlying the crime of enslavement for which the Accused are indicted. The information provided about the arrest and killing of her brother does not allow me to conclude that it formed part of the killings underlying the crimes for which the Accused are indicted.

Civil Party Applicant 09-VU-00597 (D22/1095).¹⁰⁴ There is insufficient information about the and probable killing of the Applicant's husband and the killing of the Applicant's daughter to consider it plausible that these events form part of the facts underlying the crimes of murder or other inhumane acts through enforced disappearances for which the Accused are indicted. Finally it is not alleged that the acts of forced labour and inhumane conditions imposed on her took place in any of the six worksites or cooperatives listed in the Indictment underlying the crimes of enslavement and other inhumane acts for which the Accused are indicted.

Civil Party Applicant 09-VU-00611 (D22/0903).¹⁰⁵ The facts of forced labour or enrolment of the Applicant as a child to guard prisoners does not form part of the crimes for which the Accused are indicted.

Civil Party Applicant 09-VU-00700 (D22/1570).¹⁰⁶ The killing of members of the Applicant's family and the other acts of violence she witnessed do not form part of the killings and facts underlying the crimes for which the Accused are indicted. It is not alleged that these events occurred in any of the limited number of worksites, cooperatives, security centers or execution centers listed in the Indictment or during one of the three phases of forced movement of population for which the Accused are indicted.

¹⁰² Application declared inadmissible on the ground that the harm alleged is not linked to the facts under investigation (Impugned Order D396, para. 23 and Annex 3).

¹⁰³ Application declared inadmissible on the ground that the harm alleged is not linked to the facts under investigation (Impugned Order D396, para. 23 and Annex 3).

¹⁰⁴ Application declared inadmissible on the ground that the harm alleged is not linked to the facts under investigation (Impugned Order D396, para. 23 and Annex 3).

¹⁰⁵ Application declared inadmissible on the ground that the harm alleged is not linked to the facts under investigation (Impugned Order D396, para. 23 and Annex 3).

¹⁰⁶ Application declared inadmissible on the ground that the harm alleged is not linked to the facts under investigation (Impugned Order D396, para. 23 and Annex 3).

Civil party applications inadmissible in the view of Judge Marchal



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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 09-VU-00701 (D22/2684).¹⁰⁷ The acts of forcible transfer of which the Applicant was a victim do not form part of any of the three phases of forcible transfer for which the Accused are indicted. He does not allege that he was forced to work in any of the six worksites or cooperatives retained in the Indictment and there is not information to link the arrest of his mother in law and brother in law to any of the crimes for which the Accused are indicted.

Civil Party Applicant 09-VU-00709 (D22/0571).¹⁰⁸ The Applicant does not allege that he was forced to work in any of the six worksites or cooperatives listed in the Indictment underlying the crime of enslavement for which the Accused are indicted. Further, there is insufficient information about the arrest of his father in law to link it to any of the crimes for which the Accused are indicted.

Civil Party Applicant 09-VU-01392 (D22/2103).¹⁰⁹ None of the facts related by the Applicant forms part of the factual basis underlying the crimes fro which the Accused are indicted.

Civil Party Applicant 09-VU-01395 (D22/2106).¹¹⁰ It is not alleged that the facts of forced labour the Applicant was a victim of at the age of 9 occurred in any of the six worksites or cooperatives retained in the Indictment. The arrest and killing of her father Accused of being affiliated to Vietnamese at the end of 1978 do not form part of the factual basis of the crimes for which the Accused are indicted. In particular these facts did not occur in any of the sites listed in the Indictment underlying the crimes for which the Accused are indicted.

Civil Party Applicant 09-VU-01398 (D22/2109).¹¹¹ The barrage of Khcong where the Applicant's father was forced to work is no one of the worksites retained in the Indictment underlying the crime of enslavement for which the Accused are indicted. It does not appear

¹⁰⁷ Application declared inadmissible on the ground that the harm alleged is not linked to the facts under investigation (Impugned Order D396, para. 23 and Annex 3).

¹⁰⁸ Application declared inadmissible on the ground that the harm alleged is not linked to the facts under investigation (Impugned Order D396, para. 23 and Annex 3).

¹⁰⁹ Application declared inadmissible on the ground that the harm alleged is not linked to the facts under investigation (Impugned Order D396, para. 23 and Annex 3).

¹¹⁰ Application declared inadmissible on the ground that the harm alleged is not linked to the facts under investigation (Impugned Order D396, para. 23 and Annex 3).

¹¹¹ Application declared inadmissible on the ground that the harm alleged is not linked to the facts under investigation (Impugned Order D396, para. 23 and Annex 3).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

that her father was detained and tortured, under the accusation of being a CIA and KGB agent, in one of the security centers retained in the Indictment.

Civil Party Applicant 09-VU-01399 (D22/2110).¹¹² None of the three worksites where the Applicant was forced to work are among those retained in the Indictment underlying the crime of enslavement for which the Accused are indicted. Further, the transfer of his brother to Kampong Som and his disappearance in 1978 do not form part of the facts underlying the second or third phases of forced movement of population and other inhumane acts through enforced disappearances for which the Accused are indicted.

Civil Party Applicant 09-VU-01400 (D22/2111).¹¹³ None of the worksites where the Applicant was forced to work are among those retained in the Indictment underlying the crime of enslavement. Nothing in the Application allows me to conclude that the disappearance of the Applicant's sons form part of the facts retained in the Indictment as underlying the crime of other inhumane acts through enforced disappearances for which the Accused are indicted.

Civil Party Applicant 09-VU-01402 (D22/2113).¹¹⁴ The prison where the Applicant's father was detained and tortured to death is not one of the limited number of security centers listed in the Indictment underlying the crimes for which the Accused are indicted.

Civil Party Applicant 09-VU-01404 (D22/2115).¹¹⁵ None of the facts highlighted by the Co-Lawyers, including the fact that the Applicant was forced to wake up at 4 am and participate in meetings of the organization as chief of the women organization and mobile units; or that she was considered an enemy and was threatened of being killed, form part of factual basis of the crimes for which the Accused are indicted.

¹¹² Application declared inadmissible on the ground that the harm alleged is not linked to the facts under investigation (Impugned Order D396, para. 23 and Annex 3).

¹¹³ Application declared inadmissible on the ground that the harm alleged is not linked to the facts under investigation (Impugned Order D396, para. 23 and Annex 3).

¹¹⁴ Application declared inadmissible on the ground that the harm alleged is not linked to the facts under investigation (Impugned Order D396, para. 23 and Annex 3).

¹¹⁵ Application declared inadmissible on the ground that the harm alleged is not linked to the facts under investigation (Impugned Order D396, para. 23 and Annex 3).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 09-VU-01804 (D22/2178).¹¹⁶ None of the barrages where the Applicant was forced to work is among the worksites retained in the Indictment as underlying the crime of enslavement. It does not appear that the facts she relates with regard to her son form part of the facts underlying the crime of other inhumane acts through enforced disappearances for which the Accused are indicted. The prison where her brother was detained, tortured and killed in Sector 103 under the accusation of being a CIA or KGB agent is not one of the limited security centers underlying the crimes for which the Accused are indicted.

Civil Party Applicant 09-VU-01805 (D22/2798).¹¹⁷ The barrage where the Applicant and her husband were forced to work is not among the worksites retained in the Indictment as underlying the crime of enslavement. The circumstances she reports in relation the disappearance of her two brothers do not allow me to conclude that these facts form part of the factual basis of the crime of other inhumane acts through enforced disappearances for which the Accused are indicted.

Civil Party Applicant 09-VU-03850 (D22/3501).¹¹⁸ The arrest and killing of the Applicant's father, deputy chief cooperative, under the accusation of being an enemy, agent of the CIA and involved in dishonest activities with Vietnam, do not form part of the factual basis of the crimes for which the Accused are indicted. In particular, these crimes did not occur in any of the locations, sites or during events retained in the Indictment underlying the crimes for which the Accused are indicted.

Civil Party Applicant 09-VU-03851 (D22/3502).¹¹⁹ The 17 September Dam, where the Applicant was forced to work in 1976, is not among the worksites and cooperatives listed in the Indictment underlying the crime of enslavement for which the Accused are indicted. Koles Robieb School (103 region) where he was detained and tortured in 1978 is not among the

¹¹⁶ Application declared inadmissible on the ground that the harm alleged is not linked to the facts under investigation (Impugned Order D396, para. 23 and Annex 3).

¹¹⁷ Application declared inadmissible on the ground that the harm alleged is not linked to the facts under investigation (Impugned Order D396, para. 23 and Annex 3).

¹¹⁸ Application declared inadmissible on the ground that the harm alleged is not linked to the facts under investigation (Impugned Order D396, para. 23 and Annex 3).

¹¹⁹ Application declared inadmissible on the ground that the harm alleged is not linked to the facts under investigation (Impugned Order D396, para. 23 and Annex 3).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

detention centres listed in the Indictment underlying the crimes of imprisonment and torture for which the Accused are indicted. Finally, the information provided by the Applicant in relation to the disappearance of his elder uncle and about the killing of about 70 persons he partly witnessed in late 1978 is insufficient for me to conclude that the crimes in question form part of the crimes for which the Accused are indicted.

Civil Party Applicant 09-VU-03854 (D22/3505).¹²⁰ It is not alleged that the Applicant was forced to work in any of the six worksites and cooperatives retained in the Indictment as underlying the crime of enslavement.

Appeal PTC 88¹²¹

Civil Party Applicant 09-VU-03589 (D22/3283). I note that the Appeal PTC 88 is moot in so far as this Applicant is concerned, as his Application was not made in Prey Veng Province but in Kampong Cham Province, and therefore not dealt with in the Impugned Order subject to the present Appeal (D410). This Application has been dealt with in the Order D426, and an appeal has been lodged concerning this Civil Party Applicant in PTC 158.

Civil Party Applicant 09-VU-00292 (D22/1578).¹²² The forcible transfer the Applicant was victim of in 1976 does not appear to form part of any of the three phases of forced movement of population for which the Accused are indicted. The same goes with respect to the acts of forced labour he was victim of, which did not occur in one of the six worksites and cooperatives retained in the Indictment underlying the crime of enslavement for which the Accused are indicted. Finally the prison at Chhaeb District office, where he was tortured and detained under the accusation of being KGB or CIA agent, is not one of the limited number of security centres listed in the Indictment underlying the crime of imprisonment and torture for which the Accused are indicted.

¹²⁰ Application declared inadmissible on the ground that the harm alleged is not linked to the facts under investigation (Impugned Order D396, para. 23 and Annex 3).

¹²¹ Appeal against Order on the Inadmissibility of Civil Party Applicants from current residents of Preah Vihear Province, 9 September 2010, filed in Khmer on 9 September 2010 and in English on 28 September 2010, D396/3/1 ("Appeal PTC 88").

¹²² Application declared inadmissible on the ground that the harm alleged is not linked to the facts under investigation (Impugned Order D396, para. 23 and Annex 3).

Civil party applications inadmissible in the view of Judge M...



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 09-VU-01403 (D22/2114).¹²³ In the appeal the Co-Lawyers indicate that their client, a Buddhist monk prior to 1975 was forcibly disrobed in 1976 which does not result from the summary of his application in English.¹²⁴ The application states that in 1975 the Applicant worked as a doctor and there is no indication that he was forced to do so. It further states that in 1976 he was neither a monk nor a doctor but was forced to do farming. The other crimes alleged in the application do not form part of the factual basis of the crimes for which the Accused are indicted. In particular, the acts of forced labour the Applicant alleges did not occur in one of the six worksites and cooperatives retained in the Indictment underlying the crime of enslavement for which the Accused are indicted. The prison where he was detained and tortured is not among the limited number of security centres listed in the Indictment underlying the crimes of imprisonment and torture for which the Accused are indicted.

Appeals against Impugned Order D397 (Koh Kong Province)¹²⁵

Appeal PTC 89¹²⁶

Civil Party Applicant 10-VU-00364 (D22/3786).¹²⁷ The Co-Lawyers provide no specific argument in relation to the Applicant and review of his application does not reveal an error on the part of the Co-Investigating Judges when they determined that the Applicant did not provide sufficient information to verify compliance with Rules 23 *bis* (1) and (4) in relation to the alleged crimes.

Appeal PTC 91¹²⁸

¹²³ Application declared inadmissible on the ground that the harm alleged is not linked to the facts under investigation (Impugned Order D396, para. 23 and Annex 3).

¹²⁴ Report on Civil Party Application D22/2114/1.

¹²⁵ Order on the Admissibility of Civil Party Applicants from Current Residents of Koh Kong Province of 30 August 2010, filed on 31 August 2010, D397 ("Impugned Order D397").

¹²⁶ Appeal Against Order on the Admissibility of Civil Party Applicants from Current Residents of Koh Kong, 9 September 2010, D397/2/1 ("Appeal PTC 89").

¹²⁷ Application declared inadmissible on the ground that the Applicant did not provide sufficient information to verify compliance with Rules 23 *bis* (1) and (4) in relation to the alleged crimes (Impugned Order D397, para. 26 and Annex 3").

¹²⁸ Appeal against order on the admissibility of Civil Party Applicants from current residents of Koh Kong, 9 September 2010, D397/4/1 ("Appeal PTC 91").

Civil party applications inadmissible in the view of Judge Marc



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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 09-VU-00978 (D22/1251).¹²⁹ Having carefully reviewed the application, I find that none of the crimes alleged by the Application form part of the factual basis of the crimes for which the Accused are indicted.

Civil Party Applicant 09-VU-01828 (D22/2819).¹³⁰ The forcible transfer of the Applicant and her family from one village within Kampot District to another village of the same District in 1975 clearly does not form part of the forcible transfers for which the Accused are indicted. Further, the information provided by the Applicant in relation to the circumstances under which she lost members of her family do not allow me to conclude that these events form part of the factual basis of the crimes for which the Accused are indicted, i.e. the disappearance of her cousins did not take place in any of the sites or during events underlying the crimes of other inhumane acts through enforced disappearances for which the Accused are indicted. It is not alleged that the location where the Applicant's mother died of starvation is among one of the six worksites and cooperatives listed in the Indictment underlying the crimes of extermination or other inhumane acts through attacks against humane dignity. The killings of her aunt and female cousin, as well as of her older sisters and brother did not take place in any of the limited number of sites listed in the Indictment where it is alleged that killings for which the Accused are indicted took place.

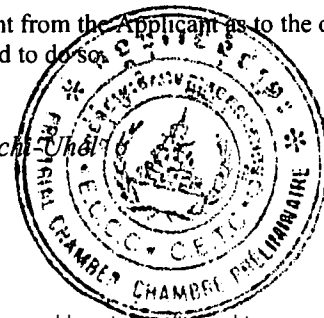
Civil Party Applicant 09-VU-00976 (D22/ 1070).¹³¹ The Co-Lawyers argue that the Applicant has added that her older sister was part of the first phase of transfers of the Population from Phnom Penh to provinces and that her sister was transferred forcibly to Pursat Province with her three children. Without any indication of the period at which the transfer of the Applicant's sister took place I am not in a position to conclude that it forms part of Phase 1 of forced evacuation of population for which the Accused are indicted.¹³²

¹²⁹ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D397, para. 25 and Annex 3).

¹³⁰ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D397, para. 25 and Annex 3).

¹³¹ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D397, para. 25 and Annex 3).

¹³² Having been asked by the Pre-Trial Chamber to submit a statement from the Applicant as to the date of the forced transfer in question on 8 February 2011, the Co-Lawyers failed to do so.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 08-VU-02326 (D22/0462).¹³³ The forcible transfer of the Applicant and members of her family from Veah Renh District to a village in Srae Ambel district, Koh Kong Province does not form part of any of the three movements of population for which the Accused are indicted. Further, the description of Srae Ambel by the Applicant shows that it is not in the same Province as the salt worksite of Srae Ambel retained in the Indictment.

Appeal PTC 93¹³⁴

Civil Party Applicant 10-VU-00834 (D22/3852).¹³⁵ The forcible transfer of the Applicant in April 1975 within Kampot Province does not form part of Phase 1 of the forcible transfer of population which is limited to the population from Phnom Penh. He does not allege that the locations where he experienced forced labour and witnessed brutal crimes, or where his relatives were killed are among one of the six worksites, cooperatives or other sites listed in the Indictment underlying the crimes of enslavement, other inhumane acts through attacks against human dignity, torture and murder for which the Accused are indicted.

Appeals against Impugned Order D398 (Stung Treng Province)¹³⁶

Appeal PTC 95¹³⁷

¹³³ Application declared inadmissible on the ground that he did not provide sufficient information to verify compliance with Rules 23 *bis* (1) and (4) in relation to the alleged crimes (Impugned Order D397, para. 26 and Annex 3).

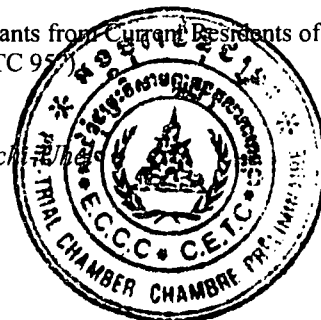
¹³⁴ Appeal against order on the admissibility of Civil Party Applicants from current residents of Koh Kong Province (with references), 9 September 2010, D397/6/1 ("Appeal PTC 93")

¹³⁵ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D397, para. 25 and Annex 3).

¹³⁶ Order on the Admissibility of Civil Party Applicants from Current Residents of Stung Treng Province, 30 August 2010, D398 ("Impugned Order D398")

¹³⁷ Appeal Against Order on the Inadmissibility of Civil Party Applicants from Current Residents of Stung Treng Province (with references), 9 September 2010, D398/3/1 ("Appeal PTC 95")

Civil party applications inadmissible in the view of Judge Marchal



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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 08-VU-01798 (D22/1195).¹³⁸ Unit 704 and Prey Torteung, Sameakki Commune, Stung Treng District where the Applicant was detained from June 1975 for about a year, where he was tortured and saw a detainee being blindfolded and walked out for execution is not among the limited number of security centers where the Indictment alleges that crimes of imprisonment, torture and murder for which the Accused are indicted were committed.

Civil Party Applicant 09-VU-01477 (D22/2726).¹³⁹ The forcible transfer from Kampun Village, Stung Treng Province of which the Applicant and her family were victims on 18 April 1975 does not form part of any of the three forced movements of population for which the Accused are indicted. Nang Kham Village, where she and her husband were forced to work under inhumane conditions is not among the limited number of cooperatives and worksites underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted. Further the information provided by the Applicant in relation to the disappearance of her husband does not allow me to conclude that it forms part of the factual basis underlying the crime of other inhumane acts through enforced disappearances for which the Accused are indicted.

Civil Party Applicant 09-VU-01943 (D22/2928).¹⁴⁰ The cooperative of the Applicant's Village, where the Applicant's father was executed and where her mother was forced to work under inhumane conditions is not among the limited number of worksites, cooperatives and execution sites listed in the Indictment underlying the crimes of enslavement, other inhumane acts through attacks against human dignity, murder and extermination for which the Accused are indicted.

Appeals against Impugned Order D399 (Takeo Province)¹⁴¹

¹³⁸ Application declared inadmissible on the ground that the Applicant provided insufficient information to verify compliance with Article 23 *bis* (1) and (4) of the Internal Rules (Impugned Order D398, para. 26).

¹³⁹ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D398, para. 24 and Annex 3).

¹⁴⁰ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D398, para. 24 and Annex 3).

¹⁴¹ Order on the Admissibility of Civil Party Applicants from Current Residents of Takeo Province, 31 August 2010, D399 ("Impugned Order D399")

Civil party applications inadmissible in the view of Judge Marcha



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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Appeal PTC 101¹⁴²

Civil Party Applicant 09-VU-02068 (D22/3029).¹⁴³ The Applicant's forcible transfer within the Province in 1975 does not form part of Phase 1 of the forcible evacuation of people which is limited to the evacuation of the population from Phnom Penh. It is not alleged that the acts of forced labour of which the Applicant was a victim took place in any of the six worksites or cooperatives underlying the crime of enslavement for which the Accused are indicted. The amount of information provided in relation to her father's killing does not allow me to conclude that he was killed in any of the sites where killings occurred that form the basis of the crimes of murder, extermination for which the Accused are indicted.

Civil Party Applicant 09-VU- 02084 (D22/3044).¹⁴⁴ The Co-Lawyers have inserted in the Appeal supplementary information they received from their client according to which he claims being a direct victim of the persecution against Buddhist which included the prohibition of Buddhism. He claims that he is a devout Buddhist and has been affected by the fact that he could not develop his faith normally. In light of the fact that the Applicant was only one year old, I do not find it plausible that he suffered psychological harm as a result of the prohibition of Buddhism.

Appeal PTC 102¹⁴⁵

Civil Party Applicant 08-VU-01714 (D22/0994).¹⁴⁶ The Co-Lawyers argue that the Applicant was only 11 years old at the relevant time and suffered as a martyr during these years of terror. Her entire family comprising 13 persons has been executed and she learned later that they were

¹⁴² Appeal Against Order on the Admissibility of Civil Party Applicants from Current Residents of Takeo, 10 September 2010, D399/2/1 ("Appeal PTC 101").

¹⁴³ Application declared inadmissible on the ground that it provides insufficient information to verify compliance to Internal Rule 23 *bis* (1) and (4) (Impugned Order D399, para. 25 and Annex 3).

¹⁴⁴ Application declared inadmissible on the ground that the threshold for personal psychological harm is not met in relation to forced marriage and that the harm is not linked to the facts under investigation. (Impugned Order D399, para. 24 and Annex 3).

¹⁴⁵ Appeal by the *Avocats Sans Frontières France* Civil Party Co-Lawyers against Order D399 on the admissibility of Civil Party Applicants from current residents of Takeo Province, Province 9 September 2010, D399/3/1 ("Appeal PTC 102").

¹⁴⁶ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D399, para. 24 and Annex 3).

Civil party applications inadmissible in the view of Judge Marchi-Uribe



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002/19-09-2007-ECCC/OCJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

previously imprisoned in the security center of Ban Noy in Takeo Province. They argue that this secondary security center depended from the Takeo primary security center which itself reported to S21. The security center in question however is not one of the security centers retained in the Indictment underlying the crimes in particular imprisonment, murder and extermination for which the Accused are indicted.

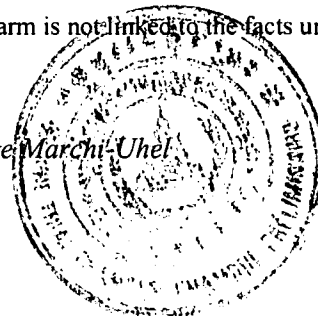
Civil Party Applicant 09-VU-00592 (D22/0877).¹⁴⁷ The forcible transfer of the Applicant and her family within Takeo Province does not form part of any of the three phases of forcible transfers for which the Accused are indicted. It is not alleged that the acts of forced labour they were victim of and which resulted in the death of several persons occurred in any of the six worksites and cooperatives retained in the Indictment underlying the crime of enslavement for which the Accused are indicted (in particular not in Tram Kok Cooperatives, Tram Kok District, Takeo Province). It does not either appear that the acts of torture as a result of which her father died occurred in any of the sites retained in the Indictment underlying the crimes of torture, murder and extermination for which the Accused are indicted.

Civil Party Applicant 08-VU-01837 (D22/1208).¹⁴⁸ The acts of forcible transfer of which the family of the Applicant were victims do not form part of any of the three phases of forced movement of population for which the Accused are indicted and the acts of forced labour and inhumane living conditions, resulting in the death of several of them, they endured in the District of Borei Cholsar, Takeo Province did not occur in any of the six worksites and cooperatives retained in the Indictment underlying the crime of enslavement for which the Accused are indicted (in particular not in Tram Kok Cooperatives, Tram Kok District, Takeo Province). The information provided by the Applicant in relation to the killing of his uncle and elder brother does not allow me to conclude that it is plausible that they form part of the killings for which the Accused are indicted. In particular did not occur in any of the security centers execution sites and other sites retained in the Indictment.

¹⁴⁷ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D399, para. 24 and Annex 3).

¹⁴⁸ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D399, para. 24 and Annex 3).

Civil party applications inadmissible in the view of Judge Marchi-Uhel



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002/19-09-2007-ECCC/OCJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 09-VU-00598 (D22/1105).¹⁴⁹ The acts of forcible transfer of the Applicant within the Province of Takeo do not form part of any of the three phases of forced movement of population for which the Accused are indicted. The facts of forced labour, working rice, the Applicant was a victim of did not occur in any of the six worksites and cooperatives retained in the Indictment underlying the crime of enslavement for which the Accused are indicted (in particular not in Tram Kok Cooperatives, Tram Kok District, Takeo Province). The information provided by the Applicant in relation to the killing of his father because he was a former Nol Lon soldier does not allow me to conclude that the killing in question forms part of the killings for which the Accused are indicted, in particular that it occurred in any of the security centers, execution sites and other sites where the Indictment alleges that crimes for which the Accused are indicted were committed.

Civil Party Applicant 09-VU-00607 (D22/0875).¹⁵⁰ The acts of forcible transfer of the Applicant within the Province of Takeo do not form part of any of the three phases of forced movement of population for which the Accused are indicted. The facts of forced labour, and inhumane leaving conditions imposed on her while growing rice and building bridges did not occur in any of the six worksites and cooperatives retained in the Indictment underlying the crime of enslavement for which the Accused are indicted (in particular not in Tram Kok Cooperatives, Tram Kok District, Takeo Province). The information provided by the Applicant in relation to the killing of her children by the Khmer Rouge does not allow me to conclude that the killings in question form part of the killings for which the Accused are indicted, in particular that it occurred in any of the security centers, execution sites and other sites where the Indictment alleges that crimes for which the Accused are indicted were committed.

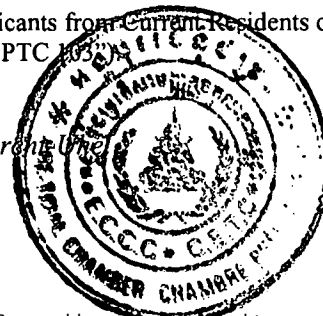
Appeal PTC 103¹⁵¹

¹⁴⁹ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D399, para. 24 and Annex 3).

¹⁵⁰ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D399, para. 24 and Annex 3).

¹⁵¹ Appeal Against Order on the Inadmissibility of Civil Party Applicants from Current Residents of Takeo Province (with References), 9 September 2010, D399/4/1 ("Appeal PTC 103").

Civil party applications inadmissible in the view of Judge Marché



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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 09-VU-03577 (D22/3271).¹⁵² The forced movement of the Applicant and his family within Takeo Province in 1975 does not form part of the first phase of forced movements for which the Accused are indicted, which is limited to the population of Phnom Penh. It is not alleged that the forced labour and inhumane conditions imposed on the Applicant and his relatives occurred in one of the six worksites and cooperatives retained in the Indictment as a basis for the crime of enslavement for which the Accused are indicted. The information provided by the Applicant in relation to the torture and killing of his father in law in 1976 by the Khmer Rouge in Chres Village, Srangae Commune, Treang District, Takeo Province after he stole food because he was starving does not allow me to conclude that it forms part of the crimes for which the Accused are indicted. In particular, it is not alleged that these facts took place in any of the limited number of sites retained in the Indictment underlying the crimes of torture, murder and extermination for which the Accused are indicted.

Appeals against Impugned Order D401 (Preah Sihanouk Province)¹⁵³

Appeal PTC 96¹⁵⁴

Civil Party Applicant 09-VU-02198 (D22/3109).¹⁵⁵ The Village of Trapeang Trayueng, where the Applicant's father was forced to work on the accusation of being connected with the CIA and a capitalist, as a result of which he became sick and died in 1977, is not among the six worksites and cooperatives retained in the Indictment as underlying the crime of enslavement and extermination for which the Accused are indicted.

Civil Party Applicant 10-VU-00360 (D22/3782).¹⁵⁶ Trapeang Thma, where the Applicant's father, Accused by the Khmer Rouge of being an agent of the Vietnamese and a traitor, was

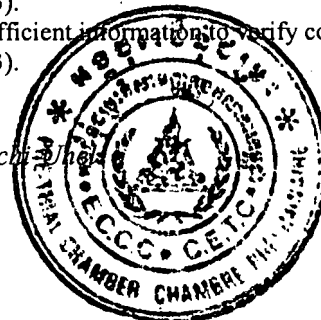
¹⁵² Application declared inadmissible on the ground that the harm is not linked to the facts under investigation. (Impugned Order D399, para. 24 and Annex 3).

¹⁵³ Order on the Admissibility of Civil Party Applicants from Current Residents of Preah Sihanouk Province, 2 September 2010, D 401 ("Impugned Order D401").

¹⁵⁴ Appeal Against Order on the Admissibility of Civil Party Applicants from Current Residents of Preah Sihanouk Province, 8 September 2010, D401/2/1 ("Appeal PTC 96").

¹⁵⁵ Application declared inadmissible on the ground that there is insufficient information to verify compliance to Rule 23 *bis* (1) and (4) (Impugned Order D401, para. 25 and Annex 3).

¹⁵⁶ Application declared inadmissible on the ground that there is insufficient information to verify compliance to Rule 23 *bis* (1) and (4) (Impugned Order D401, para. 25 and Annex 3).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

arrested and tortured is not one of the limited number of sites where the Indictment alleges that crimes of torture and imprisonment for which the Accused are indicted occurred. Also it is not alleged that the location where the Applicant's mother was forced to work is among the six worksites and cooperatives underlying the crime of enslavement for which the Accused are indicted.

Civil Party Applicant 10-VU-00361 (D22/3783).¹⁵⁷ Trapeang Thma, where the Applicant's father, Accused by the Khmer Rouge of being an agent of the Vietnamese and a traitor, was arrested, tortured and killed is not one of the limited number of sites where the Indictment alleges that crimes of torture, imprisonment, murder and extermination for which the Accused are indicted occurred. As to the other facts reported by the Applicant, there is insufficient information to allow me to consider that they form part of the crimes for which the Accused are indicted.

Civil Party Applicant 10-VU-00362 (D22/3784).¹⁵⁸ The forcible transfer of the Applicant and her family from Sihanouk to Preak Svay in Kampot Province as well as their subsequent transfers do not form part of any of the three forced movement of population for which the Accused are indicted. Preaek Svay Village where the father of the Applicant, a former soldier with high rank in Lon Nol Regime, was arrested, detained and killed in 1976 is not one of the security centers and execution centers retained in the Indictment where it is alleged that crimes of imprisonment, murder and extermination for which the Accused are indicted took place.

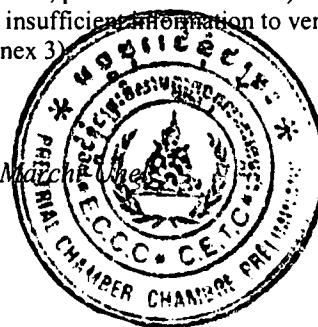
Civil Party Applicant 10-VU-00366 (D22/3788).¹⁵⁹ Review of the information provided by the Applicant¹⁶⁰ shows that none of the crimes she reports form part of the crimes for which the Accused are indicted. In particular, she was not forced to work in one of the six worksites or cooperatives retained in the Indictment as underlying the crime of enslavement and attacks against human dignity for which the Accused are indicted. She provides insufficient information as to the members of her family who disappeared to consider that these

¹⁵⁷ Application declared inadmissible on the ground that the necessary causal link between alleged harm and the facts under investigation was not established (Impugned Order D401, para. 22 and Annex 3).

¹⁵⁸ Application declared inadmissible on the ground that the necessary causal link between alleged harm and the facts under investigation was not established (Impugned Order D401, para. 22 and Annex 3).

¹⁵⁹ Application declared inadmissible on the ground that there is insufficient information to verify compliance to Rule 23 bis (1) and (4) (Impugned Order D401, para. 25 and Annex 3).

¹⁶⁰ Report on Civil Party Application D22/3788/1.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

disappearances form part of the crime of enforced disappearances for which the Accused are indicted. As to the killing of her father Accused of being a Yuon enemy, it is not alleged that it took place in any of the sites listed in the Indictment underlying the crime of murder or extermination for which the Accused are indicted.

Appeal PTC 97¹⁶¹

Civil Party Applicant 08-VU-01269 (D22/1156).¹⁶² The forced separation of members of the Applicant's family in 1976 does not form part of any of the three phases of forced movement of population retained in the Indictment. Srae Cham, Kampot Province where the family of the Applicant was forced to work under hard conditions and insufficient food is not among the six worksites and cooperatives retained in the Indictment underlying the crimes of enslavement and inhumane acts through attacks against human dignity for which the Accused are indicted. The same goes for the worksite of Anlong Thum in Ou Chamar, Kampomg Som where she was forced to construct a reservoir in 1978. The lack of information as to the worksite or cooperative where her four children were sent and where they died due to illness and lack of medicine does not allow me to conclude that it forms part of the six sites mentioned above. Further, the Village of Bang Kokir, Kampong Som Province where the Applicant's husband was sent by the Khmer Rouge in 1977 and from where he disappeared is not one of the sites retained in the Indictment underlying the crime of inhumane acts through enforced disappearances for which the Accused are indicted.

Civil Party Applicant 09-VU-00513 (D22/1090).¹⁶³ The forced evacuation of the Applicant and his family in 1976 within Kampong Speu Province does not form part of any of the three phases of forced movements of population retained in the Indictment. Thmey Village where they were victims of forced labour is not among the six worksites and cooperatives retained in the Indictment underlying the crimes of enslavement and inhumane acts through attacks

¹⁶¹ Appeal Against Order on the Inadmissibility of Civil Party Applicants from Current Residents of Preah Sihanouk Province (with references), 9 September 2010, D401/3/1 ("Appeal PTC 97").

¹⁶² Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D401, para. 24 and Annex 3).

¹⁶³ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D 401, para. 24 and Annex 3).

Civil party applications inadmissible in the view of Judge March



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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

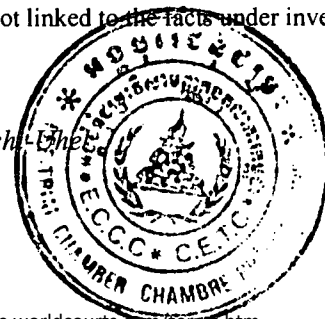
against human dignity for which the Accused are indicted. Finally, the Security Office in Ang Ta Aon where her younger brother was imprisoned and executed is not listed among the limited number of security centers and execution sites retained in the Indictment underlying the crimes of imprisonment, murder and extermination.

Civil Party Applicant 09-VU-01517 (D22/0861).¹⁶⁴ The Co-Lawyers argue that in her supplementary information the Applicant stated that she was ordered to marry and that although she managed to avoid being married by pretending she was sick she suffered psychological harm. They add that she heard of the forced marriage of other couples. Her supplementary information does not support this last argument. There is no doubt that it is plausible that she suffered psychological harm as a result of being ordered to marry but the Accused are not indicted for attempt to commit the crime of forced marriage. None of the other crimes reported by the Applicant are crimes for which the Accused are indicted. The killing of the Applicant's husband took place in 1973, according to the supplementary information. Finally, it is not alleged that her sister was sent to be reeducated in and disappeared from one of the six worksites and cooperatives retained in the Indictment and the information about the killing of her younger brother does not allow me to conclude that it forms part of the killings for which the Accused are indicted.

Civil Party Applicant 09-VU-01929 (D22/2916).¹⁶⁵ The evacuation of the Applicant's family in 1975, as a result of which two of her cousins died does not form part of the first phase of evacuation for which the Accused are indicted which is limited to the population of Phnom Penh. It is not alleged that the site where her family was forced to work and as a result of which one of her sisters died is one of the six worksites and cooperatives retained in the Indictment underlying the crimes of enslavement and inhumane acts through attacks against human dignity for which the Accused are indicted.

¹⁶⁴ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D 401, para. 24 and Annex 3).

¹⁶⁵ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D 401, para. 24 and Annex 3).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 10-VU-00373 (D22/3795).¹⁶⁶ The successive forced evacuations of the Applicant to Koh Kong and then Kampong Chhnang do not form part of any of the three phases of evacuations for which the Accused are indicted. Veal Renh and Veal Thum were he was forced to work is not one of the six worksites and cooperatives retained in the Indictment underlying the crimes of enslavement and inhumane acts through attacks against human dignity for which the Accused are indicted. There is not enough information regarding the killings, torturing, forced labour and other crimes he reported as having witnessed to conclude that these are crimes for which the Accused are indicted.

Appeal PTC 99¹⁶⁷

Civil Party Applicant 09-VU-03576 (D22/3270).¹⁶⁸ The location where one of the Applicant's brother was forced to work under inhumane conditions in Prey Veng Province is not one of the six worksites and cooperatives retained in the Indictment underlying the crimes of enslavement and other inhumane acts for which the Accused are indicted. There is insufficient information to conclude that the killing of another brother of the Applicant Accused of having betrayed Angkar and of the latter's wife and children form part of the crimes for which the Accused are indicted.

Civil Party Applicant 10-VU-00367 (D22/3789).¹⁶⁹ The Applicant has provided details about the killing of his father in his supplementary information. However, the location where he was killed in early 1975 does not form part of the execution sites and other sites listed in the Indictment, underlying the crimes of murder and extermination for which the Accused are indicted.¹⁷⁰ The Village of Samlout where the Applicant was forced to work in 1976-1979 is

¹⁶⁶ Application declared inadmissible on the ground that the Applicant did not provide sufficient information to verify compliance with Rules 23 *bis* (1) and (4) in relation to the alleged crimes (Impugned Order D401, para. 25).

¹⁶⁷ *Requête d'appel d'ordonnance sur la recevabilité des constitutions de parties civiles résidant dans la Province de Preah Sihanouk*, 12 September 2010, D 401/5/1 ("Appeal PTC 99").

¹⁶⁸ Application declared inadmissible on the ground that the Applicant provided insufficient information to verify compliance to Rule 23 *bis* (1) and (4) (Impugned Order D401, para. 25 and Annex 3).

¹⁶⁹ Application declared inadmissible on the ground that the Applicant provided insufficient information to verify compliance to Rule 23 *bis* (1) and (4) (Impugned Order D401, para. 25 and Annex 3).

¹⁷⁰ Summary of supplementary information D22/3789b.

Civil party applications inadmissible in the view of Judge March



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

not among the six worksites and cooperatives retained in the Indictment underlying the crime of enslavement for which the Accused are indicted.

Civil Party Applicant 10-VU-00358 (D22/3781).¹⁷¹ The information provided by the Applicant does not allow me to conclude that the site where she was forced to work under inhumane conditions is one of the six worksites and cooperatives retained in the Indictment underlying the crime of enslavement and other inhumane acts for which the Accused are indicted. In the absence of any information as to where and when the Applicant's uncle, a commander, was executed and her aunt beaten, the Co-Lawyers do not show that the Co-investigating Judges erred in declaring her application inadmissible.

Civil Party Applicant 10-VU-00368 (D22/3790).¹⁷² It is not alleged that the site(s) where the Applicant and his father were forced to work under inhumane conditions as a result of which the latter died from starvation and overwork and where he witnessed beatings is one of the six worksites and cooperatives retained in the Indictment underlying the crime of enslavement, other inhumane acts and extermination for which the Accused are indicted.

Civil Party Applicant 10-VU-00369 (D22/3791).¹⁷³ The information provided by the Applicant in respect of the targeting by the Khmer Rouge of people suspected of being spies or associated with the Vietnamese enemy does not allow me to conclude that these facts form part of the factual basis of crimes for which the Accused are indicted.

Civil Party Applicant 10-VU-00370 (D22/3792).¹⁷⁴ It is not alleged that the worksite where the Applicant's parents were forced to work and as a result of which they died is one of the six worksites and cooperatives retained in the Indictment underlying the crime of enslavement, other inhumane acts and extermination for which the Accused are indicted. The other crimes

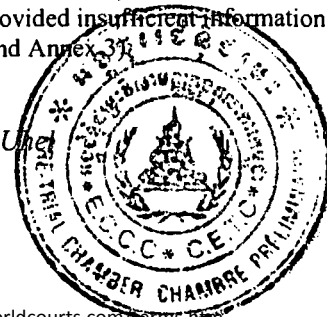
¹⁷¹ Application declared inadmissible on the ground that the Applicant provided insufficient information to verify compliance to Rule 23 bis (1) and (4) (Impugned Order D401, para. 25 and Annex 3).

¹⁷² Application declared inadmissible on the ground that the Applicant provided insufficient information to verify compliance to Rule 23 bis (1) and (4) (Impugned Order D401, para. 25 and Annex 3).

¹⁷³ Application declared inadmissible on the ground that the Applicant provided insufficient information to verify compliance to Rule 23 bis (1) and (4) (Impugned Order D401, para. 25 and Annex 3).

¹⁷⁴ Application declared inadmissible on the ground that the Applicant provided insufficient information to verify compliance to Rule 23 bis (1) and (4) (Impugned Order D401, para. 25 and Annex 3).

Civil party applications inadmissible in the view of Judge Marchi-Unger



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

reported by the Applicant are too generally described to consider it plausible that they form part of the crimes for which the Accused are indicted.

Civil Party Applicant 10-VU-00371 (D22/3793).¹⁷⁵ The information provided by the Applicant in relation to the circumstances of her three brothers' and her nephew's death do not allow me to conclude that (1) these facts form part of the factual basis of the crimes (murder, extermination) for which the Accused are indicted, (2) the forced transfers she reports form part of any of the three phases of forced transfer of population for which the Accused are indicted. Finally, it is not alleged that the site where she has been forced to work under inhumane conditions is one of the six worksites and cooperatives retained in the Indictment underlying the crime of enslavement and other inhumane acts for which the Accused are indicted

Civil Party Applicant 10-VU-00375 (D22/3797).¹⁷⁶ The Co-Lawyers do not show that the crimes reported by the Applicant, including the execution of his sister, are crimes for which the Accused are indicted and the information provided by the Applicant does not warrant such conclusion.

Civil Party Applicant 10-VU-003765 (D22/3798).¹⁷⁷ The children's unit where the Applicant was forced to work although under aged and from where his younger brother disappeared is not one of the six worksites and cooperatives retained in the Indictment underlying the crime of enslavement, other inhumane acts, extermination and other inhumane acts through enforced disappearances for which the Accused are indicted.

Civil Party Applicant 10-VU-00377 (D22/3799).¹⁷⁸ It is not alleged children's unit where the Applicant was forced to work although under aged is one of the six worksites and cooperatives retained in the Indictment underlying the crime of enslavement and other inhumane acts, for

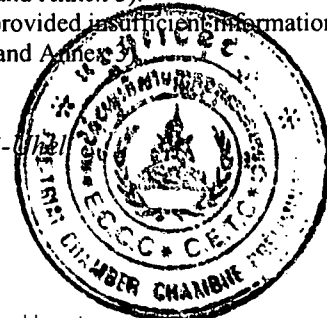
¹⁷⁵ Application declared inadmissible on the ground that the Applicant provided insufficient information to verify compliance to Rule 23 bis (1) and (4) (Impugned Order D401, para. 25 and Annex 3).

¹⁷⁶ Application declared inadmissible on the ground that the Applicant provided insufficient information to verify compliance to Rule 23 bis (1) and (4) (Impugned Order D401, para. 25 and Annex 3).

¹⁷⁷ Application declared inadmissible on the ground that the Applicant provided insufficient information to verify compliance to Rule 23 bis (1) and (4) (Impugned Order D401, para. 25 and Annex 3).

¹⁷⁸ Application declared inadmissible on the ground that the Applicant provided insufficient information to verify compliance to Rule 23 bis (1) and (4) (Impugned Order D401, para. 25 and Annex 3).

Civil party applications inadmissible in the view of Judge Marchi-



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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

which the Accused are indicted. The information she provides about the execution of her father sent in reeducation in 1977 in Kampong Cham does not allow me to conclude that it forms part of the factual basis of crimes for which the Accused are indicted.

Civil Party Applicant 10-VU-00381 (D22/3803).¹⁷⁹ The information provided by the Applicant about the pagoda where were detained the persons whose arrest he witnessed, in the Boribour District, Kampong Chhnang Province is not one of the security centers listed in the Indictment underlying crimes of imprisonment and torture for which the Accused are indicted. Further, the information provided by the Applicant does not allow me to conclude that the execution of the various members of his family in Boribour District in 1975 form part of the crimes for which the Accused are indicted. The forcible transfers he was victim of in 1975 and 1976 in Kampot Province do not form part of the three phases of forced transfer of population for which the Accused are indicted.

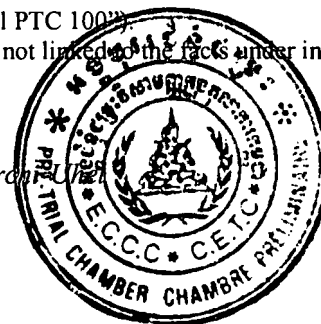
Appeal PTC 100¹⁸⁰

Civil Party Applicant 09-VU-00083 (D22/0491).¹⁸¹ The forced transfer of the Applicant in April 1975 did not form part of Phase 1 of the forced evacuation of persons for which the Accused are indicted which is limited to the evacuation of the population of Phnom Penh. Further, his forced transfer on the combat zone with Vietnam in 1978 does not form part of any of the three phases of forced transfer for which the Accused are indicted. It is not alleged that the children unit and the cooperative where the Applicant was forced to work are among the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted.

¹⁷⁹ Application declared inadmissible on the ground that the Applicant provided insufficient information to verify compliance to Rule 23 bis (1) and (4) (Impugned Order D401, para. 25 and Annex 3).

¹⁸⁰ Appeal against the Order on the admissibility of Civil Party Applicants from current resident of Preah Sihanouk Province, Province 12 September 2010, D401/6/1 ("Appeal PTC 100").

¹⁸¹ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D401, para. 24 and Annex 3).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 09-VU-00590 (D22/1649).¹⁸² While the Applicant reports that the family of Ta Chen was forcibly transferred from Phnom Penh and came to leave with his family, he does not describe having personally suffered from this situation and does not provide any information from which I could find it plausible that he did. The security center where the Applicant's father was sent under the accusation of being an agent of the CIA and from where he disappeared is not one of the limited number of security centers listed in the Indictment underlying the crimes of imprisonment and other inhumane acts through enforced disappearance for which the Accused are indicted. Finally the Accused are not indicted for the enrolment of child soldiers which the Applicant also reported and the children unit where he was forced to work is not among the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted.

Civil Party Applicant 09-VU-00705 (D22/1608).¹⁸³ None of the crimes reported by the Applicant and highlighted by the Co-Lawyers are crimes for which the Accused are indicted. In particular, the forcible transfer in April 1975 is outside the geographical scope of the first phase of evacuation for which the Accused are indicted, which is limited to the population of Phnom Penh; the acts of forced labour reported did not occur in one of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted; the execution of members of the Applicant's family as a result of the affiliation of her uncle to the Lon Nol Regime did not take place in one of the location listed in the Indictment underlying the crimes of murder, extermination and persecution on political grounds for which the Accused are indicted.

Civil Party Applicant 09-VU-01819 (D22/2811).¹⁸⁴ The forced transfer of the Applicant in April 1975 did not form part of Phase 1 of the forced evacuation of persons for which the

¹⁸² Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D401, para. 24 and Annex 3).

¹⁸³ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D401, para. 24 and Annex 3).

¹⁸⁴ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D401, para. 24 and Annex 3).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Accused are indicted as it is limited to the evacuation of the population from Phnom Penh. Further, the mobile unit where he was forced to work at the age of 12 and the place where his grand parents where forced to work as a result of which they died are not among the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement, extermination and other inhumane acts through attacks against human dignity for which the Accused are indicted.

Civil Party Applicant 09-VU-01930 (D22/2917).¹⁸⁵ It does not appear that the arrest and execution of the Applicant's father in 1979 on the ground that he stole a coconut and the death of his sister from disease contracted while being forced to work in a mobile unit form part of the crimes for which the Accused are indicted. In particular, these crimes did not occur in any of the limited security center, execution site and worksite or cooperatives retained in the Indictment underlying the crimes of imprisonment, murder, extermination, enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted.

Civil Party Applicant 09-VU-02051 (D22/3012).¹⁸⁶ The forced transfer of the Applicant from the town of Kampot in April 1975 does not form part of Phase 1 of forced transfer of population for which the Accused are indicted which is limited to the population of Phnom Penh. It is not alleged that the unit where the Applicant was forced to work and mistreated is one of the six worksite or cooperatives retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted.

Civil Party Applicant 10-VU-00372 (D22/3794).¹⁸⁷ It is not alleged that any of the locations where the Applicant was forced to work under inhumane conditions forms part of the six worksite or cooperatives retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted.

¹⁸⁵ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D401, para. 24 and Annex 3).

¹⁸⁶ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D401, para. 24 and Annex 3).

¹⁸⁷ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D401, para. 24 and Annex 3).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

The information provided about her forced transfer to the Province of Kampong Chhnang in 1977 does not allow me to conclude that it is plausible that it forms part of one of the three phases of forced transfer of population for which the Accused are indicted. The same goes for the execution of her two uncles, one being Accused of treason against Angkar and the other during his detention in a security center in Kampot. The centre in question is not listed among the limited amount of security centers retained in the Indictment underlying the crimes of imprisonment, murder, extermination for which the Accused are indicted. The information provided by the Applicant about the death of her young aunt as a result of receiving insufficient food does not either allow me to conclude that it forms part of the crimes for which the Accused are indicted.

Civil Party Applicant 10-VU-00378 (D22/3800).¹⁸⁸ It is not alleged that the locations where the Applicant's siblings were sent for reeducation and where several of them died are among the cooperatives, worksites, security centers or other sites listed in the Indictment and underlying the crimes of imprisonment, enslavement and other inhumane acts through enforced disappearances for which the Accused are indicted.

Civil Party Applicant 10-VU-00379 (D22/3801).¹⁸⁹ The information provided about the execution or disappearance of three of the Applicant's uncles under the accusation of having served within the armed forces during the Lon Nol Regime does not allow me to conclude that these acts form part of the crimes of murder, extermination or other inhumane acts through enforced disappearances for which the Accused are indicted. It is not alleged that these acts took place in any of the location underlying these crimes as retained in the Indictment. The same goes for the forcible transfers and forced labour for members of her family. These facts do not form part of any of the three phases of forced movement of population for which the Accused are indicted and it is not alleged that they took place in one of the six worksite or cooperatives retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted.

¹⁸⁸ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D401, para. 24 and Annex 3).

¹⁸⁹ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D401, para. 24 and Annex 3).



002/19-09-2007-ECCC/OCJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 10-VU-00380 (D22/3802).¹⁹⁰ It is not alleged that the facts of forced labour under inhumane conditions of which the Applicant and his children were victim (and as a result the latter died), took place in one of the six worksite or cooperatives retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted.

Civil Party Applicant 10-VU-00391 (D22/3813).¹⁹¹ Contrary to what the Co-Lawyers state, the Applicant does not allege that he feared to be forced to marry when reporting about the forced marriage of people from his unit.¹⁹² I note that the Applicant reports that practicing Buddhism was prohibited. Without any indication that he himself is a Buddhist and that he suffered from the prohibition of practicing this religion, I am unable to conclude that he is a direct victim of persecution on religious grounds.

Appeals against Impugned Order D403 (Kandal Province)¹⁹³

Appeal PTC 126¹⁹⁴

Civil Party Applicant 09-VU-03495 (D22/3198).¹⁹⁵ The cooperative of Krang Yov Commune, S'ang District, Kandal Province where the Applicant states that she and her family were forced to work under very difficult conditions and with insufficient food (and as a result of which members of her family including her parents and husband died) is not among the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement, extermination and other inhumane acts through attacks against human dignity for which the

¹⁹⁰ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D401, para. 24 and Annex 3).

¹⁹¹ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D401, para. 24 and Annex 3).

¹⁹² D22/3813.

¹⁹³ Order on the Admissibility of Civil Party Applicants from Current Residents of Kandal Province, 6 September 2010, D403 ("Impugned Order D403").

¹⁹⁴ Appeal Against Order on the Admissibility of Civil Party Applicants from Current Residents of Kandal Province (D403), 14 September 2010, D403/2/1 ("Appeal PTC 126").

¹⁹⁵ Application declared inadmissible on the ground that that there was insufficient information to verify compliance with Rule 23 *bis* (1) and (4) (Impugned Order D403, para. 27 and Annex 3).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Accused are indicted. There is insufficient information about the circumstances of the death of her younger brother in 1975 as a result of being unable to receive medicine when he was sick to conclude that it is plausible that it forms part of the crimes for which the Accused are indicted.

Civil Party Applicant 09-VU-03499 (D22/3202).¹⁹⁶ The forced transfer of the Applicant and her family in April 1975 from Kampomg Som to Prey Nop District does not form part of the first phase of forced movement of population for which the Accused are indicted which is limited to the population from Phnom Penh. It is not alleged that she and her family were forced to work in one of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement, extermination and other inhumane acts through attacks against human dignity for which the Accused are indicted. It is not alleged that the executions of the Applicant's husband and parents in law on the basis that they were former Lon Nol public servants took place in one of the limited number of security centers, execution sites or even worksites or cooperatives retained in the Indictment underlying the crimes of extermination, murder, persecution and other inhumane acts through enforced disappearances for which the Accused are indicted. The same goes for the shocking and violent events witnessed by the Applicant in 1976 regarding the killing of people near Pich Mountain.

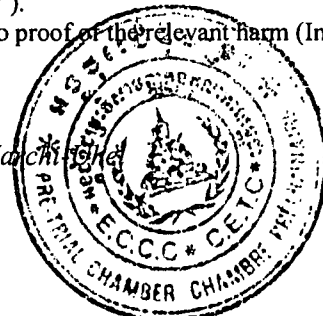
Appeal PTC 127¹⁹⁷

Civil Party Applicant 09-VU-03546 (D22/3243).¹⁹⁸ The Co-Lawyers do not in my view show how the Applicant was a victim of the crimes committed at S-21 which he reports. The Applicant also indicates having witnessed a monk being disrobed and killed. I note however that the remaining part of his application raises doubt as to the fact that he actually witnessed

¹⁹⁶ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D403, para. 26 and Annex 3).

¹⁹⁷ Appeal Brief against Order on the admissibility of Civil Party Applicants from current residents of Kandal Province (D403), 16 September 2010, D403/4/1 ("Appeal PTC127").

¹⁹⁸ Application declared inadmissible on the ground that there is no proof of the relevant harm (Impugned Order D403 and Annex 3)



002/19-09-2007-ECCC/OCJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

the torture and killing of the monk in question since he alleges that it took place in the security center of Peam Chor District and he does allege that he ever entered that centre.

Civil Party Applicant 09-VU-01608 (D22/0586).¹⁹⁹ The absence of information by the Applicant as to the circumstances of her and her family's forced transfer does not allow me to conclude that it is plausible that it formed part of one of the three phases of forced evacuation of population for which the Accused are indicted. Further, Pou Tonle security center, where her mother Accused of being a spy was killed by the Khmer Rouge using dogs as weapons, is not one of the limited number of security centers retained in the Indictment underlying the crimes of imprisonment and murder.

Civil Party Applicant 09-VU-01609 (D22/0585).²⁰⁰ It is not alleged that any of the locations where the Applicant was forced to work under inhumane conditions formed part of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement, and other inhumane acts through attacks against human dignity for which the Accused are indicted. It is not alleged that the security center where her father was killed in 1975 is one of the limited number of security centers retained in the Indictment underlying the crimes of imprisonment and murder. There is insufficient information about the circumstances of the disappearance of her brother to consider that it is plausible that it took place in one of the locations where the Indictment alleges that the crimes of other inhumane acts through enforced disappearances for which the Accused are indicted did.

Civil Party Applicant 09-VU-01614 (D22/0582).²⁰¹ It is not alleged that the forced transfer of the Applicant from Koh Thom District to Lerk Dek District, Kandal Province, close to the border with Vietnam, with no indication date forms part of one of the three phases of forced transfer of population for which the Accused are indicted, nor that she was forced to work in one of the six cooperatives and worksites retained in the Indictment underlying the crimes of

¹⁹⁹ Application declared inadmissible on the ground that there is insufficient information to verify compliance with Rule 23 *bis* (1) and (4) (Impugned Order D403, para. 27 and Annex 3).

²⁰⁰ Application declared inadmissible on the ground that there is insufficient information to verify compliance with Rule 23 *bis* (1) and (4) (Impugned Order D403, para. 27 and Annex 3).

²⁰¹ Application declared inadmissible on the ground that there is insufficient information to verify compliance with Rule 23 *bis* (1) and (4) (Impugned Order D403, para. 27 and Annex 3).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

enslavement, and other inhumane acts through attacks against human dignity for which the Accused are indicted. Finally the fact that her two brothers who disappeared where former Khmer Rouge soldiers does not mean that their respective disappearance forms part of the crimes for which the Accused are indicted. In particular, it does not appear that they disappeared from one of the locations or during events listed in the Indictment, underlying the crime of other inhumane acts through enforced disappearances.

Civil Party Applicant 09-VU-01617 (D22/0758).²⁰² It is not alleged that the children's unit in which the Applicant was forced to work formed part of one of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement, and other inhumane acts through attacks against human dignity for which the Accused are indicted. Further, it is not alleged that the detention and execution of her father, a former Lon Nol soldier, in 1978 took place in one of the limited number of security centers, execution sites or even worksites or cooperatives retained in the Indictment underlying the crimes of imprisonment, extermination, murder, persecution and other inhumane acts through enforced disappearances for which the Accused are indicted.

Civil Party Applicant 09-VU-01618 (D22/0757).²⁰³ The security center of Po Tonle, where the Applicant's grand father was detained and killed is not among the limited number of security centers, execution sites or even worksites or cooperatives retained in the Indictment underlying the crimes of imprisonment, extermination, murder, persecution and other inhumane acts through enforced disappearances for which the Accused are indicted. There is insufficient information about the crimes committed against other members of the family of the Applicant to consider it plausible that it forms part of the crimes for which the Accused are indicted.

Civil Party Applicant 09-VU-01619 (D22/0756).²⁰⁴ The factory located in Phnom Penh where the Applicant was forced to work is not one of the six cooperatives and worksites retained in

²⁰² Application declared inadmissible on the ground that there is insufficient information to verify compliance with Rule 23 bis (1) and (4) (Impugned Order D403, para. 27 and Annex 3).

²⁰³ Application declared inadmissible on the ground that there is insufficient information to verify compliance with Rule 23 bis (1) and (4) (Impugned Order D403, para. 27 and Annex 3).

²⁰⁴ Application declared inadmissible on the ground that there is insufficient information to verify compliance with Rule 23 bis (1) and (4) (Impugned Order D403, para. 27 and Annex 3).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

the Indictment underlying the crimes of enslavement, and other inhumane acts through attacks against human dignity for which the Accused are indicted. Further, there is insufficient information about the disappearance of her older brother, a former Khmer Rouge soldier, to consider that it forms part of the crime of other inhumane acts through enforced disappearances for which the Accused are indicted.

Civil Party Applicant 09-VU-01640 (D22/0564).²⁰⁵ It is not alleged that any of the various locations where the Applicant was forced to work under inhumane conditions is one of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement, and other inhumane acts through attacks against human dignity for which the Accused are indicted. Further the circumstances she describes in relation to the disappearance of her brother do not allow me to consider that it forms part of the crime of other inhumane acts through enforced disappearances for which the Accused are indicted.

Civil Party Applicant 09-VU-01641 (D22/0752).²⁰⁶ It is not alleged that the forced transfer of the Applicant forms part of one of the three phases of forced transfer of population for which the Accused are indicted. The lack of information about her brother's disappearance does not allow me to consider that it forms part of the crime of other inhumane acts through enforced disappearances for which the Accused are indicted.

Civil Party Applicant 09-VU-01643 (D22/0563).²⁰⁷ It is not alleged that the cooperative where the Applicant was forced to work while being pregnant is one of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement, and other inhumane acts through attacks against human dignity for which the Accused are indicted. Further, Po Tonle security center where her brother was detained and killed is not among the limited number of security centres, retained in the Indictment underlying the crimes of imprisonment,

²⁰⁵ Application declared inadmissible on the ground that there is insufficient information to verify compliance with Rule 23 *bis* (1) and (4) (Impugned Order D403, para. 27 and Annex 3).

²⁰⁶ Application declared inadmissible on the ground that there is insufficient information to verify compliance with Rule 23 *bis* (1) and (4) (Impugned Order D403, para. 27 and Annex 3).

²⁰⁷ Application declared inadmissible on the ground that there is insufficient information to verify compliance with Rule 23 *bis* (1) and (4) (Impugned Order D403, para. 27 and Annex 3).

Civil party applications inadmissible in the view of Judge Marchi-Uhel



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

extermination, murder, persecution and other inhumane acts through enforced disappearances for which the Accused are indicted.

Civil Party Applicant 09-VU-01648 (D22/0819).²⁰⁸ Po Tonle Security Center where the Applicant's father was detained and killed is not among the limited number of security centers, retained in the Indictment underlying the crimes of imprisonment, extermination, murder, persecution and other inhumane acts through enforced disappearances for which the Accused are indicted.

Civil Party Applicant 09-VU-01729 (D22/0827).²⁰⁹ It is not alleged that the imprisonment and killing of the Applicant's uncle under the accusation of being a capitalist have taken place in one of the limited number of security centres, execution sites or even worksites or cooperatives retained in the Indictment underlying the crimes of imprisonment, extermination, murder, persecution and other inhumane acts through enforced disappearances for which the Accused are indicted.

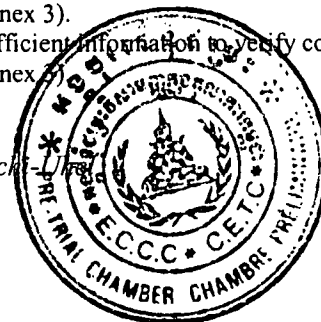
Civil Party Applicant 09-VU-01732 (D22/0590).²¹⁰ It is not alleged that the worksites where the Applicant's family members were forced to work are among the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted. Further, it is not alleged that the site of Proh and Srey where her sister was detained and killed is among the limited number of execution sites or security centers retained in the Indictment underlying the crimes of imprisonment, extermination, murder, persecution and other inhumane acts through enforced disappearances for which the Accused are indicted.

²⁰⁸ Application declared inadmissible on the ground that there is insufficient information to verify compliance with Rule 23 *bis* (1) and (4) (Impugned Order D403, para. 27 and Annex 3).

²⁰⁹ Application declared inadmissible on the ground that there is insufficient information to verify compliance with Rule 23 *bis* (1) and (4) (Impugned Order D403, para. 27 and Annex 3).

²¹⁰ Application declared inadmissible on the ground that there is insufficient information to verify compliance with Rule 23 *bis* (1) and (4) (Impugned Order D403, para. 27 and Annex 3).

Civil party applications inadmissible in the view of Judge Marchal



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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 09-VU-01740 (D22/0542).²¹¹ It is not alleged that the forced transfer members of the Applicant's family have been victims of form part of any of the three phases of forced transfer of population for which the Accused are indicted. Further, the information provided about the disappearance of his brother does not allow me to conclude that it forms part of the crimes of other inhumane acts through enforced disappearances for which the Accused are indicted.

Civil Party Applicant 09-VU-01742 (D22/0544).²¹² The information provided about the circumstances of the disappearance of the Applicant's brother does not allow me to consider that it forms part of the crime of other inhumane acts through enforced disappearances for which the Accused are indicted.

Civil Party Applicant 09-VU-01996 (D22/2979).²¹³ It is not alleged that the facts of forced labour of which the Applicant was a victim while being pregnant took place in one of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement, and other inhumane acts through attacks against human dignity for which the Accused are indicted. Further, the information provided about the circumstances of the disappearance of the Applicant's brother does not allow me to consider that it forms part of the crime of other inhumane acts through enforced disappearances for which the Accused are indicted.

Civil Party Applicant 09-VU-02002 (D22/2188).²¹⁴ The information provided about the circumstances of the disappearance of the Applicant's brother does not allow me to consider it plausible that it forms part of the crime of other inhumane acts through enforced disappearances for which the Accused are indicted.

²¹¹ Application declared inadmissible on the ground that there is insufficient information to verify compliance with Rule 23 *bis* (1) and (4) (Impugned Order D403, para. 27 and Annex 3).

²¹² Application declared inadmissible on the ground that there is insufficient information to verify compliance with Rule 23 *bis* (1) and (4) (Impugned Order D403, para. 27 and Annex 3).

²¹³ Application declared inadmissible on the ground that there is insufficient information to verify compliance with Rule 23 *bis* (1) and (4) (Impugned Order D403, para. 27 and Annex 3).

²¹⁴ Application declared inadmissible on the ground that there is insufficient information to verify compliance with Rule 23 *bis* (1) and (4) (Impugned Order D403, para. 27 and Annex 3).

Civil party applications inadmissible in the view of Judge Marchi



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002/19-09-2007-ECCC/OCJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 09-VU-02012 (D22/2191).²¹⁵ Po Tonle where the Applicant's brother was executed is not among the limited number of security centers retained in the Indictment underlying the crimes of imprisonment, extermination, murder, persecution and other inhumane acts through enforced disappearances for which the Accused are indicted.

Civil Party Applicant 09-VU-02035 (D22/2997).²¹⁶ It is not alleged that the location where the Applicant's brother, sister in law and their children have been executed is not one of the limited number of sites or happened during events retained in the Indictment underlying the crimes of extermination, murder, persecution and other inhumane acts through enforced disappearances for which the Accused are indicted.

Civil Party Applicant 09-VU-02036 (D22/2998).²¹⁷ The information provided by the Applicant in relation to the arrest of her brother, a soldier having deserted, by the Khmer Rouge, does not allow me to conclude that these events form part of the crimes for which the Accused are indicted.

Civil Party Applicant 09-VU-02041 (D22/3002).²¹⁸ The information provided by the Applicant about the arrest and disappearance of her two brothers, arrested by a communal cadre of Koh Thom, does not allow me to conclude that these arrests and disappearances form part of the crimes for which the Accused are indicted.

Civil Party Applicant 08-VU-00673 (D22/0429).²¹⁹ The information provided by the Applicant in relation to the loss of his relatives (killing of his father and cousin and starvation to death of other relatives including siblings) does not allow me to conclude that these events form part of the crimes for which the Accused are indicted.

²¹⁵ Application declared inadmissible on the ground that there is insufficient information to verify compliance with Rule 23 *bis* (1) and (4) (Impugned Order D403, para. 27 and Annex 3).

²¹⁶ Application declared inadmissible on the ground that there is insufficient information to verify compliance with Rule 23 *bis* (1) and (4) (Impugned Order D403, para. 27 and Annex 3).

²¹⁷ Application declared inadmissible on the ground that there is insufficient information to verify compliance with Rule 23 *bis* (1) and (4) (Impugned Order D403, para. 27 and Annex 3).

²¹⁸ Application declared inadmissible on the ground that there is insufficient information to verify compliance with Rule 23 *bis* (1) and (4) (Impugned Order D403, para. 27 and Annex 3).

²¹⁹ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D403, para. 26 and Annex 3).

Civil party applications inadmissible in the view of Judge Marchi-L...



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002/19-09-2007-ECCC/OCJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 08-VU-01946 (D22/0952).²²⁰ Ta Ai Security Center where the Applicant's husband was killed by an informant and Chrey Opop Security Center where she was detained with her daughter are not among the limited number of security centers, retained in the Indictment underlying the crimes of imprisonment, extermination, murder, persecution and other inhumane acts through enforced disappearances for which the Accused are indicted. Further, it is not alleged that the worksite where she was forced to work is one of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement, and other inhumane acts through attacks against human dignity for which the Accused are indicted.

Civil Party Applicant 09-VU-01607 (D22/0587).²²¹ Po Tonle Security Center where the Applicant's brother and sister have been detained and killed are not among the limited number of security centers retained in the Indictment underlying the crimes of imprisonment, extermination, murder, persecution and other inhumane acts through enforced disappearances for which the Accused are indicted. Further, it is not alleged that the worksite where she and members of her family were forced to work is one of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted.

Civil Party Applicant 09-VU-01611 (D22/0584).²²² The forced transfer of the Applicant in May 1975 from one District of Kandal Province to another does not form part of any of the three phases of forced movement of population for which the Accused are indicted. The arrest of her son for having deserted when forced to become a child soldier does not form part of the crimes for which the Accused are indicted.

²²⁰ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D403, para. 26 and Annex 3).

²²¹ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D403, para. 26 and Annex 3).

²²² Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D403, para. 26 and Annex 3).



002/19-09-2007-ECCC/OCJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 09-VU-01612 (D22/0778).²²³ The information provided by the Applicant in relation to the disappearance of her brother, a soldier with the Khmer Rouge, does not allow me to conclude that these events form part of the crimes for which the Accused are indicted. It is not alleged that the killing of her uncle, Accused of being a Lon Nol soldier, took place in any of the execution sites or other sites or formed part of events retained in the Indictment, underlying the crimes of murder, extermination and forcible disappearances for which the Accused are indicted. Similarly, the disappearance of her cousin, enrolled as a soldier, does not form part of the crimes for which the Accused are indicted.

Civil Party Applicant 09-VU-01613 (D22/0583).²²⁴ It is not alleged that the Applicant was forced to work in one of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement, extermination and other inhumane acts through attacks against human dignity for which the Accused are indicted. Po Tonle Security Center where her brother has been detained and killed is not among the limited number of security centers, retained in the Indictment underlying the crimes of imprisonment, extermination, murder, persecution and other inhumane acts through enforced disappearances for which the Accused are indicted. The information provided about the loss of her other brother, soldier with the Khmer Rouge does not allow me to conclude that it forms part of the crimes for which the Accused are indicted.

Civil Party Applicant 09-VU-01616 (D22/0581).²²⁵ It is not alleged that the killing of the Applicant's father Accused of being a Nol Lon soldier took place in one of the sites retained in the Indictment, underlying the crimes of imprisonment, extermination, murder, persecution and forcible disappearances for which the Accused are indicted.

²²³ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D403, para. 26 and Annex 3).

²²⁴ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D403, para. 26 and Annex 3).

²²⁵ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D403, para. 26 and Annex 3).



002/19-09-2007-ECCC/OCU (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 09-VU-01624 (D22/0755).²²⁶ It is not alleged that the worksite where the Applicant's uncle was forced to work and where he was killed is one of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement, extermination and other inhumane acts through attacks against human dignity for which the Accused are indicted.

Civil Party Applicant 09-VU-01631 (D22/0569).²²⁷ It is not alleged that the worksite where the Applicant was forced to work is one of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted. Further, Po Tonle Security Center where her brother has been detained and killed at the age of 10 years old is not among the limited number of security centers, retained in the Indictment underlying the crimes of imprisonment, extermination, murder, persecution and other inhumane acts through enforced disappearances for which the Accused are indicted.

Civil Party Applicant 09-VU-016321 (D22/0568).²²⁸ The information about the forced transfer of the Applicant and her family to the Vietnamese border does not allow me to conclude that these facts form part of any of the three phases of forced transfer of population for which the Accused are indicted. It does not appear that the disappearance of her son, enrolled as a soldier, and the execution of her daughter form part of the crimes for which the Accused are indicted. The absence of details about the instances of forced marriage she witnessed do not allow to find it plausible that she suffered psychological harm as a result of witnessing these events and she does not claim any bond of affection in relation to any of the immediate victims of forced marriage.

²²⁶ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D403, para. 26 and Annex 3).

²²⁷ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D403, para. 26 and Annex 3).

²²⁸ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D403, para. 26 and Annex 3).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 09-VU-01655 (D22/0809).²²⁹ Security Center 15 where the Applicant's husband was detained and (according to the first application) executed and Chrai Phnao where her son was detained at the end of 1978 are not among the limited number of security centers retained in the Indictment underlying the crimes of imprisonment, extermination, murder, persecution and other inhumane acts through enforced disappearances for which the Accused are indicted. I note that in her supplementary information the Applicant states that she does not know where her husband died.

Civil Party Applicant 09-VU-01730 (D22/0813).²³⁰ The information about the enrollment and disappearance of the Applicant's brother does not allow me to conclude that it forms part of the crimes for which the Accused are indicted.

Civil Party Applicant 09-VU-01733 (D22/0550).²³¹ The information about the disappearance of the Applicant's relatives including her brother as well as the death of her son as a result of lack of medicine does not allow me to conclude that it forms part of the crimes for which the Accused are indicted.

Civil Party Applicant 09-VU-01738 (D22/0540).²³² The absence of details about the instances of forced marriage the Co-Lawyer say the Applicant witnessed does not allow me to find it plausible that he suffered psychological harm as a result of witnessing these events and he does not claim any bond of affection in relation to any of the immediate victims of forced marriage.

Civil Party Applicant 09-VU-01741 (D22/0543).²³³ It is not alleged that Barrage 38 where the Applicant was forced to work is one of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks

²²⁹ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D403, para. 26 and Annex 3).

²³⁰ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D403, para. 26 and Annex 3).

²³¹ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D403, para. 26 and Annex 3).

²³² Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D403, para. 26 and Annex 3).

²³³ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D403, para. 26 and Annex 3).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

against human dignity for which the Accused are indicted. The information about the enrollment, arrest and execution of his two brothers at Security Center 15 and the mistreatment of his son by the Khmer Rouge does not allow me to conclude that these events form part of the crimes for which the Accused are indicted. The security center in question is not listed among the limited number of security centers retained in the Indictment underlying the crimes of imprisonment, extermination, murder, persecution and other inhumane acts through enforced disappearances for which the Accused are indicted.

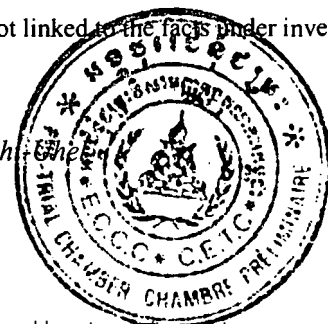
Civil Party Applicant 09-VU-01743 (D22/0761).²³⁴ The enrolment of child soldiers in 1974 by the Khmer Rouge²³⁵ to fight against Lon Nol's troops does not form part of the crimes for which the Accused are indicted. The information provided about the disappearance of the Applicant's brother, a Khmer Rouge soldier, does not either allow me to consider that it forms part of the crimes for which the Accused are indicted. The Co-Lawyers allege that the worksite where the Applicant was forced to work forms part of S-24. The Applicant describes it as "a glass factory" in Stueng Mean Chey sub District, Mean chey District, Phnom Penh, where he was to farm, build dikes of rice fields and harvest for 5 months. He also states that he saw Wat Choeng Ek and Stueng Mean Chey being destroyed. Referring to sections 2.3.3.6 and 2.3.3.7 of the Duch judgement, related to Choeng Ek and S24, the Co-Lawyers assert that the worksite where the Applicant was sent forms part of S24. Having read the relevant part of the judgement in Case 001 as well as of the Indictment in case 002, I am not satisfied that the glass factory where the Applicant was forced to work forms part of S-24 as described in the Indictment.

Civil Party Applicant 09-VU-01994 (D22/2977).²³⁶ Like the previous Applicant, he was forced to farm at Bakau Choeng Ek which the Co-Lawyers claim form part of S-24. Having read the relevant part of the judgement in Case 001 as well as of the Indictment in case 002, I am not satisfied that the site where the Applicant was forced to farm forms part of S-24 as described

²³⁴ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D403, para. 26 and Annex 3).

²³⁵ Report on Civil Party Application D22/0761.

²³⁶ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D403, para. 26 and Annex 3).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

in the Indictment. The arrest and execution of the Applicant's mother in law and uncle do not form part of the crimes for which the Accused are indicted as Pau Security Center is not among the limited number of security centers retained in the Indictment underlying the crimes of imprisonment, extermination, murder, persecution and other inhumane acts through enforced disappearances for which the Accused are indicted.

Civil Party Applicant 09-VU-02014 (D22/2982).²³⁷ The 17 April barrage in Kandal Province where the Applicant's son was forced to work is not one of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted.

Civil Party Applicant 09-VU-02015 (D22/2193).²³⁸ Security Center 15, in Kandal Province, where the Applicant's uncle was arrested as enemy of Angkar and executed, is not listed among the limited number of security centers retained in the Indictment underlying the crimes of imprisonment, extermination, murder, persecution and other inhumane acts through enforced disappearances for which the Accused are indicted. The Co-Lawyers state that the Applicant's brother was working in transport and disappeared without reason. While the summary of supplementary information²³⁹ refers to the fact that the Applicant's younger son served in Phnom Penh economic support unit and died, the information provided does not allow me to conclude that his death is linked to Phase 1 of the forced evacuation of population for which the Accused are indicted.

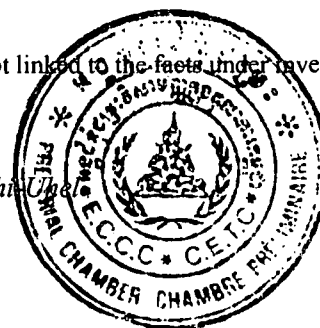
Civil Party Applicant 09-VU-02016 (D22/2983).²⁴⁰ Pau Tonle Security Center where the Applicant's father was executed is not among the limited number of security centers retained in the Indictment underlying the crimes of imprisonment, extermination, murder, persecution and other inhumane acts through enforced disappearances for which the Accused are indicted.

²³⁷ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D403, para. 26 and Annex 3).

²³⁸ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D403, para. 26 and Annex 3).

²³⁹ Summary of supplementary information D22/2193b.

²⁴⁰ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D403, para. 26 and Annex 3).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 09-VU-02017 (D22/2984).²⁴¹ It is not alleged that the worksites where the Applicant was forced to work forms part of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted, or that his forced transfer within Kandal Province is part of any of the three phases of forced transfer for which the Accused are indicted. Finally, Pau Tonle security centre where his brother was executed is not among the limited number of security centers, retained in the Indictment underlying the crimes of imprisonment, extermination, murder, persecution and other inhumane acts through enforced disappearances for which the Accused are indicted.

Civil Party Applicant 09-VU-02020 (D22/2987).²⁴² The enrolment of the Applicant's sons as child soldiers and their subsequent disappearance do not part of the crimes for which the Accused are indicted.

Civil Party Applicant 09-VU-02022 (D22/2989).²⁴³ Pau Tonle Security Centre where five of the Applicant's sons, soldiers, have been executed in 1977 is not among the limited number of security centers retained in the Indictment underlying the crimes of imprisonment, extermination, murder, persecution and other inhumane acts through enforced disappearances for which the Accused are indicted.

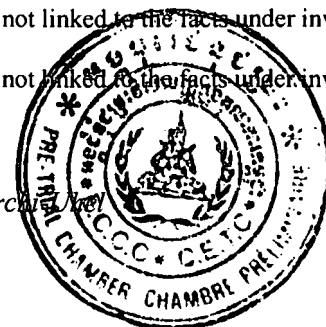
Civil Party Applicant 09-VU-02023 (D22/2194).²⁴⁴ It is not alleged that the worksite where the Applicant has been forced to work is one of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted. The information about her husband's disappearance does not allow me to conclude that it forms part of the crimes for which the Accused are indicted.

²⁴¹ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D403, para. 26 and Annex 3).

²⁴² Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D403, para. 26 and Annex 3).

²⁴³ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D403, para. 26 and Annex 3).

²⁴⁴ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D403, para. 26 and Annex 3).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 09-VU-02025 (D22/2990).²⁴⁵ It is not alleged that the worksite where the Applicant has been forced to work is one of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted. Security Center 15 where one of her brothers, a soldier, was executed is not listed among the limited number of security centers, retained in the Indictment underlying the crimes of imprisonment, extermination, murder, persecution and other inhumane acts through enforced disappearances for which the Accused are indicted. The information about her other brother's disappearance from Kampong Speu does not allow me to conclude that it forms part of the crimes for which the Accused are indicted.

Civil Party Applicant 09-VU-02026 (D22/2195).²⁴⁶ It is not alleged that the worksite where the Applicant has been forced to work is one of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted. Security Center 15 where her brother was executed is not among the limited number of security centers, retained in the Indictment underlying the crimes of imprisonment, extermination, murder, persecution and other inhumane acts through enforced disappearances for which the Accused are indicted.

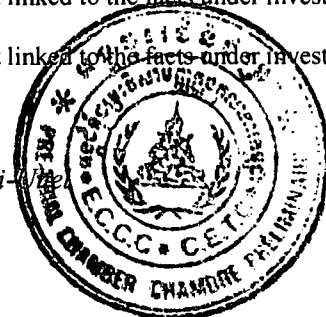
Civil Party Applicant 09-VU-02029 (D22/2197).²⁴⁷ Pau Tonle Security Centre where the Applicant's brother in law and her sister have been executed in 1977 is not among the limited number of security centers retained in the Indictment underlying the crimes of imprisonment, extermination, murder, persecution and other inhumane acts through enforced disappearances for which the Accused are indicted.

²⁴⁵ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D403, para. 26 and Annex 3).

²⁴⁶ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D403, para. 26 and Annex 3).

²⁴⁷ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D403, para. 26 and Annex 3).

Civil party applications inadmissible in the view of Judge Marchi-



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002/19-09-2007-ECCC/OCU (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 09-VU-02033 (D22/2995).²⁴⁸ The enrolment of the Applicant's brother by the Khmer Rouge as well as his desertion and subsequent arrest and execution at Koh Thom Security Centre do not form part of the crimes for which the Accused are indicted. The security centre in question is not among the limited number of security centers retained in the Indictment underlying the crimes of imprisonment, extermination, murder, persecution and other inhumane acts through enforced disappearances for which the Accused are indicted.

Civil Party Applicant 09-VU-02040 (D22/3001).²⁴⁹ It is not alleged that the worksite where the Applicant was forced to work while being pregnant is one of six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted. It is not alleged that the arrest and execution of her sisters occurred in one of the limited number of sites retained in the Indictment underlying the crimes of imprisonment, extermination, murder, persecution and other inhumane acts through enforced disappearances for which the Accused are indicted.

Civil Party Applicant 09-VU-02042 (D22/3003).²⁵⁰ It is not alleged that the worksites where the Applicant was forced to work while being a child are among the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted. Koh Kat and Koh Pau were her sister and brother respectively have been executed are not among the limited number of sites retained in the Indictment underlying the crimes of extermination, murder, persecution and other inhumane acts through enforced disappearances for which the Accused are indicted.

²⁴⁸ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D403, para. 26 and Annex 3).

²⁴⁹ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D403, para. 26 and Annex 3).

²⁵⁰ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D403, para. 26 and Annex 3).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 09-VU-02044 (D22/3005).²⁵¹ It is not alleged that the worksites where the Applicant was forced to work while being a child are among the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted. The information provided about the disappearance of her brothers after being called upon by informants does not allow me to conclude that it is plausible that they form part of the facts underlying the crime of other inhumane acts through enforced disappearances for which the Accused are indicted.

Civil Party Applicant 09-VU-02045 (D22/3121).²⁵² It is not alleged that the worksite where the Applicant was forced to work is among the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted. It is not alleged that the site where he was detained and interrogated is among the limited number of sites retained in the Indictment underlying the crimes of extermination and torture for which the Accused are indicted. Similarly, security centre 15 and Pau Tonle security centre, where he reports that his father and sister were detained and from where they disappeared, are not among such sites nor sites where the Indictment alleges that the crime of other inhumane acts through enforced disappearance for which the Accused are indicted occurred.

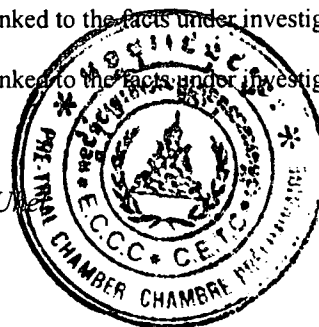
Civil Party Applicant 09-VU-03729 (D22/2443).²⁵³ It is not alleged that the worksites where the Applicant was forced to work while being a child are among the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted. Further, her transfer from Kandal Province to Phnom Penh, close to Prek Pnœou, does not form part of the phases of forced transfer of population for which the Accused are indicted.

²⁵¹ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D403, para. 26 and Annex 3).

²⁵² Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D403, para. 26 and Annex 3).

²⁵³ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D403, para. 26 and Annex 3).

Civil party applications inadmissible in the view of Judge Marchi-Us



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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 09-VU-04220 (D22/3607).²⁵⁴ The information provided about the arrest and disappearance of the Applicant's uncle Accused of being a Khmer Sar does not allow me to conclude that it forms part of the crimes for which the Accused are indicted.

Civil Party Applicant 09-VU-04221 (D22/3608).²⁵⁵ The information provided about the arrest and execution of the Applicant's grand father and uncle does not allow me to conclude that it forms part of the crimes for which the Accused are indicted. The same goes for the acts of persecution concerning the Applicant himself.

Civil Party Applicant 09-VU-00002 (D22/2493).²⁵⁶ It is not alleged that the forced transfer of which the Applicant and her family were victim, resulting in their separation, forms part of the phases of forced transfer of population for which the Accused are indicted. The information provided about the death of her siblings as a result of lack of medicine or the disappearance of her uncle is insufficient for me to consider it plausible that these facts form part of the acts underlying the crimes of extermination and other inhumane acts through enforced disappearances for which the Accused are indicted.

Civil party applicant 09-VU-00004 (D22/3680).²⁵⁷ It is not alleged that the worksites where the Applicant was forced to work while being a child are among the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted. The information provided about her father's execution does not allow me to conclude that it forms part of the crimes of murder, extermination or forcible disappearance for which the Accused are indicted.

²⁵⁴ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D403, para. 26 and Annex 3).

²⁵⁵ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D403, para. 26 and Annex 3).

²⁵⁶ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D403, para. 26 and Annex 3).

²⁵⁷ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D403, para. 26 and Annex 3).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil party applicant 09-VU-02028 (D22/2991).²⁵⁸ The information provided about the execution of the applicant's brother, his wife and 2 children does not allow me to conclude that it forms part of the crimes of murder, extermination or other inhumane acts through enforced disappearances for which the Accused are indicted.

Appeal PTC 128²⁵⁹

Civil Party Applicant 08-VU-02122 (D22/0427).²⁶⁰ It is not alleged that the worksites/cooperatives where the Applicant and his older sister were forced to work (as a result of which the latter died) are among the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement, extermination and other inhumane acts through attacks against human dignity for which the Accused are indicted.

Civil Party Applicant 09-VU-00163(D22/0616).²⁶¹ The information about the circumstances of the death of the Applicant's father who was hit with a hoe on the edge of a pit does not allow me to conclude that this crime forms part of those for which the Accused are indicted. The same goes for the forced transfer of his siblings, the information does not me to conclude that it formed part of any of the phases of forced transfer of population for which the Accused are indicted. Further, it is not alleged that the sites where his siblings were forced to work are among the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement, extermination and other inhumane acts through attacks against human dignity for which the Accused are indicted.

Civil Party Applicant 09-VU-01630 (D22/0754).²⁶² It is not alleged that the death of the Applicant's father as a result of starvation and the killing of his brothers took place in any of the limited number of cooperatives, worksites, security centres and execution sites, or form

²⁵⁸ Application declared inadmissible on the ground that there is insufficient information to verify compliance with Rule 23 *bis* (1) and (4) (Impugned Order D403, para. 27 and Annex 3).

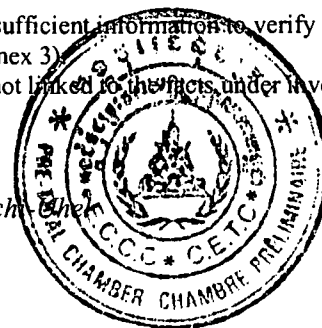
²⁵⁹ Appeal Against Order on the Inadmissibility of Civil Party Applicants from Current residents of Kandal Province, 16 September 2010, D403/5/1 ("Appeal PTC 128").

²⁶⁰ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D403, para. 26 and Annex 3).

²⁶¹ Application declared inadmissible on the ground that there was insufficient information to verify compliance with Rule 23 *bis* (1) and (4) (Impugned Order D403, para. 27 and Annex 3).

²⁶² Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D403, para. 26 and Annex 3).

Civil party applications inadmissible in the view of Judge March



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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

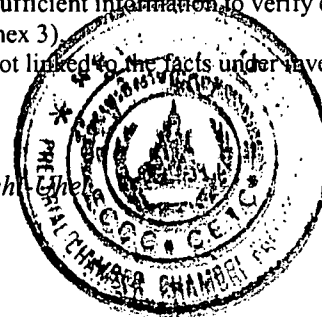
part of any other event retained in the Indictment underlying the crimes of murder and extermination for which the Accused are indicted. Further, it is not alleged that the location where he was forced to work is among the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted.

Civil Party Applicant 09-VU-00594 (D22/1228).²⁶³ The evacuation of the Applicant's family from Kandal (Angk Snuol District) to Kampong Chhnang (and not Pursat as stated in the appeal) Provinces in 1975 is outside the geographical scope of the first and second phases of forced transfer of population for which the Accused are indicted. As to the further forced transfer of the Applicant himself in early 1976 from one location to another within Kampong Chhnang Province, the Co-Lawyers wrongly argue that it took place from Kandal to Pursat Province, thus within the second phase of evacuation which comprises the evacuation from the central zone to Pursat and Battambang Provinces. Finally, it is not alleged that the cooperative and worksite where the Applicant and his son were forced to work and from where his son disappeared are among the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement, murder, extermination, other inhumane acts through attacks against human dignity and other inhumane acts through enforced disappearances for which the Accused are indicted.

Civil Party Applicant 09-VU-00996 (D22/1621).²⁶⁴ It is not alleged that the location where the Applicant was forced to work as a punishment for having stolen food is among the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted. It is not alleged and does not appear that her forced transfer in mid 1976 close to the Vietnamese border forms part of any of the three phases of forced transfer of population for which the Accused are indicted. Security Centre 15 where she was told that her brother was detained and from where he disappeared is not among the limited number of security centres

²⁶³ Application declared inadmissible on the ground that there was insufficient information to verify compliance with Rule 23 *bis* (1) and (4) (Impugned Order D403, para. 27 and Annex 3).

²⁶⁴ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D403, para. 26 and Annex 3).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

underlying the crimes of murder, extermination and other inhumane acts through enforced disappearances for which the Accused are indicted.

Civil Party Applicant 09-VU-01841 (D22/2831).²⁶⁵ It is not alleged that the worksite/cooperative where the Applicant was forced to work in 1976 is among the six sites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted. Sanlong Sub-District and Prey Ta Kong prison where the Applicant's father and brother in law were respectively executed are not among the limited number of execution sites retained in the Indictment underlying the crimes of murder and extermination for which the Accused are indicted.

Civil Party Applicant 09-VU-01851 (D22/2841).²⁶⁶ It is not alleged that the worksite/cooperative where the Applicant was forced to work while being a child in 1975 is among the six sites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted. The information about the circumstances of the execution of her older brother and the resulting death of her father does not allow me to conclude that these events form part of the crimes for which the Accused are indicted.

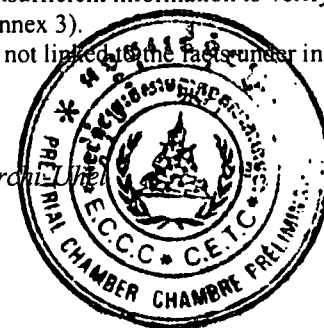
Civil Party Applicant 09-VU-01857 (D22/2847).²⁶⁷ The forced transfer of the Applicant from the upper part to the lower part of her Village in 1975 while she was pregnant does not form part of any of the three movements of population for which the Accused are indicted. It is not alleged that the site where she was forced to work in 1976 shortly after having delivered birth is one of the six sites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted. The information about the execution of her husband in 1978 by the Khmer Rouge on the accusation

²⁶⁵ Application declared inadmissible on the ground that there was insufficient information to verify compliance with Rule 23 *bis* (1) and (4) (Impugned Order D403, para. 27 and Annex 3).

²⁶⁶ Application declared inadmissible on the ground that there was insufficient information to verify compliance with Rule 23 *bis* (1) and (4) (Impugned Order D403, para. 27 and Annex 3).

²⁶⁷ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D403, para. 26 and Annex 3).

Civil party applications inadmissible in the view of Judge Marchal



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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

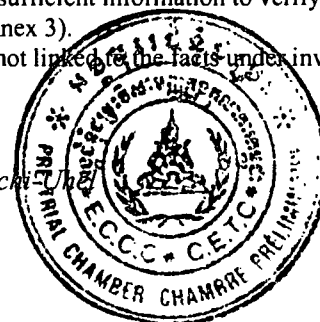
of having stolen a can of rice does not allow me to conclude that it forms part of the crimes for which the Accused are indicted. It is not alleged that the location where her younger sister was killed by Khmer Rouge militias in 1978 is among the limited number of sites including execution sites retained in the Indictment underlying the crime of murder and extermination for which the Accused are indicted.

Civil Party Applicant 09-VU-01859 (D22/2849).²⁶⁸ It is not alleged that the site where the Applicant was forced to work in 1975 is one of the six sites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted. It does not appear that the prison where the Applicant's father was detained upon the accusation of being a Lon Nol soldier is among the security centres listed in the Indictment underlying the crimes of imprisonment, murder, extermination and other inhumane acts through enforced disappearances for which the Accused are indicted. The information about the arrest and disappearance in 1978 in Pursat Province of his older cousin, a former Lon Nol soldier, and the latter's child does not allow me to conclude that these events form part of the facts on which are based the crimes for which the Accused are indicted.

Civil Party Applicant 09-VU-01861 (D22/2851).²⁶⁹ The evacuation of the Applicant's family in 1975 within Kandal Province, and her own further transfer do not form part of the phases of forced movements of population for which the Accused are indicted. The cooperatives/worksite where they were forced to work and some of them were executed are not among the six sites retained in the Indictment underlying the crimes of enslavement, murder and other inhumane acts through attacks against human dignity for which the Accused are indicted.

²⁶⁸ Application declared inadmissible on the ground that there was insufficient information to verify compliance with Rule 23 *bis* (1) and (4) (Impugned Order D403, para. 27 and Annex 3).

²⁶⁹ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D403, para. 26 and Annex 3).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 09-VU-01863 (D22/2852).²⁷⁰ The information about the execution of the Applicant's two nephews in 1976 and of his brother in law, wife and children in 1978 do not allow me to conclude that it forms part of the crimes for which the Accused are indicted.

Civil Party Applicant 09-VU-01866 (D22/2855).²⁷¹ Preak Ta Kong and Preak Pou Security Centres where the Applicant was detained and tortured following his arrests in 1976 because of being considered a Khmer Sâr and in 1977 are not among the security centres listed in the Indictment underlying the crimes of imprisonment and torture for which the Accused are indicted. Further the reeducation centre of Yaok Ta Ngâk and the locations where he was forced to work are not among the six sites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted.

Civil Party Applicant 09-VU-01870 (D22/2859).²⁷² It is not alleged that the worksite or cooperative where the parents of the Applicant were forced to work is among the six sites retained in the Indictment underlying the crimes of enslavement, murder and other inhumane acts through attacks against human dignity for which the Accused are indicted. Nor is it alleged that their execution in Kampong Cham Province form part of the crimes for which the Accused are indicted. In particular, it is not alleged that these executions took place in one of the sites enumerated in the Indictment underlying the crimes of murder, extermination and other inhumane acts through enforced disappearances for which the Accused are indicted.

Civil Party Applicant 09-VU-01872 (D22/2861).²⁷³ The information about the forced evacuation of the Applicant in 1975 does not allow me to conclude that it forms part of the phases of forced transfers of population for which the Accused are indicted. Also it is not alleged that the site where he was forced to work in 1975 and the one where he was sent for

²⁷⁰ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D403, para. 26 and Annex 3).

²⁷¹ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D403, para. 26 and Annex 3).

²⁷² Application declared inadmissible on the ground that there was insufficient information to verify compliance with Rule 23 *bis* (1) and (4) (Impugned Order D403, para. 27 and Annex 3).

²⁷³ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D403, para. 26 and Annex 3).

Civil party applications inadmissible in the view of Judge Marchi-



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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

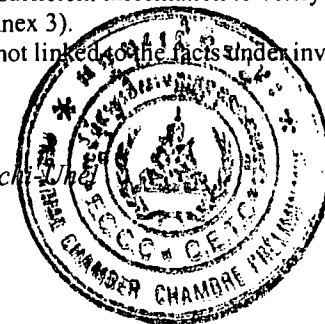
reeducation in 1977 in Prey Veng Province are among the six sites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted. The information about the execution of his father does not allow me to conclude that it forms part of the crimes for which the Accused are indicted. It is not alleged that the site where the Applicant was detained and tortured on the ground of being a Khmer Sâr in 1977 is among the security centres listed in the Indictment underlying the crimes of imprisonment and torture for which the Accused are indicted. Finally, it is not alleged that the execution of his two brothers in law in 1978 on the accusation of being former Nol Lon soldiers occurred in one of the limited number of security centers or execution sites retained in the Indictment underlying the crimes of murder, extermination and persecutions for which the Accused are indicted.

Civil Party Applicant 09-VU-02032 (D22/2994).²⁷⁴ The information about the killing or disappearance of the Applicant's brother in 1978 does not allow me to conclude that it forms part of the crimes for which the Accused are indicted. It is not alleged that the site where she was forced to work is among the six worksites or cooperatives retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted.

Civil Party Applicant 09-VU-02246 (D22/3122).²⁷⁵ The information about the killing of the Applicant's father in front of Wat Kampong Kor does not allow me to conclude that it forms part of the crimes for which the Accused are indicted. Further, it is not alleged that the site where she was forced to work is among the six worksites or cooperatives retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted.

²⁷⁴ Application declared inadmissible on the ground that there was insufficient information to verify compliance with Rule 23 *bis* (1) and (4) (Impugned Order D403, para. 27 and Annex 3).

²⁷⁵ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D403, para. 26 and Annex 3).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 09-VU-03496 (D22/3199).²⁷⁶ It is not alleged that the site where the Applicant was forced to work is among the six worksites or cooperatives retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted.

Civil Party Applicant 09-VU-03500 (D22/3203).²⁷⁷ It is not alleged that the site of Peam Sala where the Applicant was forced to build dams in 1977 is among the six worksites or cooperatives retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted. The information about the death of his aunt who died of starvation and of his uncle who was killed when he stole equipment to fish due to hanger does not allow me to conclude that these events forms part of the crimes for which the Accused are indicted.

Civil Party Applicant 09-VU-03751 (D22/3403).²⁷⁸ It is not alleged that the site where the Applicant was forced to work in 1975 is among the six worksites or cooperatives retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted. The information about the killing of five of her relatives in 1978, some of whom had been called by the Khmer Rouge militia to work and disappeared, does not allow me to conclude that the killings or disappearances in question form part of the crimes for which the Accused are indicted.

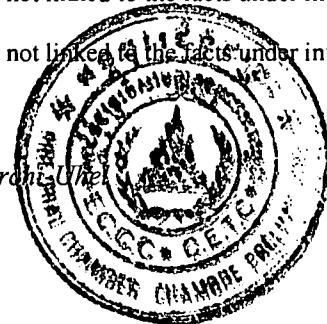
Civil Party Applicant 09-VU-03752 (D22/3404).²⁷⁹ The forced transfer of the Applicant and members of his family in 1975 from one Village to another does not form part of the phases of forced transfer of population for which the Accused are indicted. It is not alleged that the site where they were forced to work and from where her husband was taken away and disappeared is among the six worksites or cooperatives retained in the Indictment underlying the crimes of

²⁷⁶ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D403, para. 26 and Annex 3).

²⁷⁷ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D403, para. 26 and Annex 3).

²⁷⁸ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D403, para. 26 and Annex 3).

²⁷⁹ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D403, para. 26 and Annex 3).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

enslavement and other inhumane acts through attacks against human dignity and other inhumane acts through enforced disappearances for which the Accused are indicted. The information about the killing of her brother does not allow me to conclude that it forms part of the crimes for which the Accused are indicted.

Civil Party Applicant 09-VU-03769(D22/3420).²⁸⁰ It is not alleged that any of the sites where the Applicant was forced to work from 1975 is among the six worksites or cooperatives retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity and enforced disappearances for which the Accused are indicted. The information about the arrest of her young brother by a soldier and his subsequent disappearance does not allow me to conclude that it forms part of the crimes for which the Accused are indicted.

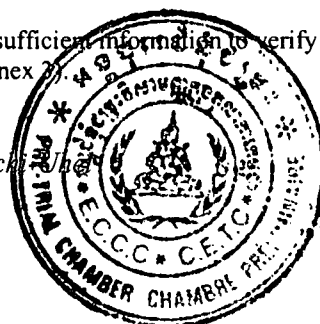
Civil Party Applicant 09-VU-03805 (D22/3456).²⁸¹ It is not alleged that the location where the Applicant's parents were forced to work is among the six worksites or cooperatives retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity and enforced disappearances for which the Accused are indicted. The information about the killing of her great uncle by the Khmer Rouge at Mukh Kampul District does allow me to conclude that it forms part of the crimes for which the Accused are indicted. The same goes for the disappearance of his wife and children and one of his older brother.

Civil Party Applicant 09-VU-03806 (D22/3457).²⁸² It is not alleged that the location where the Applicant was forced to work in 1975 is among the six worksites or cooperatives retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity and enforced disappearances for which the Accused are indicted. The information about the killing of one of her brothers in 1977 at Kang Meas in Kampong Cham

²⁸⁰ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D403, para. 26 and Annex 3).

²⁸¹ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D403, para. 26 and Annex 3).

²⁸² Application declared inadmissible on the ground that there was insufficient information to verify compliance with Rule 23 *bis* (1) and (4) (Impugned Order D403, para. 27 and Annex 3).



002/19-09-2007-ECCC/OCJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

on the accusation of being a Lon Nol soldier does not allow me to conclude that it forms part of the killings for which the Accused are indicted.

Civil Party Applicant 09-VU-03750 (D22/3402).²⁸³ It is not alleged that the location where the Applicant was forced to work in 1976 is among the six worksites or cooperatives retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted. Wat Kien Khleang where the Applicant's father was sent after his arrest and from where he disappeared in 1978 does not correspond to the limited sites retained in the Indictment underlying the crime of other inhumane acts through enforced disappearances for which the Accused are indicted. The same goes with the arrest and killing of his mother and younger brother at Preaek Anhehn which is not listed as one of the limited execution sites retained in the Indictment underlying the crimes of murder and extermination.

Civil Party Applicant 09-VU-01576 (D22/0852).²⁸⁴ The Co-Lawyers argue on the basis of the supplementary information submitted by the Applicant that the younger brother and sister of the Applicant were sent to Sang Security Center in Tonle Bati on the accusation of being intellectuals and from where they disappeared. While Sang in Kandal Province is indeed one of the security centres retained in the Indictment,²⁸⁵ the supplementary information D22/0852 does refer to Tonle Bati but not Sang. The other crimes alleged are not crimes for which the Accused are indicted.

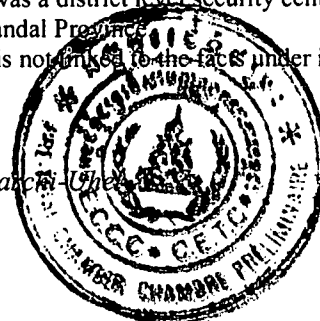
Civil Party Applicant 09-VU-03767 (D22/3418).²⁸⁶ It is not alleged that the sites where the Applicant was forced to work are among the six worksites or cooperatives retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity and enforced disappearances for which the Accused are indicted. The

²⁸³ Application declared inadmissible on the ground that there was insufficient information to verify compliance with Rule 23 *bis* (1) and (4) (Impugned Order D403, para. 27 and Annex 3).

²⁸⁴ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D403, para. 26 and Annex 3).

²⁸⁵ Indictment, para. 476 according to which Sang security centre was a district level security centre located in Trapeang Sva Village, Trea Commune, Kandal Steung District, Kandal Province.

²⁸⁶ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D403, para. 26 and Annex 3).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

information about the killing of two of her brothers on the accusation of being a Lon Nol soldier for the first one and of being related to SAO Phoem, for the second does not allow me to consider it plausible that these killings took place in one of the limited sites retained in the Indictment underlying the crimes of murder, extermination and persecution on political grounds.

Appeal PTC 159²⁸⁷

Civil Party Applicant 09-VU-01639 (D22/0565).²⁸⁸ Koah Kandul prison, where the Applicant's older brother, who was the chief of Chrouy Ta Kaev Sub-District at Kandal Province was killed upon accusation of being an "enemy affiliated with the Vietnamese", is not listed among the limited number of security centers retained in the Indictment underlying the crimes of murder, extermination and persecution on political grounds²⁸⁹ for which the Accused are indicted. Further, while the crime of persecution of the Vietnamese for which the Accused are indicted, concerns persons targeted on account of their real or perceived membership of the Vietnamese group as defined by the CPK authorities, based on political or racial criteria, the facts reported by the Applicant fall outside the geographical scope of persecutions against the Vietnamese as alleged in the Indictment.²⁹⁰ The Co-Lawyers also argue that the Applicant reported having witnessed many people being forcibly married on threat of death and that she also reported the destruction of Wat Chrouy Ta Keav, turned into a prison. According to the Co-Lawyers, the witnessing of couples being forcibly married and the destruction of pagodas, both within the scope of the investigation under forced marriage and the treatment of Buddhists, was distressing for the Applicant and has formed part of the overall facts leading to psychological injuries which afflict her to this day. In these two respects, I note that the Co-Lawyers are merely speculating. While reporting having witnessed forced marriage instances and the destruction and turning into a prison of Wat Chrouy Ta Keav, the Applicant does not allege that her harm is linked to these crimes, but to the lost of her siblings, uncle and property.

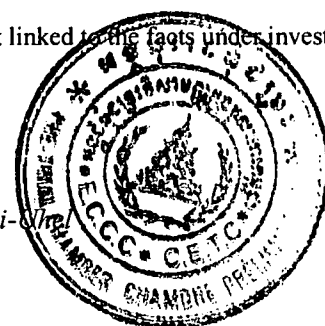
²⁸⁷ Appeal Against Orders (sic) on the Admissibility of Civil Party Applicants from Current Residents of Kandal Province, 2 November 2010, D403/6/1 ("Appeal PTC 159").

²⁸⁸ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D403, para. 26 and Annex 3).

²⁸⁹ Indictment, para. 1416.

²⁹⁰ Indictment, paras 1415 and 1422.

Civil party applications inadmissible in the view of Judge Marchi-



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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

The Co-Lawyers have not submitted supplementary documentation including from the Applicant providing more details about the scenes she witnessed and whether and how she was affected by them which would allow me to consider that these events met the threshold to presume that she suffered psychological harm as a result of witnessing them.

Civil Party Applicant 09-VU-01550 (D22/0739).²⁹¹ Pou Tonle Security Center where the Applicant's parents have been killed in 1976 on the accusation of being related to the Vietnamese is not among the limited number of security centers or execution sites retained in the Indictment underlying the crimes of murder and persecution on political grounds for which the Accused are indicted.

Civil Party Applicant 09-VU-02019 (D22/2986).²⁹² Koah Koun Village, Preak Ambel Sub-District, Sâng District, Kandal Province where the Vietnamese husband of the Applicant's younger sister was arrested and Centre 15 in Chong Koah Koun, Preak Ambel Sub-District, Sâng District, Kandal Province where two of her children were sent and subsequently died do not correspond to the sites or events retained in the Indictment underlying the crimes of persecution against the Vietnamese population, murder, extermination and other inhumane acts through enforced disappearances for which the Accused are indicted.

Appeals against Impugned Order D404 (Outside the Kingdom of Cambodia)²⁹³

Appeal PTC 73²⁹⁴

Civil Party Applicant 10-VU-00188 (D22/3745).²⁹⁵ The Co-Lawyers argue that, as a former civil servant of the Khmer Republic, the Applicant was a member of the group targeted by the

²⁹¹ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D403, para. 26 and Annex 3).

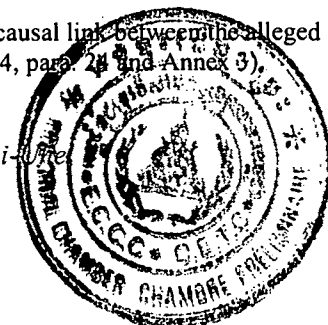
²⁹² Applications declared inadmissible on the ground that there is insufficient information to verify compliance with Rule 23 *bis* (1) and (4) (Impugned Order D403, para. 27 and Annex 3).

²⁹³ Order on the Admissibility of Civil Party Applicants residing outside the Kingdom of Cambodia, 7 September 2010, D404 ("Impugned Order D404").

²⁹⁴ Appeal against Order on the Admissibility of Civil Party Applicants Residing Outside the Kingdom of Cambodia (D404), 17 September 2010, D404/2/3 ("Appeal PTC 73").

²⁹⁵ Application declared inadmissible on the ground that the necessary causal link between the alleged harm and the facts under investigation was not established (Impugned Order D404, para. 24 and Annex 3).

Civil party applications inadmissible in the view of Judge Marchi-Ore



002/19-09-2007-ECCC/OCJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

purges, feared persecution as such, and fled the country on 18 April 1975, leaving his personal property behind. Having carefully reviewed the Indictment, I was not able to identify a link between the prejudice in question and one of the specific instances of persecution on political grounds for which the Accused are indicted. The Co-Lawyers also stress that the Applicant's brother was killed by the Khmer Rouge in Maung Russay District, Battambang Province. However, the site in question is not among the limited number of execution sites cooperatives and worksites or security centres underlying the crimes for which the Accused are indicted. The killing of the Applicant's brother did not either took place during one of the force population evacuation for which the Accused are indicted,

Civil Party Applicant 10-VU-00206 (D22/3763).²⁹⁶ The Co-Lawyers argue that the Applicant who was a sergeant in the Lon Nol army, is a direct victim of the purges as he had to flee to avoid being killed as soldiers of both high and low rank at his military base were killed. He described being forced to go into hiding and lie about his profession. I consider that the Co-Lawyers have not established a link between the psychological harm resulting from the fear the Applicant had of being killed and any of the specific instances of persecution on political grounds for which the Accused are indicted. The Co-Lawyers add that the Applicant is also a victim as he witnessed the rounding up of soldiers at his base, specifically the rounding up of 15 to 20 soldiers who were later executed in Chong Kal Village.²⁹⁷ However, Chong Kal Village is not among the limited number of sites retained in the Indictment underlying the crimes of murder, extermination, persecution for which the Accused are indicted.

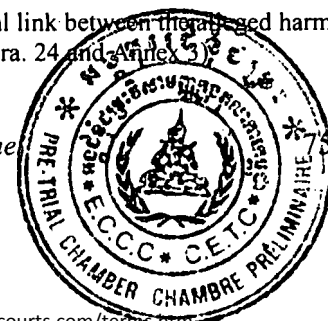
Civil Party Applicant 10-VU-00349 (D22/3774).²⁹⁸ The Co-Lawyers argue that the Applicant was a soldier in the Lon Nol army, working as a nurse at a military hospital in April 1975 and that he is a victim of persecution, having suffered direct harm as a result of periodic interrogation between 1975 and 1979 because he was a member of the Lon Nol army. Review of the Indictment did not reveal link between the prejudice suffered by the Applicant and any

²⁹⁶ Application declared inadmissible on the ground that the necessary causal link between the alleged harm and the facts under investigation was not established (Impugned Order D404, para. 24 and Annex 3).

²⁹⁷ Additional information D404/2/3.3.8.

²⁹⁸ Application declared inadmissible on the ground that the necessary causal link between the alleged harm and the facts under investigation was not established (Impugned Order D404, para. 24 and Annex 3).

Civil party applications inadmissible in the view of Judge Marchi-Uhé



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

of the specific instances of persecution on political grounds for which the Accused are indicted.

Civil Party Applicant 10-VU-00214 (D22/3770).²⁹⁹ The Co-Lawyers firstly argue that Co-Investigating Judges erred in rejecting the applications of the Applicant who reported forced transfer from provincial towns to the country side. The Accused however are not indicted for forced evacuation of population of the provincial towns to the country side in April 1975. The Co-Lawyers further submit that the brother of the Applicant was persecuted and assassinated by the Khmer Rouge because he was a former Lon Nol soldier. Review of the Closing Order did not establish a link between the prejudice suffered by the Applicant and any of the specific instances of persecution on political grounds charged. There is not indication that the facts of persecution of which the Applicant's brother was a victim took place in any of the sites underlying the crime of persecution for which the Accused are indicted. The same applies for the brothers of the Applicant who were imprisoned on suspicion of being bad elements for having made negative comments about the Khmer Rouge and stealing food.

Civil Party Applicant 10-VU-00217 (D22/2585).³⁰⁰ The Co-Lawyers firstly argue that Co-Investigating Judges erred in rejecting the application of the Applicant who reported forced transfer from provincial towns to the country side. The Accused however are not indicted for forced evacuation of population of the provincial towns to the country side in April 1975. The Co-Lawyers secondly submit that the husband of the Applicant was a former Lon Nol soldier, that he was arrested and taken to Kok Kduoch Village, Tham Kould District, Battambang Province and that the Applicant herself was imprisoned for three weeks while she was pregnant. She states that during the period of her imprisonment she was interrogated by the Khmer Rouge on account of her husband's former activity. I note that the Indictment lists Kok Kduoch as one of the security centres where crimes for which the Accused are indicted occurred³⁰¹ and Khmer Republic soldiers were imprisoned in that centre. I note however, that

²⁹⁹ Application declared inadmissible on the ground that the necessary causal link between the alleged harm and the facts under investigation was not established (Impugned Order D404, para. 24 and Annex 3).

³⁰⁰ Application declared inadmissible on the ground that the necessary causal link between the alleged harm and the facts under investigation was not established (Impugned Order D404, para. 24 and Annex 3).

³⁰¹ Indictment, para. 669.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

the security centre retained in the Indictment was located in Keng Prasat Village, Sambo subDistrict, Sambo District, Kratie Province and not in Tham Kould District, Battambang Province where the Applicant reports that her husband was imprisoned. Neither the arrest of the Applicant's husband nor the imprisonment of the Applicant form part of the facts underlying the crimes for which the Accused are indicted.

Civil Party Applicant 10-VU-00180 (D22/3737). The killing of the Applicant's husband, a former Lon Nol soldier who was ordered by the Khmer Rouge to cut bamboo in the jungle and that he never returned, does not form part of the instances of killing of former Lon Nol soldiers for which the Accused are indicted. In particular, it did not occur in one of the limited number of sites listed in the Indictment, underlying the crimes of murder, extermination and persecution on political grounds for which the Accused are indicted.

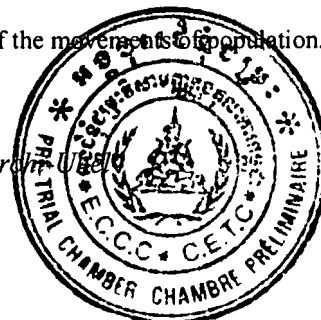
Civil Party Applicant 10-VU-00190 (D22/3747).³⁰² I note that the application describes the destination of the Applicant and his family when they were forcibly transferred to Traolork Village in Battambang Province, but was silent as to the location from which the Applicant and his family were relocated in April 1975. I am of the view that the Applicant did not provide sufficient information based on which it would be possible to infer that the transfer in question started from Phnom Penh (Phase 1 of evacuation of population for which the Accused are indicted).³⁰³ In particular he did not indicate that his family ever lived in Phnom Penh. The supporting information states that the forcible transfer of the family started in a city in the Province of Kompong Speu.³⁰⁴ Although the Applicant did not provide details about the worksite or cooperative where he was forced to work and where his mother and sister died in 1975, I understand that it was located at Traolork Village in Battambang Province. This is not one of the sites listed in the Indictment underlying the crime against humanity of enslavement for which the Accused are indicted. Finally, the Applicant also reported having witnessed people being rounded up for execution. In spite of the limited amount of information provided

³⁰² Applications declared inadmissible on the ground that it provided insufficient information to allow the Co-Investigating Judges to verify compliance with Rules 23 *bis* (1) and (4) of the Internal Rules (Sub-paragraph (iii)) (Impugned Order D404, para.25 and Annex 3.

³⁰³ The transfer falls outside the temporal scope of Phases 2 and 3 of the movements of population.

³⁰⁴ D404/2/3.2.4.

Civil party applications inadmissible in the view of Judge Mart



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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

by the Applicant about the killings in question, following careful review of the Indictment, I am of the view that the executions described by the Applicant do not form part of the facts underlying the crimes of genocide,³⁰⁵ murder, extermination or persecution for which the Accused are indicted.³⁰⁶ For the above reasons, the Co-Lawyers do not establish that the Co-Investigating Judges erred or that the supporting information requires reversing the Impugned Order in relation to the Applicant.

Civil Party Applicant 10-VU-00203 (D22/3760).³⁰⁷ The Co-Investigating Judges found that the Applicant provided insufficient information in relation to the location of the alleged crimes. The Co-Lawyers challenge the fact that the information provided was insufficient in this respect. They stress that the application includes a one page statement clearly indicating that this location was Siem Reap, which is confirmed by Section B of the application according to which the crimes occurred on 17 April 1975 in Siem Reap. They stress that the narrative explains that the Applicant (1) was a Lon Nol soldier stationed in Siem Reap and that after 17 April 1975, the Khmer Rouge entered the city and forcibly disarmed him and other soldiers and proceeded to beat him and threaten him with death, and (2) was forcibly relocated to Prey Sak Village, on the border between Siem Reap Province and Kampong Thom Province. Review of the information provided by the Applicant supports the Co-Lawyers' submission that the Co-Investigating Judges erred in rejecting the Applicant on the basis that he provided insufficient information as to the location of the crimes alleged to allow them to verify compliance with Rules 23 *bis* (1) and (4) of the Internal Rules. However, for this error to lead to declare the civil party application admissible, the Co-Lawyers must show that it is plausible that the prejudice alleged is a direct consequence of at least one of the crimes charged. The Co-Lawyers stress that the evacuation of the Applicant from the city of Siem Reap to a rural area forms part of the facts outlined in paragraph 39 of the Introductory Submission. The Indictment however limits Phase 1 of the forced evacuation of population for which the Accused are indicted to the evacuation of the population from Phnom Penh. Similarly, review

³⁰⁵ Indictment, paras 1335-1349. See also corresponding parts of the Factual Findings of Crimes.

³⁰⁶ Indictment, paras 1373 and 1381. See also corresponding parts of the Factual Findings of Crimes.

³⁰⁷ Applications declared inadmissible on the ground that it provided insufficient information to allow the Co-Investigating Judges to verify compliance with Rules 23 *bis* (1) and (4) of the Internal Rules (Sub-paragraph (iii)) (Impugned Order D404, para.25 and Annex 3).

Civil party applications inadmissible in the view of Judge Mura



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

of the Factual Findings of Crimes in the Indictment does not reveal that the beatings and threats of which the Applicant was a victim in Siem Reap as a former Lon Nol soldier form part of the factual basis underlying the crime of persecution on political grounds for which the Accused are indicted.³⁰⁸ For these reasons, the Co-Lawyers do not establish that the error in question warrants reversing the Impugned Order in relation to the Applicant.

Civil Party Applicant 10-VU-00204 (D22/3761).³⁰⁹ Review of the application shows that it is, as found by the Co-Investigating Judges, insufficiently precise in various respects. The Applicant reports facts of kidnapping, torture and murder, having occurred on 17 April 1975, in Oddar Meanchey Province.³¹⁰ While the narrative provides some details about the abduction of the Applicant and members of her family from their home and reports additional facts of forced labour, there is no indication of the location of the camp in Oddar Meanchey Province. In spite of this lack of information, upon close review of the Indictment, I am in a position to conclude that the rural camp in question is not listed among the worksites and cooperatives retained that support the charge of enslavement.³¹¹ Furthermore, the Applicant indicates that she is “sad at all the people they killed and tortured” without referring to any specific crime for which the Accused are indicted. It does not appear that the Applicant personally witnessed instances of killings or torture.

Civil Party Applicant, 10-VU-00199 (D22/3756).³¹² The Applicant stated that he was held in a child labour camp and that members of his family were also held in labour camps in Battambang Province. It is not alleged however that the locations where these acts of forced labour took place are among the six worksites and cooperatives listed in the Indictment underlying the crime of enslavement for which the Accused are indicted.

³⁰⁸ Indictment, paras 1415-1418 and related parts of the Factual Findings of Crimes.

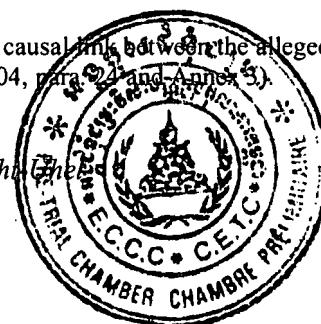
³⁰⁹ Applications declared inadmissible on the ground that it provided insufficient information to allow the Co-Investigating Judges to verify compliance with Rules 23 *bis* (1) and (4) of the Internal Rules (Sub-paragraph (iii)) (Impugned Order D404, para.25 and Annex 3.

³¹⁰ Report on Civil Party Application D22/3761, part B.

³¹¹ Indictment, para. 1391.

³¹² Application declared inadmissible on the ground that the necessary causal link between the alleged harm and the facts under investigation was not established (Impugned Order D404, para. 24 and Annex 3).

Civil party applications inadmissible in the view of Judge Marchal



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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Appeal PTC 77³¹³

Civil Party Applicant 10-VU-00409 (D22/0352).³¹⁴ The Applicant notably reported facts of forcible transfer in April 1975 within the Battambang Province, between Battambang town and Serey Sorphoan District. These acts of forced transfer fall within the temporal scope of Phase 1 of the forced evacuation of population for which the Accused are indicted, but outside its geographical scope which is limited to the evacuation of the population of Phnom Penh. The Applicant also reported having heard of a large number of executions at Veal Ch' bar targeting army officers and soldiers, and also having himself escaped execution west of the mountain in Sisophon District town. According to the Co-Lawyers these facts fall into those listed in paragraph 81(d) of the Introductory Submission related to Nuon Chea's alleged participation. The location in question, however, is not among the limited number of sites including execution sites listed in the Indictment underlying the crimes of murder, extermination and other crimes for which the Accused are indicted.³¹⁵

Civil Party Applicant 10-VU-00408 (D22/0353).³¹⁶ The forced transfer of the Applicant, his three siblings and parents from Kampong Som town to Veal Rinh area on 17 April 1975 falls outside the geographical scope of forced evacuations for which the Accused are indicted under Phase 1, which is limited to the evacuation of the population from Phnom Penh. The Co-Lawyers add that another brother of the Applicant was living with his grand mother in Phnom Penh for his education until the evacuation of the town by the Khmer Rouge on the 17 April 1975.³¹⁷ I note that the information originally provided by the Applicant merely indicated that his older brother remained in Phnom Penh with their grand mother. In light of this absence of information about even the disappearance of his brother the Co-Investigating Judges did not err in finding that he did not provide sufficient information to verify compliance with Rules 23 *bis*

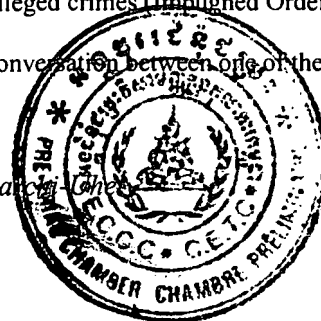
³¹³ Appeal against Order on the Admissibility of Civil Party Applicants Residing Outside the Kingdom of Cambodia (D404), 15 September 2010, D404/3/1 ("Appeal PTC 77").

³¹⁴ Application declared inadmissible on the ground that the necessary causal link between the alleged harm and the facts under investigation was not established (Impugned Order D404, para. 24 and Annex 3).

³¹⁵ Indictment, para. 1373. See also, paras 1374-1378 and, in relation to the charge of extermination, para. 1381.

³¹⁶ Application declared inadmissible on the ground that the Applicant did not provide sufficient information to verify compliance with Rules 23 *bis* (1) and (4) in relation to the alleged crimes (Impugned Order D404, para. 25 and Annex 3).

³¹⁷ Appeal PTC 77, para. 101 and footnote 79, reporting a phone conversation between one of the Co-Lawyers and his client.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

(1) and (4) in relation to the alleged crimes. The question therefore is whether the additional information provided by the Applicant warrants to reverse the finding in question. The information in question clarifies that the older brother of the Applicant who remained in Phnom Penh for his education until the evacuation of the town on 17 April 1975, then disappeared. The Applicant who, around the same period was himself evacuated from his home town to another area of the same Province, is unable to provide more details about the circumstances of his brother's disappearance. However understandable, this absence of sufficient information does not allow to safely establish a link between the disappearance in question and the forcible evacuation of Phnom Penh. I further note that although the Indictment refers to the fact that enforced disappearance have been established in relation to phases of forced transfer, the finding is limited to phases 2 and 3 of the forced transfer, thus excluding the evacuation of Phnom Penh in April 1975.³¹⁸ The Co-Lawyers therefore do not demonstrate that the Impugned Order should be reversed on that ground.

Appeal PTC 116³¹⁹

Civil Party Applicant 10-VU-00580 (D22/3838).³²⁰ The Applicant is not in a position to provide details about the circumstances of his son's and the mother of his son's disappearance. This is understandable since he lived in France at the time of the events and only received news about them through friends who returned to Paris at Easter in 1975 shortly before Phnom Penh fell to the Khmer Rouge. He can only attest that they lived in Phnom Penh until mid April 1975. Even so, the lack of sufficient information makes it impossible to link those disappearances to one of the crimes under investigation, namely the forcible transfer of population from Phnom Penh. Moreover, I note that the enforced disappearances referred to in the Indictment occurred only during Phases 2 and 3 of the population movement.³²¹

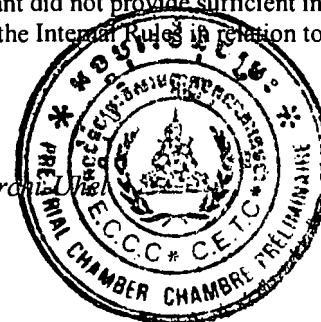
³¹⁸ Indictment, para. 1470.

³¹⁹ Appeal against Order on the admissibility of Civil Party Applicants residing outside the Kingdom of Cambodia (D404), 16 September 2010, D404/4/1 ("Appeal PTC 116").

³²⁰ Application declared inadmissible on the ground that the Applicant did not provide sufficient information to verify compliance of his application with Rule 23 *bis* (1) and (4) of the Internal Rules in relation to the alleged crimes (Impugned Order D404, para. 25, and Annex 3).

³²¹ Indictment, para 1470.

Civil party applications inadmissible in the view of Judge Marchal



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 08-VU-02403 (D22/2668).³²² The Applicant reported that her entire family was killed during the Khmer Rouge regime. I note in this respect, that the lack of information on which the application has been rejected is in relation to “27(b) Purges/Psychological harm East Zone”.³²³ While this reference in the Annex to the Impugned Order is out of place since the Applicant, who lived with her family in Svay Teap Village, Kampong Cham Province, reported that her parents and siblings were killed in November 1978, with no further details concerning the presumed perpetrators except for one named person and “some other Khmer Rouge”, the absence of sufficient information noted by the Co-Investigating Judges is real. In these circumstances, I cannot conclude that it is plausible that the murders in question form part of the killings for which the Accused are indicted.³²⁴ Further, it is not alleged that the acts of forced labour reported by the Applicant, as having been imposed on her and members of her family, occurred in any of the six cooperatives and worksites underlying the crime of enslavement for which the Accused are indicted.³²⁵

Civil Party Applicant 08-VU-02402 (D22/2667).³²⁶ I note that it is not alleged that the acts of forced labour, which the Applicant was a victim of in Battambang Province, occurred in one of the six cooperatives and worksites specified in the Indictment underlying the crime of enslavement for which the Accused are indicted. Moreover, the murder of the Applicant’s brother in Kampong Cham Province and the infants executed by the Khmer Rouge whose skulls he saw do not form part of the factual basis of any of the crimes for which the Accused are indicted. These facts did not occur in any of the sites or during events underlying the crimes for which the Accused are indicted.³²⁷ As to the forced marriage reported by the Applicant, whereas the reason for rejection in the Impugned Order on this point is failure to demonstrate bonds of affection with the immediate victims of these facts, I note that he does

³²² Application declared inadmissible on the ground that the Applicant did not provide sufficient information to verify compliance of his application with Rule 23 *bis* (1) and (4) of the Internal Rules in relation to the alleged crimes (Impugned Order D404, para. 25, and Annex 3).

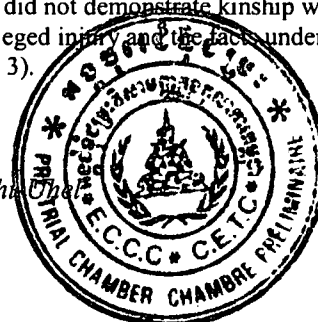
³²³ Impugned Order D404, para. 25, and Annex 3.

³²⁴ Indictment, paras 1373-1378

³²⁵ Indictment, para. 1391.

³²⁶ Application declared inadmissible on the ground that the Applicant did not demonstrate kinship with the immediate victim or establish the necessary causal link between the alleged injury and the facts under investigation (Impugned Order D404, para. 22, footnote 20 and Annex 3).

³²⁷ See in particular, Indictment, paras 1373, 1377 and 1378.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

not claim bonds of affection with or dependency on the victims, but rather that he has experienced suffering from witnessing their forced marriage. I further note that the Applicant has not provided any elements to establish that it is plausible that he suffered psychological harm as a result of witnessing these crimes which do not reach the threshold of particularly violent or shocking events.

Appeal PTC 117³²⁸

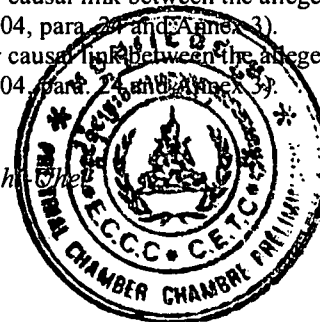
Civil Party Applicant 09-VU-01166(D22/2696).³²⁹ The alleged acts were perpetrated against the Applicant's mother, brothers, sister and niece starting on 20 April 1975 during forcible evacuation of Siem Reap, and included forced labour by her family members and the disappearance of her sister and niece. The Co-Lawyers do not argue that these acts form part of the factual basis of any of the crimes for which the Accused are indicted. The forced transfer in question falls outside the geographical scope of Phase 1 of forced evacuations of April 1975 for which the Accused are indicted, which are limited to forcible transfer from Phnom Penh.

Civil Party Applicant 09-VU-03687 (D22/3352).³³⁰ The Applicant alleges that he was injured as a result of criminal acts of the Khmer Rouge, in particular the following acts: the (i) forcible transfer with his family from their Village of Cheng Kada near Battambang to their native Village in April 1975, and to Phnom Kedong in 1976, and (ii) internment in February 1977 of his wife and their daughter in a labour camp where his daughter died from ill-treatment and mal-nutrition at the age of one year. He also reported the death of his mother during the same period from illness, lack of care and lack of food. The alleged psychological injury suffered by the Applicant as a result of these facts – in respect of which the Co-Lawyers indicated that he underwent psychotherapy for 23 years and was hospitalized several times – is not at issue. The Co-Lawyers fail to demonstrate that these acts form part of the factual basis underlying at least one of the crimes for which the Accused are indicted.

³²⁸ *Requête d'appel d'ordonnance sur la recevabilité des constitutions de parties civiles résidant en dehors du Royaume du Cambodge (France)*, 17 September 2010, D404/5/1 ("Appeal PTC 117").

³²⁹ Application declared inadmissible on the ground that the necessary causal link between the alleged harm and the facts under investigation was not established (Impugned Order D404, para. 24 and Annex 3).

³³⁰ Application declared inadmissible on the ground that the necessary causal link between the alleged harm and the facts under investigation was not established (Impugned Order D404, para. 24 and Annex 3).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 09-VU-03688 (D22/3353).³³¹ It is not disputed that it is plausible that the Applicant suffered greatly from the disappearance of her father, arrested and taken by the Khmer Rouge in a Village close to Battambang at the beginning of January 1979, a couple of day before the fall of the regime. This information provided by the Applicant, however does not allow me to conclude that the crime in question forms part of the crimes for which the Accused are indicted.

Civil Party Applicants 09-VU-03686 (D22/3351),³³² 09-VU-03685 (D22/3350),³³³ 09-VU-03683 (D22/3348)³³⁴ and 09-VU-03684 (D22/3349). The Co-Lawyers argue that the criminal acts alleged to be the cause of Applicant 09-VU-03686 (D22/3351)'s psychological and material injury relate to the forcible transfer of the Applicant and her family from Battambang to Pailin starting on 20 April 1975. She has noted that the family suffered multiple tragedies as a result of the forcible transfer and the appalling hygienic conditions during the transfer, including (i) the execution of her father and one of her brothers between 20 and 22 April 1975, (ii) the death of loved ones, including her mother from grief and ill-treatment, and of their companions in misfortune, (iii) the enlistment and the forced labour performed by many of her family members within the "force ultime" around December 1975, (iv) the death of her brother from hunger and dysentery during deportation in Phnom Penh sector, (v) the death of a sister who was unable to cope with the killing of her husband, (vi) the torture and death of her uncle in Battambang, with no indication as to the date, (vii) the killing – with no further details – of another one of her uncles in Phnom Penh, and (viii) the killing of another uncle during the war of liberation launched by Vietnam. Having carefully reviewed the facts reported by the Applicant, I am of the view that some of them are clearly outside the scope of the investigation. This includes the forcible transfer of the population of Battambang in April 1975

³³¹ Application declared inadmissible on the ground that there is insufficient information to verify compliance to Rule 23bis (1) and (4) of the Internal Rules in relation to the alleged criminal acts (Impugned Order D404, para. 25 and Annex 3).

³³² Application declared inadmissible on the ground that the necessary causal link between the alleged harm and the facts under investigation was not established (Impugned Order D404, para. 24 and Annex 3).

³³³ Application declared inadmissible on the ground that there is insufficient information to verify compliance to Rule 23bis (1) and (4) of the Internal Rules in relation to the alleged criminal acts (Impugned Order D404, para. 25 and Annex 3).

³³⁴ Application declared inadmissible on the ground that there is insufficient information to verify compliance to Rule 23bis (1) and (4) of the Internal Rules in relation to the alleged criminal acts (Impugned Order D404, para. 25 and Annex 3).



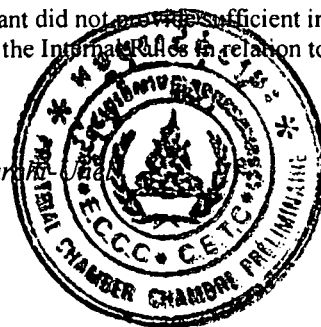
002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

and the killing of the Applicant's father and one of her brothers. While certain other facts alleged by the Applicant are not necessarily outside the scope of the investigation, the information she provided – including the supplementary information – is not precise enough for me to verify if those facts are included in the crimes charged. For example, her brother is reported as having died of hunger near Phnom Penh at the beginning of 1977; according to the list of the family members who were victims of the Khmer Rouge – which the Appellant attached to her Civil Party application –, and in the supplementary information she provided entitled “account of the persecution suffered by the family”, it is reported that “in Phnom Penh sector”, her brother, then “a student of commerce, died of hunger and dysentery during deportation”. Without further details about the date and circumstances in which her brother was evacuated and died in 1977, I cannot conclude that the facts reported here are among the crimes for which the Accused are indicted. I note that three of the Appellant's brothers are also in the same situation, in that they too either supplied the same information as the Appellant in support of their respective Civil Party applications (09-VU-03685 (D22/3350)) or made reference to her application in the supplementary information they supplied in relation to their initial applications (09-VU-03683 (D22/3348) and 09-VU-03684(D22/3349)).³³⁵ Like the Co-Lawyers, I find it surprising that the ground for inadmissibility of their respective applications is not the same as that retained by the Co-Investigating Judges for their sister's application since the siblings have substantially similar experiences and have provided the same information. Nonetheless, contrary to the Co-Lawyers' submissions, the fact that the application of Appellant 09-VU-03686 (D22/3351) was denied under the 1st ground of inadmissibility does not indicate that the application had sufficient information for purposes of the assessment conducted by the Co-Investigating Judges. There is nothing to suggest that the Co-Investigating Judges erred in finding the application to be lacking in terms of information, and therefore inadmissible under 2nd ground of inadmissibility.

Civil Party Applicant 09-VU-01172 (D22/2092).³³⁶ The crimes the Applicant alleges to be the cause of his injury relate to the forcible transfer of his family members, including his wife and

³³⁵ See Summary of supplementary information D22/3348a and D22/3349a.

³³⁶ Application declared inadmissible on the ground that the Applicant did not provide sufficient information to verify compliance of his application with Rule 23 bis (1) and (4) of the Internal Rules in relation to the alleged crimes (Impugned Order D404, para. 25, and Annex 3).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

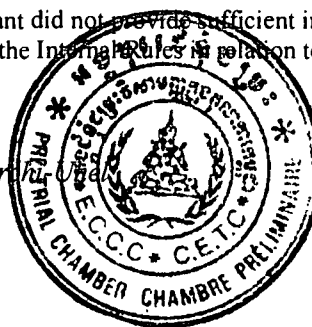
children, who were deported in 1975 by the Khmer Rouge from their Village of Peamchileang in Kompong Cham Province to Prek Bak in Stung Trang Sub-prefecture, also in Kampong Cham Province, where they were massacred with pickaxe handles and buried. None of the facts in question form part of the factual basis of the crimes for which the Accused are indicted.

Civil Party Applicant 09-VU-01604 (D22/2741).³³⁷ The Applicant reports that members of his family were deported, forced to worked and executed at the “confectionery” in Battambang on 10 March 1977. The lack of sufficient information stated as the ground for inadmissibility of the application does not relate to *the injury suffered* but rather to *the alleged crimes*. The Co-Lawyers did not provide additional information on this point in both the Appeal and the supporting documents, and thus failed to establish the alleged error.

Civil Party Applicant 09-VU-03621 (D22/3310).³³⁸ In the Victim Information Form the Applicant reported witnessing “[TRANSLATION] the massacre of republican officials and nine truckloads of officers” at Odon during the night of 17 April 1975, at Bathay during the night of 18 April 1975 and at Battang on 24 April 1975. The Applicant checked the “Witness”, “Complainant” and “Civil Party” boxes, but did not fill out Section C, “Application to be Joined as a Civil Party” and neither did he indicate whether he suffered any injury. It is noteworthy that in the letter dated 13 October 2009, which the Applicant attached to the application, he makes no mention of injury and seems to request to be recognized as an “expert witness” in order to contribute to the ECCC’s task of rendering justice, because he possesses inside knowledge about the “history of the genocide”. The two articles the Applicant published on 1 May 2000 and 1 March 2001 – also attached to the letter – in which he stated that “[TRANSLATION] they do not relate to the period from 17 April 1975 to 7 January 1979 in respect of which testimonies may be considered relevant” – do not contain further details about the existence and nature of the physical, material and psychological injury as a direct

³³⁷ Application declared inadmissible on the ground that the Applicant did not provide sufficient information to verify compliance of his application with Rule 23 *bis* (1) and (4) of the Internal Rules in relation to the alleged crimes (Impugned Order D404, para. 25, and Annex 3).

³³⁸ Application declared inadmissible on the ground that the Applicant did not provide sufficient information to verify compliance of his application with Rule 23 *bis* (1) and (4) of the Internal Rules in relation to the alleged crimes (Impugned Order D404, para. 25, and Annex 3).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

consequence of any of the crimes alleged against the Accused. These articles do not further the Applicant's case. The Co-Lawyers emphasize that they were not assigned to the Applicant until 2 August 2010, and that the Applicant could not provide supplementary information prior to the 30 June 2010 deadline, and that by failing to take account of such crucial information, the Co-Investigating Judges placed the Applicant in a situation of inequity compared to the other Applicants. I recognize that the belated assignment of his counsel may have made it difficult for the Applicant to support his application. This is particularly true owing the Co-Investigating Judges' refusal to grant the Co-Lawyers additional time to obtain and provide additional information in support of the application.³³⁹ I observe however that the Co-Lawyers have not submitted a request to file such information in the form of supporting documents to their Appeal,³⁴⁰ as was suggested by the Co-Investigating Judges. I am therefore of the view that the Co-Lawyers have not demonstrated that the findings of the Co-Investigating Judges contained in the Impugned Order concerning the Applicant's failure to provide the information required under Rules 23 *bis* (1) and (4) are erroneous.

Appeal PTC 118³⁴¹

Civil Party Applicant 07-VU-00181 (D22/2610). The application was declared inadmissible on the ground that the Applicant did not provide proof of his identification.³⁴² The Co-Lawyers have done so.³⁴³ This ground of rejection being cured, the application can however only be admitted if it otherwise meets the requirement that the Applicant alleges harm resulting from at least one of the crimes for which the Accused are indicted. This is not the case in my view. The violent and shocking event of which the Applicant was a witness while managing to escape, i.e. the killing of about 600 Nol Lon soldiers in Battambang on 17 April 1975 and of a further thousand soldiers later during the same month did not occur in one of the sites listed in the

³³⁹ OCIJ letter, 11 August 2010, D337/11/1.

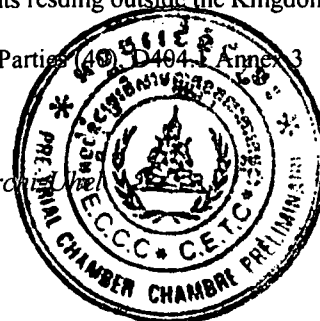
³⁴⁰ See Internal Rule 77 *bis* 2.

³⁴¹ Appeal against Order on the admissibility of Civil Party Applicants residing outside the Kingdom of Cambodia, 17 September 2010, D404/5/1 ("Appeal PTC118").

³⁴² Impugned Order D404, para. 20 and Annex – Inadmissible Civil Parties (40) D404, Annex 3

³⁴³ D404/6/1.3.1.

Civil party applications inadmissible in the view of Judge Marchal



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Indictment, underlying the crimes of murder, extermination and persecution on political grounds for which the Accused are indicted. Further, there is no indication that the killing of members of the Applicant's family in Battambang Province occurred in any of these sites.

Civil party application 09-VU-00517 (D22/2680).³⁴⁴ The Applicant alleges being a direct victim of the evacuation of Phnom Penh in April 1975. According to the Co-Lawyers, the Co-Investigating Judges erred in declaring the applications inadmissible on the ground that they provided no proof of identification. Establishing one's identity is a necessary requirement inherent to any civil action, whether or not specified in the procedural rules. However, the Pre-Trial Chamber notes that, as submitted by the Co-Lawyers, when the Applicants submitted his application, Internal Rule 23 *bis* (1)(a) requiring as a specific condition of admissibility that the Civil Party Applicant shall be clearly identified had not yet been adopted. This notwithstanding, the Victim information form then included a section 11 entitled "Which of the following proof of identity do you have? Please indicate the number" containing 10 possible responses one of which chosen by the Applicants being "None".³⁴⁵ In light of these circumstances, it was not obvious for the Applicant that failing to provide some proof of their identity could render the application inadmissible. Therefore, on 20 April 2011, the Pre-Trial Chamber has invited the Co-Lawyers to submit a copy of their clients' identification document. They responded by a letter that they could not reach their client and were therefore unable to provide a proof of identity.³⁴⁶ As a consequence, I am of the view that the application shall be rejected.

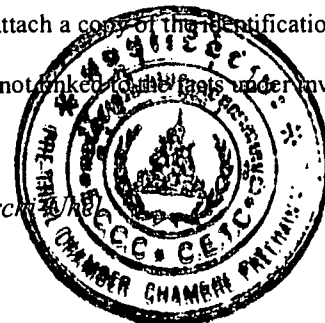
Civil Party Applicant 08-VU-00198 (D22/2626).³⁴⁷ It is not alleged that the acts of forced labour and food deprivation of which the Applicant was a victim in 1976 in Koh Kong Province occurred in one of the six worksites and cooperatives listed in the Indictment underlying the crime of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted. The same goes with the killings reported by the

³⁴⁴ Application declared inadmissible due to insufficient proof of identification (Impugned Order D404, para. 20 and Annex 3).

³⁴⁵ In a more recent version of the form, applicants are requested to attach a copy of the identification document.
³⁴⁶ D404/6/1.2.

³⁴⁷ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D404, para. 24 and Annex 3).

Civil party applications inadmissible in the view of Judge March



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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Applicant i.e., killing of his elder brother, a Cambodia's military police officer in Takeo Province, and also of nine members of his direct and extended family who died in Takeo Province, Preah Sihanouk Province and other places in Cambodia from forced labour and food deprivation. It is not alleged that any of these facts occurred in one of limited number of sites where, or during events, which the Indictment alleges that the crimes of murder and extermination for which the Accused are indicted occurred.

Civil Party Applicant 08-VU-02396 (D22/2664).³⁴⁸ The Applicant reported the killing of her parents, elderly brothers and friends. Review of the facts she reported confirms the absence of sufficient information to link the prejudice in question with any of the crimes for which the Accused are now indicted. The Co-Lawyers do not appear to have attempted to contact their client to obtain supporting information since they were designated, they merely state they had not time to collect supplementary information. I find that the Co-Lawyers have not demonstrated that the findings of the Co-Investigating Judges contained in the Impugned Order concerning the Applicant's failure to provide the information required under Rules 23 *bis* (1) and (4) are erroneous.

Civil Party Applicant 08-VU-02399 (D22/2666).³⁴⁹ The same goes in respect of this Applicant who reported the death of nine members of his direct and extended family without providing sufficient details to link the undeniable prejudice resulting from these losses with any of the crimes retained against the Accused.

Appeal PTC 119³⁵⁰

³⁴⁸ Application declared inadmissible on the ground that the Applicant did not provide sufficient information to verify compliance with Rules 23 *bis* (1) and (4) in relation to the alleged crimes (Impugned Order D404, para. 25 and Annex 3).

³⁴⁹ Application declared inadmissible on the ground that the Applicant did not provide sufficient information to verify compliance with Rules 23 *bis* (1) and (4) in relation to the alleged crimes (Impugned Order D404, para. 25 and Annex 3).

³⁵⁰ Appeal against Order on the Admissibility of Civil Party Applicants Residing Outside the Kingdom of Cambodia D404, 16 September 2010, D404/7/1 ("Appeal PTC 119").

Civil party applications inadmissible in the view of Judge Marchal



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 10-VU-00094 (D22/3709).³⁵¹ I note that the insufficiency of information based on which the Co-Investigating Judges declared the application inadmissible is in relation to the alleged criminal acts. The Applicant stated in her Victim's Application Form that her father was killed by the Khmer Rouge at Phum Tras Ekphnom (Battambang) in July 1977 because he was a teacher. The information provided by the Applicant is indeed insufficient as to the circumstances of the killings of her father to consider it plausible that it forms part of the facts underlying the crime of murder retained in the Indictment. In particular, Phum Tras Ekphnom (Battambang) is not among the limited amount of sites where the Indictment alleges that killings for which the Accused are indicted have been committed and the information provided by the Applicant does not allow the inference of a link with any of the other crimes for which the Accused are indicted.

Civil Party Applicant 08-VU-2258 (D22/0039).³⁵² The Applicant alleges being a direct victim of the evacuation of Phnom Penh in April 1975. According to the Co-Lawyers, the Co-Investigating Judges erred in declaring the applications inadmissible on the ground that they provided no proof of identification. Establishing one's identity is a necessary requirement inherent to any civil action, whether or not specified in the procedural rules. However, the Pre-Trial Chamber notes that, as submitted by the Co-Lawyers, when the Applicants submitted his application, Internal Rule 23 *bis* (1)(a) requiring as a specific condition of admissibility that the Civil Party Applicant shall be clearly identified had not yet been adopted. This notwithstanding, the Victim information form then included a section 11 entitled "Which of the following proof of identity do you have? Please indicate the number" containing 10 possible responses one of which chosen by the Applicants being "None".³⁵³ In light of these circumstances, it was not obvious for the Applicant that failing to provide some proof of their identity could render the application inadmissible. Therefore, on 21 January 2011, the Pre-Trial

³⁵¹ Application declared inadmissible on the ground that the Applicant did not provide sufficient information to verify compliance with Rules 23 *bis* (1) and (4) in relation to the alleged crimes (Impugned Order D404, para. 25 and Annex 3).

³⁵² Application declared inadmissible on the ground that the Applicant provided no proof of identification (Impugned Order D404, para. 20 and Annex 3).

³⁵³ In a more recent version of the form, Applicants are requested to attach a copy of the identification document.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Chamber has invited the Co-Lawyers to submit a copy of their clients' identification document. They have failed to do so.

Civil Party Applicant 09-VU-03492 (D22/3195).³⁵⁴ The Applicant is in a similar situation as the previous Applicant.

Appeals against Impugned Order D406 (Phnom Penh Province)³⁵⁵

Appeal PTC 134³⁵⁶

Civil Party Applicant 10-VU-00956 (D22/3955).³⁵⁷ The Applicant is alleging having been forcibly transferred from Phnom Penh to Kampong Cham Province. This transfer falls within the temporal and geographical scope of Phase 1 of the evacuation of population for which the Accused are indicted. The Application however was declared inadmissible on the basis that the Applicant did not provide a proof of identity. The Co-Lawyers merely indicate that she completed all the information required in the Victim Information Form. The Co-Lawyers have been requested by the Pre-Trial Chamber to provide such proof of identity but failed to do so.

Civil Party Applicant 09-VU-00683 (D22/1440).³⁵⁸ I find that it is not plausible that the Applicant who was born in 1976 suffered psychological harm from the fact that she was denied a chance to be educated in and practice Buddhism. I further note that she does not allege having suffered as a result of the crime of persecution of which members of her family may have been immediate victims since three of them were monks prior to the Khmer Rouge regime. I finally note that Ream Kon Village, Kear Sub-District, Moug Ruessei District, Battambang Province, where the Applicant reports that her mother was killed, is not one of the

³⁵⁴ Application declared inadmissible on the ground that the Applicant provided no proof of identification (Impugned Order D404, para. 20 and Annex 3).

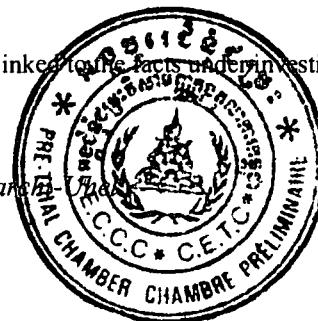
³⁵⁵ Order on the Admissibility of Civil Party Applicants from Current Residents of Phnom Penh, 6 September 2010, D406 ("Impugned Order D406").

³⁵⁶ Appeal Against Order on the Admissibility of Civil Party Applicants from Current Residents of Phnom Penh D406, 13 September 2010, D406/2/1 ("Appeal PTC 134").

³⁵⁷ Impugned Order D406, para. 20 and Annex 3.

³⁵⁸ Application declared inadmissible on the basis that harm is not linked to the facts under investigation (Impugned Order D406, para. 23 and Annex 3).

Civil party applications inadmissible in the view of Judge M...



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

limited numbers of sites retained in the Indictment underlying the crimes of murder and extermination for which the Accused are indicted.

Civil Party Applicant 10-VU-00871 (D22/3881).³⁵⁹ The forced transfers of members of the Applicant's family from Damnak Chang'aur District, Kampot town to Kampot Province, and then to Trapeang Kak Stueng Kaev Sub-District, Kaoh Sla District, Kampot Province, do not form part of any of the three phases of evacuation of population for which the Accused are indicted. Further, the information provided by the Applicant in relation to the loss of his relatives (the killing of his sibling and starvation to death of his parents and other family members) is insufficient to allow me to conclude that these events form part of the crimes for which the Accused are indicted.

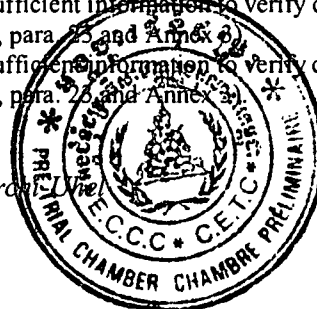
Civil Party Applicant 09-VU-03628 (D22/3317).³⁶⁰ The forced transfer of the Applicant from Mukh Kampul District, Kandal Province to Kchor District, Kampong Speu Province does not form part of any of the three phases of forced transfer of population for which the Accused are indicted. Further, Kchor cooperative in Kampong Speu Province where the Applicant's parents were murdered is not one of cooperatives and worksites retained in the Indictment underlying the crimes of murder and extermination for which the Accused are indicted.

Civil Party Applicant 09-VU-02071 (D22/3032).³⁶¹ The information provided in relation to the death of the Applicant's siblings, elder-in-law, nephews and nieces is insufficient to allow me to conclude that these events form part of the crimes for which the Accused are indicted. Tbal Ken Village, Banteay Meas Khang lech Sub-District, Banteay Meas District Kampot Province, where the Applicant reports having suffered from injury, starvation and forced labour is not one of the limited work sites and cooperatives listed in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks on human dignity for which the Accused are indicted.

³⁵⁹ Application declared inadmissible on the ground that there is insufficient information to verify compliance to Rule 23 bis (1) and (4) of the Internal Rules (Impugned Order D406, para. 23 and Annex 3).

³⁶⁰ Application declared inadmissible on the ground that there is insufficient information to verify compliance to Rule 23 bis (1) and (4) of the Internal Rules (Impugned Order D406, para. 23 and Annex 3).

³⁶¹ Application declared inadmissible on the ground that there is insufficient information to verify compliance to Rule 23 bis (1) and (4) of the Internal Rules (Impugned Order D406, para. 23 and Annex 3).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 09-VU-00165 (D22/614).³⁶² Preaek Traeng Village, Setbou Sub-District, S'ang District, Kandal Province, where the Applicant's uncle and mother's husband were murdered, is not one of the limited locations retained in the Indictment underlying the crimes of murder and extermination for which the Accused are indicted.

Civil Party Applicant 09-VU-00164 (D22/615).³⁶³ Korkor Villang, S'ang District, Kandal Province, where the Applicant's mother was beaten and her brother and mother's husband were beaten and murdered, is not one of the limited locations listed in the Indictment underlying the crimes of murder, extermination and other inhumane acts through attacks on human dignity for which the Accused are indicted.

Civil Party Applicant 08-VU-01791 (D22/1198).³⁶⁴ The forcible transfer of the Applicant and his family from Battambang Provincial Town to Moug Ruessei District falls within the temporal scope of Phase 1 of evacuation of the population for which the Accused are indicted, but outside its geographical scope which is limited to the population of Phnom Penh. The transfer in question falls within the geographical scope of Phase two evacuation of the population for which the Accused are indicted which includes transfers within Battambang Province, but outside its temporal scope starting around September 1975. Further, I note that Muong Ruessei District and Rolea Bier Sub-District, Kampong Chnang Province, where the Applicant suffered from starvation and forced labour, are not among the limited number of cooperatives and worksites listed in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted.

Civil Party Applicant 07-VU-00322 (D22/1268). The Application was declared inadmissible on the basis that the Applicant did not provide a proof of identity.³⁶⁵ I note that in the section related to verification of identity, the Victim Information Forms bears the number of the Applicant's Identity Card and that in these circumstances the application should not have been

³⁶² Application declared inadmissible on the basis that harm is not linked to the facts under investigation (Impugned Order D406, para. 23 and Annex 3).

³⁶³ Application declared inadmissible on the basis that harm is not linked to the facts under investigation (Impugned Order D406, para. 23 and Annex 3).

³⁶⁴ Application declared inadmissible on the basis that harm is not linked to the facts under investigation (Impugned Order D406, para. 23 and Annex 3).

³⁶⁵ Impugned Order D406, para. 20 and Annex 3.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

rejected on that basis without requesting the Applicant to provide a copy of her Identity Card. This error however can only lead to reversing the Impugned Order if the Applicant meets the other requirements. This in my view is not the case. Assuming, in the light of the information provided by the Applicant in relation to the mass execution of several hundred persons she witnessed in 1978 including the execution of her sister,³⁶⁶ that it is plausible that the site in question is Tuol Po Chrey execution site, one of the sites listed in the Indictment underlying the crimes of murder and extermination for which the Accused are indicted, I note that the Indictment alleges that the site was operational intermittently from late April 1975 to approximately 1977.³⁶⁷ Further, Sero Prison, where the Applicant was arrested and detained, is not among the limited number of security centres listed in the Indictment underlying the crime of imprisonment for which the Accused are indicted.

Civil Party Applicant 08-VU-01397 (D22/2643). The application was declared inadmissible on the basis that the Applicant did not provide a proof of identity.³⁶⁸ The Co-Lawyers did not seek to admit such proof of identity on appeal and I note that in any event, the Applicant does not establish a link between the harm suffered and a crime for which the Accused are indicted. Specifically, Preah Sdach Village, Preah Sdach District, Prey Veng Province, where the Applicant was forced to work, is not one of the six worksites and cooperatives retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted. Finally, the Applicant has provided insufficient information in relation to the death of her husband and children to allow me to conclude that it is plausible that these events form part of the crimes for which the Accused are indicted.

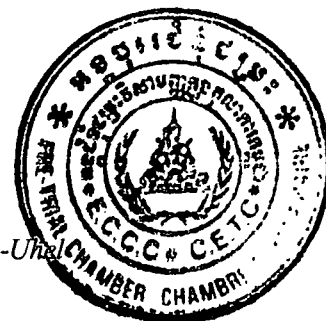
Civil Party Applicant 07-VU-00320 (D22/2615). The application was declared inadmissible on the basis that the Applicant did not provide a proof of identity.³⁶⁹ I note however that the Applicant provided a copy of her voting card as proof of identification. Thus, I am of the view that the application should not have been rejected on that basis. This error can only lead to

³⁶⁶ Report on Civil Party Application D22/1268/1.

³⁶⁷ Indictment, para. 698.

³⁶⁸ Impugned Order D406, para. 20 and Annex 3.

³⁶⁹ Impugned Order D406, para. 20 and Annex 3.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

reversing Impugned Order D406 if the Applicant meets the other requirements. This is not the case in my view. None of the limited number of sites listed in the Indictment underlying the crimes of murder and extermination for which the Accused are indicted is located in Prasat Sub-District, Preah Netr Preah District, in Battambang Province, where the Applicant witnessed the murder of a number of people including children.

Civil Party Applicant 09-VU-02158 (D22/3073). The application was declared inadmissible on the basis that the Applicant did not provide a proof of identity.³⁷⁰ The Co-Lawyers did not seek to admit such proof of identity on appeal and I note that in any event, the Applicant does not establish a link between the harm suffered and a crime for which the Accused are indicted. The Applicant's forced transfer in 1977 from Trea Ti Pram Village, Trea Sub-District, Krouch Chhmar District, Kampong Cham Province to Srae Veal Village and then to Dei Kraham Village, Stueng Trang District, Kampong Cham Province, does not fall within any of the three phases of forced transfer of population for which the Accused are indicted. Further, the Applicant has provided insufficient information in relation to the children's unit where he was forced to work, did not have enough to eat and witnessed killings, to allow me to conclude that it is plausible that these events form part of the factual basis of the crimes for which the Accused are indicted.

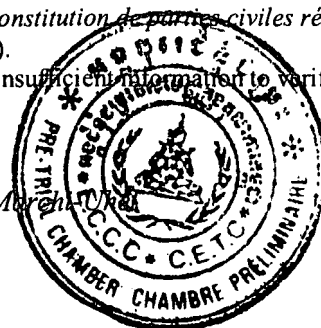
Appeal PTC 135³⁷¹

Civil Party Applicant 07-VU-00121 (D22/1267).³⁷² It is not plausible that the execution of the Applicant's husband in 1978 in Prey Veng Province Accused of being a traitor by the Khmer Rouge while being deputy chief of Khsaok Village, took place in one of the limited number of security centers, execution sites, worksites or cooperatives retained in the Indictment underlying the crimes of imprisonment, extermination, murder, persecution and forcible disappearances for which the Accused are indicted.

³⁷⁰ Impugned Order D406, para. 20 and Annex 3.

³⁷¹ *Mémoire d'appel contre l'ordonnance sur la recevabilité de constitution de parties civiles résidant à Phnom Penh (D406)*, 16 September 2010, D406/3/1 ("Appeal PTC 135").

³⁷² Application declared inadmissible on the ground that there is insufficient information to verify compliance to Rule 23 bis (1) and (4) of the Internal Rules (Annex 3).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 08-VU-00253 (D22/1358).³⁷³ Wat Sorn Daot in Prey Veng where the Co-Lawyers argue the execution of the Applicant's husband and of her siblings, as well as of the members of 30 other families took place is not among the limited number of security centers, execution sites, worksites or cooperatives retained in the Indictment underlying the crimes of extermination, murder, persecution on political grounds and other inhumane acts through enforced disappearances for which the Accused are indicted.

Civil Party Applicant 08-VU-00254 (D22/1372).³⁷⁴ The forced transfer of the Applicant from Dâng Kao Commune, Dâng Kao District, Kandal Province in 1975 does not form part of any of the three phases of evacuation of population for which the Accused are indicted. Furthermore, the information provided by the Applicant as to the location where her husband, a former Lon Nol soldier, was executed in Kandal Province does not allow me to conclude that this site was one of the limited number of security centers, execution sites, worksites or cooperatives retained in the Indictment underlying the crimes of extermination, murder, persecution on political grounds and forcible disappearances for which the Accused are indicted.

Civil Party Applicant 09-VU-00961 (D22/2689).³⁷⁵ Svay Chrum, Svay Rieng Province where the execution of the Applicant's uncle, a former Lon Nol soldier occurred in 1978 and where the arrest and detention of her mother took place is not among the limited number of security centers, execution sites, worksites or cooperatives retained in the Indictment underlying the crimes of extermination, murder, imprisonment, persecution on political grounds and forcible disappearances for which the Accused are indicted.

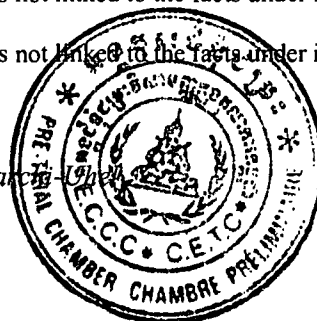
Civil Party Applicant 10-VU-00021 (D22/2501).³⁷⁶ The information provided by the Applicant in relation to the circumstances of the arrest in Siem Reap Province by the Khmer Rouge of his younger

³⁷³ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Annex 3).

³⁷⁴ Application declared inadmissible on the ground that there is insufficient information to verify compliance to Rule 23 *bis* (1) and (4) of the Internal Rules (Annex 3).

³⁷⁵ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Annex 3).

³⁷⁶ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Annex 3).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

brother, a former civil servant under the previous regime, and his subsequent forced disappearance, does not allow me to conclude it took place in one of the limited number of security centers, execution sites, worksites or cooperatives retained in the Indictment underlying the crimes of extermination, murder, imprisonment, persecution on political grounds and other inhumane acts through enforced disappearances for which the Accused are indicted.

Appeal PTC 160³⁷⁷

Civil Party Applicant 09-VU-00134 (D22/2072).³⁷⁸ The arrest and killing of the Applicant's father and brother under the accusation of being traitors took place in Pa-ak Village in Snuol Sub-District, Snuol District, Kratie Province. This site is not one of the limited number of security centers, execution sites or even worksites or cooperatives retained in the Indictment underlying the crimes of imprisonment, extermination, murder, persecution and other inhumane acts through enforced disappearances for which the Accused are indicted. Further, the death of the Applicant's two brothers during their time in the military is not an event which forms part of the crimes for which the Accused are indicted.

Appeals against Impugned Order D409 (Svay Rieng Province)³⁷⁹

Appeal PTC 132³⁸⁰

Civil Party Applicant 09-VU-1195 (D22/1481).³⁸¹ The forced transfer of members of the Applicant's family at the beginning of 1977 from Svay Rieng Province towards Pursat Province, which was interrupted when the Khmer Rouge shot at the boat which was transporting them on the Mekong river, causing their death, does not form part of the third

³⁷⁷ Appeal Against Orders on the Admissibility of Civil Party Applicants from Current Residents of Phnom Penh, 2 November 2010, D406/4/1 ("Appeal PTC 160").

³⁷⁸ Application declared inadmissible on the ground that the harm is not linked to the facts under Investigation (Impugned Order D406, para. 26 and Annex 3).

³⁷⁹ Order on the Admissibility of Civil Party Applicants from Current Residents of Svay Rieng Province, 9 September 2010, D409 ("Impugned Order D409").

³⁸⁰ *Mémoire d'appel contre l'ordonnance sur la recevabilité de constitution de parties civiles résidant dans la Province de Svay Rieng* (D409), 20 September 2010, D409/3/1 ("Appeal PTC 132").

³⁸¹ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D409, para. 24 and Annex 3).

Civil party applications inadmissible in the view of Judge Marchi



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

phase of forced movement of population for which the Accused are indicted. This is because although the Indictment alleges movements of population from the Province of Svay Rieng to Pursat, the forced transfer in question is outside the temporal scope of phase three of forced movement of population for which the Accused are indicted, which starts late 1977 and continues throughout 1978. The event does not either fall within Phase 1, which is limited to forced transfer of the population of Phnom Penh starting in April 1975. Furthermore, while the event forms part of the temporal timeframe of the second phase, the relevant part of the Indictment in this respect is limited to transfers from Svay Rieng Province to Kratie.

Civil Party Applicant 09-VU-01201 (D22/696).³⁸² The security centre of Korki Som in region 23, where the Applicant's brothers were detained for being respectively a former Lon Nol soldier and a secretary of the Commune, and where they were subsequently killed is not among the limited number of security centres underlying the crimes for which the Accused are indicted. As to the forced transfer from Svay Rieng to Pursat Province of one of the Applicant's uncles and the family of the latter as well as their execution, which the Co-Lawyers argue form part of the purges, it falls within the geographical scope of phase three of the forced movement of population for which the Accused are indicted. According to the application, however, the alleged movement took place in early 1977.³⁸³ According to the Indictment, Phase 3 starts at the end of 1977 and goes into 1978, thus the forced transfer in question is outside the temporal scope of phase 3.

Civil Party Applicant 09-VU-1814 (D22/2807).³⁸⁴ It is not alleged that the Applicant was detained in Wat Tlork security center as such but in one of the security centres of the same District. In the Province in question, Wat Tlork is the only security centre where the Indictment alleges that crimes for which the Accused are indicted were committed.

³⁸² Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D409, para. 24 and Annex 3).

³⁸³ Report on Civil Party Application D22/696/1.

³⁸⁴ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D409, para. 24 and Annex 3).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 09-VU-02473 (D22/2250).³⁸⁵ Chheukack mountain in Prey Veng Province, where the Applicant's sister and members of her family were executed, is not among the limited number of execution sites retained in the Indictment, underlying the crimes of murder, extermination and persecution.

Civil Party Applicant 09-VU-02474 (D22/2251).³⁸⁶ It is not alleged that the execution of the Applicant's brother and her niece in 1978 took place as part of one of the three phases of movement of population for which the Accused are indicted or that it occurred in one of the limited number of security centres or execution sites where it is alleged in the Indictment that executions for which the Accused are indicted took place.

Civil Party Applicant 09-VU-04196 (D22/3590).³⁸⁷ The Applicant alleges that 13 members of her family were forcibly transferred in 1978 from Svay Rieng Province to Pursat Province, where they were executed. This forced transfer falls within the temporal and geographical scope of phase 3 of forced movement of population for which the Accused are indicted. According to the Applicant, close relatives are among these 13 family members, including her mother, husband and siblings. She does not however provide any information that would allow me to conclude that any of these 13 persons fall within one of the category of persons whom the Indictment alleges, at paragraph 285, were concerned by the forced transfers for which the Accused are indicted under Phase 3.

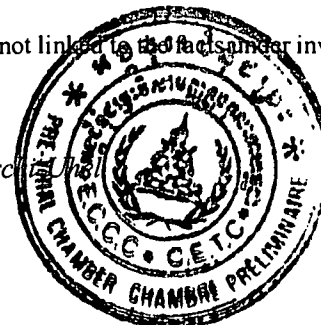
Civil Party Applicant 09-VU-03844 (D22/3495).³⁸⁸ The Co-Lawyers do not explain on what basis they infer that without doubt the husband and brother of the Applicant arrested by the Khmer Rouge in July 1978 and sent to Svay Phaem pagoda have been detained in the security center of Svay Chrum District (then Meanchey Thmei). The Applicant indicates that after their arrest she never received any news from them. I cannot conclude that they were sent to Wat

³⁸⁵ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D409, para. 24 and Annex 3).

³⁸⁶ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D409, para. 24 and Annex 3).

³⁸⁷ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D409, para. 24 and Annex 3).

³⁸⁸ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D409, para. 24 and Annex 3).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Tlork security centre while, as acknowledged by the Co-Lawyers, there were a number of communal security centres in the District and the Indictment only retains Wat Tlork security centre in that Province among the limited security centres where it alleges that crimes for which the Accused are indicted were committed.

Civil Party Applicant 09-VU-03862 (D22/3513).³⁸⁹ Dâk Por, where the Applicant reports that her husband was detained in 1975 and executed, is not among the limited number of security centres and execution sites where the Indictment alleges that the crimes for which the Accused are indicted were committed.

Civil Party Applicant 09-VU-02471 (D22/2248).³⁹⁰ There is insufficient information to consider it plausible that the execution of members of the Applicant's family Accused of being traitors associated with Vietnam at the beginning of 1978 took place in one of limited number of sites where the Indictment alleges that crimes for which the Accused are indicted, *inter alia* in relation to the purges of the East Zone, were committed.

The Co-Lawyers have filed no specific argument in relation to the applications of Civil Party Applicants 08-VU-02005 (D22/953)³⁹¹, 08-VU-02006 (D22/954)³⁹² and 09-VU-04194 (D22/3588)³⁹³ and I see no reason to reverse the Impugned Order regarding the admissibility of their respective application.

Appeal PTC 133³⁹⁴

³⁸⁹ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D409, para. 24 and Annex 3).

³⁹⁰ Application declared inadmissible on the ground that the Applicant provided insufficient information to verify compliance to Rule 23 bis (1) and (4) (Impugned Order D409, para. 24 and Annex 3).

³⁹¹ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D409, para. 24 and Annex 3).

³⁹² Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D409, para. 24 and Annex 3).

³⁹³ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D409, para. 24 and Annex 3).

³⁹⁴ Appeal Against Order on the Inadmissibility of Civil Party Applicants from Current Residents of Svay Rieng Province, 20 September 2010, D409/4/1 ("Appeal PTC 133").

Civil party applications inadmissible in the view of Judge Marchi



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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 09-VU-02475 (D22/2252).³⁹⁵ The application is silent as to when in 1975 the Applicant's family was forcibly transferred within Svay Rieng Province.³⁹⁶ More importantly, it provides no information which would allow me to find it plausible that the family of the Applicant was among the population concerned by the second phase of forced transfer of population for which the Accused are indicted.³⁹⁷ It is not alleged that the locations where her family members and the Applicant herself were then forced to work are among the six cooperatives and worksites listed in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted. Finally, Ta Nar Village where the Applicant's brother and sister were killed in a pit is not among the limited number of execution sites listed in the Indictment underlying the crimes of murder and extermination for which the Accused are indicted.

Civil Party Applicant 09-VU-02472 (D22/2249).³⁹⁸ Ta Daet, where the Applicant was forced to dig a reservoir is not among the six cooperatives and worksites listed in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted. Further, Reussey Sanh pagoda where her husband was executed is not the limited number of execution sites listed in the Indictment underlying the crimes of murder and extermination for which the Accused are indicted. In the absence of information as to where the niece of the Applicant and other relatives were executed it is not plausible to consider that their execution forms part of the crimes for which the Accused are indicted.

Civil Party Applicant 09-VU-02443 (D22/2222).³⁹⁹ Reussey Sanh pagoda where the Applicant's father who was Accused of being a traitor was sent and from where he is not

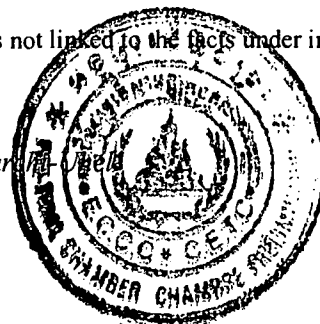
³⁹⁵ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D409, para. 24 and Annex 3).

³⁹⁶ According to the Indictment, para 262 the second phase of forced transfer of population started around September 1975.

³⁹⁷ According to the Indictment, para 265 the second phase of forced transfer of population concerned persons who were connected or whose families were connected to the Lon Nol Regime or who were considered as "new people".

³⁹⁸ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D409, para. 24 and Annex 3).

³⁹⁹ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D409, para. 24 and Annex 3).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

among the limited number of sites listed in the Indictment underlying the crime of other inhumane acts through forcible disappearances for which the Accused are indicted.

Civil Party Applicant 09-VU-03653 (D22/3322).⁴⁰⁰ Sangke where the Applicant's wife and their six children were taken and executed is not among the limited number of execution sites and other sites listed in the Indictment underlying the crimes of murder and extermination for which the Accused are indicted.

Civil Party Applicant 08-VU-02105 (D22/0487).⁴⁰¹ There is not indication that the site where this Applicant's father was executed by the Khmer Rouge is among the limited number of sites listed in the Indictment underlying the crimes of murder and extermination for which the Accused are indicted. Further, it is not alleged that the site where the Applicant was forced to work is among the six cooperatives and worksites listed in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted.

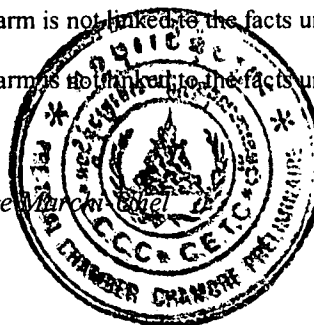
Civil Party Applicant 09-VU-04225 (D22/2481).⁴⁰² The production brigade of Svay Chum as well as the other unit where the Applicant's seventh son was forced to work after which he disappeared are not among the six cooperatives and worksites listed in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity and other inhumane acts through enforced disappearance for which the Accused are indicted. There is not indication that the location(s) where the arrest and subsequent disappearance of the Applicant's uncle and the family of the latter Accused of being traitors took place are among the limited number of sites listed in the Indictment underlying the crimes of murder, extermination and other inhumane acts through enforced disappearances for which the Accused are indicted. Finally, it is not alleged that the sites where the Applicant was forced to work are among the six cooperatives and worksites listed in the Indictment underlying the

⁴⁰⁰ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D409, para. 24 and Annex 3).

⁴⁰¹ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D409, para. 24 and Annex 3).

⁴⁰² Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D409, para. 24 and Annex 3).

Civil party applications inadmissible in the view of Judge Marc



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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted.

Civil Party Applicant 09-VU-01128 (D22/1521).⁴⁰³ The information about the killing of the Applicant's father does not allow me to conclude that it forms part of the crimes for which the Accused are indicted. It is not alleged that the site where the Applicant was forced to work is among the six cooperatives and worksites listed in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted.

Civil Party Applicant 09-VU-02436 (D22/2215).⁴⁰⁴ Russey Sanh where the Applicant's husband was forced to work and later arrested and killed is not among the limited number of sites listed in the Indictment underlying the crimes of enslavement, other inhumane acts through attacks against human dignity and murder for which the Accused are indicted. While the evacuation of the Applicant and her family to Kandal Province in 1978 is within the temporal scope of Phase 3 of forced transfer of population for which the Accused are indicted it is outside its geographical scope. Finally there is no indication that the disappearance of the Applicant's two children after they were taken away form part of the crimes for which the Accused are indicted.

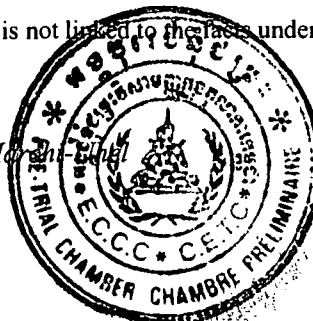
Civil Party Applicant 09-VU-02441 (D22/2220).⁴⁰⁵ The forced transfer of the Applicant's family at the end of 1977 from Svay Rieng Province to Kandal Province is within the temporal scope but outside the geographical scope of Phase 2 of forced transfers for which the Accused are indicted (transfers from Kandal Province to listed areas form part of Phase two but it only refers to transfers within Svay Rieng Province or from Svay Rieng Province to Kratie Province). Similarly Kandal Province is not among the destinations listed under Phase 3. Further, it is not alleged that the site where she was tortured and forced to work corresponds to

⁴⁰³ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D409, para. 24 and Annex 3).

⁴⁰⁴ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D409, para. 24 and Annex 3).

⁴⁰⁵ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D409, para. 24 and Annex 3).

Civil party applications inadmissible in the view of Judge M...



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

one of the sites listed in the Indictment underlying the crimes for which the Accused are indicted.

Civil Party Applicant 09-VU-02483 (D22/2260).⁴⁰⁶ The evacuation of the Applicant's parents to Kandal Province in early 1977 is outside the temporal and geographical scope of Phase 3 of forced movements of population for which the Accused are indicted. The Applicant's own evacuation from his native Village of Kampong Speu Province to Svay Rieng Province after 17 April 1975 does not form part of Phase 1 of forced movements of population, limited to the population of Phnom Penh. Finally, Svay Tanân pagoda where the Applicant was sent for reeducation and forced to work is not among the six cooperatives and worksites listed in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted.

Civil Party Applicant 09-VU-02485 (D22/2262).⁴⁰⁷ The killing of the Applicant's mother as a result of her refusal to let the cooperative take her main house is not among the crimes for which the Accused are indicted.

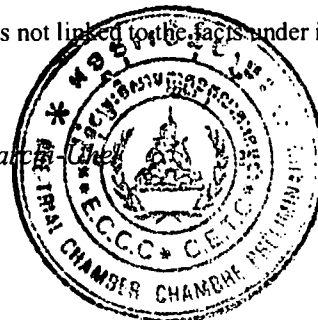
Civil Party Applicant 09-VU-02486 (D22/2263).⁴⁰⁸ Svay Tayean Pagoda where the Applicant's elder brother, a former Lon Nol soldier, was sent to reeducation and later arrested and killed is not among the limited number of sites listed in the Indictment underlying the crimes of enslavement for which the Accused are indicted. Further, the site in Basak subDistrict where his brother was executed by the Khmer Rouge is not among the limited number of sites listed in the Indictment underlying the crimes of murder and extermination for which the Accused are indicted.

⁴⁰⁶ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D409, para. 24 and Annex 3).

⁴⁰⁷ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D409, para. 24 and Annex 3).

⁴⁰⁸ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D409, para. 24 and Annex 3).

Civil party applications inadmissible in the view of Judge Marchal



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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 09-VU-00338 (D22/1749).⁴⁰⁹ It is not alleged that the Applicant's uncle and the family of the latter were detained or killed in one of the limited security centers listed in the Indictment underlying the crimes of imprisonment, murder and extermination for which the Accused are indicted.

Civil Party Applicant 08-VU-00769 (D22/0989).⁴¹⁰ Reussey Sanh Chas pagoda where the Applicant was detained and severely tortured is not among the limited number of security centres listed in the Indictment underlying the crimes of imprisonment and torture for which the Accused are indicted.

Civil Party Applicant 09-VU-00342 (D22/1790).⁴¹¹ The location from where the Applicant's husband disappeared is not among the sites listed in the Indictment underlying the crime of murder, extermination and other inhumane acts through enforced disappearances for which the Accused are indicted. It is not alleged either that this event forms part of one of the events underlying these crimes. The forced transfer of the Applicant's family within Svay Rieng Province late 1977 falls within the temporal and geographical scope of Phase 2. However, the information in the application, supplementary information and the appeal does not allow me to conclude that the Applicant's family belongs to the categories of persons concerned by Phase 2 (connected to the Nol Lon regime or considered new people).⁴¹²

Civil Party Applicant 09-VU-02470 (D22/3131).⁴¹³ The forced transfer alleged by the Applicant from Svay Rieng Province to Kandal Province does not fall within the geographical scope of any of the three phases of movement of population underlying the crime of other inhumane acts through forced transfer for which the Accused are indicted. Further, Reussey Sanh pagoda where her husband was executed is not listed among the sites where the Indictment alleges that executions for which the Accused are indicted occurred.

⁴⁰⁹ Application declared inadmissible on the ground that the Applicant provided insufficient information to verify compliance to Rule 23 bis (1) and (4) (Impugned Order D409, para. 24 and Annex 3).

⁴¹⁰ Application declared inadmissible on the ground that the Applicant provided insufficient information to verify compliance to Rule 23 bis (1) and (4) (Impugned Order D409, para. 24 and Annex 3).

⁴¹¹ Application declared inadmissible on the ground that the Applicant provided insufficient information to verify compliance to Rule 23 bis (1) and (4) (Impugned Order D409, para. 24 and Annex 3).

⁴¹² Indictment, para. 265.

⁴¹³ Application declared inadmissible on the ground that the Applicant provided insufficient information to verify compliance to Rule 23 bis (1) and (4) (Impugned Order D409, para. 24 and Annex 3).

Civil party applications inadmissible in the view of Judge Marchi



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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 09-VU-02487 (D22/2264).⁴¹⁴ The transfer of the Applicant from his Village of Prey Trom in Svay Rieng Province to Angkabas in Svay Rieng Province to counter Vietnam in 1977 as well s his further transfer and that of his family during the same year falls within the temporal and geographical scope of Phase 3 of forced transfer of population for which the Accused are indicted. However, the information provided does not allow me to conclude that the Applicant and his family belong to the categories of persons which the Indictment alleges were transferred under that phase (connected to the Nol Lon regime or considered new people).⁴¹⁵ Prey Trom Village where the Applicant's wife was killed under the accusation of reporting to Vietnam is not among the limited number of sites listed in the Indictment underlying the crimes of murder, extermination or even persecution on political grounds for which the Accused are indicted.

Civil Party Applicant 09-VU-02489 (D22/2266).⁴¹⁶ While the forced transfer of the Applicant within Svay Rieng Province in 1976 is within the temporal and geographical scope of Phase 2 of forced transfer of population for which the Accused are indicted, the information contained in the application and the appeal does not allow me to conclude that the Applicant or his family belonged to the categories of persons concerned by Phase 2 (connected to the Nol Lon regime or considered new people).⁴¹⁷ The facts as a result of which the Applicant became paralyzed do not form part of the crimes for which the Accused are indicted.

Civil Party Applicant 09-VU-04215 (D22/2478).⁴¹⁸ The Co-Lawyers argue that the CPK policies described at paragraph 12(f) of the Introductory Submission targeted not only the persons considered to be Vietnamese but also those who had some association with Vietnam and that the application should therefore have been admitted on the basis of the arrest and torture of the Applicant on the accusation by the Khmer Rouge of being a spy. The Accused are indicted for the crime of persecution on racial grounds committed in Svay Rieng Province

⁴¹⁴ Application declared inadmissible on the ground that the Applicant provided insufficient information to verify compliance to Rule 23 bis (1) and (4) (Impugned Order D409, para. 24 and Annex 3).

⁴¹⁵ Indictment, para. 265.

⁴¹⁶ Application declared inadmissible on the ground that the Applicant provided insufficient information to verify compliance to Rule 23 bis (1) and (4) (Impugned Order D409, para. 24 and Annex 3).

⁴¹⁷ Indictment, para. 265.

⁴¹⁸ Application declared inadmissible on the ground that the Applicant provided insufficient information to verify compliance to Rule 23 bis (1) and (4) (Impugned Order D409, para. 24 and Annex 3).

Civil party applications inadmissible in the view of Judge Marc



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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

(including arrest and detention) against not only Vietnamese people in an objective sense but also those perceived by the Khmer Rouge to be Vietnamese.⁴¹⁹ The Applicant however does not allege that he was perceived by the Khmer Rouge as being Vietnamese. Further, it is not alleged that any of the locations where he was detained and tortured is among the limited number of security centres and other sites listed in the Indictment underlying the crimes of imprisonment, torture and persecution on political grounds for which the Accused are indicted.

Appeal PTC 161⁴²⁰

Civil Party Applicant 09-VU-00674 (D22/1717).⁴²¹ The Civil Party Lawyers argue that the Applicant suffered harm as a result of his forcible transfer in 1978 from Ta Pao Village in Svay Rieng Province to Dei Edth Sub-District in Kandal Province.⁴²² While the forced transfer of the Applicant fits within the time period set for Phase 3 of the movements of population, it is outside the geographical scope of this phase. Phase 3 included transfers from Svay Rieng Province, but did not include Kandal Province as a destination.⁴²³ In addition, the Applicant does not fit in any of the limited classes of persons moved as part of Phase 3, as it is defined in the Indictment.⁴²⁴ The Co-Lawyers also argue that the Applicant suffered harm as a result of being Accused of being a “CIA of Vietnam”, and subsequently being tortured and having his throat slit, which he narrowly survived.⁴²⁵ The Co-Lawyers submit that these acts fit within the crime against humanity of persecution on racial grounds of perceived Vietnamese.⁴²⁶ Wat Chum Poh Krek prison in Kien Svay District, Kandal Province where the Applicant was

⁴¹⁹ Indictment, paras 1415 and 1422

⁴²⁰ Appeal Against Orders on the Admissibility of Civil Party Applicants from Current Residents of Svay Rieng Province, 2 November 2010, D409/5/1 (“PTC 161”).

⁴²¹ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D409, para. 24 and Annex 3).

⁴²² Appeal PTC 161, para. 61.

⁴²³ Indictment, para. 284.

⁴²⁴ Indictment, para. 285. While the Vietnamese or those “connected with the Vietnamese” are categories of people the Indictment recognizes were targeted by Phase 3 of movements of population, the Applicant’s Appeal indicates that he was only identified as “CIA of Vietnam” after the forced transfer had taken place (see Appeal, para. 62).

⁴²⁵ Appeal PTC 161, paras 6-63.

⁴²⁶ Appeal PTC 161, paras 64-65.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

mistreated⁴²⁷ does not correspond to any of the cooperatives, worksites, security centres and execution sites where the Indictment alleges that the crime against humanity of persecution on political grounds for which the Accused are indicted occurred,⁴²⁸ nor does it correspond to any of the locations where the Indictment alleges that persecution on racial grounds against the Vietnamese for which the Accused are indicted occurred.⁴²⁹ As a result, the mistreatment of the Applicant does not correspond to the crimes for which the Accused are indicted.

Appeals against Impugned Order D410 (Prey Veng Province)⁴³⁰

Appeal PTC 153⁴³¹

Civil Party Applicant 09-VU-01280 (D22/0669).⁴³² The Co-lawyers argue that Applicant “suffered the injuries which were the consequences of persecution against officials of the Khmer Republic and former Lon Nol’s soldiers and capitalists which were crimes under the scope of investigation.”⁴³³ It is not alleged that the execution of her husband in 1978 because he was a Lon Nol⁴³⁴ took place in one of the limited number of security centers, execution sites, worksites or cooperatives retained in the Indictment underlying the crimes of imprisonment, extermination, murder, persecution and other inhumane acts through enforced disappearances for which the Accused are indicted. In addition, the Applicant alleges that she was going to be forcibly evacuated from Prey Veng Province to Pursat Province in 1978 but the Vietnamese troops liberated the country before her departure.⁴³⁵ As the Applicant was not

⁴²⁷ Appeal PTC 161, para. 62.

⁴²⁸ Indictment, para. 1416.

⁴²⁹ Indictment, para. 1422. Note that while the Accused are indicted for racial persecution of the Vietnamese throughout Svay Rieng Province, the alleged persecution of the Appellant occurred after he was transferred to Kandal Province. The Accused were not indicted for racial persecution throughout Kandal Province.

⁴³⁰ Order on the Admissibility of Civil Party Applicants from Current Residents of Prey Veng Province, 9 September 2010, D410 (“Impugned Order D410”).

⁴³¹ Amended Appeal of Civil Party against Order on the Inadmissibility of Civil Party Applicants from Current Residents of Prey Veng Province, D410, 22 October 2010, D410/6/1 (“Appeal PTC 153”).

⁴³² Application inadmissible on the ground that there is no proof of kinship with an immediate victim in relation to Forced Transfer Phase Three and harm is not linked to the facts under Investigation (Impugned Order D410, para. 26 and Annex 3).

⁴³³ Appeal PTC 153, para 152.

⁴³⁴ Appeal PTC 153, para. 147.

⁴³⁵ Appeal PTC 153, paras 85, 87 and 147 and Summary of Supplementary Information D22/669b.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

actually forcibly moved, the facts she alleges do not form part of the known movements of population of the East Zone during Phase 3.⁴³⁶

Civil Party Applicant 08-VU-00789 (D22/2635).⁴³⁷ Two of the Applicant's daughters were given a lethal injection by Khmer Rouge medical staff after they were forced to attend hospital.⁴³⁸ The Co-Lawyers argue that their death was the responsibility of the Ministry of Social Affairs and therefore is linked to the crimes charged against IENG Thirith.⁴³⁹ The Co-lawyers also state that another of the Applicant's daughters died as a result of inhumane living conditions whilst undertaking forced labour, which included a lack of food and medicine.⁴⁴⁰ The information provided does not allow me to consider it plausible that these events occurred at one of the six worksites or cooperatives retained in the Indictment underlying the crimes of imprisonment, extermination, murder, enslavement and other inhumane acts through attacks on human dignity for which the Accused are indicted. In addition, Prek Ta Cooperative in Kampong Trobek District, where the Applicant's husband was sent after being arrested in 1975 and where he was executed on the allegation that he had an affiliation with the enemy⁴⁴¹, is not one of the limited number of security centers, execution sites, worksites or cooperatives retained in the Indictment underlying the crimes of imprisonment, torture, extermination, murder, enslavement and other inhumane acts through attacks on human dignity for which the Accused are indicted.

Civil Party Applicant 09-VU-01096 (D22/0605).⁴⁴² The information about the Applicant's forced labour which resulted in serious medical problems including scabies, multiple miscarriages and a prolapsed uterus⁴⁴³ is insufficient for me to consider it plausible that such acts took place in one of the limited number of security centres, execution sites, worksites or cooperatives retained in the Indictment underlying the crimes of imprisonment, enslavement

⁴³⁶ Indictment, para. 283.

⁴³⁷ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D410, para. 26 and Annex 3).

⁴³⁸ Appeal PTC 153, paras 53, 58 and 138.

⁴³⁹ Appeal PTC 153, para. 58.

⁴⁴⁰ Appeal PTC 153, paras 53, 58 and 138.

⁴⁴¹ Appeal PTC 153, para. 138.

⁴⁴² Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D410, para. 26 and Annex 3).

⁴⁴³ Appeal PTC 153, paras 54, 59, 96 and 141.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

and other inhumane acts through attacks on human dignity for which the Accused are indicted. In addition, the Applicant's elder brother was arrested, tortured and forced to undertake labour on the basis of being "an enemy of the revolution."⁴⁴⁴ The location where the execution of the Applicant's brother took place, Chi Poch Village in Chi Phoch Commune, Me Sang District,⁴⁴⁵ does not correspond to any of the limited number of security centres, execution sites, worksites or cooperatives retained in the Indictment underlying the crimes of imprisonment, extermination, murder, persecution, enslavement, and other inhumane acts through enforced disappearances and attacks on human dignity for which the Accused are indicted.

Civil Party Applicant 09-VU-01094 (D22/0603).⁴⁴⁶ The Applicant alleges that in 1976, her younger brother was forced to enter the military and has since disappeared,⁴⁴⁷ and her husband disappeared in 1977, after being forcibly moved to a mobile unit that "kept moving from one to another place."⁴⁴⁸ In addition, the Co-Lawyers list the Applicant as one of several whom they submit "certainly suffered the injuries which were the consequences of crimes of persecution against the Vietnamese and purges of enemies of the revolution which are crimes under the scope of investigation."⁴⁴⁹ As it is nowhere alleged on what basis the Applicant or her family were specifically persecuted, I cannot determine if it forms part of one of the crimes for which the Accused are indicted. It is not alleged that the disappearance of the Applicant's brother and husband took place in one of the limited number of security centres, execution sites, worksites or cooperatives retained in the Indictment underlying the crimes of imprisonment, extermination, murder, persecution and other inhumane acts through enforced disappearances for which the Accused are indicted.

Civil Party Applicant 09-VU-01286 (D22/0668).⁴⁵⁰ The information about the Applicant's forced labour⁴⁵¹ and the disappearance of her two brothers after they were forced to enter the

⁴⁴⁴ Appeal PTC 153, para. 71.

⁴⁴⁵ Appeal PTC 153, para. 71.

⁴⁴⁶ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D410, para. 26 and Annex 3).

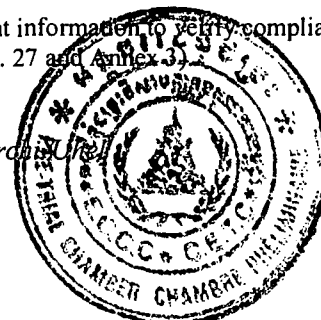
⁴⁴⁷ Appeal PTC 153, para. 140.

⁴⁴⁸ Appeal PTC 153, paras 70 and 140.

⁴⁴⁹ Appeal PTC 153, para. 152.

⁴⁵⁰ Application inadmissible on the ground that there was insufficient information to verify compliance with Rule 23 bis (1) and (4) of the Internal Rules (Impugned Order D410, para. 27 and Annex 3).

Civil party applications inadmissible in the view of Judge Marchal



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

military in 1975 and 1976 respectively⁴⁵² is insufficient for me to consider it is plausible that these events occurred at one of the limited number of security centers, execution sites, worksites or cooperatives retained in the Indictment underlying the crimes of imprisonment, extermination, murder, enslavement, and other inhumane acts through enforced disappearances and attacks on human dignity for which the Accused are indicted.

Appeal PTC 154⁴⁵³

Civil Party Applicant 08-VU-01399 (D22/0940).⁴⁵⁴ The information about the execution of the Applicant's eldest brother, who was a Sergeant Major in the Lon Nol Army, and his brother's entire family, at Oral mountain, Kampong Speu Province in 1976⁴⁵⁵ is insufficient for me to conclude that it is plausible that these events form part of the crimes for which the Accused are indicted. It is not alleged that the killings took place in one of the limited number of security centers, execution sites, worksites or cooperatives retained in the Indictment underlying the crimes of imprisonment, extermination, murder, persecution and other inhumane acts through enforced disappearances for which the Accused are indicted.

Civil Party Applicant 08-VU-01398 (D22/0120).⁴⁵⁶ The Applicant's husband was forcibly transferred in 1976 from Prey Veng Province to Chhloung District, Kratie Province, where he was assigned to cut bamboo trees and later disappeared.⁴⁵⁷ Although her husband's movements align with the known geographical movements during Phase 2 "from or within the East Zone (Prey Veng and Svay Rieng), to Kratie (Sector 505)[...],"⁴⁵⁸ there is insufficient information for me to consider it plausible that the evacuation forms part of Phase 2 of forced movement of population for which the Accused are indicted, as it is not suggested that the Applicant's

⁴⁵¹ Appeal PTC 153, para. 103.

⁴⁵² Appeal PTC 153, para. 148.

⁴⁵³ Amended appeal of Civil Party against Order on the Inadmissibility of Civil Party Applicants from Current Residents of Prey Veng Province, D410, 22 October 2010, D410/5/1 ("Appeal PTC 154").

⁴⁵⁴ Application inadmissible on the ground that there is insufficient information to verify compliance with Rule 23 bis (1) and (4) (Impugned Order D410, para. 27 and Annex 3).

⁴⁵⁵ Appeal PTC 154, para. 38.

⁴⁵⁶ Application inadmissible on the ground that there is insufficient information to verify compliance with Rule 23 bis (1) and (4) (Impugned Order D410, para. 27 and Annex 3).

⁴⁵⁷ Appeal PTC 154, para. 117 and Report on Civil Party Application D22/0940.

⁴⁵⁸ Indictment, para. 263.

Civil party applications inadmissible in the view of Judge Marchal



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

husband was connected to the Lon Nol Regime, considered one of the “new people,” or Chinese, Kampuchea Krom or Cham minorities, which are the people specified in the Indictment as having been moved during this Phase.⁴⁵⁹

Civil Party Applicant 08-VU-00798 (D22/1355).⁴⁶⁰ Tuol Mrenh, where the Applicant’s father was imprisoned and tortured by the Khmer Rouge from 1977 until liberation day,⁴⁶¹ is not one of the limited number of security centers, execution sites, worksites or cooperatives retained in the Indictment underlying the crimes of, imprisonment, torture, extermination, murder, enslavement and other inhumane acts through attacks on human dignity for which the Accused are indicted. The information about the Applicant’s forced labour in a District mobile unit in 1975⁴⁶² is also insufficient for me to consider it plausible that these events occurred at one of the six worksites or cooperatives retained in the Indictment underlying the crimes of imprisonment, enslavement and other inhumane acts through attacks on human dignity for which the Accused are indicted. Furthermore, in the Applicant’s initial Report on Civil Party Application, it is stated that in September 1978, the Applicant was arrested by a member of the Khmer Rouge because he was Accused of being the enemy, and was taken to Kampong Trabaek Village in Prey Veng Province to be killed, but was able to escape.⁴⁶³ However, it is nowhere alleged that the Applicant was targeted on the basis that he was Vietnamese, which has been established as especially prevalent in Prey Veng Province and the East Zone⁴⁶⁴ or that the arrest took place in one of the limited number of security centers, execution sites, worksites or cooperatives retained in the Indictment underlying the crimes of imprisonment, extermination, murder, persecution and other inhumane acts through enforced disappearances for which the Accused are indicted.

⁴⁵⁹ Indictment, para. 265.

⁴⁶⁰ Application inadmissible on the ground that there is insufficient information to verify compliance with Rule 23 bis (1) and (4) (Impugned Order D410, para. 27 and Annex 3).

⁴⁶¹ Appeal PTC 154, para. 113.

⁴⁶² Appeal PTC 154, para. 91.

⁴⁶³ Report on Civil Party Application D22/1355/1.

⁴⁶⁴ Indictment, para. 1422.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 09-VU-03592 (D22/3285).⁴⁶⁵ The information about the Applicant's forced labour, including being deprived of food and medicine and being physically and mentally mistreated⁴⁶⁶ and the execution of her elder brother, who was a Khmer Rouge soldier, at Peanea Village, Ampil Krau Commune of Prey Veng Province⁴⁶⁷ is insufficient for me to consider it plausible that these events occurred at one of the six worksites or cooperatives retained in the Indictment underlying the crimes of imprisonment, extermination, murder, torture, enslavement, persecution and other inhumane acts through attacks on human dignity for which the Accused are indicted.

Civil Party Applicant 09-VU-03594 (D22/3287).⁴⁶⁸ The information about the execution of the Applicant's elder brother by the Khmer Rouge in Sithor Kandal District in 1978⁴⁶⁹ is insufficient for me to conclude that it is plausible that such acts took place in one of the limited number of security centres, execution sites, worksites or cooperatives retained in the Indictment underlying the crimes of imprisonment, extermination and murder for which the Accused are indicted.

Civil Party Applicant 08-VU-00659 (D22/0446).⁴⁷⁰ In 1978 the Applicant worked as a militiaman for the Khmer Rouge⁴⁷¹ and was gathered with "other troops from all platoons and companies for training session, but in fact they were taken for execution."⁴⁷² The Applicant was able to escape but witnessed the arrest of 14 people from the platoon/company being pulled into a truck to be killed.⁴⁷³ The information is insufficient for me to conclude it is plausible that such acts took place in one of the limited number of security centres, execution sites, worksites or cooperatives retained in the Indictment underlying the crimes of

⁴⁶⁵ Application inadmissible on the ground that there is insufficient information to verify compliance with Rule 23 bis (1) and (4) (Impugned Order D410, para. 27 and Annex 3).

⁴⁶⁶ Appeal PTC 154, para. 28.

⁴⁶⁷ Appeal PTC 154, para. 47.

⁴⁶⁸ Application inadmissible on the ground that there is insufficient information to verify compliance with Rule 23 bis (1) and (4) (Impugned Order D410, para. 27 and Annex 3).

⁴⁶⁹ Appeal PTC 154, para. 49.

⁴⁷⁰ Application inadmissible on the ground that there is insufficient information to verify compliance with Rule 23 bis (1) and (4) (Impugned Order D410, para. 27 and Annex 3).

⁴⁷¹ Appeal PTC 154, para. 128.

⁴⁷² Appeal PTC 154, para. 128.

⁴⁷³ Appeal PTC 154, para. 128.



002/19-09-2007-ECCC/OCJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

extermination, murder and other inhumane acts through enforced disappearances for which the Accused are indicted.

Civil Party Applicant 07-VU-00129 (D22/0074).⁴⁷⁴ The Applicant's three younger brothers were forcibly transferred from the "Eastern Zone"⁴⁷⁵ to the west of Pursat Province in 1978, where they have since disappeared.⁴⁷⁶ Although the movement from the East Zone to Pursat Province forms part of the known movements of population during Phase 3,⁴⁷⁷ no information is provided about where the Applicant's brother's were evacuated from, making it impossible to determine if it matches the specific Provinces and Districts of Prey Veng, Svay Rieng, and Kampong Cham (Kroch Chhmar and Ponhea Krek Districts), listed in the Indictment.⁴⁷⁸ In addition, the Indictment specifies that people moved during this Phase included "CPK cadres and soldiers, or people Accused of being traitors/bad elements, connected with the Vietnamese ("Yuon"), or linked with the purged East Zone Secretary, Sao Phim."⁴⁷⁹ Although the Applicant's father is said to have been a squad commander of 10 soldiers in the Khmer Rouge,⁴⁸⁰ which aligns with the people specified as having been moved during Phase 3, there is no information provided about the background of the Applicant's brothers for me to consider it plausible that they were also in the CPK and that their evacuation forms part of Phase 3 of forced movement of population for which the Accused are indicted.

Civil Party Applicant 08-VU-00801 (D22/1385).⁴⁸¹ Tuol Mrenh in Kansom Ak Commune, Kampong Trabek District, where the Applicant suffered forced labour⁴⁸² and her husband was arrested, imprisoned, undertook forced labour and was later executed "on an allegation that he was an enemy"⁴⁸³ is not one of the limited number of security centers, execution sites, worksites or cooperatives retained in the Indictment underlying the crimes of, imprisonment,

⁴⁷⁴ Application inadmissible on the ground that there is insufficient information to verify compliance with Rule 23 bis (1) and (4) (Impugned Order D410, para. 27 and Annex 3).

⁴⁷⁵ Report on Civil Party Application D22/74/1.

⁴⁷⁶ Appeal PTC 154, paras 78 and 129.

⁴⁷⁷ Indictment, para. 283.

⁴⁷⁸ Indictment, para. 284.

⁴⁷⁹ Indictment, para. 285.

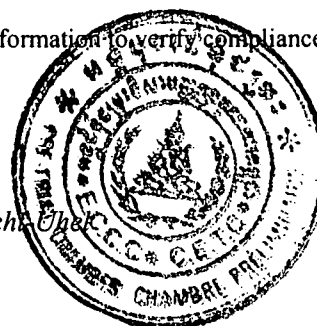
⁴⁸⁰ Appeal PTC 154, para. 56.

⁴⁸¹ Application inadmissible on the ground that there is insufficient information to verify compliance with Rule 23 bis (1) and (4) (Impugned Order D410, para. 27 and Annex 3).

⁴⁸² Appeal PTC 154, para. 30.

⁴⁸³ Appeal PTC 154, para. 53.

Civil party applications inadmissible in the view of Judge Marché



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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

torture, extermination, murder, enslavement, persecution and other inhumane acts through attacks on human dignity for which the Accused are indicted.

Civil Party Applicant 08-VU-01195 (D22/1632).⁴⁸⁴ The information about the Applicant's forced labour and the death of her son from starvation and lack of medicine⁴⁸⁵ is insufficient for me to consider it plausible that these events occurred at one of the six worksites or cooperatives retained in the Indictment underlying the crimes of imprisonment, extermination, murder, enslavement and other inhumane acts through attacks on human dignity for which the Accused are indicted. In addition, Prey Chheang pagoda, Prey Chheang Village of Sithor Kandal District, where the Applicant's husband was executed in June 1977,⁴⁸⁶ is not one of the limited number of security centers, execution sites, worksites or cooperatives retained in the Indictment underlying the crimes of imprisonment, extermination, murder, persecution and other inhumane acts through enforced disappearances for which the Accused are indicted.

Civil Party Applicant 09-VU-00904 (D22/1107).⁴⁸⁷ The Appeal lists the Applicant as one of many who have "suffered from the crime of forcible evacuation"⁴⁸⁸ but does not specify the details of this forced evacuation. Information is provided in the Khmer version of the Applicant's Supplementary Information that the Applicant's parents were evacuated to Pursat in 1978, but does not state where they were evacuated from.⁴⁸⁹ The Applicant's initial Report on Civil Party Application states that in 1975 the Applicant lived in Prey Veng Province,⁴⁹⁰ but it is unclear whether the Applicant's parents were also based in Prey Veng Province. This provides insufficient information for me to consider it plausible that the forced transfer of the Applicant's parents form part of the known movements of population for which the Accused are indicted.

⁴⁸⁴ Application inadmissible on the ground that there is insufficient information to verify compliance with Rule 23 bis (1) and (4) (Impugned Order D410, para. 27 and Annex 3).

⁴⁸⁵ Appeal PTC 154, paras 31 and 103.

⁴⁸⁶ Appeal PTC 154, para. 57.

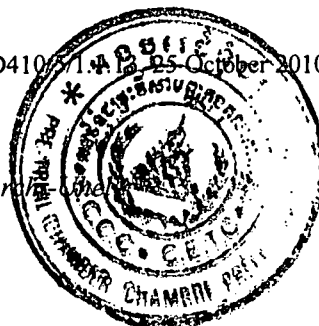
⁴⁸⁷ Application inadmissible on the ground that Harm is not linked to the facts under Investigation (Impugned Order D410, para. 26 and Annex 3).

⁴⁸⁸ Appeal PTC 154, para. 63.

⁴⁸⁹ Supplementary Information D22/1107; Additional information D410/11, 25 October 2010.

⁴⁹⁰ Report on Civil Party Application D22/1107/1.

Civil party applications inadmissible in the view of Judge Mar



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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 09-VU-03591 (D22/3284).⁴⁹¹ The Appeal states that in 1975 the Applicant's parents were forcibly transferred "from his resident [*sic*] to Prey Veng Province, from one place to another,⁴⁹² which is later specified to have occurred "in Prey Veng Province".⁴⁹³ The English version of the Supplementary information states that his parents were moved from their home to another Village (Tnaot Village, Ta Reach Sub-District, Prey Veng Province), and the Khmer version specifies that the family were moved within the same Commune to work in the rice fields.⁴⁹⁴ Although the movement of the Applicant's parents appears to align with those detailed in Phase 2 of the Indictment "from or within the East Zone (Prey Veng and Svay Rieng), to Kratie (Sector 505)[...],"⁴⁹⁵ there is insufficient information for me to consider it plausible that they were connected to the Lon Nol Regime, considered "new people" or Chinese, Kampuchea Krom or Cham minorities, which are the people specified in the Indictment as having been moved during this Phase.⁴⁹⁶ Although the Co-lawyers list the Applicant amongst many other Applicants who "themselves and their relatives were persecuted because they were officials of the former Khmer Republic or they were affiliated with Lon Nol's soldiers, KGB agents or they were enemies of the Revolutionary Organization,"⁴⁹⁷ no other information is provided to specify how the Applicant is specifically alleged to have been persecuted.

Civil Party Applicant 09-VU-03578 (D22/3272).⁴⁹⁸ The Appeal states that in 1978 the Applicant and her family were forcibly transferred from "Kauk Village, Preah Sdach District to Tuol Lauk Village, Kampong Seng Commune, Preah Sdach District to be killed, but the country was then liberated on time."⁴⁹⁹ However in the Khmer version of the initial Report on Civil Party Application, the date of this evacuation is less precise, said to be "about 1978."⁵⁰⁰ It

⁴⁹¹ Application inadmissible on the ground that Harm is not linked to the facts under Investigation (Impugned Order D410, para. 26 and Annex 3).

⁴⁹² Appeal PTC 154, para. 75.

⁴⁹³ Appeal PTC 154, para. 121.

⁴⁹⁴ Summary of Supplementary Information D22/3284b (EN) and D22/3284a (KH).

⁴⁹⁵ Indictment, para. 263.

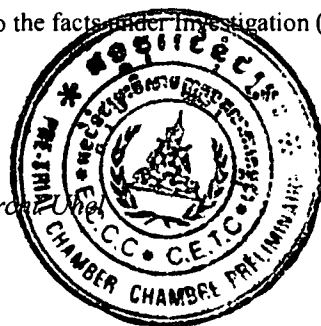
⁴⁹⁶ Indictment, para. 265.

⁴⁹⁷ Appeal PTC 154, para. 58.

⁴⁹⁸ Application inadmissible on the ground that Harm is not linked to the facts under Investigation (Impugned Order D410, para. 26 and Annex 3).

⁴⁹⁹ Appeal PTC 154, para 76.

⁵⁰⁰ Report on Civil Party Application (KH) D22/3272.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

is also notable that in the initial Report, the Village where the Applicant claims to have been moved to (Tuol Lauk) is said to not have been found in the geographic database.⁵⁰¹ Although forced movement of people between different locations within the East Zone, including Prey Veng Province, may form part of the known population movements of the East Zones during Phase 2,⁵⁰² if the Applicant was forcibly evacuated in 1978, it does not fall within the specified time period for Phase 2 (between September 1975 and continuing into 1976 and 1977).⁵⁰³ There is also insufficient information for me to considered it plausible that the Applicant and her family's forced evacuation in 1978 formed Part of Phase 3 (which took place from late 1977 and continued throughout 1978),⁵⁰⁴ as it appears that both locations are within Prey Veng Province, and therefore the Applicant and her family were not forcibly evacuated out of the Zone, which is part of the known movement of population of Phase 3.⁵⁰⁵

Civil Party Applicant 09-VU-01121 (D22/0743).⁵⁰⁶ The information about the Applicant's forced labour in 1975 after she had just delivered a baby⁵⁰⁷ and the arrest, detention and execution of her husband at Choeng Chap Security Centre in 1978 on the allegation that "he was a CIA agent"⁵⁰⁸ does not allow me to conclude that these events form part of the crimes for which the Accused are indicted. In particular, the information provided does not allow me to conclude that it plausible that these events occurred at one of the limited number of security centers, execution sites, worksites or cooperatives retained in the Indictment underlying the crimes of imprisonment, extermination, murder, enslavement, persecution and other inhumane acts through attacks on human dignity for which the Accused are indicted.

Civil Party Applicant 09-VU-00900 (D22/1109).⁵⁰⁹ Sector 24 Security Centre located at Chheu Kach mountain where the Applicant's father was arrested, imprisoned and executed "on an

⁵⁰¹ Report on Civil Party Application D22/3272..

⁵⁰² Indictment, para. 263.

⁵⁰³ Indictment, para. 262.

⁵⁰⁴ Indictment, para. 283

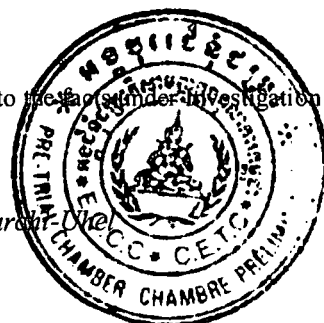
⁵⁰⁵ Indictment, paras 283-4.

⁵⁰⁶ Application inadmissible on the ground that Harm is not linked to the facts under Investigation (Impugned Order D410, para. 26 and Annex 3).

⁵⁰⁷ Appeal PTC 154, para. 124.

⁵⁰⁸ Appeal PTC 154, para. 51.

⁵⁰⁹ Application inadmissible on the ground that Harm is not linked to the facts under Investigation (Impugned Order D410, para. 26 and Annex 3).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

allegation that he had an affiliation with the enemy,”⁵¹⁰ is not among the limited number of security centers, execution sites, worksites or cooperatives retained in the Indictment underlying the crimes of imprisonment, extermination, murder, persecution and other inhumane acts through enforced disappearances for which the Accused are indicted.

Civil Party Applicant 09-VU-00925 (D22/2688).⁵¹¹ The information about the forced transfer of the Applicant and her husband, who was a Lon Nol soldier, in 1975 “from Kandal Province to his homeland at Chamlang Neak Village, Peam Montea Commune, Kampong Trabek District of Prey Veng Province”⁵¹² does not form part of the known movements of population of the East Zones during Phase 2.⁵¹³ In addition, there is insufficient information about the circumstances surrounding the execution of “her husband and two families of her sisters” in December 1975 in Prey Veng Province⁵¹⁴ for me to consider it plausible that these events occurred at one of the limited number of security centers, execution sites, worksites or cooperatives retained in the Indictment underlying the crimes of extermination and murder for which the Accused are indicted. After the execution of her husband, the Applicant and her three children were “transferred to many places and worked harder and harder and she was constantly spied upon by the Khmer.”⁵¹⁵ However, there is insufficient information about where the Applicant moved to and from and the dates of this movement for me to consider it plausible that the forced transfer of the Applicant and her children forms part of the known movements of population for which the Accused are indicted.

Appeals against Impugned Order D414 (Kratie Province)⁵¹⁶

Appeal PTC 139⁵¹⁷

⁵¹⁰ Appeal PTC 154, paras 52 and 125.

⁵¹¹ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D410, para. 26 and Annex 3).

⁵¹² Appeal PTC 154, para. 77.

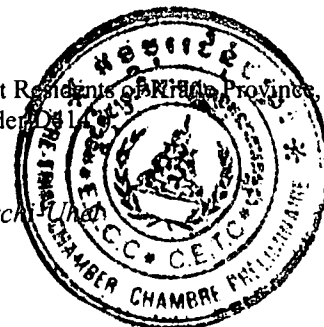
⁵¹³ Indictment, para. 263.

⁵¹⁴ Appeal PTC 154, paras 54 and 127.

⁵¹⁵ Appeal PTC 154, paras 77 and 127.

⁵¹⁶ Order on the Admissibility of Civil Party Applicants from Current Residents of Kratie Province, dated 9 September 2010, filed on 10 September 2010, D414 (“Impugned Order”).

Civil party applications inadmissible in the view of Judge March



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 09-VU-03333 (D22/2338). It is not alleged that the killing of the Applicant's older brother by the Khmer Rouge for being an educated person occurred in sites listed in the Indictment underlying the crimes against humanity of murder⁵¹⁸ and persecution on political grounds⁵¹⁹ for which the Accused are indicted. Furthermore, the Applicant did not witness the execution of persons evacuated from Phnom Penh during their transfer but while at Rolum Phnov worksite, a site which is not among those in the Indictment underlying the crimes against humanity of murder⁵²⁰ and persecution on political grounds⁵²¹ for which the Accused are indicted. There is no indication about the location of the Applicant's brother's death, so it is not possible to determine whether this event corresponds with an indicted crime.

Civil Party Applicant 08-VU-00791 (D22/1387).⁵²² Stueng Svay Village nor Anhchanh Village, where the mother and three siblings of the Applicant were subjects of enforced disappearances and where her husband was killed in 1978 are not among those locations underlying the crimes of murder or of other inhumane acts through enforced disappearances for which the Accused are indicted.

Civil Party Applicant 08-VU-00793 (D22/1366).⁵²³ The Co-Lawyers submit that the Applicant suffers psychological harm as a result of the imprisonment of his wife and father-in-law in 1978 at Ou Loung worksite in Stueng Svay Village, and their subsequent disappearance.⁵²⁴ I note that the Ou Loung worksite is not among those worksites at which the Accused are indicted for the crimes against humanity of imprisonment or of other inhumane acts through enforced disappearances.

⁵¹⁷ Appeal against Order on the Inadmissibility of Civil Party Applicants from Current Residents of Kratie Province, 20 September 2010, D414/3/1 ("Appeal PTC 139").

⁵¹⁸ Indictment, para. 1373.

⁵¹⁹ Indictment, para. 1416.

⁵²⁰ Indictment, para. 1373.

⁵²¹ Indictment, para. 1416.

⁵²² Application declared inadmissible on the ground that they did not provide sufficient information to verify compliance with Rules 23 *bis* (1) and (4) in relation to the alleged crimes (Impugned Order D414, para. 28 and Annex 3).

⁵²³ Application declared inadmissible on the ground that they did not provide sufficient information to verify compliance with Rules 23 *bis* (1) and (4) in relation to the alleged crimes (Impugned Order D414, para. 28 and Annex 3).

⁵²⁴ Appeal PTC 139, para. 84.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 08-VU-00794 (D22/1367).⁵²⁵ The alleged disappearance of the Applicant's grandmother after being called to a meeting at a Wat in 1977 occurred at Wat Krakor in Kratie Province, and the disappearance of the Applicant's aunt and cousins occurred in Kantring Village in Kratie Province.⁵²⁶ These locations are not among those security centres or worksites retained in the Indictment underlying the crime of other inhumane acts through enforced disappearances for which the Accused are indicted.

Civil Party Applicant 08-VU-00795 (D22/1395).⁵²⁷ The execution of the Applicant's wife (raped before being beaten and having her throat slit) and two children (disemboweled and stuffed with grass) is alleged to have occurred at either Preak Kampi, Ou Ta Sev, or Kbal Chuor Village in Kratie Province.⁵²⁸ These locations are not among those sites at which the Accused are indicted for the crimes against humanity of rape, torture or murder.

Civil Party Applicant 08-VU-01437 (D22/1784).⁵²⁹ The insufficient information about the disappearance of the Applicant's husband, a former soldier for the Sihanouk government, does not allow me to determine whether this event corresponds with a crime for which the Accused are indicted.

Civil Party Applicant 08-VU-01439 (D22/0942).⁵³⁰ Stueng Trang where the husband of the Applicant was killed in early 1979 in the context of a purge of Khmer Rouge cadres does not correspond to any of the sites retained in the Indictment underlying the crimes of murder, extermination and persecution on political grounds for which the Accused are indicted and it is

⁵²⁵ Application declared inadmissible on the ground that they did not provide sufficient information to verify compliance with Rules 23 bis (1) and (4) in relation to the alleged crimes (Impugned Order D414, para. 28 and Annex 3).

⁵²⁶ Appeal PTC 139, para. 85.

⁵²⁷ Application declared inadmissible on the ground that they did not provide sufficient information to verify compliance with Rules 23 bis (1) and (4) in relation to the alleged crimes (Impugned Order D401, para. 28 and Annex 3).

⁵²⁸ Appeal PTC 139, para. 86, lists Preak Kampi and Ou Ta Sev as the locations of the crimes, but the Report on Civil Party Application, D22/1395/1, lists Kbal Chuor Village as the location of the crimes.

⁵²⁹ Application declared inadmissible on the ground that they did not provide sufficient information to verify compliance with Rules 23 bis (1) and (4) in relation to the alleged crimes (Impugned Order D414, para. 28 and Annex 3).

⁵³⁰ Application declared inadmissible on the ground that they did not provide sufficient information to verify compliance with Rules 23 bis (1) and (4) in relation to the alleged crimes (Impugned Order D414, para. 28 and Annex 3).

Civil party applications inadmissible in the view of Judge March



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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

outside the temporal scope of the third phase of evacuation of population for which the Accused are indicted.

Civil Party Applicant 08-VU-01441 (D22/1785).⁵³¹ Hanchey Village, Kampong Cham Province, where the killing of the Applicant's father-in-law occurred in 1978 for allegedly being a CIA agent,⁵³² does not correspond to any of the sites retained in the Indictment underlying the crimes of murder or persecution on political grounds for which the Accused are indicted.

Civil Party Applicant 08-VU-01479 (D22/1733).⁵³³ Wat Pacha in Ou Ruessei subDistrict in Kratie Province, where it is alleged that the Applicant was illegally imprisoned and tortured for being an alleged CIA and Vietnamese agent in 1977,⁵³⁴ does not correspond to any the sites retained in the Indictment underlying the crimes of torture or persecution on political grounds for which the Accused are indicted.

Civil Party Applicant 09-VU-00142 (D22/1786).⁵³⁵ Chroy Banteay subDistrict office where it is alleged that the father of the Applicant disappeared in 1978 as a result of the Khmer Rouge,⁵³⁶ is not among those security centres or worksites where the Indictment alleges that the crime against humanity of other inhumane acts through enforced disappearances for which the Accused are indicted occurred. Furthermore, the disappearance in question did not occurred within the scope of an event in the context of which the Accused are indicted for this crime.

⁵³¹ Application declared inadmissible on the ground that they did not provide sufficient information to verify compliance with Rules 23 *bis* (1) and (4) in relation to the alleged crimes (Impugned Order D414, para. 28 and Annex 3).

⁵³² Report on Civil Party Application, D22/1785/1.

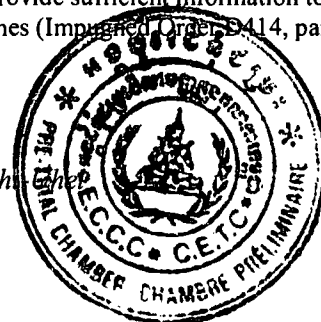
⁵³³ Application declared inadmissible on the ground that they did not provide sufficient information to verify compliance with Rules 23 *bis* (1) and (4) in relation to the alleged crimes (Impugned Order D414, para. 28 and Annex 3).

⁵³⁴ Appeal PTC 139 PTC 139, para. 91.

⁵³⁵ Application declared inadmissible on the ground that they did not provide sufficient information to verify compliance with Rules 23 *bis* (1) and (4) in relation to the alleged crimes (Impugned Order D414, para. 28 and Annex 3).

⁵³⁶ Appeal PTC 139, para. 95.

Civil party applications inadmissible in the view of Judge March



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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 09-VU-00145 (D22/1756).⁵³⁷ Ta Mao subDistrict office, where it is alleged that the father of the Applicant disappeared in 1978 as a result of the Khmer Rouge,⁵³⁸ is not among those security centres or worksites retained in the Indictment underlying the crimes of other inhumane acts through enforced disappearances for which the Accused are indicted, nor is the disappearance alleged to have occurred within the scope of an event in the context of which the Accused are indicted for this crime.

Civil Party Applicant 09-VU-04199 (D22/3593).⁵³⁹ Ou Dambang in Kratie Province, where it is alleged that the husband of the Applicant was killed by the Khmer Rouge in March 1978, is not among those locations retained in the Indictment underlying the crime of murder for which the Accused are indicted.

Civil Party Applicant 09-VU-04201 (D22/3595).⁵⁴⁰ Pou Village in Kratie Province, where it is submitted that the husband of the Applicant was subjected to forced labour and then killed in 1977 by the Khmer Rouge,⁵⁴¹ is not amongst those retained in the Indictment underlying the crime of murder or enslavement for which the Accused are indicted.

Civil Party Applicant 09-VU-04202 (D22/3596).⁵⁴² The exact location where the two younger siblings and two nephews of the Applicant disappeared and were assumed to have been killed following their forcible transfer to the Northeastern Zone is unknown.⁵⁴³ As such, it is not possible to ascertain whether these acts correspond with the indicted crimes, unless they could be considered to have been committed in the context of one of the phases of forced movements

⁵³⁷ Application declared inadmissible on the ground that they did not provide sufficient information to verify compliance with Rules 23 *bis* (1) and (4) in relation to the alleged crimes (Impugned Order D414, para. 28 and Annex 3).

⁵³⁸ Appeal PTC 139, para. 96.

⁵³⁹ Application declared inadmissible on the ground that they did not provide sufficient information to verify compliance with Rules 23 *bis* (1) and (4) in relation to the alleged crimes (Impugned Order D414, para. 28 and Annex 3).

⁵⁴⁰ Application declared inadmissible on the ground that they did not provide sufficient information to verify compliance with Rules 23 *bis* (1) and (4) in relation to the alleged crimes (Impugned Order D414, para. 28 and Annex 3).

⁵⁴¹ Appeal PTC 139, para. 98 and Report on Civil Party Application, D22/3595/1.

⁵⁴² Application declared inadmissible on the ground that they did not provide sufficient information to verify compliance with Rules 23 *bis* (1) and (4) in relation to the alleged crimes (Impugned Order D414, para. 28 and Annex 3).

⁵⁴³ Appeal PTC 139, para. 99.

Civil party applications inadmissible in the view of Judge Marchal



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

of population. I note that while the forced displacement of the Applicant's relatives fits temporally within the ambit of Phase 3 of the evacuation of population, the Indictment does not list the Northeast Zone as a destination area for transfers committed in this Phase.⁵⁴⁴ As such, the application cannot be admitted on the basis of the crime against humanity of other inhumane acts through forcible transfer, nor for the crimes of murder or of other inhumane act through enforced disappearance in the context of an indicted phase of movements of population.

Civil Party Applicant 09-VU-04203 (D22/3597).⁵⁴⁵ Kantuot Village, Kratie Province where it is alleged that in 1976 the three children of the Applicant were arrested by the Khmer Rouge and subsequently disappeared,⁵⁴⁶ is not a location retained in the Indictment underlying the crime of other inhumane acts through enforced disappearances for which the Accused are indicted.

Civil Party Applicant 09-VU-04204 (D22/3598).⁵⁴⁷ The forced transfer of the Applicant from Kaoh Chraeng Village in Kratie Province to Thma Andaeuk Sub-District in Kampot Province in October 1976⁵⁴⁸ does not correspond to any of the three phases of forced movements of population for which the Accused are indicted. While the movement of the Applicant corresponds temporally within the Phase 2 of the evacuation of population alleged in the Indictment, it falls outside of its geographical scope. They further submit that the Applicant's husband was subjected to forced labour and killed by the Khmer Rouge.⁵⁴⁹ Regarding the treatment of the Applicant's husband, I note that both his alleged forced labour and his death occurred at the Ou Sampoch worksite.⁵⁵⁰ This location does not correspond to any of those

⁵⁴⁴ Indictment, para. 284.

⁵⁴⁵ Application declared inadmissible on the ground that they did not provide sufficient information to verify compliance with Rules 23 *bis* (1) and (4) in relation to the alleged crimes (Impugned Order D414, para. 28 and Annex 3).

⁵⁴⁶ Appeal PTC 139, para. 100.

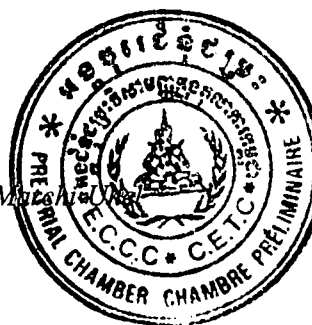
⁵⁴⁷ Application declared inadmissible on the ground that they did not provide sufficient information to verify compliance with Rules 23 *bis* (1) and (4) in relation to the alleged crimes (Impugned Order D414, para. 28 and Annex 3).

⁵⁴⁸ Report on Civil Party Application, D22/3598/1.

⁵⁴⁹ Appeal PTC 139, para. 102.

⁵⁵⁰ Report on Civil Party Application, D22/3598/1.

Civil party applications inadmissible in the view of Judge Muehlenbachs



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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

retained in the Indictment underlying the crimes of enslavement and murder for which the Accused are indicted.

Civil Party Applicant 09-VU-04207 (D22/3600).⁵⁵¹ Chhok Seng Village, where it is alleged that the Applicant's father and older brother were killed by the Khmer Rouge in 1976,⁵⁵² is not among those retained in the Indictment underlying the crime of murder for which the Accused are indicted.

Civil Party Applicant 09-VU-04208 (D22/3601).⁵⁵³ There is no indication of where the Khmer Rouge arrested and killed three of the Applicant's children. Without this information, it is not possible to ascertain whether these acts correspond with a crime for which the Accused are indicted. Further, Kaoh Srokar where it is alleged that two of the Applicant's brothers who had held positions during the Lon Nol were taken to be killed in 1976,⁵⁵⁴ is not a location retained in the Indictment underlying the crime of persecution on political grounds for which the Accused are indicted.

Civil Party Applicant 09-VU-04219 (D22/3606).⁵⁵⁵ The Co-Lawyers submit that three of the siblings of the Applicant were killed by the Khmer Rouge.⁵⁵⁶ The specific location where it is alleged that the Applicant's sister was detained in Kratie Province and subsequently disappeared is not indicated. Thus, it is not possible to ascertain whether it corresponds to a specific instance of a crime for which the Accused are indicted. Further, neither Boeng Kok in Kampong Cham Province where it is alleged that the Applicant's eldest brother was killed in 1977, nor Phnum Oral in Kampong Speu Province where it is alleged that another of the

⁵⁵¹ Application declared inadmissible on the ground that they did not provide sufficient information to verify compliance with Rules 23 *bis* (1) and (4) in relation to the alleged crimes (Impugned Order D409, para. 28 and Annex 3).

⁵⁵² Appeal PTC 139, para. 104 and Report on Civil Party Application, D22/3600/1.

⁵⁵³ Application declared inadmissible on the ground that they did not provide sufficient information to verify compliance with Rules 23 *bis* (1) and (4) in relation to the alleged crimes (Impugned Order D414, para. 28 and Annex 3).

⁵⁵⁴ Appeal PTC 139, para. 105.

⁵⁵⁵ Application declared inadmissible on the ground that they did not provide sufficient information to verify compliance with Rules 23 *bis* (1) and (4) in relation to the alleged crimes (Impugned Order D414, para. 28 and Annex 3).

⁵⁵⁶ Appeal PTC 139, para. 106.



002/19-09-2007-ECCC/OCU (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Applicant's brother was killed are locations retained in the Indictment underlying the crime of murder for which the Accused are indicted.

Civil Party Applicant 09-VU-04210 (D22/3603).⁵⁵⁷ There is no indication as to the location where three of the Applicant's siblings were killed by the Khmer Rouge.⁵⁵⁸ Thus, I am not in a position to conclude that these events form part of the crimes for which the Accused are indicted.

Civil Party Applicant 09-VU-04212 (D22/3604).⁵⁵⁹ Klouy Ti Pir Village in Kampong Cham Province, where it is alleged that the brother of the Applicant was taken to be killed by the Khmer Rouge,⁵⁶⁰ does not correspond to any of the locations retained in the Indictment underlying the crime of murder for which the Accused are indicted.

Civil Party Applicant 09-VU-00146 (D22/1787).⁵⁶¹ Praek Yuon where it is alleged that the Applicant's mother and two of her siblings were killed by the Khmer Rouge in 1977 is not among the limited number of sites listed in the Indictment underlying the crimes against humanity of murder and extermination for which the Accused are indicted.⁵⁶² Further, Khsat Village in Kratie Province where it is alleged that the Applicant and her family were subjected to forced labour,⁵⁶³ is not among those retained in the Indictment underlying the crime of enslavement for which the Accused are indicted.

⁵⁵⁷ Application declared inadmissible on the ground that they did not provide sufficient information to verify compliance with Rules 23 *bis* (1) and (4) in relation to the alleged crimes (Impugned Order D414, para. 28 and Annex 3).

⁵⁵⁸ Appeal PTC 139, para. 107.

⁵⁵⁹ Application declared inadmissible on the ground that they did not provide sufficient information to verify compliance with Rules 23 *bis* (1) and (4) in relation to the alleged crimes (Impugned Order D414, para. 28 and Annex 3).

⁵⁶⁰ Appeal PTC 139, para. 109 and Report on Civil Party Application, D22/360

⁵⁶¹ Application declared inadmissible on the ground that they did not provide sufficient information to verify compliance with Rules 23 *bis* (1) and (4) in relation to the alleged crimes (Impugned Order D414, para. 28 and Annex 3).

⁵⁶² Indictment, para. 1373.

⁵⁶³ Appeal PTC 139, para. 110 and Report on Civil Party Application, D22/1787

Civil party applications inadmissible in the view of Judge Marchi 125



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 09-VU-03334 (D22/2339).⁵⁶⁴ Krieng Chey worksite from where it is submitted that the father of the Applicant was taken away by the Khmer Rouge in July 1977 and disappeared is not among those worksites retained in the Indictment underlying the crime of other inhumane acts through enforced disappearances for which the Accused are indicted.

Civil Party Applicant 09-VU-04198 (D22/3592).⁵⁶⁵ Aur Sam Poch Worksite,⁵⁶⁶ where it is alleged that the Applicant was subjected to forced labour by the Khmer Rouge is not among the limited number of worksites and cooperatives underlying the crime against humanity of enslavement for which the Accused are indicted.⁵⁶⁷ Further, Ou Sam Poch Village in Kratie Province where it is submitted that in 1976, 13 members of the Applicant's family, including two of his brothers, were killed by the Khmer Rouge,⁵⁶⁸ is not a location retained in the Indictment underlying the crime of murder for which the Accused are indicted.

Civil Party Applicant 08-VU-00225 (D22/1310).⁵⁶⁹ It is submitted that the Applicant along with her family were transferred to Sambok subDistrict in Kratie Province and that in 1977 her husband, a former Lon Nol soldier, was arrested and executed. It is also submitted that the Applicant was then detained by the Khmer Rouge, before being forcibly transferred to a new location for a short period, and then upon her return home being subjected to forced labour from 1978 to 1979.⁵⁷⁰ Regarding the alleged instances of forced transfer, I consider that there is insufficient information provided by the Applicant and pleaded in the Appeal to ascertain whether the alleged transfers correspond with one of the three phases of movements of population for which the Accused are indicted. Similarly, it is not alleged where the execution of the Applicant's husband took place and without this information, I am not in a position to determine whether this act corresponds with a crime for which the Accused are indicted.

⁵⁶⁴ Application declared inadmissible on the ground that they did not provide sufficient information to verify compliance with Rules 23 *bis* (1) and (4) in relation to the alleged crimes (Impugned Order D414, para. 28 and Annex 3).

⁵⁶⁵ Application declared inadmissible on the ground that they did not provide sufficient information to verify compliance with Rules 23 *bis* (1) and (4) in relation to the alleged crimes (Impugned Order D414, para. 28 and Annex 3).

⁵⁶⁶ Report on Civil Party Application, D22/3592/1.

⁵⁶⁷ Indictment, para. 1391.

⁵⁶⁸ Appeal PTC 139, para. 116.

⁵⁶⁹ Application declared inadmissible on the ground that the necessary causal link between the alleged harm and the facts under investigation was not established (Impugned Order D414, para. 27 and Annex 3).

⁵⁷⁰ Appeal PTC 139, para. 81.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Turning to the alleged forced labour suffered by the Applicant, I note that it is alleged to have occurred at the Thma Kaing dam in Kou Loab Village in Kratie Province.⁵⁷¹ This location does not correspond with one of those retained in the Indictment underlying the crime against humanity of enslavement for which the Accused are indicted.

Civil Party Applicant 08-VU-01435 (D22/1783).⁵⁷² Wat Chroy Ampil, where it is submitted that the Applicant's mother was subjected to forced labour, before being imprisoned, tortured, and executed in 1977 on the accusation of being linked to the Vietnamese,⁵⁷³ does not correspond with any of the locations retained in the Indictment underlying the crimes against humanity of forced labour, torture, imprisonment, or murder for which the Accused are indicted.

Civil Party Applicant 08-VU-02064 (D22/1050).⁵⁷⁴ The date or even period at which the Applicant was forcibly transferred to Ou Ruessei Village is not reported and there is also no indication as to from where the Applicant was transferred. Without this information, I am not in a position to conclude that it is plausible that these acts correspond with crimes for which the Accused are indicted. Further, neither Ou Ruessei Village nor the Trorch worksite in Kratie retained in the Indictment underlying the crime of enslavement for which the Accused are indicted. Preah Kosomak High School where it is submitted that in 1978 the Applicant, along with six siblings, were imprisoned and tortured on the basis of alleged links to the KGB, is not amongst those retained in the Indictment underlying the crimes against humanity of imprisonment or torture for which the Accused are indicted. Finally, there is no indication of the location(s) where three of the Applicant's siblings were killed by the Khmer Rouge, and his aunt, uncle and three cousins were executed for being linked to the Sihanouk regime. It is also not alleged where nor when the execution of the Applicant's family members occurred.

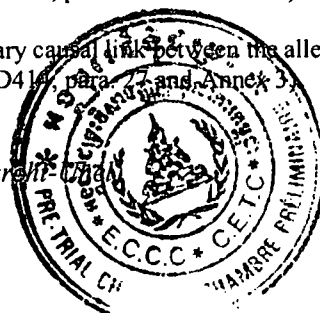
⁵⁷¹ Summary of Supplementary Information, D22/1310.

⁵⁷² Application declared inadmissible on the ground that the necessary causal link between the alleged harm and the facts under investigation was not established (Impugned Order D414, para. 27 and Annex 3).

⁵⁷³ Appeal PTC 139, para. 87.

⁵⁷⁴ Application declared inadmissible on the ground that the necessary causal link between the alleged harm and the facts under investigation was not established (Impugned Order D414, para. 27 and Annex 3).

Civil party applications inadmissible in the view of Judge Marchetti



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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 08-VU-02066 (D22/1049).⁵⁷⁵ There is no indication of where the Applicant's brother was executed after he was taken away from Stueng Trang in 1977 by the Khmer Rouge without reason.⁵⁷⁶ Without this information, I am not in a position to conclude that it is plausible this crime is one for which the Accused are indicted.

Civil Party Applicant 08-VU-02067 (D22/0477).⁵⁷⁷ Ou Loung in Kratie Province where it is submitted that the Applicant was illegally imprisoned and tortured by the Khmer Rouge for eight months on the accusation of having broken an oxen's horns,⁵⁷⁸ is not a location retained in the Indictment underlying the crimes of imprisonment or torture for which the Accused are indicted

Civil Party Applicant 09-VU-04205 (D22/2474).⁵⁷⁹ It is submitted that the Applicant's wife (after having been tortured) and their child were killed in 1977 on the allegation that the Applicant's wife was Vietnamese.⁵⁸⁰ I note that in so far as the crime of genocide against the Vietnamese is concerned, it is limited to those genocidal acts perpetrated against the "Vietnamese People".⁵⁸¹ As it is simply alleged that the Applicant's wife was alleged to be Vietnamese, and not that she was Vietnamese, the circumstances surrounding her and her child's death do not correspond with the crime of genocide as indicted. The crime against humanity of persecution on racial grounds of the Vietnamese is not similarly limited. This crime is, however, limited geographically.⁵⁸² I note that the death of the Applicant's wife and child are reported to have occurred at Phom Prech in Kratie Province.⁵⁸³ This location is not one of those retained in the Indictment underlying the crime of persecution on racial grounds, torture or murder for which the Accused are indicted. I further note that Tuek L'ak dam

⁵⁷⁵ Application declared inadmissible on the ground that the necessary causal link between the alleged harm and the facts under investigation was not established (Impugned Order D414, para. 27 and Annex 3).

⁵⁷⁶ Appeal PTC 139, para. 93.

⁵⁷⁷ Application declared inadmissible on the ground that the necessary causal link between the alleged harm and the facts under investigation was not established (Impugned Order D414, para. 27 and Annex 3).

⁵⁷⁸ Appeal PTC 139, para. 94.

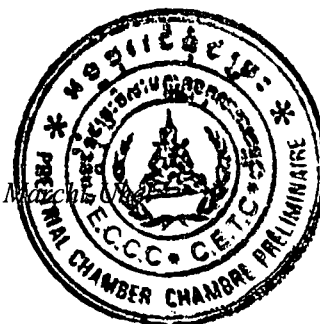
⁵⁷⁹ Application declared inadmissible on the ground that the necessary causal link between the alleged harm and the facts under investigation was not established (Impugned Order D414, para. 27 and Annex 3).

⁵⁸⁰ Appeal PTC 139, para. 101.

⁵⁸¹ Indictment, paras 1343-1344.

⁵⁸² Indictment, para. 1422.

⁵⁸³ Report on Civil Party Application, D22/2474/1.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

worksite in Kratie Province where it is submitted that the Applicant endured forced labour is not amongst those retained in the Indictment underlying the charge of enslavement.

Civil Party Applicant 09-VU-04206 (D22/3599).⁵⁸⁴ Chhokk Village in Kratie Province, where it is submitted that the Applicant was tied to a tree and shot to death by the Khmer Rouge in either 1975 or 1976, is not a location retained in the Indictment underlying the crime against humanity of murder for which the Accused are indicted.

Civil Party Applicant 09-VU-04211 (D22/2475).⁵⁸⁵ There is no indication of the location(s) where it is submitted that the son of the Applicant was killed by the Khmer Rouge and from where it is submitted that his sister disappeared in 1977 following her abduction. Without this information, I am not in a position to conclude that these alleged crimes are crimes for which the Accused are indicted. Furthermore, Thma Riep Dam in Kratie Province, where it is submitted that the Applicant was subjected to forced labour,⁵⁸⁶ is not one of those worksites retained in the Indictment underlying the crime of enslavement for which the Accused are indicted.

Civil Party Applicant 09-VU-00147 (D22/0619).⁵⁸⁷ Wat Chroy Ampil, where it is submitted that the Applicant's parents were killed on 4 March 1977,⁵⁸⁸ is not a location that corresponds to those retained in the Indictment underlying the crime against humanity of murder for which the Accused are indicted. The information about the circumstances under which the Applicant lost her seven siblings during the Khmer Rouge regime does not allow me to conclude that the Accused are indicted for these events.

Civil Party Applicant 09-VU-00161 (D22/0618).⁵⁸⁹ Kracheh Village, where it is submitted that the Applicant along with his family were subjected to forced labour, does not correspond to a

⁵⁸⁴ Application declared inadmissible on the ground that the necessary causal link between the alleged harm and the facts under investigation was not established (Impugned Order D414, para. 27 and Annex 3).

⁵⁸⁵ Application declared inadmissible on the ground that the necessary causal link between the alleged harm and the facts under investigation was not established (Impugned Order D414, para. 27 and Annex 3).

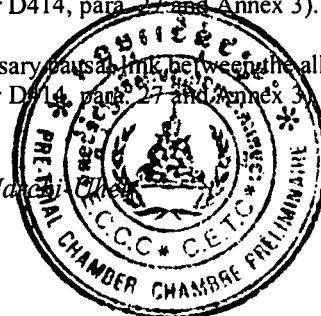
⁵⁸⁶ Appeal PTC 139, para. 108.

⁵⁸⁷ Application declared inadmissible on the ground that the necessary causal link between the alleged harm and the facts under investigation was not established (Impugned Order D414, para. 27 and Annex 3).

⁵⁸⁸ Appeal PTC 139, para. 111.

⁵⁸⁹ Application declared inadmissible on the ground that the necessary causal link between the alleged harm and the facts under investigation was not established (Impugned Order D414, para. 27 and Annex 3).

Civil party applications inadmissible in the view of Judge Marchal



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

location retained in the Indictment underlying the crime against humanity of enslavement for which the Accused are indicted. Further, Kheou Bun Sun School, where it is submitted that the Applicant's grandfather was tortured and killed at a security centre,⁵⁹⁰ is not one of the security centres listed in the Indictment underlying the crimes against humanity of torture and murder for which the Accused are indicted.

Civil Party Applicant 09-VU-03336 (D22/2341).⁵⁹¹ There is insufficient information submitted with regards to the alleged forcible transfer of the Applicant and his family to Khvan Pi Village in Kratie Province by the Khmer Rouge to ascertain whether this transfer falls within one of the three phases of forced movements of population for which the Accused are indicted. Further, Khvan Pi Village where it is submitted that the Applicant along with his family were subjected to forced labour following their forcible transfer is not a location retained in the Indictment underlying the crime against humanity of enslavement for which the Accused are indicted. As to Trach security centre in Kratie Province, where it is submitted that the Applicant was imprisoned and tortured by the Khmer Rouge in March 1977, it is not a location retained in the Indictment underlying the crime against humanity of imprisonment or torture for which the Accused are indicted. Further there is not indication of the location where the Applicant's wife and their 10 children were killed on the allegation that the Applicant was a CIA captain.⁵⁹² Without such information, it cannot be determined if this corresponds with an indicted crime either.

Civil Party Applicant 09-VU-02468 (D22/2246).⁵⁹³ Tuok Khli security centre where it is submitted that the Applicant was immediately sent to upon the fall of the Lon Nol Regime, tortured and subjected to forced labour is not a location retained in the Indictment underlying the crime against humanity of enslavement, persecution on political grounds or torture. for

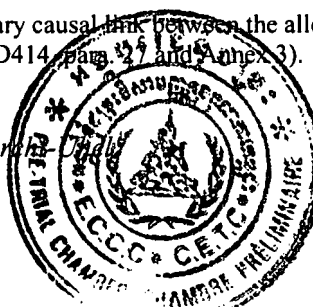
⁵⁹⁰ Appeal PTC 139, para. 112.

⁵⁹¹ Application declared inadmissible on the ground that the necessary causal link between the alleged harm and the facts under investigation was not established (Impugned Order D414, para. 27 and Annex 3).

⁵⁹² Appeal PTC 139, para. 115.

⁵⁹³ Application declared inadmissible on the ground that the necessary causal link between the alleged harm and the facts under investigation was not established (Impugned Order D414, para. 27 and Annex 3).

Civil party applications inadmissible in the view of Judge Mar



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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

which the Accused are indicted ,⁵⁹⁴ The same goes for Kampong Speu security centre where he was subsequently transferred and submitted to the same crimes.

Appeal PTC 140⁵⁹⁵

Civil Party Applicant 08-VU-00101 (D22/0113).⁵⁹⁶ The Co-Lawyers argue that the Applicant belongs to an ethnic minority (MIL according to the Applicant) and was forced to work day and night and that he was prohibited to follow the traditions of his community. They add that his brother was forced to join the Khmer Rouge military forces after which he disappeared. The location where the Applicant was forced to work is not among the six worksites and cooperatives where the Indictment alleges that the crime of enslavement for which the Accused are indicted occurred. The Accused are not indicted for persecution on religious grounds against the MIL ethnic minority as such. The information provided by the Applicant regarding the disappearance of his brother does not allow me to conclude that it forms part of the other inhumane acts through enforced disappearances for which the Accused are indicted.

Civil Party Applicant 09-VU-01474 (D22/2723).⁵⁹⁷ The Co-Lawyers argue that the Applicant was forced to marry in 1976. They acknowledge that the application is silent as to whether the marriage in question was forced but submit that this must be assumed given the period at which the marriage occurred. They further argue that the Applicant's two uncles were arrested and executed because of being former officers prior to the Khmer Rouge regime. They finally argue that the Applicant's husband and his sister were detained and executed without reason at a security centre located in Chrorva Village, Kantuot Commune, Chetborei District, Kratie Province. I note that the Applicant refers to the fact that in 1976 she 'got married' to a Villager of Ta Saom Village in Kratie Province and moved to live with her husband after the marriage. The Co-Lawyers's assumption that it must be a forced marriage given the period at which it

⁵⁹⁴ Appeal PTC 139, para. 118.

⁵⁹⁵ Appeal Brief against Order on the Admissibility of Civil Party Applicants from Current Residents of Kratie Province (D414), 20 September 2010, D414/4/1 ("Appeal PTC 140").

⁵⁹⁶ Application declared inadmissible on the ground that the necessary causal link between the alleged harm and the facts under investigation was not established (Impugned Order D414, para. 27 and Annex 3).

⁵⁹⁷ Application declared inadmissible on the ground that the necessary causal link between the alleged harm and the facts under investigation was not established (Impugned Order D414, para. 27 and Annex 3).

Civil party applications inadmissible in the view of Judge March



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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

occurred is not sufficient to consider that the Applicant alleges to have been forced to marry the man in question. They were asked by the Pre-Trial Chamber to submit additional information but failed to do so. It is not alleged that the locations where the Applicant's uncles were executed are among the limited number of sites listed in the Indictment underlying the crimes for which the Accused are indicted.

Civil Party Applicant 09-VU-01475 (D22/2724).⁵⁹⁸ The Co-Lawyers state that the Applicant was a child during the Democratic Kampuchea regime. They argue that her mother and father who were military officers during the Nol Lon regime were arrested and transferred for the purpose of being executed, on the ground that they had been educated in Phnom Penh. The information provided by the Applicant does not allow me to conclude that his father was detained and disappeared from one of the limited number of sites listed in the Indictment underlying the crimes of imprisonment and other inhumane acts through enforced disappearances for which the Accused are indicted. Similarly, Prey Chhor security centre where the Applicant's mother was detained and killed is not among the limited number of security centres listed in the Indictment underlying the crimes of imprisonment and murder or extermination for which the Accused are indicted.

Civil Party Applicant 09-VU-01476 (D22/2725).⁵⁹⁹ Kaun Nget security centre, where the Applicant's brother was arrested, detained and executed without reason and where his brother-in-law was victim of similar crimes and tortured under the accusation of belonging to a Vietnamese network, of being a former civil servant and a capitalist, is not among the limited number of security centres underlying the crimes of imprisonment, torture, murder, extermination or persecution on political grounds for which the Accused are indicted.

⁵⁹⁸ Application declared inadmissible on the ground that the necessary causal link between the alleged harm and the facts under investigation was not established (Impugned Order D414, para. 27 and Annex 3).

⁵⁹⁹ Application declared inadmissible on the ground that the necessary causal link between the alleged harm and the facts under investigation was not established (Impugned Order D414, para. 27 and Annex 3).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 09-VU-01581 (D22/1893).⁶⁰⁰ None of the six worksites and cooperatives underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted is located in Stoeng Svay where the Applicant was forced to work under inhumane conditions. Furthermore, Kaun Nget and Koh Ska security centres where it is submitted that the Applicant's husband, a Khmer Rouge informant, was arrested, detained and tortured are not among the limited number of security centres underlying the crimes of imprisonment, torture and persecution on political grounds for which the Accused are indicted.

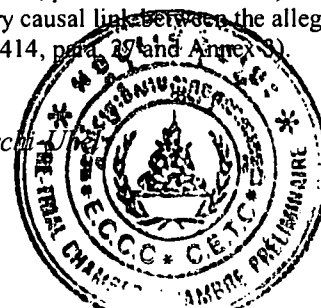
Civil Party Applicant 09-VU-01582 (D22/0769).⁶⁰¹ The forced transfer of the Applicant and her family from Kratie Province to Kampong Cham Province in 1975 does not correspond to any of the three movements of population for which the Accused are indicted. Further, Kaun Nget security centre, located in Snuol District, Kratie Province, where the Applicant's father-in-law, a former Lon Nol officer, was detained and executed under the accusation of belonging to the KGB, is not among the limited number of security centres underlying the crimes of imprisonment, murder, extermination and persecution on political grounds for which the Accused are indicted. The information about the arrest and disappearance of the Applicant's nephew, a former District cadre, does not allow me to conclude that these are crimes for which the Accused are indicted.

Civil Party Applicant 09-VU-1585 (D22/0589).⁶⁰² Preak Pao worksite where the Applicant was sent to build dams and Pravanh Village where she was forced to dig canals and dig up tree trunks are not among the worksites and cooperatives listed in the Indictment underlying the crime of enslavement for which the Accused are indicted. The information provided by the Applicant does not allow me to conclude that the execution of her mother and niece are crimes for which the Accused are indicted. The locations where they were killed are not among the

⁶⁰⁰ Application declared inadmissible on the ground that the necessary causal link between the alleged harm and the facts under investigation was not established (Impugned Order D414, para. 27 and Annex 3).

⁶⁰¹ Application declared inadmissible on the ground that the necessary causal link between the alleged harm and the facts under investigation was not established (Impugned Order D414, para. 27 and Annex 3).

⁶⁰² Application declared inadmissible on the ground that the necessary causal link between the alleged harm and the facts under investigation was not established (Impugned Order D414, para. 27 and Annex 3).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 171)

execution sites listed in the Indictment underlying the crimes of murder and extermination for which the Accused are indicted.

Civil Party Applicant 09-VU-01586 (D22/0588).⁶⁰³ Kaun Nget security centre where it is submitted that the Applicant's husband, a former Lon Nol civil servant, was arrested and executed under the accusation of being a capitalist and where it is submitted that her uncle, aunt and her two brothers-in-law were also arrested and executed is not among the limited number of security centres underlying the crimes of imprisonment, murder, extermination and persecution on political grounds for which the Accused are indicted.

Civil Party Applicant 09-VU-01774 (D22/2773).⁶⁰⁴ The Co-Lawyers argue that the Applicant was in charge of economy, directly under a District cadre's authority and that following that cadre's arrest and execution, a number of persons including the Applicant were dismissed from their respective position and subsequently evacuated by the Khmer Rouge. The information provided by the Applicant about his situation and that of other persons working with him does not allow me to conclude that these facts form part of the factual basis underlying any of the crimes for which the Accused are indicted.

Civil Party Applicant 09-VU-01781 (D22/2778).⁶⁰⁵ Cheung Khlu Village where the Applicant and members of her family were forced to work under inhumane conditions is not among the limited number of cooperatives and worksites listed in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted. Furthermore, Kaun Nget security centre where it is submitted that the Applicant's brother, suspected of belonging to a Vietnamese network, was successively arrested, tortured and the security centre located at Kan Tuot Commune, where it is submitted that he was ultimately executed, are not among the limited number of security centres

⁶⁰³ Application declared inadmissible on the ground that the necessary causal link between the alleged harm and the facts under investigation was not established (Impugned Order D414, para. 27 and Annex 3).

⁶⁰⁴ Application declared inadmissible on the ground that the necessary causal link between the alleged harm and the facts under investigation was not established (Impugned Order D414, para. 27 and Annex 3).

⁶⁰⁵ Application declared inadmissible on the ground that the necessary causal link between the alleged harm and the facts under investigation was not established (Impugned Order D414, para. 27 and Annex 3).

Civil party applications inadmissible in the view of Judge Mar



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

underlying the crimes of imprisonment, torture, murder, extermination and persecution for which the Accused are indicted.

Appeals against Impugned Order D415 (Battambang Province)⁶⁰⁶

Appeal PTC 137⁶⁰⁷

Civil Party Applicant 09-VU-01684 (D22/2142).⁶⁰⁸ The Co-lawyers reiterate the information contained in the Applicant's initial application that his family fled to live in Battambang Province in 1975 and were later evacuated to their native Village and assigned to work in Se Pi District in Sector 4.⁶⁰⁹ The Applicant was assigned to work in the rice fields in 1976 and in 1977 was taken, as part of a mobile youth unit, to Boeung Veal in Banan District, where he was forced to plough the fields.⁶¹⁰ This information is insufficient for me to consider it plausible that the forced transfer of the Applicant or his family forms part of the known movements of population for which the Accused are indicted, nor does the information allow me to conclude that it is plausible that these events occurred at one of the six worksites or cooperatives retained in the Indictment underlying the crimes of imprisonment, enslavement and other inhumane acts through attacks on human dignity for which the Accused are indicted. In addition, the Co-lawyers reiterate that the Applicant's elder brother was arrested and detained in 1977, in a house near Svay Cheat school, on the accusation that he had killed

⁶⁰⁶ Order on the Admissibility of Civil Party Applications from Current Residents of Battambang Province, 13 September 2010, D 415 ("Impugned Order D 415").

⁶⁰⁷ Appeal Against Order on the Inadmissibility of Civil Party Applicants from Current Residents of Battambang Province, 22 September 2010, D415 ("Impugned Order D415").

⁶⁰⁸ Application inadmissible on the ground that that harm is not linked to the facts under Investigation (Impugned Order D415, para. 26 and Annex 3).

⁶⁰⁹ Appeal PTC 137, para. 79 and Report on Civil Party Application D22-2142/1.

⁶¹⁰ Appeal PTC 137, para. 79.

Civil party applications inadmissible in the view of Judge Marchal



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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

members of the Khmer Rouge. He was later executed at Kach Roteh pagoda.⁶¹¹ This information does not allow me to conclude that these events occurred at one of the limited number of security centers or execution sites retained in the Indictment underlying the crimes of imprisonment, extermination, murder and persecution for which the Accused are indicted.

Civil Party Applicant 09-VU-03512 (D22/3215).⁶¹² The Co-lawyers reiterate information in the Applicant's initial application that he was a Khmer Rouge chief of Svay Chumnit Village in Sub-District 4 (Sector 4) of Sre Pi District and was later promoted to be the new chief of the economic section. In his role, he was aware that forced labour took place and witnessed people being taken from his Village to be killed.⁶¹³ In 1978, more senior members of the cooperative arrested and shot dead the former chief of the economic section for no apparent reason and without any consultation with the Applicant.⁶¹⁴ The Applicant claims that he was worried that the same would happen to him and he was discriminated against on the misperception that he approved these actions.⁶¹⁵ The information provided by the Applicant does not allow me to conclude that these events occurred at one of the limited number of security centers, execution sites, worksites or cooperatives retained in the Indictment underlying the crimes of imprisonment, extermination, murder, persecution, enslavement and other inhumane acts through attacks on human dignity for which the Accused are indicted.

Civil Party Applicant 09-VU-03516 (D22/3219).⁶¹⁶ In his initial application the Applicant reported facts of forced labour to which he and his wife where subjected at a main workforce unit, the starvation of his two cousins, and the forced labour and starvation of his younger sister who, in 1976, was in a mobile unit in Kampong Prieng cooperative and sent to build dam at Daun Try worksite (in Mong Reusei).⁶¹⁷ This information does not allow me to consider it

⁶¹¹ Appeal PTC 137, para. 79.

⁶¹² Application declared inadmissible on the ground that there is no proof of relevant harm (Impugned Order D415, para. 22 and Annex 3).

⁶¹³ Appeal PTC137, para. 80 and Report on Civil Party Application D22/3215/1.

⁶¹⁴ Appeal PTC137, para. 80 and Report on Civil Party Application D22/3215/1.

⁶¹⁵ Appeal PTC137, para. 80.

⁶¹⁶ Application inadmissible on the ground that that harm is not linked to the facts under Investigation (Impugned Order D415, para. 26 and Annex 3).

⁶¹⁷ Appeal PTC 137, para. 82 and Report on Civil Party Application D22/3219/1.

Civil party applications inadmissible in the view of Judge Marc



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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

plausible that these events occurred at one of the limited number of security centers, execution sites, worksites or cooperatives retained in the Indictment underlying the crimes of imprisonment, extermination, murder, enslavement and other inhumane acts through attacks on human dignity for which the Accused are indicted. As to the Applicant's brother execution in 1978, after being Accused of betraying Angkar,⁶¹⁸ there is no indication that it occurred at one of the limited number of security centers, execution sites, worksites or cooperatives retained in the Indictment underlying the crimes of imprisonment, torture, extermination, murder, enslavement, persecution and other inhumane acts through attacks on human dignity for which the Accused are indicted. Finally, the Co-lawyers submit that in late 1978, 50 to 70 families from Mong Reusei District were ambushed by the Khmer Rouge and taken to Spean Chheu in Wat Kandal Village to be killed.⁶¹⁹ It appears from the Applicant's initial application that he was an eyewitness to this event.⁶²⁰ This information provided does not allow me to conclude that it occurred at one of the limited number of security centers, execution sites, worksites or cooperatives retained in the Indictment underlying the crimes of extermination and murder for which the Accused are indicted.

Civil Party Applicant 09-VU-03573 (D22/3267).⁶²¹ The Co-lawyers submit that the Applicant was subject to forced labour at Antouk Chreav Village and Boeung Pak, and that his uncle's entire family was taken away to be killed.⁶²² This information does not allow me to conclude that these events occurred at one of the limited number of security centers, execution sites, worksites or cooperatives retained in the Indictment underlying the crimes of imprisonment, extermination, murder, enslavement and other inhumane acts through attacks on human dignity for which the Accused are indicted. There is no indication that the execution of a young man by the Khmer Rouge in Kanghat, which was witnessed by the Applicant,⁶²³ occurred at one of the limited number of security centers or execution sites retained in the Indictment underlying the crimes of extermination and murder for which the Accused are indicted.

⁶¹⁸ Appeal PTC 137, para. 82.

⁶¹⁹ Appeal PTC 137, para. 82.

⁶²⁰ Report on Civil Party Application D22/3219/1.

⁶²¹ Application inadmissible on the ground that that harm is not linked to the facts under Investigation (Impugned Order D415, para. 26 and Annex 3).

⁶²² Appeal 137, para. 83 and Report on Civil Party Application D22/3267/1.

⁶²³ Appeal 137, para. 83.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 09-VU-03575 (D22/3269)⁶²⁴ The Co-Lawyers reiterate information in the Applicant's initial application about her forced movement from "one place to another,"⁶²⁵ and her forced labour. This information is insufficient for me to consider it plausible that the movement forms part of the known movements of population for which the Accused are indicted, nor does the information allow me to conclude that it is plausible that these events occurred at one of the six worksites or cooperatives retained in the Indictment underlying the crimes of imprisonment, enslavement and other inhumane acts through attacks on human dignity for which the Accused are indicted. In addition, the Co-lawyers reiterate information about the forced labour of the Applicant's elder sibling and the arrest of the Applicant's uncle, his wife and two children in the second year of the Regime, after which time they disappeared.⁶²⁶ This information does not allow me to conclude that these events occurred at one of the limited number of security centers, execution sites, worksites or cooperatives retained in the Indictment underlying the crimes of imprisonment, extermination, murder, enslavement and other inhumane acts through attacks on human dignity and enforced disappearances for which the Accused are indicted.

Appeal PTC 138⁶²⁷

Civil Party Applicant 08-VU-00048 (D22/1287).⁶²⁸ The Co-Lawyers argue that the Applicant's father-in-law, former Chief of Village at Prek Norin, has been executed in the vicinity of Samraong pagoda like many other former officials under the Lon Nol Regime. They stress that discrimination against this class of persons is one of the policies alleged in the Introductory Submission. I note that Samraong pagoda is not among the limited number of

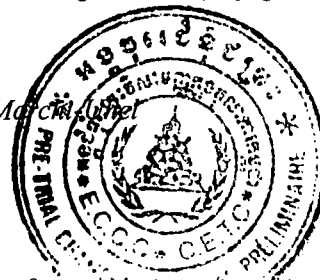
⁶²⁴ Application inadmissible on the ground that that harm is not linked to the facts under Investigation (Impugned Order D415, para. 26 and Annex 3).

⁶²⁵ Appeal PTC 137, para. 84 and Report on Civil Party Application D22/3269/1.

⁶²⁶ Appeal PTC 137, para. 84.

⁶²⁷ *Mémoire d'appel contre l'ordonnance sur la recevabilité de constitution de parties civiles resident dans la Province de Battambang* (D415), 23 September 2010, D415/6/1 ("Appeal PTC 138").

⁶²⁸ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation in relation to Buddhist persecution at Wat Samrong, Samrong District, Battambang Province as described in paragraph 72 of the Introductory Submission and in relation to other alleged crimes (Impugned Order, para. 26 and Annex 3).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

security centres and execution sites listed in the Indictment underlying the crimes of murder, extermination and persecution on political grounds for which the Accused are indicted.

Appeal PTC 150⁶²⁹

Civil Party Applicant 09-VU-01679 (D22/2138).⁶³⁰ The forcible evacuation of the Applicant and members of her family from Battambang city to the countryside in April 1975 falls within the temporal scope of Phase 1 of the evacuation of population for which the Accused are indicted of other inhumane acts through forced transfer. It is however outside the geographical scope of Phase 1 which is limited to the population from Phnom Penh. Reang Kraol, where they were forced to work under inhumane conditions as a result of which the Applicant's older brother died, is not among the six worksites and cooperatives listed in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted. Further, I note that Sector 4 cooperative in Reang Kesi Commune, where three of her siblings were shot dead for being former teachers under Lon Nol's regime, is not among the limited number of cooperatives, worksites, security centres and execution sites listed in the Indictment underlying the crimes of murder and extermination for which the Accused are indicted. Finally the information provided by the Applicant and in the Appeal about the other crimes she witnessed does not allow me to conclude that it is plausible that the crimes in question are crimes for which the Accused are indicted.

Civil Party Applicant 09-VU-01680 (D22/2139).⁶³¹ The forcible evacuation of the Applicant and members of her family from Battambang city to the countryside falls within the temporal scope of Phase 1 of the evacuation of population for which the Accused are indicted of other inhumane acts through forced transfer. It is however outside the geographical scope of Phase 1 which is limited to the population from Phnom Penh. Phnom Thiphadei cooperative, where

⁶²⁹ Appeal Against Order on the Admissibility of Civil Party Applicants from Current Residents of Battambang, D415, 20 October 2010, D415/7/1 ("Appeal PTC 150").

⁶³⁰ Application inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D415, para. 26 and Annex 3).

⁶³¹ Application inadmissible on the ground that the harm is not linked to the facts under investigation (outside the geographic scope of Vietnamese persecution) (Impugned Order D415, para 26 and Annex 3)

Civil party applications inadmissible in the view of Judge March



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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

they were forced to work under particularly inhumane conditions, for her husband was a former teacher of Lon Nol, and as a result of which the Applicant became sick, her child, father and older sibling died, is not among the six worksites and cooperatives listed in the Indictment underlying the crimes of enslavement, other inhumane acts through attacks against human dignity and extermination for which the Accused are indicted.

Civil Party Applicant 09-VU-01685 (D22/2143).⁶³² The forcible evacuation of the Applicant and members of her family from Battambang city to the countryside falls within the temporal scope of Phase 1 of the evacuation of population for which the Accused are indicted of other inhumane acts through forced transfer. It is however outside the geographical scope of Phase 1 which is limited to the population from Phnom Penh, Reang Kraol as well as the other cooperatives where they were forced to work under inhumane conditions are not among the six worksites and cooperatives listed in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted. Further, I note that the information provided by the Applicant about the circumstances of the killing of the Applicant's father, father-in-law and siblings on an accusation of being connected to the enemy does not allow me to conclude that these killings took place at one of the limited number of cooperatives, worksites, security centres and execution sites listed in the Indictment underlying the crimes of murder, extermination and persecution on political grounds for which the Accused are indicted. Finally, the Application does not contain information that would allow me to conclude that it is plausible that the Applicant suffered psychological harm as a result of witnessing forced marriages and I note that the Appeal merely speculates about such harm rather than providing a statement from the Applicant in this respect.

Civil Party Applicant 09-VU-01710 (D22/2160).⁶³³ The forcible evacuation of the Applicant and members of her family from Battambang city to the countryside falls within the temporal scope of Phase 1 of the evacuation of population for which the Accused are indicted of other

⁶³² Application inadmissible on the ground that there is no proof of kinship with an immediate victim of forced marriage and the harm is not linked to the other facts under investigation (Impugned Order D415, paras 23 and 26 and Annex 3).

⁶³³ Application inadmissible on the ground that the harm is not linked to the facts under investigation (outside the geographic scope of Vietnamese persecution) (Impugned Order D415, para.26 and Annex 3).

Civil party applications inadmissible in the view of Judge Marchi-Deghe



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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

inhumane acts through forced transfer. It is however outside the geographical scope of Phase 1 which is limited to the population from Phnom Penh. Reang Kraol, where they were forced to work under inhumane conditions, is not among the six worksites and cooperatives listed in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted. While the Co-Lawyers stress that the Applicant's husband and children were persecuted and killed in a cruel manner by the Khmer Rouge on the accusation of being *yuons* and relatives of *yuons*, they do not show that the Co-Investigating Judges erred in considering that these facts fall outside the geographical scope of persecution against the Vietnamese. I note that the section of the Indictment containing legal conclusions related to persecution against the Vietnamese states that racial persecution has been established in Prey Veng and Svay Rieng, as well as at the security centres Kraing Ta Chan, Kok Kduoch, Au Kanseng, S-21 and at the Tram Kok Cooperatives.⁶³⁴ This does not include acts of persecution allegedly committed against Vietnamese in Battambang Province. I further note that Wat Kach Roteh and Sreae dash Villages, where the Applicant reports that her husband and her two daughters were respectively burned alive and killed⁶³⁵ are not either among the limited number of sites listed in the Indictment underlying the crimes of murder and extermination.

Civil Party Applicant 09-VU-01675 (D22/2743).⁶³⁶ The forcible evacuation of the Applicant and members of his family from Battambang city to the countryside falls within the temporal scope of Phase 1 of the evacuation of population for which the Accused are indicted of other inhumane acts through forced transfer. It is however outside the geographical scope of Phase 1 which is limited to the population from Phnom Penh. Phnom Thiphadei cooperative, where they were forced to work under difficult conditions, is not among the six worksites and cooperatives listed in the Indictment underlying the crimes of enslavement, other inhumane acts through attacks against human dignity and extermination for which the Accused are indicted. The information provided by the Applicant in relation to the extensive and indiscriminate attack launched by Khmer Rouge cadres of the Southwest zone in 1978 in his

⁶³⁴ Indictment, para. 1422.

⁶³⁵ Report on Civil Party Application D22/2160/1.

⁶³⁶ Application inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D415, para.26 and Annex 3).

Civil party applications inadmissible in the view of Judge Marchal



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Commune, during which many people were executed, does not allow me to conclude that the crimes in question are crimes for which the Accused are indicted. I note in particular that Phnom Thiphadei is not one of the limited number of execution sites retained in the Indictment underlying the crimes of murder, extermination and persecution for which the Accused are indicted.

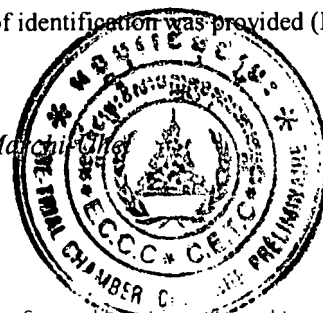
Civil Party Applicant 09-VU-01676 (D22/2744).⁶³⁷ The forcible evacuation of the Applicant and members of his family from Battambang city to the countryside falls within the temporal scope of Phase 1 of the evacuation of population for which the Accused are indicted of other inhumane acts through forced transfer. It is however outside the geographical scope of Phase 1 which is limited to the population from Phnom Penh. Phnom Thiphadei, where they were forced to work under difficult conditions and where the Applicant witnessed persons evacuated from Phnom Penh being exposed to forced labour as a result of which a number of them died from starvation, is not among the six worksites and cooperatives listed in the Indictment underlying the crimes of enslavement, other inhumane acts through attacks against human dignity and extermination for which the Accused are indicted. The information provided by the Applicant in relation to the extensive and indiscriminate attack launched by Khmer Rouge cadres of the Southwest zone in 1978 in his Commune, during which many people were executed, does not allow me to conclude that the crimes in question are crimes for which the Accused are indicted. I note in particular that Phnom Thiphadei is not one of the limited number of execution underlying the crimes of murder, extermination and persecution for which the Accused are indicted.

Civil Party Applicant 09-VU-01682 (D22/2746).⁶³⁸ The Co-Lawyers dispute the basis for the exclusion of the application, arguing that the Applicant had provided the information required in the Victims Information Form and that, at the time the application was made, the Rules did not yet require Applicants to provide proof of identity. I note that if the requirement of identification was specifically referred to in Rule 23 *bis* (1)(a) on 9 February 2010, such

⁶³⁷ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D415, para.26 and Annex 3).

⁶³⁸ Application declared inadmissible on the ground that no proof of identification was provided (Impugned Order D415, para. 20 and Annex 3).

Civil party applications inadmissible in the view of Judge Ma



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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

requirement was implicit before that as reflected by the form filed by the Applicant on 8 September 2009 which expressly requires proof of identity. I am not satisfied that the mere indication of the Applicant's address and the picture she provides amounts to proving her identity. I further note that the Co-Lawyers fail to file any evidence of the Applicant's identity as supporting documentation to the Appeal and in response to the Pre-Trial Chamber's request to this effect. In any event, the information provided by the Applicant in relation to acts of purges and persecution against the Vietnamese and Cham ethnic minorities do not allow me to conclude that these acts form part of the factual basis of the crimes for which the Accused are indicted.

Civil Party Applicant 09-VU-01709 (D22/2750).⁶³⁹ The forcible evacuation of the Applicant and members of his family from Battambang city to Reang Kraol in the countryside falls within the temporal scope of Phase 1 of the evacuation of population for which the Accused are indicted of other inhumane acts through forced transfer. It is however outside the geographical scope of Phase 1 which is limited to the population from Phnom Penh. I note that while reporting having witnessed Khmer Rouge executing 10 to 20 persons a day, cutting out their gallbladders at Wat Chaekmauv, the Applicant does not report acts of persecution against the Buddhists, either as an immediate victim or as a witness. As to the executions in question, the information provided by the Applicant does not allow me to conclude that they form part of the factual basis of the crimes of murder, extermination and persecution for which the Accused are indicted. I note in particular that Wat Chaekmauv is not among the limited number of execution sites listed in the Indictment underlying these crimes.

Civil Party Applicant 09-VU-02067 (D22/3028).⁶⁴⁰ The forcible evacuation of the Applicant and members of her family from Pursat city to Battambang Province soon after the Khmer Rouge took power falls within the temporal scope of Phase 1 of the evacuation of population for which the Accused are indicted of other inhumane acts through forced transfer. It is however

⁶³⁹ Application inadmissible on the ground that the harm is not linked to the facts under investigation (outside the geographic scope of Vietnamese persecution) (Impugned Order D415, para.26 and Annex 3).

⁶⁴⁰ Application inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D415, para.26 and Annex 3).

Civil party applications inadmissible in the view of Judge Muthiah



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

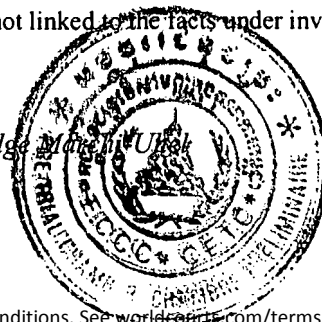
outside the geographical scope of Phase 1 which is limited to the population from Phnom Penh. The information provided by the Applicant about the killing of her husband who refused to be evacuated does not allow me to conclude that this killing forms part of the factual basis of the crimes of murder and extermination for which the Accused are indicted. The same goes in relation to the killing of several other relatives of the Applicant, Accused of being '17 April people'. Further, it is not alleged that the sites where the Applicant and members of her family were forced to work under inhumane conditions are among the six worksites and cooperatives listed in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted.

Civil Party Applicant 09-VU-02073 (D22/3034).⁶⁴¹ Wat Kandal, where the Applicant's father was killed by the Khmer Rouge who Accused him of being a former Lon Nol soldier, is not among the limited number of sites including execution sites listed in the Indictment underlying the crimes of murder, extermination and persecution on political grounds for which the Accused are indicted. The location in Moug Ruessei District and Svay Cheat in Battambang Province, where the Applicant and his mother were respectively forced to work under inhumane conditions and where the later died from exhaustion, are not among the six worksites and cooperatives listed in the Indictment underlying the crimes of enslavement, other inhumane acts through attacks against human dignity and extermination for which the Accused are indicted.

Civil Party Applicant 09-VU-02074 (D22/3035).⁶⁴² The information provided by the Applicant does not allow me to conclude that any of the forcible transfers she was a victim of during the regime falls within the geographical and temporal scope of any of the three phases of forced movements of population underlying the crime of other inhumane acts through forced transfer for which the Accused are indicted. Further, Kanh Chos Mobile Unit and the various locations where the Applicant was forced to work under inhumane conditions are not among the six worksites and cooperatives listed in the Indictment underlying the crimes of

⁶⁴¹ Application inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D415, para.26 and Annex 3).

⁶⁴² Application inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D415, para.26 and Annex 3).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

enslavement, other inhumane acts through attacks against human dignity and persecution for which the Accused are indicted.

Civil Party Applicant 09-VU-02080 (D22/3041).⁶⁴³ The forcible evacuation of the Applicant and members of her family from Battambang Province to Pursat Province soon after the Khmer Rouge took power falls within the temporal scope of Phase 1 of the evacuation of population for which the Accused are indicted of other inhumane acts through forced transfer. It is however outside the geographical scope of Phase 1 which is limited to the population from Phnom Penh. The information provided by the Applicant about the locations where the Applicant's father and mother died of starvation and exhaustion while being forced to work under inhumane conditions does not allow me to conclude that these facts took place in any of the six worksites and cooperatives listed in the Indictment underlying the crimes of enslavement, other inhumane acts through attacks against human dignity and extermination for which the Accused are indicted. Snam Preah prison in Pursat Province where the Applicant, her mother and three of her siblings were imprisoned in 1977 is not among the limited number of security centres listed in the Indictment underlying the crime against humanity of imprisonment for which the Accused are indicted. Finally, the limited information provided by the Applicant in relation to the killing of her three brothers does not allow me to conclude that these killings form part of the factual basis underlying the crimes of murder, extermination and persecution for which the Accused are indicted.

Civil Party Applicant 09-VU-03514 (D22/3217).⁶⁴⁴ The forcible evacuation of the Applicant and members of his family from Battambang city to Sangkae District falls within the temporal scope of Phase 1 of the evacuation of population for which the Accused are indicted of other inhumane acts through forced transfer. It is however outside the geographical scope of Phase 1 which is limited to the population from Phnom Penh. Sam Commune where they as well as persons having been evacuated from Phnom Penh were forced to work under inhumane

⁶⁴³ Application inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D415, para.26 and Annex 3).

⁶⁴⁴ Application inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D415, para.26 and Annex 3).

Civil party applications inadmissible in the view of Judge



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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

conditions is not among the six worksites and cooperatives listed in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted. Further, I note that the information reported by the Applicant as to instances of persecution against evacuees from Phnom Penh Accused of being reactionaries or feudalists does not allow me to conclude that these acts took place in one of the limited number of sites listed in the Indictment underlying the crimes of murder, extermination, persecution on political grounds for which the Accused are indicted.

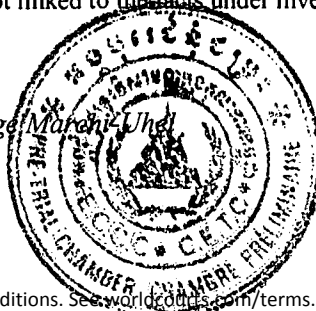
Civil Party Applicant 09-VU-03520 (D22/3223).⁶⁴⁵ The forcible evacuation of the Applicant and members of her family from Battambang town to Sala Trav Village in the same Province falls within the temporal scope of Phase 1 of the evacuation of population for which the Accused are indicted of other inhumane acts through forced transfer. It is however outside the geographical scope of Phase 1 which is limited to the population from Phnom Penh. Phum 30 cooperative where she was exposed to forced labour under inhumane conditions is not among the six worksites and cooperatives listed in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted. The pits of Kach Changheh Village, where persons Accused of being *yuons* whom she had witnessed the arrest were executed, is not one of the limited number of execution sites listed in the Indictment underlying the crimes of murder, extermination and persecution on racial grounds for which the Accused are indicted. The information provided by the Applicant in relation to the killing of local Khmer Rouge cadres, including her husband, in Battambang Province in 1978 does not allow me to conclude that these facts form part of the factual basis underlying the crimes for which the Accused are indicted.

Civil Party Applicant 09-VU-03521 (D22/3224).⁶⁴⁶ The forcible evacuation of the Applicant and members of her family from Battambang city to the countryside falls within the temporal scope of Phase 1 of the evacuation of population for which the Accused are indicted of other

⁶⁴⁵ Application inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D415, para.26 and Annex 3).

⁶⁴⁶ Application inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D415, para.26 and Annex 3).

Civil party applications inadmissible in the view of Judge Marché Jhel



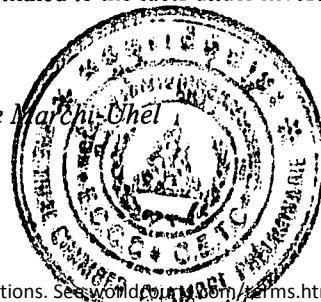
002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

inhumane acts through forced transfer. It is however outside the geographical scope of Phase 1 which is limited to the population from Phnom Penh. Reang Kesi and Sam cooperatives where they were forced to work under inhumane conditions are not among the six worksites and cooperatives listed in the Indictment underlying the crimes of enslavement, other inhumane acts through attacks against human dignity and persecution for which the Accused are indicted. Further, the information provided by the Applicant about the other facts she suffered from as a relative of the immediate victim or as a witness of the crime, i.e. killing of her husband, a former checkpoint chief during the Lon Nol Regime and killing of local KR cadres and civilians in Battambang Province by Southwest KR cadres does not allow me to conclude that these facts form part of the factual basis underlying the crimes for which the Accused are indicted.

Civil Party Applicant 09-VU-03523 (D22/3226).⁶⁴⁷ The forcible evacuation of the Applicant and members of her family from Battambang town to Sala Trav Village in the same Province falls within the temporal scope of Phase 1 of the evacuation of population for which the Accused are indicted of other inhumane acts through forced transfer. It is however outside the geographical scope of Phase 1 which is limited to the population from Phnom Penh. Sala Trav Village where they were exposed to forced labour under inhumane conditions is not among the six worksites and cooperatives listed in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted. Further, the information provided by the Applicant about the other facts she suffered from as a relative of the immediate victim or as a witness of the crime, i.e. killing of her son in July 1975, Accused of being a former Lon Nol soldier; execution of her daughter-in-law in 1976, Accused of being a *yuon* CIA; and mass killings as a result of purges in Battambang Province, does not allow me to conclude that these facts form part of the factual basis underlying the crimes for which the Accused are indicted.

⁶⁴⁷ Application inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D415, para. 26 and Annex 3).

Civil party applications inadmissible in the view of Judge Marché-Ouel



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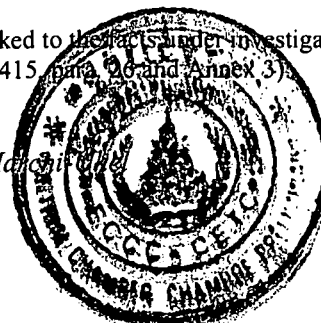
002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 09-VU-03524 (D22/3227).⁶⁴⁸ The forcible evacuation of the Applicant and members of his family from Battambang town to Sala Trav Village in the same Province falls within the temporal scope of Phase 1 of the evacuation of population for which the Accused are indicted of other inhumane acts through forced transfer. It is however outside the geographical scope of Phase 1 which is limited to the population from Phnom Penh. Sala Trav Village, where they were exposed to forced labour under inhumane conditions and as a result of which many people died, is not among the six worksites and cooperatives listed in the Indictment underlying the crimes of enslavement, extermination and other inhumane acts through attacks against human dignity for which the Accused are indicted. Further, the information provided by the Applicant about the other facts he witnessed, i.e. terrifying killings, notably as a result of purges in Battambang Province, does not allow me to conclude that these facts form part of the factual basis underlying the crimes for which the Accused are indicted.

Civil Party Applicant 09-VU-03527 (D22/3230).⁶⁴⁹ The forcible evacuation of the Applicant and members of his family from Battambang city to Sre Pi District in the same Province falls within the temporal scope of Phase 1 of the evacuation of population for which the Accused are indicted of other inhumane acts through forced transfer. It is however outside the geographical scope of Phase 1 which is limited to the population from Phnom Penh. Sam cooperative where they were forced to work under inhumane conditions is not among the six worksites and cooperatives listed in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted. Further, I note that the information reported by the Applicant as to instances of persecution, including killing against persons Accused of having played relevant roles during the former regime, being reactionaries, feudalists or capitalists, does not allow me to conclude that these acts took place in one of the limited number of sites listed in the Indictment underlying the

⁶⁴⁸ Application inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D415, para. 26 and Annex 3).

⁶⁴⁹ Application inadmissible on the ground that the harm is not linked to the facts under investigation (outside the geographic scope of Vietnamese persecution) (Impugned Order D415, para. 26 and Annex 3).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

crimes of murder, extermination, persecution on political grounds for which the Accused are indicted.

Civil Party Applicant 09-VU-03525 (D22/3228).⁶⁵⁰ The forcible evacuation of the Applicant and eleven members of his family from Battambang town to the countryside falls within the temporal scope of Phase 1 of the evacuation of population for which the Accused are indicted of other inhumane acts through forced transfer. It is however outside the geographical scope of Phase 1 which is limited to the population from Phnom Penh. Kach Rotech, their location of destination, where two of his uncles were brutally killed by the Khmer Rouge is not one of the number of sites listed in the Indictment underlying the crimes of murder, extermination and persecution on political grounds for which the Accused are indicted.

Civil Party Applicant 09-VU-03526 (D22/3229).⁶⁵¹ The forcible evacuation of the Applicant and members of his family from Battambang town to the countryside falls within the temporal scope of Phase 1 of the evacuation of population for which the Accused are indicted of other inhumane acts through forced transfer. It is however outside the geographical scope of Phase 1 which is limited to the population from Phnom Penh. Further, the information provided by the Applicant as to other facts she witnessed, i.e. former Lon Nol soldiers being arrested and killed by the Khmer Rouge after having been promised to receive assistance from Angkar, does not allow me to conclude that the facts in question form part of the factual basis of the crimes of murder, extermination and persecution on political grounds for which the Accused are indicted.

Appeals against Impugned Order D416 (Bantey Meanchey Province)⁶⁵²

Appeal PTC 124⁶⁵³

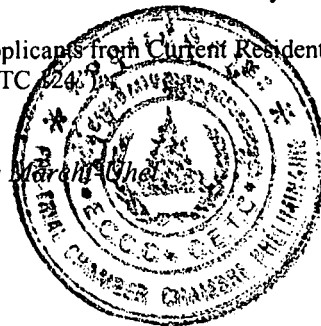
⁶⁵⁰ Application inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D415, para. 26 and Annex 3).

⁶⁵¹ Application inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D415, para. 26 and Annex 3).

⁶⁵² Order on the Admissibility of Civil Party Applicants from Current Residents of Bantey Meanchey Province, 13 September 2010, D416 ("Impugned Order D416").

⁶⁵³ Appeal against Order on the Admissibility of Civil Party Applicants from Current Residents of Bantey Meanchey Province, 22 September 2010, D416/5/1 ("Appeal PTC 124").

Civil party applications inadmissible in the view of Judge Marchal



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 171)

Civil Party Applicant 09-VU-03563 (D22/3257).⁶⁵⁴ The forcible evacuation of the Applicant from a Village to another in Battambang Province falls within the temporal scope of Phase 1 of the evacuation of population for which the Accused are indicted of other inhumane acts through forced transfer. It is however outside the geographical scope of Phase 1 which is limited to the population from Phnom Penh. It is not alleged that the location where he was forced to cut plants to make fertilizer under inhumane conditions corresponds to one of the six worksites and cooperatives listed in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted.

Civil Party Applicant 09-VU-03564 (D22/3258).⁶⁵⁵ The forcible evacuation of the Applicant from his home Village of Rol Chrouk, Chub Veary Commune Preah Netpeah District to Krosang in the same District may fall within the temporal scope of Phase 1 of the evacuation of population for which the Accused are indicted of other inhumane acts through forced transfer. It is however outside the geographical scope of Phase 1 which is limited to the population from Phnom Penh. The destination where he was forced to work and cut plants to make fertilizer although only 5-6 years old is not among the six worksites and cooperatives listed in the Indictment underlying the crimes of enslavement, other inhumane acts through attacks against human dignity and extermination for which the Accused are indicted. The information provided by the Applicant about the disappearance of his uncle and other violent crimes he witnessed does not allow me to conclude that these facts form part of the factual basis of the crimes for which the Accused are indicted.

Civil Party Applicant 09-VU-03574 (D22/3268).⁶⁵⁶ The forcible evacuation of the Applicant and members of his family for a short period from Serey Sophoan may fall within the temporal scope of Phase 1 of the evacuation of population for which the Accused are indicted of other inhumane acts through forced transfer. It is however outside the geographical scope of Phase 1

⁶⁵⁴ Application inadmissible on the ground that there is insufficient information to verify compliance to Rule 23 bis (1) and (4) of the Internal Rules (Impugned Order D416, para.24 and Annex 3).

⁶⁵⁵ Application inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D416, para.23 and Annex 3).

⁶⁵⁶ Application inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D416, para.23 and Annex 3).

Civil party applications inadmissible in the view of Judge Marché



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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

which is limited to the population from Phnom Penh. Punlech Village, Sang Roang Commune, where the Applicant's uncle, Accused of being a spy was killed after being tortured, is not among the limited amount of sites listed in the Indictment underlying the crimes of torture, murder, extermination and persecution on political grounds for which the Accused are indicted. The information provided by the Applicant in relation to the death from starvation of his cousin in 1976 does not allow me to conclude that it occurred in any of the sites listed in the Indictment underlying the crime of extermination for which the Accused are indicted. The same goes with respect to the information regarding the execution of the Applicant's grandfather.

Civil Party Applicant 10-VU-00986 (D22/3983).⁶⁵⁷ The mobile work brigade where the Applicant was forced to work under inhumane conditions is not among the six worksites and cooperatives listed in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted. The Co-Lawyers also refer to a supplementary information form dated 31 August 2010 where the Applicant would have specified that he was once forced to transport stone to Trapeang Thma worksite from 1975 until the liberation day. Review of the factual finding section of the Indictment related to Trapeang Thma Dam Worksite reveals that it does not encompass acts of forced labour within the mobile work brigade to which the Applicant was forcibly assigned.⁶⁵⁸

Appeal PTC 125⁶⁵⁹

Civil Party Applicant 10-VU-01897 (D22/2885).⁶⁶⁰ The forcible evacuation of the Applicant and members of her family within Siem Reap Province falls within the temporal scope of Phase 1 of the evacuation of population for which the Accused are indicted of other inhumane

⁶⁵⁷ Application inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D416, para.23 and Annex 3).

⁶⁵⁸ Indictment, paras 323-349.

⁶⁵⁹ Appeal against Order on the Admissibility of Applicant Civil Party Applicant Applicant Civil Party Applicant Applicant Civil Party Applicants from Current Residents of Banteay Meanchey Province D416, 23 September 2010, D416/6/1 ("Appeal PTC 125").

⁶⁶⁰ Application inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D416, para.23 and Annex 3).

Civil party applications inadmissible in the view of Judge



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

acts through forced transfer. It is however outside the geographical scope of Phase 1 which is limited to the population from Phnom Penh. It is not alleged that the cooperative where they were forced to work under inhumane conditions as a result of which the Applicant's father died and where her elder brothers were killed for being former Lon Nol soldiers corresponds to one of the six worksites and cooperatives listed in the Indictment underlying the crimes of enslavement, other inhumane acts through attacks against human dignity, persecution on political grounds and murder for which the Accused are indicted. The same goes for Dam Dek where her sister was transferred and slaughtered for being the wife of a Lon Nol soldier.

Civil Party Applicant 10-VU-01883 (D22/2872).⁶⁶¹ The second and third forcible transfers of the Applicant within Battambang Province fall within the temporal and geographical scope of Phase two of evacuation of population underlying the crime of other inhumane acts through forced transfer for which the Accused are indicted. Neither the Applicant nor her Co-Lawyers, however, provide information allowing me to conclude that the Applicant or members of her family transferred on the same occasion belong to the class of persons concerned by Phase two as described in the Indictment, i.e. persons connected to the Lon Nol Regime; considered as "new people" including people who had previously been moved from Phnom Penh; as well as Chinese and Kampuchea Krom minorities.⁶⁶² Furthermore I note that Kda Village, Russey Kraing Commune where she was forced to work under inhumane conditions as a result of which she became blind is not among the six worksites and cooperatives listed in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted.

Appeal PTC 149⁶⁶³

⁶⁶¹ Application inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D416, para.23 and Annex 3).

⁶⁶² Indictment, para. 265 (Cham population is also concerned (para. 266) but not in relation to movements within Battambang).

⁶⁶³ Amended Appeal against Order on the Admissibility of Civil Party Applicants from Current Residents of Banteay Meanchey Province D416, 20 October 2010, D416/7/1 ("Appeal PTC 149").

Civil party applications inadmissible in the view of Judge Marchal



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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 10-VU-02091 (D22/3051).⁶⁶⁴ It is not alleged that any of the various sites where the Applicant and members of her family were forced to work under inhumane conditions, including while being pregnant, as a result of which her grandfather and one of her sisters died from starvation and where another sister was killed for being unable to work due to exhaustion and her father was executed, corresponds to one of the six worksites and cooperatives listed in the Indictment underlying the crimes of enslavement, other inhumane acts through attacks against human dignity, extermination and murder for which the Accused are indicted.

Appeals against Impugned Order D417 (Kampong Chhnang Province)⁶⁶⁵

Appeal PTC 74⁶⁶⁶

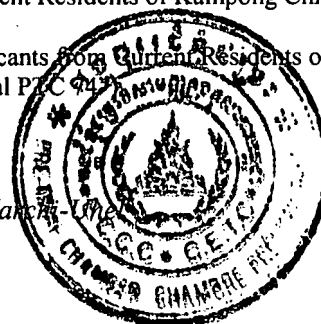
Civil Party Applicants 08-VU-02115 (D22/1901), 09-VU-03477 (D22/3180), 09-VU-03480 (D22/3183), 08-VU-02119 (D22/2057), 09-VU-01700 (D22/2154), 08-VU-02114 (D22/0438), 09-VU-03476 (D22/3179), 09-VU-03479 (D22/3182), 09-VU-01671 (D22/0816), 09-VU-03474 (D22/3177), 09-VU-01703 (D22/2157), 09-VU-03478 (D22/3181), 09-VU-01670 (D22/0817), 09-VU-01701 (D22/2155), 09-VU-01699 (D22/2153), 08-VU-02377 (D22/0404), 09-VU-01702 (D22/2156), 09-VU-01156 (D22/1136), 09-VU-00849 (D22/1969), 09-VU-03472 (D22/3175), 09-VU-03473 (D22/3176), 09-VU-03475 (D22/3178), 09-VU-01704 (D22/2158), 09-VU-01152 (D22/1092). The Co-Lawyers submit that the Pre-Trial Chamber should overturn the inadmissibility decisions of the Co-Investigating Judges and grant civil party status to the Applicants listed below on the basis that they are all ethnic Vietnamese who were forcibly deported by boat from Kampong Chhnang Province to Vietnam, which necessarily involved, they argue, transiting and/or stopping at the Neak Loeng Markets on the Tonle Sap River bordering Prey Veng and Kandal Provinces.⁶⁶⁷ They argue that the

⁶⁶⁴ Application inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D416, para.23 and Annex 3).

⁶⁶⁵ Order on the Admissibility of Civil Party Applicants from Current Residents of Kampong Chhnang Province, 13 September 2010, D417 ("Impugned Order D417").

⁶⁶⁶ Appeal against Order on the Admissibility of Civil Party Applicants from Current Residents of Kampong Chhnang Province (D417), 27 September 2010, D417/2/3 ("Appeal PTC 74").

⁶⁶⁷ Appeal PTC 74, Fifth Ground of Appeal.



Civil party applications inadmissible in the view of Judge Man

002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

investigations conducted by the Co-Investigating Judges through interviews of two Vietnamese Civil Party Applicants residing in Kampong Chhnang uncovered the fact that forced deportation by boat down the Tonle Sap River to Vietnam necessarily entails transiting through Prey Veng Province.⁶⁶⁸ They further argue that Applicants D22/2135 and D22/2136 were admitted as civil parties simply because they mentioned this fact.⁶⁶⁹

I note that paragraph 1397 of the Indictment states that “[t]he legal elements of the crime against humanity of deportation have been established in Prey Veng and Svay Rieng as well as at the Tram Kok Cooperatives”. As such, the Accused are indicted for crimes of deportation from Prey Veng, Svay Rieng and the Tram Kok Cooperatives to Vietnam. Since these are departure locations, merely passing through these locations is not enough. Deportation from Kampong Chhnang is therefore not covered by the Indictment for the crime against humanity of deportation. In any event, there is no indication in the Indictment that victims of the crime of deportation would have passed through Prey Veng and the Applicants listed above do not mention in their application that they did. In these circumstances and taking into consideration the geography of the country, I cannot presume that the Applicants have indeed “passed through” Prey Veng. As such, I am of the view that these Applicants cannot be admitted as civil parties in this case.

Civil Party Applicant 09-VU-01721 (D22/2758). The Co-Lawyers argue that the Applicant, the only Khmer national in this appeal, shall be admitted on the basis of the persecution on political grounds committed against herself and her family, including her parents who were both killed. I note that the killing of the Appellant’s parents at Svay Rumpear Sub-District, Kampong Leaeng District, Kampong Chhnang Province who were Accused of being ‘CIA under the Lon Nol Regime’, ‘capitalists’ and ‘feudalists’ and the killing of the Appellant’s 10 family members because of their association with the Appellant’s parents are not alleged to have taken place in one of the limited number of security centres, execution sites, worksites or cooperatives retained in the Indictment underlying the crimes of enslavement, extermination,

⁶⁶⁸ Appeal PTC 74, para. 95.

⁶⁶⁹ Appeal Against Order on the Admissibility of Civil Party Applicants from Current Residents of Kampong Chhnang Province, D417, 27 September 2010, paras 93, 111.

Civil party applications inadmissible in the view of Judge Marchai



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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

murder, persecution and other inhumane acts through attacks against human dignity and enforced disappearance for which the Accused are indicted. Similarly, the location near Chas Village, Tang, Krasang Sub-District, Tuek Phos District, Kampong Chhnang Province where the Appellant was imprisoned, and forced to do manual labour, dig dams and carry soil and where she witnessed the disappearance of fellow prisoners who were taken to be executed does not correspond to one of the execution sites, worksites, cooperatives or security centres retained in the Indictment underlying the crimes of murder, extermination, enslavement, other inhumane acts through attacks against human dignity and enforced disappearances ,and imprisonment for which the Accused are indicted.

Civil Party Applicants D22/125, D22/171, D22/276, D22/172, D22/277, D22/278, D22/279, D22/280, D22/281, D22/205, D22/282, D22/283, D22/284, D22/285, D22/286 are for their part asking reconsideration of the Pre-Trial Chamber’s ‘Decision on Appeals against Co-Investigating Judges’ Combined Order D520/3/3 dated 13 January 2010 and Order D250/3/2 dated 13 January 2010 on Admissibility of Civil Party Applications’. In the event that the Pre-Trial Chamber determines that the Vietnamese Civil Party Applicants the subject of this appeal are found to be admissible as civil party, the Co-Lawyers request that the Pre-Trial Chamber reconsider the status of 15 ethnic Vietnamese Applicants from Kampong Chhnang who had previously been determined to be inadmissible by the Co-Investigating Judges,⁶⁷⁰ a conclusion that was endorsed by the Pre-Trial Chamber. They submit that “those claims, which raise essentially the same factual and legal matters presented in the current appeal were not ‘initially properly raised’”.⁶⁷¹ In light of my conclusion above on the appeal lodged by the Applicants from Kampong Chhnang in the current proceeding, there is no basis for me to reconsider the Pre-Trial Chamber’s previous decision confirming the Co-Investigating Judges’ Order which had declared these applications inadmissible. While being sensitive to the fact raised by the Co-Lawyers that these Applicants may be the only ethnic Vietnamese who have applied to become civil parties,⁶⁷² I am limited by the crimes raised in the Indictment. The crimes of persecution on racial grounds and genocide for which the Accused are indicted are limited

⁶⁷⁰ Appeal PTC 74, para. 139.

⁶⁷¹ Appeal PTC 74, para. 140.

⁶⁷² Appeal PTC 74, paras 147 onwards.

Civil party applications inadmissible in the view of Judge Marchal



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

geographically. Hence, being an ethnic Vietnamese, of itself, is not sufficient to establish a link between the alleged harm and the crimes for which the Accused are indicted.

Appeal PTC 143⁶⁷³

Civil Party Applicant 07-VU-00290 (D22/0030).⁶⁷⁴ In light of the information provided by the Applicant, including a booklet prepared by DC-Cam on the story of the Applicant⁶⁷⁵, I find that the Applicant has provided sufficient proof of identification. This notwithstanding, I find that the Applicant has not established the necessary causal link between the alleged harm and the facts covered by the Indictment, to the extent that the Applicant reported facts that are in their entirety distinct from those of which the Co-Investigating Judges have indicted the Accused and no circumstance allow them to consider the possibility of a direct link between the alleged injury and the indicted crimes. In particular, the crime of rape from which the Applicant is a victim is only indicted in the context of forced marriage – which is not the case of the Applicant – as it was considered that even though rapes were committed at various sites that were investigated, it was not one of the crimes used by the Accused to implement their common purpose.⁶⁷⁶ Thmâ Rieng mountain where the Applicant was interrogated, beaten and raped does not correspond to any of the locations where the limited number of security centers, execution sites, or even worksites or cooperatives retained in the Indictment underlying the crimes of torture and other inhumane acts through attacks against human dignity for which the Accused are indicted are situated.

Civil Party Applicant 08-VU-02306 (D22/1213).⁶⁷⁷ Sothey Ram Samraong Pagoda, in Samraong Village, Samraong Sub-District, Phnum Kravanh District, Pursat Province where the Applicant and some of her relatives were illegally detained and were subject to cruel

⁶⁷³ *Mémoire d'appel contre l'ordonnance sur la recevabilité de constitution de parties civiles résidant en Province de Kampong Chhnang (D417)*, 23 September 2010, D417/3/1 ("Appeal PTC 143").

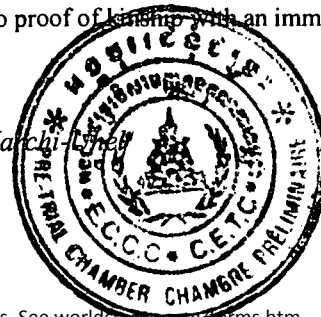
⁶⁷⁴ Application declared inadmissible on the ground that the Applicant provided no proof of identification (Impugned Order D417, para. 20, and Annex 3).

⁶⁷⁵ Report on Civil Party Application D22/30.4.

⁶⁷⁶ Indictment, paras 1426-1429.

⁶⁷⁷ Application declared inadmissible on the ground that there is no proof of kinship with an immediate victim (Impugned Order D417, para. 22 and Annex 3).

Civil party applications inadmissible in the view of Judge Marchi-Lorette



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

treatments is not among the limited number of security centers, or even cooperatives and worksites retained in the Indictment underlying the crimes of imprisonment and other inhumane acts through attacks against human dignity for which the Accused are indicted.

Civil Party Applicant 09-VU-00229 (D22/1609).⁶⁷⁸ Ampil Pram Daem, Tuek Phos District, Kampong Chhnang Province where it is submitted that the Applicant's father who was a former Lon Nol soldier was executed is not one of the limited number of security centers or execution sites retained in the Indictment underlying the crimes of extermination, murder, other inhumane acts through enforced disappearances and persecutions for which the Accused are indicted.

Civil Party Applicant 09-VU-00229 (D22/0704).⁶⁷⁹ There is insufficient information about the circumstances surrounding the disappearance of the Applicant's husband to find it plausible that it occurred at one of the limited number of security centers or execution sites retained in the Indictment underlying the crimes of extermination, murder, other inhumane acts through enforced disappearances and persecutions for which the Accused are indicted.

Civil Party Applicant 09-VU-02197 (D22/3108).⁶⁸⁰ There is insufficient information about the circumstances surrounding the killings which the Applicant was a witness of to find it plausible that it occurred at one of the limited number of security centers or execution sites retained in the Indictment underlying the crimes of extermination, murder, other inhumane acts through enforced disappearances and persecutions for which the Accused are indicted. The forced transfer of the Applicant and his family from Kampong Chhnang town to the countryside does not form part of one of the three movements of population for which the Accused are indicted. There is no indication in the statement of the Applicant that he would have witnessed the

⁶⁷⁸ Application declared inadmissible on the ground that there is no proof of kinship with an immediate victim (Impugned Order D417, para. 22 and Annex 3).

⁶⁷⁹ Application declared inadmissible on the ground that there is no proof of kinship with an immediate victim (Impugned Order D417, para. 22 and Annex 3).

⁶⁸⁰ Application declared inadmissible on the ground that there is no proof of kinship with an immediate victim (Impugned Order D417, para. 22 and Annex 3).

Civil party applications inadmissible in the view of Judge Martine Rothblatt



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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

forced labor and other inhumane acts committed against those who were forced to work at Kampong Chhnang airport.

Civil Party Applicant 09-VU-00605 (D22/1648).⁶⁸¹ There is insufficient information about the circumstances surrounding the disappearance of the Applicant's husband, a former Lon Nol soldier, in Chrolong Kak Village, Krang Leav Sub-District, Rolea B'ier District, Kampong Chhnang Province to find it plausible that it occurred at one of the limited number of security centers or execution sites, or even cooperatives or worksites, retained in the Indictment underlying the crimes of extermination, murder, other inhumane acts through enforced disappearances and persecutions for which the Accused are indicted.

Civil Party Applicant 09-VU-03456 (D22/3165).⁶⁸² There is insufficient information about the location where the Applicant's brother was detained and forced to work under inhuman conditions, before being killed, in Sameakki Mean Chey District, to consider it plausible that it occurred in one of the limited number of security center, worksites, cooperatives or even execution sites underlying the crimes of extermination, murder, enslavement, other inhumane acts through attacks against human dignity and enforced disappearances and persecution for which the Accused are indicted.

Civil Party Applicant 09-VU-00737 (D22/558).⁶⁸³ Wat Damrei Sor, in Chieb Sub-District, Tuek Phos District, Kampong Chhnang Province and Roka Tâng Hospital in Kraoy Voat Village, Khlong Popok Sub-District, Tuek Phos District, Kampong Chhnang Province where the Applicant's brothers Mam Thai, Mam Thon and Mam Theun who were all former Lon Nol soldiers were killed do not correspond to one of the limited number of security centers, execution sites, cooperatives or worksites retained in the Indictment underlying the crimes of extermination, murder, other inhumane acts through enforced disappearances and persecutions of which the Accused are indicted. The Co-Lawyers further refer to the son-in-law of the

⁶⁸¹ Application declared inadmissible on the ground that the Applicant provided insufficient information to verify compliance with Rule 23 bis (1) and (4) of the Internal Rules (Impugned Order D417, para. 26 and Annex 3).

⁶⁸² Application declared inadmissible on the ground that the Applicant provided insufficient information to verify compliance with Rule 23 bis (1) and (4) of the Internal Rules (Impugned Order D417, para. 26 and Annex 3).

⁶⁸³ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D417, para. 25 and Annex 3).

Civil party applications inadmissible in the view of Judge



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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Applicant (Hem Dot) who was allegedly also killed for being a Lon Nol soldier but there is no mention of him in the statement of the Applicant, nor any indication as to where he was killed.

Civil Party Applicant 09-VU-01532 (D22/2737).⁶⁸⁴ The location where the Applicant's husband, a former Lon Nol soldier, was killed (4 km off Trapeang Prey Village, Krang Skear Sub-District, Kampong Chhnang Province) does not correspond to one of the limited number of security centers, execution sites, cooperatives or worksites retained in the Indictment underlying the crimes of extermination, murder, other inhumane acts through enforced disappearances and persecutions for which the Accused are indicted.

Civil Party Applicant 09-VU-00230 (D22/1419).⁶⁸⁵ The Co-Lawyers argue that the Applicant shall be admitted as a civil party on the basis of the fact that her husband, a former Lon Nol soldier, was killed as part of the policy which the Indictment alleges is part of the criminal purpose of the Accused. The Applicant cannot be admitted on this basis as Tuek L'ak Village, Tuek Hout Sub-District, Rolea B'ier District, Kampong Chhnang Province does not correspond to one of the limited number of security centers, execution sites, cooperatives or worksites retained in the Indictment underlying the crimes of extermination, murder, other inhumane acts through enforced disappearances and persecutions for which the Accused are indicted.

Civil Party Applicant 09-VU-00230 (D22/1217).⁶⁸⁶ Boeung Chhuk Pagoda, in Tuol Ses Kra Ngauv, Khnar Totueng Sub-District, Bakan District, Pursat Province, were the Applicant's father, a former Lon Nol soldier, was killed is not among the limited number of security centers, execution sites, cooperatives or worksites retained in the Indictment underlying the crimes of extermination, murder, other inhumane acts through enforced disappearances and persecutions of which the Accused are indicted.

⁶⁸⁴ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D417, para. 25 and Annex 3).

⁶⁸⁵ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D417, para. 25 and Annex 3).

⁶⁸⁶ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D417, para. 25 and Annex 3).

Civil party applications inadmissible in the view of Judge



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 09-VU-01543 (D22/1911).⁶⁸⁷ The Co-Lawyers argue that the Applicant shall be admitted as a civil party on the basis of the fact that her nephew, a former Lon Nol soldier, was killed as part of the policy which the Indictment alleges is part of the criminal purpose of the Accused. The Applicant cannot be admitted on this basis as the location where the Applicant's nephew was killed (2 km off Veal Srouv Village, Krang Skear Sub-District, Tuek Phos District, Kampong Chhnang Province, does not correspond to one of the limited number of security centers, execution sites, cooperatives or worksites retained in the Indictment underlying the crimes of extermination, murder, other inhumane acts through enforced disappearances and persecutions for which the Accused are indicted.

Civil Party Applicant 07-VU-00389 (D22/2622).⁶⁸⁸ Srah Chineang Village, Ruessei Krang Sub-District, Moung Ruessei District, Battambang Province from where the Applicant's uncle, a former Lon Nol soldier, and Ruessei Krang Village, where he was sent for "reeducation" do not correspond to one of the limited number of security centers, execution sites, cooperatives or worksites underlying the crimes of extermination, murder, other inhumane acts through enforced disappearances and persecutions for which the Accused are indicted.

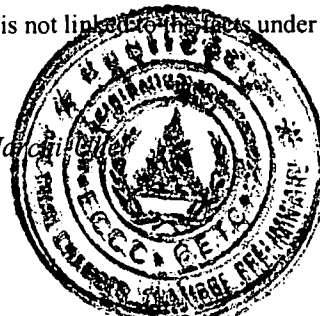
Civil Party Applicant 08-VU-02205 (D22/0410).⁶⁸⁹ It is not alleged that the places where the Applicant and members of her family were forced to work under inhuman conditions form part of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted.

⁶⁸⁷ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D417, para. 25 and Annex 3).

⁶⁸⁸ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D417, para. 25 and Annex 3).

⁶⁸⁹ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D417, para. 25 and Annex 3).

Civil party applications inadmissible in the view of Judge Marchal



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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 09-VU-00089 (D22/0471).⁶⁹⁰ It is not alleged that the places where the Applicant and members of her family were forced to work under inhuman conditions form part of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted.

Civil Party Applicant 09-VU-00090 (D22/0476).⁶⁹¹ It is not alleged that the places where the Applicant and members of her family were forced to work under inhuman conditions form part of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted.

Civil Party Applicant 09-VU-00738 (D22/1661).⁶⁹² It is not alleged that the places where the Applicant and members of her family were forced to work under inhuman conditions form part of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted.

Civil Party Applicant 09-VU-00739 (D22/1475).⁶⁹³ It is not alleged that the places where the Applicant and members of her family were forced to work under inhuman conditions form part of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted.

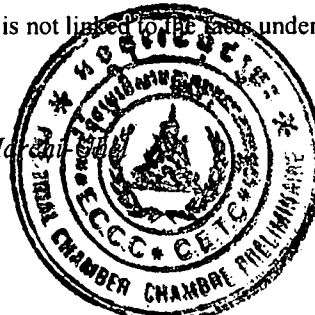
⁶⁹⁰ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D417, para. 25 and Annex 3).

⁶⁹¹ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D417, para. 25 and Annex 3).

⁶⁹² Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D417, para. 25 and Annex 3).

⁶⁹³ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D417, para. 25 and Annex 3).

Civil party applications inadmissible in the view of Judge Marchal



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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 09-VU-00761 (D22/1236).⁶⁹⁴ It is not alleged that the places where the Applicant and members of her family were forced to work under inhuman conditions form part of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted.

Civil Party Applicant 09-VU-00762 (D22/1222).⁶⁹⁵ It is not alleged that the places where the Applicant and members of her family were forced to work under inhuman conditions form part of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted.

Civil Party Applicant 09-VU-01207 (D22/717).⁶⁹⁶ It is not alleged that the places where the Applicant and members of her family were forced to work under inhuman conditions form part of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted.

Civil Party Applicant 09-VU-01208 (D22/716).⁶⁹⁷ It is not alleged that the places where the Applicant and members of her family were forced to work under inhuman conditions form part of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted.

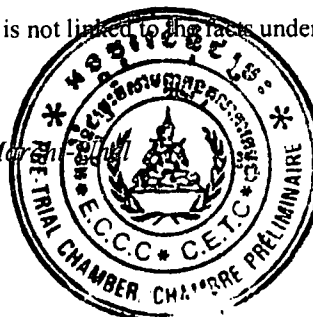
⁶⁹⁴ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D417, para. 25 and Annex 3).

⁶⁹⁵ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D417, para. 25 and Annex 3).

⁶⁹⁶ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D417, para. 25 and Annex 3).

⁶⁹⁷ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D417, para. 25 and Annex 3).

Civil party applications inadmissible in the view of Judge M...



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 09-VU-01210 (D22/714).⁶⁹⁸ It is not alleged that the places where the Applicant and members of her family were forced to work under inhuman conditions form part of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted.

Civil Party Applicant 09-VU-01536 (D22/1823).⁶⁹⁹ It is not alleged that the places where the Applicant and members of her family were forced to work under inhuman conditions form part of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted.

Civil Party Applicant 09-VU-01791 (D22/2787).⁷⁰⁰ It is not alleged that the places where the Applicant and members of her family were forced to work under inhuman conditions form part of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted.

Civil Party Applicant 09-VU-01793 (D22/2789).⁷⁰¹ It is not alleged that the places where the Applicant and members of her family were forced to work under inhuman conditions form part of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted.

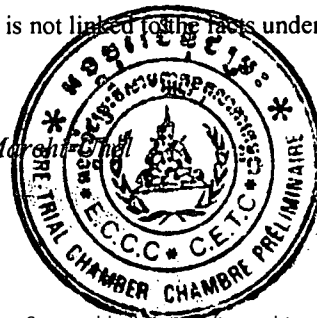
⁶⁹⁸ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D417, para. 25 and Annex 3).

⁶⁹⁹ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D417, para. 25 and Annex 3).

⁷⁰⁰ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D417, para. 25 and Annex 3).

⁷⁰¹ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D417, para. 25 and Annex 3).

Civil party applications inadmissible in the view of Judge Marchal



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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 09-VU-01795 (D22/2791).⁷⁰² It is not alleged that the places where the Applicant and members of her family were forced to work under inhuman conditions form part of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted.

Civil Party Applicant 09-VU-00740 (D22/1601).⁷⁰³ It is not alleged that the places where the Applicant and members of her family were forced to work under inhuman conditions form part of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted.

Civil Party Applicant 09-VU-01535 (D22/1824).⁷⁰⁴ It is not alleged that the places where the Applicant and members of her family were forced to work under inhuman conditions form part of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted.

Civil Party Applicant 09-VU-01797 (D22/2793).⁷⁰⁵ It is not alleged that the places where the Applicant and members of her family were forced to work under inhuman conditions form part of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted.

⁷⁰² Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D417, para. 25 and Annex 3).

⁷⁰³ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D417, para. 25 and Annex 3).

⁷⁰⁴ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D417, para. 25 and Annex 3).

⁷⁰⁵ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D417, para. 25 and Annex 3).

Civil party applications inadmissible in the view of Judge Mathias



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 171)

Civil Party Applicant 09-VU-01798 (D22/2794).⁷⁰⁶ It is not alleged that the places where the Applicant and members of her family were forced to work under inhuman conditions form part of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted.

Civil Party Applicant 09-VU-00603 (D22/1134).⁷⁰⁷ Although the Co-Lawyers make no specific argument pertaining to the basis upon which they consider that the Applicant shall be admitted as a civil party, I have reviewed the application and supplementary information submitted by the Applicant in order to determine whether it is plausible that she has suffered harm as a result of a crime for which the Accused are indicted. The forced transfer of the Applicant and her family within Kampong Chhnang Province does not form part of one of the three movements of population for which the Accused are indicted. The locations where the Applicant and her family were forced to work does not correspond to one of the six cooperatives or worksites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted. There is insufficient information about the circumstances surrounding the disappearance of the Applicant's children to consider it that it took place in one of the locations where the Indictment alleges that the crimes of other inhumane acts through enforced disappearances and murder for which the Accused are indicted did. Similarly, there is insufficient information about the circumstances surrounding the killing of the Applicant's son-in-law Hem Daut, a former Lon Nol soldier, to consider it plausible that it took place in one of limited number of security centers, execution sites, cooperatives or worksites underlying the crimes of extermination, murder, other inhumane acts through enforced disappearances and persecutions for which the Accused are indicted.

⁷⁰⁶ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D417, para. 25 and Annex 3).

⁷⁰⁷ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D417, para. 25 and Annex 3).

Civil party applications inadmissible in the view of Judge Ma



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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Appeal PTC 144⁷⁰⁸

Civil Party Applicant 09-VU-04307 (D22/3671).⁷⁰⁹ The Co-Lawyers argue that the Applicant, who was transferred in December 1975 close to the Kampong Chhnang airport, the biggest worksite operated by the DK Army, must have been aware of the inhuman conditions, enslavement and executions to which detainees were subject and, as a result, must have fear for himself.⁷¹⁰ In light of the fact that the Applicant did not make any reference to having witnessed or even heard of the crimes allegedly committed at Kampong Chhnang airport in his statement and supplementary information,⁷¹¹ I consider that the information provided by the Applicant is insufficient to find it plausible that he has suffered harm as a result of the crimes allegedly committed at Kampong Chhnang airport. The Co-Lawyers further submit that the Applicant has suffered harm as an indirect victim of the disappearance of his two uncles, one in Kampong Cham and the other in Kampong Chhnang Provinces.⁷¹² I consider that there is insufficient information about the circumstances surrounding the disappearance of the Appellant's uncles to find it plausible that it occurred in one of the limited number of execution sites, security centers, or even cooperatives and worksites retained in the Indictment underlying the crimes of other inhumane acts through enforced disappearances, murder or execution for which the Accused are indicted. As there is no indication that the Applicant's uncle was a Cham, it cannot fall under the persecution on ethnic and religious grounds and genocide of the Chams.

Civil Party Applicant 09-VU-02056 (D22/3017).⁷¹³ The Co-Lawyers allege that the Applicant is an indirect victim of the forced marriages imposed on members of his community.⁷¹⁴ The Applicant stated in his Supplementary Information that he is aware that people were forced to

⁷⁰⁸ *Requête d'appel d'ordonnance sur la recevabilité des constitutions de parties civiles résidant dans la Province de Kampong Chhnang*, 16 September 2010, D417/4/1 ("Appeal PTC 144").

⁷⁰⁹ Application found inadmissible on the ground that the Applicant provided insufficient information to verify compliance with Internal Rule 23bis (1) and (4) (Impugned Order D415, para. 24 and Annex 3).

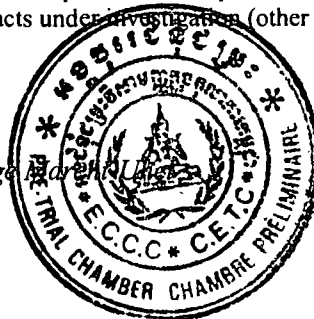
⁷¹⁰ Appeal PTC 144, para. 74.

⁷¹¹ Report on Civil Party Application D22/3671/1 and Summary of supplementary information D22/3671b.

⁷¹² Appeal PTC 144, para. 74.

⁷¹³ Application declared inadmissible on the ground that there is no proof of kinship with an immediate victim in relation to forced marriage and the harm is not linked to the facts under investigation (other alleged crimes) (Impugned Order D415, paras 22 and 25 and Annex 3).

⁷¹⁴ Appeal PTC 144, para. 76.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

marry in his Village, without giving any further detail or alleging having suffered harm.⁷¹⁵ I consider that there is insufficient information to find it plausible that the Applicant has suffered harm as a direct consequence of the crimes of forced marriages.

Civil Party Applicant 09-VU-01473 (D22/2722).⁷¹⁶ The Co-Lawyers argue that the Applicant shall be admitted as a civil party on the basis that she has suffered harm as a consequence of the killing of her husband, a former soldier under Lon Nol Regime. They further allege that the Applicant has suffered as a result of the inhuman conditions under which she was forced to live and work, as well as of witnessing various crimes being committed.⁷¹⁷ I note that the location where the Applicant's husband was taken to be killed, described as being 18 km away from Trapeang Prey Village, Krang Skear Sub-District, Tuek Phos District, Kampong Chhang Province,⁷¹⁸ does not correspond to any of the security center, execution sites or even worksites or cooperative retained in the Indictment underlying the crimes of extermination, murder, persecution or other inhumane acts through enforced disappearance for which the Accused are indicted. Similarly, Trapeang Preay Village, Krang Skear Sub-District, Tuek Phos District, Kampong Chnnang Province, where the Applicant was forced to work under inhuman conditions is not among the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted. There is no indication either that the Applicant would have witnessed crimes for which the Accused are indicted.

Civil Party Applicant 09-VU-03836 (D22/3487).⁷¹⁹ The Co-Lawyers argue that the Applicant shall be admitted as a civil party on the basis that she has suffered harm as a consequence of the killing of her brother, a former soldier under Lon Nol Regime. They further allege that he has suffered as a result of the inhuman conditions under which she was forced to live and work, as well as of witnessing various crimes being committed, notably people having been

⁷¹⁵ Supplementary Information D22/3017a and b.

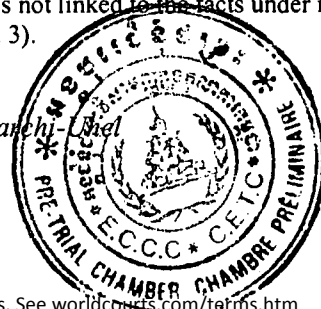
⁷¹⁶ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (other alleged crimes) (Impugned Order D415, para. 25 and Annex 3).

⁷¹⁷ Appeal PTC 144, para. 77.

⁷¹⁸ Report on Applicant Civil Party Applicant D22/2722/1.

⁷¹⁹ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (other alleged crimes) (Impugned Order D415, para. 25 and Annex 3).

Civil party applications inadmissible in the view of Judge Marché-Langel



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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 171)

evacuated from Phnom Penh.⁷²⁰ I note that the location where the Applicant's brother was taken to be killed, described as being a teenager mobile unit in Thma Kaev Village, Svay Chrum Sub-District, Rolea B'ier District, Kampong Chhnang Province,⁷²¹ does not correspond to any of the security center, execution sites or even worksites or cooperative retained in the Indictment underlying the crimes of extermination, murder, persecution or other inhumane acts through enforced disappearance for which the Accused are indicted. Similarly, Trapeang Mlu Village, Krang Skear Sub-District, Tuek Phos District, Kampong Chhnang Province, where the Applicant was forced to work under inhuman conditions⁷²² is not among the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted. I note that the Applicant mentioned that she saw people who were forcibly evacuated from Phnom Penh exchanging their gold for sugar palm with Villagers. Although the Accused are indicted for crimes against humanity on the form of other inhumane acts through forced transfer in relation to the evacuation of Phnom Penh, I consider that there is insufficient information about what the Applicant has witnessed exactly and how she has been affected by the events she witnessed to find it plausible that she has suffered harm as a direct consequence of the crime of other inhuman act through forced transfer (movement of population – Phase I) for which the Accused are indicted. There is no indication either that the other criminal acts the Applicant has witnessed constitute crimes for which the Accused are indicted.

Civil Party Applicant 09-VU-00604 (D22/1088).⁷²³ The Co-Lawyers argue that the Applicant shall be admitted on the basis of the fear she has experienced as a result of the regime of terror imposed by the Khmer Rouge and of the killing of her husband, Accused to be a former Lon Nol soldier.⁷²⁴ I note that there is insufficient information about the location where the Applicant's husband was taken to be killed to find it plausible that it occurred at one of the security centers, execution sites or even worksites or cooperative retained in the Indictment

⁷²⁰ Appeal PTC 144, para. 77.

⁷²¹ Report on Civil Party Application D22/3487/1.

⁷²² Report on Civil Party Application D22/3487/1.

⁷²³ Application declared inadmissible on the ground that there is no proof of kinship with an immediate victim in relation to forced marriage and the harm is not linked to the facts under investigation (other alleged crimes) (Impugned Order D415, paras 22 and 25 and Annex 3).

⁷²⁴ Appeal PTC 144, para. 79.

Civil party applications inadmissible in the view of Judge Markem-Chen



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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

underlying the crimes of extermination, murder, persecution or other inhumane acts through enforced disappearances for which the Accused are indicted.

Appeal PTC 148⁷²⁵

Civil Party Applicant 09-VU-00231 (D22/1861).⁷²⁶ The evacuation of the Appellant and her family in April 1975 from Kul Kub Village, Kampong Chhnang Commune, Rolea Pha-Ear District, Kampong Chhnang Province to Kampong Pring Village, Chaong Maong Commune, Toek Phos District, Kampong Chhnang does not form part of any of the three phases of movement of the population where the Indictment alleges the crime of other inhumane acts through forced marriage for which the Accused are indicted. Further, Kampong Pring Village, Chaong Maong Commune, Toek Phos District, Kampong Chhnang where the Appellant and her family were subjected to intensive forced labour and imposed inhumane living conditions is not among the six worksites and cooperatives listed in the Indictment underlying the charges of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted. Finally, I note that it is not alleged that the killing of the Appellant's husband took place in one of the limited number of security centers, execution sites or even worksites or cooperatives retained in the Indictment underlying the crime of murder for which the Accused are indicted.

Appeal PTC 155⁷²⁷

Civil Party Applicant 09-VU-00228 (D22/1231).⁷²⁸ The evacuation of the Appellant's mother in 1975 from Trapeang Po Village, Khon Rang Commune, Baribour District, Kampong Chhnang Province to Pech Changvar Village, Baribour District, Kampong Chhnang Province does not form part of any of the three phases of movements of the population for which the

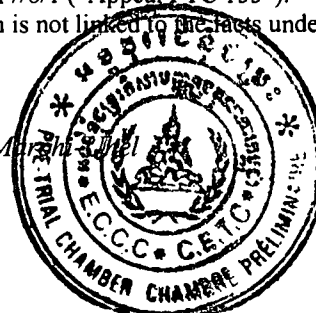
⁷²⁵ Amended Appeal Against Order on the Admissibility of Civil Party Applicants from Current Residents of Kampong Chhnang Province (D417), 20 October 2010, D417/7/1 ("Appeal PTC 148").

⁷²⁶ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D417, para. 25 and Annex 3)

⁷²⁷ Re-Filing of the Appeal Against Order on the Admissibility of Civil Party Applicants from Current Residents of Kampong Chhnang Province (D417), 27 September 2010, D417/8/1 ("Appeal PTC 155").

⁷²⁸ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D417, para. 25 and Annex 3).

Civil party applications inadmissible in the view of Judge Marchal



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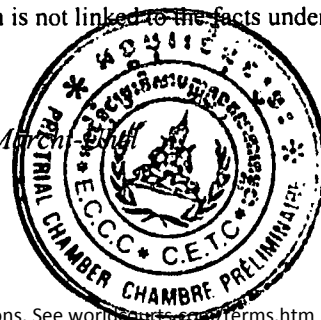
002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Accused are indicted. Further, the forced labour to which the Appellant's mother was subjected without sufficient food at Pech Changvar Village, Baribour District, Kampong Chhnang Province did not take place in one of the worksites or cooperatives retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted. It is not alleged that killing of the Applicant's mother at Anchanh Rung Commune, Baribour District took place in one of the limited number of security centres, execution sites or even worksites or cooperatives retained in the Indictment underlying the crime of murder for which the Accused are indicted. Similarly, it is not alleged that the arrest, imprisonment, torture of the Applicant, her husband and her three children in 1976; the killing of two of her children in 1976 and the tying of the Appellant to a milk fruit tree in late 1978 took place in one of the limited number of security centres, execution sites, worksites or cooperatives retained in the Indictment underlying the crimes of murder, torture, imprisonment and other inhumane acts through attacks against human dignity for which the Accused are indicted.

Civil Party Applicant 09-VU-00760 (D22/1530).⁷²⁹ The evacuation of the Appellant's mother in 1975 from Prey Moan Village, Srae Thmei Sub-District, Rolea B'ier District, Kampong Chhnang Province to Taing Khlauch Village (Village does not exist), Tuek Phos District, Kampong Chhnang Province does not form part of any of the three phases of movements of the population for which the Accused are indicted. It is not alleged that the forced labour and deprivation of food, resulting in her subsequent illness and death; and the forced labour and lack of food to which the Appellant herself was subjected took place at one of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement, and other inhumane acts through attacks against human dignity for which the Accused are indicted. There is insufficient evidence about the circumstances surrounding the evacuation of the Appellant's children from the Village where they were living to consider it plausible that it forms part of any of the three phases of movements of the population for which the Accused are indicted.

⁷²⁹ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D417, para. 25 and Annex 3).

Civil party applications inadmissible in the view of Judge M...



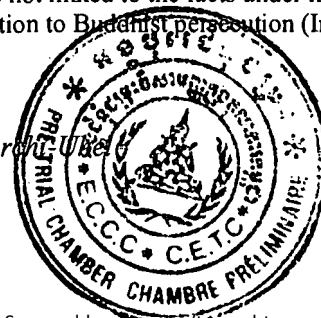
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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 09-VU-00612 (D22/1850).⁷³⁰ The forcible transfers of the Applicant's parents in 1975 from Trapeang Sbov Village, Srae Thmei Sub-District, Rolea B'ier District, Kampong Chhnang Province to Trapeang Chrâ Krâm Village, Krang Skear Sub-District, Rolea B'ier District, Kampong Chhnang Province; and the Applicant and his spouse from Trapeang Sbov Village, Srae Thmei Sub-District, Rolea B'ier District, Kampong Chhnang Province to Trapeang Chrâ Krâm Village, Krang Leave Sub-District, Rolea B'ier District, Kampong Chhnang Province do not form part of any of the three phases of movements of the population for which the Accused are indicted. There is insufficient information about the circumstances surrounding the forced labour and deprivation of food of the Applicant, his wife and the Applicant's parents to consider it plausible that it took place one of the worksites or cooperatives retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted. There is insufficient information provided about the killing of the Appellant's wife upon accusation that she was a former Lon Nol soldier to consider it plausible that it took place in one of the limited number of sites retained in the Indictment underlying the crimes of murder and persecution on political ground for which the Accused are indicted. Similarly, the information provided about the imprisonment and torture of the Applicant and the subsequent execution of her older brother upon accusation of being CIA agents; the imprisonment and execution through lethal injection of the Applicant's mother in Sector 21 because she was Accused of being a capitalist; the execution of her older brother, Bot Son, because he was Accused of betraying the collectivity; the reeducation (execution) of her older brother, Bot Sut, in Srah Bopea, Toek Chroeu District do not allow me to conclude that it is plausible that these acts took place at one of the limited number of security centres, execution sites, worksites or cooperatives retained in the Indictment underlying the crimes of extermination, murder, imprisonment, torture, persecution or other inhumane acts through enforced disappearance for which the Accused are indicted.

⁷³⁰ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation and the threshold for personal psychological harm is not met in relation to Buddhist persecution (Impugned Order D417, para. 23 and Annex 3).

Civil party applications inadmissible in the view of Judge Marchal



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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil party applicant 09-VU-00606 (D22/876). Kouk village, in Kampong Chhnang province, where the applicant, her son and step son were forced to work under inhumane conditions and where the applicant's son and step son died of starvation is not among the worksites or cooperatives retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted.

Appeals against Impugned Order D418 (Kampong Thom Province)⁷³¹

Appeal PTC 141⁷³²

Civil Party Applicant 09-VU-00096 (D22/0405).⁷³³ According to the Co-Lawyers, the finding that the Applicant failed to demonstrate any proof of any kinship with the immediate victims is erroneous. They argue that the younger brother of the Applicant was executed by the Khmer Rouge in June 1977, because he was a former Lon Nol soldier, and that the Impugned Order admits a presumption of psychological harm in respect of close relatives of the direct victim. Annex 3 of the Impugned Order D418 reveals that the ground of dismissal of the application is based on failure to demonstrate proof any kinship with an immediate victim relates to the crime of persecution of the Cham. In the supplementary information regarding the crime of persecution of the Cham, the Appellant adduces no evidence establishing that the ground for inadmissibility may be erroneous,⁷³⁴ and the Co-Lawyers raise no other argument to prove that it is.

Civil Party Applicant 10-VU-00065 (D22/2528).⁷³⁵ According to the Co-Lawyers, the finding that the Applicant failed to demonstrate any proof of any kinship with the immediate victims is erroneous. The Co-Lawyers further submit that that the younger sister of the Applicant became disabled as a result of the forced labour in the cooperatives in consequence of the

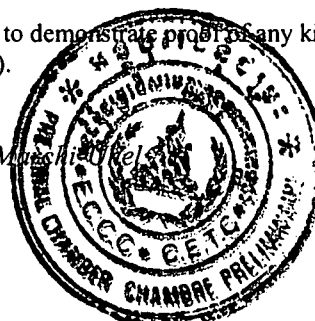
⁷³¹ Order on the Admissibility of Civil Party Applicants from Current Residents of Kampong Thom Province, issued on 26 August 2010 and filed on 14 September 2010, D418 ("Impugned Order D418").

⁷³² *Mémoire d'appel contre l'ordonnance sur la recevabilité des constitutions de parties civiles résidant dans la Province de Kampong Thom*, 24 September 2010, D418/2/1.

⁷³³ Application declared inadmissible on the ground that it failed to demonstrate proof of any kinship with the immediate victim in relation to persecution against the Cham (Impugned Order D418, para. 22 and Annex 3).

⁷³⁴ Supplementary information (KH) D22/405a.

⁷³⁵ Application declared inadmissible on the ground that it failed to demonstrate proof of any kinship with the immediate victim (Impugned Order D418, para. 22 and Annex 3).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 171)

policy of the Communist Party of Kampuchea. Annex 3 of the Impugned Order D418 states that the ground for inadmissibility of the application is due to failure to demonstrate proof of any kinship concerns the crime of forced marriage. In his civil party application, the Appellant reported that he was not forcibly married, since he married the girl to whom had been engaged since 1973; twelve other couples were married on the day he was called to get married. He provides no details to suggest that those other couples were forcibly married, and, in any event, he fails to demonstrate proof of any kinship or any bon of affection or dependence with at least one of the members of those couples.

Civil Party Applicant 10-VU-00939 (D22/3946).⁷³⁶ According to the Co-Lawyers the Applicant suffered injury as a result of witnessing *rapes* as a minor, adding that the rapes fall under the scope of the investigation. I note that the Applicant reported having witnessed a event where a teacher attempted to rape two children from the group in which he worked.⁷³⁷ In the Indictment, however, the Co-Investigating Judges considered that “the official CPK policy regarding rape was to prevent its occurrence and to punish the perpetrators. Despite the fact that this policy did not manage to prevent rape, it cannot be considered that rape was one of the crimes used by the CPK leaders to implement the common purpose” and they thus charged the crime against humanity of rape only in relation to rapes that occurred in the context of forced marriages.⁷³⁸

Civil Party Applicants 10-VU-00100 (D22/3711), 10-VU-00894 (D22/3904), 09-VU-04268 (D22/3650), 10-VU-00060 (D22/2525) and 10-VU-00928 (D22/3936).⁷³⁹ The Co-Co-Lawyers allege that *purges in the North Zone* in 1976 and 1977 and the *purges in the East zone* amount to crimes falling under the scope of the investigation. They stress that Applicant 10-VU-00100 (D22/3711) suffered harm as a result of the execution of his father by the Khmer Rouge in Kampong Svay District, Kampong Thom Province in 1977, on accusations of high treason;

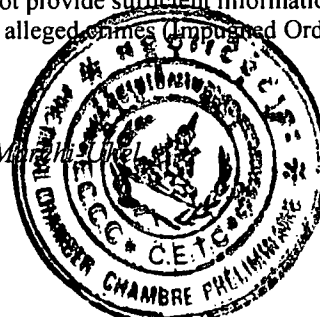
⁷³⁶ Application declared inadmissible on the ground that it did not provide sufficient information to verify compliance with Internal Rule 23bis (1) and (4) in relation to the alleged crimes (Impugned Order D418, para. 26 and its Annex 3).

⁷³⁷ Supplementary information (KH) D22/3946a.

⁷³⁸ Indictment, paras 1429 and 1430.

⁷³⁹ Applications declared inadmissible on the ground that it did not provide sufficient information to verify compliance with Internal Rule 23bis (1) and (4) in relation to the alleged crimes (Impugned Order D418, para. 26 and its Annex 3).

Civil party applications inadmissible in the view of Judge M...



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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

that 10-VU-00894 (D22/3904) suffered harm as a result of the execution of his father by the Khmer Rouge in 1976, on accusations of collusion with the enemy; and that 10-VU-00933 (D22/3941) suffered psychological harm as a result of the execution of his elder brother. According to the Co-Lawyers, these three Applicants suffered psychological harm as a consequence of the purges in the North Zone and that the Co-Investigating Judges erred in declaring their civil party applications inadmissible. They also stress that the three brothers and sisters of 09-VU-04268 (D22/3650) were killed by the Khmer Rouge in the East Zone, in Chamkar Leu District, Kampong Cham Province; the elder brother of 10-VU-00060 (D22/2525) was executed in Chamkar Leu District; 10-VU-00928 (D22/3936) witnessed purges in the East Zone.

I have specified in my separate and partially dissenting opinion, the link that in my view the Appellants must establish in order to successfully invoke injury as a consequence of facts that form part of the phenomenon of purges alleged in the Closing Order as a ground of admissibility of their respective application. Upon review of the information form of 10-VU-00100 (D22/3711) and the supplementary information she provided,⁷⁴⁰ I consider that she does not give sufficient details about her father's situation or about the circumstances of his arrest and execution, as to establish a link between her injury and the executions, or to consider that the Co-Investigating Judges ground for dismissal of her application may be erroneous. She only reported that the Khmer Rouge arrested her father and executed him for an unknown reason, and did not specify where the execution took place. I note that 10-VU-00894 (D22/3904) invoked the accusation of complicity with the enemy in relation to the arrest of her brother, but not to her father.⁷⁴¹ The same goes as to the killing of the three brothers and sisters of 09-VU-04268 (D22/3650) by the Khmer Rouge in the East Zone, in Chamkar Leu District, Kampong Cham Province as we; as well as with the execution of the elder brother of Applicant 10-VU-00060 (D22/2525) in Chamkar Leu District. I note, that 10-VU-00894 (D22/3904) gave some details about the execution of her father, reporting that he was arrested in 1976 over accusations of "hiding the enemy" and was taken to Nipechr in Kampong Thom Province, and killed there. However, it cannot be concluded based on this information that the execution took

⁷⁴⁰ Report on Civil Party Application D22/3711/1 and Summary of supplementary information D22/3711b.

⁷⁴¹ Report on Civil Party Application D22/3904/1.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

place in one of the sites described in paragraphs 1373 and 1381 of the Indictment, in relation to which the Accused are indicted. I further note that none of the sites in question is situated in Chamkar Leu District. Finally, as for the facts reported by 10-VU-00928 (D22/3936) according to which she “saw many people from the East Zone being killed”, they are too vague to make it plausible that they are linked to at least one of the crimes under investigation, and, at any rate, they are too imprecise concerning the events witnessed by the Appellant to conclude that he suffered psychological harm.

Civil Party Applicant 10-VU-00054 (D22/3694).⁷⁴² Sanuk cooperatives, where two of the Applicant’s children were forced to work at the dam construction site of Kakoh is not among the six work sites and cooperatives listed in the Indictment underlying the crime of enslavement for which the Accused are indicted.

Civil Party Applicant 10-VU-00932 (D22/3940).⁷⁴³ Panhnha chi dam construction site in Santuk District where the Applicant was forced to work is not among the six work sites and cooperatives listed in the Indictment underlying the crime of enslavement for which the Accused are indicted.

Civil Party Applicant 10-VU-00934 (D22/3942).⁷⁴⁴ Sra Nge pagoda where the Applicant witnessed that persons arrested were taken to and which according to the Co-Lawyers is a large execution site located in Kampong Svay District, Kampong Thom Province, is not among the execution sites listed in the Indictment underlying the crimes of murder and extermination for which the Accused are indicted. I also note that while the Applicant reported that her younger brother was executed at S-21 in 1977 she did not provide sufficient information regarding her brother’s identity in her statement. I am of the view that by not providing the information in question on appeal, the Co-Lawyers failed to demonstrate the alleged error.

⁷⁴² Application declared inadmissible on the ground that it did not provide sufficient information to verify compliance with Internal Rule 23bis (1) and (4) in relation to the alleged crimes (Impugned Order D418, para. 26 and its Annex 3).

⁷⁴³ Application declared inadmissible on the ground that it did not provide sufficient information to verify compliance with Internal Rule 23bis (1) and (4) in relation to the alleged crimes (Impugned Order D418, para. 26 and its Annex 3).

⁷⁴⁴ Application declared inadmissible on the ground that it did not provide sufficient information to verify compliance with Internal Rule 23bis (1) and (4) in relation to the alleged crimes (Impugned Order D418, para. 26 and its Annex 3).

Civil party applications inadmissible in the view of Judge



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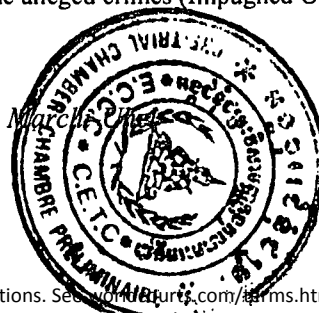
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Civil Party Applicants 09-VU-04287 (D22/3664), 10-VU-00055 (D22/3695), 10-VU-00049 (D22/3693), 10-VU-00107 (D22/2540), 10-VU-00929 (D22/3937), 10-VU-00943 (D22/3950), 10-VU-00900 (D22/3910) and 10-VU-00926 (D22/3934).⁷⁴⁵ The Co-lawyers argue that murder, disappearance and forced labour constitute crimes within the jurisdiction of the ECCC and that the applications of these Appellants should have been admitted on that basis. However, such argument cannot justify reversing the decision of inadmissibility unless it is demonstrated that those crimes are among the crimes for which the Accused are indicted. The information provided by the Applicants does not allow me to conclude that this is the case. In particular, Applicant 10-VU-00055 (D22/3695) is not sufficiently specific as to the circumstances of the arrest of persons in 1977 who later disappeared to allow me to conclude that these events form part of the factual basis underlying the crime of inhumane acts through enforced disappearances for which the Accused are indicted. The same goes with the disappearance of two members of the family of Applicant 10-VU-00049 (D22/3693) in 1977; the disappearance of the grandparents of Applicant 10-VU-00107 (D22/2540), arrested by the Khmer Rouge for being enemies. The information about the cooperatives in Kampong Thom where Applicants 10-VU-00929 (D22/3937), 10-VU-00943 (D22/3950) and 10-VU-00900 (D22/3910) were forced to work does not allow me to conclude that these cooperatives are among cooperatives and worksites listed in the Indictment underlying the crime of enslavement for which the Accused are indicted. The same goes with the site where Applicant 10-VU-00926 (D22/3934) was victim of forced labour while being a child. Finally, the information about the killing of the children of Applicant 10-VU-00900 (D22/3910) does not allow me to conclude that it took place in one of the sites listed in the Indictment underlying the crimes of murder and extermination for which the Accused are indicted.

Civil Party Applicants 08-VU-01221 (D22/1942), 08-VU-02078 (D22/1051), 08-VU-02169 (D22/1808), 10-VU-00054 (D22/3694), 10-VU-00928 (D22/3936), 09-VU-04273 (D22/3654)

⁷⁴⁵ Application declared inadmissible on the ground that it did not provide sufficient information to verify compliance with Internal Rule 23bis (1) and (4) in relation to the alleged crimes (Impugned Order D418, para. 26 and its Annex 3).

Civil party applications inadmissible in the view of Judge M...



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

and 10-VU-00933 (D22/3941).⁷⁴⁶ I have addressed the general arguments raised by the Co-Lawyers in the appeal in my separate and partially dissenting opinion. The Co-Lawyers have raised no specific argument taken from the individual situation of these Applicants and thus fail to demonstrate that the Co-Investigating judges erred in rejecting their application on the ground that they did not provide sufficient information to verify compliance with Internal Rule 23bis (1) and (4) in relation to the alleged crimes.

Civil Party Applicant 09-VU-00585 (D22/1512).⁷⁴⁷ The Co-Lawyers submit that the Applicant and her family were forcibly evacuated to Taing Krasaing Commune, Santuk District, Kampong Thom Province, that she was forced to work at a dam building site in Boeung Banteay, Baray District, that her civil party application was erroneously dismissed to the extent that the above crimes were committed at the Baray worksite, which comes under the scope of the investigation. I note in this regard that the facts of forcible evacuation of the population in Kampong Thom Province on 18 April 1975⁷⁴⁸ are not part of Phase 1 of forcible movement of population, which is limited to the evacuation of population from Phnom Penh. Moreover, the Baray worksite is not among the worksites specified in relation to the crime of enslavement.

Civil Party Applicant 09-VU-03849 (D22/3500).⁷⁴⁹ The forcible movement of population in Kampong Thom Province in April 1975 was not part of Phase 1 of forcible population movement, which is limited to the evacuation of population from Phnom Penh. The worksite in Santuk District where the Applicant was forced to work is not among the worksites specified in relation to the crime of enslavement.⁷⁵⁰ Finally, Chhouk Kuoy where the Applicant's husband, who was suspected of being pro-Lon Nol, was taken by the Khmer Rouge and executed, is not among the security centres and execution sites specified in the Indictment as underlying the crimes of imprisonment and murder, or that of extermination.

⁷⁴⁶ Application declared inadmissible on the ground that it did not provide sufficient information to verify compliance with Internal Rule 23bis (1) and (4) in relation to the alleged crimes (Impugned Order D418, para. 26 and its Annex 3).

⁷⁴⁷ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D418, para. 25 and Annex 3).

⁷⁴⁸ Report on Civil Party Application D22/1512/1.

⁷⁴⁹ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D418, para. 25 and Annex 3).

⁷⁵⁰ Indictment, para. 1391.

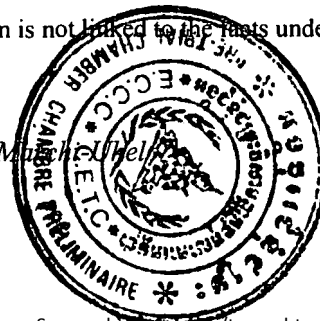


002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicants 08-VU-01263 (D22/0973), 08-VU-01265 (D22/1008), 09-VU-03847 (D22/3498), 09-VU-04285 (D22/3663), 09-VU-04306 (D22/3670), 10-VU-00035 (D22/3688), 10-VU-00061 (D22/3697), 10-VU-00062 (D22/3698), 10-VU-00079 (D22/2533), 10-VU-00086 (D22/2535), 10-VU-00108 (D22/2541), 10-VU-00908 (D22/3918), 10-VU-00911 (D22/3921), 10-VU-00915 (D22/3924), 10-VU-00940 (D22/3947), 10-VU-00916 (D22/3925), 09-VU-04271 (D22/3652), 10-VU-00041 (D22/3690).⁷⁵¹ The Co-Lawyers submit that the purges in the North Zone and in the East Zone, as set out in paragraph 71 of the Introductory Submission, constitute a crime within the scope of the investigation. The phenomenon of purges is not as such alleged as a separate crime, but involves the commission of crimes such as unlawful arrest and detention, torture and/or murder for which the Accused are indicted. The factual characterisation of the crimes charged in relation to purges is found in the section regarding “Factual Findings of Crimes”, which is referenced in the relevant legal findings. Those crimes concern the persons arrested, tortured and/or killed at the execution sites listed in that section and referenced in the relevant legal findings, as well as in the security centres listed under the legal findings and during the respective phases of population movement and at forced labour worksites. The Co-Lawyers must show a link between the alleged injury and the alleged crimes under investigation. Having reviewed the specific arguments of the Co-Lawyers concerning the above Appellants, and recognising that all the crimes alleged by them are part of the purges alleged in the Indictment, I have concluded that none of those crimes fall under the sites and events described in the section on “Factual Findings of Crimes” and referred to in the relevant legal findings. Indeed, I noted that some of the Appellants in question invoke harm as a consequence of witnessing crimes committed at forced labour worksites (10-VU-00108 (D22/2541), citing persecution during the construction of the dam at Panhachy or execution sites (10-VU-00911 (D22/3921) executions at the Sragne pagoda in Kampong Svay District of evacuees from Phnom Penh. However, the Accused are not indicted for the crimes in question since they were committed after the evacuation of the persons concerned and therefore do not form part of the facts underpinning Phase 1 of the forcible evacuation; moreover, the alleged

⁷⁵¹ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D418, para. 25 and Annex 3).

Civil party applications inadmissible in the view of Judge Muehlhölzer



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

sites are not listed in the Indictment as sites where it alleges that crimes for which the Accused are indicted were committed.

Civil Party Applicant 09-VU-03899 (D22/3549).⁷⁵² According to the Co-Lawyers, the Applicant witnessed crimes within the scope of the investigation which caused her psychological harm. The facts concern the execution in the forest by a Khmer Rouge security chief of seven members from a family of new people transferred from Phnom Penh. It is not plausible that the killings in question occurred during the evacuation of this family from Phnom Penh which forms part of Phase 1 of the forcible evacuation, since the Applicant reports that it occurred in 1976, thus outside the temporal scope of Phase 1. Moreover, the site in question is not among the execution sites listed in the Indictment underlying the crimes of murder and extermination for which the Accused are indicted.

Civil Party Applicant 10-VU-00044 (D22/2514).⁷⁵³ In reference to the Co-Prosecutors' Supplementary Submission Regarding Genocide of the Cham,⁷⁵⁴ the Co-Lawyers submit that the execution in late 1976 by the Khmer Rouge of the uncle of the Applicant, his wife and their two children at the Otrakuon pagoda, near Peam Chikang, in Kampong Cham Province, is within the scope of the investigation. I note that the Impugned Order states that the alleged injury is not related to the facts under investigation "with respect to the persecution of the Cham at the Wat O Trau Kuon Cham Security Centre". Having reviewed the section on Factual Findings of Crimes, I further note that the Wat Au Trakuon security centre and execution site, in Kang Meas District, Sambaour Meas Village, Peam Chikang Sub-District, Kang Meas District, Kampong Cham Province, is not among the 14 security centres and execution sites; it is mentioned in the section regarding "Treatment of the Cham".⁷⁵⁵ While the Indictment specifies that this site appears to have been established in 1975 or 1977 and was operational at a minimum through 1977, and served for the detention of new people, base

⁷⁵² Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D418, para. 25 and Annex 3).

⁷⁵³ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D418, para. 25 and Annex 3).

⁷⁵⁴ D196.

⁷⁵⁵ Indictment, paras 776 to 783.

Civil party applications inadmissible in the view of Judge



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

people and Cham,⁷⁵⁶ there is no doubt that it is the treatment of the Cham at this security centre that is alleged in the Indictment, i.e. that in late 1976 or early 1977, all the Cham in Kang Meas District were arrested by Party officials and taken to Wat Au Trakuon where they were allegedly killed immediately upon arrival.⁷⁵⁷ I observe that neither the Appeal nor the Appellant in his application⁷⁵⁸ alleges that her uncle, his wife and their three children, whom someone told him were killed at the pagoda towards the end of 1976, were Cham. Therefore, the alleged error has not been established.

Civil Party Applicants 09-VU-00096 (D22/0405), 09-VU-00098 (D22/1146), 09-VU-01491 (D22/0839), 09-VU-02251 (D22/3125), 09-VU-03848 (D22/3499), 09-VU-04280 (D22/3660), 09-VU-04281 (D22/3661), 10-VU-00032 (D22/3687) and 10-VU-00042 (D22/2513).⁷⁵⁹ The Co-Lawyers submit that the systematic discrimination and purges of former Lon Nol officials and people with bad biographies come under the scope of the investigation, and therefore that the victims alleging systematic discrimination or the loss of loved ones as a consequence of such policies meet the requirement for admissibility. I recall that the Accused are not indicted for all acts of discrimination and the ones relating to more generally the policy of purges: in order for the Appellants to succeed in their request, they must demonstrate that the Co-Investigating Judges erred by not accepting the existence of a link between the injury alleged by each of them and the facts under investigation. In this instance, in view of the arguments raised by the Co-Lawyers, none of the following facts seems to be plausibly linked to the sites specified in the Indictment underlying the crimes for which the Accused are indicted: the execution of the brother of 09-VU-00096 (D22/0405), the execution of the brother-in-law and cousin of 09-VU-00098 (D22/1146), the execution of the father and uncle of 09-VU-01491 (D22/0839), and the execution of former Lon Nol soldiers and their families, whom the Appellant saw being led away. Having reviewed the application I did not find any reference to the fact that one of the aunts of the Applicant Khong Thach would have been transferred from Phnom Penh to Kampong Svay in April 1975; the torture of the husband of 09-VU-02251

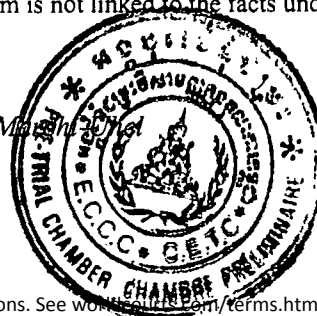
⁷⁵⁶ Indictment, paras 777 and 779.

⁷⁵⁷ Indictment, paras 779 to 783.

⁷⁵⁸ Report on Civil Party Application D22/2514/1.

⁷⁵⁹ Applications declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D418, para. 25 and Annex 3).

Civil party applications inadmissible in the view of Judge Ma



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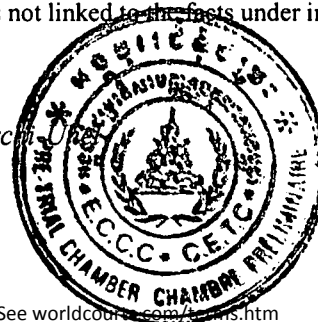
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(D22/3125) which ended in his death; the execution of the husband of 09-VU-03848 (D22/3499); moreover, it is not possible to link the latter's alleged transfer to a malaria-infested area to any of the three phases of population movement under investigation; the execution of the uncle of 09-VU-04280 (D22/3660), his wife and three children; the execution of the sisters and brother of 09-VU-04281 (D22/3661) and the earlier detention of two of them; the execution of the uncles of 10-VU-00032 (D22/3687) and, finally, the execution of the father and husband of 10-VU-00042 (D22/2513).

Civil Party Applicants 08-VU-02356 (D22/0379), 08-VU-00815 (D22/1368), 08-VU-01262 (D22/1705), 09-VU-03897 (D22/3547), 08-VU-00196 (D22/1312), 09-VU-00586 (D22/0879), 09-VU-01489 (D22/0656), 09-VU-04272 (D22/3653), 09-VU-04274 (D22/3655), 09-VU-04278 (D22/3659), 10-VU-00043 (D22/3691), 10-VU-00067 (D22/2529), 10-VU-00051 (D22/2519), 10-VU-00045 (D22/2515), 10-VU-00056 (D22/3696), 10-VU-00063 (D22/2526), 10-VU-00920 (D22/3928), 10-VU-00048 (D22/3692), 10-VU-00052 (D22/2520), 10-VU-00058 (D22/2523), 10-VU-00063 (D22/2526), 10-VU-00076 (D22/2530), 10-VU-00895 (D22/3905), 10-VU-00896 (D22/3906), 10-VU-00899 (D22/3909), 10-VU-00896 (D22/3906), 10-VU-00909 (D22/3919), 10-VU-00922 (D22/3930), 10-VU-00945 (D22/3952) and 09-VU-04284 (D22/3662).⁷⁶⁰ The Co-Lawyers submit these Appellants suffered psychological injury as a consequence of being forcibly transferred, being forced to lead a collective lifestyle and to perform forced labour in the cooperatives, food deprivation, the lack of medical care and inhumane conditions which resulted in the death of their loved ones. They argue that these crimes come under the jurisdiction of the ECCC. The argument regarding jurisdiction was rejected in my separate and partially dissenting opinion. Careful review of the specific arguments concerning the crimes alleged by Appellants reveals that those crimes cannot be linked to any of the movements of population, or to any worksites, cooperatives, detention centres or execution site, listed in the Indictment and underlying crimes for which the Accused are indicted. This includes the execution of the husband of 08-VU-02356 (D22/0379); the arrest, detention and execution of the father of 08-VU-00815 (D22/1368); the arrest, detention and execution of the younger brother of 08-VU-01262

⁷⁶⁰ Applications declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D418, para. 25 and Annex 3).

Civil party applications inadmissible in the view of Judge Marc



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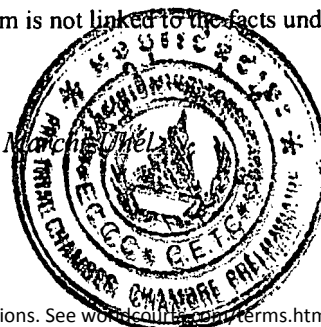
002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

(D22/1705); the execution of the husband of 09-VU-03897 (D22/3547); the forced labour of which 08-VU-00196 (D22/1312) was the victim; the execution of the younger brother of 09-VU-00586 (D22/0879); the execution of the father of 09-VU-01489 (D22/0656) and the disappearance of his younger brother, as well as the enforced disappearance of the group of persons which she witnessed; the execution of the father of 09-VU-04272 (D22/3653) and the forced labour she was forced to perform; the execution of the uncle and brother of 09-VU-04274 (D22/3655); the execution of the younger brother of 09-VU-04278 (D22/3659); the execution of the husband of 10-VU-00043 (D22/3691) and the imprisonment of the husband of 10-VU-00067 (D22/2529); the forced labour that 10-VU-00051 (D22/2519) was forced to perform and the execution of her father and uncle on accusations of spying; the forced labour of which 10-VU-00045 (D22/2515), 10-VU-00056 (D22/3696), 10-VU-00063 (D22/2526) and 10-VU-00920 (D22/3928) were victims; the execution of the younger brother of 10-VU-00048 (D22/3692); the execution of the 10 persons, which was witnessed by 10-VU-00052 (D22/2520); the forced labour of which 10-VU-00058 (D22/2523) was a victim and the execution of her elder brother; the execution of the uncle of 10-VU-00063 (D22/2526) on suspicions of spying; the forced labour and detention of which the husband of 10-VU-00076 (D22/2530) was a victim; the execution of the mother and uncle of 10-VU-00895 (D22/3905); the forced labour of which 10-VU-00896 (D22/3906) and 10-VU-00899 (D22/3909) were victims and the execution of the mother of 10-VU-00896 (D22/3906); the execution of the two cousins of 10-VU-00909 (D22/3919) and the massacre she witnessed at Sra Nge pagoda; the execution of the brother of 10-VU-00922 (D22/3930) at that same location, and the forced labour of which he was a victim; the execution of the father and younger brother of 10-VU-00945 (D22/3952); the facts committed against the prisoners at Office 44 in Phnom Penh which were witnessed by 09-VU-04284 (D22/3662), and the execution of the latter's younger brother and two nephews.

Civil Party Applicant 10-VU-00078 (D22/2532).⁷⁶¹ As for the execution in 1976 and 1977 of the Applicant's three sisters in Poreach Commune, Svay Chrum District, Svay Rieng Province, contrary to the Co-Lawyers' assertions, it is not possible to make the inference that because

⁷⁶¹ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D418, para. 25 and Annex 3).

Civil party applications inadmissible in the view of Judge Marché



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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

before being taken to the Wat Tlork Security Centre, some of the the people transited through other communal centres therefore that all the communal centres and the facts which occurred there are part of the investigation and the crimes for which the Accused are indicted. This interpretation is not consistent with the wording of the Indictment with respect to the Wat Tlork site.⁷⁶²

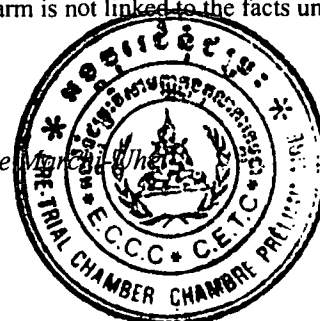
Civil Party Applicant 10-VU-00921 (D22/3929).⁷⁶³ The Co-Lawyers submit that the mother of the Applicant is of Vietnamese descent and that this is why the Khmer tried to go after and kill her family members, all be it unsuccessfully. She reported, *inter alia*, the psychological harm she suffered as a result of the persecution and the genocide of the Vietnamese, and witnessing the massacres at the Baing Kanhchak execution site in Kampong Thom Province. I note that the Indictment alleges under the charge of genocide the crimes described under Factual Findings of Crimes in relation to the treatment of Vietnamese the killing of Vietnamese nationals which were committed with the intent to destroy, in whole or in part, their ethnic and national group, considered as a racial group as such by the CPK.⁷⁶⁴ I further note that the Indictment alleges in the section on Persecution on Racial Grounds, the crimes of persecution as described in the section on Factual Findings of Crimes in relation to the treatment of the Vietnamese at Prey Veng and Svay Rieng, in the security centres Kraing Ta Chan, Kok Kduoch, Au Kanseng and S-21, and the Tram Kok cooperatives. I note that the Co-Lawyers do not raise the argument that any member of the Appellant's family was killed, since she reported that her family members were pursued in order to be killed, and in any event, although the allegation that her family members were hunted down to be killed is of the same nature as the ones in the Indictment, it falls outside the geographical scope specified in the Indictment in relation to the charge of persecution of the Vietnamese, which it restricts to Prey Veng and Svay Rieng, and to the security centres and cooperatives listed above. Finally, the Baing Kanhchak execution site is not among the sites underlying crimes for which the Accused are indicted.

⁷⁶² Indictment, paras. 644 to 666.

⁷⁶³ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D418, para. 25 and Annex 3).

⁷⁶⁴ Indictment, para. 1335.

Civil party applications inadmissible in the view of Judge



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 10-VU-00938 (D22/3945).⁷⁶⁵ The Co-Lawyers submit that the husband of the Applicant was killed in 1975 and that she suffered psychological harm as a result of witnessing the evacuation from Phnom Penh of 100 families belonging to the 17 April people and their massacre by the Khmer Rouge in April 1975, that she suffered severe emotional distress from all this, fearing that she would meet the same fate. The information to the effect that the Appellant's husband was summoned for re-education and that he was in fact killed 1975, does not permit to find plausible that that the murder took place at one of the sites and that it formed part of the events mentioned in the Indictment as underpinning the charges. Moreover, it is not alleged that the murder of the families witnessed by the Appellant occurred *during* their transfer or immediately following their transfer, thus for the reasons exposed in my separate and partially dissenting opinion, I am of the view that these murders do not form part of Phase 1 of the forcible movement of population from Phnom Penh in April 1975 for which the Accused are indicted.

Civil Party Applicants 08-VU-02167 (D22/1805), 08-VU-02168 (D22/1806), 08-VU-02171 (D22/1809), 08-VU-02214 (D22/1811), 09-VU-03898 (D22/3548) and 09-VU-04276 (D22/3657).⁷⁶⁶ The Co-Lawyers submit that they reported moral injury as a consequence of the forced labour, inhumane living and working conditions and the loss of their loved ones, and that their civil party applications ought to be declared admissible based thereupon. According to the information provided by these Appellants, the facts in question did not occur in any of the worksites, cooperatives listed in the Indictment underlying the crimes of enslavement and other inhumane acts for which the Accused are indicted.

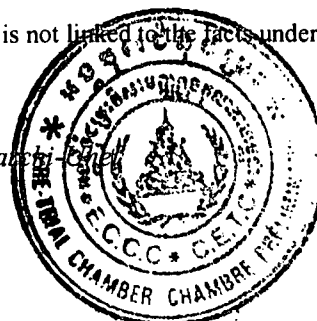
Civil Party Applicants 09-VU-04277 (D22/3658), 09-VU-04285 (D22/3663), 09-VU-04288 (D22/3665) and 09-VU-00585 (D22/1512).⁷⁶⁷ I note that the Co-Lawyers fail to raise any arguments specifically in relation to these Appellants. Based on the general arguments raised

⁷⁶⁵ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D418, para. 25 and Annex 3).

⁷⁶⁶ Applications declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D418, para. 25 and Annex 3).

⁷⁶⁷ Applications declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D418, para. 25 and Annex 3).

Civil party applications inadmissible in the view of Judge Marchal



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

by the Co-Lawyers in the Appeal, I have detected no error with respect to the dismissal of the Appellants' civil party applications.

Appeal PTC 156⁷⁶⁸

Civil Party Applicant 08-VU-02360 (D22/0771).⁷⁶⁹ It does not appear from the information provided that the arrest and killing in an unknown location of the Applicant's husband, a former vice chief, is among the crimes of murder, extermination or persecution on political grounds for which the Accused are indicted. Further, while the Applicant witnessed some of her co-workers, considered to be new people (17 April people) being taken to be killed, it is not alleged that the site in question is among the six worksites and cooperatives listed in the indictment underlying the crimes of murder and extermination for which the Accused are indicted.

Civil Party Applicant 09-VU-004289 (D22/3996).⁷⁷⁰ The Co-Lawyer argue that the Applicant, a medic in a civilian hospital, suffered ill-treatment by mid 1978 as a result of being considered by the Khmer Rouge involved in politics due to her father being a former soldier. They also argue that the Applicant's sibling was taken and killed because of being a former Nol Lon soldier in Siem Reap. It is not alleged and the information provided does not allow me to conclude that the traumatic events and crimes the Applicant and her sibling suffered from form part of the crimes for which the Accused are indicted. The additional information provided by the Applicant make it plausible that she was a victim of an attempt of forced marriage. However the Accused are indicted for the crime of other inhumane acts through forced marriage not attempt of such.

⁷⁶⁸ Re-Filing of the Appeal Against Order on the Admissibility of Applicant Civil Party Applicants Current Residents of Kampong Thom Province D418, 27 September 2010, D418/5/1 ("Appeal PTC 156").

⁷⁶⁹ Application rejected on the ground that the harm is not linked to the facts under investigation (Impugned Order D418, para. 24 and Annex 3).

⁷⁷⁰ Application rejected on the ground that the harm is not linked to the facts under investigation (Impugned Order D418, para. 24 and Annex 3).

Civil party applications inadmissible in the view of Judge Marek Uebachs



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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 10-VU-00918 (D22/3926).⁷⁷¹ It is not alleged that the site where the Applicant was forced to work including even more relentlessly after she refused to marry albeit required to do so, is among the six cooperatives and worksites listed in the indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted. The additional information provided by the Applicant make it plausible that she was a victim of an attempt of forced marriage. However the Accused are indicted for the crime of other inhumane acts through forced marriage not attempt of such. Finally, it is not alleged and the information provided does not allow me to conclude that the killing of her young brothers who were former soldiers and of her niece took place at one of these sites or during these events and thus form part of the crimes for which the Accused are indicted.

Civil Party Applicant 08-VU-02357 (D22/0497).⁷⁷² It is not alleged and the information provided does not allow me to conclude that the killing of the Applicant's husband, a former Lon Nol soldier took place at one of these sites or during these events and thus form part of the crimes for which the Accused are indicted. Further, Srâ Ngè pagoda where her father was detained after having been denounced and Accused of "uprooting yam to serve the enemies" is not among the limited number of security centres listed in the indictment underlying the crime against humanity of imprisonment for which the Accused are indicted.

Appeals against Impugned Order D423 (Pursat Province) ⁷⁷³

Appeal PTC 120⁷⁷⁴

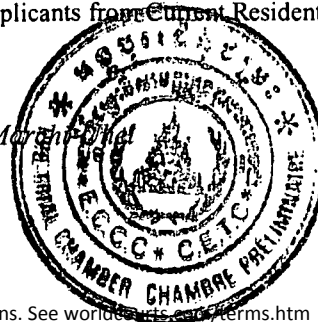
⁷⁷¹ Application rejected on the ground that the harm is not linked to the facts under investigation (Impugned Order D418, para. 24 and Annex 3).

⁷⁷² Application rejected on the ground that the harm is not linked to the facts under investigation (Impugned Order D418, para. 24 and Annex 3).

⁷⁷³ Order on the Admissibility of Civil Party Applicants from Current Residents of Pursat Province, 15 September 2010, D423 ("Impugned Order D423").

⁷⁷⁴ Appeal Against Order on the Inadmissibility of Civil Party Applicants from Current Residents of Pursat Province, 24 September 2010, D423/4/1 ("Appeal PTC 120").

Civil party applications inadmissible in the view of Judge Marchal



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 09-VU-00526 (D22/1000).⁷⁷⁵ Preah Mlou, Bakan District where the applicant's parents were killed is not among the execution sites nor the other sites listed in the Indictment underlying the crimes of murder and extermination for which the Accused are indicted. The Applicant also reports an attempt to force her to married which failed due to the liberation of the country by Vietnamese troops. The Accused are not indicted for mere attempt to commit the other inhumane act of forced marriage.

Civil Party Applicant 09-VU-00109 (D22/1209).⁷⁷⁶ The forced transfer of the Applicant's family in 1975 from Pailing to Battambang Province is outside the geographical scope of Phase 1 of transfers of population for which the Accused are indicted, as this phase is limited to the population from Phnom Penh. Further it is not alleged that the locations where the Applicant and members of her family were forced to work under inhumane conditions and as a result of which her daughter and parents-in-law died of starvation are among the six worksites and cooperatives retained in the Indictment underlying the crime of enslavement, extermination and other inhumane acts through attacks against human dignity for which the Accused are indicted. Finally the limited information about the circumstances of the other death of several members of her family does not allow me to conclude that these events form the factual basis of crimes for which the Accused are indicted.

Civil Party Applicant 09-VU-00732 (D22/1619).⁷⁷⁷ Tomayut pagoda, where the killing of the Applicant's father in 1977, under the accusation of being connected to the Head of sector 1, is reported to have occurred, is not among the execution sites and security centres listed in the Indictment underlying the crime of murder and extermination for which the Accused are indicted. The information provided about the killings of the Applicant's elder brothers, respectively head of a unit and militiaman, in 1978, does not allow me to conclude that these killings form part of the killings for which the Accused are indicted. The same goes for the

⁷⁷⁵ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D423, para. 25 and Annex 3).

⁷⁷⁶ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D423, para. 25 and Annex 3).

⁷⁷⁷ Application declared inadmissible on the ground that there is no proof of kinship with an immediate victim of forcible transfer from the East Zone (Phase 3) and the necessary causal link between the other alleged harm and the facts under investigation was not established (Impugned Order D423, para. 25 and Annex 3).

Civil party applications inadmissible in the view of Judge Marek Chel



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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

mass killing she witnessed. Finally, it is not alleged that the sites where her younger brother were forced to work under inhumane conditions and died of starvation are among one of the six worksites and cooperatives retained in the Indictment underlying the crimes of enslavement, extermination and other inhumane acts through attacks against human dignity for which the Accused are indicted.

Civil Party Applicant 09-VU-00532 (D22/1003).⁷⁷⁸ Prey Tauch cooperative, where the Applicant's elder brother was sent and killed because he was a former Lon Nol's captain, is not among the six worksites and cooperatives retained in the Indictment underlying the crime of enslavement, other inhumane acts through attacks against human dignity, murder and extermination for which the Accused are indicted. The information about the torture and killing of another brother of the Applicant by the Khmer Rouge because he stole food while being hungry does not allow me to conclude that it forms part of the crimes of torture and murder or extermination for which the Accused are indicted.

Civil Party Applicant 09-VU-01967 (D22/2952).⁷⁷⁹ The forced transfer of the Applicant and his family to Preah Chambak does not form part of any of the three phases of forced transfer of population for which the Accused are indicted. It is not alleged that the worksite where he and member of his family were forced to work under inhumane conditions and as a result of which his wife had a miscarriage is one of the six worksites and cooperatives retained in the Indictment underlying the crime of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted. Preah Chambak where the Applicant's younger brother, a former Lon Nol soldier, was killed is not among the limited security centres or execution sites listed in the Indictment underlying the crimes of murder and extermination for which the Accused are indicted.

⁷⁷⁸ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D423, para. 25 and Annex 3).

⁷⁷⁹ Application declared inadmissible on the ground that there is no proof of kinship with an immediate victim of forcible transfer from the East Zone (Phase 3) and the necessary causal link between the other alleged harm and the facts under investigation was not established (Impugned Order D423, para. 25 and Annex 3).

Civil party applications inadmissible in the view of Judge Muehlenke



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 09-VU-00110 (D22/1183).⁷⁸⁰ The forced evacuation of the Applicant and her family within Pursat Province in 1975 does not form part of one of the three phases of forced evacuation of population for which the Accused are indicted. The first phase in particular is limited the evacuation of the population from Phnom Penh. It is not alleged that the worksite where she was forced to work is one of the six worksites and cooperatives retained in the Indictment underlying the crime of enslavement, other inhumane acts for which the Accused are indicted. While the killing of her brother and that of her colleagues are undeniably traumatizing events for the Applicant, they did not occur in any of the sites listed in the Indictment underlying the crimes of murder and extermination for which the Accused are indicted.

Civil Party Applicant 09-VU-00221 (D22/1074).⁷⁸¹ It is not alleged that the worksite where the Applicant was forced to work under inhumane conditions, and where two of her children were arrested while visiting her and tortured, is among the six worksites and cooperatives retained in the Indictment underlying the crime of enslavement, torture and other inhumane acts through attacks against human dignity for which the Accused are indicted. The information about the killing of one of her children Accused of having stolen the food of someone's pig, the killing of her father Accused of being a traitor and the killings of two of her siblings as well as of the death of her mother due to starvation does not allow me to conclude that these are crimes for which the Accused are indicted.

Civil Party Applicant 09-VU-00522 (D22/997).⁷⁸² The information provided about the circumstances of the Applicant's mother death of starvation and illness does not allow me to conclude that it forms part of the crimes for which the Accused are indicted. It is not alleged that she was in one of the six worksites and cooperatives retained in the Indictment underlying the crime of enslavement, other inhumane acts and extermination for which the Accused are indicted. The same goes for the killing of the Applicant's brother Accused of having stolen rice

⁷⁸⁰ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D423, para. 25 and Annex 3).

⁷⁸¹ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D423, para. 25 and Annex 3).

⁷⁸² Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D423, para. 25 and Annex 3).

Civil party applications inadmissible in the view of Judge



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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

bran and oranges. It is not alleged that this killing took place in one of the sites listed in the Indictment or during one of the events during which crimes for which the Accused are indicted were committed.

Civil Party Applicant 08-VU-02269 (D22/1152).⁷⁸³ The site where the Applicant was forced to work under inhumane conditions and tortured when she failed to attain objectives is not listed among the six worksites and cooperatives retained in the Indictment underlying the crime of enslavement, torture and other inhumane acts for which the Accused are indicted. Further the information provided by the Applicant about the loss of eleven of her family members does not allow me to conclude that these are crimes for which the Accused are indicted.

Civil Party Applicant 09-VU-03488 (D22/3191).⁷⁸⁴ The forced transfer of the family of the Applicant within Pursat Province does not form part of any of the three phases of forced evacuations for which the Accused are indicted. It is not alleged that the location where several members of his family died of starvation is among the six worksites and cooperatives retained in the Indictment underlying the crime of enslavement, extermination and other inhumane acts through attacks against human dignity for which the Accused are indicted. The information he provides about the torturing and killing of his uncle, which he witnessed does not allow me to conclude that it forms part of the factual basis of crimes for which the Accused are indicted.

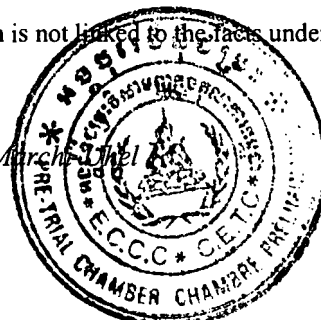
Civil Party Applicant 09-VU-00521 (D22/996).⁷⁸⁵ It is not alleged that the locations where the Applicant's father died of starvation and lack of medical care and where himself was forced to work are among the six worksites and cooperatives retained in the Indictment underlying the crime of enslavement, extermination and other inhumane acts through attacks against human dignity for which the Accused are indicted. Further, the Co-Lawyers do not show that the Co-Investigating Judges erred in failing to admit the application on the basis of the other events reported by the Applicant.

⁷⁸³ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D423, para. 25 and Annex 3).

⁷⁸⁴ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D423, para. 25 and Annex 3)).

⁷⁸⁵ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D423, para. 25 and Annex 3).

Civil party applications inadmissible in the view of Judge Marchal



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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 09-VU-01064 (D22/1690).⁷⁸⁶ It is not alleged that the locations where the Applicant was mistreated and where three of his children died of starvation and other inhumane conditions imposed on them are among the six worksites and cooperatives retained in the Indictment underlying the crime of enslavement, extermination and other inhumane acts through attacks against human dignity for which the Accused are indicted.

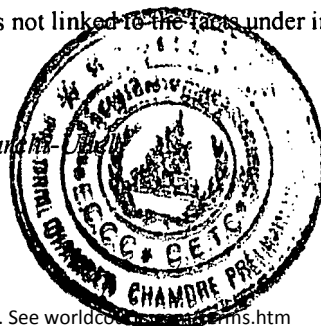
Civil Party Applicant 09-VU-03570 (D22/3264).⁷⁸⁷ The forced transfer of the Applicant and her family by the Khmer Rouge within Pursat Province in 1976 does not form part of any of the three phases of forced movements of population for which the Accused are indicted. Say Luong where the Applicant's father Accused of being an enemy of Angkar was killed in 1978 is not among the limited security centres or execution sites listed in the Indictment underlying the crimes of murder and extermination for which the Accused are indicted. It is not alleged that she had a specific bond of affection with the persons victims of forced marriage or the prohibition of religion she witnessed and the way she refers to these events does not allow me to conclude that it is plausible that she suffered psychological harm as a result of witnessing these crimes. While the killing of an entire family of neighbours she witnessed was obviously a shocking event making it plausible that she suffered psychological harm as a result of witnessing these crimes, there is in my view no basis for concluding that the crimes in question are crimes for which the Accused are indicted.

Civil Party Applicant 09-VU-01075 (D22/1692).⁷⁸⁸ The circumstances described by the Applicant in relation to the death of several members of her close relatives as a result of starvation or lack of medicine does not allow me to conclude that it is plausible that these deaths occurred in any of the sites listed in the Indictment underlying the crimes of enslavement, extermination and other inhumane acts through attacks against human dignity for which the Accused are indicted. It is not alleged that the execution of her father-in-law and

⁷⁸⁶ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D423, para. 25 and Annex 3).

⁷⁸⁷ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D423, para. 25 and Annex 3).

⁷⁸⁸ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D423, para. 25 and Annex 3).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

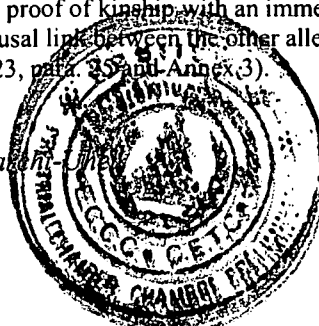
aunt by the Khmer Rouge occurred in one of the sites or events listed in the Indictment underlying the crimes of murder or extermination for which the Accused are indicted.

Civil Party Applicant 09-VU-01968 (D22/2186).⁷⁸⁹ The forced evacuation of the Applicant's family in 1975 does not form part of the first phase of evacuation, limited to the population from Phnom Penh, for which the Accused are indicted and his further evacuation within Pursat Province in 1976 does not form part of the second phase of evacuation for which the Accused are indicted as it does not include transfers within that Province. It is not alleged that the location where the Applicant was forced to work is among the six worksites and cooperatives retained in the Indictment underlying the crime of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted. The information provided by the Applicant concerning other crimes he witnessed does not allow me to consider that these crimes are among those for which the Accused are indicted.

Civil Party Applicant 09-VU-00244 (D22/2677).⁷⁹⁰ The forced transfers of which the Applicant was a victim in 1975 and 1976 within Pursat Province do not form part of any of the three phases of forced movements of population for which the Accused are indicted. The cooperatives of Tonle Ting, Tram and Krouch Saech where he was forced to work under inhumane conditions is not among the six worksites and cooperatives retained in the Indictment underlying the crime of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted. Kaoh Kaev where three of the Applicant's brothers were killed because they were soldiers of the former regime is not among the limited number of sites listed in the Indictment underlying the crimes of murder and extermination for which the Accused are indicted. Further, the information provided by the Applicants about the instances of torture against Villagers she witnessed does not allow me to conclude that these instances of torture are among those for which the Accused are indicted.

⁷⁸⁹ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D423, para. 25 and Annex 3).

⁷⁹⁰ Application declared inadmissible on the ground that there is no proof of kinship with an immediate victim of forcible transfer from the East Zone (Phase 3) and the necessary causal link between the other alleged harm and the facts under investigation was not established (Impugned Order D423, para. 25 and Annex 3).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 09-VU-01113 (D22/0688).⁷⁹¹ The evacuation of the Applicant's family does not form part of any of the three phases of forced movements of population for which the Accused are indicted. Even if it is plausible that the surveillance and harsher treatment her and her brothers were submitted to because the Khmer Rouge learned that their father was a former second Lieutenant results from the policies and enterprise in furtherance of which the Indictment alleges that crimes for which the Accused are indicted were committed, the children's unit where the Applicant was forced to work under inhumane conditions and where her brother died from starvation are is not among the six worksites and cooperatives retained in the Indictment underlying the crime of enslavement, extermination and other inhumane acts, for which the Accused are indicted.

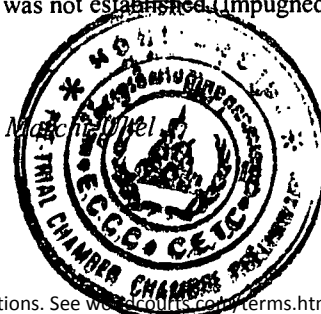
Civil Party Applicant 09-VU-00676 (D22/1961).⁷⁹² The forced transfer of the Applicant to Ou Rumceck in 1976 does not form part of any of the three phases of forcible evacuation of population for which the Accused are indicted. Dal prison where the Applicant, a Khmer Rouge cadre, was detained and tortured and where he witnessed a number of inmates being killed daily is not among the limited number of security centres listed in the Indictment where it is alleged that the crimes of imprisonment, torture, murder, extermination and persecution on political grounds for which the Accused are indicted occurred.

Civil Party Applicant 09-VU-01959 (D22/2944).⁷⁹³ The forcible evacuation of the Applicant's family in 1975 when the Khmer Rouge took power does not form part of Phase 1 of the evacuation of population for which the Accused are indicted which is limited to the evacuation of the population from Phnom Penh. It is further outside the temporal and geographical scope of the second and third phases of evacuation alleged in the Indictment. The information provided about the death of the Applicant's aunt (found having hanged herself) does not allow

⁷⁹¹ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D423, para. 25 and Annex 3).

⁷⁹² Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D423, para. 25 and Annex 3).

⁷⁹³ Application declared inadmissible on the ground that the Applicant did not substantiate sufficiently a bond of affection or dependency with the immediate victim to meet the psychological harm threshold, outside geographical scope with respect to Vietnamese and Khmer Krom persecution and the necessary causal link between the other alleged harm and the facts under investigation was not established. (Impugned Order D423, para. 25 and Annex 3).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

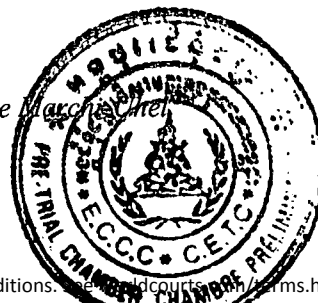
me to conclude that it forms part of the crimes for which the Accused are indicted. It is not alleged that the sites where the Applicant and her sister were forced to work under inhumane conditions and where her sister died of starvation are among the six worksites and cooperatives listed in the Indictment underlying the crimes of enslavement, extermination and other inhumane acts through attacks against human dignity for which the Accused are indicted.

Civil Party Applicant 08-VU-02129 (D22/0127).⁷⁹⁴ The Co-Lawyers refer to the forced evacuation of the Applicant's family from Battambang Province. Although Battambang is alleged in the Indictment to be an area of destination of forced evacuation of population in phases 2 and 3 of the evacuations for which the Accused are indicted, it is not alleged to be an area of departure. Thus the forced transfer of the Applicant's family does not form part of the crimes for which the Accused are indicted. The children's unit where the Applicant was victim of forced labour and tortures as a punishment for not working enough is not among one of the six worksites and cooperatives listed in the Indictment where it alleges that the crimes of enslavement, torture and other inhumane acts through attacks against human dignity for which the Accused are indicted occurred. The information provided about the killing of his relatives, including temporal and geographical information, does not allow me to conclude that these killings are among those for which the Accused are indicted.

Civil Party Applicant 09-VU-00246 (D22/2075).⁷⁹⁵ The sites where the Applicant's uncle, a former Lon Nol soldier, was arrested and killed as well as where the Applicant himself was arrested, reeducated and detained are not among the worksites, cooperatives, security centres and execution sites listed in the Indictment underlying the crimes for which the Accused are indicted. Further, the successive forced transfers of the Applicant do not form part of any of the three phases of movements of population for which the Accused are indicted.

⁷⁹⁴ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D423, para. 25 and Annex 3).

⁷⁹⁵ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D423, para. 25 and Annex 3).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 10-VU-00847 (D22/3860).⁷⁹⁶ It is not alleged that any of the sites and cooperatives where each of the four children of the Applicant died from starvation are among the six worksites and cooperatives listed in the Indictment where it is alleged that the crimes of extermination and other inhumane acts through attacks against human dignity for which the Accused are indicted occurred.

Civil Party Applicant 10-VU-00859 (D22/3872).⁷⁹⁷ The Co-Lawyers do not show that the Co-Investigating Judges erred when considering that the killing of members of the Applicant's family including his mother and about 20 of her relatives because they were Khmer Krom, in Pursat Province, in 1978, falls outside the geographical scope of persecutions against the Vietnamese and Khmer Krom.⁷⁹⁸ It is not alleged that these killings otherwise occurred in any of the sites listed in the Indictment underlying the crimes of murder or extermination for which the Accused are indicted. Further, the forced transfer of the Applicant's family from Pursat Province falls outside the geographical scope of evacuation of population for which the Accused are indicted and it is not alleged that the worksites where the Applicant and his siblings were forced to work and where his siblings died from starvation are among the six worksites and cooperatives listed in the Indictment underlying the crimes of enslavement, extermination and other inhumane acts through attacks against human dignity for which the Accused are indicted.

Civil Party Applicant 09-VU-00533 (D22/0610).⁷⁹⁹ The information provided by the Applicant in relation to the disappearance of his disabled aunt in 1975 and to the death from starvation of his sister in 1976 in Pursat Province does not allow me to conclude that it is plausible that it forms part of the crimes for which the Accused are indicted. In particular, it is not alleged that these events took place in any of the sites listed in the Indictment underlying

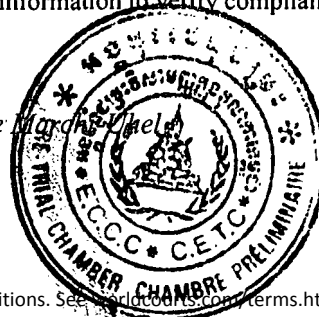
⁷⁹⁶ Application rejected on the ground that there is insufficient information to verify compliance to Rule 23 *bis* (1) and (4) (Impugned Order D423, para. 26 and Annex 3).

⁷⁹⁷ Application declared inadmissible on the grounds that the Applicant did not substantiate sufficiently a bond of affection or dependency with the immediate victim to meet the psychological harm threshold, it is outside geographical scope with respect to Vietnamese and Khmer Krom persecution and the necessary causal link between the other alleged harm and the facts under investigation was not established (Impugned Order D423, para. 25 and Annex 3).

⁷⁹⁸ See Indictment, para. 1422.

⁷⁹⁹ Application rejected on the ground that there is insufficient information to verify compliance to Rule 23 *bis* (1) and (4) (Impugned Order D423, para. 26 and Annex 3).

Civil party applications inadmissible in the view of Judge



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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

the crimes of extermination and other inhumane acts through enforced disappearances for which the Accused are indicted.

Civil Party Applicant 09-VU-00111 (D22/1182).⁸⁰⁰ The Applicant reports the killing of two monks, whom he names, by the Khmer Rouge because they insisted on their pagoda being rebuilt. However, the application, unlike the appeal, does not specify that he witnessed these killings. The Co-Lawyers have been requested⁸⁰¹ to seek further particulars from their client as to whether he witnessed the event and if so to describe it, but they have failed to do so.

Civil Party Applicant 09-VU-00133 (D22/1103).⁸⁰² Although the forced transfer of the Applicant's family in April 1975 within Pursat Province falls within the temporal scope of the first phase of evacuation of population for which the Accused are indicted it is outside its geographical scope as this first phase is limited to the evacuation of the population from Phnom Penh. Nor Norng cooperative, where members of the Applicant's family were forced to work under inhumane conditions and where his father and cousin died from starvation and untreated diseases, is not among the six worksites and cooperatives listed in the Indictment underlying the crime of enslavement, extermination and other inhumane acts through attacks against human dignity for which the Accused are indicted.

Civil Party Applicant 09-VU-00529 (D22/1002).⁸⁰³ It is not alleged that the sites where the father of the Applicant, a former Commune chief under the Nol Lon regime, was arrested and sent for re-education by the Khmer Rouge as well as where other members of his family (including her grandparents and male cousin who died from starvation) were victims of crimes are among the limited number of worksites and cooperatives listed in the Indictment underlying the crimes of enslavement, extermination and other inhumane acts through attacks against human dignity for which the Accused are indicted.

⁸⁰⁰ Application declared inadmissible on the ground that there is no proof of kinship with the immediate victim of persecution against the Buddhist and harm is not linked to the other facts under investigation (Impugned Order D423, para. 25 and Annex 3).

⁸⁰¹ Request made on 4 March 2011.

⁸⁰² Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D423, para. 25 and Annex 3).

⁸⁰³ Application rejected on the ground that there is insufficient information to verify compliance to Rule 23 *bis* (1) and (4) (Impugned Order D423, para. 26 and Annex 3).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 09-VU-01067 (D22/1856).⁸⁰⁴ The forced transfer of the Applicant's family from their Village of Pursat Province to an area along the Tonle Sap river in April 1975 falls within the temporal scope of Phase 1 of the forced movements of population for which the Accused are indicted, but it is outside its geographical scope as Phase 1 is limited to the evacuation of the population from Phnom Penh. The sites where the Applicant and her sibling were forced to work under inhumane conditions, the site where she was detained and those where other members of her family were killed are not among the limited number of worksites, cooperatives, security centres and execution sites listed in the Indictment underlying the crimes of enslavement, imprisonment, murder, extermination and other inhumane acts through attacks against human dignity for which the Accused are indicted.

Civil Party Applicant 09-VU-03831 (D22/3482).⁸⁰⁵ The information contained in the Applicant's application and supplementary information does not substantiate the Co-Lawyers' assertion that she was forcibly moved from Svay Rieng to Pursat in late 1977.⁸⁰⁶ Although the Applicant mentions that she witnessed people transferred from Svay Rieng arriving in Pursat Province in late 1977, there is insufficient information to conclude that the people transferred were part of the categories of persons targeted during Phase 3 of forced movements of population for which the Accused are indicted.⁸⁰⁷ There is insufficient information about the location where the applicant's mother, a Khmer Krom, was executed to consider it plausible that it occurred at one of the locations retained in the Indictment underlying the crimes of murder, extermination and persecution on racial grounds for which the Accused are indicted. Similarly, there is insufficient information about the locations where the other crimes alleged by the Applicant occurred, i.e. the death of her youngest sister and brother, the forced labour

⁸⁰⁴ Application declared inadmissible on the ground that the threshold for mental harm is not met in relation to persecution against the Buddhists, the Applicant did not substantiate sufficiently a bond of affection or dependency with the immediate victim to meet the psychological harm threshold and the necessary causal link between the other alleged harm and the facts under investigation was not established (Impugned Order D423, para. 25 and Annex 3).

⁸⁰⁵ Application declared inadmissible on the ground that harm is not linked to the other facts under investigation (outside geographical scope/Khmer Kampuchea Kraom persecution) (Impugned Order D423, para. 25 and Annex 3).

⁸⁰⁶ Appeal PTC 120, para. 25; Report on Civil Party Application D22/3482/1 and Supplementary Information D22/3482b.

⁸⁰⁷ Indictment, para. 285.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

and the mistreatment by the Khmer Rouge, to find it plausible that it corresponds to one of the crimes for which the Accused are indicted.

Appeal PTC 121⁸⁰⁸

Civil Party Applicant 09-VU-03784 (D22/3435).⁸⁰⁹ Kra Koh prison, where it is reported that the Applicant, a senior military officer stationed in Pailing in 1977, was detained and tortured is not among the security centres listed in the Indictment underlying the crimes of imprisonment, torture and persecution on political grounds for which the Accused are indicted. The information provided by the Applicant and in the appeal does not allow me to consider that the instances of further crimes of which the Applicant has been a witness are among the crimes for which the Accused are indicted. Also, Pailing where the Applicant's two younger brothers and his elder brother, also Khmer Rouge soldiers, were killed, is not among the sites listed in the Indictment underlying the crimes of murder, extermination and persecution on political grounds for which the Accused are indicted. The Co-Lawyers further argue that in 1978, the Applicant was made to drive persons evacuated from the East Zone to Pursat and its cooperatives. They stress that according to the Applicant's account he was directly involved in purging the enemies. The Applicant however does not allege that he suffered harm as a result of witnessing these transfers or being forced to participate in their commission.

Civil Party Applicant 09-VU-03786 (D22/3437).⁸¹⁰ The forced transfer of the Applicant and her family in 1975 from her Village of Bakan District in Pursat Province to Thnal Totoeung Village is outside the geographical scope of Phase I of transfers of population for which the Accused are indicted, as this phase is limited to the population from Phnom Penh. Further Thnal Totoeung where the Applicant and members of her family were forced to work under inhumane conditions is not among the six worksites and cooperatives retained in the Indictment underlying the crime of enslavement and other inhumane acts through attacks

⁸⁰⁸ Appeal Against Order on the Inadmissibility of Civil Party Applicants from Current Residents of Pursat Province, 27 September 2010, D423/5/1 ("Appeal PTC 121").

⁸⁰⁹ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D423, para. 25 and Annex 3).

⁸¹⁰ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D423, para. 25 and Annex 3).

Civil party applications inadmissible in the view of Judge



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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

against human dignity for which the Accused are indicted. Finally, the information provided by the Applicant in relation to the acts of forced labour and mistreatment imposed on her father, a former medic during the Lon Nol Regime, the disappearance of her uncle, a Lieutenant Colonel under the same regime, and the killing of a number of her close relatives, Accused of being affiliated with that regime, do not allow me to consider that these are crimes for which the Accused are indicted. The same goes for all the other crimes alleged by the Applicant, members of her family were victim of as well as for crimes she witnessed.

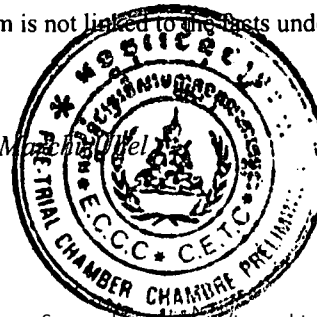
Civil Party Applicant 09-VU-03832 (D22/3483).⁸¹¹ The forced transfer of the Applicant in 1975 from Pursat to Battambang Provinces and then back to Pursat is outside the geographical scope of Phases 1 and 2 of the evacuation of population for which the Accused are indicted. The Co-Lawyers do not demonstrate that the Co-Investigating Judges erred in considering that the killing of six members of the family of the Applicant, including her parents and sisters in 1976 in Pursat because they were Khmer Krom⁸¹² is outside geographical scope with respect to the persecution of Khmer Krom. The location where the Applicant was forced to work under inhumane conditions is not among the six worksites and cooperatives listed in the Indictment, underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted. Further, the information she provides concerning the killings she was a witness of does not allow me to consider that these form part of the crimes for which the Accused are indicted.

Civil Party Applicant 09-VU-02204 (D22/3115).⁸¹³ It is plausible that the crimes of which the Applicant's father, who was tortured and forced to work, was a victim were committed because he was a Buddhist wise-man. These crimes do not, however, form part of the acts underlying the crime of persecution against the Buddhists for which the Accused are indicted. The

⁸¹¹ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (outside geographical scope with respect to Khmer Krom persecution) (Impugned Order D423, para. 25 and Annex 3).

⁸¹² See Indictment, para. 1422 according to which racial persecution has been established in Prey Veng and Svay Rieng, as well as at the security centres Kraing Ta Chan, Kok Kduoch, Au Kanseng, S-21 and at the Tram Kok Cooperatives.

⁸¹³ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D423, para. 25 and Annex 3).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Indictment refers to Nuns and Monks not to Achars being targeted.⁸¹⁴ Further, it is also not alleged that the site where these crimes were committed is among the limited number of sites listed in the Indictment underlying the crime of enslavement and torture for which the Accused are indicted. The same goes for the site where the Applicant's wife was forced to dig a canal shortly after giving birth, was tortured and died. The information provided about the killing of the Applicant's sister in 1976 following her evacuation to Pursat does not allow me to conclude that the killing is among the crimes for which the Accused are indicted.

Civil Party Applicant 09-VU-01977 (D22/2960).⁸¹⁵ The forced transfer of the Applicant and his family on 17 April 1975 from their Village in Pursat Province to the forest and then from one place to another in Pursat is outside the geographical scope of Phase 1 of the evacuation of population for which the Accused are indicted, which is limited to the evacuation of the population from Phnom Penh. It is not alleged that the locations where the Applicant was forced to work and deprived of food, the plantation where two of his uncles were told to work and from where they disappeared, as well as the sites where his daughter and uncle died of starvation are among the six worksites and cooperatives retained in the Indictment underlying the crime of enslavement, other inhumane acts through attacks against human dignity and extermination for which the Accused are indicted.

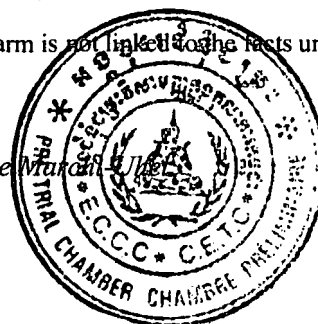
Civil Party Applicant 09-VU-00011 (D22/0472).⁸¹⁶ The forced evacuation of the Applicant and her family from Pursat Province in April 1975 does not form part of Phase 1 of forced evacuation of population for which the Accused are indicted, which is limited to the evacuation of the population of Phnom Penh. The cooperative where the Applicant was forced to work and deprived of food is not among the six worksites and cooperatives retained in the Indictment underlying the crime of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted. It is not alleged that the sites where members of the Applicant's family died of diseases and malnutrition in Kampong Speu are among the sites

⁸¹⁴ See Indictment, paras 740-743.

⁸¹⁵ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D423, para. 25 and Annex 3).

⁸¹⁶ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D423, para. 25 and Annex 3).

Civil party applications inadmissible in the view of Judge



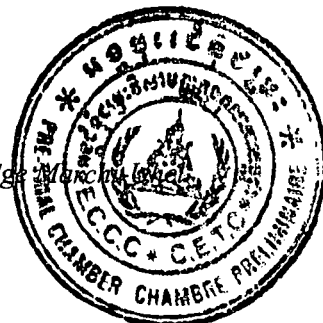
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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

listed in the Indictment underlying the crime of extermination for which the Accused are indicted. Banteay Dey pagoda in Pursat (where it is reported that the Applicant was detained and tortured) and the site in Battambang where her brother, Accused like their father of being a CIA agent, was executed are not among the sites listed in the Indictment underlying the crimes of imprisonment, murder, extermination and persecution on political grounds for which the Accused are indicted.

Civil Party Applicant 09-VU-00128 (D22/2070).⁸¹⁷ The Co-Lawyers refer to the successive forcible transfers which the Applicant and members of his family were victims of. According to the Applicant, the first forcible transfer took place in April 1975 and they were transferred from their Village of Kraol Krabei to another Village of the same District (Bakan) in the Province of Pursat. While this transfer is within the temporal scope of one of the three phases of evacuation of population for which the Accused are indicted (Phase I), it is outside its geographical scope, limited in the Indictment to the evacuation of the population of Phnom Penh. The information provided by the Applicant in relation to his further transfers linked to his work assignments does not allow me to conclude that it formed part of the geographical scope of any of the two other phases of forced movements of population for which the Accused are indicted. The cooperative of Preah Mlu where the Applicant and his family were forced to work under inhumane conditions and where two of his children, nephews and nieces died of illness and starvation is not among the six worksites and cooperatives retained in the Indictment underlying the crimes of enslavement, extermination and other inhumane acts through attacks against human dignity for which the Accused are indicted. The same goes for the other sites where the Applicant was successively assigned to work in 1977 and 1978. Khna Commune where it is reported that the killings the Applicant witnessed in 1978 occurred is not among the execution sites listed in the Indictment underlying the crimes of murder, extermination and persecution on political grounds for which the Accused are indicted.

⁸¹⁷ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D423, para. 25 and Annex 3).



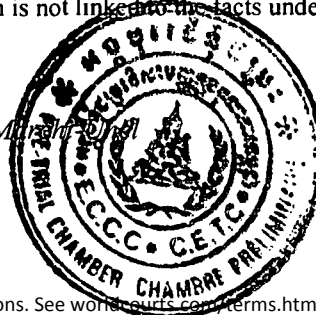
002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 171)

Civil Party Applicant 09-VU-00129 (D22/2071).⁸¹⁸ The forcible transfer alleged by the Applicant to have taken place in April 1975 is outside the geographical scope of the first phase of evacuation of population for which the Accused are indicted (limited to the population of Phnom Penh). The cooperatives where the Applicant was forced to work in Kandieng District is not among the six worksites and cooperatives retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted. The sites where the Applicant alleges some of the crimes of which members of his family were victims or that he witnessed and reported in his application, concerning former Lon Nol soldiers are not among the locations listed in the Indictment underlying the crimes of murders and other crimes for which the Accused are indicted. The Co-Lawyers further allege that in 1975 the Applicant was forced to smash Buddha statues and the pavilion of the Kampomg Krasang pagoda in Kandieng District. The Applicant does not allege having suffered from these destructions. He does not even mention having practice any religion prior to the relevant time.

Civil Party Applicant 09-VU-00131 (D22/1193).⁸¹⁹ The forced transfer of the Applicant and members of his family in April 1975 is outside the geographical scope of the first phase of evacuation of population for which the Accused are indicted (limited to the population of Phnom Penh). The Applicant's further evacuation in 1978 to a location near Audaom Security Centre does not either fall within the geographical scope of the second and third phases of forced movements of population for which the Accused are indicted. The Security Centre in question where the Accused witnessed detainees being beaten and killed is not among the limited number of security centres listed in the Indictment underlying the crimes of torture, murder, extermination and other inhumane acts through attacks against human dignity for which the Accused are indicted. The cooperatives where the Applicant and members of his family were forced to work under inhumane conditions and as a result of which 15 of his relatives died are not among the six worksites and cooperatives retained in the Indictment underlying the crimes of enslavement, extermination and other inhumane acts through attacks

⁸¹⁸ Application declared inadmissible on the ground that the Applicant provided insufficient information to verify compliance to Rule 23 bis (1) and (4) (Impugned Order D423, para. 26 and Annex 3).

⁸¹⁹ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D423, para. 25 and Annex 3).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

against human dignity for which the Accused are indicted. It is not alleged that the mass killings of persons considered as Vietnamese sympathizers in 1978 following their transfer from the East zone, which the Applicant witnessed, occurred in one of the sites listed in the Indictment, underlying the crimes of murder, extermination and persecution on political grounds.

Civil Party Applicant 09-VU-00218 (D22/1084).⁸²⁰ The forced transfer of the Applicant and members of her family in April 1975 from the Province of Pursat to the Province of Kampong Chhnang is outside the geographical scope of the first phase of evacuation of population for which the Accused are indicted (limited to the population of Phnom Penh). It is not alleged that the killing of the Applicant's husband in Pursat in 1975, Accused of being a former Lon Nol military officer, and that of her father-in-law in 1976, for the same reason, occurred in one of the sites listed in the Indictment, underlying the crimes of murder, extermination and persecution on political grounds. Further, the information provided by the Applicant about the torture and killing of a woman in 1978 as well as the transfer of 100 persons of Chinese or Vietnamese origin she witnessed do not allow me to conclude that these facts form part of crimes for which the Accused are indicted.

Civil Party Applicant 09-VU-00226 (D22/1226).⁸²¹ The forcible transfer of the Applicant within Pursat Province does not fall within the geographical scope of any of the three phases of forced evacuation of population for which the Accused are indicted. The cooperative of Reussey Tamoan and the other sites where the Applicant and members of his family were forced to work under inhumane conditions, where he was tortured and where his two children were killed are not among the six worksites and cooperatives retained in the Indictment underlying the crimes of enslavement, torture, murder and other inhumane acts through attacks against human dignity for which the Accused are indicted. It is not alleged that the location where one of the two brothers Accused of having betrayed the Angkar died as a result of excessive work and the location where his second brother was killed occurred corresponds to

⁸²⁰ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D423, para. 25 and Annex 3).

⁸²¹ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D423, para. 25 and Annex 3).

Civil party applications inadmissible in the view of Judge



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

one of the sites listed in the Indictment underlying the crimes of enslavement, murder, extermination and persecution on political grounds for which the Accused are indicted. The information provided by the Applicant about the circumstances of the death of his two uncles does not allow me to conclude that these deaths result from crimes for which the Accused are indicted.

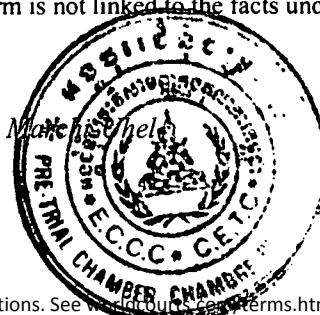
Civil Party Applicant 09-VU-00226 (D22/1227).⁸²² The successive forcible transfers of the Applicant and members of her family within Pursat Province do not form part of any of the three phases of forced movements of population for which the Accused are indicted. None of the sites where the Applicant and other members of her family were forced to work under inhumane conditions and as a result of which some of them died from starvation is among the six worksites and cooperatives listed in the Indictment underlying the crimes of enslavement, extermination and other inhumane acts through attacks against human dignity for which the Accused are indicted. Kraho security centre, where the Applicant's brother was detained in 1977 upon accusation of being affiliated with the Nol Lon regime, is not among the security centres listed in the Indictment underlying the crimes of imprisonment and other inhumane acts through enforced disappearance for which the Accused are indicted.

Civil Party Applicant 09-VU-00238 (D22/1611).⁸²³ The forced transfer of the Applicant and her family within Pursat Province in April 1975 is outside the geographical scope of the first phase of forced evacuation of population for which the Accused are indicted. The cooperatives where she and other members of her family were forced to work under inhumane conditions and where ten of her children died of malnutrition are not among the six worksites and cooperatives listed in the Indictment underlying the crimes of enslavement, extermination and other inhumane acts through attacks against human dignity for which the Accused are indicted. There is contradiction between the summary of the application according to which her husband died of malnutrition (D22/1611/1) and the supplementary information where she states that he was injected a drug, Accused of being a Vietnamese spy and died within 3 months. However,

⁸²² Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D423, para. 25 and Annex 3).

⁸²³ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D423, para. 25 and Annex 3).

Civil party applications inadmissible in the view of Judge M...



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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

none of the two accounts of facts establishes a link with one of the crimes for which the Accused are indicted and the Co-Lawyers do not refer to the death of the Applicant's husband. Finally, the Applicant states that she was not allowed to hold a funeral ceremony following the death of her then children. It is plausible that she suffered psychological harm from this prohibition adding to the pain she was in. Without any indication of what is the religion in question, however, I am not in a position to conclude that the crime in question is one for which the Accused are indicted.

Civil Party Applicant 09-VU-00242 (D22/1036).⁸²⁴ I note that the Applicant was born in 1973 and thus explains that she could only remember limited events.⁸²⁵ The sites where she was forced to work under inhumane condition and seven children of her group died as well as the sites where members of her family were forced to work and some of them died, including her grandparents, are not among the cooperatives and worksites underlying the crime of enslavement, extermination and other inhumane acts through attacks against human dignity for which the Accused are indicted. The information provided by the Applicant regarding the shooting of her father and his further burial when he was still alive does not allow me to conclude that it forms part of the crimes for which the Accused are indicted. Toul Mkak pagoda, where it took place, is not one of the sites listed in the Indictment underlying the crimes of murder and extermination for which the Accused are indicted. The Co-lawyers state that the Applicant witnessed persons evacuated from Svey Rieng being brought to Sya cooperative in Pursat Province and killed in 1978. I note that while the Applicant refers to this event she does not describe it as an event she witnessed but rather as one of the events she learned about. I further note that the Co-Lawyers erroneously refer in the appeal to the death of the Applicant's child, while the Applicant refers to the killing of her aunt's child. This crime, in any event, is not among the crimes for which the Accused are indicted as it did not occur in one of the sites or events listed in the Indictment underlying the crimes for which the Accused are indicted. The same goes with the killing of her uncle, aunt and their two children in 1978.

⁸²⁴ Application declared inadmissible on the ground that the Applicant provided insufficient information to verify compliance to Rule 23 bis (1) and (4) (Impugned Order D423, para. 26 and Annexes).

⁸²⁵ Summary of supplementary information D22/1636b.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 09-VU-00248 (D22/2017).⁸²⁶ The forcible transfer of the Applicant and his⁸²⁷ family within Battambang Province in April 1975 falls within the temporal scope of Phase I of the evacuation of population for which the Accused are indicted, but outside its geographical scope. Phase I is indeed limited to the forced evacuation of the population from Phnom Penh. The site where the evacuees, including the Applicant were forced to work under inhumane conditions in Samnang Village, as well as Paoy Angkor Village where he was forced to work in 1976, are not among the limited number of worksites and cooperatives underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted. The appeal refers to the arrest and torture of the Applicant and husband which is contrary to what the application states and the fact that the Applicant is a male and that he was arrested with his wife during their transfer from Battambang Province to Pursat Province in 1976 before being transferred back to Battambang Province. The transfer in question falls in any event outside the geographical scope of Phases II and III of forced evacuations for which the Accused are indicted and the location where they were arrest is not among the limited number of sites underlying the crime of imprisonment for which the Accused are indicted. As to the killing in 1977 of nine close members of the Applicant's family in Battambang Province under the perceived believe that they were Khmer Krom, the Co-lawyers do not show that the Co-Investigating Judges erred in considering that these crimes fell outside the geographic scope of the crime of persecution against the Khmer Krom. This finding is indeed consistent with paragraph 1422 of the Indictment.

Civil Party Applicant 09-VU-00564 (D22/1633).⁸²⁸ The forcible transfer of the Applicant and her family within Pursat Province in April 1975 falls within the temporal scope of Phase I of the evacuation of population for which the Accused are indicted, but outside its geographical scope which is limited to the evacuation of the population from Phnom Penh. Kroal Krabei where they where forced to work under inhumane conditions as a result of which she saw

⁸²⁶ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (outside geographical scope with respect to Khmer Krom persecution) (Impugned Order D423, para. 25 and Annex 3).

⁸²⁷ According to his application and contrary to the appeal, the Applicant is a male.

⁸²⁸ Application declared inadmissible on the ground that there is no proof of kinship with an immediate victim in relation to forcible transfer from the East Zone (Phase 3) and the harm is not linked to the other facts under investigation (Impugned Order D423, para. 25 and Annex 3).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

people dying from starvation is not among the limited number of worksites and cooperatives underlying the crimes of enslavement, extermination and other inhumane acts through attacks against human dignity for which the Accused are indicted. The killings which the Applicant witnessed did not occur in any of the sites or during events listed in the Indictment underlying the crimes of murder and extermination for which the Accused are indicted. Finally, the death of the Applicant's father at Prey Pdao hospital due to lack of medical care does not form part of the crimes for which the Accused are indicted.

Civil Party Applicant 09-VU-00569 (D22/1646).⁸²⁹ The forcible transfer of the Applicant and her family on 17 April 1975 within Pursat Province falls within the temporal scope of Phase I of the evacuation of population for which the Accused are indicted, but outside its geographical scope which is limited to the evacuation of the population from Phnom Penh. The locations where they were then and later during the regime forced to work are not among the limited number of worksites and cooperatives underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted. The death of her father in 1977 following his admission to the hospital of Prey Pdao does not form part of the factual basis of the crimes for which the Accused are indicted. Some of the facts witnessed by the Applicant may form part of the purges and policies in furtherance of which the Indictment alleges that crimes for which the Accused are indicted were committed. The Co-Lawyers however do not show that the crimes witnessed by the Applicant are among the crimes for which the Accused are indicted. In relation to the instances of forced marriages reported by the Applicant – she has seen 5 to 10 couples forced to get married by Angkar – the Co-Investigating Judges decided that there was no proof of kinship with any of the immediate victim of forced marriage. Neither the Applicant nor the Co-Lawyers allege that she suffered psychological harm as a result of witnessing these instances of forced marriage and the information reported by the Applicant about the facts she witnessed does not in itself allow me to conclude that it is plausible that this was the case.

⁸²⁹ Application declared inadmissible on the ground that there is no proof of kinship with an immediate victim of forced marriage and the harm is not linked to the other facts under investigation (Impugned Order D423, para. 25 and Annex 3).

Civil party applications inadmissible in the view of Judge



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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 09-VU-00690 (D22/1439).⁸³⁰ The forcible transfer of the Applicant and members of her family within Pursat Province in 1975 may fall within the temporal scope of Phase I of the evacuation of population for which the Accused are indicted, but outside its geographical scope which is limited to the evacuation of the population from Phnom Penh. The sites and cooperatives where the Applicant and members of her family were successively forced to work under inhumane conditions and where many people, including her parents and younger siblings, died as a result of starvation are not among the limited number of worksites and cooperatives underlying the crimes of enslavement, extermination and other inhumane acts through attacks against human dignity for which the Accused are indicted. The murder of the Applicant's cousin whose body was set on fire while she was still alive in 1977 does not form part of the crimes for which the Accused are indicted. Boeung Kul security centre where her uncle was killed is not among the limited number of security centres listed in the Indictment, underlying the crimes of murder and extermination for which the Accused are indicted.

Civil Party Applicant 09-VU-00734 (D22/1618).⁸³¹ The forced transfer and separation of the Applicant and members of his family in April 1975 within Battambang Province falls within the temporal scope of Phase I of the evacuation of population for which the Accused are indicted, but outside its geographical scope which is limited to the evacuation of the population from Phnom Penh. The site and cooperative where he was forced to work under inhumane conditions and where many people died from starvation or were sent to an hospital where they died subsequently are not among the limited number of worksites and cooperatives underlying the crimes of enslavement, extermination and other inhumane acts through attacks against human dignity for which the Accused are indicted. The information provided by the Applicant about the killing of his elder brothers, two of his elder sisters, one brother in law and a nephew does not allow me to conclude that these crimes for part of the crimes for which the Accused are indicted.

⁸³⁰ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D423, para. 25 and Annex 3).

⁸³¹ Application declared inadmissible on the ground that there is no proof of kinship with an immediate victim in relation to forcible transfer and the harm is not linked to the other facts under investigation (Impugned Order D423, para. 25 and Annex 3).

Civil party applications inadmissible in the view of Judge



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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 09-VU-00748 (D22/1543).⁸³² The forcible transfer of the Applicant and members of her family late in 1975 within Pursat Province falls within the temporal scope of Phase II of the evacuation of population for which the Accused are indicted, but outside its geographical scope. The sites where the Applicant and members of her family were forced to work under inhumane conditions as a result of which nine of them including her husband, brothers/sisters-in-law and nephews died from starvation and/or lack of medical care and where she witnessed acts of cannibalism are not among the limited number of worksites and cooperatives underlying the crimes of enslavement, extermination and other inhumane acts through attacks against human dignity for which the Accused are indicted.

Civil Party Applicant 09-VU-01063 (D22/1518).⁸³³ The forced transfer and separation of the Applicant and members of his family in April 1975 within Pursat Province falls within the temporal scope of Phase I of the evacuation of population for which the Accused are indicted, but outside its geographical scope which is limited to the evacuation of the population from Phnom Penh. The sites and cooperatives where she and members of her family were forced to work under inhumane conditions and where seven members of her family died of starvation are not among the limited number of worksites and cooperatives underlying the crimes of enslavement, extermination and other inhumane acts through attacks against human dignity for which the Accused are indicted. The killing of the Applicant's brother Accused of being related to the Vietnamese falls outside the geographical scope of the crime of persecution on racial grounds as alleged in the Indictment and as rightly considered by the Co-Investigating Judges. Also, the information provided by the Applicant about the same killing as well as those of other members of the family of the Applicant Accused of being soldiers during the Lon Nol Regime, the killing of the Applicant's other siblings and the crimes she was herself a victim of, being labeled '17 April People', does not allow me to conclude that they occurred at sites or during events listed in the Indictment as underlying the crimes for which the Accused are indicted, including the persecutions on political grounds.

⁸³² Application declared inadmissible on the ground that there is no proof of kinship with an immediate victim in relation to forcible transfer (Phases 1 and 3) and the harm is not linked to the other facts under investigation (Impugned Order D423, para. 25 and Annex 3).

⁸³³ Application declared inadmissible on the ground that the harm is not linked to the other facts under investigation and outside geographical scope with respect to Vietnamese persecution (Impugned Order D423, para. 25 and Annex 3).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

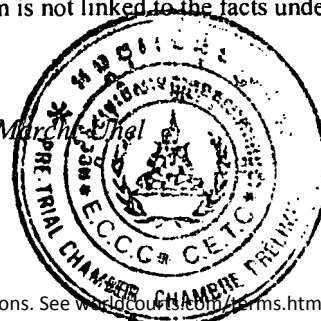
Civil Party Applicant 09-VU-01963 (D22/2948).⁸³⁴ The Applicant is a male according to the application and not a female as indicated in the appeal. The forced transfer of the Applicant within Pursat Province does not form part of any of the three phases of forced movements of population for which the Accused are indicted. The sites where he and other members of his family were forced to work under inhumane conditions, as a result of which his mother died, and the site nearby where he heard people from Svay Rieng screaming before being killed after having been told that they would be sent to another cooperative are not among the limited number of worksites and cooperatives underlying the crimes of enslavement, murder and extermination, persecution on political grounds and other inhumane acts through attacks against human dignity for which the Accused are indicted. The information provided by the Applicant regarding the death of one of his brothers does not allow me to consider that it forms part of the crimes for which the Accused are indicted.

Civil Party Applicant 09-VU-01964 (D22/2949).⁸³⁵ The forcible transfer of the Applicant and of members of her family within Pursat Province in April 1975 falls within the temporal scope of Phase I of the evacuation of population for which the Accused are indicted, but it is outside its geographical scope which is limited to the evacuation of the population from Phnom Penh. The cooperatives and sites where the Applicant and members of her family were forced to work under inhumane conditions are not among the limited number of worksites and cooperatives underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted. Their further forcible transfer within Pursat Province in 1976 does not either form part of the geographical scope of Phases II and III of the forced evacuation of population for which the Accused are indicted. Trach Kroal security centre where the Applicant's mother was detained following her arrest for having stolen rice is not among the limited number of security centres listed in the Indictment underlying the crime of imprisonment for which the Accused are indicted. The cooperative of Tram Ses where one of the Applicant's elder brother, his wife and their child were tortured and killed is not among the limited number of cooperatives underlying the crime of murder and

⁸³⁴ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D423, para. 25 and Annex 3).

⁸³⁵ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D423, para. 25 and Annex 3).

Civil party applications inadmissible in the view of Judge Marchal



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 171)

extermination for which the Accused are indicted. Further, the information provided by the Applicant regarding the circumstances of the loss of 18 of her relatives does not allow me to conclude that these events form part of the crimes for which the Accused are indicted. Bak Cheng-chien cooperative where the Applicant witnessed people from Svay Rieng being forced to work and being killed is not among the limited number of cooperatives listed in the Indictment underlying the crimes of enslavement, murder, extermination and persecution on political grounds for which the Accused are indicted.

Civil Party Applicant 09-VU-01971 (D22/2954).⁸³⁶ The forcible transfers of the Applicant, a former Lon Nol soldier, and members of his family in 1975 within Pursat Province fall within the temporal scope of Phases I and II of the evacuation of population for which the Accused are indicted, but outside their geographical scope. The cooperatives and sites where they were forced to work are not among the limited number of worksites and cooperatives underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted. The information provided by the Applicant in relation to (1) the circumstances of the death of his three children from untreated diseases, (2) the killing of his father at Ta Lo hospital, (3) the disappearance of his brother in law in 1976, (4) the killing he witnessed of 70 persons at Sras Ra Khieu worksite, of 17 East people at Prahoast Kbal and the evidence of killing of more people at Veal Damnak Kanseng do not allow me to consider that these facts form part of the factual basis underlying the crimes for which the Accused are indicted.

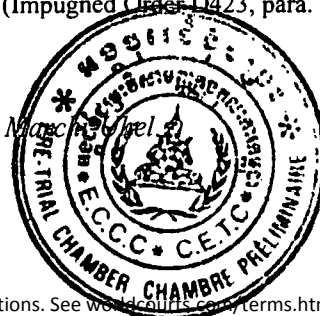
Civil Party Applicant 09-VU-01072 (D22/1495).⁸³⁷ Contrary to what the Co-Lawyers assert, the Applicant does not allege that she and her family were forcibly transferred from Kampong Chhnang Province to Pursat Province during the Khmer Rouge period. She stated in her application that the move in question took place because of the war.⁸³⁸ She adds in her supplementary information that her family was not forcibly transferred by the Khmer Rouge

⁸³⁶ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D423, para. 25 and Annex 3).

⁸³⁷ Application declared inadmissible on the ground that there is no proof of kinship with the immediate victim and the harm is not linked to the other facts under investigation (Impugned Order D423, para. 25 and Annex 3).

⁸³⁸ Report on Civil Party Application D22/1495/1.

Civil party applications inadmissible in the view of Judge Michel



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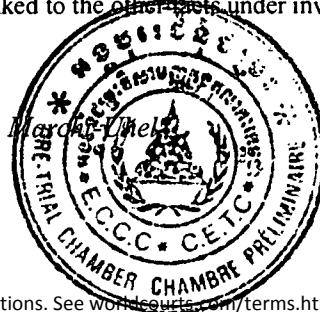
002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

and remained in Pursat Province.⁸³⁹ This notwithstanding, the Applicant stated that she was forced by the Khmer Rouge to move from one place to another within Pursat Province after they entered her Village. These forcible transfers within Pursat Province in 1975 form part of the temporal scope of Phases I or II of the evacuation of population for which the Accused are indicted but they are outside their geographical scope. The cooperatives where the Applicant was forced to work under inhumane conditions, including while pregnant, are not among the limited number of worksites and cooperatives listed in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted. The information provided by the Applicant about the circumstances of the death of her baby from starvation and the disappearance of her husband whom she was told was killed by the Vietnamese does not show that these crimes form part of the factual basis of the crimes for which the Accused are indicted. Kamreng cooperative, where the Applicant witnessed a person being tortured is not among the limited number of cooperatives listed in the Indictment underlying the crime of torture for which the Accused are indicted.

Civil Party Applicant 09-VU-01961 (D22/2946).⁸⁴⁰ The successive forcible transfers of the Applicant do not form part of the geographical scope of any of the three phases of evacuation of population for which the Accused are indicted. None of the sites where he was forced to work under inhumane conditions is among the limited number of worksites and cooperatives listed in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted. The Applicant, a member of a commando in the Nol Lon regime, witnessed a number of crimes committed against former Lon Nol soldiers. However, the information provided by the Applicant in relation to the crimes he witnessed does not allow me to conclude that these are crimes for which the Accused are indicted. The same goes with the information provided by the Applicant in relation to the loss of nine of his relatives, including his children, during the Khmer Rouge regime.

⁸³⁹ Supplementary Information D22/1495b.

⁸⁴⁰ Application declared inadmissible on the ground that there is no proof of kinship with an immediate victim in relation to Tuol Po Chrey Execution site and the harm is not linked to the other facts under investigation (Impugned Order D423, para. 25 and Annex 3).



002/19-09-2007-ECCC/OCJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 09-VU-01069 (D22/1556).⁸⁴¹ The forcible transfers of the Applicant and members of her family within Pursat Province in 1975 do not form part of the geographical scope of phases I and II of the evacuation of population for which the Accused are indicted. The sites where they were forced to work hard and saw many people dying from starvation, including her mother, are not among limited number of worksites and cooperatives listed in the Indictment underlying the crimes of enslavement, extermination and other inhumane acts through attacks against human dignity for which the Accused are indicted. The information provided by the Applicant in relation to the killing of her husband, a former Lon Nol soldier, does not allow me to conclude that this killing is one for which the Accused are indicted of murder, extermination or persecution on political grounds. Further, Dei Roling cooperative where she saw many persons being killed in 1977 is not among the limited number of worksites and cooperatives listed in the Indictment underlying the crimes of murder, extermination and persecution for which the Accused are indicted.

Civil Party Applicant 09-VU-01111 (D22/0740).⁸⁴² According to the application, the Applicant is a woman and not a man as would appear from the appeal. The forced transfers of which she was a victim do not form part of the geographical scope of any of the three phases of evacuation of population for which the Accused are indicted. The locations where she was forced to work under inhumane conditions, detained and tortured and where she saw detainees and other persons being tortured and/or killed are not among the limited number of worksites, cooperatives and security centres listed in the Indictment underlying the crimes of enslavement, imprisonment, torture, murder, extermination and other inhumane acts through attacks against human dignity for which the Accused are indicted. The information provided by the Applicant about the circumstances of her father and siblings killings, in particular the location of these killings, i.e. Doun Am Village, does not allow me to conclude that these crimes form part of the crimes for which the Accused are indicted.

⁸⁴¹ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D423, para. 25 and Annex 3).

⁸⁴² Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D423, para. 25 and Annex 3).

Civil party applications inadmissible in the view of Judge



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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 09-VU-01125 (D22/0682).⁸⁴³ According to the application, the Applicant is a man and not a woman as would appear from the appeal. The forcible transfers of the Applicant and members of his family within Pursat Province in 1975 and again in 1976 do not form part of any of the phases of evacuation of population for which the Accused are indicted. The locations where they were forced to work under inhumane conditions are not among the limited number of worksites and cooperatives listed in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted. The information he provides about the circumstance of his father death as a result of starvation does not allow me to conclude that it forms part of the crimes for which the Accused are indicted. The locations where he witnessed persons being killed are not among the limited number of sites listed in the Indictment underlying the crimes of murder, extermination and persecution on political and racial grounds for which the Accused are indicted. Ruol Angkanh where took place the killing of the Applicant's sister, Accused of being an American imperialist, and of his brother-in-law and the family of the later, on the ground that he was a former Nol Lon soldier, is not among the sites listed in the Indictment, underlying the crimes of murder and persecution on political grounds for which the Accused are indicted.

Civil Party Applicant 09-VU-02387 (D22/2663).⁸⁴⁴ The forcible transfer of the Applicant and her family in April 1975 from Pursat town to a rural area is outside the geographical scope of Phase I of the evacuation of population for which the Accused are indicted, which is limited to the population from Phnom Penh. La Lou cooperative where they were forced to work under inhumane conditions is not among the limited number of worksites and cooperatives listed in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted. The Co-Lawyer do not show that the Co-Investigating Judges erred in considering that the killing of 29 members (and not 39 as indicated in the appeal) of the Applicant's family by the Khmer Rouge because of being

⁸⁴³ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D423, para. 25 and Annex 3).

⁸⁴⁴ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (outside geographical scope with respect to Khmer Krom persecution) (Impugned Order D423, para. 25 and Annex 3).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Accused of being “Vietnamese head with Khmer body” fall outside the geographical scope of the accusation of persecution against the Khmer Krom. It is further not alleged that any of these killings took place in one of the limited sites listed in the Indictment underlying the crimes of murder and extermination for which the Accused are indicted.

Appeal PTC 122⁸⁴⁵

Civil Party Applicant 08-VU-00077 (D22/1357).⁸⁴⁶ The Co-lawyers argue that the Applicant was victim of torture because her father was a former Lon Nol soldier. They further argue that her father and uncle were detained and executed, for the same reason and that she personally witnessed their execution by the Khmer Rouge. Wat Putream where the Applicant was detained and tortured is not among the limited number of security centres listed in the Indictment underlying the crimes of imprisonment, torture and other inhumane acts through attacks against human dignity for which the Accused are indicted. There is a contradiction between the account of events related to the killing of the Applicant’s father and uncle in the appeal and in the supplementary information. The latter, which is consistent with the original application, states that in 1977, the Applicant saw her father being arrested by the Khmer Rouge at Svay Sa Village in Pursat Province and he was sent to the west and disappeared. The appeal states that she witnessed his killing as well as that of her uncle. As to her uncle, the application states that he was killed in Putream Village in Pursat Province. In any event, it is not alleged that these facts took place in any of the locations listed in the Indictment underlying the crimes of murder, extermination and persecution on political grounds for which the Accused are indicted.

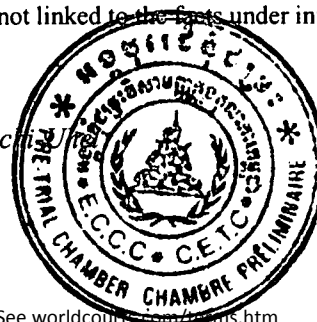
Civil Party Applicant 09-VU-0528 (D22/0613).⁸⁴⁷ The Co-Lawyers argue that the Applicant who was a child during the DK regime was forced to work day and night and that he was even

⁸⁴⁵ *Appel des Co-avocats de parties civiles, groupe « Avocats Sans Frontières France », de l’ordonnance D423 sur la recevabilité des constitutions de parties civiles résidant dans la Province de Pursat, 27 September 2010, D423/6/1. (“Appeal PTC 122”).*

⁸⁴⁶ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D423, para. 25 and Annex 3).

⁸⁴⁷ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D423, para. 25 and Annex 3).

Civil party applications inadmissible in the view of Judge Marc



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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

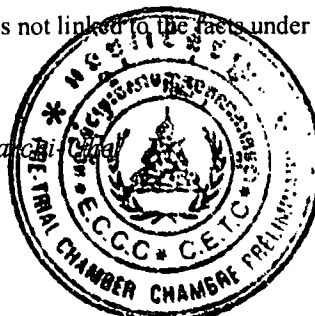
once detained with a view to being executed at the prison of sector 32. They additionally argue that his father, a former Village chief under the Nol Lon regime, was considered an enemy arrested as such and executed. Trang cooperative, Pursat Province and the other locations where the Applicant was forced to work under inhumane conditions while being a child is not among the six worksites and cooperatives listed in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted. Prison 32 where he alleges to have been detained is not among the limited number of security centres listed in the Indictment underlying the crimes of imprisonment and other inhumane acts through attacks against human dignity for which the Accused are indicted. The information provided by the Applicant regarding the 'other place' where he was detained in 1978 and from which he managed to escape does not allow me to conclude that the place in question is among the above mentioned list. Finally, Tuol Ampil, where the execution of the Applicant's father considered an enemy due to his function under the Lon Nol regime took place is not among the limited number of sites listed in the Indictment underlying the crimes of murder and extermination for which the Accused are indicted.

Civil Party Applicant 09-VU-00534 (D22/0579).⁸⁴⁸ The Co-Lawyers argue that the Applicant was a child during the DK regime and that his father was arrested and executed under the accusation of being lazy. Araen Village where the Applicant's father was executed is not among the sites listed in the Indictment underlying the crimes of murder and extermination for which the Accused are indicted.

Civil Party Applicant 09-VU-00640 (D22/0130).⁸⁴⁹ The Co-lawyers argue that the Applicant is of Khmer Krom origin and that he was arrested, detained and tortured several times with a view to confess being a Vietnamese Khmer. They also argue that he was a former Lon Nol soldier and was evacuated to the cooperative of Russey Krain in Battambang Province and was victim of forced labour. I note that the successive detention and torture of the Applicant in security centre 32 Pech Changva in Battambang Province falls outside the geographical scope

⁸⁴⁸ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D423, para. 25 and Annex 3).

⁸⁴⁹ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D423, para. 25 and Annex 3).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

of the crime of persecution on racial grounds for which the Accused are indicted.⁸⁵⁰ Further, the security centre in question is not among the limited number of security centres listed in the Indictment underlying the crimes of imprisonment and torture for which the Accused are indicted. The cooperative of Russei Kran and the other sites where the Applicant was forced to work under inhumane conditions are not among the work sites, cooperatives and other sites underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted.

Civil Party Applicant 10-VU-00849 (D22/3862).⁸⁵¹ The Co-lawyers argue that the Applicant was forced to join the Khmer Rouge as a soldier and that her bother and sister were arrested and executed. Ponley site, Kampong Chhnang Province, where the Applicant was forced to serve food to prisoners is not among the limited number of work sites, cooperatives and other sites underlying the crimes of enslavement for which the Accused are indicted. Further, Wat Ou Roluos, Kampong Chhnang Province, where the execution of the Applicant's siblings took place is not among the limited number of execution sites and other sites listed in the Indictment underlying the crimes of murder and extermination for which the Accused are indicted.

Civil Party Applicant 10-VU-00852 (D22/3865).⁸⁵² The Co-Lawyers argue that the Applicant's brother was arrested and executed⁸⁵³ for having stolen rice during the DK regime. I note that there is no indication that the cooperative where the Applicant's siblings were executed is among the limited number of sites listed in the Indictment underlying the crimes of murder and extermination for which the Accused are indicted.

Civil Party Applicant 10-VU-0853 (D22/3866).⁸⁵⁴ The Co-Lawyers argue that the Applicant, a soldier during the Khmer Rouge regime working as a medic, was arrested as well as his wife and that they were tortured at the security centre of Banteay Dey. They add that his wife

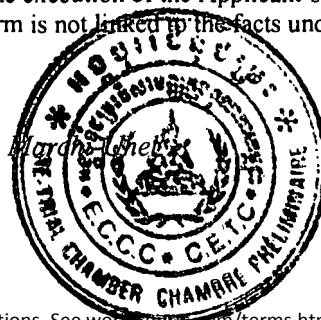
⁸⁵⁰ Indictment, para. 1422.

⁸⁵¹ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D423, para. 25 and Annex 3).

⁸⁵² Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D423, para. 25 and Annex 3).

⁸⁵³ Actually, the English summary of the application refers to the execution of the Applicant's two sisters.

⁸⁵⁴ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D423, para. 25 and Annex 3).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

delivered twins while in prison and that one of them was executed because he was crying a lot. I note that the security centre of Banteay Dey where the Applicant and members of his family were respectively detained, tortured and/or killed is not among the limited number of sites listed in the Indictment underlying the crimes of imprisonment, torture and murder for which the Accused are indicted.

Civil Party Applicant 10-VU-0854 (D22/3867).⁸⁵⁵ The Co-Lawyers allege that the Applicant, who was a child during the Khmer Rouge regime, lived in Takeo Province and that he was forced to work under very hard conditions in the glass plant forming part of Prey Sâr or S-24. They add that he was forced to fight with the Khmer Rouge against the Vietnamese army and that a number of his close relatives were executed under the suspicion of being Khmer Krom. The application states that in 1977, the Applicant was assigned to work at South Kao Factory (currently probably Prey Sar prison), Phnom Penh Province. I note that according to the Indictment, the main premises of S-24 extended from Prey Sar prison to the Village of Chek. However, the whole S-24 centre covered a larger area and it came into operation as a worksite for S-21 before March 1976 and remained in operation until 7 January 1979.⁸⁵⁶ I further note that the function of the S-24 worksite was *to reform and reeducate combatants* and to provide food to supply S-21 and its branches.⁸⁵⁷ The Indictment further states that with regard to S-24, it is not possible to state with precision the number of people detained there on the basis of the existing evidence relating to lists of people.⁸⁵⁸ While the Applicant having been forced to serve as a Khmer Rouge soldier⁸⁵⁹ could fall within the category of persons who were sent to S-24, I note that the type of work retained in the Indictment does not include the assignment to a glass factory. Paragraph of the Indictment reads in this respect : “People detained in S-24, including women and children, worked in rice fields, fished, grew vegetables, carried out rice planting, built dykes and dug canals and ponds.” As to the deaths from starvation of his two sisters, also Khmer Krom, they occurred outside the geographical scope retained in the Indictment in relation to persecution against the Vietnamese ethnic group and it is not alleged

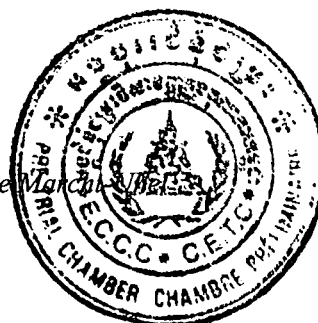
⁸⁵⁵ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D423, para. 25 and Annex 3).

⁸⁵⁶ Indictment, para. 400.

⁸⁵⁷ Indictment, para. 401.

⁸⁵⁸ Indictment, para. 403.

⁸⁵⁹ Report on Civil Party Application D22/3867.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

that these deaths occurred in one of the limited sites listed in the Indictment underlying the crime of extermination.

Civil Party Applicant 10-VU-0878 (D22/3888).⁸⁶⁰ The Co-Lawyers argue that the Applicant, a monk under the Lon Nol Regime, was considered “17 April People” by the Khmer Rouge and was victim of forced labour. He further witnessed forced marriages and Cham people being forced to eat pork. I note that the Applicant does not allege persecution on religious grounds and indicates that he had left the monkhood already in 1970. Similarly, he states that he was sent to the cooperative of Sdok Khla in 1974 that is prior to the temporal scope of the indictment. In any event, the cooperative in question is not among the cooperatives and worksites listed in the indictment underlying the crime of enslavement for which the Accused are indicted. Finally, the Applicant does not allege having suffered psychological harm from witnessing forced marriage and persecution against the cham population forced to eat pork.

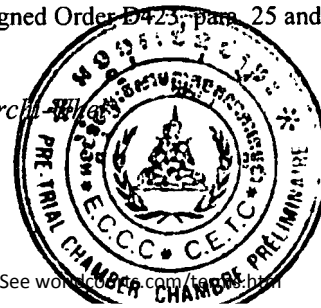
Civil Party Applicant 10-VU-0859 (D22/3872).⁸⁶¹ The Co-Lawyers failed to provide arguments related to the Applicant but I nonetheless reviewed the application. It is plausible that the targeting of several members of the Applicant family, including his mother and all his relatives on his mother side on the ground that they were Khmer Krom were committed in further of the same policies and enterprise in furtherance of which the Indictment alleges that acts of persecution against the Vietnamese for which the Accused are indicted were committed. However, in light of the limited geographical scope retained in the Indictment in relation to these acts of persecution, I find no error in the conclusion by the Co-Investigating Judges that the crimes alleged by the Applicant fall outside that geographical scope.

Civil Party Applicant 10-VU-0875 (D22/3885).⁸⁶² The Co-Lawyers argue that the Applicant was a child during the Khmer Rouge period and that her father was executed on the ground that he was a Khmer Krom. I am of the view that the Co-Investigating Judges erred in

⁸⁶⁰ Application declared inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D423, para. 25 and Annex 3).

⁸⁶¹ Application declared inadmissible on the ground that harm is not linked to the facts under investigation and is outside geographical scope with respect to Khmer Krom persecution (Impugned Order D423, para. 25 and Annex 3).

⁸⁶² Application declared inadmissible on the ground that harm is not linked to the facts under investigation and is outside geographical scope with respect to Cham persecution (Impugned Order D423, para. 25 and Annex 3)



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

reasoning the exclusion of the application on the basis that the harm is outside the geographical scope of persecution against the Cham. This error however does not automatically render the application admissible. I note that the execution of the Applicant's father in Pursat Province falls outside the geographical scope of the crime of persecution on racial grounds for which the Accused are indicted.⁸⁶³ Further, Khnar Totueng Village where this execution took place is not among the limited number of sites listed in the Indictment underlying the crimes of murder and extermination for which the Accused are indicted.

Civil Party Applicant 09-VU-00523 (D22/0998).⁸⁶⁴ The Applicant reported that in 1977 her father and three siblings died as a consequence of malnutrition. Trang Village in Pursat Province is not among the worksites, cooperatives and other sites listed in the Indictment underlying the crime of extermination and other inhumane acts through attacks against human dignity for which the Accused are indicted. Further, it is not alleged that the site where the Applicant was forced to dig a dam and work hard while being a child is among the limited number of worksites and cooperatives underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted.

Civil Party Applicant 09-VU-00527 (D22/1001).⁸⁶⁵ The Co-Lawyers argue that the brother of the Applicant, a former soldier, has been detained and executed together with other soldiers at Tuol Po Chrey, Kamdieng District, Pursat Province. The application contains no mention of the fact that the brother's Applicant would have been killed at Tuol Po Chrey. Tuol Po Chrey is indeed one of the execution sites where the Indictment alleges that large scale killings of ex-military and civil population for which the Accused are indicted were carried out from late April 1975 to approximately 1977.⁸⁶⁶ The Co-Lawyers have been requested to submit further particulars from the Applicant in this respect but have failed to do so.

⁸⁶³ Indictment, para. 1422.

⁸⁶⁴ Application declared inadmissible on the ground that they provided insufficient information to verify compliance to Rule 23 bis (1) and (4) (Impugned Order D423, para. 26 and Annex 3).

⁸⁶⁵ Application declared inadmissible on the ground that they provided insufficient information to verify compliance to Rule 23 bis (1) and (4) (Impugned Order D423, para. 26 and Annex 3).

⁸⁶⁶ Indictment, para. 698.

Civil party applications inadmissible in the view of Judge Marchés Uitel



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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Appeal PTC 123⁸⁶⁷

Civil Party Applicant 09-VU-00106 (D22/1085).⁸⁶⁸ The Co-Lawyers argue that in refusing to admit that there is a direct link between the alleged harm and the crimes charged, the Co-Investigating Judges disregarded the impact of the terror daily felt by the Applicant. They further list the various facts reported by the Applicant. The fact that the Applicant may have been terrorized by crimes committed by the Khmer Rouge but for which the Accused are not indicted may be relevant when assessing the psychological state of the Applicant. This however does not relieve the Co-Lawyers from establishing a link between the psychological harm alleged by the Applicant and crimes for which the Accused are indicted. The forcible transfer of the Applicant within Pursat Province in 1975 does not fall within the geographical scope of Phases I and II of the evacuation of population for which the Accused are indicted. Her further transfer to another location within Pursat Province in 1977 falls outside the geographical scope of phases II and III of the evacuation of population for which the Accused are indicted. The worksites where she was forced to work following her successive transfers and where she was submitted to inhumane living condition, including receiving lack of food or medicine, as a result of which many people died, or being denied to visit her sick child, are not among the six worksites and cooperatives listed in the Indictment underlying the crime of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted.

Civil Party Applicant 09-VU-00749 (D22/1561).⁸⁶⁹ The Co-Lawyers raised in support of the Applicant arguments similar to those raised in favour of 09-VU-00106 (D22/1085). Like the Co-investigating judges, I find that it is plausible that the Applicant suffered psychological harm as result crimes within the jurisdiction of the ECCC. The link to be established by the Co-Lawyers, however, is between the harm in question and at least one of the crimes for which the Accused are indicted. The forcible transfer of the Applicant and members of his family

⁸⁶⁷ *Requête d'appel d'ordonnance sur la recevabilité des constitutions de parties civiles résidant dans la Province de Pursat*, 27 September 2010, D423/7/1 ("Appeal PTC 123").

⁸⁶⁸ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D423, para. 25 and Annex 3).

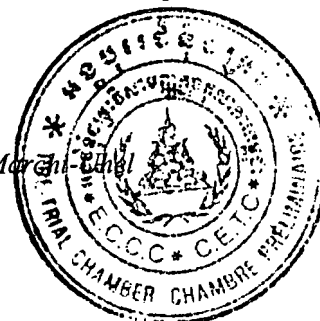
⁸⁶⁹ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D423, para. 25 and Annex 3).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

within Battambang Province after the Khmer Rouge took power in 1975 is within the temporal scope of phase I of evacuation of population for which the Accused are indicted but outside its geographical scope, which is limited to the population from Phnom Penh. The same goes with the second forcible transfer of the Applicant. As to his third transfer late 1975 within Battambang Province, it falls within the temporal and geographical scope of phase II of evacuation of population for which the Accused are indicted. However, the situation of the Applicant does not fall within the factual scenario envisaged under phase II. His transfer was forced in the sense that he did not voluntarily join the mobile unit, but Phase II does not refer to any forcible transfers of the kind of which the Applicant was a victim, i.e. assignments of mobile units and in the Applicant's case building Trapeang Andaet Dam and later digging canals at Ta Lou Village in Pursat Province. Unlike Trapeang Thma Dam worksite, Trapeang Andaet Dam worksite, Prongil cooperative and Damnark Chheu Kram worksites, where the Applicant was forced to work under inhumane conditions and where many people died from starvation and diseases, are not among the six worksites and cooperatives listed in the Indictment underlying the crimes of enslavement, extermination and other inhumane acts through attacks against human dignity for which the Accused are indicted. The same goes for Damnak Ampil worksite, where the Applicant's father was forced to break stones, and for Dangko Meas cooperative, where his mother was forced to work and died from starvation. There is no information allowing me to conclude that the prison in Prongil cooperative where the Applicant and one of his friends were detained for one night on the accusation of being traitors to Angkar is among the limited number of sites listed in the Indictment underlying the crime of imprisonment for which the Accused are indicted. The same goes for Pursat provincial hall where he was interrogated and witnessed people being killed. This hall is not either among the limited number of sites listed in the Indictment underlying the crime of murder and extermination for which the Accused are indicted. Finally, the statement in the application that the Applicant learned that 19 of his relatives died during the Khmer Rouge regime and the additional information provided by the Co-Lawyers that he lost his mother in 1977 do not allow me to conclude that any of these death forms part of the factual basis underlying the crimes of genocide, murder, extermination or persecution for which the Accused are indicted.

Civil party applications inadmissible in the view of Judge Marchal



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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

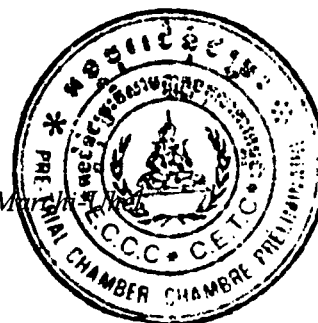
Civil Party Applicant 09-VU-01981 (D22/2964).⁸⁷⁰ The Co-Lawyers argue that the Co-Investigating Judges failed to take into account the harm suffered by the Applicant in relation to the execution at Pao Loh mountain of Khmer Krom from Svay Rieng. They stress that the Applicant had a close relationship with two of the immediate victims. The Applicant reported that in 1978 she was transferred with her child to Pao Lao, and that people from Svay Rieng Accused of having Khmer body with Vietnamese mind being killed. The Co-Lawyers supplement this information in that these persons had been transferred into the Applicant's unit from Svay Rieng Province in 1978. They stress that the Applicant who was working there heard about 20 persons being fired at and killed and that she particularly suffered from witnessing this crime because among the victims where Ry and Ny, two single women with whom she had developed a strong relationship as she herself had just lost her daughters. I find it plausible that, in light of these circumstances, the Applicant suffered psychological harm from witnessing the killing of these persons. The real question however is whether the killings in question forms part of the crimes for which the Accused are indicted. Pao Lao is not among the limited number of execution sites, security centres, cooperatives and worksites listed in the Indictment where it alleges that the legal elements of murder have been established.⁸⁷¹ The Indictment states that the legal elements of murder have also been established in regard to phases 1 and 3 of the population movements. I consider that it is plausible that the persons the Applicant refers to where immediate victims of phase III of the evacuation of population for which the Accused are indicted.⁸⁷² While the factual finding of crimes, however, refers to some of these persons being sent directly to execution sites it does not appear to retain each and every instance of killing committed against the persons transferred. The Indictment states that a significant number of the persons moved from the East Zone disappeared or died during the displacement as a result of the poor travelling conditions. One witness also states that "*stubborn people (those who opposed the Khmer Rouge soldiers) were shot dead by the Khmer Rouge soldiers*".⁸⁷³ The Indictment then goes on to describe most people being sent to work at cooperatives or worksites. It also adds that some persons who had been moved were sent to

⁸⁷⁰ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D423, para. 25 and Annex 3).

⁸⁷¹ Indictment, para. 1373.

⁸⁷² Indictment, paras 283-285.

⁸⁷³ Indictment, para. 291.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 171)

security centres, where they were imprisoned and suffered serious mistreatment, or were sent directly to execution sites. The only reference to people being taken from worksites and cooperatives and killed is to be found at paragraph 292 of the Indictment. It reads “Finally, there is evidence that, just before the arrival of the Vietnamese troops, people moved from Prey Veng and Svay Rieng Provinces were gathered from all the surrounding working sites and sent to Rumlech Pagoda, Bakan Leu District (Sector 2 in the Northwest Zone) where they were shot.” The relevant killings reported by the Applicant do not form part of the instances of killings forming part of Phase III of the forcible evacuation of population for which the Accused are indicted. Thus, the Co-Lawyers do not show that the Co-Investigating Judges erred in not declaring the application admissible on that basis.

Appeal PTC 151⁸⁷⁴

Civil Party Applicant 09-VU-00639 (D22/128).⁸⁷⁵ The forcible transfer of the Applicant and his family on 18 April 1975 from Battambang town to Kampaong Village in Pursat Province does not form part of Phase 1 of the forced movement of population for which the Accused are indicted, which is limited to the evacuation of Phnom Penh. Furthermore, the forced labour and inhumane treatment of the Applicant and his family, which took place in the Bakan District of Pursat Province⁸⁷⁶ did not occurred in one of the cooperatives, worksites and security centres where the Indictment alleges that the crime against humanity of enslavement for which the Accused are indicted occurred. With regards to the murder of the Applicant’s children for eating rice from the fields, the location in question does not correspond with the sites retained in the Indictment in relation to this crime.

Civil Party Applicant 09-VU-01696 (D22/814).⁸⁷⁷ The forcible transfer of the Applicant and her family, on 17 April 1975, from Pursat provincial town to Bakan District of Pursat

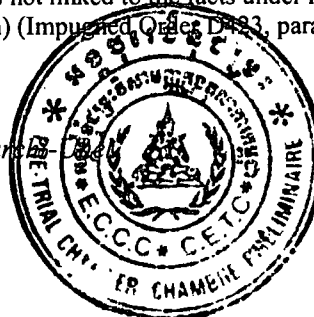
⁸⁷⁴ Appeal Against Order on the Admissibility of Civil Party Applicants from Current Residents of Pursat Province (D423), 20 October 2010, D423/8/1 (“Appeal PTC 151”).

⁸⁷⁵ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D423, para. 25 and Annex 3).

⁸⁷⁶ Appeal PTC 151, para. 10.

⁸⁷⁷ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (outside geographical scope/Khmer Kampuchea Kraom persecution) (Impugned Order D423, para. 25 and Annex 3).

Civil party applications inadmissible in the view of Judge Marc



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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Province,⁸⁷⁸ does not form part of Phase 1 of the forced movement of population for which the Accused are indicted, which is limited to the evacuation of Phnom Penh. The forced labour and inhumane treatment of the Applicant and her family, which led to the death of her three younger brothers in 1976,⁸⁷⁹ which took place in the Bakan District of Pursat Province, did not occur in one of the cooperatives, worksites and security centres where the Indictment alleges that the crime against humanity of enslavement for which the Accused are indicted occurred. With regards to the murder of the Applicant's father by the Khmer Rouge in 1978,⁸⁸⁰ there is insufficient information about the cause and location of his death to consider it plausible that it corresponds to a crime for which the Accused are indicted.

Civil Party Applicant 09-VU-01694 (D22/823).⁸⁸¹ The forced labour and inhumane treatment of the Applicant and her family, which took place in the Bakan District of Pursat Province, did not occur at any of the cooperatives, worksites and security centres where the Indictment alleges that the crime against humanity of enslavement for which the Accused are indicted occurred. The circumstances of incidents of political persecution against persons linked to Lon Nol's regime witnessed by the Applicant are not described in any details and, as such, it is impossible to determine that the specific incidents she witnessed fall within the scope of the crime as charged in the Indictment.⁸⁸²

Civil Party Applicant 09-VU-01686 (D22/2144).⁸⁸³ The forcible transfer of the Applicant and his family from Svay Daunkeo town does not form part of Phase 1 of the forced movement of population for which the Accused are indicted, which is limited to the evacuation of Phnom Penh. Neither of the two subsequent phases are concerned with movements of population originating in Pursat Province. Further, the alleged forced labour, inhumane treatment, and persecution of the Applicant and his family took place in the Bakan District of Pursat Province.

⁸⁷⁸ Appeal PTC 151, para. 13.

⁸⁷⁹ Appeal PTC 151, para. 14.

⁸⁸⁰ Appeal PTC 151, para. 14.

⁸⁸¹ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D423, para. 25 and Annex 3).

⁸⁸² See Indictment, para. 1416 to see which events and places at which the Accused are indicted for the crime against humanity of persecution on political grounds.

⁸⁸³ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D423, para. 25 and Annex 3).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

This location does not correspond with the cooperatives, worksites and security centres where the Indictment alleges that the crime against humanity of enslavement for which the Accused are indicted occurred nor does it correspond with those set out by the Indictment for the crime of political persecution.

Civil Party Applicant 09-VU-01697 (D22/2151).⁸⁸⁴ The forced labour and inhumane treatment of the Applicant and her family, which took place in the Bakan District of Pursat Province, did not occurred in any of the cooperatives, worksites and security centres where the Indictment alleges that the crime against humanity of enslavement for which the Accused are indicted occurred.⁸⁸⁵ Further, while the Applicant mentioned in her application having knowledge of the murder of evacuees from Phnom Penh and Svay Rieng, there is no evidence to suggest that she witnessed such events, nor that she suffered psychological harm as a result of them.⁸⁸⁶

Civil Party Applicant 09-VU-01689 (D22/2147).⁸⁸⁷ The forced labour and inhumane treatment of the Applicant and her family, which took place in Preah Malou Commune, Bakan District of Pursat Province, did not occurred in any of the cooperatives, worksites and security centres where the Indictment alleges that the crime against humanity of enslavement for which the Accused are indicted occurred.⁸⁸⁸ Further, while the Co-Lawyers refer to the Applicant's original Khmer application form to support their assertion that he witnessed the murder of Khmer Kroms from Prey Veng and Svay Rieng Provinces who were Accused of being Yuon associates,⁸⁸⁹ I note that the application form in fact only refers to the killing of the Khmer Kroms who were in the Applicant's Commune, without reference to where they came from,

⁸⁸⁴ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (outside geographical scope/Khmer Kampuchea Kraom persecution) (Impugned Order D423, para. 25 and Annex 3).

⁸⁸⁵ Indictment, para. 1391.

⁸⁸⁶ Civil party application D22/2151 (original Khmer application). – NOTE: The English summary of the application made no mention of evacuees from Svay Rieng or Phnom Penh whatsoever. The Khmer application mentions that such people were killed, but does not mention where the killing occurred (ie, in Pursat), whether it was witnessed by the Applicant, or whether the Applicant suffered psychological harm.

⁸⁸⁷ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D423, para. 25 and Annex 3).

⁸⁸⁸ Indictment, para. 1391.

⁸⁸⁹ Appeal PTC 151, para. 29.

Civil party applications inadmissible in the view of Judge M...



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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

when they arrived in Pursat, or the reason for their being killed.⁸⁹⁰ While it is plausible that such killing caused the Applicant psychological harm, there is insufficient information for me to be satisfied that the Accused are indicted for these killings.

Civil Party Applicant 09-VU-01695 (D22/815).⁸⁹¹ The forcible movement of the Applicant and her family on 17 April 1975 from Daun Teav Village in Battambang Province to Maong Russei District of Battambang Province does not form part of Phase 1 of the forced movement of population for which the Accused are indicted, which is limited to the evacuation of Phnom Penh. Further it is not alleged for any of the murders, disappearances or exterminations from which the Applicant suffered, where these events occurred, i.e. disappearance of her husband after he was forced to join the Khmer Rouge army, death of four of her sons, extermination of seven of her siblings as Khmer Krom, and killing of four of her brother/sister-in-laws, execution of her mother and eleven of her nieces and nephews by the Khmer Rouge. As such, it is not possible to determine whether any of these events occurred within the scope of one of the specific crimes for which the Accused are indicted. Finally it is not alleged that the location where the Applicant and her family were subjected to forced labour is among the limited amount of sites retained in the Indictment underlying the crime of enslavement for which the Accused are indicted.

Appeals against Impugned Order D424 (Siem Reap Province)⁸⁹²

Appeal PTC 105⁸⁹³

Civil Party Applicant 08-VU-00005 (D22/1314).⁸⁹⁴ The Co-lawyers argue that the Applicant suffered harm as a result of her forced labour, starvation and lack of medical treatment in Siem

⁸⁹⁰ Civil party application D22/2147 (original Khmer application).

⁸⁹¹ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (outside geographical scope/Khmer Kampuchea Kraom persecution) (Impugned Order D423, para. 25 and Annex 3).

⁸⁹² Order on Admissibility of Applicant Civil Party Applicants from Current Residents of Siem Reap Province, 15 September 2010, D424 ("Impugned Order D424").

⁸⁹³ Appeal Against Order on the Inadmissibility of Civil Party Applicants from Current Residents of Siem Reap Province (with List of reference), 27 September 2010, D424/3/3 ("Appeal PTC 105").

⁸⁹⁴ Application inadmissible on the ground that there is insufficient information to verify compliance with Rule 23 bis (1) and (4) (Impugned Order D424, para. 28 and Annex 3).

Civil party applications inadmissible in the view of Judge Marc



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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Reap, as well as having witnessed the mass execution of “17 April people” at Prey Sneb Village.⁸⁹⁵ This information does not allow me to conclude that these events form part of the crimes for which the Accused are indicted, or that the events occurred at one of the limited number of security centers, execution sites, worksites or cooperatives retained in the indictment underlying the crimes of imprisonment, extermination, murder, enslavement, and other inhumane acts through attacks on human dignity for which the Accused are indicted..

Civil Party Applicant 08-VU-00111 (D22/1313 and D22/1314)⁸⁹⁶ The information about the Applicant’s forced labour and starvation, and having witnessed ‘17 April people’ being killed in Prey Snip Village, Siem Reap Province,⁸⁹⁷ does not allow me to conclude that these events occurred at one of the limited number of security centres, execution sites, worksites or cooperatives retained in the indictment underlying the crimes of extermination, murder, enslavement and other inhumane acts through attacks on human dignity for which the Accused are indicted.

Civil Party Applicant 08-VU-00589 (D22/1018).⁸⁹⁸ The forced movement of the Applicant and her family in 1975 within Kralanh District in Siem Reap Province,⁸⁹⁹ does not form part of the population movements for which the Accused are indicted. In addition, Phnum Trong Bat Security Centre in Siem Reap Province, where the Applicant was detained, forced to work with insufficient food, her husband was killed, three of her children died from inadequate food and medicine,⁹⁰⁰ and where she witnessed prisoners being taken to be killed and being raped prior

⁸⁹⁵ Appeal PTC105, paras.60 and 165.

⁸⁹⁶ Application inadmissible on the ground that there is insufficient information to verify compliance with Rule 23 bis (1) and (4) (Impugned Order D424, para. 28 and Annex 3). The Impugned Order and Annex have two different Document No.s for this Applicant - Document No. D22/1313 and D22/1314 (see para 25 Impugned Order, and page 2 and 44 of Annex) - There is no information in the Appeal relating to a Civil Party with D22/1313 and information in the Appeal relating to D22/1314 refers to refer to the above Applicant (08-VU-00005) who has the same Document No. I am therefore relying on the Applicant’s initial statement (D22/1313/1) EN and KH

⁸⁹⁷ Report on Civil Party Application D22/1313/1.

⁸⁹⁸ Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

⁸⁹⁹ Summary of supplementary information D22/1018b., Appeal PTC105, para. 61.

⁹⁰⁰ Appeal PTC105, para. 61.

Civil party applications inadmissible in the view of Judge Marc



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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

to their execution,⁹⁰¹ is not one of the limited number of security centres retained in the indictment underlying the crimes of imprisonment, extermination, murder, enslavement, rape, and other inhumane acts through attacks on human dignity for which the Accused are indicted.

Civil Party Applicant 08-VU-00684 (D22/0431).⁹⁰² Although the Applicant is listed on page 7 of the Appeal as one of the Appellants, the Co-Lawyers raise no specific argument in relation to this Applicant. The information in the Report on Civil Party Application (only available in Khmer) about the disappearance of her father, after he was forced to move from their home to be re-educated at Phorm Koun Dom Vey, on the accusation of having committed immoral acts,⁹⁰³ does not allow me to conclude that these events occurred at one of the limited number of security centers, execution sites, worksites or cooperatives retained in the indictment underlying the crimes of imprisonment, extermination, murder, enslavement and other inhumane acts through disappearances for which the Accused are indicted.

Civil Party Applicant 08-VU-00685 (D22/1021).⁹⁰⁴ The forced movement of the Applicant and her family to various locations in Siem Reap Province in 1975, where they were forced to work with inadequate food,⁹⁰⁵ does not form part of the population movements for which the Accused are indicted, and does not allow me to conclude that these events occurred at one of the limited number of worksites or cooperatives retained in the indictment underlying the crimes of enslavement, and other inhumane acts through attacks on human dignity for which the Accused are indicted. In addition, the information about the arrest and torture of the Applicant on the accusation of being an enemy of the Angkar, the murder of her younger brother and brother-in-law, both of whom were members of Lon Nol's autonomous unit,⁹⁰⁶ the arrest, detention and torture of the Applicant's husband for three months in 1977 at a security

⁹⁰¹ Additional information D424/3/4.4.

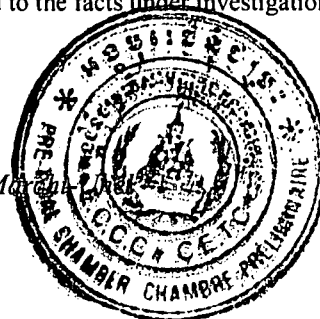
⁹⁰² Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

⁹⁰³ Report on Civil Party Application D22/431 (KH).

⁹⁰⁴ Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

⁹⁰⁵ Summary of supplementary information D22/1021b.

⁹⁰⁶ Appeal PTC 105, para. 62.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

centre in Keo For Sub District,⁹⁰⁷ does not allow me to conclude that these events form part of the crimes for which the Accused are indicted. In particular, the information provided does not allow me to conclude that it is plausible that these events occurred at one of the limited number of security centers or execution sites retained in the Indictment underlying the crimes of imprisonment, extermination, murder, torture and persecution for which the Accused are indicted.

Civil Party Applicant 08-VU-00686 (D22/1022).⁹⁰⁸ The Co-lawyers argue that the Applicant suffered harm as a result of her forced labour and starvation and the forced labour and murder of her husband in Puok District in 1977.⁹⁰⁹ In addition, two of the Applicant's elder brothers disappeared in 1977⁹¹⁰ and her brother-in-law, who was a former Lon Nol soldier, disappeared after attending a study course in 1975.⁹¹¹ This information does not allow me to conclude that these events form part of the crimes for which the Accused are indicted. The information provided does not allow me to conclude that it is plausible that these events occurred at one of the limited number of security centers, execution sites, worksites or cooperatives retained in the Indictment underlying the crimes of extermination, murder, enslavement, persecution, other inhumane acts through enforced disappearances and other inhumane acts through attacks on human dignity for which the Accused are indicted.

Civil Party Applicant 08-VU-00687 (D22/0436).⁹¹² The information about the forced transfer of the Applicant's father from within Siem Reap Province in 1975⁹¹³ does not form part of the population movements for which the Accused are indicted. In addition the information about her father's arrest, detention and later disappearance from Prey Damrei Koun Security Centre, Popel Sub-District, Siem Reap Province⁹¹⁴ after being asked by a militia about his education⁹¹⁵

⁹⁰⁷ Appeal PTC 105, para. 62.

⁹⁰⁸ Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

⁹⁰⁹ Summary of supplementary information D22/1022b; Appeal PTC105, para. 63.

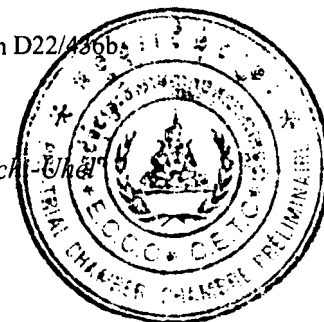
⁹¹⁰ Appeal PTC105, para. 63.

⁹¹¹ Appeal PTC105, para. 63.

⁹¹² Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

⁹¹³ Appeal PTC 105, para. 64, Summary of supplementary information D22/436b.

⁹¹⁴ Appeal PTC 105, para. 64.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

does not allow me to conclude that these events occurred at one of the limited number of security centres retained in the indictment underlying the crimes of imprisonment, extermination, murder, enslavement and forcible disappearances.

Civil Party Applicant 08-VU-00693 (D22/0433).⁹¹⁶ The forced movement of the Applicant in 1975 from within Siem Reap Province,⁹¹⁷ does not form part of the known population movements for which the Accused are indicted. In addition, the Co-lawyers argue that the Applicant suffered harm as a result of the persecution of her brother-in-law, who was killed because he was a Lon Nol soldier,⁹¹⁸ as well as the murder of her sister on the allegation that she did not respect Angkar.⁹¹⁹ This information does not allow me to conclude that these events form part of the crimes for which the Accused are indicted. In particular, it does not allow me to conclude that it is plausible that the murder of the Applicant's brother-in-law and sister events occurred at one of the limited number of security centers, execution sites, worksites or cooperatives retained in the Indictment underlying the crimes of extermination, murder, enslavement, persecution and other inhumane acts through enforced disappearances for which the Accused are indicted.

Civil Party Applicant 08-VU-00694 (D22/0432).⁹²⁰ The information about the arrest and later disappearance of the Applicant's two brothers, who were Khmer Rouge soldiers,⁹²¹ does not allow me to conclude that it is plausible that these events occurred at one of the limited number of security centers or execution sites retained in the Indictment underlying the crimes of imprisonment and other inhumane acts through enforced disappearances for which the Accused are indicted.

⁹¹⁵ D22/436/1; Summary of supplementary information D22/436b.

⁹¹⁶ Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

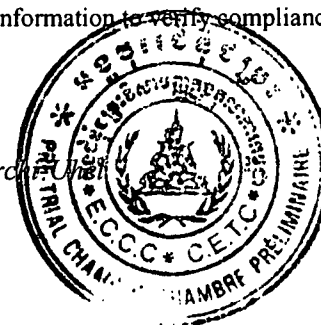
⁹¹⁷ Appeal PTC 105, para. 65.

⁹¹⁸ Appeal PTC 105, para. 65.

⁹¹⁹ Appeal PTC 105, para. 65.

⁹²⁰ Application inadmissible on the ground that there is insufficient information to verify compliance with Rule 23 bis (1) and (4) (Impugned Order D424, para. 28 and Annex 3).

⁹²¹ Appeal PTC 105, para. 163.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 08-VU-00695 (D22/0411).⁹²² The information about the disappearance of the Applicant's son in 1978, who was a Khmer Rouge soldier, which the Co-lawyers alleges was part of the policy to purge enemies,⁹²³ does not allow me to conclude that it is plausible that these events occurred at one of the limited locations retained in the Indictment underlying the crimes of persecution and other inhumane acts through enforced disappearances for which the Accused are indicted.

Civil Party Applicant 08-VU-00696 (D22/1394).⁹²⁴ The information about the detention of the Applicant's brother in Damrei Koun Village, Sotr Nikom District, Siem Reap Province in 1978, and his disappearance after being taken to attend a study course,⁹²⁵ does not allow me to conclude that it is plausible that these events occurred at one of the limited number of security centers, execution sites, worksites or cooperatives retained in the Indictment underlying the crimes of imprisonment, extermination, murder, persecution and other inhumane acts through enforced disappearances for which the Accused are indicted.

Civil Party Applicant 08-VU-01367 (D22/0977).⁹²⁶ The information about the detention and torture of the Applicant in 1976, and his imprisonment and torture at a Security Centre in Wat Ampil, Siem Reap Province⁹²⁷ does not allow me to conclude that these events occurred at one of the limited number of security centres, execution sites, worksites or cooperatives retained in the indictment underlying the crimes of imprisonment and torture for which the Accused are indicted. In addition, the Co-lawyers argue that the Applicant suffered harm as a result of the persecution of father, who was killed in 1975 because he was a Lon Nol's soldier, and his sister-in-law, who was tortured because her husband was a Lon Nol's soldier.⁹²⁸ This information does not allow me to conclude that these events form part of the crimes for which

⁹²² Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

⁹²³ Appeal PTC 105, para 66; D22/411/1.

⁹²⁴ Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

⁹²⁵ Report on Civil Party Application D22/1394/1; Appeal PTC 105, para. 67.

⁹²⁶ Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

⁹²⁷ Appeal PTC105, para 68; Summary of Supplementary Information D22/977/6.

⁹²⁸ Appeal PTC105, para 68.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

the Accused are indicted. In particular, the information provided does not allow me to conclude that it is plausible that the murder of the Applicant's father and torture of his sister-in-law occurred at one of the limited number of security centers and execution sites retained in the Indictment underlying the crimes of extermination, murder and persecution for which the Accused are indicted.

Civil Party Applicant 08-VU-01368 (D22/0978).⁹²⁹ The information provided by the Co-lawyers about the Applicant's forced movement within Siem Reap Province in 1975 does not allow me to conclude that it forms part of the movements of population for which the Accused are indicted. In addition, the information about the Applicant's forced labour and his torture on the accusation that he was not working hard enough⁹³⁰ does not allow me to conclude that it is plausible that these events occurred at one of the limited number of worksites or cooperatives retained in the Indictment underlying the crimes of enslavement, torture and other inhumane acts through attacks on human dignity for which the Accused are indicted.

Civil Party Applicant 08-VU-01374 (D22/0597).⁹³¹ The forced labour of the Applicant, with inadequate food, in Ampil Village, Siem Reap Province,⁹³² does not allow me to conclude that it is plausible that these events occurred at one of the limited number of worksites or cooperatives retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks on human dignity for which the Accused are indicted. In addition, the information provided by the Co-lawyers about the death of the Applicant's sister, her husband (who was a former Lon Nol soldier) and their three children, whilst being forcibly transferred, conflicts with the information provided by the Application. According to the Co-Lawyers, the evacuation was from Phnom Penh to Siem Reap (date not specified),⁹³³ while according to the Applicant's initial and supplementary information, his sister and family were

⁹²⁹ Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

⁹³⁰ Report on Civil Party Application D22/978/1; Appeal PTC105, para 69.

⁹³¹ Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

⁹³² Report on Civil Party Application D22/597/1; Appeal PTC105, para 70.

⁹³³ Appeal PTC105, para. 70.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

forcibly transferred from locations within Siem Reap in 1975,⁹³⁴ and disappeared after being sent to be re-educated.⁹³⁵ In these circumstances, I am not in a position to conclude that these events form part of the Phase 1 of forced population movements for which the Accused are indicted, which is limited to the forced movement of population from Phnom Penh in April 1975.

Civil Party Applicant 08-VU-01376 (D22/0596).⁹³⁶ The forced movement of the Applicant and his family in 1975 to locations within Siem Reap Province does not form part of the population movements for which the Accused are indicted. In addition, the information about the Applicant's forced labour with minimal food,⁹³⁷ and his witnessing of the arrest, detention and murder of two men and women in 1976,⁹³⁸ does not allow me to conclude that these events occurred at one of the limited number of security centres, execution sites, worksites or cooperatives retained in the indictment underlying the crimes of imprisonment, extermination, murder, enslavement, and other inhumane acts through attacks on human dignity for which the Accused are indicted.

Civil Party Applicant 08-VU-01378 (D22/0983).⁹³⁹ The information about the forced labour and inhumane living conditions suffered by the Applicant and her family,⁹⁴⁰ the murder of her husband in Puok District, Siem Reap Province⁹⁴¹ and the rape and murder of her sister in 1976 by Khmer Rouge soldiers in the same District⁹⁴² does not allow me to conclude that it is plausible that these events occurred at one of the limited number of security centers, execution sites, worksites or cooperatives retained in the Indictment underlying the crimes of

⁹³⁴ Report on Civil Party Application D22/597 (KH) and D22/597/1(EN); Summary of supplementary information D22/597b.

⁹³⁵ Report on Civil Party Application D22/597/1; Appeal PTC105, para. 70.

⁹³⁶ Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

⁹³⁷ Report on Civil Party Application D22/596/1; Summary of supplementary information D22/596b; Appeal PTC105, para. 71.

⁹³⁸ Report on Civil Party Application D22/596/1; Summary of supplementary information D22/596b; Appeal PTC105, para. 71.

⁹³⁹ Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

⁹⁴⁰ Summary of supplementary information D22/983b; Appeal PTC105, para. 72.

⁹⁴¹ Summary of supplementary information D22/983b; Appeal PTC105, para. 72.

⁹⁴² Appeal PTC105, para. 72.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

extermination, murder, enslavement and other inhumane acts through attacks on human dignity and rape for which the Accused are indicted.

Civil Party Applicant 08-VU-01379 (D22/0984).⁹⁴³ The information about the arrest, torture and murder of the Applicant's husband in 1977 at Anlong Sar Reservoir in Siem Reap Province⁹⁴⁴ does not allow me to conclude that it is plausible that these events occurred at one of the limited number of security centers, execution sites, worksites or cooperatives retained in the Indictment underlying the crimes of imprisonment, extermination, murder and torture for which the Accused are indicted.

Civil Party Applicant 08-VU-01380 (D22/0936).⁹⁴⁵ The information about the arrest of the Applicant's son, who was a former Lon Nol soldier in 1976, his re-education and later disappearance⁹⁴⁶ and the arrest, torture and murder of her husband in 1975 on the accusation of being a bandit⁹⁴⁷ does not allow me to conclude that these events form part of the crimes for which the Accused are indicted. In particular, the information provided does not allow me to conclude that it is plausible that these events occurred at one of the limited locations retained in the Indictment underlying the crimes of extermination, murder, torture and persecution for which the Accused are indicted.

Civil Party Applicant 08-VU-01382 (D22/0938).⁹⁴⁸ The information about the Applicant's work in a children's unit,⁹⁴⁹ the forced labour and murder of his father, who was Accused of being one of the 'new people' and killed in 1975 in Samraong Yea Village, Puok District in

⁹⁴³ Application inadmissible on the ground that there is insufficient information to verify compliance with Rule 23 bis (1) and (4) (Impugned Order D424, para. 28 and Annex 3).

⁹⁴⁴ Report on Civil Party Application D22/984/1 and Appeal PTC105, para. 73.

⁹⁴⁵ Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

⁹⁴⁶ Summary of supplementary information D22/936b; Appeal PTC105, para. 74.

⁹⁴⁷ Report on Civil Party Application D22/936/1; Summary of supplementary information D22/936b; Appeal PTC105, para. 74.

⁹⁴⁸ Application inadmissible on the ground that there is insufficient information to verify compliance with Rule 23 bis (1) and (4) (Impugned Order D424, para. 28 and Annex 3).

⁹⁴⁹ Summary of supplementary information D22/938b.

Civil party applications inadmissible in the view of Judge Marchal



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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Siem Reap Province⁹⁵⁰ does not allow me to conclude that it is plausible that these events occurred at one of the limited number of security centers, execution sites, worksites or cooperatives retained in the Indictment underlying the crimes of extermination, murder, persecution, enslavement, and other inhumane acts through attacks on human dignity for which the Accused are indicted.

Civil Party Applicant 08-VU-01386 (D22/0939).⁹⁵¹ The information about the Applicant's forced labour in a mobile unit,⁹⁵² the torture and murder of her three siblings in 1977 in Samraong Yea Sub District in Siem Reap Province, on the accusation of having betrayed Angkar,⁹⁵³ the disappearance of her brother in Siem Reap Province, and the death of her parents from starvation,⁹⁵⁴ does not allow me to conclude that it is plausible that these events occurred at one of the limited locations retained in the Indictment underlying the crimes of extermination, murder, enslavement, persecution, torture, other inhumane acts through enforced disappearances and other inhumane acts through attacks on human dignity for which the Accused are indicted.

Civil Party Applicant 08-VU-01420 (D22/1758).⁹⁵⁵ The information about the forced evacuation of the Applicant and her family from their home town in 1976⁹⁵⁶ and their transfer from one place to another in Siem Reap Province after the death of her husband⁹⁵⁷ does not allow me to conclude that these events form part of the population movements for which the Accused are indicted. In addition, the information about the forced labour of the Applicant and her husband's with insufficient, and her husband's torture and murder in Siem Reap Province⁹⁵⁸ does not allow me to conclude that it is plausible that these events occurred at one

⁹⁵⁰ Report on Civil Party Application D22/938/1; Appeal PTC105, para.75.

⁹⁵¹ Application inadmissible on the ground that there is insufficient information to verify compliance with Rule 23 bis (1) and (4) (Impugned Order D424, para. 28 and Annex 3).

⁹⁵² Summary of supplementary information D22/939b.

⁹⁵³ Report on Civil Party Application D22/939/1; Appeal PTC105, para. 128.

⁹⁵⁴ Summary of supplementary information D22/939b; Appeal, PTC105, para. 128.

⁹⁵⁵ Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

⁹⁵⁶ Report on Civil Party Application D22/1758/1; Appeal PTC105, para. 76.

⁹⁵⁷ Appeal PTC105, para. 76.

⁹⁵⁸ Report on Civil Party Application D22/1758/1; Appeal PTC105, para. 76.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

of the limited number of security centers, execution sites, worksites or cooperatives retained in the Indictment underlying the crimes of extermination, murder, enslavement, torture, and other inhumane acts through attacks on human dignity for which the Accused are indicted.

Civil Party Applicant 08-VU-01442 (D22/1777).⁹⁵⁹ Wat Phnum Trong Bat Security Centre, where the Applicant's son-in-law, a former Lon Nol soldier, was arrested and executed along with his wife and two children in 1975,⁹⁶⁰ is not one of the limited number of security centers retained in the Indictment underlying the crimes of imprisonment, extermination, murder and persecution for which the Accused are indicted. In addition, the information about the forcible transfer of the Applicant and her family in 1976, from Snuol Sub District, Siem Reap Province, where they were forced to work with insufficient food and medicine,⁹⁶¹ does not allow me to conclude that these events form part of the known population movements for which the Accused are indicted, or that it is plausible that these events occurred at one of the limited number of worksites or cooperatives retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks on human dignity for which the Accused are indicted.

Civil Party Applicant 08-VU-01447 (D22/1728).⁹⁶² The forced movement of the Applicant and her family within Siem Reap Province between 1975 and 1977⁹⁶³ does not form part of the population movements for which the Accused are indicted. In addition, the forced labour of the Applicant and her family, with inadequate food in Siem Reap Province,⁹⁶⁴ and the Applicant's witnessing of people being sent to be killed, including the arrest of her husband and two children,⁹⁶⁵ does not allow me to consider it plausible that these events occurred at one of the limited number of security centers, execution sites, worksites or cooperatives retained in the

⁹⁵⁹ Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

⁹⁶⁰ Report on Civil Party Application D22/1777/1; Summary of supplementary information D22/1777b; Appeal, PTC105, para. 77.

⁹⁶¹ Report on Civil Party Application D22/1777/1; Appeal PTC105, para. 77.

⁹⁶² Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

⁹⁶³ Report on Civil Party Application D22/1728/1.

⁹⁶⁴ Report on Civil Party Application D22/1728/1; Appeal PTC105, para. 78.

⁹⁶⁵ Report on Civil Party Application D22/1728/1; Appeal PTC105, para. 78.

Civil party applications inadmissible in the view of Judge Marchi



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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Indictment underlying the crimes of crimes of extermination, murder, enslavement, other inhumane acts through enforced disappearances and other inhumane acts through attacks on human dignity for which the Accused are indicted.

Civil Party Applicant 08-VU-01448 (D22/1771).⁹⁶⁶ The forced movement of the Applicant and her family within Siem Reap Province in 1975⁹⁶⁷ does not form part of the known movements of population for which the Accused are indicted. In addition, the Applicant, who was in a children's unit, as well as her family members, were forced to work around Puok District in Siem Reap Province,⁹⁶⁸ and her father, who was a former Lon Nol's soldier, was executed in Wat Thipakdei in Siem Reap Province in 1976 after being invited to attend a study course.⁹⁶⁹ The information provided in respect of these crimes does not allow me to conclude that it is plausible that these events occurred at one of the limited number of security centers, execution sites, worksites or cooperatives retained in the Indictment underlying the crimes of extermination, murder, persecution, enslavement and other inhumane acts through attacks on human dignity for which the Accused are indicted.

Civil Party Applicant 08-VU-01449 (D22/1770).⁹⁷⁰ The forced movement of the Applicant and her family within Siem Reap Province in 1975⁹⁷¹ does not form part of the population movements for which the Accused are indicted. In addition, the Applicant's fathers was arrested and taken to be killed in Siem Reap Province in 1976, on the accusation of being an enemy who needed to be re-educated, and two her brothers, who were former Lon Nol soldiers, were killed in Puok District, Siem Reap Province in 1976.⁹⁷² This information does not allow me to consider it plausible that these events occurred at one of the limited number of security

⁹⁶⁶ Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

⁹⁶⁷ Appeal PTC105, para. 79.

⁹⁶⁸ Summary of supplementary information D22/1771b.

⁹⁶⁹ Summary of supplementary information D22/1771b; Report on Civil Party Application D22/1771/1; Appeal PTC105, para. 79.

⁹⁷⁰ Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

⁹⁷¹ Report on Civil Party Application D22/1770/1; Appeal PTC105, para. 80.

⁹⁷² Report on Civil Party Application D22/1770/1; Summary of supplementary information D22/1770b; Appeal PTC105, para. 80.

Civil party applications inadmissible in the view of Judge March



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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

centers, execution sites, worksites or cooperatives retained in the Indictment underlying the crimes of crimes of extermination, murder and persecution which the Accused are indicted.

Civil Party Applicant 08-VU-01450 (D22/1751).⁹⁷³ The information about the arrest and later disappearance of the Applicant's three brothers, his older sister and his younger brother, from Samraong Yea Village, Yeang Sub-District, Puok District, Siem Reap Province in 1977,⁹⁷⁴ on the pretext of having to carry dirt and get re-educated,⁹⁷⁵ does not allow me to consider it plausible that these events occurred at one of the limited number of security centers, execution sites, worksites or cooperatives retained in the Indictment underlying the crimes of extermination, murder, enslavement, persecution, other inhumane acts through enforced disappearances and other inhumane acts through attacks on human dignity for which the Accused are indicted.

Civil Party Applicant 08-VU-01473 (D22/1741).⁹⁷⁶ The forced movement of the Applicant and her family from their home town to various Villages within Siem Reap Province in 1975, where they were forced to work with insufficient food,⁹⁷⁷ does not form part of the movements of population for which the Accused are indicted, and does not allow me to conclude that these events occurred at one of the limited number of worksites or cooperatives retained in the indictment underlying the crimes of enslavement, and other inhumane acts through attacks on human dignity for which the Accused are indicted. In addition, the Co-lawyers argue that the Applicant suffered harm as a result of the persecution and disappearance of her husband, who was a former Lon Nol soldier, after being arrested and sent to Battambang Province in 1975.⁹⁷⁸ This information does not allow me to conclude that these events form part of the crimes for which the Accused are indicted. In particular, the information provided does not allow me to conclude that it is plausible that the disappearance of the Applicant's husband occurred at one

⁹⁷³ Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

⁹⁷⁴ Report on Civil Party Application D22/1751/1; Appeal PTC105, para. 81.

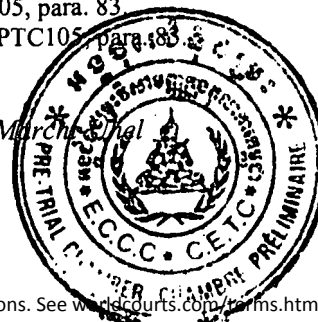
⁹⁷⁵ Summary of supplementary information D22/1751b.

⁹⁷⁶ Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

⁹⁷⁷ Report on Civil Party Application D22/1741/1; Appeal PTC105, para. 83.

⁹⁷⁸ Summary of supplementary information D22/1741b; Appeal PTC105, para. 83.

Civil party applications inadmissible in the view of Judge Marché



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

of the limited locations retained in the Indictment underlying the crimes of persecution and forcible disappearances for which the Accused are indicted.

Civil Party Applicant 08-VU-01474 (D22/1742).⁹⁷⁹ Phnum Trong Bat security centre in Kampong Thkov Sub-District, Siem Reap Province, where the Applicant's husband was arrested, tortured and executed in September 1978,⁹⁸⁰ "because he was a medical staff in the Village,"⁹⁸¹ is not one of the limited number of security centers retained in the Indictment underlying the crimes of imprisonment, extermination, murder and persecution for which the Accused are indicted.

Civil Party Applicant 08-VU-01475 (D22/1740).⁹⁸² The forced movement of the Applicant and her family within Siem Reap Province in 1975, where they were forced to work,⁹⁸³ does not allow me to conclude that these events occurred at one of the limited number of worksites or cooperatives retained in the indictment underlying the crimes of enslavement, and other inhumane acts through attacks on human dignity for which the Accused are indicted. In addition, the information about the disappearance of the Applicant's sister in 1976 after being transferred to Varin District in Siem Reap Province, the arrest of her brother, who was a former Lon Nol soldier, and his pregnant wife, who were taken to be killed at Reul Sub District, Puok District, Siem Reap Province in 1977,⁹⁸⁴ does not allow me to conclude that it is plausible that these events occurred at one of the limited number of locations retained in the Indictment underlying the crimes of extermination, murder, enslavement, persecution, and other inhumane acts through attacks on human dignity and enforced disappearances for which the Accused are indicted.

⁹⁷⁹ Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

⁹⁸⁰ Report on Civil Party Application D22/1742/1; Appeal, PTC105, para.84.

⁹⁸¹ Summary of supplementary information D22/1742b.

⁹⁸² Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

⁹⁸³ Report on Civil Party Application D22/1740/1; Summary of supplementary information D22/1740b and Appeal PTC105, para. 129.

⁹⁸⁴ Summary of supplementary information D22/1740b and Appeal PTC105, para. 129.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 08-VU-01507 (D22/0382).⁹⁸⁵ The forced movement of the Applicant and her family in 1975 to Trei Nhoar Village, Puok District, Siem Reap Province⁹⁸⁶ and her forced labour in a women's mobile unit in Samraong Yea Sub District, Siem Reap Province,⁹⁸⁷ does not form part of the movements of population for which the Accused are indicted. I am not in a position to consider it is plausible that these events occurred at one of the limited number of security centers, execution sites, worksites or cooperatives retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks on human dignity for which the Accused are indicted. In addition, the information about the arrest, detention and disappearance of the Applicant's husband, who was a member of the Khmer Rouge army, after being taken to Baray in 1975, and the disappearance of the Applicant's father and brother in 1977, after they were taken to break rocks,⁹⁸⁸ does not allow me to conclude that it is plausible that these events occurred at one of the limited number of locations retained in the Indictment underlying the crimes of extermination, murder, enslavement, persecution, other inhumane acts through enforced disappearance and other inhumane acts through attacks on human dignity for which the Accused are indicted.

Civil Party Applicant 08-VU-01530 (D22/0935).⁹⁸⁹ The forced movement of the Applicant and his family in 1975 from locations in Pursat Province, where he was forced to fish and provided with insufficient food,⁹⁹⁰ does not form part of the population movements for which the Accused are indicted, and does not allow me to conclude that these events occurred at one of the limited number of worksites or cooperatives retained in the indictment underlying the crimes of enslavement, and other inhumane acts through attacks on human dignity for which the Accused are indicted. The Applicant also alleges that he was imprisoned at Security Centre 32 in Svay Doun Kaev Sub-District, Bakan District, Pursat Province in 1977, where he was forced to work and received insufficient food, on the allegation that he was an enemy of

⁹⁸⁵ Application inadmissible on the ground that there is insufficient information to verify compliance with Rule 23 bis (1) and (4) (Impugned Order D424, para. 28 and Annex 3).

⁹⁸⁶ Summary of supplementary information D22/382b; Appeal PTC105, para. 130.

⁹⁸⁷ Summary of supplementary information D22/382b; Appeal PTC105, para. 130.

⁹⁸⁸ Summary of supplementary information D22/382b; Appeal PTC105, para. 130.

⁹⁸⁹ Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

⁹⁹⁰ Report on Civil Party Application D22/935/1; Appeal PTC105, para. 131.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Angkar.⁹⁹¹ This information does not allow me to conclude that these events occurred at one of the limited number of security centres retained in the Indictment underlying the crimes of imprisonment, enslavement and other inhumane acts through attacks on human dignity for which the Accused are indicted. Although the Indictment describes the operation of a Security Centre 32, which was a committee run under Kok Kduoch Security Centre,⁹⁹² this centre was located in Keng Prasat Village, Sambo Sub District, Sambo District, Kratie Province⁹⁹³ not in Pursat Province where the Applicant alleges he was imprisoned.

Civil Party Applicant 08-VU-01815 (D22/1166).⁹⁹⁴ The forced movement of the Applicant and his family from within Siem Reap Province in 1975⁹⁹⁵ does not form part of the known movements of population for which the Accused are indicted. In addition, the Applicant was forced to work with insufficient food in a mobile unit in Prey Kyong Village, Krouch Kor Sub District, and her husband was sent to construct a dam in Khvav Village, Sen Sub District, Siem Reap Province.⁹⁹⁶ The Applicant's husband was later arrested, tortured and killed at Wat Trapeang Krasang of Kampong Thkov in 1978, on the accusation that he was a CIA member who was leading an uprising against the Khmer Rouge.⁹⁹⁷ This information does not allow me to conclude that these events form part of the crimes for which the Accused are indicted. In particular, the information provided does not allow me to conclude that it is plausible that the disappearance of the Applicant's husband occurred at one of the limited number of locations retained in the Indictment underlying the crimes of extermination, murder, enslavement, persecution, other inhumane acts through enforced disappearances and other inhumane acts through attacks on human dignity for which the Accused are indicted.

⁹⁹¹ Report on Civil Party Application D22/935/1; Summary of supplementary information D22/935b, Appeal PTC105, para. 131.

⁹⁹² Indictment, para. 670.

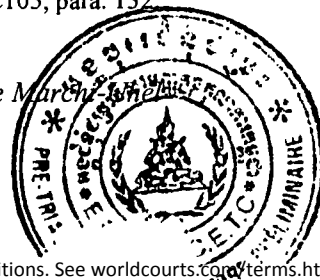
⁹⁹³ Indictment, paras 667-685

⁹⁹⁴ Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

⁹⁹⁵ Report on Civil Party Application D22/1166/1; Appeal PTC105, para. 132.

⁹⁹⁶ Report on Civil Party Application D22/1166/1; Appeal PTC105, para. 132.

⁹⁹⁷ Report on Civil Party Application D22/1166/1; Appeal PTC105, para. 132.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 08-VU-01823 (D22/0394).⁹⁹⁸ The forcible transfer of the Applicant and her family in 1975 within Siem Reap Province, where they were forced to work with insufficient food⁹⁹⁹ does not form part of the movements of population for which the Accused are indicted, and does not allow me to conclude that these events occurred at one of the limited number of worksites or cooperatives retained in the indictment underlying the crimes of enslavement, and other inhumane acts through attacks on human dignity for which the Accused are indicted. In addition, the arrest in 1976 of the Applicant's husband, who was a former Lon Nol's soldier, to be killed at Chambak Paem in Kralanh District, the arrest, detention, torture and forced labour of the Applicant in 1978 at Phnum Trong Bat, on the accusation of being the spouse of an enemy, and the detention and murder of her brother at Phnum Trong Bat, on the accusation of being former Lon Nol soldiers,¹⁰⁰⁰ do not form part of the crimes for which the Accused are indicted.

Civil Party Applicant 08-VU-02329 (D22/1465).¹⁰⁰¹ The information about the Applicant's forced labour in locations in Siem Reap Province in 1976 and 1977, and his witnessing of people being taken to be killed at Wat Kbal Khmaoch in Trapeang Seh Village, Siem Reap Province,¹⁰⁰² does not allow me to consider it plausible that these events occurred at one of the limited number of security centers, execution sites, worksites or cooperatives retained in the Indictment underlying the crimes of extermination, murder, other inhumane acts through enforced disappearance and other inhumane acts through attacks on human dignity for which the Accused are indicted. In addition, the Applicant's arrest, imprisonment and torture at Kouk Pnov Security Centre, Siem Reap Province, in 1978, on the accusation that he was an enemy, where he was forced to rape female prisoners and witness the rape of others,¹⁰⁰³ does not allow me to consider it plausible that these events occurred at one of the limited number of security

⁹⁹⁸ Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

⁹⁹⁹ Report on Civil Party Application D22/A394/1; Appeal PTC105, para. 85.

¹⁰⁰⁰ Report on Civil Party Application D22/394/1; Summary of supplementary information D22/394b; Appeal PTC105, para. 85.

¹⁰⁰¹ Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

¹⁰⁰² Appeal PTC105, para. 133.

¹⁰⁰³ Report on Civil Party Application D22/1465/1; Appeal PTC105, para. 133.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

centers, execution sites, worksites or cooperatives retained in the Indictment underlying the crimes of imprisonment, torture, and other inhumane acts through attacks on human dignity and rape for which the Accused are indicted..

Civil Party Applicant 08-VU-02332 (D22/1159).¹⁰⁰⁴ The forcible movement of the Applicant and his family in May 1975 to Varin District, Siem Reap Province, where he was forced to work with insufficient food and was beaten¹⁰⁰⁵ does not allow me to conclude that these events form part of the known movements of population for which the Accused are indicted, or to consider it is plausible that these events occurred at one of the limited number of worksites or cooperatives retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks on human dignity for which the Accused are indicted. In addition, the arrest, detention and torture of the Applicant and his family at Kouk Pnov Security Centre, Siem Reap Province, in 1975, where he witnessed the murder, torture and rape of other inmates,¹⁰⁰⁶ does not allow me to consider it plausible that these events occurred at one of the limited number of security centers retained in the Indictment underlying the crimes of crimes of imprisonment, extermination, murder, enslavement, persecution, and other inhumane acts through attacks on human dignity and rape for which the Accused are indicted.

Civil Party Applicant 09-VU-00265 (D22/1458).¹⁰⁰⁷ The forcible movement of the Applicant and her family within Siem Reap Province, where they were forced to work with insufficient food,¹⁰⁰⁸ does not form part of the forced movements of population for which the Accused are indicted, and does not allow me to conclude that these events occurred at one of the limited number of worksites or cooperatives retained in the indictment underlying the crimes of enslavement, and other inhumane acts through attacks on human dignity for which the Accused are indicted. In addition, the imprisonment and torture of the Applicant at Sangkat Kampong Kdei Security Centre, Siem Reap Province, in 1977, and the arrest of her husband, who was

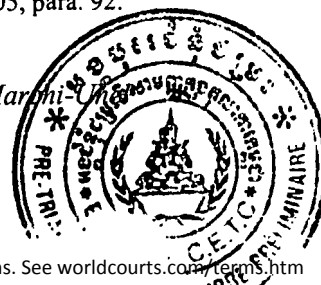
¹⁰⁰⁴ Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

¹⁰⁰⁵ Report on Civil Party Application D22/1159/1; Appeal PTC105, para. 88.

¹⁰⁰⁶ Report on Civil Party Application D22/1159/1; Appeal PTC105, para. 88.

¹⁰⁰⁷ Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

¹⁰⁰⁸ Report on Civil Party Application D22/1458/1; Appeal PTC105, para. 92.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

taken to be killed at Veal Roha Pruol within Wat Loukta Yuo of Kampong Kdei Sub District in 1978, both on the accusation of being the enemy,¹⁰⁰⁹ does not allow me to consider it plausible that these events occurred at one of the limited number of security centers retained in the Indictment underlying the crimes of crimes of imprisonment, extermination, murder, enslavement, torture and persecution for which the Accused are indicted.

Civil Party Applicant 09-VU-00267 (D22/1457).¹⁰¹⁰ The forcible transfer of the Applicant and her family in 1975 within Siem Reap Province does not form part of the forced movements of population for which the Accused are indicted. In addition, the information about the Applicant's forced labour with insufficient food¹⁰¹¹ does not allow me to consider it plausible that these events occurred at one of the limited number of worksites or cooperatives retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks on human dignity for which the Accused are indicted. The Co-Lawyers also argue that the Applicant has suffered harm as a result of the crime against humanity of persecution on racial grounds against the Vietnamese.¹⁰¹² The Applicant alleges that in December 1975, she witnessed two people she knew being taken by the Khmer Rouge to be killed at Trapeang Veng, in Siem Reap Province, on the accusation of being Vietnamese,¹⁰¹³ and again in 1976, witnessed many people being detained and taken to be killed by the Khmer Rouge on accusation of being Vietnamese.¹⁰¹⁴ Although the killings of Vietnamese, or those perceived to be Vietnamese, is within the geographical scope of the crime of persecution of Vietnamese for which the Accused are indicted,¹⁰¹⁵ the dates and locations of the events the Applicant witnessed do not align with those specified in the Indictment, which states:

¹⁰⁰⁹ Report on Civil Party Application D22/1458/1; Summary of supplementary information D22/1458b; Appeal PTC105, para. 92.

¹⁰¹⁰ Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

¹⁰¹¹ Report on Civil Party Application D22/1457/1; Appeal PTC105, para. 93.

¹⁰¹² Appeal PTC105, para. 93.

¹⁰¹³ Report on Civil Party Application D22/1457/1; Appeal PTC105, para. 93.

¹⁰¹⁴ Appeal PTC105, para. 93.

¹⁰¹⁵ Indictment, para. 1415.

Civil party applications inadmissible in the view of Judge Marchi



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

A mass execution of Vietnamese people occurred in mid-to-late 1978 at Wat Khsach, in Yeang Village, Russei-Lok SubDistrict, Siem Reap Province. Vietnamese people were arrested from Svay Leu District and Chikreng District (Siem Reap Province, North Zone) and taken to Wat Khsach.¹⁰¹⁶

The information provided does not allow me to consider it plausible that the witnessing of these events forms part of the persecution on racial grounds for which the Accused are indicted.

Civil Party Applicant 09-VU-00270 (D22/1436).¹⁰¹⁷ The forced labour of the Applicant in a mobile unit in Tuek Lich Village, Soutr Nikcom District in Siem Reap Province in 1975¹⁰¹⁸ and the disappearance of her husband in November 1975, after being taken to be killed at Wat Kbal Kmaoch, Trapeang Seh Village, Kouk Chak Sub District on the accusation of being a deputy Village chief under Lon Nol,¹⁰¹⁹ does not allow me to conclude that these events form part of the crimes for which the Accused are indicted. In particular, the information provided does not allow me to conclude that it is plausible that the disappearance of the Applicant's husband occurred at one of the locations retained in the Indictment underlying the crimes of extermination, murder, enslavement, persecution, other inhumane acts through enforced disappearances and other inhumane acts through attacks on human dignity for which the Accused are indicted.

Civil Party Applicant 09-VU-00271 (D22/1412).¹⁰²⁰ The forced movement of the Applicant and her family in 1975 within Siem Reap Province¹⁰²¹ does not form part of the forced movements of population for which the Accused are indicted. In addition, the Applicant's forced labour with insufficient food at Phnum Kvak in Khvav SubDistrict, where she was

¹⁰¹⁶ Indictment, para. 802.

¹⁰¹⁷ Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

¹⁰¹⁸ Report on Civil Party Application D22/1436/1; Appeal PTC105, para. 125.

¹⁰¹⁹ Report on Civil Party Application D22/1436/1; Appeal PTC105, para. 125.

¹⁰²⁰ Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

¹⁰²¹ Report on Civil Party Application D22/1412/1; Appeal PTC105, para. 126.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 171)

made to dig a canal in May 1975,¹⁰²² her forced labour in Rumchek Village in Svay Sub District in 1976, and her forced labour next to Chub Kroam Security Centre in Svay Leu SubDistrict, Siem Reap Province, where she witnessed prisoners being escorted in line by the Khmer Rouge soldiers to be killed,¹⁰²³ does not allow me to conclude that it is plausible that these events occurred at one of the locations retained in the Indictment underlying the crimes of extermination, murder, enslavement, other inhumane acts through enforced disappearances and other inhumane acts through attacks on human dignity for which the Accused are indicted.

Civil Party Applicant 09-VU-00273 (D22/1612).¹⁰²⁴ The forced movement of the Applicant within Siem Reap Province in 1975,¹⁰²⁵ her forced labour throughout Siem Reap Province,¹⁰²⁶ and her witnessing two people being taken to be killed at Wat Boptis, Kampong Kdei Sub District, Chi Kraeng District, does not form part of the forced movements of population for which the Accused are indicted, and does not allow me to conclude that these events occurred at one of the limited number of worksites or cooperatives retained in the indictment underlying the crimes of extermination, murder, enslavement and other inhumane acts through attacks on human dignity for which the Accused are indicted. In addition, the re-education and disappearance of the Applicant's brother on the accusation that he was an enemy of Ankar¹⁰²⁷ does not allow me to conclude that these events form part of the crimes for which the Accused are indicted. In particular, the information provided does not allow me to conclude that it is plausible that these events occurred at one of the locations retained in the Indictment underlying the crimes of other inhumane acts through enforced disappearance for which the Accused are indicted.

¹⁰²² Report on Civil Party Application D22/1412/1; Appeal PTC105, para. 126.

¹⁰²³ Appeal PTC105, para. 126.

¹⁰²⁴ Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

¹⁰²⁵ Report on Civil Party Application D22./1612/1; Summary of supplementary information D22/1612b; Appeal PTC105, para. 111.

¹⁰²⁶ Report on Civil Party Application D22./1612/1; Summary of supplementary information D22/1612b; Appeal PTC105, para. 111.

¹⁰²⁷ Report on Civil Party Application D22./1612/1; Summary of supplementary information D22/1612b; Appeal, PTC105, para. 111.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 09-VU-00274 (D22/1519).¹⁰²⁸ The forced movement of the Applicant in 1975 within Siem Reap Province¹⁰²⁹ does not form part of the forced movements of population for which the Accused are indicted. The forced labour of the Applicant with insufficient food in Trapeang Chrey Village, Siem Reap Province, where he witnessed around 60 prisoners being taken to be executed in a field in May 1975,¹⁰³⁰ does not allow me to conclude that it is plausible that these events occurred at one of the limited number of security centers, execution sites, worksites or cooperatives retained in the Indictment underlying the crimes of extermination, murder, enslavement, other inhumane acts through enforced disappearances and other inhumane acts through attacks on human dignity for which the Accused are indicted. In addition, the arrest, torture and murder of the Applicant's father at Kouk Tnaot Village, Siem Reap Province, for allegedly betraying the Angkar,¹⁰³¹ does not allow me to conclude that these events form part of the crimes for which the Accused are indicted. In particular, the information provided does not allow me to conclude that it is plausible that these events occurred at one of the limited number of security centers or execution sites, retained in the Indictment underlying the crimes of extermination, murder, persecution, torture and other inhumane acts through attacks on human dignity for which the Accused are indicted.

Civil Party Applicant 09-VU-00355 (D22/1735).¹⁰³² Watt Ta Yaek, Soutr Nikom District, Siem Reap Province, where the Applicant's two older brothers, who were working in a mobile unit,¹⁰³³ were detained and later disappeared from, on the accusation that they were KGB agents,¹⁰³⁴ is not one of the limited number of security centers retained in the Indictment underlying the crimes of imprisonment, extermination, murder and persecution for which the Accused are indicted. In particular, the information provided does not allow me to conclude that it is plausible that these events occurred at one of the limited number of security centers or

¹⁰²⁸ Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

¹⁰²⁹ Report on Civil Party Application D22/1519/1.

¹⁰³⁰ Report on Civil Party Application D22/1519/1; Appeal PTC105, para. 127.

¹⁰³¹ Report on Civil Party Application D22/1519/1; Appeal PTC105, para. 127.

¹⁰³² Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

¹⁰³³ Summary of supplementary information D22/1735b.

¹⁰³⁴ Report on Civil Party Application D1735/1; Appeal, PTC105, para. 108.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

execution sites retained in the Indictment underlying the crimes of other inhumane acts through enforced disappearance for which the Accused are indicted.

Civil Party Applicant 09-VU-00357 (D22/1737).¹⁰³⁵ The forced movement of the Applicant and her family in 1975 within Siem Reap Province¹⁰³⁶ does not form part of the forced movements of population for which the Accused are indicted. In addition, Wat Ta Yaek, Sotr Nikom District, Siem Reap Province, where the Applicant's father and two brother's were detained, tortured and murdered in 1976, on the accusation of being capitalists,¹⁰³⁷ is not one of the limited number of security centers retained in the Indictment underlying the crimes of imprisonment, extermination, murder and persecution for which the Accused are indicted.

Civil Party Applicant 09-VU-00359 (D22/1766).¹⁰³⁸ The forced movement of the Applicant and his family within Siem Reap Province¹⁰³⁹ does not form part of the forced movements of population for which the Accused are indicted. In addition, the Applicant's forced labour with insufficient food, his nine-month detention, and torture in 1978 at the Siem Reap Provincial Security Centre, on the accusation of being an enemy,¹⁰⁴⁰ and the murder of his father and uncles in 1976 and 1977, on the accusation of being enemies, in Puok District, Siem Reap Province,¹⁰⁴¹ does not allow me to conclude that these events form part of the crimes for which the Accused are indicted. In particular, the information provided does not allow me to conclude that it is plausible that the treatment of the Applicant, his father and uncles occurred at one of the limited number of security centers or execution sites retained in the Indictment underlying the crimes of imprisonment, extermination, murder, torture, enslavement, persecution and other inhumane acts through attacks on human dignity for which the Accused are indicted.

¹⁰³⁵ Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

¹⁰³⁶ Report on Civil Party Application D1737/1; Appeal PTC105, para. 140.

¹⁰³⁷ Report on Civil Party Application D1737/1; Appeal PTC105, para. 140.

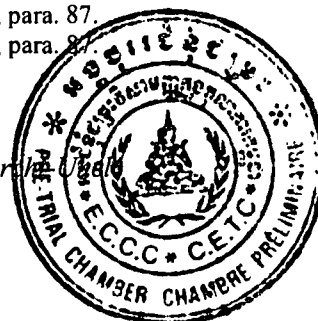
¹⁰³⁸ Application inadmissible on the ground that there is insufficient information to verify compliance with Rule 23 bis (1) and (4) of the Internal Rules in relation to Siem Reap Security Centre (Impugned Order D424, para. 28 and Annex 3).

¹⁰³⁹ Report on Civil Party Application D22/1766/1; Appeal PTC105, para. 87.

¹⁰⁴⁰ Report on Civil Party Application D22/1766/1; Appeal PTC105, para. 87.

¹⁰⁴¹ Appeal PTC105, para. 87

Civil party applications inadmissible in the view of Judge Mar



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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 09-VU-00362 (D22/1780).¹⁰⁴² The forced movement of the Applicant and her family in 1976 within Siem Reap Province¹⁰⁴³ does not form part of the forced movements of population for which the Accused are indicted. In addition, the information about the Applicant's forced labour at Anlong Sar Reservoir in Puok District in 1978, and his arrest and torture at Wat Thipakdei in Siem Reap Province in 1977,¹⁰⁴⁴ does not allow me to conclude that it is plausible that these events occurred at one of the limited number of security centers, execution sites, worksites or cooperatives retained in the Indictment underlying the crimes of crimes of imprisonment, torture, enslavement, and other inhumane acts through attacks on human dignity for which the Accused are indicted.

Civil Party Applicant 09-VU-00363, (D22/1779).¹⁰⁴⁵ The forcible movement of the Applicant and his family within Siem Reap in 1976¹⁰⁴⁶ does not form part of the forced movements of population for which the Accused are indicted. In addition, the Applicant's forced labour with insufficient food,¹⁰⁴⁷ and the arrest and murder of his brother, his brother's wife and their eight children at Kouk Tonloab, Trei Nhoar Sub District in 1978, on the accusation of being enemies,¹⁰⁴⁸ does not allow me to conclude that these events form part of the crimes for which the Accused are indicted. In particular, the information provided does not allow me to conclude that it is plausible that these events occurred at one of the limited number of security centers, execution sites, worksites or cooperatives retained in the Indictment underlying the crimes of imprisonment, extermination, murder, enslavement and other inhumane acts through attacks on human dignity for which the Accused are indicted.

Civil Party Applicant 09-VU-00365 (D22/1748).¹⁰⁴⁹ The forced movement of the Applicant within Siem Reap Province in 1975¹⁰⁵⁰ does not form part of the forced movements of

¹⁰⁴² Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

¹⁰⁴³ Report on Civil Party Application D22/1780/1; Appeal PTC105, para. 109.

¹⁰⁴⁴ Report on Civil Party Application D22/1780/1; Appeal PTC105, para. 109.

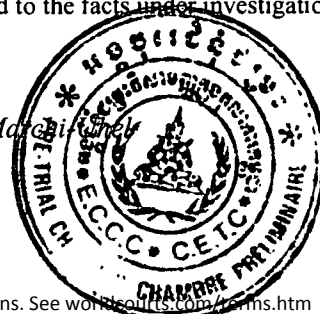
¹⁰⁴⁵ Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

¹⁰⁴⁶ Appeal PTC105, para. 110.

¹⁰⁴⁷ Report on Civil Party Application D22/1779/ 1; Appeal PTC105, para. 110.

¹⁰⁴⁸ Report on Civil Party Application D22/1779/ 1; Appeal PTC105, para. 110.

¹⁰⁴⁹ Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

population for which the Accused are indicted. In addition, the information about the Applicant's forced labour with insufficient food in Ang Anglong Sar, Kaev Poar Sub-District, Siem Reap Province in 1978, and the arrest and later disappearance of the Applicant's husband and her two brothers after being taken to attend a study course in 1975,¹⁰⁵¹ does not allow me to conclude that it is plausible that these events occurred at one of the limited number of security centers, execution sites, worksites or cooperatives retained in the Indictment underlying the crimes of imprisonment, enslavement, other inhumane acts through enforced disappearances and other inhumane acts through attacks on human dignity for which the Accused are indicted.

Civil Party Applicant 09-VU-00695 (D22/2084).¹⁰⁵² The forced movement of the Applicant and her family within Siem Reap Province in 1975 and her forced labour in a children's mobile unit, where she was provided with insufficient food and was often beaten,¹⁰⁵³ does not form part of the forced movements of population for which the Accused are indicted, and does not allow me to conclude that these events occurred at one of the limited number of worksites or cooperatives retained in the indictment underlying the crimes of enslavement, and other inhumane acts through attacks on human dignity for which the Accused are indicted. In addition, Wat Ta Yaek, Dam, Daek Sub District, Sotr Nikom District, Siem Reap Province, where her father disappeared after he was taken to be killed at in 1977, because he was a former Lon Nol soldier,¹⁰⁵⁴ and where the Applicant's cousin and uncle disappeared and were allegedly killed after being Accused of being enemies of Angkar,¹⁰⁵⁵ is not one of the limited number of security centers retained in the Indictment underlying the crimes of extermination, murder, persecution and other inhumane acts through enforced disappearance for which the Accused are indicted.

¹⁰⁵⁰ Report on Civil Party Application D22/1748/1; Appeal PTC105, para. 106.

¹⁰⁵¹ Report on Civil Party Application D22/1748/1; Appeal PTC105, para. 106.

¹⁰⁵² Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

¹⁰⁵³ Appeal PTC105, para. 112.

¹⁰⁵⁴ Appeal PTC105, para. 112.

¹⁰⁵⁵ Appeal PTC105, para. 112.

Civil party applications inadmissible in the view of Judge Marchal-Chhat



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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 09-VU-00725 (D22/1477).¹⁰⁵⁶ The Applicant, who was assigned as a militia, was sent to work at Mkak dam in Kouk Thlok Leu SubDistrict, Chi Kraeng District, Siem Reap Province in May 1975, where he witnessed people die from starvation and killed by Khmer Rouge soldiers.¹⁰⁵⁷ The Co-lawyers also allege that that the Applicant was forced to work with insufficient food and under inhumane living conditions throughout the regime,¹⁰⁵⁸ including building Dam 78 in Yeang Tes Village, Soutr Nikom District, Siem Reap Province, where he lived after April 1977.¹⁰⁵⁹ The information provided does not allow me to conclude that it is plausible that these events occurred at one of the limited number of worksites or cooperatives retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks on human dignity for which the Accused are indicted.

Civil Party Applicant 09-VU-00726 (D22/1617).¹⁰⁶⁰ The information about the Applicant's forced labour with insufficient food in Chi Kraeng District, Siem Reap Province, the murder of her younger sister and five family members at Kamprum, Banteay Srei District in 1978 for allegedly being enemies,¹⁰⁶¹ and the Applicant's witnessing of people being taken to be killed at Prey Svay, west of Ponlueu Preah Phos Village and thrown into wells at Wat Pop Tis in Kampong Kdei Village,¹⁰⁶² does not allow me to conclude that these events form part of the crimes for which the Accused are indicted. In particular, the information provided does not allow me to conclude that it is plausible that the treatment of the Applicant's sister and family members occurred at one of the limited number of execution sites, worksites or cooperatives retained in the Indictment underlying the crimes of extermination, murder, enslavement, other inhumane acts through enforced disappearances and other inhumane acts through attacks on human dignity for which the Accused are indicted.

¹⁰⁵⁶ Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

¹⁰⁵⁷ Report on Civil Party Application D22/1477/1; Summary of supplementary information D22/1477b; Appeal PTC105, para. 95.

¹⁰⁵⁸ Appeal PTC105, para. 113.

¹⁰⁵⁹ Report on Civil Party Application D22/1477/1; Summary of supplementary information D22/1477b.

¹⁰⁶⁰ Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

¹⁰⁶¹ Report on Civil Party Application D22/1617/1; Appeal PTC105, para. 95.

¹⁰⁶² Appeal PTC105, para. 95.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 09-VU-00728 (D22/1616).¹⁰⁶³ The information about the Applicant's forced labour after 1975, including constructing dams and digging canals in Prey Pros, in Chi Kraeng, Siem Reap Province, and the arrest, detention and torture of his father in 1975 and 1978 at Dam Daek Security Centre, Sotr Nikom District, Siem Reap Province, on the accusation of having betrayed Angkar and stolen food,¹⁰⁶⁴ does not allow me to conclude that it is plausible that these events occurred at one of the limited number of execution sites, worksites or cooperatives retained in the Indictment underlying the crimes of imprisonment, extermination, murder, enslavement, other inhumane acts through enforced disappearances and other inhumane acts through attacks on human dignity for which the Accused are indicted.

Civil Party Applicant 09-VU-00729 (D22/1598).¹⁰⁶⁵ The information about the Applicant's forced movement within Siem Reap Province in 1975¹⁰⁶⁶ does not allow me to conclude that it forms part of the forced movements of population for which the Accused are indicted. In addition, the information about the Applicant's forced labour with insufficient food in Popel Village, Pongro Kraom Sub-District, Siem Reap Province, and her witnessing of people being arrested and taken to be killed in 1978 on the accusation of being CIA agents,¹⁰⁶⁷ does not allow me to conclude that it is plausible that these events occurred at one of the limited number of worksites or cooperatives retained in the Indictment underlying the crimes of extermination, murder, enslavement, persecution, and other inhumane acts through attacks on human dignity for which the Accused are indicted.

Civil Party Applicant 09-VU-00731 (D22/0559).¹⁰⁶⁸ The information about the Applicant's forced labour in a mobile unit in 1975,¹⁰⁶⁹ the murder of her aunt in a forest in 1977 on the

¹⁰⁶³ Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

¹⁰⁶⁴ Appeal PTC105, para. 114.

¹⁰⁶⁵ Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

¹⁰⁶⁶ Report on Civil Party Application D22/1598/1; Appeal PTC105, para. 122.

¹⁰⁶⁷ Report on Civil Party Application D22/1598/1; Appeal PTC105, para. 122.

¹⁰⁶⁸ Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

¹⁰⁶⁹ Report on Civil Party Application D22/559/1; Appeal PTC105, para. 115.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

allegation that she had betrayed Angkar¹⁰⁷⁰ and the arrest and torture of her uncle in 1976, who was a Khmer Rouge cooperative chief,¹⁰⁷¹ does not allow me to conclude that it is plausible that these events occurred at one of the limited number of worksites or cooperatives retained in the Indictment underlying the crimes of extermination, murder, enslavement, persecution, other inhumane acts through enforced disappearance, torture, and other inhumane acts through attacks on human dignity for which the Accused are indicted.

Civil Party Applicant 09-VU-00791 (D22/1585).¹⁰⁷² The Applicant's forced labour, with insufficient food and medicine in Chi Kraeng District, Siem Reap Province in 1975,¹⁰⁷³ her witnessing three women being taken to be killed by Khmer Rouge soldiers at Spean Tnaot SubDistrict, Chi Kraeng District, Siem Reap Province in 1976, and the death of her children and family members from lack of food and medicine,¹⁰⁷⁴ does not allow me to conclude that it is plausible that these events occurred at one of the limited number of security centers, execution sites, worksites or cooperatives retained in the Indictment underlying the crimes of imprisonment, extermination, murder, persecution or other inhumane acts through enforced disappearance for which the Accused are indicted.

Civil Party Applicant 09-VU-00793 (D22/1588).¹⁰⁷⁵ The forced labour of the Applicant in Sangkae Meanchey Village Cooperative, Chi Kraeng District, Siem Reap Province in 1975, and her witnessing of people being taken to be killed at Wat Kampong Kdei, Chi Kraeng District, Siem Reap Province, on the accusation of being new people,¹⁰⁷⁶ does not allow me to conclude that it is plausible that these events occurred at one of the limited number of execution sites, worksites or cooperatives retained in the Indictment underlying the crimes of extermination, murder, enslavement, other inhumane acts through enforced disappearances and other

¹⁰⁷⁰ Report on Civil Party Application D22/559/1; Appeal PTC105, para. 115.

¹⁰⁷¹ Appeal PTC105, para. 115.

¹⁰⁷² Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

¹⁰⁷³ Report on Civil Party Application D22/1585/1; Appeal PTC105, para. 94.

¹⁰⁷⁴ Report on Civil Party Application D22/1585/1; Appeal PTC105, para. 94.

¹⁰⁷⁵ Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

¹⁰⁷⁶ Report on Civil Party Application D22/1588/1; Appeal PTC105, para. 138.

Civil party applications inadmissible in the view of Judge Marchal



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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

inhumane acts through attacks on human dignity for which the Accused are indicted. In addition, the arrest and disappearance of her husband, a former Lon Nol soldier, after being taken to attend study course in 1975, and the murder of other family members who were former Nol soldiers and teachers at Prey Prohong, Kampong Kdei Sub District, Chi Kraeng District, Siem Reap Province in 1976,¹⁰⁷⁷ does not allow me to conclude that these events form part of the crimes for which the Accused are indicted as the information provided does not allow me to conclude that it is plausible that these events occurred at one of the limited number of security centers or execution sites retained in the Indictment underlying the crimes of extermination, murder, persecution or other inhumane acts through enforced disappearance for which the Accused are indicted.

Civil Party Applicant 09-VU-00796 (D22/1586).¹⁰⁷⁸ The forced movement of the Applicant and his family within Siem Reap Province in 1975¹⁰⁷⁹ does not form part of the forced movements of population for which the Accused are indicted. In addition, the information provided about the Applicant's forced labour as a child, during which he was provided with insufficient food and regularly beaten on the allegation that he was an enemy,¹⁰⁸⁰ and the murder of his younger sister and disappearance of his father, who were both Accused of being CIA agents,¹⁰⁸¹ does not allow me to conclude that these events form part of the crimes for which the Accused are indicted. In particular, it does not allow me to conclude that it is plausible that these events occurred at one of the limited number of security centers or execution sites, retained in the Indictment underlying the crimes of extermination, murder, persecution or other inhumane acts through enforced disappearance for which the Accused are indicted.

¹⁰⁷⁷ Summary of supplementary information D22/1586b; Appeal PTC105, para. 138.

¹⁰⁷⁸ Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

¹⁰⁷⁹ Report on Civil Party Application D22/1586/1; Appeal PTC 105, para. 97.

¹⁰⁸⁰ Summary of supplementary information D22/1586b; Appeal PTC 105, para. 97.

¹⁰⁸¹ Summary of supplementary information D22/1586b; Appeal PTC 105, para. 97.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 09-VU-00797 (D22/1591).¹⁰⁸² The forced movement of the Applicant and her family within Siem Reap Province in 1975¹⁰⁸³ does not form part of the forced population movements for which the Accused are indicted. In addition, the information about the Applicant's forced labour, with insufficient food and medicine in Siem Reap Province,¹⁰⁸⁴ the imprisonment and torture of her father at Kampong Kdei security centre¹⁰⁸⁵ and the death of her mother, after being forced to work with insufficient food,¹⁰⁸⁶ does not allow me to conclude that it is plausible that these events occurred at one of the limited number of security centers, execution sites, worksites or cooperatives retained in the Indictment underlying the crimes of imprisonment, murder, enslavement, torture and other inhumane acts through attacks on human dignity for which the Accused are indicted.

Civil Party Applicant 09-VU-00799 (D22/1451).¹⁰⁸⁷ The forced movements of the Applicant and her family to locations within Siem Reap Province in 1975¹⁰⁸⁸ do not form part of the forced movements of population for which the Accused are indicted. In addition, the information about the Applicant's forced labour in Ta Youn Village, Siem Reap Province, the murder of her father because he was a former Lon Nol Soldier in 1975 at Wat Preah Tis, Kampong Kdei Sub District, Chi Kraeng District, Siem Reap Province, and the murder of the Applicant's aunt and family at Prey Brohong, Kampong Kdei Sub District, Chi Kraeng District in 1975 because her husband had been a captain in the Lon Nol army¹⁰⁸⁹ does not allow me to conclude that these events form part of the crimes for which the Accused are indicted. In particular, the information provided does not allow me to conclude that it is plausible that the murder of the Applicant's father, aunt and family members occurred at one of the limited number of security centers, execution sites worksites or cooperatives retained in the Indictment

¹⁰⁸² Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

¹⁰⁸³ Report on Civil Party Application D22/1591/1; Summary of supplementary information D22/1591b; Appeal PTC105, para. 96.

¹⁰⁸⁴ Report on Civil Party Application D22/1591/1; Summary of supplementary information D22/1591b; Appeal PTC105, para. 96.

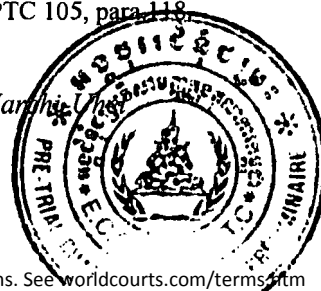
¹⁰⁸⁵ Summary of supplementary information D22/1591b; Appeal PTC 105, para. 96.

¹⁰⁸⁶ Report on Civil Party Application D22/1591/1; Summary of supplementary information D22/1591b; Appeal PTC105, para. 96.

¹⁰⁸⁷ Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

¹⁰⁸⁸ Summary of supplementary information D22/1451b; Appeal PTC 105, para.118.

¹⁰⁸⁹ Summary of supplementary information D22/1451b; Appeal PTC 105, para.118.



002/19-09-2007-ECCC/OCU (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

underlying the crimes of extermination, murder, enslavement, persecution, other inhumane acts through enforced disappearance and other inhumane acts through attacks on human dignity for which the Accused are indicted.

Civil Party Applicant 09-VU-00813 (D22/0929).¹⁰⁹⁰ The forced movement of the Applicant, who was a Lon Nol Corporal Sergeant, within Siem Reap Province in 1975, does not form part of the forced population movements for which the Accused are indicted. The information about his forced labour in mobile unit in Yeang Village in Siem Reap Province¹⁰⁹¹ does not allow me to conclude that these events occurred at one of the limited number of worksites or cooperatives retained in the indictment underlying the crimes of enslavement, and other inhumane acts through attacks on human dignity for which the Accused are indicted. In addition, the Co-Lawyers argue that the Applicant suffered harm as a result of the crime against humanity of persecution on racial grounds against the Vietnamese, as he had personal knowledge of the deaths of individuals at Wat Khsach, Siem Reap Province. The Applicant alleges that he was forced by the Khmer Rouge to bring a woman to Wat Khsach, Yeang Village in 1975, where she was later killed for allegedly being Vietnamese,¹⁰⁹² and in the same year, the Applicant, who was a tailor in a cooperative, was made aware of the arrest and murder of 60 mobile unit members at Wat Khsach in 1975, as almost every morning he was brought the clothes of those people who had been executed for him to sew,¹⁰⁹³ and he constantly heard people yelling for help from the pagoda.¹⁰⁹⁴ In the Applicant's Supplementary Statement he also alleges that his adopted Vietnamese child, who he had rescued from a boat, was killed in 1977,¹⁰⁹⁵ but no additional information is provided to ascertain how or why the Applicant's adopted child was killed.

¹⁰⁹⁰ Application inadmissible on the ground that harm is not linked to the facts under investigation (outside geographic scope/Vietnamese persecution) and Applicant witnessed events of an exceedingly violent and shocking nature outside the scope of investigation. (Impugned Order D424, para. 27 and Annex 3).

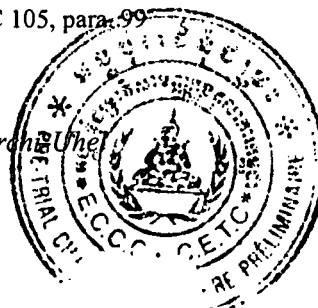
¹⁰⁹¹ Report on Civil Party Application D22/929/1; Appeal PTC 105, para. 99.

¹⁰⁹² Report on Civil Party Application D22/929/1; Appeal PTC 105, para. 99.

¹⁰⁹³ Appeal PTC 105, para. 99

¹⁰⁹⁴ Summary of supplementary information D22/929b; Appeal PTC 105, para. 99.

¹⁰⁹⁵ Summary of supplementary information D22/929b.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Although the killings of Vietnamese, or those perceived to be Vietnamese, are within the geographical scope of the crime of persecution of Vietnamese for which the Accused are indicted,¹⁰⁹⁶ and Wat Khsach in Yeang Village in Siem Reap Province, is one of the execution sites established in the Indictment as the location of a mass execution of Vietnamese people,¹⁰⁹⁷ the dates of the events reported by the Applicant do not align with the period of “mid-to-late 1978” which is specified in the Indictment.¹⁰⁹⁸ Therefore, the information provided does not allow me to consider that it is plausible that the witnessing of these events forms part of the persecution on racial grounds for which the Accused are indicted.

Civil Party Applicant 09-VU-00814 (D22/1707).¹⁰⁹⁹ The information about the Applicant’s forced labour in a mobile unit in Prey Kdouch Village, Prey Veng Province in 1975 (the Initial Statement says this Village does not exist anymore) the arrest and murder of his father in 1975, the disappearance of his mother after she was transferred to Neak Loeng, Kien Svay District in Kandal Province in 1975, and the murder of his uncle, his cousin, his cousin’s wife and their three children for being enemies¹¹⁰⁰ does not allow me to conclude that it is plausible that these events occurred at one of the limited number of security centers, execution sites worksites or cooperatives retained in the Indictment underlying the crimes of imprisonment, extermination, murder, enslavement, persecution, other inhumane acts through enforced disappearance and other inhumane acts through attacks on human dignity for which the Accused are indicted.

Civil Party Applicant 09-VU-00815 (D22/1693).¹¹⁰¹ The Applicant’s forced movement from Rumdeng Village, Siem Reap Province in 1975 to Preak Phnov Sub-District in Kandal Province¹¹⁰² and the Applicants movement in 1978 to fight against the Vietnamese army in

¹⁰⁹⁶ Indictment, para. 1415.

¹⁰⁹⁷ Indictment, para. 802.

¹⁰⁹⁸ Indictment, para. 802.

¹⁰⁹⁹ Application inadmissible on the ground that no proof of kinship with an immediate victim at S21 Security Centre and Harm is not linked to the facts under investigation (other alleged crimes) (Impugned Order D424, para. 27 and Annex 3).

¹¹⁰⁰ Report on Civil Party Application D22/1707/1; Appeal PTC 105, para. 98.

¹¹⁰¹ Application inadmissible on the ground that there is no proof of kinship with an immediate victim of s21 Security Centre and Harm is not linked to the facts under investigation (other alleged crimes) (Impugned Order D424, para. 24 and 27 and Annex 3).

¹¹⁰² Report on Civil Party Application D22/1693/1; Appeal PTC 105, para. 135.

Civil party applications inadmissible in the view of Judge Martha Uhal



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 171)

Takeo Province before being sent to Memot of Kampong Cham¹¹⁰³ do not form part of the forced population movements for which the Accused are indicted. In addition, the information about the Applicant's forced labour in Takeo Province in 1977,¹¹⁰⁴ and at a dam site to the West of Preaek Phnov Sub-District in 1977¹¹⁰⁵ does not allow me to conclude that it is plausible that these events occurred at one of the limited number of worksites or cooperatives retained in the Indictment underlying the crimes of enslavement, and other inhumane acts through attacks on human dignity for which the Accused are indicted. The Applicant also states that in 1977 when he was working at a dam at the West of Preaek Phnov Sub-District, Kandal Province, he witnessed 3 to 8 workers a day being taken to S-21 Security Centre, because they complained about their forced labour.¹¹⁰⁶ Although S-21 Security Centre is one of the execution sites retained in the Indictment,¹¹⁰⁷ there is insufficient information provided about these events, and their effect on the Applicant, to allow me to consider it is plausible that the Applicant has suffered psychological harm as a result of such knowledge.

Civil Party Applicant 09-VU-00817 (D22/1422).¹¹⁰⁸ The forced movement of the Applicant, who was a squad leader in Battalion 911, from locations within Siem Reap Province in 1975,¹¹⁰⁹ where he we forced to work, does not form part of the forced movements of population for which the Accused are indicted, and does not allow me to conclude that these events occurred at one of the limited number of worksites or cooperatives retained in the indictment underlying the crimes of enslavement, and other inhumane acts through attacks on human dignity for which the Accused are indicted. In addition, the Applicant states that in 1977 he was sent to be re-educated at Au Memay, Ballangk Sub-District, Kralanh District, Siem Reap Province,¹¹¹⁰ and his two uncles were murdered at Wat Ta Yaek, Ta Yaek Sub

¹¹⁰³ Appeal PTC 105, para. 135.

¹¹⁰⁴ Report on Civil Party Application D22/1693/1; Appeal PTC 105, para. 135.

¹¹⁰⁵ Summary of supplementary information D22/1693b.

¹¹⁰⁶ Report on Civil Party Application D22/1693/1; Appeal PTC 105, para. 135.

¹¹⁰⁷ Indictment, paras 415-475.

¹¹⁰⁸ Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

¹¹⁰⁹ Report on Civil Party Application D22/1422/1; Summary of supplementary information D22/1422b; Appeal PTC105, para. 103.

¹¹¹⁰ Report on Civil Party Application D22/1422/1; Summary of supplementary information D22/1422b; Appeal PTC105, para. 103.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

District, Sotr Nikom District in 1977.¹¹¹¹ This information does not allow me to conclude that it is plausible that these events occurred at one of the limited number of security centres, execution sites, worksites or cooperatives retained in the Indictment underlying the crimes of imprisonment, extermination, murder or other inhumane acts through enforced disappearances for which the Accused are indicted.

Civil Party Applicant 09-VU-01009 (D22/1455).¹¹¹² The information about the Applicant's forced labour in Bak Phka, Chi Kraeng District, Siem Reap Province in 1975, with insufficient food,¹¹¹³ does not allow me to conclude that it is plausible that these events occurred at one of the limited number of worksites or cooperatives retained in the Indictment underlying the crimes of enslavement, and other inhumane acts through attacks on human dignity for which the Accused are indicted. In addition, the information about the murder of the Applicant's brother and wife at Ta Yaek SubDistrict, Chi Kraeng District in 1976, for being Accused of having committed moral offences, the arrest and disappearance of two of the Applicant's uncles in 1977, and the arrest of her father in 1977, who was taken to be killed at Wat Ta Yaek, Chi Kraeng District,¹¹¹⁴ does not allow me to conclude that it is plausible that these events occurred at one of the limited number of security centres, execution sites, worksites or cooperatives retained in the Indictment underlying the crimes of imprisonment, extermination, murder, persecution and other inhumane acts through enforced disappearance for which the Accused are indicted.

Civil Party Applicant 09-VU-01010 (D22/1454).¹¹¹⁵ The Applicant's forced movement from Ou Ta Kam, Svay Pao Sub-District, Sangkae District in Battambang Province (the Initial Application states that the Village doesn't exist anymore and the Sub-District is now in Battambang District, Battambang Province), to Koun K'aek Village Cooperative, Moung

¹¹¹¹ Summary of supplementary information D22/1422b; Appeal PTC105, para. 103.

¹¹¹² Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

¹¹¹³ Appeal PTC105, para 120.

¹¹¹⁴ Appeal PTC105, para 120.

¹¹¹⁵ Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Ruessei District, Battambang Province on 17 April 1975,¹¹¹⁶ falls within the geographic scope of the forced population movements of the East Zone during Phase 2.¹¹¹⁷ However, it is outside its temporal scope and there is no information allowing me to consider it plausible that the Applicant is one of the people specified in the Indictment as having been moved during this Phase.¹¹¹⁸ In addition, the information about the Applicant's forced labour in Battambang Province,¹¹¹⁹ the death of his father from starvation in 1976, the arrest and murder of his relatives in 1976 at Koun K'aek Village and in 1977 at Wat Koun K'aek, on the allegation of having stolen food, and the arrest of his cousin in 1978, who was taken to be killed on the allegation that he was an American spy,¹¹²⁰ does not allow me to conclude that it is plausible that these events occurred at one of the limited number of security centres, execution sites, worksites or cooperatives retained in the Indictment underlying the crimes of extermination, murder, enslavement, persecution, other inhumane acts through enforced disappearance and other inhumane acts through attacks on human dignity for which the Accused are indicted.

Civil Party Applicant 09-VU-01014 (D22/1696).¹¹²¹ The information about the Applicant's movements as a Khmer Rouge soldier, from Kandal Province in 1975 to Monduliri Province in the North Eastern Zone,¹¹²² and his forced labour in October 1976,¹¹²³ does not allow me to conclude that these movements form part of the forced movements of population for which the Accused are indicted, or that it is plausible that the acts of forced labour occurred at one of the limited number of worksites or cooperatives retained in the indictment underlying the crimes of enslavement, and other inhumane acts through attacks on human dignity for which the Accused are indicted. In addition, the Applicant states that in 1977 he witnessed Khmer Rouge soldiers from the South West Zone arrest and kill soldiers from the South Eastern Zone, on the accusation that they were against the revolution.¹¹²⁴ In particular, the

¹¹¹⁶ Report on Civil Party Application D22/1451/1.

¹¹¹⁷ Indictment, paras 262-3.

¹¹¹⁸ Indictment, para 265.

¹¹¹⁹ Report on Civil Party Application D22/1451/1; Appeal PTC105, para 117.

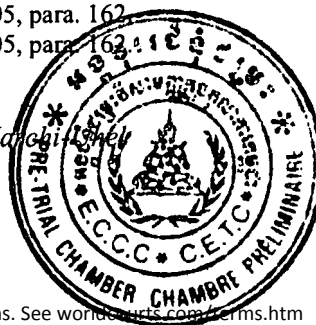
¹¹²⁰ Appeal PTC105, para 117.

¹¹²¹ Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

¹¹²² Report on Civil Party Application D22/1696/1; Appeal PTC105, para. 162.

¹¹²³ Report on Civil Party Application D22/1696/1; Appeal PTC105, para. 162.

¹¹²⁴ Report on Civil Party Application D22/1696/1; Appeal PTC105, para. 162.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

information provided does not allow me to conclude that it is plausible that the arrest and execution of these soldiers occurred at one of the limited number of security centers or execution sites retained in the Indictment underlying the crimes of extermination, murder and persecution for which the Accused are indicted.

Civil Party Applicant 09-VU-01017 (D22/1699).¹¹²⁵ The Applicant's forced labour with insufficient food in 1975,¹¹²⁶ the arrest of her father in 1977, who was taken to be killed at Wat Ta Yeak, Chi Kraeng District, Siem Reap Province, and the arrest of her cousin and brother-in-law in 1977, who were taken to be killed at Trapaeng Ta Preah on the east of Bak Phka, Ta Yaek SubDistrict, Chi Kraeng District,¹¹²⁷ does not allow me to conclude that it is plausible that these events occurred at one of the limited number of security centres, execution sites, worksites or cooperatives retained in the Indictment underlying the crimes of imprisonment, extermination, murder, enslavement, persecution, other inhumane acts through enforced disappearance and other inhumane acts through attacks on human dignity for which the Accused are indicted.

Civil Party Applicant 09-VU-01484 (D22/0650).¹¹²⁸ The forced movement of the Applicant within Takeo Province in 1975 does not form part of the forced population movements for which the Accused are indicted. The information about her forced labour with insufficient food and medicine¹¹²⁹ does not allow me to conclude that these events occurred at one of the limited number of worksites or cooperatives retained in the indictment underlying the crimes of enslavement, and other inhumane acts through attacks on human dignity for which the Accused are indicted. In addition, the arrest of the Applicant's brother, who was a Lon Nol soldier, who was taken to be killed along with 100 other people, the disappearance of her husband, who was a Lon Nol soldier after being forced to fight with the Khmer Rouge, and the murder of other

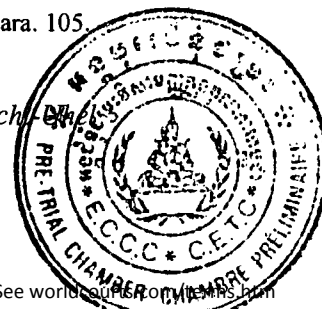
¹¹²⁵ Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

¹¹²⁶ Summary of supplementary information D22/1699b.

¹¹²⁷ Report on Civil Party Application D22/1699/1; Appeal PTC105, para. 119.

¹¹²⁸ Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

¹¹²⁹ Report on Civil Party Application D22/650/1; Appeal PTC105, para. 105.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 171)

family members who were former Lon Nol soldiers and teachers,¹¹³⁰ does not allow me to conclude that these events form part of the crimes for which the Accused are indicted. In particular, the information provided does not allow me to conclude that it is plausible that these events occurred at one of the limited number of security centers or execution sites retained in the Indictment underlying the crimes of extermination, murder and persecution for which the Accused are indicted.

Civil Party Applicant 09-VU-01485 (D22/0842).¹¹³¹ The Applicant's detention in Kien Sangkae Security Centre, in Siem Reap Province in 1975, where he was forced to work with insufficient food,¹¹³² and the arrest and execution of the Applicant's nephew, who was a former Khmer Rouge soldier, in Wat Khsach in Chi Kraeng District in Siem Reap Province, on the accusation of being a traitor,¹¹³³ does not allow me to conclude that these events form part of the crimes for which the Accused are indicted. Although Wat Khsach in Yeang Village, Siem Reap Province, is one of the execution sites established in the Indictment as the location of a mass execution of Vietnamese people,¹¹³⁴ the information provided by the Applicant does not allow me to consider it plausible that his nephew was murdered on the basis of being Vietnamese, or perceived to be Vietnamese, nor is information provided about the time of his nephew's murder to ascertain if it correlates with the time period set out in the Indictment.

Civil Party Applicant 09-VU-01496 (D22/0651).¹¹³⁵ The forced movement of the Applicant and her family from locations within Siem Reap Province, where she was forced to work with insufficient food and medicine,¹¹³⁶ does not form part of the forced population movements for which the Accused are indicted, and the information about the acts of forced labour do not allow me to conclude that these events occurred at one of the limited number of worksites or

¹¹³⁰ D22/650b; Report on Civil Party Application D22/650/1; Appeal PTC105, para. 105.

¹¹³¹ Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

¹¹³² Report on Civil Party Application D22/842/1; Summary of supplementary information D22/842b; Appeal PTC105, para. 123.

¹¹³³ Summary of supplementary information D22/842b.

¹¹³⁴ Indictment, para. 802.

¹¹³⁵ Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

¹¹³⁶ Report on Civil Party Application D22/651/1; Appeal PTC105, para. 121.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

cooperatives retained in the indictment underlying the crimes of enslavement, and other inhumane acts through attacks on human dignity for which the Accused are indicted. In addition, the information about the arrest of her children and other family members in 1976, who were taken to be killed at Mouk Krud Tuek, Vil Sub District, Puok District, Siem Reap Province,¹¹³⁷ and the arrest of her husband, a former Sihanouk soldier, in 1977, who was taken to be killed in Kampong Kdei, Chi Kraeng District on the allegation that he was a former official who may pose risks to the revolution,¹¹³⁸ does not allow me to conclude that these events form part of the crimes for which the Accused are indicted. In particular, the information provided does not allow me to conclude that it is plausible that these events occurred at one of the limited number of security centers or execution sites retained in the Indictment underlying the crimes of extermination, murder, other inhumane acts through enforced disappearance and persecution for which the Accused are indicted.

Civil Party Applicant 09-VU-01497 (D22/0788).¹¹³⁹ The forced movement of the Applicant and his family from locations within Siem Reap Province in 1975¹¹⁴⁰ does not form part of the forced population movements for which the Accused are indicted. Further, the information about his forced labour with insufficient food and medicine throughout the regime,¹¹⁴¹ and his witnessing of new people being arrested to be killed on the east of Wat Prey Pros in 1976, and truckloads of 17 April people being taken to be killed and buried under the dam worksite of Prey Pros, Chi Kraeng Disirict, Siem Reap Province in 1977,¹¹⁴² does not allow me to conclude that these events occurred at one of the limited number of worksites or cooperatives retained in the indictment underlying the crimes of extermination, murder, enslavement, other inhumane acts through enforced disappearance, persecution and other inhumane acts through attacks on human dignity for which the Accused are indicted. In addition, the information about the arrest and later disappearance of the Applicant's father in 1977, who was taken to be killed in

¹¹³⁷ Report on Civil Party Application D22/651/1; Appeal PTC105, para. 121.

¹¹³⁸ Summary of supplementary information D22/651b; Report on Civil Party Application D22/651/1; Appeal PTC105, para. 121.

¹¹³⁹ Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

¹¹⁴⁰ Report on Civil Party Application D22/7881/1; Appeal PTC105, para. 136.

¹¹⁴¹ Report on Civil Party Application D22/788/1; Appeal PTC105, para. 136.

¹¹⁴² Report on Civil Party Application D22788/1; Appeal PTC105, para. 136.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Kampong Kdei, Siem Reap Province, on the accusation of being Khmer Sar,¹¹⁴³ does not allow me to conclude that these events form part of the crimes for which the Accused are indicted. In particular, the information provided does not allow me to conclude that it is plausible that these events occurred at one of the limited number of security centers or execution sites retained in the Indictment underlying the crimes of extermination, murder, other inhumane acts through enforced disappearance and persecution for which the Accused are indicted.

Civil Party Applicant 09-VU-01504 (D22/0784).¹¹⁴⁴ The information about the forced movement of the Applicant and her family in 1975 to locations within Siem Reap Province, where they were made to work with insufficient food, including the death of her family members from starvation, malnutrition and malaria,¹¹⁴⁵ does not form part of the forced movements of population for which the Accused are indicted, and does not allow me to conclude that the acts of forced labour and related events occurred at one of the limited number of worksites or cooperatives retained in the Indictment underlying the crimes of extermination, murder, enslavement and other inhumane acts through attacks on human dignity for which the Accused are indicted. In addition, the Applicant's witnessing of new and base people being taken to be killed at Wat Prasat Bakong Security Centre in Siem Reap Province in 1977,¹¹⁴⁶ and the murder of two of the Applicant's brothers, on the accusation that they were Lon Nol supporters,¹¹⁴⁷ does not allow me to conclude that these events form part of the crimes for which the Accused are indicted. In particular, the information provided does not allow me to conclude that it is plausible that these events occurred at one of the limited number of security centers or execution sites retained in the Indictment underlying the crimes of extermination, murder and persecution for which the Accused are indicted.

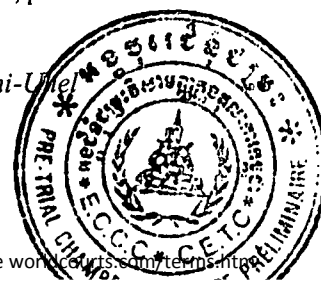
¹¹⁴³ Summary of supplementary information D22/788b; Report on Civil Party Application D22788/1; Appeal PTC105, para. 136.

¹¹⁴⁴ Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

¹¹⁴⁵ Summary of supplementary information D22/784b; Report on Civil Party Application D22/784/1; Appeal PTC105, para. 89.

¹¹⁴⁶ Appeal PTC105, para. 89.

¹¹⁴⁷ Summary of supplementary information D22/784b; Appeal PTC105, para. 89.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 09-VU-01508 (D22/0795).¹¹⁴⁸ The information about the forced movement of the Applicant and his family in 1975 from locations within Preah Vihear Province, where they were forced to work with insufficient food and medicine,¹¹⁴⁹ shows that the forced movement in question does not form part of the forced movements of population for which the Accused are indicted, and does not allow me to conclude that the acts of forced labour occurred at one of the limited number of worksites or cooperatives retained in the Indictment underlying the crimes of enslavement, and other inhumane acts through attacks on human dignity for which the Accused are indicted. Further, the information about the Applicant having witnessed the Khmer Rouge arrest base people and new people to be tortured at the District military headquarters and then killed on accusation of being capitalists, whilst working as a Khmer Rouge soldier guarding Sangkom Thmey Security Centre in 1976,¹¹⁵⁰ does not allow me to conclude that these events form part of the crimes for which the Accused are indicted. In particular, the information provided does not allow me to conclude that it is plausible that these events occurred at one of the limited number of security centers or execution sites retained in the Indictment underlying the crimes of extermination, murder, other inhumane acts through enforced disappearance and persecution for which the Accused are indicted. In addition the Co-lawyers argue that the Applicant suffered harm as a witness to the prohibition of Buddhism imposed by the Khmer Rouge, which form part of the allegations underlying the crime of persecution. The Applicant alleges that in 1977, when he was guarding a weapons warehouse in Samraong District, he saw Khmer Rouge soldiers forbid prisoners to believe in religion and forced them to smash Buddhist statues, monks' sanctuaries and pagodas.¹¹⁵¹ The Co-Lawyers allege that such "destruction of pagodas and temples is a religious persecution that falls under the investigation scope; and it severely affects the faith of Cambodian people in Buddhism."¹¹⁵² However, there is insufficient information about the Applicant's personal religious beliefs and practice, and how these actions affected him, for me

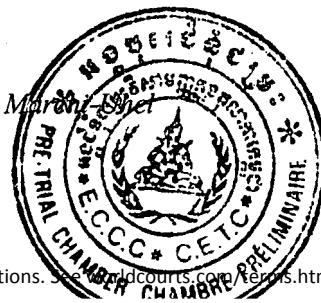
¹¹⁴⁸ Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

¹¹⁴⁹ Report on Civil Party Application D22/795/1; Appeal PTC105, para. 137.

¹¹⁵⁰ Report on Civil Party Application D22/795/1; Appeal PTC105, para. 137.

¹¹⁵¹ Report on Civil Party Application D22/795/1; Appeal PTC105, para. 137.

¹¹⁵² Appeal PTC105, para. 137.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

to consider it plausible that the Applicant suffered psychological harm as a direct victim of persecution on religious grounds against Buddhists.

Civil Party Applicant 09-VU-01509 (D22/0780).¹¹⁵³ The forced movement of the Applicant and his family from locations within Pursat Province does not form part of the forced movements of population for which the Accused are indicted. The information about the forced labour with insufficient food they had to undertake following their transfer and separation¹¹⁵⁴ does not allow me to conclude that these events occurred at one of the limited number of worksites or cooperatives retained in the indictment underlying the crimes of enslavement, and other inhumane acts through attacks on human dignity for which the Accused are indicted. In addition, the arrest of the Applicant's sister in 1975, who was taken to be killed at Prey Roneam on the north of Kokir Coperative in Bakan District, Pursat Province, on the accusation of betraying Angkar, the Applicant's witnessing three of his co-workers being taken by the Khmer Rouge to be killed at a place next to Trach Kroal Dam worksite, Kandieng District, Pursat Province in 1976,¹¹⁵⁵ and the torture, deprivation of food, and murder of his father in 1978 at Prey Roneam on the north of Trach Kroal dam worksite,¹¹⁵⁶ does not allow me to conclude that these events form part of the crimes for which the Accused are indicted. In particular, the information provided does not allow me to conclude that it is plausible that these events occurred at one of the limited number of security centers or execution sites retained in the Indictment underlying the crimes of extermination, murder and persecution for which the Accused are indicted.

Civil Party Applicant 09-VU-01931 (D22/2918).¹¹⁵⁷ The forced movement of the Applicant and his family in 1975 from locations within Siem Reap Province¹¹⁵⁸ does not form part of the

¹¹⁵³ Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

¹¹⁵⁴ Report on Civil Party Application D22/780/1; Summary of supplementary information D22/780b; Appeal PTC105, para. 91.

¹¹⁵⁵ Summary of supplementary information D22/780b; Appeal PTC105, para. 91.

¹¹⁵⁶ Appeal PTC105, para. 91.

¹¹⁵⁷ Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

¹¹⁵⁸ Report on Civil Party Application D22/2918/1; Appeal PTC105, para. 139.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

forced population movements for which the Accused are indicted. In addition, the information about the Applicant's forced labour with insufficient food at a rubber factory in Chamkar Andong, Kampong Cham Province in 1976,¹¹⁵⁹ his sister's arrest from the centre in 1977, where she was taken to be killed on the accusation of being an enemy, and the Applicant's witnessing of the arrest and later disappearance of workers from the factory, who were taken to Kampong Cham security centre in 1977,¹¹⁶⁰ does not allow me to conclude that it is plausible that these events occurred at one of the limited number of security centers, execution sites worksites or cooperatives retained in the Indictment underlying the crimes of extermination, murder, enslavement, persecution, other inhumane acts through enforced disappearance and other inhumane acts through attacks on human dignity for which the Accused are indicted.

Civil Party Applicant 09-VU-01933 (D22/2920).¹¹⁶¹ The forcible movement of the Applicant from locations within Siem Reap Province in 1975¹¹⁶² does not form part of the forced population movements for which the Accused are indicted. Further, the information about her and her family's forced labour, with insufficient food and medicine, resulting in the death of her family members including her son, husband and mother,¹¹⁶³ does not allow me to conclude that these events occurred at one of the limited number of worksites or cooperatives retained in the Indictment underlying the crimes of enslavement, and other inhumane acts through attacks on human dignity for which the Accused are indicted.

Civil Party Applicant 09-VU-01937 (D22/2924).¹¹⁶⁴ The forced movement of the Applicant from locations within Siem Reap Province in 1975 does not form part of the forced movements of population for which the Accused are indicted. Further, the information about her forced labour at Tumnob Mkak Sub District, Chi Kraeng District, with insufficient food and

¹¹⁵⁹ Summary of supplementary information D22/2918b; Report on Civil Party Application D22/2918/1; Appeal PTC105, para. 139.

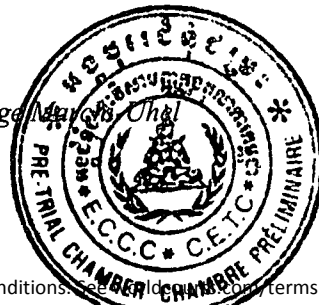
¹¹⁶⁰ Summary of supplementary information D22/2918b; Appeal PTC105, para. 139.

¹¹⁶¹ Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

¹¹⁶² Report on Civil Party Application D22/2920/1; Appeal PTC105, para. 141.

¹¹⁶³ Appeal PTC105, para. 141.

¹¹⁶⁴ Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

medicine,¹¹⁶⁵ does not allow me to conclude that these events occurred at one of the limited number of worksites or cooperatives retained in the indictment underlying the crimes of enslavement, and other inhumane acts through attacks on human dignity for which the Accused are indicted. In addition, the arrest and disappearance of the Applicant's brother in 1975,¹¹⁶⁶ her witnessing of the torture of mobile unit members who were Accused of not complying with Angkar's work plan in 1976,¹¹⁶⁷ and her witnessing of the arrest and torture of people who were taken to be killed at Kilometre No. 8 worksite in Thnal Dach Village in 1978,¹¹⁶⁸ does not allow me to conclude that it is plausible that these events occurred at one of the limited number of security centers, execution sites worksites or cooperatives retained in the Indictment underlying the crimes of extermination, murder, enslavement, persecution, other inhumane acts through enforced disappearance and other inhumane acts through attacks on human dignity for which the Accused are indicted.

Civil Party Applicant 09-VU-02454 (D22/2233).¹¹⁶⁹ The Applicant's forced movement within Siem Reap Province in 1975, where she and her family were separated and forced to work with insufficient food,¹¹⁷⁰ does not form part of the forced population movements for which the Accused are indicted. The information about the acts of forced labour does not allow me to conclude that these events occurred at one of the limited number of worksites or cooperatives retained in the Indictment underlying the crimes of enslavement, and other inhumane acts through attacks on human dignity for which the Accused are indicted. In addition, the information about the arrest, torture and later murder of the Applicant's younger sister, her sister's husband and their children in 1975, at Kumru Village, Sranal SubDistrict, Siem Reap Province, for allegedly being capitalists,¹¹⁷¹ does not allow me to conclude that these events form part of the crimes for which the Accused are indicted. In particular, the information provided does not allow me to conclude that it is plausible that these events occurred at one of

¹¹⁶⁵ Report on Civil Party Application D22/2924/1; Appeal PTC105, para. 142.

¹¹⁶⁶ Report on Civil Party Application D22/2942/1; Appeal PTC105, para. 142.

¹¹⁶⁷ PTC105, para. 142.

¹¹⁶⁸ Report on Civil Party Application D22/2942/1; Appeal PTC105, para. 142.

¹¹⁶⁹ Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

¹¹⁷⁰ Report on Civil Party Application D22/2233/1; Appeal PTC105, para. 107.

¹¹⁷¹ Summary of supplementary information D22/2233b; Appeal PTC105, para. 107.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

the limited number of security centers or execution sites retained in the Indictment underlying the crimes of extermination, murder and persecution for which the Accused are indicted.

Civil Party Applicant 09-VU-02457 (D22/2236).¹¹⁷² The arrest of the Applicant's sister, her sister's husband and their three children in 1975, who were all taken to be killed at Tonloa Village, Sranal SubDistrict, Kralanh District of Siem Reap Province, close to Phnum Trong Bat, does not allow me to conclude that it is plausible that these events occurred at one of the limited number of security centers or execution sites worksites retained in the Indictment underlying the crimes of extermination, murder, enslavement, persecution, other inhumane acts through enforced disappearance and other inhumane acts through attacks on human dignity for which the Accused are indicted. In addition, the information about the torture of the Applicant's uncle, on the accusation that he was rich and an enemy,¹¹⁷³ and the torture and murder of other members of the Applicant's extended family, by throwing them into burning kilns at Phnum Trong Bat in Kralanh District,¹¹⁷⁴ does not allow me to conclude that these events form part of the crimes for which the Accused are indicted. In particular, the information provided does not allow me to conclude that it is plausible that these events occurred at one of the limited number of security centers, execution sites, worksites or cooperatives retained in the Indictment underlying the crimes of extermination, murder, torture, persecution, enslavement, and other inhumane acts through attacks on human dignity and rape for which the Accused are indicted.

Civil Party Applicant 09-VU-02462 (D22/2241).¹¹⁷⁵ The information about the forced movement of the Applicant and her family to work in Prey Ar Khnar Sub District of Kralanh District, Siem Reap Province in 1975,¹¹⁷⁶ does not allow me to conclude that these events form part of the forced movements of population for which the Accused are indicted, or that they occurred at one of the limited number of worksites or cooperatives retained in the indictment

¹¹⁷² Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

¹¹⁷³ Report on Civil Party Application D22/2236/1; Appeal PTC105, para. 144.

¹¹⁷⁴ Appeal PTC105, para. 144.

¹¹⁷⁵ Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

¹¹⁷⁶ Report on Civil Party Application D22/2241/1; Appeal PTC105, para. 146.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

underlying the crimes of imprisonment, enslavement, and other inhumane acts through attacks on human dignity for which the Accused are indicted. In addition, the arrest of the Applicant's parents in 1978, who were imprisoned, tortured and executed at Phnum Kampong Thkov in Kralanh District by being thrown into burning kilns,¹¹⁷⁷ and the arrest, detention and later execution of her mother and father-in-law at Phnum Trong Bat Security Centre, Phnum Trong Bat Village in Siem Reap Province,¹¹⁷⁸ does not allow me to conclude that it is plausible that these events occurred at one of the limited number of security centers or execution sites retained in the Indictment underlying the crimes of extermination, murder and other inhumane acts through enforced disappearance for which the Accused are indicted.

Civil Party Applicant 09-VU-02463 (D22/2242).¹¹⁷⁹ The forced movement of the Applicant to locations within Siem Reap Province in 1975 does not form part of the forced movements of population for which the Accused are indicted. The information about her forced labour with insufficient food¹¹⁸⁰ does not allow me to conclude that these events occurred at one of the limited number of worksites or cooperatives retained in the Indictment underlying the crimes of enslavement, and other inhumane acts through attacks on human dignity for which the Accused are indicted. In addition, the information about the disappearance of the Applicant's father and brother, who were both members of the Lon Nol army, after they were taken to be re-educated at a study course at Angkor Wat in 1975,¹¹⁸¹ and the rape of her sister in 1977 in Nokor Pheas mobile work unit,¹¹⁸² does not allow me to conclude that it is plausible that these events occurred at one of the limited number of security centers, execution sites, worksites or cooperatives retained in the Indictment underlying the crimes of imprisonment, extermination, murder, torture, persecution, enslavement, and other inhumane acts through attacks on human dignity and rape for which the Accused are indicted. Although the Applicant refers to her father and brother being taken to be re-educated at Angkor Wat, which is the location of the

¹¹⁷⁷ Summary of supplementary information D22/2241b; Appeal PTC105, para. 146.

¹¹⁷⁸ Summary of supplementary information D22/2241b.

¹¹⁷⁹ Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

¹¹⁸⁰ Report on Civil Party Application D22/2242/1; Appeal PTC105, para. 147.

¹¹⁸¹ Summary of supplementary information D22/2242b; Appeal PTC105, para. 147.

¹¹⁸² Report on Civil Party Application D22/2242/1; Appeal PTC105, para. 147.



002/19-09-2007-ECCC/OCJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

North Zone Security Centre,¹¹⁸³ there is insufficient information about the precise location of these events for me to consider it plausible that they occurred at this particular indicted site. The Applicant also provided supplementary information alleging that she suffered as a result of being forced to marry a “new comer whom she had never known before” in 1978, however she states that she was able to “delay the plans numerous time until liberation day.”¹¹⁸⁴ The Accused are not indictment for attempts to commit the crime of other inhumane acts through forced marriage. Therefore the information does not allow me to conclude that she suffered psychological harm as a result of the crimes for which the Accused are indicted.

Civil Party Applicant 09-VU-02465 (D22/2244).¹¹⁸⁵ The disappearance of two of the Applicant’s brothers, after they were taken to attend a study course in 1975 in Okhathik Village, Sasar Sdam Sub District, Puok District¹¹⁸⁶, and the disappearance of her father after being taken from Mean Chey Village to be re-educated in 1975,¹¹⁸⁷ does not allow me to conclude that it is plausible that these events occurred at one of the limited number of security centers, execution sites, worksites or cooperatives retained in the Indictment underlying the crimes of imprisonment and other inhumane acts through enforced disappearance for which the Accused are indicted.

Civil Party Applicant 09-VU-02466 (D22/2245).¹¹⁸⁸ The information about the forced movement of the Applicant and her family from Run Village, Chonloas Dai, Sub District, Kralanh District, Siem Reap Province in 1975, where they were forced to work under constant surveillance¹¹⁸⁹ does not allow me to conclude that these events form part of the forced movements of population for which the Accused are indicted or that it is plausible that they events occurred at one of the limited number of worksites or cooperatives retained in the

¹¹⁸³ Indictment, paras 572-588.

¹¹⁸⁴ Report on Civil Party Application D424/3/4.3

¹¹⁸⁵ Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

¹¹⁸⁶ Summary of supplementary information D22/2244b; Appeal PTC105, para. 148

¹¹⁸⁷ Report on Civil Party Application D22/2244/1.

¹¹⁸⁸ Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

¹¹⁸⁹ Report on Civil Party Application D22/2245/1; Appeal PTC105, para. 149



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

indictment underlying the crimes of enslavement, and other inhumane acts through attacks on human dignity for which the Accused are indicted. In addition, the arrest of the Applicant's brother, husband and their two children in 1978, who were taken to "the kilns designed to kill people at Phnum Trong Bat" on the accusation of being an undercover enemies and/or prisoner of war,¹¹⁹⁰ does not allow me to conclude that it is plausible that these events occurred at one of the limited number of security centers or execution sites retained in the Indictment underlying the crimes of extermination, murder, persecution and other inhumane acts through enforced disappearance for which the Accused are indicted.

Civil Party Applicant 09-VU-02524 (D22/3137).¹¹⁹¹ The information about the acts of forced labour of the Applicant and her family in 1975, with insufficient food and medicine in Khchas Village, Khchas Sub District, Sotr Nikom District of Siem Reap Province,¹¹⁹² does not allow me to conclude that the events occurred at one of the limited number of worksites or cooperatives retained in the Indictment underlying the crimes of enslavement, and other inhumane acts through attacks on human dignity for which the Accused are indicted. In addition, the information about the arrest of the Applicant's brother in 1976, who was taken to be killed at Trapeang Khnonh in Khchas Village, on the accusation of being a Lon Nol sympathizer, and another brother who was taken to be killed at Veal Village, Dan Run SubDistrict of Sotr Nikom District, on the accusation of being a member of the Lon Nol's clique,¹¹⁹³ does not allow me to conclude that these events form part of the crimes for which the Accused are indicted. In particular, the information provided does not allow me to conclude that it is plausible that these events occurred at one of the limited number of security centers or execution sites retained in the Indictment underlying the crimes of extermination, murder and persecution for which the Accused are indicted.

¹¹⁹⁰ Report on Civil Party Application D22/2245/1; Appeal PTC105, para. 149

¹¹⁹¹ Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

¹¹⁹² Appeal PTC105, para. 150.

¹¹⁹³ Summary of supplementary information D22/3137b; Report on Civil Party Application D22/3137/1; Appeal PTC105, para. 150.

Civil party applications inadmissible in the view of Judge



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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 09-VU-03435 (D22/3153).¹¹⁹⁴ The information about the forced labour of the Applicant in Kouk Trach Village, Khnat Sub District, Puok District, Siem Reap Province in 1975,¹¹⁹⁵ and the forced movement of her husband from this location to Srae Nouy Sub District in Siem Reap Province, where he was forced to work with insufficient food and medicine and later died from malaria,¹¹⁹⁶ does not allow me to conclude that the acts of forced movement in question form part of the forced movements of population for which the Accused are indicted, or that it is plausible that these other events in question occurred at one of the limited number of worksites or cooperatives retained in the indictment underlying the crimes of imprisonment, enslavement, and other inhumane acts through attacks on human dignity for which the Accused are indicted. In addition, the information about the murder of the Applicant's brother, her sister, her sister's husband and their five children at Samraong Yea Sub District, Puok District, Siem Reap Province in 1977,¹¹⁹⁷ does not allow me to conclude that it is plausible that these events occurred at one of the limited number of security centers or execution sites retained in the Indictment underlying the crimes of extermination, murder and persecution for which the Accused are indicted.

Civil Party Applicant 09-VU-03443 (D22/2428).¹¹⁹⁸ The information about the forced labour of the Applicant in Phum Thmei, Samraong Year Cooperative, Samraong Yea Sub District, Puok District, Siem Reap Province, the arrest and murder of his father, who was sent to Wat Ampil in Siem Reap Province on the accusation of being a bandit¹¹⁹⁹ and the arrest of her uncle and aunt who were taken to be killed in 1975,¹²⁰⁰ does not allow me to conclude that the events occurred at one of the limited number of security centers, execution, worksites or cooperatives retained in the Indictment underlying the crimes of imprisonment, enslavement, extermination and murder for which the Accused are indicted.

¹¹⁹⁴ Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

¹¹⁹⁵ Report on Civil Party Application D22/3153/1; Appeal PTC105, para. 151.

¹¹⁹⁶ Report on Civil Party Application D22/3153/1; Appeal PTC105, para. 151.

¹¹⁹⁷ Summary of supplementary information D22/3153b; Appeal PTC105, para. 151.

¹¹⁹⁸ Application inadmissible on the ground that there is insufficient information to verify compliance with Rule 23 bis (1) and (4) of the Internal Rules in relation to Siem Reap (North Zone) Security Centre (Impugned Order D424, para. 28 and Annex 3).

¹¹⁹⁹ Report on Civil Party Application D22/2428/1; Appeal PTC105, para. 152

¹²⁰⁰ Summary of supplementary information D22/2428b; Appeal PTC105, para. 152.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 09-VU-03444 (D22/2429).¹²⁰¹ The information about the forced movement of the Applicant and her family to locations within Siem Reap Province in 1975,¹²⁰² where her family were classified as having ties with Lon Nol soldiers¹²⁰³ and forced to work with insufficient food,¹²⁰⁴ shows that the acts of forced transfer do not form part of the forced population movements for which the Accused are indicted, and does not allow me to conclude that the other events occurred at one of the limited number of worksites or cooperatives retained in the Indictment underlying the crimes of enslavement, and other inhumane acts through attacks on human dignity for which the Accused are indicted. In addition, the information about the arrest, imprisonment, torture and murder of the Applicant's father in 1976, after he was taken to attend a study course,¹²⁰⁵ and the arrest and later disappearance of her brother-in-law in 1977, who was taken to Reul Village, Reul Sub District, Puok District, Siem Reap Province to be re-educated,¹²⁰⁶ does not allow me to conclude that it is plausible that these events occurred at one of the limited number of security centers or execution sites retained in the Indictment underlying the crimes of imprisonment, extermination, murder, torture and other inhumane acts through enforced disappearance for which the Accused are indicted.

Civil Party Applicant 09-VU-03448 (D22/2433).¹²⁰⁷ The forced movement of the Applicant to locations within Siem Reap Province in 1976 does not form part of the forced movements of population for which the Accused are indicted. The information about the Applicant's forced labour following his transfer¹²⁰⁸ does not allow me to conclude that these events occurred at one of the limited number of worksites or cooperatives retained in the indictment underlying

¹²⁰¹ Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

¹²⁰² Summary of supplementary information D22/2429b; Appeal PTC105, para. 153.

¹²⁰³ Report on Civil Party Application D22/2429/1; Appeal PTC105, para. 153.

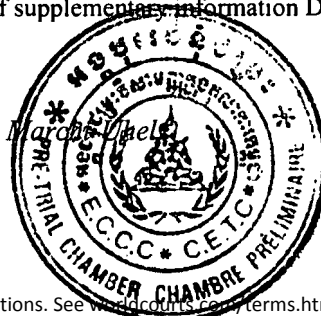
¹²⁰⁴ Report on Civil Party Application D22/2429/1.

¹²⁰⁵ Appeal PTC105, para. 153.

¹²⁰⁶ Summary of supplementary information D22/2429b; Appeal PTC105, para. 153.

¹²⁰⁷ Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

¹²⁰⁸ Report on Civil Party Application D22/2433/1; Summary of supplementary information D22/2433b; Appeal PTC105, para. 154.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

the crimes of enslavement, and other inhumane acts through attacks on human dignity for which the Accused are indicted. In addition, the information about the arrest of the Applicant's father in 1978, who was taken to be killed on the allegation that he was a bandit, and the death of her mother from malnutrition and lack of medical treatment, and the arrest of his elder brother in 1975, who was a former Lon Nol soldier,¹²⁰⁹ does not allow me to conclude that these events form part of the crimes for which the Accused are indicted. In particular, the information provided does not allow me to conclude that it is plausible that these events occurred at one of the limited number of security centers or execution sites retained in the Indictment underlying the crimes of extermination, murder and persecution for which the Accused are indicted.

Civil Party Applicant 09-VU-03449 (D22/2434).¹²¹⁰ The forced movement within Siem Reap Province in 1976¹²¹¹ does not form part of the forced population movements for which the Accused are indicted. The information about the forced labour of the Applicant and his family at Kouk Pou Village, Kaev Poar Sub-District, Siem Reap Province in 1975 does not allow me to conclude that these events occurred at one of the limited number of worksites or cooperatives retained in the Indictment underlying the crimes of enslavement, and other inhumane acts through attacks on human dignity for which the Accused are indicted. In addition, the arrest of the Applicant's father and brother-in-law in 1978, on the allegation that they were thieves,¹²¹² does not allow me to conclude that these events occurred at one of the limited number of worksites or cooperatives retained in the indictment underlying the crimes of imprisonment and other inhumane acts through enforced disappearance for which the Accused are indicted

¹²⁰⁹ Summary of supplementary information D22/2433b; Appeal PTC105, para. 154.

¹²¹⁰ Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

¹²¹¹ Summary of supplementary information D22/2434b.

¹²¹² Summary of supplementary information D22/2424b; Report on Civil Party Application D22/2434/1; Appeal PTC105, para. 155.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 171)

Civil Party Applicant 10-VU-00549 (D22/2598).¹²¹³ Wat Bat Prison, Angkor Chum District, Siem Reap Province, where the Applicant, who was a teacher during the Lon Nol Regime, was imprisoned and forced to work, along with hundreds of others in 1975, and where she witnessed people, including her husband, being blinded, killed and raped,¹²¹⁴ is not one of the limited number of security centers or execution sites retained in the Indictment underlying the crimes of imprisonment, extermination, murder, enslavement, other inhumane acts through rape, torture and persecution for which the Accused are indicted.

Civil Party Applicant 10-VU-00550 (D22/2599).¹²¹⁵ Phnum Trong Bat Security Centre, Kralanh District, Siem Reap Province,¹²¹⁶ where the Applicant was arrested and forced to work on the accusation that he was aligned with the former Lon Nol Regime,¹²¹⁷ and where he witnessed the torture, interrogation, and killing of detainees, is not one of the limited number of security centers or execution sites retained in the Indictment underlying the crimes of imprisonment, extermination, murder, enslavement, other inhumane act through rape, torture and persecution for which the Accused are indicted. In addition, the Applicants forced movement in 1975 from locations within Siem Reap Province do not form part of the forced population movements for which the Accused are indicted. Further the information about the Applicant's forced labour following his transfer,¹²¹⁸ and the death of his uncles who were teachers during the Lon Nol Regime at Treung District of Kampong Cham in 1978,¹²¹⁹ does not allow me to conclude that these events occurred at one of the limited number of worksites or cooperatives retained in the indictment underlying the crimes of extermination, murder, persecution, enslavement, and other inhumane acts through attacks on human dignity for which the Accused are indicted.

¹²¹³ Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

¹²¹⁴ Report on Civil Party Application D22/2598/1; Appeal PTC105, para. 157.

¹²¹⁵ Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

¹²¹⁶ Summary of supplementary information D22/2599b.

¹²¹⁷ Additional information D424/3/4.5.

¹²¹⁸ Summary of supplementary information D22/2599b; Appeal PTC105, para. 158.

¹²¹⁹ Appeal PTC105, para. 158.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 09-VU-00819 (D22/1698).¹²²⁰ The Applicant stated that his forced movement from Pailin Town (formerly in Battambang Province), to Boeng Krasal, Snoeng Sub District, Battambang Province took place on 30 April 1975.¹²²¹ I note that the supplementary information states that the Village and Sub-District in question are not in geographic database but probably refers to Peak Sbaek Village in Battambang Province and that the Applicant was considered one of the “new people”¹²²². As such, the forced movement in question falls within the geographical scope of the second Phase of forced population movements of the East Zone.¹²²³ However, 30 April 1975 falls outside its temporal scope, starting around September 1975.¹²²⁴ While within the temporal scope of the first phase of forced movement of population, the forced movement in question is outside its geographical scope, which is limited to the evacuation of the population from Phnom Penh. Further, none of the security centres and other sites underlying the crimes of imprisonment and murder for which the Accused are indicted is located in the Village in question. The mobile unit where the Applicant was forced to dig canals with insufficient food and where he caught malaria is not among the six worksites and cooperatives where the Indictment alleges that the crime of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted occurred. The same goes with respect to the construction of a dam at Khal Khnaoch. The information about the instances where he was beaten does not allow me to conclude that these events form part of the crimes for which the Accused are indicted. The information about the military security centre where he was detained in 1978 does not allow me to conclude that it is one of the security centres where the Indictment alleges that the crime of imprisonment for which the Accused are indicted was committed. Choib Veaei where three of his sisters were killed is not among the execution sites and other sites where the Indictment alleges that the crimes of murder and extermination for which the Accused are indicted were committed. In the absence of information as to the circumstances, including location where his younger brother died of

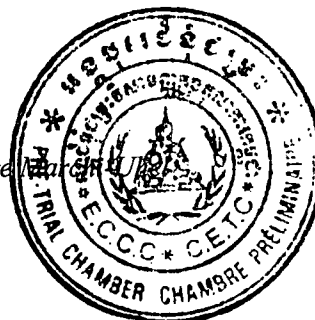
¹²²⁰ Application inadmissible on the ground that there is no proof of kinship with an immediate victim in relation to purges of the North Zone, and Harm is not linked to the facts under investigation (Impugned Order D424, paras. 24 and 27 and Annex 3).

¹²²¹ Report on Civil Party Application D22/1698/1; Summary of supplementary information D22/1698b; PTC105, para. 102.

¹²²² Summary of supplementary information D22/1437b.

¹²²³ Indictment, paras 262-263.

¹²²⁴ Indictment, para. 262.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

dehydration and starvation, I cannot conclude that these facts form part of the factual basis of the crimes for which the Accused are indicted.

Civil Party Applicant 09-VU-01506 (D22/0782).¹²²⁵ The forced movement of the Applicant on 17 April 1975 from Souriya Village Cooperative in Battambang Province (Initial Statement says this is now in Banteay Meanchey Province) to locations in Battambang Province, including Kakaoh cooperative, Moug Ruessei District of Battambang Province¹²²⁶ falls within the geographical scope of forced population movements of the East Zone during Phase 2,¹²²⁷ and the position the Applicant occupied during the Lon Nol Regime¹²²⁸ makes it plausible that he was among the class of persons which the Indictment alleges to have been moved during that Phase.¹²²⁹ However, 17 April 1975 is outside its temporal scope, starting around September 1975.¹²³⁰ While within the temporal scope of the first phase of forced movement of population, the forced movement in question is outside its geographical scope, which is limited to the evacuation of the population from Phnom Penh. Kakaoh cooperative where he was forced to work and received insufficient food and medicine and witnessed people dying every day is not among the cooperatives where the Indictment alleges that the crime of enslavement, extermination and other inhumane acts through attacks against human dignity for which the Accused are indicted, occurred. Bak Chenhchien Village, Bakan District of Pursat Province, where his father, two young brothers and a cousin died of starvation is not among the sites where the Indictment alleges that the crime of extermination for which the Accused are indicted occurred. Kakaoh security centre where he witnessed prisoners, including new people being tortured and killed, is not among the security centres where the Indictment alleges that the crimes of torture, murder and extermination for which the Accused are indicted, occurred.

¹²²⁵ Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

¹²²⁶ Report on Civil Party Application D22/782/1; Appeal PTC105, para. 160.

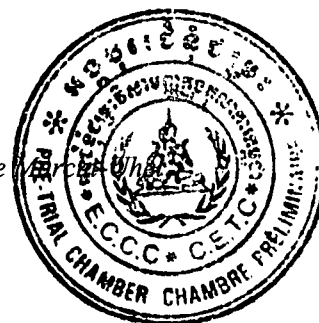
¹²²⁷ Indictment, paras 262-3.

¹²²⁸ Summary of supplementary information D22/782b.

¹²²⁹ Indictment, para 265.

¹²³⁰ Indictment, para. 262.

Civil party applications inadmissible in the view of Judge



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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Appeal PTC 106¹²³¹

Civil Party Applicant 08-VU-00109 (D22/1396).¹²³² There is insufficient information about the circumstances surrounding the killing of the Applicant's uncle and aunt in 1977 to consider it plausible that it took place in one of the limited number of security centres, execution sites, worksites or cooperatives retained in the Indictment underlying the crimes of extermination, murder, persecution and other inhumane acts through enforced disappearance for which the Accused are indicted.

Civil Party Applicant 09-VU-00624 (D22/217).¹²³³ Although I do not doubt that the Applicant has suffered harm as a result of detention, torture and other inhumane acts while he was detained in a security center during the Democratic Kampuchea regime, I consider that it is not plausible that the crimes occurred at S-21 as asserted by the Applicant and his Co-Lawyers.¹²³⁴ The Trial Chamber found that not only there was no evidence to corroborate the Applicant's claim that he was detained at S-21 but also that the Applicant's "detention conditions [was] at odds with the bulk of the evidence before the Chamber regarding established practices at S-21".¹²³⁵ Contrary to what is asserted by the Co-Lawyers, the Applicant provides no additional information to that submitted to the Trial Chamber and does not demonstrate how the Trial Chamber erred in concluding that it is not "satisfied to the required standard that LAY Chan (E2/32) was detained either at S-21 or S-24."¹²³⁶

Civil Party Applicant 08-VU-00106 (D22/1379).¹²³⁷ Tauch Yum security center where the Applicant's brother and father were killed¹²³⁸ is not among the limited number of security

¹²³¹ *Appel des Co-avocats de parties civiles, groupe « Avocats sans Frontières France », de l'ordonnance D424 sur la recevabilité des constitutions de parties civiles résidant dans la Province de Siem Reap, 27 September 2010, D424/4/1 ("Appeal PTC 106").*

¹²³² Application declared inadmissible on the ground that there is insufficient information to verify compliance to Rule 23bis (1) and (4) of the Internal Rules in relation to Siem Reap security center (Impugned Order D424, para. 28 and Annex 3).

¹²³³ Application declared inadmissible on the ground that there is insufficient information to verify compliance to Rule 23bis (1) and (4) of the Internal Rules in relation to Siem Reap security center (Impugned Order D424, para. 28 and Annex 3).

¹²³⁴ Appeal PTC 106, paras 11-12; D22/217/1.

¹²³⁵ Case File 001/18-07-2007-ECCC/TC, Judgment, 26 July 2010, E188, p. 223.

¹²³⁶ Case File 001/18-07-2007-ECCC/TC, Judgment, 26 July 2010, E188, p. 223.

¹²³⁷ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 171)

centres, execution sites, worksites or cooperatives retained in the Indictment underlying the crimes of extermination, murder, persecution and other inhumane acts through enforced disappearance for which the Accused are indicted. The fact that the Applicant was a monk during the Lon Nol Regime and quit monkhood before the Khmer Rouge regime is not sufficient, without any further information, to consider it plausible that the Applicant is a victim of religious persecution of Buddhists.

Civil Party Applicant 09-VU-00120 (D22/1301).¹²³⁹ Kampong Kdei Sub-District, Chi Kraeng District, Siem Reap Province, where the Applicant's brother (a former soldier under Sihanouk) disappeared,¹²⁴⁰ is not among the limited number of security centres, execution sites, worksites or cooperatives retained in the Indictment underlying the crimes of extermination, murder, persecution and other inhumane acts through enforced disappearance for which the Accused are indicted. Contrary of the assertion by the Co-Lawyers,¹²⁴¹ there is no indication in the application or the supplementary information that the Applicant would have been recruited as a child soldier. In any event, the Accused are not indicted for such crime.

Civil Party Applicant 08-VU-01038 (D22/928).¹²⁴² Phnum Trong Bat Village, Kampong Thkov Sub-District, Kralanh District, Siem Reap Province where the Applicant's brother was imprisoned, tortured and subjected to inhuman acts before he disappeared¹²⁴³ and where the Applicant himself was imprisoned and forced to work is not among the limited number of security centres retained in the Indictment underlying the crimes of persecution, imprisonment, other inhumane acts through attacks against human dignity, extermination, murder, other inhumane acts through enforced disappearance or enslavement for which the Accused are indicted.

¹²³⁸ Report on Civil Party Application D22/1379/1; Summary of supplementary information D22/1379b.

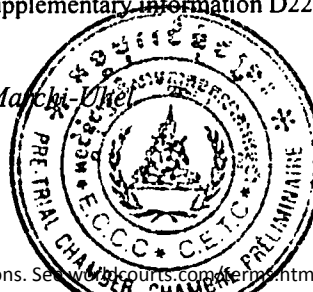
¹²³⁹ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

¹²⁴⁰ Report on Civil Party Application D22/1301/1; Summary of supplementary information D22/1301b.

¹²⁴¹ Appeal PTC 106, para. 22.

¹²⁴² Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

¹²⁴³ Report on Civil Party Application D22/928/1; Summary of supplementary information D22/928b.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 171)

Civil Party Applicant 08-VU-01372 (D22/980).¹²⁴⁴ Samraong Yea Village, Samraong Yea Sub-District, Puok District, Siem Reap Province where the Applicant's two brothers, former Lon Nol soldiers, were arrested and taken to be killed¹²⁴⁵ is not among the limited number of security centres, execution sites, worksites or cooperatives retained in the Indictment underlying the crimes of extermination, murder, persecution and other inhumane acts through enforced disappearance for which the Accused are indicted. Similarly, Ang Anglong Sa region, in Siem Reap Province, where the Applicant's two younger brothers were killed upon allegation of being Khmer Sâr does not correspond to one of the limited number of security centres, execution sites, worksites or cooperatives retained in the Indictment underlying the crimes of extermination, murder, persecution and other inhumane acts through enforced disappearance for which the Accused are indicted.

Civil Party Applicant 09-VU-00360 (D22/1757).¹²⁴⁶ The Co-Lawyers did not present any specific argument to support their assertion that the Co-Investigating Judges erred in finding this particular Applicant inadmissible on the basis that he did not provide sufficient information to verify compliance with Internal Rule 23bis (1) and (4). Despite this fact, I have reviewed the application and conclude, as the Co-Investigating Judges did, that the application contains insufficient information about the location where the forced labour of the Applicant and her family and where she was beaten and tortured took place to allow me to find plausible that it correspond to any of the crimes for which the Accused are indicted.

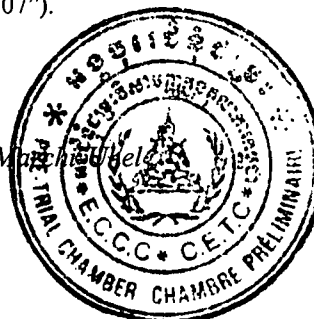
Appeal PTC 107¹²⁴⁷

¹²⁴⁴ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3). I note that the appeal wrongly refers to the Applicant, in para. 24, as 09-VU-01038 (D22/0928).

¹²⁴⁵ Report on Civil Party Application D22/980/1.

¹²⁴⁶ Application declared inadmissible on the ground that the Applicant provided insufficient information to verify compliance to Rule 23bis (1) and (4) of the Internal Rules.

¹²⁴⁷ Appeal against Order on the Inadmissibility of Civil Party Applicants from Current Residents of Siem Reap Province (D424), 26 September 2010, D424/2/1 ("Appeal PTC 107").



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 09-VU-01505 (D22/0783).¹²⁴⁸ The Co-lawyers reiterate information provided in the Applicant's initial application that she and her family members were transferred by the Khmer Rouge from one place to another within Sotr Nikum District in Siem Reap Province in April 1975.¹²⁴⁹ According to this information this movement does not form part of the forced movements of population for which the Accused are indicted. In addition, the Applicant and her family were forced to work without sufficient food and medical treatment, and her mother died of starvation.¹²⁵⁰ Between 1975 to 1979 the Applicant was forced to undertake a range of work including: transporting dirt at Dam 95 in Dan Run Sub-District, Sotr Nikom District in Siem Reap Province, building canals and dams at Tra Pak Construction Site, Popel Sub-District in Siem Reap Province in 1975, working at a Chinaware factory in Wat Sala, Trav Kiet Village in 1978, and building dikes and transplanting rice in Chrey Village, Khchas Sub-District, where she worked until liberation.¹²⁵¹ None of the locations where such forced labour took place correspond to one of the six worksites or cooperatives retained in the Indictment underlying the crimes of imprisonment, enslavement and other inhumane acts through attacks on human dignity for which the Accused are indicted.

Civil Party Applicant 08-VU-01373 (D22/0981).¹²⁵² The Co-lawyers argue that the Applicant suffered harm as a result of the persecution of his father,¹²⁵³ who was Accused of being "the enemy or a CIA agent" and tortured and killed in Doun Sva Village, Samroang Yea Sub-district, Puok District in Siem Reap Province.¹²⁵⁴ This information does not allow me to conclude that these events form part of the crimes for which the Accused are indicted. In particular, it does not allow me to conclude that it is plausible that these events occurred at one of the limited number of security centers, execution sites, worksites or cooperatives retained in

¹²⁴⁸ Application declared inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

¹²⁴⁹ Appeal PTC 107, para. 14 and Report on Civil Party Application D22/783/1.

¹²⁵⁰ Appeal PTC 107, para. 14.

¹²⁵¹ Report on Civil Party Application D22/783/1.

¹²⁵² Application declared inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

¹²⁵³ Appeal PTC 107, paras 16-17.

¹²⁵⁴ Report on Civil Party Application D22/981/1.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

the Indictment underlying the crimes of imprisonment, torture, extermination, murder and persecution for which the Accused are indicted.

Civil Party Applicant 09-VU-01499 (D22/0786).¹²⁵⁵ The Applicant's forced movement from Boeung Village, Russey Lok Commune, Chi Krong District in Siem Reap Province, to Sangvery Commune in Chi Krong District, also in Siem Reap Province, in 1975¹²⁵⁶ falls outside the three phases of forced movements of population for which the Accused are indicted. Furthermore, the instances of forced labour of which the Applicant was a victim as well as the lack of food and medical treatment she suffered from¹²⁵⁷ did not occur at one of the six worksites or cooperatives retained in the Indictment underlying the crimes of imprisonment, enslavement and other inhumane acts through attacks on human dignity for which the Accused are indicted.

Civil Party Applicant 09-VU-01498 (D22/0787).¹²⁵⁸ The Co-lawyers argue that the Applicant suffered harm as a result of the persecution of her brother, who was arrested and later killed by the Khmer Rouge because he was a former Lon Nol soldier.¹²⁵⁹ This information does not allow me to conclude that these events form part of the crimes for which the Accused are indicted. In particular, it does not allow me to conclude that it is plausible that these events occurred at one of the limited number of security centers, execution sites, worksites or cooperatives retained in the Indictment underlying the crimes of imprisonment, torture, extermination, murder and persecution for which the Accused are indicted. In addition, Makak Dam worksite, located in Makak Village, Kork Thlork Leu Commune, Chi Krong District, Siem Reap Province, where the Applicant was victim of forced labour and was deprived of food and medicine,¹²⁶⁰ is not one of the limited number of security centers, execution sites, worksites or cooperatives retained in the Indictment underlying the crimes of imprisonment,

¹²⁵⁵ Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

¹²⁵⁶ Appeal PTC 107, para. 18.

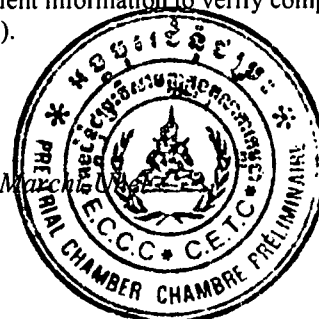
¹²⁵⁷ Appeal PTC 107, para. 18.

¹²⁵⁸ Application inadmissible on the ground that there is insufficient information to verify compliance with Rule 23 bis (1) and (4) (Impugned Order D424, para. 28 and Annex 3).

¹²⁵⁹ Appeal PTC 107, paras 20-2.

¹²⁶⁰ Appeal PTC 107, para. 20.

Civil party applications inadmissible in the view of Judge Marchal



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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

enslavement and other inhumane acts through attacks on human dignity for which the Accused are indicted.

Civil Party Applicant 09-VU-00713 (D22/0838).¹²⁶¹ The Co-Lawyers stress that in 1975 the Applicant and her family were transferred out of Svay Dangkum Village, Svay Dangkum Commune, Siem Reap Province by the Khmer Rouge and forced to work without sufficient food and medicine at the cooperative in Trapeang Trav Village, Chi Kreng District, Siem Reap Province.¹²⁶² The Applicant also states that her father disappeared after being arrested by the Khmer Rouge in 1978.¹²⁶³ These events did not occur at one of the limited number of security centers, execution sites, worksites or cooperatives retained in the Indictment underlying the crimes of imprisonment, extermination, murder, enslavement and other inhumane acts through attacks on human dignity and enforced disappearances for which the Accused are indicted. Nor do the forcible transfers of the Applicant and her family fall within any of the three phases of forced population movements for which the Accused are indicted.

Civil Party Applicant 09-VU-00269 (D22/1463).¹²⁶⁴ The Co-lawyers argue that the Applicant suffered harm as a result of the persecution of her two older brothers, who were investigated by the Khmer Rouge in 1977, found to be former Lon Nol soldiers and subsequently arrested and killed.¹²⁶⁵ This information does not allow me to conclude that these events form part of the crimes for which the Accused are indicted. In particular, it does not allow me to conclude that it is plausible that these events occurred at one of the limited number of security centers, execution sites, worksites or cooperatives retained in the Indictment underlying the crimes of imprisonment, torture, extermination, murder and persecution for which the Accused are indicted. Further, the forcible evacuation of the Applicant and her family out of Siem Reap Town to Ta Taok Village, then to Chan Sar Pagoda located in Chan Sar Village in Siem Reap

¹²⁶¹ Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

¹²⁶² Appeal PTC 107, para. 23 and Report on Civil Party Application D22/838/1.

¹²⁶³ Appeal PTC 107, para. 23.

¹²⁶⁴ Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

¹²⁶⁵ Appeal PTC 107, paras 25-27.

Civil party applications inadmissible in the view of Judge Marchal-Chey



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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Province, and later to other locations in Siem Reap Province,¹²⁶⁶ falls outside of the three phases of forced population movement for which the Accused are indicted. Also, the locations where the Applicant and her family members were forced to work without sufficient food and medical treatment¹²⁶⁷ are not among the worksites or cooperatives retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks on human dignity for which the Accused are indicted.

Civil Party Applicant 09-VU-00798 (D22/1553).¹²⁶⁸ The Co-lawyers argue that the Applicant suffered harm as a result of the arrest and execution of his father, who was Accused of being a former Lon Nol's soldier.¹²⁶⁹ This information does not allow me to conclude that these events form part of the crimes for which the Accused are indicted. In particular, these events did not occur at one of the limited number of security centers, execution sites, worksites or cooperatives retained in the Indictment underlying the crimes of imprisonment, torture, extermination, murder and persecution for which the Accused are indicted. As to the inhumane living conditions the Applicant and his family were forced to endure,¹²⁷⁰ Kampong Kdei Commune, Chi Kreng Commune, and Kork Thlork Commune in Siem Reap Province where these events took place is not among the sites retained in the Indictment underlying the crime of enslavement and other inhumane acts through attacks on human dignity for which the Accused are indicted. Finally, Chraing Khpoh security office in Kampong Kdei Commue, where he reports that his younger sibling died after being detained and tortured,¹²⁷¹ is not among the security centres listed in the Indictment underlying the crimes of imprisonment, torture, extermination, murder and persecution for which the Accused are indicted.

¹²⁶⁶ Appeal PTC 107, para. 25 and Report on Civil Party Application D22/1463/1.

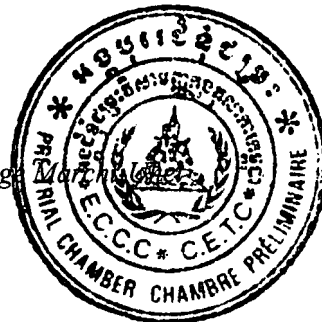
¹²⁶⁷ Appeal PTC 107, para. 25.

¹²⁶⁸ Application declared inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

¹²⁶⁹ Appeal PTC 107, paras 29-30.

¹²⁷⁰ Appeal PTC 107, para. 29 and Report on Civil Party Application D22/1553/1.

¹²⁷¹ Appeal PTC 107, para.29.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 09-VU-00794 (D22/1589).¹²⁷² The Co-lawyers stress that when the Khmer Rouge took power she and her family were forcibly evacuated out of Sangke Meanchey Village, Kampong Kdei Commune, to Prey Sneb Village, Kork Thlorc Commune, Chi Kreng District, Siem Reap Province.¹²⁷³ They were forced to live separately and to work day and night without sufficient food and medicine.¹²⁷⁴ These events however did not occur in one of the limited number of worksites or cooperatives retained in the Indictment underlying the crimes of imprisonment, enslavement and other inhumane acts through attacks on human dignity for which the Accused are indicted. Further the forced movement of the Applicant and her family falls outside the scope of the three phases of forced movements of population for which the Accused are indicted. In addition, as to the fact that in late 1975 the Khmer Rouge conducted an investigation about the Applicant's father and later executed him on the accusation that he was an enemy,¹²⁷⁵ this execution did not occur at one of the limited number of security centers, execution sites, worksites or cooperatives retained in the Indictment underlying the crimes of imprisonment, torture, extermination, murder and persecution for which the Accused are indicted.

Civil Party Applicant 09-VU-00366 (D22/1774).¹²⁷⁶ Khnat Commune, Puok District, Siem Reap where the Applicant and his family were forced by the Khmer Rouge to work in Province without sufficient food,¹²⁷⁷ is not among of the limited number of worksites or cooperatives retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks on human dignity for which the Accused are indicted. Further, the information about the disappearance of the Applicant's father and uncle whom the Applicant believe were killed by the Khmer Rouge, after being ordered to work at another location,¹²⁷⁸ does not allow me to conclude that it is plausible that these events occurred at one of the limited number of

¹²⁷² Application declared inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

¹²⁷³ Appeal PTC 107, para. 31 and Report on Civil Party Application D22/1589/1.

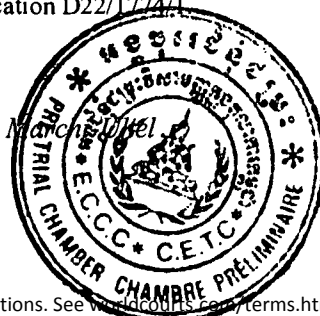
¹²⁷⁴ Appeal PTC 107, para. 31.

¹²⁷⁵ Appeal PTC 107, para. 31.

¹²⁷⁶ Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

¹²⁷⁷ Appeal PTC 107, para. 44 and Report on Civil Party Application D22/1774/1.

¹²⁷⁸ Appeal PTC 107, para. 44.



002/19-09-2007-ECCC/OCJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

sites retained in the Indictment underlying the crimes of imprisonment, extermination, murder and other inhumane acts through enforced disappearances for which the Accused are indicted.

Civil Party Applicant 09-VU-00364 (D22/1778).¹²⁷⁹ The forcibly transferred of the Applicant and family members from Siem Reap Province to Battambang Province in April 1975 falls outside the geographical scope of the first phase of forced movements of population for which the Accused are indicted, which is limited to the population of Phnom Penh. Further the location where they were then overworked and starved¹²⁸⁰ is not among the limited amount of worksites and cooperatives retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks on human dignity for which the Accused are indicted. In addition, the security centre where her mother was detained and tortured is not among the limited number of security centers, retained in the Indictment underlying the crimes of imprisonment and torture for which the Accused are indicted. Finally, the information about the disappearance of the Applicant's father after being taken by the Khmer Rouge to attend educational sessions along the Cambodian-Thai border¹²⁸¹ does not allow me to conclude that these events form part of the facts underlying the crime of other inhumane acts through enforced disappearances for which the Accused are indicted.

Civil Party Applicant 09-VU-00361 (D22/1755).¹²⁸² Kork Snuol Village, Khnat Commune, Puok District, Siem Reap Province, where from 1975 onwards the Applicant and his family were forcibly overworked and made to endure inhumane living conditions,¹²⁸³ is not among the limited number of worksites or cooperatives retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks on human dignity for which the Accused are indicted. In addition, it is not alleged that the Applicant's father and uncle were arrested, tortured and killed by the Khmer Rouge¹²⁸⁴ in any of the sites retained in the

¹²⁷⁹ Application inadmissible on the ground that there is insufficient information to verify compliance with Rule 23 bis (1) and (4) (Impugned Order D424, para. 28 and Annex 3).

¹²⁸⁰ Appeal, PTC 107, paras 46-47 and Report on Civil Party Application D22/1778/1.

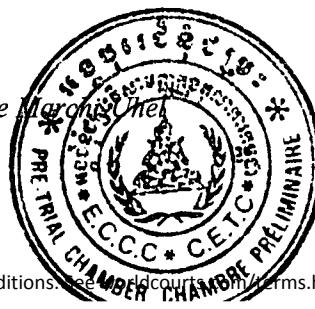
¹²⁸¹ Appeal, PTC 107, para. 46.

¹²⁸² Application declared inadmissible on the ground that there is insufficient information to verify compliance with Rule 23 bis (1) and (4) (Impugned Order D424, para. 28 and Annex 3).

¹²⁸³ Appeal PTC 107, para 35 and Report on Civil Party Application D22/1755/1.

¹²⁸⁴ Appeal PTC 107, paras 35-36.

Civil party applications inadmissible in the view of Judge



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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 171)

Indictment underlying the crimes of imprisonment, torture, murder and extermination for which the Accused are indicted.

Civil Party Applicant 09-VU-01932 (D22/2919).¹²⁸⁵ Chi Kreng District of Siem Reap Province where the Applicant and her family were forced to work¹²⁸⁶ as well as the dam site in Makak Village, Kork Thlorc Commune, Chi Kreng, Siem Reap Province where she was sent to work in 1978 and where she saw the Khmer Rouge killing people Accused of being lazy, or pretending to be sick so that they could avoid working¹²⁸⁷ are not among the limited number of worksites or cooperatives retained in the Indictment underlying the crimes of imprisonment, extermination, murder, enslavement and other inhumane acts through attacks on human dignity and enforced disappearances for which the Accused are indicted. The Co-Lawyers stress that the Applicant also witnessed the brutal killings of Siem Reap cadres by the Khmer Rouge military from the Southwest Zone¹²⁸⁸ and that his father and other siblings were also killed during the regime.¹²⁸⁹ This information does not allow me to conclude that these events form part of the crimes for which the Accused are indicted.

Civil Party Applicant 09-VU-01935 (D22/2922).¹²⁹⁰ The Co-lawyers stress that throughout the Khmer Rouge regime the Applicant was forced to work in Chi Kreng District in Siem Reap Province, with insufficient food.¹²⁹¹ The Applicant also witnessed the Khmer Rouge torturing and executing a group of people who attempted to run away¹²⁹² and in 1978 she was forced to work at Mkak dam Site in Mkak, Kork Thlorc Commune, Chi Kreng District, Siem Reap Province, where she saw the Khmer Rouge killing people every day on the accusation that they had betrayed Angkar.¹²⁹³ This information does not allow me to conclude that these events

¹²⁸⁵ Application declared inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

¹²⁸⁶ Appeal PTC 107, para. 38 and Report on Civil Party Application D22/2919/1.

¹²⁸⁷ Appeal PTC 107, para. 38.

¹²⁸⁸ Appeal PTC 107, para. 38.

¹²⁸⁹ Appeal PTC 107, para. 39.

¹²⁹⁰ Application declared inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

¹²⁹¹ Appeal PTC 107, para. 41 and Report on Civil Party Application D22/2922/1.

¹²⁹² Appeal PTC 107, para. 41.

¹²⁹³ Appeal PTC 107, para. 41.

Civil party applications inadmissible in the view of Judge Marchal



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

occurred at one of the limited number of security centers, execution sites, worksites or cooperatives retained in the Indictment underlying the crimes of imprisonment, extermination, murder, enslavement, torture and other inhumane acts through attacks on human dignity for which the Accused are indicted.

Civil Party Applicant 09-VU-04228 (D22/3614).¹²⁹⁴ The Co-lawyers stress that the Applicant and her family members, including her parents, were forced to work day and night, with insufficient food in Kien Sangke Commune, Sang-Vaey Commune, Chi Kreng District, Siem Reap Province.¹²⁹⁵ In addition, the Applicant's father was arrested by the Khmer Rouge who detained him at a security centre in Kien Sangke Commune, where he was tortured and starved to death on the accusation that he was an enemy of the Angkar.¹²⁹⁶ This information does not allow me to conclude that these events form part of the crimes for which the Accused are indicted. In particular, it does not allow me to conclude that it is plausible that these events occurred at one of the limited number of security centers, execution sites, worksites or cooperatives retained in the Indictment underlying the crimes of imprisonment, torture, extermination, murder and persecution for which the Accused are indicted.

Civil Party Applicant 10-VU-00589 (D22/3847).¹²⁹⁷ The Co-lawyers state that prior to the Khmer Rouge regime the Applicant and her family lived in Siem Reap City, and in 1975 they were forcibly evacuated out of the city to the countryside.¹²⁹⁸ No information is provided in the Appeal about where the Applicant and her family were evacuated to, however the application states that her father was forcibly transferred from Siem Reap Town in Siem Reap Province, to Chi Kraeng District, also in Siem Reap Province.¹²⁹⁹ These events fall outside the scope of the phases of forced population movements for which the Accused are indicted. Furthermore, after the evacuation, the Applicant's father was investigated by the Khmer Rouge and then arrested

¹²⁹⁴ Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

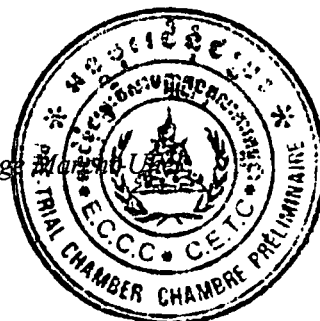
¹²⁹⁵ Appeal PTC 107, para. 48 and Report on Civil Party Application D22/3614/1.

¹²⁹⁶ Appeal PTC 107, para. 48.

¹²⁹⁷ Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

¹²⁹⁸ Appeal PTC 107, para. 50.

¹²⁹⁹ Report on Civil Party Application D22/3847/1.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 171)

and executed because they “found out that he was a former soldier during the Lon Nol Regime.”¹³⁰⁰ This information does not allow me to conclude that these events occurred at one of the limited number of security centers, execution sites, worksites or cooperatives retained in the Indictment underlying the crimes of imprisonment, torture, extermination, murder and persecution for which the Accused are indicted.

Appeals against Impugned Order D426 (Kampong Cham Province)¹³⁰¹

Appeal PTC 109¹³⁰²

Civil Party Applicant 09-VU-02187 (D22/3099).¹³⁰³ The Co-Lawyers submit that the Co-Investigating judges erred in finding that the Applicant did not submit sufficient particulars.¹³⁰⁴ They note that the Applicant lived in Krala Commune in Kampong Cham Province, where she was subjected to inhuman living conditions. The Co-Lawyers submit that in 1976, the Khmer Rouge arrested and killed the Applicant’s parents, and later also killed her uncle.¹³⁰⁵ There is no information as to where the arrests and murders of the Applicant’s relatives took place. As such, it is not possible to determine whether they occurred within the scope of one of the specific crimes for which the Accused are indicted.

Civil Party Applicant 09-VU-03555 (D22/3249).¹³⁰⁶ The forcible transfer of the Applicant to Khlong Popok Village in Kampong Cham Province does not correspond geographically to the first phase of forced transfers contemplated in the Indictment, which relates solely to the evacuation of Phnom Penh, nor does it correspond temporally to any of the other phases.

¹³⁰⁰ Appeal PTC 107, para. 50.

¹³⁰¹ Order on the Admissibility of Civil Party Applicants from Current Residents of kampong Cham Province, 15 September 2010, D426 (“Impugned Order D426”).

¹³⁰² Appeal Against Order on the Admissibility of Civil Party Applicants from Current Residents of Kampong Cham Province, 26 September 2010, D426/2/1 (“Appeal PTC 109”).

¹³⁰³ Application declared inadmissible on the ground that it did not provide sufficient information to verify compliance with Rules 23 *bis* (1) and (4) in relation to the alleged crimes (Impugned Order D426, para. 26 and Annex 3).

¹³⁰⁴ Appeal PTC 109, para. 18.

¹³⁰⁵ Appeal PTC 109, para. 19.

¹³⁰⁶ Application declared inadmissible on the ground that it did not provide sufficient information to verify compliance with Rules 23 *bis* (1) and (4) in relation to the alleged crimes (Impugned Order D426, para. 26 and Annex 3).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

There is insufficient information alleged to determine whether any of the other crimes would correspond to crimes for which the Accused are indicted, i.e. the killing of her parents by the Khmer Rouge. Finally, Khlong Popok where she was subjected to forced labour is not among the limited number of worksites and cooperatives underlying the crime of enslavement for which the Accused are indicted.

Civil Party Applicant 09-VU-03557 (D22/3251).¹³⁰⁷ The Co-Lawyers submit that the Applicant provided adequate information to show the crimes committed against her and to establish injury.¹³⁰⁸ They submit that she and her family were forcibly transferred in 1975 to Nuon Saran Village in Kampong Cham Province, where they were subjected to forced labour. They also submit that her father was killed by the Khmer Rouge.¹³⁰⁹ The fact that the Applicant suffered psychological injury as a result of the facts she has reported is not in issue. However, a review of the facts she reported confirms the absence of sufficient information to link the prejudice in question with any of the crimes for which the Accused are indicted. In particular, the Applicant does not indicate where she and her family were transferred from, nor why her father was killed. As such, I find that the Co-Investigative Judges were correct in finding that the Applicant failed to provide the information required under Internal Rules 23 *bis* (1) and (4).

Civil Party Applicant 09-VU-03558 (D22/3252).¹³¹⁰ Kampong Siem District of Kampong Cham Province, where the Applicant reports that she and her family were subjected to forced labour, does not correspond with the cooperatives, worksites and security centres where the Indictment alleges that the crime against humanity of enslavement for which the Accused are indicted occurred.¹³¹¹ Further, insufficient information is provide as to the arrest and killing of

¹³⁰⁷ Application declared inadmissible on the ground that it did not provide sufficient information to verify compliance with Rules 23 *bis* (1) and (4) in relation to the alleged crimes (Impugned Order D426, para. 26 and Annex 3).

¹³⁰⁸ Appeal PTC 109, para. 43.

¹³⁰⁹ Appeal PTC 109, para. 44.

¹³¹⁰ Application declared inadmissible on the ground that it did not provide sufficient information to verify compliance with Rules 23 *bis* (1) and (4) in relation to the alleged crimes (Impugned Order D426, para. 26 and Annex 3).

¹³¹¹ Indictment, para. 1391.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

her father by the Khmer Rouge¹³¹² to ascertain whether it corresponds with any of the crimes for which the Accused are indicted.

Civil Party Applicant 09-VU-03567 (D22/3261).¹³¹³ The Co-Lawyers submit that in 1975, the Applicant was forcibly transferred to work in Krala Commune in Kampong Cham Province, where she and her family were subjected to forced labour and inhuman living conditions. They submit that in 1977 one of her aunts died of food deprivation, and that in 1975, her elder brother was murdered by the Khmer Rouge.¹³¹⁴ The death of the Applicant's aunt does not correspond with a specific indicted crime. Without further information, it is impossible to determine whether the forcible transfer of the Applicant corresponds to one of the phases of forced movements of population for which the Accused are indicted. It also cannot be determined on the information provided whether the death of the Applicant's elder brother corresponds with an indicted crime.

Civil Party Applicant 09-VU-02064 (D22/3025).¹³¹⁵ The reported forced transfer of the Applicant out of Kampong Chhnang provincial town fits within the temporal scope of the first phase of forced transfers for which the Accused are indicted, as it occurred in April 1975. However, the Indictment has limited Phase 1 solely to the facts surrounding the evacuation of Phnom Penh. Also, Ampil Thum Village, Kampong Chhnang Province where the Applicant's family were subjected to forced labour and difficult living standards, following their forcible transfer and which led to the death by starvation of the Applicant's children and parents-in-law,¹³¹⁶ does not correspond with the cooperatives, worksites and security centres where the Indictment alleges that the crime against humanity of enslavement for which the Accused are indicted occurred. Finally, there is no indication of where the Applicant's husband was tortured and killed by being thrown into a fire, and where the Applicant's parents and older

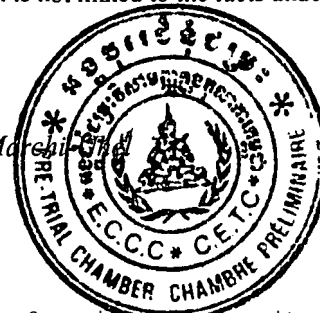
¹³¹² Appeal PTC 109, para. 47.

¹³¹³ Application declared inadmissible on the ground that it did not provide sufficient information to verify compliance with Rules 23 *bis* (1) and (4) in relation to the alleged crimes (Impugned Order D426, para. 26 and Annex 3).

¹³¹⁴ Appeal PTC 109, para. 59.

¹³¹⁵ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D424, para. 25 and Annex 3).

¹³¹⁶ Appeal PTC 109I, para. 11.



002/19-09-2007-ECCC/OCU (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

brothers were Accused of being enemies and arrested.¹³¹⁷ As such, it is not possible to determine whether they occurred within the scope of one of the specific crimes for which the Accused are indicted.

Civil Party Applicant 09-VU-02191 (D22/3103).¹³¹⁸ With regards to the reported forcible transfers of the Applicant and her family, the first one occurred in 1975 from Kampong Som City to the Chhuk District of Kampot Province. Thus it falls outside the geographical scope of the first phase of forced transfers for which the Accused are indicted which is limited by the Indictment to the evacuation of Phnom Penh. The third phase occurred in 1977-78, but was limited to individuals being transferred from the East Zone. This phase fits the temporal but not the geographical scope of the Applicant's transfer to the Aural Mountain area near the end of 1978. As to the facts of forced labour and inhumane treatment of the Applicant and her family, it is reported that they took place in the Chhuk District of Kampot Province. This location does not correspond with the cooperatives, worksites and security centres where the Indictment alleges that the crime against humanity of enslavement for which the Accused are indicted occurred. Finally, with regards to the deaths of the Applicant's family members, there is insufficient information to ascertain whether they correspond with one of the indicted crimes.

Civil Party Applicant 09-VU-02193 (D22/3105).¹³¹⁹ The Co-Lawyers submit that during the Khmer Rouge period, the Applicant, along with many other people, suffered from "vicious and inhuman" living conditions in Bos Khnaor Village and in Trapeang Russei Village in Kampong Cham Province.¹³²⁰ They submit that individuals in the Villages were tortured and subjected to forced labour. The Co-Lawyers further submit that the Applicant's elder sisters, elder brothers, and niece were all killed by the Khmer Rouge "at different places".¹³²¹ It is not alleged that the Applicant himself was subjected to forced labour. Regarding the deaths of the

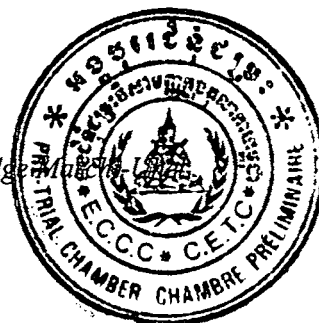
¹³¹⁷ Appeal PTC 109, para. 11.

¹³¹⁸ Application declared inadmissible on the basis that harm is not linked to the facts under investigation (Impugned Order D424, para. 25 and Annex 3).

¹³¹⁹ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D424, para. 25 and Annex 3).

¹³²⁰ Appeal PTC 109, para. 32.

¹³²¹ Appeal PTC 109, para. 32.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Applicant's family members, it is not alleged for any of these instances the circumstances surrounding their murder. There is insufficient information to link any of the acts alleged by the Applicant to specific indicted crimes.

Civil Party Applicant 09-VU-02201 (D22/3112).¹³²² The Co-Lawyers submit that the Applicant and her family were forcibly evacuated in 1975 from Kampong Siem District to Thmar Poun Village in Kampong Cham Province, where they were subjected to forced labour. They submit that in 1976, the Applicant's father was murdered.¹³²³ With regards to the reported forced transfer of the Applicant and her family, it falls within the temporal scope of the first phase of forced transfers for which the Accused are indicted but it is outside its geographical scope limited by the Indictment to the evacuation of the population from Phnom Penh. The forced labour and inhumane treatment of the Applicant and her family took place in Thmar Poun Village, a location that does not correspond with the cooperatives, worksites and security centres where the Indictment alleges that the crime against humanity of enslavement for which the Accused are indicted occurred. With regards to the death of the Applicant's father, there is insufficient information to ascertain whether it corresponds with one of the indicted crimes.

Civil Party Applicant 09-VU-03556 (D22/3250).¹³²⁴ The Co-Lawyers submit that the Applicant was separated from her parents as a small child by the Khmer Rouge and subjected to forced labour.¹³²⁵ They further submit that she suffered as a result of her father Voeun Sovan being executed by the Khmer Rouge.¹³²⁶ The Applicant's forced labour is reported to have occurred in Trapeang Ruessei Village in Kampong Cham Province. This location does not correspond with the cooperatives, worksites and security centres where the Indictment alleges that the crime against humanity of enslavement for which the Accused are indicted occurred.

¹³²² Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D424, para. 25 and Annex 3).

¹³²³ Appeal PTC 109, para. 36.

¹³²⁴ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D424, para. 25 and Annex 3).

¹³²⁵ Appeal PTC 109, para. 41.

¹³²⁶ Appeal PTC 109, para. 41.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 171)

With regards to the Applicant's father, it is not alleged where his execution occurred, as such, it is not possible to determine whether this act corresponds with an indicted crime.

Civil Party Applicant 09-VU-03559 (D22/3253).¹³²⁷ The Co-Lawyers submit that the Applicant was forcibly evacuated when the Khmer Rouge came to power to the Chamkar Leu District of Kampong Cham Province, where they were subjected to great hardship. They further submit that in 1977 the Applicant's father was arrested and killed.¹³²⁸ I note that while it is plausible that the Applicant's family suffered harm while living in Chamkar Leu District, the facts alleged by the Applicant in her Civil Party Application suggest that the family moved there voluntarily, and therefore this transfer does not qualify as a forcible transfer for which the Accused are indicted. Regarding the death of the Applicant's father Sou Pum, he was killed at the security centre at Phnom Pros Pnom Srei, in Kampong Cham Province.¹³²⁹ This centre does not correspond to any of the execution sites, security centres, worksites, or events where or during which the Accused are indicted for the crime against humanity of murder.

Civil Party Applicant 09-VU-03560 (D22/3254).¹³³⁰ The Co-Lawyers submit that the Applicant and his family were subjected to forced labour, and provided insufficient food. They submit that the family was separated, and that the Applicant's father died.¹³³¹ The instances of forced labour are reported to have occurred in Vihear Village and in Reay Pay Village, both in Kampong Cham Province. These locations do not correspond with the cooperatives, worksites and security centres where the Indictment alleges that the crime against humanity of enslavement for which the Accused are indicted occurred. The Applicant's father's death is alleged to have occurred at Wat Reay Pay. While the exact location of this Wat is not provided, it does not correspond to any of the execution sites, security centres, worksites at which the Accused are indicted for the crime against humanity of murder.

¹³²⁷ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D424, para. 25 and Annex 3).

¹³²⁸ Appeal PTC 109, para. 50.

¹³²⁹ Report on Civil Party Application, D22/3253/1.

¹³³⁰ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D424, para. 25 and Annex 3).

¹³³¹ Appeal PTC 109, para. 52.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 09-VU-03561 (D22/3255).¹³³² The Co-Lawyers submit that in 1975, the Applicant and her family were evacuated to Bos Khnaor Village in Kampong Cham Province. The family was subsequently moved several more times, and subjected to forced labour. They submit that in 1975 the Applicant's father was arrested and disappeared.¹³³³ With regards to the forcible transfers of the Applicant and her family, insufficient information has been provided with regards to all of the alleged forced transfers to ascertain whether they fit within the geographical or temporal scopes of one of the forced movements of population for which the Accused are indicted. Additionally, there are insufficient particulars with regards to the location and reason for the Applicant's father's arrest to ascertain whether it corresponds to one of the crimes for which the Accused are indicted.

Appeal PTC 110¹³³⁴

Civil Party Applicant 08-VU-01251 (D22/0965).¹³³⁵ Phnom Bros where the Applicant's relatives were arrested and killed is not among the limited number of sites listed in the Indictment underlying the crimes of imprisonment, murder and extermination for which the Accused are indicted.

Civil Party Applicant 10-VU-00581 (D22/3839).¹³³⁶ It is not alleged that the location where the Applicant was forced to work in 1975 is among the six worksites and cooperatives underlying the crime of enslavement for which the Accused are indicted. The killing field of Phnum Bros Phnum Srei where the Applicant's uncle, great uncle and their children were executed in 1976 is not among the execution sites listed in the indictment underlying the crimes of murder and extermination for which the Accused are indicted.

¹³³² Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D424, para. 25 and Annex 3).

¹³³³ Appeal PTC 109, para. 56.

¹³³⁴ Appeal Brief Against Order on the Admissibility of Applicant Civil Party Applicants from Current Residents of Kampong Cham, filed on 27 September 2010, D426/3/1 ("Appeal PTC 110").

¹³³⁵ Application declared inadmissible on the ground that the harm is not related to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

¹³³⁶ Application declared inadmissible on the ground that the harm is not related to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 10-VU-00582 (D22/3840).¹³³⁷ The various locations in Kampong Cham Province, where the Applicant's father was forced to cut bamboo, became ill and died and where the Applicant was forced to work are not among the six worksites and cooperatives underlying the crimes of enslavement and extermination for which the Accused are indicted. Further, the security centre of Prey Chhor District, Kampong Cham Province where the Applicant's two cousins were detained and tortured to death are not among the security centres listed in the indictment underlying the crimes of imprisonment, torture, murder and extermination for which the Accused are indicted. Finally, the information about the circumstances of the disappearance of the Applicant's husband arrested by the Khmer Rouge upon the accusation of hiding the enemy does not allow me to conclude that it forms part of the factual basis of other inhumane acts through enforced disappearances for which the Accused are indicted.

Civil Party Applicant 10-VU-3681 (D22/3346).¹³³⁸ Contrary to what the Co-Lawyers argue, the Applicant did not report having been forced to marry during a mass wedding of 20 persons,¹³³⁹ but that he got married 'because of love' in 1977 while 20 other couples were forced to get married by Angkar. The information in question does not allow me to conclude that the Applicant himself was forced to marry and he does not allege any bond of affection or dependence with any of the victims of forced marriage on that day, neither even that he suffered from their marriage.

Civil Party Applicant 08-VU-01329 (D22/2639).¹³⁴⁰ The Applicant, who was rejected by the Co-Investigating Judges on the basis that she did not provide sufficient proof of identification, has provided in Annex to the appeal an identity card¹³⁴¹ that allows me to consider that the requirement provided for in Rule 23bis(1)(a) is now met. However, the Co-Lawyers provide no

¹³³⁷ Application declared inadmissible on the ground that the harm is not related to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

¹³³⁸ Application declared inadmissible on the ground that the harm is not related to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

¹³³⁹ Appeal PTC 110, para. 109.

¹³⁴⁰ Application declared inadmissible on the ground that there is no proof of identification provided (Impugned Order D426, para. 20 and Annex 3).

¹³⁴¹ "Carnet de résidence", D426/3/1.1



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

argument on the substance of the application and a review of said application leads me to the conclusion that there is no link between the alleged harm and the crimes charged in the Indictment. In particular, the killing of the Applicant's mother and her 10 siblings in Svay Teab Village, Svay Teab Sub-District, Chamkar Leu District, Kampong Cham Province, and that of her sister in S'ith Village, Kampong Cham Province, did not happen at one of the limited number of security centers, execution sites or even cooperatives and worksites retained in the Indictment underlying the crimes of extermination, murder and other inhumane acts through enforced disappearances for which the Accused are indicted. Similarly, the Applicant's forced transfer from Kaoh Samraong Village, Kaoh Samraong Sub-District, Kampong Siem District, Kampong Cham Province to Peuk Thmey Village (Sub-District and District unknown) in Kampong Cham Province does not correspond to one of the three forced movements of population for which the Accused are indicted. Indeed, it cannot be considered as part of the Second Movement of Population, which includes forced transfers of Chams within Kampong Cham Province,¹³⁴² as there is no indication that the Applicant is a Cham.

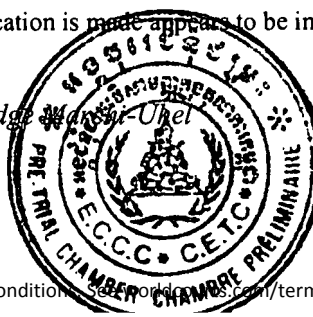
Civil Party Applicant 09-VU-03739 (D22/3392).¹³⁴³ The Co-Lawyers provide no argument in respect of the Applicant,¹³⁴⁴ who have been rejected by the Co-Investigating Judges on the basis that no proof of identification was provided. Although required by the Pre-Trial Chamber to provide a proof of identification for their clients, the Co-Lawyers failed to do so. In any event, a review of the application leads me to the conclusion that there is no link between the alleged harm and the crimes charged in the Indictment. In particular, the Applicant's forced transfer from Andoung Pou Village, Krala Sub-District, Kampong Siem District, Kampong Cham Province to Khsat Village, Ta Mau Sub-District, Preaek Prasab District, Kratie Province does not correspond to one of the three forced movements of population for which the Accused are indicted. There is insufficient information about the circumstances surrounding the disappearance of the Applicant's father to consider it plausible that it occurred at one of the limited number of security center or execution sites retained in the Indictment underlying the crimes of other inhumane acts through enforced disappearances, or even murder and execution,

¹³⁴² Indictment, para. 266.

¹³⁴³ Application declared inadmissible on the ground that there is no proof of identification provided (Impugned Order D426, para. 20 and Annex 3).

¹³⁴⁴ Paragraph 8 of the Appeal where reference to this application is made appears to be incomplete.

Civil party applications inadmissible in the view of Judge



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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

for which the Accused are indicted. The locations where the Applicant's mother and older sister were sent to work under inhuman conditions do not correspond to one of the limited number of cooperatives and worksites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted.

Civil Party Applicant 09-VU-03742 (D22/3395).¹³⁴⁵ The Applicant, who was rejected by the Co-Investigating Judges on the basis that he did not provide sufficient proof of identification, has provided in Annex to the appeal an identity card¹³⁴⁶ that allows me to consider that the requirement provided for in Rule 23bis(1)(a) is now met. However, a review of the application leads me to the conclusion that there is no link between the alleged harm and the crimes charged in the Indictment. In particular, the mobile unit where the Applicant was forced to work under inhuman conditions does not correspond to one of the limited number of worksites and cooperatives retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted. Similarly, the Applicant's forced transfer from Ou Trâ Kuon Village, Sambuor Meas Sub-District, Kang Meas District, Kampong Cham Province, to Preaek Kak Village, Preaek Sub-District, Stueng Trang District, Kampong Cham Province does not correspond to one of the three forced movements of population for which the Accused are indicted. Indeed, it cannot be considered as part of the second phase of forced movement of population, which includes forced transfers of Chams within Kampong Cham Province,¹³⁴⁷ as there is no indication that the Applicant is a Cham. Also, it is not plausible that the killing of the Applicant's brothers in 1977 at Au Romeat center and that of the Applicant's uncle and his wife, both Khmer Rouge cadres, at an unspecified location happened at one of the limited number of security centers, execution sites or even cooperatives and worksites retained in the Indictment underlying the crimes of extermination, murder and other inhumane acts through enforced disappearances for which the Accused are indicted.

¹³⁴⁵ Application declared inadmissible on the ground that there is no proof of identification provided (Impugned Order D426, para. 20 and Annex 3).

¹³⁴⁶ Identity Card no. 060132441, D426/3/1.2.

¹³⁴⁷ Indictment, para. 266.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 08-VU-00703 (D22/883).¹³⁴⁸ Vihear Village, Vihear Thum Sub-District, Kampong Siem District, Kampong Cham Province, from where the Applicant's husband disappeared in 1977¹³⁴⁹ does not correspond to one of the limited number of security centers or execution sites retained in the Indictment underlying the crimes of other inhumane acts through enforced disappearance, or even murder or execution for which the Accused are indicted.

Civil Party Applicant 08-VU-00705 (D22/924).¹³⁵⁰ Trapeang Chrey Village, Krala Sub-District, Kampong Siem District, Kampong Thom Province from where the Applicant's siblings disappeared¹³⁵¹ does not correspond to one of the limited number of security centers or execution sites retained in the Indictment underlying the crimes of other inhumane acts through enforced disappearance, or even murder or execution for which the Accused are indicted.

Civil Party Applicant 08-VU-01317 (D22/1428).¹³⁵² Srè Siem Village, Tbaung Khmom District, Sector 21, East Zone where the Applicant's siblings were killed by the Pol Pot's security on 20 May 1976¹³⁵³ does not correspond to one of the limited number of security centers or execution sites retained in the Indictment underlying the crimes of other inhumane acts through enforced disappearance, or even murder or execution, for which the Accused are indicted.

Civil Party Applicant 08-VU-01326 (D22/1873).¹³⁵⁴ The Applicant's forced transfer from Ream Commune, Kampong Som city to Takeo Province¹³⁵⁵ does not correspond to one of the three phases of movements of population underlying the crime of other inhuman act through

¹³⁴⁸ Application declared inadmissible on the ground that there is insufficient information to verify compliance with Internal Rule 23bis (1) and (4) (Impugned Order D426, para. 26 and Annex 3).

¹³⁴⁹ Appeal PTC 110, para. 10; Report on Civil Party Application D22/883/1.

¹³⁵⁰ Application declared inadmissible on the ground that there is insufficient information to verify compliance with Internal Rule 23bis (1) and (4) (Impugned Order D426, para. 26 and Annex 3).

¹³⁵¹ Appeal, PTC 110, para. 11; Report on Civil Party Application D22/924/1.

¹³⁵² Application declared inadmissible on the ground that there is insufficient information to verify compliance with Internal Rule 23bis (1) and (4) (Impugned Order D426, para. 26 and Annex 3).

¹³⁵³ Appeal PTC 110, para. 12.

¹³⁵⁴ Application declared inadmissible on the ground that there is insufficient information to verify compliance with Internal Rule 23bis (1) and (4) (Impugned Order D426, para. 26 and Annex 3).

¹³⁵⁵ Appeal PTC 110, para. 13.

Civil party applications inadmissible in the view of Judge



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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

forced transfer for which the Accused are indicted. There is insufficient information about the locations where the Applicant was forced to work in Takeo Province and where the Applicant's husband was sent to build a dam and from where he later disappeared to consider it plausible that it happened at one of the limited number of cooperatives, worksites, security centers or execution sites retained in the Indictment underlying the crimes of enslavement, other inhumane acts through enforced disappearance, murder and extermination for which the Accused are indicted.

Civil Party Applicant 09-VU-03676 (D22/3341).¹³⁵⁶ It is not plausible that the killing of the Applicant's older brother at Kaoh Prong Village, Kaoh Mitt Sub-District, Kampong Siem District, Kampong Cham Province, and that of her nephew at an unspecified location, all Accused of being Vietcong,¹³⁵⁷ occurred at one of the limited number of security centers or execution sites retained in the Indictment underlying the crimes of other inhumane acts through enforced disappearance, or even murder or execution for which the Accused are indicted.

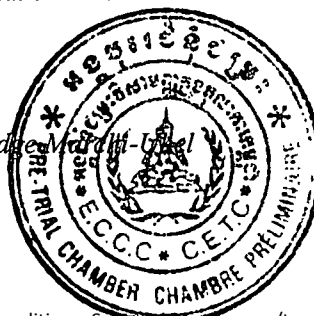
Civil Party Applicant 09-VU-03699 (D22/3364).¹³⁵⁸ Trean Village, Trean Sub-District, Kampong Siem District, Kampong Cham Province, where the Applicant's father was killed¹³⁵⁹ does not correspond to one of the limited number of security centers or execution sites retained in the Indictment underlying the crimes of murder, execution and other inhumane acts through enforced disappearance for which the Accused are indicted. There is insufficient information about the location where the Applicant's mother was taken and being forced to work under inhuman conditions to consider it plausible that it happened at one of the limited number of cooperatives or worksites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted.

¹³⁵⁶ Application declared inadmissible on the ground that there is insufficient information to verify compliance with Internal Rule 23bis (1) and (4) (Impugned Order D426, para. 26 and Annex 3).

¹³⁵⁷ Appeal PTC 110, para. 15.

¹³⁵⁸ Application declared inadmissible on the ground that there is insufficient information to verify compliance with Internal Rule 23bis (1) and (4) (Impugned Order D426, para. 26 and Annex 3).

¹³⁵⁹ Appeal PTC 110, para. 15; Report on Civil Party Application D22/3364/1.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 09-VU-03734 (D22/3388).¹³⁶⁰ Andoung Pou Village, Krala Sub-District, Kampong Siem District, Kampong Cham Province where the Applicant was forced to work under inhuman conditions¹³⁶¹ does not correspond to one of the limited number of cooperatives or worksites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted. This same location, from where the Applicant's father was taken to be killed, does not correspond either to the one of the limited number of security centers or execution sites retained in the Indictment underlying the crimes of other inhumane acts through enforced disappearance, murder or execution for which the Accused are indicted.

Civil Party Applicant 09-VU-03747 (D22/3400).¹³⁶² The Applicant's forced transfer from Ampil Chrum Village, Krala Sub-District, Siem District, Kampong Cham Province to Chamkar Leu District in Kampong Cham Province¹³⁶³ does not correspond to one of the three forced movements of population for which the Accused are indicted. Indeed, it cannot be considered as part of the second phase of forced movement of population, which includes forced transfers of Chams within Kampong Cham Province,¹³⁶⁴ as there is no indication that the Applicant is a Cham.

Civil Party Applicant 10-VU-00124 (D22/3717).¹³⁶⁵ The Applicant's forced transfer from Kream Village, Vihear Thum Sub-district, Kampong Siem District, Kampong Cham Province to Sameakki Village, Bos Khnaor Sub-District, Chamkar Leu District in Kampong Cham Province¹³⁶⁶ does not correspond to one of the three forced movements of population for which the Accused are indicted. Indeed, it cannot be considered as part of the second phase of forced movement of population, which includes forced transfers of Chams within Kampong Cham

¹³⁶⁰ Application declared inadmissible on the ground that there is insufficient information to verify compliance with Internal Rule 23bis (1) and (4) (Impugned Order D426, para. 26 and Annex 3).

¹³⁶¹ Appeal PTC 110, para. 17; Report on Civil Party Application D22/3388/1.

¹³⁶² Application declared inadmissible on the ground that there is insufficient information to verify compliance with Internal Rule 23bis (1) and (4) (Impugned Order D426, para. 26 and Annex 3).

¹³⁶³ Appeal PTC 110, para. 18; Report on Civil Party Application D22/3400/1.

¹³⁶⁴ Indictment, para. 266.

¹³⁶⁵ Application declared inadmissible on the ground that there is insufficient information to verify compliance with Internal Rule 23bis (1) and (4) (Impugned Order D426, para. 26 and Annex 3).

¹³⁶⁶ Appeal PTC 110, para. 19; Report on Civil Party Application D22/3717/1.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Province,¹³⁶⁷ as there is no indication that the Applicant is a Cham. Sameakki Village where the Applicant was forced to work under inhuman conditions does not correspond either to one of the limited number of cooperatives or worksites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted.

Civil Party Applicant 10-VU-00144 (D22/3722).¹³⁶⁸ The Applicant's forced transfer from Kampong Siem District to Chamkar Leu District in Kampong Cham Province¹³⁶⁹ does not correspond to one of the three forced movements of population for which the Accused are indicted. Indeed, it cannot be considered as part of the second phase of forced movement of population, which includes forced transfers of Chams within Kampong Cham Province,¹³⁷⁰ as there is no indication that the Applicant is a Cham. Dambang Daek Village, Kaoh Roak Sub-District, Kampong Siem District, Kampong Cham Province where the Applicant was forced to work under inhuman conditions¹³⁷¹ does not correspond either to one of the limited number of cooperatives or worksites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted.

Civil Party Applicant 08-VU-01321 (D22/911).¹³⁷² The Japanese factory in Chirou Kraom Ti Pir Sub-District, Tboung Khmum District, Kampong Cham Province, where the Applicant's son was killed,¹³⁷³ does not correspond to one of the limited number of security centers or execution sites retained in the Indictment underlying the crimes of murder, execution and other inhumane acts through enforced disappearances for which the Accused are indicted.

¹³⁶⁷ Indictment, para. 266.

Application declared inadmissible on the ground that there is insufficient information to verify compliance with Internal Rule 23bis (1) and (4) (Impugned Order D426, para. 26 and Annex 3).

¹³⁶⁹ Appeal PTC 110, para. 20; Report on Civil Party Application D22/3722/1.

¹³⁷⁰ Indictment, para. 266.

¹³⁷¹ Appeal PTC 110I, para. 20; Report on Civil Party Application D22/3722/1.

¹³⁷² Application declared inadmissible on the ground that there is insufficient information to verify compliance with Internal Rule 23bis (1) and (4) (Impugned Order D426, para. 26 and Annex 3).

¹³⁷³ Appeal PTC 110, para. 21; Report on Civil Party Application D22/911/1.

Civil party applications inadmissible in the view of Judge Marchal



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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 171)

Civil Party Applicant 08-VU-01249 (D22/1863).¹³⁷⁴ Hanchey Village, Hanchey Sub-District (probably in Kampong Siem District), Kampong Cham Province where the Applicant's sister was arrested and killed in 1977¹³⁷⁵ does not correspond to one of the limited number of security centers or execution sites retained in the Indictment underlying the crimes of murder, execution and other inhumane acts through enforced disappearances for which the Accused are indicted.

Civil Party Applicant 08-VU-01325 (D22/599).¹³⁷⁶ The rubber plantation in Tbouing Khmum District, Kampong Cham Province where the Applicant's nine siblings were forced to work under inhuman conditions and from where they later disappeared¹³⁷⁷ does not correspond to one of the limited number of cooperatives, worksites, security centers or execution sites retained in the Indictment underlying the crimes of enslavement, other inhumane acts through attacks against human dignity, other inhumane acts through enforced disappearances or even murder or execution for which the Accused are indicted.

Civil Party Applicant 08-VU-01350 (D22/2047).¹³⁷⁸ There is insufficient information about the location where the Applicant's three sons were taken to be reeducated and then killed¹³⁷⁹ to consider it plausible that it correspond to one of the limited number of security centers or execution or even cooperatives and worksites retained in the Indictment underlying the crimes of other inhumane acts through enforced disappearances, murder or execution for which the Accused are indicted.

¹³⁷⁴ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

¹³⁷⁵ Appeal PTC 110, para. 30; Report on Civil Party Application D22/1863/1.

¹³⁷⁶ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

¹³⁷⁷ Appeal PTC 110, para. 32; Report on Civil Party Application D22/599/1.

¹³⁷⁸ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3)..

¹³⁷⁹ Appeal PTC 110, para. 33; Report on Civil Party Application D22/2047/1.

Civil party applications inadmissible in the view of Judge Ma...



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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 171)

Civil Party Applicant 08-VU-01904 (D22/0181).¹³⁸⁰ Wat Roka Khmuoch, Chikor Sub-District, Tboung Khmum District, Kampong Cham Province were the Applicant's sister and brother were taken and from where they disappeared¹³⁸¹ does not correspond to one of the limited number of security centers or execution retained in the Indictment underlying the crimes of other inhumane acts through enforced disappearances, murder or execution for which the Accused are indicted.

Civil Party Applicant 08-VU-03611 (D22/3303).¹³⁸² Tuol Beng Village, Krala Sub-District, Kampong Siem District, Kampong Cham Province where a number of the Applicant's relatives, including her husband and children, were executed¹³⁸³ does not correspond to one of the limited number of security centers or execution retained in the Indictment underlying the crimes of other inhumane acts through enforced disappearances, murder or execution for which the Accused are indicted.

Civil Party Applicant 09-VU-03667 (D22/3332).¹³⁸⁴ Twat Prey Preah in Prey Totueng Village, Mien Sub-District, Prey Chhor District, Kampong Cham Province and Pnom Bros Phnom Srey security center where the Applicant's father and brother were respectively killed on accusation of being enemies¹³⁸⁵ does not correspond to one of the limited number of security centers or execution retained in the Indictment underlying the crimes of other inhumane acts through enforced disappearances, murder or execution for which the Accused are indicted. I note that in the additional information filed with the appeal, the Applicant states that we was forced to marry but, as she refused, was being given harder work to do, in Prey Chor.¹³⁸⁶ The Accused, however, are not indicted for attempted forced marriage.

¹³⁸⁰ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

¹³⁸¹ Appeal PTC 110, para. 34; Report on Civil Party Application D22/181/1.

¹³⁸² Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

¹³⁸³ Appeal PTC 110, para. 35; Report on Civil Party Application D22/3303/1.

¹³⁸⁴ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

¹³⁸⁵ Appeal PTC 110, para. 36; Report on Civil Party Application D22/3332/1.

¹³⁸⁶ Additional information D426/3/1.22.

Civil party applications inadmissible in the view of Judge



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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 09-VU-03668 (D22/3333).¹³⁸⁷ Krouch Kor Sub-District, Prey Chhor District, Kampong Cham Province where the Applicant's father was sent to be reeducated and never returned¹³⁸⁸ does not correspond to one of the limited number of security centers or execution sites retained in the Indictment underlying the crimes of other inhumane acts through enforced disappearances, murder or execution for which the Accused are indicted. There is insufficient information about the circumstances surrounding the killing of the Applicant's uncle, who was forced to join the Khmer Rouge army, to consider it plausible that it happened at one of the limited number of security centers or execution sites retained in the Indictment underlying the crimes of other inhumane acts through enforced disappearances, murder or execution for which the Accused are indicted.

Civil Party Applicant 09-VU-03670 (D22/3335).¹³⁸⁹ Krouch Kor Village in Krouch Sub-District, Prey Chhor District, Kampong Cham Province where the Applicant was detained and tortured¹³⁹⁰ does not correspond to one of the limited number of security centers or execution sites retained in the Indictment underlying the crimes of imprisonment, torture and other inhumane acts through attacks against human dignity for which the Accused are indicted. There is insufficient information about the circumstances surrounding the disappearance of the Applicant's brother, who was an injured Khmer Rouge soldier, to consider it plausible that it happened at one of the limited number of security centers or execution sites retained in the Indictment underlying the crimes of other inhumane acts through enforced disappearance or even murder or execution for which the Accused are indicted.

Civil Party Applicant 09-VU-03672 (D22/3337).¹³⁹¹ The killing of the Applicant's husband by the Khmer Rouge in 1973 in Spueu Village in Spueu Sub-District, Chamkar Leu District,

¹³⁸⁷ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

¹³⁸⁸ Appeal PTC 110, para. 37; Report on Civil Party Application D22/3333/1; Additional information D426/3/1.16.

¹³⁸⁹ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

¹³⁹⁰ Appeal PTC 110, para. 38; Report on Civil Party Application D22/3335/1.

¹³⁹¹ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).



002/19-09-2007-ECCC/OCJ (PTC 73, 74, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Kampong Cham Province¹³⁹² is outside the temporal jurisdiction of the ECCC. Dambang Daek Village, Kaoh Roka Sub-District, Siem District, Kampong Cham Province where the Applicant and her children were forced to work while being deprived of sufficient food does not correspond to one of the limited number of cooperatives or worksites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted.

Civil Party Applicant 09-VU-03675 (D22/3340).¹³⁹³ Phnom Bros Phnom Srei, probably in Krala Sub-District, Kampong Siem District where some of the Applicant's relatives were executed¹³⁹⁴ does not correspond to one of the limited number of security centers or execution retained in the Indictment underlying the crimes of other inhumane acts through enforced disappearance, murder or execution for which the Accused are indicted.

Civil Party Applicant 09-VU-03678 (D22/3343).¹³⁹⁵ Kroch Kor prison where the Applicant was imprisoned from late 1974 until an unspecified date¹³⁹⁶ is not among the limited number of security centers retained in the Indictment underlying the crimes of imprisonment and other inhumane acts through attacks against human dignity for which the Accused are indicted. It is not clear either whether the Applicant was imprisoned at this prison during the temporal jurisdiction of the Court.

Civil Party Applicant 09-VU-03692 (D22/3357).¹³⁹⁷ Ou Dar Village, Svay Teab Sub-District, Chamkar Leu District, Kampong Cham Province where the Applicant was forced to work under inhuman conditions¹³⁹⁸ does not correspond to one of the limited number of cooperatives or worksites retained in the Indictment underlying the crimes of enslavement and other

¹³⁹² Appeal PTC 110, para. 39; Report on Civil Party Application D22/3337/1.

¹³⁹³ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

¹³⁹⁴ Appeal PTC 110, para. 40; Report on Civil Party Application D22/3340/1.

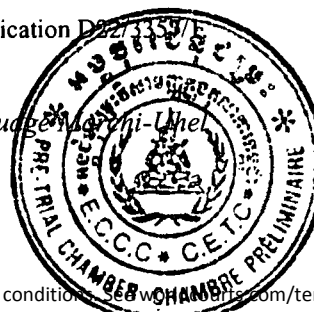
¹³⁹⁵ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

¹³⁹⁶ Appeal PTC 110, para. 41; Report on Civil Party Application D22/3343/1.

¹³⁹⁷ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

¹³⁹⁸ Appeal PTC 110, para. 42; Report on Civil Party Application D22/3357/1.

Civil party applications inadmissible in the view of Judge



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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

inhumane acts through attacks against human dignity for which the Accused are indicted. There is insufficient information about the location where the Applicant's uncle and his family were killed to consider it plausible that it occurred at one of the limited number of security centers or execution retained in the Indictment underlying the crimes of other inhumane acts through enforced disappearances, murder or execution for which the Accused are indicted.

Civil Party Applicant 09-VU-03693 (D22/3358).¹³⁹⁹ Phnom Bros, in Trapeang Char Village, and Andoung Pou Village, both in Ampil Sub-District, Kampong Siem District, Kampong Cham Province, from where the Applicant's grandfather and uncle disappeared¹⁴⁰⁰ do not correspond to one of the limited number of security centers or execution sites retained in the Indictment underlying the crimes of other inhumane acts through enforced disappearances, murder or execution for which the Accused are indicted.

Civil Party Applicant 09-VU-03695 (D22/3360).¹⁴⁰¹ Tuol Beng security office, where the Applicant's uncle was killed on accusation of having betrayed the Angkar,¹⁴⁰² is not among the limited number of security centers or execution retained in the Indictment underlying the crimes of other inhumane acts through enforced disappearances, murder or execution for which the Accused are indicted. Nor is there any such security center or execution site in Krouch Kor Village, Prey Chhor District, Kampong Cham Province, from where the Applicant's father disappeared.

Civil Party Applicant 09-VU-03700 (D22/3365).¹⁴⁰³ The forced transfers of the Applicant's relatives from Kampong Cham Province to Kratie Province and than back to Kampong Cham Province¹⁴⁰⁴ do not form part of one of the three movements of population underlying the

¹³⁹⁹ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

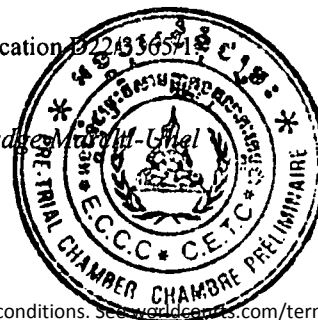
¹⁴⁰⁰ Appeal PTC 110, para. 43; Report on Civil Party Application D22/3358/1.

¹⁴⁰¹ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

¹⁴⁰² Appeal PTC 110, para. 44; Report on Civil Party Application D22/3360/1; Summary of supplementary information D22/3360b; Additional information D426/3/1.26.

¹⁴⁰³ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation : (Impugned Order D426, para. 25 and Annex 3).

¹⁴⁰⁴ Appeal PTC 110, para. 46; Report on Civil Party Application D22/3365/1.



002/19-09-2007-ECCC/OCJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

crimes of other inhumane acts through forced transfer for which the Accused are indicted. Similarly, Andoung Pou Village, from where the Applicant's grandfather and uncle disappeared, does not correspond to one of the limited number of security centers or execution sites retained in the Indictment underlying the crimes of other inhumane acts through enforced disappearances, murder or execution for which the Accused are indicted.

Civil Party Applicant 09-VU-03703 (D22/3368).¹⁴⁰⁵ Thmei Krom Village where the Applicant's father was executed¹⁴⁰⁶ does not correspond to one of the limited number of security centers or execution sites retained in the Indictment underlying the crimes of other inhumane acts through enforced disappearances, murder or execution for which the Accused are indicted. There is insufficient information about the circumstances surrounding the illness of the Applicant's mother and her subsequent death to consider it plausible that it happened as a result of the crimes for which the Accused are indicted. In any event, none of the limited number of cooperatives and worksites retained in the Indictment underlying the crimes of other inhumane acts through attacks against human dignity for which the Accused are indicted is located in Prey Chhor District, Kampong Province, where the Applicant's mother was transferred before getting ill. There is also insufficient information about the location where the Applicant was forced to work to consider it plausible that it corresponds to one of these cooperatives or worksites.

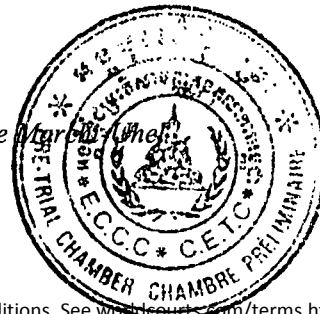
Civil Party Applicant 09-VU-03708 (D22/2438).¹⁴⁰⁷ Pongro Village, Ro'ang Sub-District, Kampong Siem District where the Applicant's father died of an injection by the Khmer Rouge medical staff¹⁴⁰⁸ does not correspond to one of the limited number of security centers or execution sites retained in the Indictment underlying the crimes of murder or execution for which the Accused are indicted.

¹⁴⁰⁵ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

¹⁴⁰⁶ Appeal PTC 110, para. 47; Report on Civil Party Application D22/3368/1; Summary of supplementary information D22/3368a and b.

¹⁴⁰⁷ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

¹⁴⁰⁸ Appeal PTC 110, para. 48; D22/2438/1.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 09-VU-03709 (D22/2439).¹⁴⁰⁹ Andoung Pou Village in Krala Sub-District and Trapeang Kak Village in Ou Svay Sub-District, both in Kampong Siem District, Kampong Cham Province from where the Applicant's father and uncle disappeared¹⁴¹⁰ does not correspond to any sites retained in the Indictment underlying the crimes of other inhumane acts through enforced disappearances, murder or execution for which the Accused are indicted.

Civil Party Applicant 09-VU-03713 (D22/3994).¹⁴¹¹ Tuo Romeas Sub-District in Kampong Cham Province where the Applicant's husband was, as a soldier, forced to carry weapons and died of physical exhaustion¹⁴¹² does not correspond to one of the limited number of cooperatives or worksites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through against human dignity.

Civil Party Applicant 09-VU-03714 (D22/3374).¹⁴¹³ Andoung Pou Village, Krala Sub-District, Kampong Siem District, Kampong Cham Province where the Applicant's wife was forced to work and died of starvation¹⁴¹⁴ does not correspond to one of the limited number of cooperatives or worksites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through against human dignity. There is insufficient information about the circumstances surrounding the killing of the Applicant's children to consider it plausible that it occurred at one of the limited number of security centers or execution sites retained in the Indictment underlying the crimes of other inhumane acts through enforced disappearances, murder or execution for which the Accused are indicted.

¹⁴⁰⁹ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

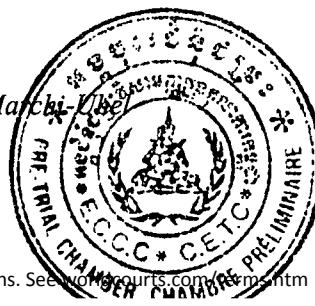
¹⁴¹⁰ Appeal PTC 110, para. 49; Report on Civil Party Application D22/2439/1; Summary of supplementary information D426/3/1.4.

¹⁴¹¹ Summary of supplementary information

¹⁴¹² Appeal PTC 110, para. 50; Report on Civil Party Application D22/3994/1 and Summary of supplementary information D22/3994b.

¹⁴¹³ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

¹⁴¹⁴ Appeal PTC 110, para. 51; Report on Civil Party Application D22/3374/I and Summary of supplementary information D22/3374b.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 09-VU-03715 (D22/3375).¹⁴¹⁵ Ou Dar Village, Svay Teab Sub-District, Chamkar Leu District, Kampong Cham Province where the Applicant and her husband were forced to work¹⁴¹⁶ does not correspond to one of the limited number of cooperatives or worksites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through against human dignity for which the Accused are indicted. There is insufficient information about the circumstances surrounding the killing of the Applicant's husband to consider it plausible that it occurred at one of the sites retained in the Indictment underlying the crimes of other inhumane acts through enforced disappearances, murder or execution for which the Accused are indicted.

Civil Party Applicant 09-VU-03718 (D22/2440).¹⁴¹⁷ Angkuonh Dey, Krala Sub-District, Kampong Siem District, Kampong Cham Province and Andaung Po Village, where the Applicant's father and husband were killed¹⁴¹⁸ does not correspond to one of the sites retained in the Indictment underlying the crimes of other inhumane acts through enforced disappearances, murder or execution for which the Accused are indicted.

Civil Party Applicant 09-VU-03719 (D22/2441).¹⁴¹⁹ The forced transfers of the Applicant's family from Andoung Pou Village, Krala Sub-District, Kampong Siem District, Kampong Cham Province to Rohal Krom Rohal Leu Village, in Kratie Province and than back to Andoung Pou¹⁴²⁰ do not form part of one of the three movements of population for which the Accused are indicted. Similarly, Phnom Bros Phnom Srey, Andoung Chraoh Village, Ampil Sub-District, Kampong Siem District, Kampong Cham Province where the Applicant's father was killed does not correspond to one of the sites retained in the Indictment underlying the crimes of other inhumane acts through enforced disappearances, murder or execution for which the Accused are indicted.

¹⁴¹⁵ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

¹⁴¹⁶ Appeal PTC 110, para. 52; Report on Civil Party Application D22/3375/1.

¹⁴¹⁷ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

¹⁴¹⁸ Appeal PTC 110, para. 53; Report on Civil Party Application D22/2440/1 and Summary of supplementary information D22/2440 a and b.

¹⁴¹⁹ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

¹⁴²⁰ Appeal PTC 110, para. 54; Report on Civil Party Application D22/2441/1.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 09-VU-03720 (D22/2442).¹⁴²¹ Wat Angkuonh Dei prison, Angkuonh Dei Village, Krala Sub-District, Kampong Siem District, Kampong Cham Province where the Applicant's father was imprisoned and Phnom Prus Phnom Srey where he was executed¹⁴²² do not correspond to one of the limited number of security centers or execution sites retained in the Indictment underlying the crimes of other inhumane acts through enforced disappearances, murder, execution or imprisonment for which the Accused are indicted.

Civil Party Applicant 09-VU-03725 (D22/3380).¹⁴²³ Trepeang Russei Village, Krala Sub-District, Kampong Siem District, Kampong Cham Province where the Applicant was forced to work and a mobile unit in Prey Chhor District where the Applicant's husband was forced to work and later died in an hospital in Andoung Por¹⁴²⁴ do not correspond to one of the limited number of cooperatives or worksites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through against human dignity.

Civil Party Applicant 09-VU-03727 (D22/3382).¹⁴²⁵ Chamkar Kô security center, in Chamkar Kô Village, East Zone, Kampong Cham Province and Tuol Beng Village, Krala Sub-District, Kampong Siem District, Kampong Cham Province where the Applicant's older and younger brothers were killed¹⁴²⁶ do not correspond to one of the limited number of security centers or execution sites retained in the Indictment underlying the crimes of other inhumane acts through enforced disappearances, murder or execution for which the Accused are indicted.

¹⁴²¹ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

¹⁴²² Appeal PTC 110, para. 55; Report on Civil Party Application D22/2442; Summary of supplementary information D22/2442 a and b.

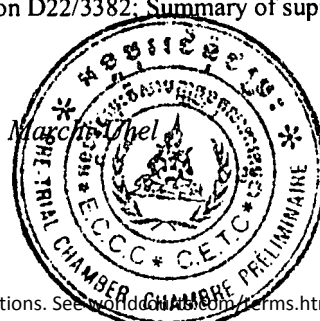
¹⁴²³ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

¹⁴²⁴ Appeal PTC 110, para. 56; Report on Civil Party Application D22/3380; Summary of supplementary information D22/3380 a and b.

¹⁴²⁵ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

¹⁴²⁶ Appeal PTC 110, para. 57; Report on Civil Party Application D22/3382; Summary of supplementary information D22/3382 a and b.

Civil party applications inadmissible in the view of Judge Marc



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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 09-VU-03728 (D22/3383).¹⁴²⁷ There is insufficient information about the circumstances surrounding the killing of the Applicant's uncle in 1977 and the death of his aunt¹⁴²⁸ to consider it plausible that it occurred at one of sites retained in the Indictment underlying the crimes of other inhumane acts through enforced disappearances, murder, execution or other inhumane acts through attacks against human dignit" for which the Accused are indicted.

Civil Party Applicant 09-VU-03730 (D22/3384).¹⁴²⁹ The Co-Lawyers allege that the Applicant was sent to a rubber plantation at Boen Kêt where he was prepared to be killed but managed to escape.¹⁴³⁰ The Accused are not indicted for attempt to commit murder. Furthermore, the security center in Kroch Kor where the Applicant's sibling was imprisoned before disappearing does not correspond to one of the limited number of security centers or execution sites retained in the Indictment underlying the crimes of other inhumane acts through enforced disappearances, murder or execution for which the Accused are indicted.

Civil Party Applicant 09-VU-03732 (D22/3386).¹⁴³¹ Angkuonh Dei prison, in Krala Sub-District, Kampong Siem District, Kampong Cham Province where the Applicant's son was executed¹⁴³² does not correspond to one of the limited number of security centers or execution sites retained in the Indictment underlying the crimes of other inhumane acts through enforced disappearances, murder or execution for which the Accused are indicted.

Civil Party Applicant 09-VU-03733 (D22/3387).¹⁴³³ The forced transfer of the Applicant and her family from Ou Chhleung Village, Kach Roka Sub-District, Kampong Siem District,

¹⁴²⁷ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

¹⁴²⁸ Appeal PTC 110, para. 58; Report on Civil Party Application D22/3383/1.

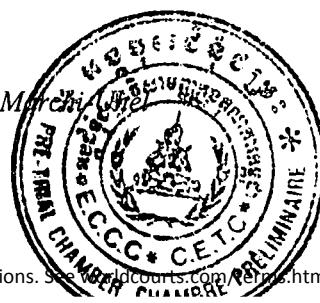
¹⁴²⁹ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

¹⁴³⁰ Appeal PTC 110, para. 59; Report on Civil Party Application D22/3384/1; Summary of supplementary information D426/3/1.30; Additional information D426/3/1.5.

¹⁴³¹ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

¹⁴³² Appeal PTC 110, para. 60; Report on Civil Party Application D22/3386/1.

¹⁴³³ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Kampong Cham Province to Kratie Province¹⁴³⁴ do not form part of one of the three phases of forced movements of population for which the Accused are indicted. Similarly, none of the cooperatives and worksites underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted are located in Kratie Province, where the Applicant alleges she was forced to work.

Civil Party Applicant 09-VU-03735 (D22/3389).¹⁴³⁵ Praek Koy Village, Ou Svay Sub-District, Kamong Siem District, Kampong Cham Province where the Applicant's father disappeared and never return¹⁴³⁶ does not correspond to any location retained in the Indictment underlying the crimes of other inhumane acts through enforced disappearances, murder or execution for which the Accused are indicted.

Civil Party Applicant 09-VU-03737 (D22/3391).¹⁴³⁷ The locations referred to by the Applicant where she and her mother were forced to work – Kang Meas Village, Norkor Ban Sub-District (which may correspond to Angkor Ban Sub-District, Kang Meas District) and various places in Kaoh Roka Sub-district, Kampong Siem District, Kampong Cham Province¹⁴³⁸ – do not correspond to one of the limited number of cooperatives or worksites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through “against human dignity”.

Civil Party Applicant 09-VU-03740 (D22/3393).¹⁴³⁹ Kokor Village, Kokob Sub-District, probably in Kampong Siem District, Kampong Cham Province where the Applicant's father was killed on accusation of being a Vietnamese¹⁴⁴⁰ does not correspond to any location

¹⁴³⁴ Appeal PTC 110, para. 61; Report on Civil Party Application D22/3387/1.

¹⁴³⁵ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

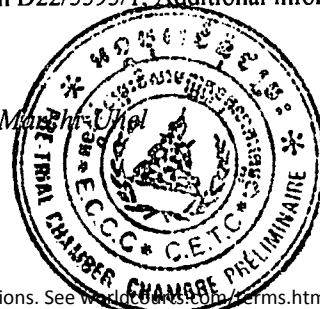
¹⁴³⁶ Report on Civil Party Application D22/3389/1.

¹⁴³⁷ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

¹⁴³⁸ Appeal PTC 110, para. 63; Report on Civil Party Application D22/3391/1.

¹⁴³⁹ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

¹⁴⁴⁰ Appeal PTC 110, para. 64; Report on Civil Party Application D22/3393/1; Additional information D426/3/1.13.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

retained in the Indictment underlying the crimes of persecution on political or racial grounds, other inhumane acts through enforced disappearances, murder or execution for which the Accused are indicted.

Civil Party Applicant 09-VU-04223 (D22/3610).¹⁴⁴¹ Krala Village, Kampong Cham Province where the Applicant's older brother, a former Lon Nol soldier, was executed¹⁴⁴² does not correspond to any of the locations retained in the Indictment underlying the crimes of other inhumane acts through enforced disappearances, murder or execution for which the Accused are indicted.

Civil Party Applicant 10-VU-00116 (D22/2545).¹⁴⁴³ The Applicant's forced transfers to various locations within Kampong Siem District, Kampong Cham Province¹⁴⁴⁴ do not form part of one of the three phases of forced movements of population for which the Accused are indicted. Similarly, none of the cooperatives and worksites underlying the crimes of enslavement and other inhumane acts through against human dignity for which the Accused are indicted is located in this area. Speu Sub-District, Pèng Mas District, Kampong Cham Province where the Applicant's brother was executed does not correspond to one of the limited number of security centers or execution sites retained in the Indictment underlying the crimes of other inhumane acts through enforced disappearances, murder or execution for which the Accused are indicted.

Civil Party Applicant 10-VU-00117 (D22/2546).¹⁴⁴⁵ The Co-Lawyers argue that the Applicant shall be admitted a victim of the execution of her husband.¹⁴⁴⁶ However, there is no indication in the application and the supplementary information submitted by the Applicant that her

¹⁴⁴¹ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

¹⁴⁴² Appeal PTC 110, para. 65; Report on Civil Party Application D22/3610/1; Additional information D426/3/1.10 and D426/3/1.31.

¹⁴⁴³ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

¹⁴⁴⁴ Appeal PTC 110, para. 66; Report on Civil Party Application D22/2545/1.

¹⁴⁴⁵ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

¹⁴⁴⁶ Appeal PTC 110, para. 67.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

husband was indeed executed.¹⁴⁴⁷ Reference is made only to the execution of other relatives but the locations where the latter have been executed do not correspond to one of the limited number of security centers or execution sites retained in the Indictment underlying the crimes of other inhumane acts through enforced disappearances, murder or execution for which the Accused are indicted.

Civil Party Applicant 10-VU-00122 (D22/3716).¹⁴⁴⁸ The Co-Lawyers merely state that the “Applicant was a child during the Democratic Kampuchea regime”,¹⁴⁴⁹ without presenting any argument as to why the Co-Investigating Judges erred in rejecting his application to become a civil party. I have reviewed his application and consider, as did the Co-Investigating Judges, that the alleged crimes do not correspond to any of the crimes for which the Accused in this case are indicted. In particular, Bos Khnaor Sub-District, Chamkar Leu District, Kampong Cham Province where the Applicant was forced to work does not correspond to one of the cooperatives and worksites underlying the crimes of enslavement and other inhumane acts through against human dignity for which the Accused are indicted.

Civil Party Applicant 10-VU-00125 (D22/2549).¹⁴⁵⁰ The Co-Lawyers allege *inter alia* that the Applicant and her family “were listed in list of people to be executed by the Southwest soldiers”.¹⁴⁵¹ These material facts are not among those underlying the crimes for which the Accused are indicted. Vihear Thum Sub-District where a number of the Applicant’s relatives were executed does not correspond to one of the limited number of security centers or execution sites retained in the Indictment underlying the crimes of other inhumane acts through enforced disappearances, murder or execution for which the Accused are indicted.

¹⁴⁴⁷ Report on Civil Party Application D22/2546/1; Summary of supplementary information D22/2546 a and b.

¹⁴⁴⁸ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

¹⁴⁴⁹ Appeal PTC 110, para. 68; Report on Civil Party Application D22/3716/1.

¹⁴⁵⁰ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

¹⁴⁵¹ Appeal PTC 110, para. 69; Report on Civil Party Application D22/2549/1; Summary of supplementary information D22/2549 a and b.

Civil party applications inadmissible in the view of Judge



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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 10-VU-00127 (D22/3719).¹⁴⁵² Anlong Snouk Village, Ou Svay Sub-District, Kampong Siem District, Kampong Cham Province where the Applicant's son was executed for having stolen food¹⁴⁵³ does not correspond to one of the limited number of security centers or execution sites retained in the Indictment underlying the crimes of other inhumane acts through enforced disappearances, murder or execution for which the Accused are indicted.

Civil Party Applicant 10-VU-00129 (D22/2551).¹⁴⁵⁴ Dam Chruoy Chek or Dam Kè Brè, probably in Trean Sub-District, Kampong Siem District, Kampong Cham Province where the Applicant's father was executed¹⁴⁵⁵ and the forest near Rong Dumrei Village, Trab Sub-District, Batheay District, Kampong Cham Province where the Applicant was detained do not correspond to one of the limited number of security centers or execution sites retained in the Indictment underlying the crimes of other inhumane acts through enforced disappearances, murder, or imprisonment for which the Accused are indicted.

Civil Party Applicant 10-VU-00130 (D22/3720).¹⁴⁵⁶ Kouk Kream Village, Vihear Thum Sub-District, Kampong Siem District, Kampong Cham Province where the Applicant was forced to work¹⁴⁵⁷ does not correspond to one of the cooperatives and worksites underlying the crimes of enslavement and other inhumane acts through against human dignity for which the Accused are indicted.

Civil Party Applicant 10-VU-00133 (D22/3721).¹⁴⁵⁸ The Co-Lawyers allege *inter alia* that the Applicant was "listed in list of people to be executed".¹⁴⁵⁹ These material facts are not among those underlying the crimes for which the Accused are indicted. The various locations where

¹⁴⁵² Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

¹⁴⁵³ Appeal PTC 110, para. 70; Report on Civil Party Application D22/3719/1.

¹⁴⁵⁴ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

¹⁴⁵⁵ Appeal PTC 110, para. 71; Report on Civil Party Application D22/2551/1.

¹⁴⁵⁶ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

¹⁴⁵⁷ Appeal PTC 110, para. 72; Report on Civil Party Application D22/3720/1.

¹⁴⁵⁸ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

¹⁴⁵⁹ Appeal PTC 110, para. 73.



002/19-09-2007-ECCC/OCJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 171)

the Applicant was forced to work, in Kampong Siem District, Kampong Cham Province¹⁴⁶⁰ do not correspond to one of the cooperatives and worksites underlying the crimes of enslavement and other inhumane acts through against human dignity for which the Accused are indicted.

Civil Party Applicant 10-VU-00135 (D22/2554).¹⁴⁶¹ Ou Romiet Village, Ta Ong Sub-District, Chankar Leu District, Kampong Cham Province where the Applicant was forced to work¹⁴⁶² does not correspond to one of the limited number of cooperatives and worksites underlying the crimes of enslavement and other inhumane acts through against human dignity for which the Accused are indicted. Similarly, Kouk Kream Village and Prey Phdou Village, Vihear Thum Sub-District, Kampong Siem District, where the Applicant's father and brother were killed does not correspond to one of the limited number of security centers or execution sites retained in the Indictment underlying the crimes of other inhumane acts through enforced disappearances, murder or execution for which the Accused are indicted.

Civil Party Applicant 10-VU-00136 (D22/3723).¹⁴⁶³ Raung Damrei forest where the Applicant's brother was executed¹⁴⁶⁴ does not correspond to one of the locations retained in the Indictment underlying the crimes of other inhumane acts through enforced disappearances, murder or execution for which the Accused are indicted. There is insufficient information about the location where the Applicant's sister and her husband were killed to find it plausible that it occurred at one of these sites.

Civil Party Applicant 10-VU-00137 (D22/3724).¹⁴⁶⁵ Andoung Svay Village, Vihear thum Sub-District, Kampong Siem District, Kampong Cham Province where the Applicant and her

¹⁴⁶⁰ Appeal PTC 110, para. 73; Report on Civil Party Application D22/3721/1.

¹⁴⁶¹ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

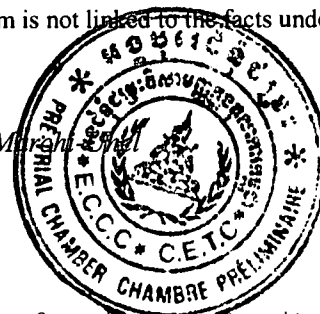
¹⁴⁶² Appeal PTC 110, para. 74; Report on Civil Party Application D22/2554/1; Additional information D426/3/1.20.

¹⁴⁶³ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

¹⁴⁶⁴ Appeal PTC 110, para. 75; Report on Civil Party Application D22/3723/1.

¹⁴⁶⁵ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

Civil party applications inadmissible in the view of Judge Marchal



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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

husband were forced to work¹⁴⁶⁶ does not correspond to one of the cooperatives and worksites underlying the crimes of enslavement and other inhumane acts through against human dignity for which the Accused are indicted.

Civil Party Applicant 10-VU-00138 (D22/2555).¹⁴⁶⁷ Ampil Takeak in Vihear Thum Sub-District, Kampong Siem District, Kampon Cham Province where the Applicant's elder brother was executed¹⁴⁶⁸ does not correspond to one of the locations retained in the Indictment underlying the crimes of other inhumane acts through enforced disappearances or murder for which the Accused are indicted. Similarly, Krouk Kream Village, Vihear thum Sub-District, Kampong Siem District, Kampong Cham Province where the Applicant was forced to work does not correspond to one of the cooperatives and worksites underlying the crimes of enslavement for which the Accused are indicted.

Civil Party Applicant 10-VU-00141 (D22/2556).¹⁴⁶⁹ The Co-Lawyers allege *inter alia* that the Applicant shall be admitted on the basis of the fact that her aunt had been listed on the list of people from the East Zone to be executed.¹⁴⁷⁰ These material facts are not among those underlying the crimes for which the Accused are indicted nor do they amount to a crime within the jurisdiction of the ECCC. The various locations in Kampong Siem District, Kampong Cham Province where the Applicant was forced to work do not correspond to one of the cooperatives and worksites underlying the crimes of enslavement for which the Accused are indicted.

¹⁴⁶⁶ Appeal PTC 110, para. 76; Report on Civil Party Application D22/3724/1; Additional information D426/3/1.19.

¹⁴⁶⁷ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

¹⁴⁶⁸ Appeal PTC 110, para. 77; Report on Civil Party Application D22/2555/1; Summary of supplementary information D/22/2555 a and b.

¹⁴⁶⁹ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

¹⁴⁷⁰ Appeal PTC 110, para. 78; Report on Civil Party Application D22/2556/1



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 10-VU-00142 (D22/2557).¹⁴⁷¹ Kdei Boeng worksite where the Applicant was forced to work¹⁴⁷² does not correspond to one of the cooperatives and worksites underlying the crimes of enslavement for which the Accused are indicted.

Civil Party Applicant 10-VU-00143 (D22/2558).¹⁴⁷³ The locations described by the Applicant where she was forced to work while being put in a teenager mobile unit, all in Chamkar Leu and Kampong Siem Districts,¹⁴⁷⁴ do not correspond to one of the cooperatives and worksites underlying the crimes of enslavement for which the Accused are indicted. There is insufficient information about the circumstances surrounding the disappearance of the Applicant's cousin to consider it plausible that it occurred at one of the locations retained in the Indictment underlying the crimes of other inhumane acts through enforced disappearances, murder or execution for which the Accused are indicted.

Civil Party Applicant 10-VU-00144 (D22/2559).¹⁴⁷⁵ Kouk Kream Village, in Vihear Sub-District, Kampong Siem District, Kampong Cham Province where the Applicant's husband was arrested and then disappeared¹⁴⁷⁶ does not correspond to a location retained in the Indictment underlying the crimes of other inhumane acts through enforced disappearances, murder or execution for which the Accused are indicted.

Civil Party Applicant 10-VU-00146 (D22/2561).¹⁴⁷⁷ Kong Moha Village, Vihear Thum Sub-District, Kampong Siem District, Kampong Cham Province where the Applicant was forced to work and beaten¹⁴⁷⁸ does not correspond to one of the limited number cooperatives and

¹⁴⁷¹ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

¹⁴⁷² Appeal PTC 110, para. 79; Report on Civil Party Application D22/2557/1.

¹⁴⁷³ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

¹⁴⁷⁴ Appeal PTC 110, para. 80; Report on Civil Party Application D22/2558/1.

¹⁴⁷⁵ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

¹⁴⁷⁶ Appeal PTC 110, para. 81; Report on Civil Party Application D22/2559/1.

¹⁴⁷⁷ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

¹⁴⁷⁸ Appeal PTC 110, para. 82; Report on Civil Party Application D22/2561/1.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

worksites underlying the crimes of enslavement and other inhuman act through attacks against human dignity for which the Accused are indicted.

Civil Party Applicant 10-VU-00149 (D22/2563).¹⁴⁷⁹ Tuol Beng Village, Krala Sub-District, Kampong Siem District, Kampong Cham Province, where the Applicant's brother-in-law was arrested in 1977 and Trapeang Tras Village, Krala Sub-District, Kampong Siem District, Kampong Cham Province, where the Applicant younger sister was arrested and disappeared in 1976¹⁴⁸⁰ do not correspond to one of the limited number cooperatives and worksites underlying the crimes of enslavement and other inhuman act through attacks against human dignity for which the Accused are indicted.

Civil Party Applicant 10-VU-00152 (D22/3727).¹⁴⁸¹ Andoung Svay Village, probably in Vihear Thum Sub-District, Kampong Siem District, Kampong Cham Province and Chroy Chek Dam and Pyeam Prum Dam, in Lpeak Village, Srak Sub-District, Kampong Siem District where the Applicant was forced to work¹⁴⁸² do not correspond to one of the limited number cooperatives and worksites underlying the crimes of enslavement and other inhuman act through attacks against human dignity for which the Accused are indicted.

Civil Party Applicant 10-VU-00153 (D22/2566).¹⁴⁸³ There is no indication that the locations where the applicant and her cousin were forced to work¹⁴⁸⁴ correspond to one of the limited number cooperatives and worksites underlying the crimes of enslavement and other inhuman act through attacks against human dignity for which the Accused are indicted.

¹⁴⁷⁹ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

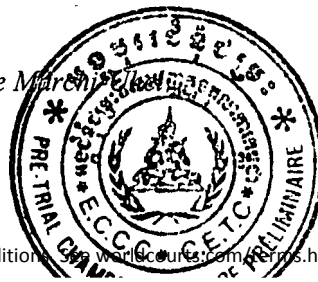
¹⁴⁸⁰ Appeal PTC 110, para. 83; Report on Civil Party Application D22/2563 and D22/2563/1.

¹⁴⁸¹ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

¹⁴⁸² Appeal PTC 110, para. 84; Report on Civil Party Application D22/3727/1; Additional information D426/3/1.15.

¹⁴⁸³ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

¹⁴⁸⁴ Appeal PTC 110, para. 85; Report on Civil Party Application D22/2566/1.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 10-VU-00154 (D22/3728).¹⁴⁸⁵ Andoung Svay Village, Vihear Thum Sub-District, Kampong Siem District, Kampong Cham Province and Prey Chhor and Chamkar Leu Districts, Kampong Cham Province where the Applicant was forced to work under inhumane conditions¹⁴⁸⁶ do not correspond to one of the limited number cooperatives and worksites underlying the crimes of enslavement and other inhuman act through attacks against human dignity for which the Accused are indicted. Furthermore, there is insufficient information about the locations where the Applicant's daughters died to find it plausible that it occurred at one of the locations retained in the Indictment underlying the crimes of other inhumane acts through enforced disappearances, murder, execution or other inhumane acts through attacks against human dignity for which the Accused are indicted.

Civil Party Applicant 10-VU-00155 (D22/3729).¹⁴⁸⁷ Trapeang Chrey Dam, in Trapeang Chrey Village, Krala Sub-District, Kampong Siem District, Kampong Cham Province and Sdech Korn in Kampong Siem District, Kampong Cham Province where the Applicant was forced to work under inhuman conditions¹⁴⁸⁸ do not correspond to one of the limited number cooperatives and worksites underlying the crimes of enslavement and other inhuman act through attacks against human dignity for which the Accused are indicted.

Civil Party Applicant 10-VU-00156 (D22/2567).¹⁴⁸⁹ Kaoh Roka Village, Kaoh Roka Sub-District, Kampong Siem District, Kampong Cham Province where the Applicant was forced to work under inhuman conditions¹⁴⁹⁰ does not correspond to one of the limited number cooperatives and worksites underlying the crimes of enslavement and other inhuman act through attacks against human dignity for which the Accused are indicted.

¹⁴⁸⁵ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

¹⁴⁸⁶ Appeal PTC 110, para. 86; Report on Civil Party Application D22/3728/1.

¹⁴⁸⁷ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

¹⁴⁸⁸ Appeal PTC 110, para. 87; Report on Civil Party Application D22/3729/1; Additional information D426/3/1.29.

¹⁴⁸⁹ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

¹⁴⁹⁰ Appeal PTC 110, para. 88; Report on Civil Party Application D22/2567/1; Additional information D426/8/1.12.

Civil party applications inadmissible in the view of Judge M...



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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 10-VU-00158 (D22/2569).¹⁴⁹¹ Kampong Roling Village, Kaoh Roka Sub-District, Kampong Siem District, Kampong Cham Province where the Applicant's parents were forced to work under inhuman conditions and where the Applicant's father died of illness and the Applicant's mother died after giving birth¹⁴⁹² does not correspond to one of the limited number cooperatives and worksites underlying the crimes of enslavement and other inhuman act through attacks against human dignity for which the Accused are indicted. Similarly, Cheung Prey District, in Kampong Cham Province where the Applicant's uncle and his family were killed does not correspond to a location retained in the Indictment underlying the crimes of other inhumane acts through enforced disappearances, murder or execution for which the Accused are indicted.

Civil Party Applicant 10-VU-00160 (D22/3730).¹⁴⁹³ There is insufficient information about the location where the Applicant's brothers were killed¹⁴⁹⁴ to consider it plausible that it occurred at one of the locations retained in the Indictment underlying the crimes of other inhumane acts through enforced disappearances, murder or execution for which the Accused are indicted.

Civil Party Applicant 10-VU-00161 (D22/2571).¹⁴⁹⁵ Kaoh Roka Village, Kaoh Roka Sub-District, Kampong Siem District, Kampong Cham Province where the Applicant was forced to work under inhuman conditions¹⁴⁹⁶ does not correspond to one of the limited number cooperatives and worksites underlying the crimes of enslavement and other inhuman act through attacks against human dignity for which the Accused are indicted. Similarly, Memuth District, Kampong Cham Province, where the son of the Applicant's cousin was executed, and Seiong District, Kampong Cham Province, where the Applicant's three cousins were

¹⁴⁹¹ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

¹⁴⁹² Appeal PTC 110, para. 89; Report on Civil Party Application D22/2569/1.

¹⁴⁹³ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

¹⁴⁹⁴ Appeal PTC 110, para. 90; Report on Civil Party Application D22/3730/1.

¹⁴⁹⁵ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

¹⁴⁹⁶ Appeal PTC 110, para. 91; Report on Civil Party Application D22/2571/1.



002/19-09-2007-ECCC/OCJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

executed,¹⁴⁹⁷ do not correspond to a location retained in the Indictment underlying the crimes of other inhumane acts through enforced disappearances, murder or execution for which the Accused are indicted.

Civil Party Applicant 10-VU-00162 (D22/2572).¹⁴⁹⁸ Trapeang Chrey Village, Krala Sub-District, Kampong Siem District, Kampong Cham Province and Bos Khnaor Village, Chham Naom Sub-District, Chamkar Leu District, Kampong Cham Province where the Applicant was forced to work under inhumane conditions¹⁴⁹⁹ do not correspond to one of the limited number cooperatives and worksites underlying the crimes of enslavement and other inhuman act through attacks against human dignity for which the Accused are indicted. Similarly, Phnom Bros Phnom Srei area, probably located in Krala Sub-District, Kampong Siem District, Kampong Cham Province where the Applicant's brother was executed does not correspond to one of a location retained in the Indictment underlying the crimes of other inhumane acts through enforced disappearances, murder or execution for which the Accused are indicted.

Civil Party Applicant 10-VU-00163 (D22/2573).¹⁵⁰⁰ Ta Man Dam, in Krakor Village, Kampong Siem District, Kampong Cham Province where the Applicant was forced to work under inhuman conditions¹⁵⁰¹ does not correspond to one of the limited number cooperatives and worksites underlying the crimes of enslavement and other inhuman act through attacks against human dignity for which the Accused are indicted. Furthermore, there is insufficient information about the circumstances surrounding the disappearance of the Applicant's cousins to consider it plausible that it occurred at one of the locations retained in the Indictment underlying the crimes of other inhumane acts through enforced disappearances, murder or execution for which the Accused are indicted.

¹⁴⁹⁷ Additional information D426/3/1.21.

¹⁴⁹⁸ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

¹⁴⁹⁹ Appeal PTC 110, para. 92; Report on Civil Party Application D22/2572/1.

¹⁵⁰⁰ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

¹⁵⁰¹ Appeal PTC 110, para. 93; Report on Civil Party Application D22/2573/1.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 10-VU-00164 (D22/2574).¹⁵⁰² Bos Khnaor Sub-District, Chamkar Leu District, Kampong Cham Province where the Applicant was forced to work under inhuman conditions¹⁵⁰³ does not correspond to one of the limited number of cooperatives or worksites underlying the crimes of enslavement and other inhuman act through attacks against human dignity for which the Accused are indicted.

Civil Party Applicant 10-VU-00165 (D22/3731).¹⁵⁰⁴ Trapean Thma Village, Krala Sub-District, Kampong Siem District, Kampong Cham Province where the Applicant's younger brother and father were executed¹⁵⁰⁵ does not correspond to one of the locations retained in the Indictment underlying the crimes of other inhumane acts through enforced disappearances, murder or execution for which the Accused are indicted. The death of the Applicant's husband, in 1983, is outside the temporal jurisdiction of the ECCC.

Civil Party Applicant 10-VU-00166 (D22/2575).¹⁵⁰⁶ Chhmè Village, said to be located in Prey Chhor District, Kampong Cham Province, where the Applicant was forced to work under inhuman conditions¹⁵⁰⁷ does not correspond to one of the limited number cooperatives and worksites underlying the crimes of enslavement and other inhuman act through attacks against human dignity for which the Accused are indicted.

Civil Party Applicant 10-VU-00167 (D22/2576).¹⁵⁰⁸ There is insufficient information about the circumstances surrounding the death of the Applicant's mother, by way of lethal injection from a Khmer Rouge medic,¹⁵⁰⁹ to find it plausible that it occurred at one of the limited number of security centers retained in the Indictment underlying the crimes of extermination, murder or

¹⁵⁰² Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

¹⁵⁰³ Appeal PTC 110, para. 94; Report on Civil Party Application D22/2574/1.

¹⁵⁰⁴ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

¹⁵⁰⁵ Appeal PTC 110, para. 95; Report on Civil Party Application D22/3731/1.

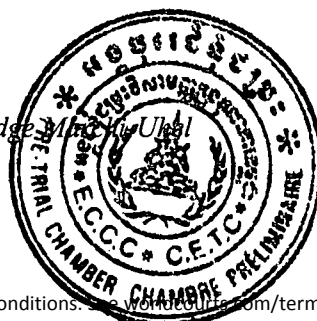
¹⁵⁰⁶ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

¹⁵⁰⁷ Appeal PTC 110, para. 96; Report on Civil Party Application D22/2575/1.

¹⁵⁰⁸ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

¹⁵⁰⁹ Appeal PTC 110, para. 97.

Civil party applications inadmissible in the view of Judge



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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

other inhumane acts through attacks against human dignity for which the Accused are indicted. Similarly, there is insufficient information about the circumstances surrounding the disappearance of the Applicant's cousin, a former Lon Nol soldier, to consider it plausible that it occurred at one of the locations retained in the Indictment underlying the crimes of other inhumane acts through enforced disappearances, murder or execution for which the Accused are indicted.

Civil Party Applicant 10-VU-00168 (D22/3732).¹⁵¹⁰ The various locations where the Applicant was forced to work under inhuman conditions, in Kampong Siem and Prey Chhor Districts, Kampong Cham Province¹⁵¹¹ do not correspond to one of the limited number cooperatives and worksites underlying the crimes of enslavement and other inhuman act through attacks against human dignity for which the Accused are indicted.

Civil Party Applicant 10-VU-00172 (D22/3735).¹⁵¹² Kaoh Ta Ngao Village, Kaoh Ta Ngao Sub-District, Kang Meas District, Kampong Cham Province where the Applicant was forced to work and where her son was made blind from one eye after having asked for food¹⁵¹³ does not correspond to one of the limited number cooperatives and worksites underlying the crimes of enslavement and other inhuman act through attacks against human dignity for which the Accused are indicted.

Civil Party Applicant 10-VU-00174 (D22/2579).¹⁵¹⁴ The children's unit in Krasang Pul Village, Mien Sub-District, Prey Chhor District, Kampong Cham Province where the Applicant's was mistreated and provided insufficient food¹⁵¹⁵ does not correspond to one of the

¹⁵¹⁰ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

¹⁵¹¹ Appeal PTC 110, para. 98; Report on Civil Party Application D22/3732/1; Additional information D426/3/1.27.

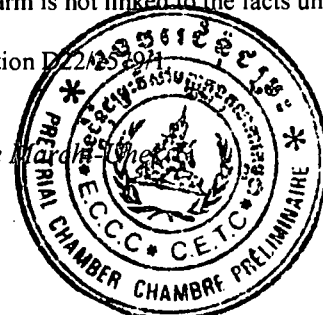
¹⁵¹² Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

¹⁵¹³ Appeal PTC 110, para. 99; Report on Civil Party Application D22/3735/1.

¹⁵¹⁴ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

¹⁵¹⁵ Appeal PTC 110, para. 100; Report on Civil Party Application D22/2579/1.

Civil party applications inadmissible in the view of Judge M...



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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

limited number cooperatives and worksites underlying the crimes of other inhuman act through attacks against human dignity for which the Accused are indicted.

Civil Party Applicant 10-VU-00175 (D22/2580).¹⁵¹⁶ There is insufficient information about the circumstances surrounding the disappearance of the Applicant's uncles¹⁵¹⁷ to consider it plausible that it occurred at one of the locations retained in the Indictment underlying the crimes of other inhumane acts through enforced disappearances, murder or execution for which the Accused are indicted.

Civil Party Applicant 10-VU-00177 (D22/3736).¹⁵¹⁸ Prey Phdau Village, Vihear Thum Sub-District, Kampong Siem District, Kampong Cham Province where the Applicant's was forced to work under inhumane conditions¹⁵¹⁹ does not correspond to one of the limited number cooperatives and worksites underlying the crimes of other inhuman act through attacks against human dignity for which the Accused are indicted. There is insufficient information about the circumstances surrounding the killing in 1977 of the Applicant's cousins, who use to live in Phnom Penh, to consider it plausible that it occurred at one of the limited number of security centers or execution sites retained in the Indictment underlying the crimes of other inhumane acts through enforced disappearances, murder or execution for which the Accused are indicted.

Civil Party Applicant 10-VU-00178 (D22/2582).¹⁵²⁰ Preaek Ouv Chueng Village, Preaek Rumeng Sub-District, Srei Santhor District, Kampong Cham Province where the Applicant's was forced to work under inhumane conditions¹⁵²¹ does not correspond to one of the limited number cooperatives and worksites underlying the crimes of other inhuman act through attacks against human dignity for which the Accused are indicted. There is insufficient information

¹⁵¹⁶ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

¹⁵¹⁷ Appeal PTC 110, para. 101; Report on Civil Party Application D22/2580/1.

¹⁵¹⁸ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

¹⁵¹⁹ Appeal PTC 110, para. 102; Report on Civil Party Application 22/3736/1.

¹⁵²⁰ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

¹⁵²¹ Appeal PTC 110, para. 103; Report on Civil Party Application D22/2582/1; Additional information D426/3/1.28.

Civil party applications inadmissible in the view of



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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

about the circumstances surrounding the disappearance of the Applicant's father, a former teacher, to consider it plausible that it occurred at one of the locations retained in the Indictment underlying the crimes of other inhumane acts through enforced disappearances, murder or execution for which the Accused are indicted.

Civil Party Applicant 10-VU-00179 (D22/2583).¹⁵²² There is insufficient information about the circumstances surrounding the disappearance of the Applicant's uncle, a former soldier under Lon Nol,¹⁵²³ to consider it plausible that it occurred at one of the locations retained in the Indictment underlying the crimes of other inhumane acts through enforced disappearances, murder or execution for which the Accused are indicted.

Civil Party Applicant 10-VU-00350 (D22/3775).¹⁵²⁴ Kokor Village in Kokor Sub-District and Prek Chik Dam in Preaek Chik Village, Kaoh Roka Sub-District, both in Kampong Siem District, Kampong Cham Province where the Applicant was forced to work under inhumane conditions¹⁵²⁵ do not correspond to one of the limited number cooperatives and worksites underlying the crimes of other inhuman act through attacks against human dignity for which the Accused are indicted.

Civil Party Applicant 10-VU-03673 (D22/3338).¹⁵²⁶ The Co-Lawyers argue that the Applicant should be admitted on the basis *inter alia* of the fact that her name appeared on a list of persons to be killed.¹⁵²⁷ These material facts are not among those underlying the crimes for which the Accused are indicted. Furthermore, Kampong Cham town, in Kampong Cham Province, from where the Applicant's husband, a former Lon Nol soldier, was called to be reeducated and

¹⁵²² Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

¹⁵²³ Appeal PTC 110, para. 104; Report on Civil Party Application D/22/2583/1; Additional information D426/3/1.32 and D426/3/1.8.

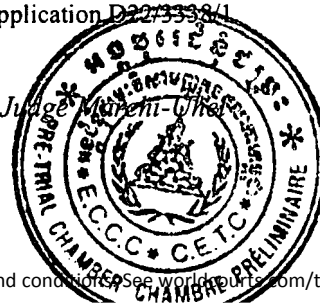
¹⁵²⁴ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

¹⁵²⁵ Appeal PTC 110, para. 104; Report on Civil Party Application D22/3775/1; Additional information D426/3/1.28.

¹⁵²⁶ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

¹⁵²⁷ Appeal PTC 110, para. 108; Report on Civil Party Application D22/3338/1

Civil party applications inadmissible in the view of Judge



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

disappeared, does not correspond to one of the locations retained in the Indictment underlying the crimes of other inhumane acts through enforced disappearances or murder for which the Accused are indicted. Finally, the fact that the Applicant saw 10 Cham families walking in the night and never saw them again, without any additional information, is insufficient to consider it plausible that she has suffered a direct personal psychological harm as a consequence of one of the crime for which the Accused are indicted.

Civil Party Applicant 09-VU-03701 (D22/3366).¹⁵²⁸ Trapeang Tras Village, Krala Sub-District, Kampong Siem District, Kampong Cham Province where the Applicant was forced to work under inhumane conditions¹⁵²⁹ does not correspond to one of the limited number cooperatives and worksites underlying the crimes of other inhuman act through attacks against human dignity for which the Accused are indicted. Furthermore, Krala Sub-District, Kampong Siem District, Kampong Cham Province, where the Applicant believes her husband was killed¹⁵³⁰ does not correspond to any of the locations retained in the Indictment underlying the crimes of other inhumane acts through enforced disappearances, or murder for which the Accused are indicted.

Civil Party Applicant 09-VU-03702 (D22/3367).¹⁵³¹ Tropoang Chrey Village, Krala Sub-District, Kampong Siem District, Kampong Cham Province where the Applicant was forced to work under inhuman conditions¹⁵³² does not correspond to one of the limited number cooperatives and worksites underlying the crimes of other inhuman act through attacks against human dignity for which the Accused are indicted. Contrary to what the Co-Lawyers state, the Applicant was not transferred during the period falling with the temporal jurisdiction of the Court.¹⁵³³ There is insufficient information about the circumstances surrounding the disappearance of two of the Applicant's siblings named Kan and Ken to consider it plausible

¹⁵²⁸ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

¹⁵²⁹ Appeal PTC 110, para. 110; Report on Civil Party Application D22/3366/1.

¹⁵³⁰ Appeal PTC 110, para. 110; Summary of supplementary information D22/3366 a and b.

¹⁵³¹ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

¹⁵³² Appeal PTC 110, para. 111; Report on Civil Party Application D22/3367/1.

¹⁵³³ Summary of supplementary information D22/3367 a and b.

Civil party applications inadmissible in the view of Judge Marc



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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

that it occurred at one of the locations retained in the Indictment underlying the crimes of other inhumane acts through enforced disappearance or murder for which the Accused are indicted.

Civil Party Applicant 10-VU-03706 (D22/3370).¹⁵³⁴ The forced transfer of the Applicant and her family from Kampong Cham to Kratie Province¹⁵³⁵ does not form part of one of the three movements of population for which the Accused are indicted. The fact that the Applicant saw three monks being expelled from a pagoda and the transformation of the pagoda into a hospital, without any additional information, is insufficient to find it plausible that the Applicant suffered a psychological as a result of the persecutions of Buddhists. Pongro Village, Pongro Sub-District, Chhloung District, Kratie Province where the Applicant's father was executed does not correspond to one of the locations retained in the Indictment underlying the crimes of other inhumane acts through enforced disappearances or murder for which the Accused are indicted. Similarly, Khsat Village, Ta Mau Sub-District, Preaek Prasab District, Kratie Province where the Applicant was beaten does not correspond to any of the location or event underlying the crimes of other inhuman act through attacks against human dignity for which the Accused are indicted.

Civil Party Applicant 09-VU-03726 (D22/3381).¹⁵³⁶ Andoung Pou Village, Krala Sub-District, Kampong Siem District, Kampong Cham Province where the Applicant was forced to work¹⁵³⁷ does not correspond to one of the limited number cooperatives and worksites underlying the crimes of other inhuman act through attacks against human dignity for which the Accused are indicted. Similarly, Phnom Srey-Phnom Bros where the Applicant's husband and other relatives were executed does not correspond to one of the locations retained in the Indictment underlying the crimes of other inhumane acts through enforced disappearances or murder for which the Accused are indicted. The fact that the Applicant witnessed the forced marriage of 50 couples, without any additional information on the effect it had on the Applicant, is

¹⁵³⁴ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

¹⁵³⁵ Appeal PTC 110, para. 112; Report on Civil Party Application D22/3370/1.

¹⁵³⁶ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

¹⁵³⁷ Appeal PTC 110, para. 113; Report on Civil Party Application D22/3381/1.

Civil party applications inadmissible in the view of Judge Marchi-Libe



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002/19-09-2007-ECCC/OCU (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

insufficient to find it plausible that the Applicant suffered a psychological as a result of the crime of other inhumane act through forced marriage for which the Accused are indicted.

Civil Party Applicant 09-VU-03731 (D22/3385).¹⁵³⁸ O Trakuon Office, in Kang Meas District, Kampong Cham Province where the Applicant's sister was executed¹⁵³⁹ is not among the limited number of security centers or execution sites retained in the Indictment underlying the crimes of other inhumane acts through enforced disappearances, or murder for which the Accused are indicted. There is insufficient information about the circumstances surrounding the killing of the Applicant's husband, who was Accused of being a Lon Nol soldier, to consider it plausible that it occurred at one of these security centers or execution sites. There is nothing in the application to support the statement made by the Co-Lawyers in relation to the fact that the Applicant would have been listed on the list of the Cham rebels to be executed.

Civil Party Applicant 10-VU-00120 (D22/3715).¹⁵⁴⁰ Andoung Svay Village, Vihear Thum Sub-District, Kampong Siem District, Kampong Cham Province where the Applicant's children and brother were arrested and then disappeared¹⁵⁴¹ does not correspond to one of the locations retained in the Indictment underlying the crimes of other inhumane acts through enforced disappearances or murder for which the Accused are indicted. Similarly, the forest near Andoung Savy Village where the Applicant was detained and interrogated does not correspond to any of the security center retained in the Indictment underlying the crimes of imprisonment for which the Accused are indicted. The fact that the Applicant witnessed the Khmer Rouge ordering a mobile unit to destroy pagodas and Buddha statues in Wat Vihear Thum, in Vihear Thum Village, Vihear Thum Sub-District, Kampong Siem District, Kampong Cham Province, as well as the destruction of Wat Kdei Boeng and Wat Andoung Svay, without any additional information, is insufficient to find it plausible that the Applicant suffered a psychological as a result of the persecutions of Buddhists.

¹⁵³⁸ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

¹⁵³⁹ Appeal PTC 110, para. 114; Report on Civil Party Application D22/3385/1.

¹⁵⁴⁰ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

¹⁵⁴¹ Appeal PTC 110, para. 115; Report on Civil Party Application D22/3715/1.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Appeal PTC 111¹⁵⁴²

Civil party application 08-VU-01341 (D22/1635).¹⁵⁴³ The Co-lawyers argument that the Applicant was terrorized by the fact that his relatives were taken without reason by the Khmer Rouge does not establish that the Co-Investigating Judges erred in concluding that there was insufficient information to admit the application. Indeed, the information reported by the Applicant according to which in 1978 her older sibling was killed by Pol Pot cadres in Stueng Trang District, Kampong Cham Province, does not allow me to conclude that this killing forms part of those for which the Accused are indicted. In particular it is not alleged that it occurred at one of the limited number of sites listed in the Indictment, underlying the crime of murder and extermination for which the Accused are indicted.

Civil Party Applicant 09-VU-03614 (D22/3806).¹⁵⁴⁴ It is not alleged that the locations where the Applicant and members of his family were forced to work under inhumane conditions are among the six worksites and cooperatives listed in the Indictment, underlying the crimes of enslavement and other inhumane acts for which the Accused are indicted.

Civil Party Applicant 08-VU-01915 (D22/0948).¹⁵⁴⁵ I note that the Applicant reported having witnessed forced marriages during the Khmer Rouge regime, including those of approximately 30 couples which were celebrated without regard for the traditions.¹⁵⁴⁶ I am of the view that their gravity notwithstanding, the facts in question are not so exceedingly violent as to establish the presumption that the Applicant suffered psychological injury as a result thereof; in fact, she does not allege any such injury in the supplementary information she provided. In

¹⁵⁴² *Requête d'appel d'ordonnance sur la recevabilité des constitutions de parties civiles résidant dans la Province de Kampong Cham*, 27 September 2010, D426/4/1. A corrected version of the Appeal was filed on 29 November 2010 ("Appeal PTC 111").

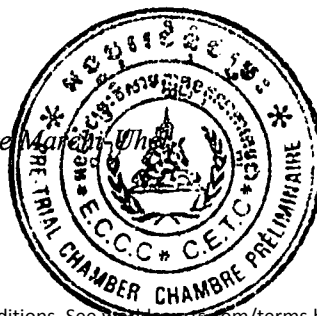
¹⁵⁴³ Application declared inadmissible on the ground that it did not provide sufficient information to verify compliance of their application with Rule 23bis (1) and (4) of the Internal Rules in relation to the alleged crimes (Impugned Order D426, para. 27 and Annex 3).

¹⁵⁴⁴ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 26 and Annex 3).

¹⁵⁴⁵ Application declared inadmissible on the ground that it did not provide sufficient information to verify compliance of their application with Rule 23bis (1) and (4) of the Internal Rules in relation to the alleged crimes (Impugned Order D426, para. 27 and Annex 3).

¹⁵⁴⁶ Report on Civil Party Application D22/948/1.

Civil party applications inadmissible in the view of Judge Marchetti-Whitely



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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

the absence of such a presumption, it was for the Co-Lawyers to adduce evidence of the injury, but they failed to do so.

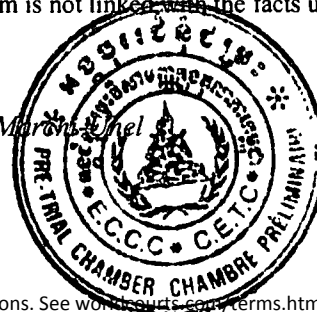
Civil Party Applicant 08-VU-01358 (D22/2641). The Co-Lawyers stress that the application was declared inadmissible solely on the ground that the Applicant did not provide sufficient information concerning the crime of forced marriage whereas the Applicant did not report any such facts in the complaint or in the supplementary information. I am of the view that the error is well established. I note however that the facts of forced transfer and forced labour as reported by the Applicant do not form part of the crimes for which the Accused are indicted and that it is not plausible to consider that such is the case concerning the murder of his brother and his brother's wife, in the absence of any details about the circumstances of those murders. In this circumstance, I do not concur with the Co-Lawyers that the application can be declared admissible.

Civil Party Applicant 09-VU-04318 (D22/2487).¹⁵⁴⁷ The Co-Lawyers argue that the application is admissible on the basis that as fervent Buddhist the Applicant was victims and witness of the abolition of Buddhism. I note that application was declared inadmissible *inter alia* because the Applicant failed to demonstrate proof of any kinship with the immediate victim in relation to the treatment of Buddhists, and the necessary causal link between the other alleged injury and the facts under investigation was not established. In his supplementary information, the Applicant refers to the monk from Wat Prey Bas with no further details, and refers to the order to destroy statues of Buddha and temples, and turning the temples into rice stores, and the order to defrock monks. However, he does not specifically complain about not being able to practice Buddhism, not does he even state that he is Buddhist.

Civil Party Applicant 09-VU-02505 (D22/3133).¹⁵⁴⁸ The Co-Lawyers argue that the application is admissible on the basis that as fervent Buddhist the Applicant was victims and

¹⁵⁴⁷ Application declared inadmissible on the ground that the harm is not linked with the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

¹⁵⁴⁸ Application declared inadmissible on the ground that the harm is not linked with the facts under investigation (Impugned Order D426, para. 25 and Annex 3).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

witness of the abolition of Buddhism. I note that the Applicant indeed refers to the prohibition of Buddhism, but does not specifically allege having suffered from that prohibition.

Civil Party Applicant 08-VU-00655 (D22/1709).¹⁵⁴⁹ The Applicant reported that the daughter of his/her cousin was raped. The Co-Lawyers submit that the Co-Investigating Judges were seized in the Introductory Submission and Supplementary Submissions of the facts of “non-consensual sexual relations” and that, while the Indictment considers that “rape was one of the crimes used by the CPK leaders to implement the common purpose”, it considers at paragraph 1426 that “it is clearly established that under the Democratic Kampuchea regime crimes against humanity of rape were committed in diverse circumstances, notably in the security centres of Kraing Ta Chan, the North Zone security centre, Prey Damrei Srot, S-21, and Sang, as well as at the Tram Kok Cooperatives”. According to the Co-Lawyers, by using the term “notably”, the Co-Investigating Judges admit that rape was committed *not only* in security centres and cooperatives, *but also* elsewhere in the territory of Democratic Kampuchea. I note that for the reasons exposed at paragraph 1428 of the Indictment, the Co-Investigating Judges considered that (1) the official CPK policy regarding rape was to prevent its occurrence and to punish the perpetrators, and (2) despite the fact that this policy did not manage to prevent rape, it cannot be considered that rape was one of the crimes used by the CPK leaders to implement the common purpose.¹⁵⁵⁰ The Co-Investigating Judges considered however the same policy did not apply to forced marriages. They concluded that the crime of rape in the context of forced marriage was among the crimes used by the CPK leaders to implement the common purpose.¹⁵⁵¹ Because instances of rape for which the Accused are indicted are limited to those alleged to have taken place in the context of forced marriage, which is not the case of the rape reported by the Applicant, the application cannot be admitted on that basis.

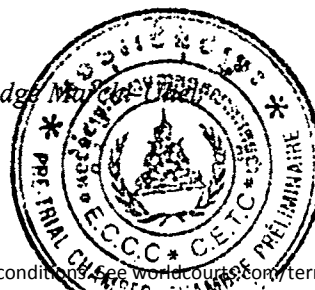
Civil Party Applicant 08-VU-01200 (D22/1431).¹⁵⁵² It is not alleged that the rape of which the Applicant’s sister was a victim occurred in the context of a forced marriage. Since the only

¹⁵⁴⁹ Application declared inadmissible on the ground that the harm is not linked with the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

¹⁵⁵⁰ Indictment, para. 1429.

¹⁵⁵¹ Indictment, para. 1432.

¹⁵⁵² Application declared inadmissible on the ground that the harm is not linked with the facts under investigation (Impugned Order D426, para. 25 and Annex 3).



002/19-09-2007-ECCC/OCU (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

instances of rape for which the Accused are indicted are limited to those alleged to have taken place in the context of forced marriage, the application cannot be admitted on that basis.

Civil Party Applicant 09-VU-04331 (D22/2489).¹⁵⁵³ The Co-lawyers argue that the facts of forced marriage witnessed by the Applicant were of such were of such exceedingly violent and shocking that they caused the Applicant mental distress. They further argue that the Applicant reported that he was shocked by the brutality exhibited by the Khmer Rouge cadres when performing mass forced marriages. An assertion by the Co-Lawyers that the Applicant suffered psychological harm as a result of witnessing forced marriages does not suffice to establish *prima facie* that this was so. The mere mention by the Applicant that during the regime 20 or 30 couples from the 'base people' with whom he lived were forced to get married does not in itself make it plausible that the Applicant suffered psychological harm as a result of the forced marriage of these couples.

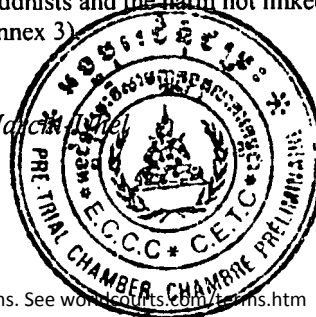
Civil Party Applicant and 09-VU-04333 (D22/2491).¹⁵⁵⁴ The mere reporting by the Applicant the Chief of a Sub-District forced 50 couples to marry at Chramtieng Village does not in itself establish that the Applicant suffered psychological harm as a result of these instances of forced marriage.

Civil Party 09-VU-04164 (D22/3569).¹⁵⁵⁵ The Co-Lawyers the Co-Lawyers submit that the Applicant witnessed the mass arrival of evacuees from Kampong Cham and Phnom Penh to the Village where she had been transferred, and that by missing the vehicle bound for Battambang Province from Kampong Cham, she managed to escape the forcible transfer, but was subsequently a victim thereof when she was transferred from to Tboung Khnum District in 1977. According to the Co-Lawyers, this implies that she would have been a victim of forced transfer during Phase 2, and that she suffered simply by imagining what could have happened

¹⁵⁵³ Application declared inadmissible on the ground that it did not demonstrate proof of any kinship with the immediate victim of forced marriage (Impugned Order D426 and Annex 3).

¹⁵⁵⁴ Application declared inadmissible on the ground that it did not demonstrate proof of any kinship with the immediate victim of forced marriage (Impugned Order D426, para. 25 and Annex 3).

¹⁵⁵⁵ Application declared inadmissible on the ground that there is no proof of any kinship with the immediate victim of the forced transfers (Phase 1) and of the treatment of Buddhists and the harm not linked to any other crime under investigation (Impugned Order D426, para. 25 and Annex 3).



002/19-09-2007-ECCC/OCJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

to her. I am of the view that those arguments fail to substantiate the error alleged by the Co-Lawyers.

Civil Party Applicants (08-VU-00637 (D22/1629),¹⁵⁵⁶ 09-VU-00765 (D22/1544),¹⁵⁵⁷ 09-VU-00820 (D22/1453),¹⁵⁵⁸ 09-VU-00825 (D22/1483),¹⁵⁵⁹ 09-VU-00826 (D22/1647),¹⁵⁶⁰ 09-VU-00828 (D22/0547),¹⁵⁶¹ 09-VU-03613 (D22/3305),¹⁵⁶² 09-VU-00315 (D22/1472)¹⁵⁶³ and 09-VU-00821 (D22/1452).¹⁵⁶⁴ The Co-Lawyers submit that the purges of party members and non-members members took place notably in the North and East Zones, and intensified beginning in 1977 and that the applicants reported people being sent for re-education and disappearances of Village, District and unit chiefs in the North and East Zones, including some of their family members. According to the Co-Lawyers, the injury resulting from the reported facts does not necessarily relate to kinship if the facts in question were so exceedingly violent that they caused the Applicants mental distress. They add that the Co-Investigating Judges omitted to take account of the climate of terror which prevailed during the purges and that even though their clients were not party members, they were well aware that Khmer Rouge cadres themselves could be executed for internal reasons, this implies *a fortiori* a more hard-line stance for the civilian population whose members could be Accused of treason arbitrarily and smashed as a result. These general arguments do not tend to demonstrate, in view of the individual circumstances of the Applicants, the link between the injury reported by each of

¹⁵⁵⁶ Application declared inadmissible on the ground that the harm is not linked to the crime under investigation (Impugned Order D426, para. 26 and Annex 3).

¹⁵⁵⁷ Application declared inadmissible on the ground that the harm is not linked to the crime under investigation (Impugned Order D426, para. 26 and Annex 3).

¹⁵⁵⁸ Application declared inadmissible on the ground that the harm is not linked to the crime under investigation (Impugned Order D426, para. 26 and Annex 3).

¹⁵⁵⁹ Application declared inadmissible on the ground that the harm is not linked to the crime under investigation (Impugned Order D426, para. 26 and Annex 3).

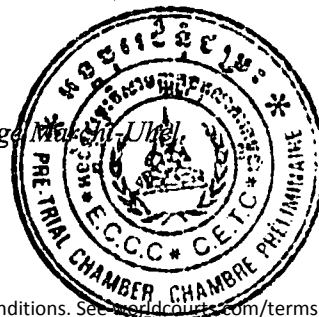
¹⁵⁶⁰ Application declared inadmissible on the ground that the harm is not linked to the crime under investigation (Impugned Order D426, para. 26 and Annex 3).

¹⁵⁶¹ Application declared inadmissible on the ground that the harm is not linked to the crime under investigation (Impugned Order D426, para. 26 and Annex 3).

¹⁵⁶² Application declared inadmissible on the ground that the harm is not linked to the crime under investigation (Impugned Order D426, para. 26 and Annex 3).

¹⁵⁶³ Application declared inadmissible on the ground that they were not able to sufficiently substantiate a bond of affection with the immediate victim of the purges in the East Zone, and that the necessary causal link between the other alleged harm and the facts under investigation was not established (Impugned Order D426, para. 26 and Annex 3).

¹⁵⁶⁴ Purges, Annex 3.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

them and the purges they reported. It fails to substantiate the alleged error. The only specific reference to the reported circumstances concerns Applicant 08-VU-00637 (D22/1629), regarding whom the Co-Lawyers submit that he reported that bloodstained clothes of persons who were sent for re-education and later executed were subsequently distributed. I note that the application reveals that 10 days after the evacuation to Sector 42 of people from the Applicant's Village in late 1977, the Village office received four of five large packages of clothing; when the Applicant was invited by the Village chief to help himself to the pile of clothes, he found "dried tamarind and other fruits" in some pockets. This indicates that those clothes belonged to evacuees, and that those evacuees had been killed. I have found nothing in this segment of the application which substantiates the alleged error.

Civil Party Applicants 07-VU-0017 (D22/1276), 07-VU-0024 (D22/1274), 07-VU-0025 (D22/1283), 07-VU-0026 (D22/1282), 08-VU-00728 (D22/0738), 08-VU-00742 (D22/0988), 08-VU-01238 (D22/1402), 08-VU-01240 (D22/1407), 08-VU-01250 (D22/0970), 08-VU-01320 (D22/1636), 08-VU-01327 (D22/0913), 08-VU-01349 (D22/0916), 08-VU-01906 (D22/2653), 08-VU-01907 (D22/0182), 08-VU-01908 (D22/0183), 08-VU-01910 (D22/1060), 08-VU-01911 (D22/1061), 08-VU-01913 (D22/0947), 08-VU-01916 (D22/0949), 09-VU-02504 (D22/2280), 09-VU-02508 (D22/2282), 09-VU-02512 (D22/2284), 09-VU-03409 (D22/2404), 09-VU-03410 (D22/2405), 09-VU-03414 (D22/2409), 09-VU-03416 (D22/2411), 09-VU-03417 (D22/2412), 09-VU-03585 (D22/3279), 09-VU-03588 (D22/3282), 09-VU-03602 (D22/3295), 09-VU-04156 (D22/3561), 10-VU-00420 (D22/2590) and 10-VU-00421 (D22/2591).¹⁵⁶⁵ Rule 23bis (1) provides, *inter alia*, that the Civil Party Applicant must demonstrate that he or she has suffered injury as a direct of consequence of at least one of the crimes alleged against the Charged Person. Furthermore, Rule 23bis (4) states, *inter alia*, that Civil party applications must specify the alleged crime. The wording of paragraphs 22 to 24 of the Impugned Order reveals that this ground of dismissal does not concern the failure by the Civil Party Applicants in question to demonstrate *prima facie* proof the existence of the injury they allege, contrary to what seems to be the Co-Lawyers' interpretation, in that they argue

¹⁵⁶⁵ Applications declared inadmissible on the ground that they did not provide sufficient to verify compliance with Rule 23bis (1) and (4) of the Internal Rules in relation to the alleged crimes (Impugned Order D426, para. 27 and Annex 3).

Civil party applications inadmissible in the view of Judge



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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

“[TRANSLATION] to consider that the elements reported by the Applicants do not sufficiently demonstrate the terror” amounts to infringing the right of civil parties to fair proceedings. In the Impugned Order D426, the Co-Investigating Judges invoke the failure to demonstrate proof of injury only in regard to 17 Applicants, who did not demonstrate proof of kinship with the direct victim, and six Applicants who did not demonstrate proof of bonds of affection or dependency with the immediate victim. With the exception of two, none of the above-mentioned Civil Party Applicants is concerned by this ground for dismissal. I understand that the reason for refusing the application is the failure to provide sufficient information concerning the alleged crimes to demonstrate *prima facie* proof of a link between the alleged injury and the crimes under investigation.

The Co-Lawyers submit that if the Co-Investigating Judges had interviewed the Civil Party Applicants, they would have realised that they had knowledge of the facts under investigation and that such knowledge was the root cause of their feeling of terror, which in turn was the root cause of their mental distress. For the reasons exposed in my separate and partially dissenting opinion, the fact that an Applicant was not interviewed by the Co-Investigating Judges does not exempt him or her from satisfying the admissibility requirements set out in the above Rules. In this instance, with respect to these Civil Party Applicants, the Co-Lawyers cannot successfully have the Impugned Order overturned unless they establish for each of them that the information provided appeared in their application, supplementary information or supporting documents to the appeal, establishing *prima facie* that the alleged injury is a consequence of the crimes under investigation. The Co-Lawyers aver that the terror wormed its way into every nook and cranny, in every square inch of the territory, and that it emerged in every security centre and every execution site “[TRANSLATION] such the ones under investigation, and then cast its waves throughout the territory before touching each of the victims”, including the Applicants. Whether true or not, such a broad assertion does not satisfy the requirement set out above. Similarly, while they recall some of the crimes reported by each of the Civil Party Applicants, the Co-Lawyers fail to establish that the facts in question form part of the crimes under investigation.



Civil party applications inadmissible in the view of Judge Marc A. Trepo

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002/19-09-2007-ECCC/OCJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 08-VU-01354 (D22/0975).¹⁵⁶⁶ The Co-Lawyers submit that, as fervent Buddhist, the Applicant was victim and witness of the abolition of Buddhism. I note however that while the Applicant reported the prohibition of prayer, she specified that she is Khmer and is not Buddhist or Muslim, and thus does not allege any personal injury as a result of the prohibition of prayer.

Civil Party Applicants 09-VU-00828 (D22/0547), 09-VU-02491 (D22/2267), 09-VU-02492 (D22/2268), 09-VU-02506 (D22/3134), 09-VU-02507 (D22/2281), 09-VU-02509 (D22/2283), 09-VU-02510 (D22/3135), 09-VU-02511 (D22/3136), 09-VU-03403 (D22/2399), 09-VU-03408 (D22/2403),¹⁵⁶⁷ 09-VU-03413 (D22/2408), 09-VU-03580 (D22/3274), 09-VU-03582 (D22/3276), 09-VU-03583 (D22/3277), 09-VU-03586 (D22/3280), 09VU-03587 (D22/3281), 09-VU-03597 (D22/3290), 09-VU-03600 (D22/3293), 09-VU-03601 (D22/3294), 09-VU-03606 (D22/3298), 09-VU-03608 (D22/3300), 09-VU-03609 (D22/3301), 09-VU-03609 (D22/3301), 09-VU-03610 (D22/3302), 09-VU-03612 (D22/3304), 09-VU-03613 (D22/3305), 09-VU-03614 (D22/3306), 09-VU-03615 (D22/3307), 09-VU-04161 (D22/3566), 09-VU-04167 (D22/3572), 09-VU-04168 (D22/3573), 09-VU-04330 (D22/2488), 10-VU-00385 (D22/3807), 10-VU-00386 (D22/3808), 10-VU-00387 (D22/3809), 10-VU-00418 (D22/2588), 10-VU-00419 (D22/2589), 10-VU-00422 (D22/2592), 07-VU-00002 (D22/1271), 08-VU-00008 (D22/1300), 08-VU-00195 (D22/1293), 08-VU-00637 (D22/1629), 08-VU-01903 (D22/0180), 08-VU-01363 (D22/0976), 09-VU-00765 (D22/1544), 09-VU-00820 (D22/1453), 09-VU-00825 (D22/1483), 09-VU-00826 (D22/1647), 10-VU-00966 (D22/3965), 10-VU-00970 (D22/3969), 08-VU-00009 (D22/1016) and 09-VU-02499 (D22/2275).¹⁵⁶⁸ Their respective applications were declared inadmissible on the ground that the facts they reported are in their entirety distinct from those of which the Co-Investigating Judges are seised in the Introductory Submission and Supplementary Submission and that no circumstances allowed the Co-Investigating Judges to consider the possibility of a direct link between the injury alleged and the crimes under investigation. According to the Co-Lawyers, the mass dismissal

¹⁵⁶⁶ Application declared inadmissible on the ground that the harm is not linked with the facts under investigation (Impugned Order D426, para. 26 and Annex 3).

¹⁵⁶⁷ Treatment of the Cham minority at the O Trakuon security centre and the other alleged crimes, (Annex 3).

¹⁵⁶⁸ Applications declared inadmissible on the ground that the harm is not linked with the facts under investigation (Impugned Order D426, para. 26 and Annex 3).

Civil party applications inadmissible in the view of Judge Mark J. The



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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

of their applications shows that the Co-Investigating Judges did not perform a fair assessment of their content or a proper assessment of the injury suffered by each of them as a result of the climate of terror in which both the victims and witnesses of the crimes lived during the Khmer Rouge regime, as they were uncertain whether they and their family members would survive. I have explained the reasons why I consider that the argument concerning the mass rejection of the applications should be dismissed in my separate and dissenting opinion. With specific reference to failure to take account of the Civil Party Applicants' injury, I note that the Impugned Order does not dismiss these applications on the ground that the application were unable to demonstrate proof of injury. On the contrary, paragraphs 22 to 24 of the Impugned Order reveal that the Co-Investigating Judges considered that the Applicants provided sufficient information to make it plausible that they may have suffered personal, direct injury within the jurisdiction of the ECCC. The Co-Lawyers have raised no specific argument in relation to each of these Applicants and the above mentioned argument fail in my view to show an error warranting reversal of Impugned Order D426.

Appeal PTC 158¹⁵⁶⁹

Civil Party Applicant 08-VU-1242 (D22/1405).¹⁵⁷⁰ The Co-Lawyers submit as Attachment 7 to the Appeal the National Identification Card of the Applicant.¹⁵⁷¹ I have therefore considered the merits of the application. I note that the Applicant's father was reportedly tortured and killed in 1978 in Ou Thnong Village in Kampong Cham Province for being a former Lon Nol soldier.¹⁵⁷² This location does not correspond to one of the execution sites, security centres, or worksites at which the Accused are indicted for the crime against humanity of murder, nor is it among the sites at which they are indicted for the crime of torture, or of persecution on political grounds. Further, while the reported forced transfer of the Applicant and her family is within the temporal scope of the first phase of forced transfers for which the Accused are

¹⁵⁶⁹ Re-Filing of Appeal Against Order on the Inadmissibility of Applicant Civil Party Applicants from Current Residents of Kampong Cham Province, 27 October 2010, D426/6/1 ("Appeal PTC 158").

¹⁵⁷⁰ Application declared inadmissible on the ground that the Applicant did not provide proof of identification (Impugned Order D426, para. 20 and Annex 3).

¹⁵⁷¹ National Identification Card of Applicant Civil Party Applicant 08-VU-1242 (D22/1405), D426/6/1.1.7.

¹⁵⁷² Summary of Supplementary Information, D22/1405b.

Civil party applications inadmissible in the view of Judge [Name]



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

indicted, it is outside its geographical scope which the Indictment limits to the evacuation of Phnom Penh.

Civil Party Applicant 08-VU-02246 (D22/2660).¹⁵⁷³ The Applicant is deceased and his relatives do not intend to pursue proceedings.

Civil Party Applicant 08-VU-00236 (D22/1393).¹⁵⁷⁴ I note that the reported killing of people from Prey Veng Province witnessed by the Applicant occurred at the Japanese factory in Chirou Ti Pir Sub-District, Tboung Khmum District of Kampong Cham Province.¹⁵⁷⁵ This location is not among the execution sites, security centres or worksites at which the Accused are indicted for the crime against humanity of murder. However, the Accused are also indicted for murders committed “shortly before, during, or upon arrival from phases 1 and 3 of the population movements.”¹⁵⁷⁶ Phase 3 of the movement of population took place from late 1977 and continued throughout 1978. This movement included the forcible transfer of people from Prey Veng Province in the context of a purge.¹⁵⁷⁷ While the Indictment notes that some persons transferred were sent directly to execution sites,¹⁵⁷⁸ nowhere does it mention the Japanese factory, whether in regards to the movement of populations or otherwise. The Indictment is meant to be read in its entirety as a coherent and cohesive document; as such, I find that the Accused are only indicted for those murders occurring “upon arrival” of the Phase 3 of movements of population which occurred at one of the execution sites specifically considered by the Indictment, namely the Execution Sites in District 12, Tuol Po Chrey Execution Site, and Steung Tauch Execution Site. Therefore the killing of people from Prey Veng that was witnessed by the Applicant does not correspond with an indicted crime. Regarding the facts of forced labour suffered by the Applicant, I note that they are reported to

¹⁵⁷³ Application declared inadmissible on the ground that the Applicant did not provide proof of identification (Impugned Order D426, para. 20 and Annex 3).

¹⁵⁷⁴ Application declared inadmissible on the ground that the Applicant did not demonstrate sufficient proof of kinship with the immediate victim of the crime of forcible transfer from the East Zone, and the necessary causal link between other alleged harm and the facts under investigation was not established (Impugned Order D426, para. 22 and Annex 3).

¹⁵⁷⁵ Report on Civil Party Application, D22/1393.

¹⁵⁷⁶ Indictment, para. 1377.

¹⁵⁷⁷ Indictment, para. 283.

¹⁵⁷⁸ Indictment, para. 293.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

have occurred in a cooperative in Srae Siem Village, Kampong Cham Province.¹⁵⁷⁹ This location is not among those retained in the Indictment underlying the crime of enslavement for which the Accused are indicted. The Applicant also reported having been tortured in a prison in Toung Village in Kampong Cham Province – this location is not among those retained in the Indictment underlying the crime against humanity of torture for which the Accused are indicted.

Civil Party Applicant 08-VU-00724 (D22/0735).¹⁵⁸⁰ Kouk Kream Village in Kampong Cham Province, where it is reported that the Applicant and his family were subjected to forced labour,¹⁵⁸¹ does not correspond with the cooperatives, worksites and security centres where the Indictment alleges that the crime against humanity of enslavement for which the Accused are indicted occurred.¹⁵⁸² Additionally, the murders of the Applicant's father and brother - in 1977 the Applicant's father was buried alive at Andaung Svay pagoda, while the Applicant's brother was killed for not working hard enough-¹⁵⁸³ are not alleged to have occurred at any of the execution sites, security centres, worksites, or as part of one of the events where or during which the Accused are indicted for the crime against humanity of murder.¹⁵⁸⁴

Civil Party Applicant 08-VU-01322 (D22/0912).¹⁵⁸⁵ The Co-Lawyers indicate that the place of the Applicant's brother's murder by the Khmer Rouge in 1978 is unknown.¹⁵⁸⁶ Without this information, it is not possible to determine whether this event occurred within the scope of the crime against humanity of murder for which the Accused are indicted. The same issue arises in relation to the subsequent deaths of his brother's wife and child. Finally, the attempted forced marriage of the Applicant, fall in any event outside the temporal jurisdiction of the ECCC, which only extends until 6 January 1979.

¹⁵⁷⁹ Report on Civil Party Application, D22/1393/1.

¹⁵⁸⁰ Application declared inadmissible on the ground that it did not provide sufficient information to verify compliance with Rules 23 *bis* (1) and (4) in relation to the alleged crimes (Impugned Order D426, para. 26 and Annex 3).

¹⁵⁸¹ Report on Civil Party Application, D22/735/1.

¹⁵⁸² Indictment, para. 1391.

¹⁵⁸³ Appeal PTC 158, para. 97.

¹⁵⁸⁴ Indictment, para. 1373.

¹⁵⁸⁵ Application declared inadmissible on the ground that it did not provide sufficient information to verify compliance with Rules 23 *bis* (1) and (4) in relation to the alleged crimes (Impugned Order D426, para. 26 and Annex 3).

¹⁵⁸⁶ Appeal PTC 158, para. 86.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 08-VU-01241 (D22/1406).¹⁵⁸⁷ The Co-Lawyers submit that in 1977, the husband and two brothers of the Applicant were Accused of being KGB traitors and killed, but there is no indication of where these events took place. As such, it is not possible to determine whether they correspond with the locations retained in the Indictment underlying the crime against humanity of murder, or that of persecution on political grounds for which the Accused are indicted. The alleged forced labour of the Applicant, which occurred in Srak Village in Kampong Cham Province, did not take place in any of the cooperatives, worksites and security centres where the Indictment alleges that the crime against humanity of enslavement for which the Accused are indicted occurred.¹⁵⁸⁸

Civil Party Applicant 08-VU-01243 (D22/1389).¹⁵⁸⁹ The fact that the Applicant suffered as a result of his treatment by the Khmer Rouge and the death of his brother is not at issue. However, it is not alleged where the Applicant himself was subjected to forced labour, nor at what location his brother's death took place. Without this information, it is not possible to determine whether or not these events correspond with those incidences of the crimes of murder and of enslavement for which the Accused are indicted. The forced labour of the Applicant's brother occurred in Kang Meas District. This location does not correspond with the cooperatives, worksites and security centres where the Indictment alleges that the crime against humanity of enslavement for which the Accused are indicted occurred. Regarding the forcible transfer of the Applicant's brother, I note that while it fits temporally and geographically within Phase 2 of the forced movements of population for which the Accused are indicted, which as the Indictment sets out occurred from September 1975 to 1977, and involved transfers both from and to parts of Kampong Cham Province.¹⁵⁹⁰ It is not alleged however that the brother of the Applicant was a member of one of the specific groups the Indictment alleges were targeted for this transfer: those connected to the Lon Nol Regime, new

¹⁵⁸⁷ Application declared inadmissible on the ground that it did not provide sufficient information to verify compliance with Rules 23 *bis* (1) and (4) in relation to the alleged crimes (Impugned Order D426, para. 26 and Annex 3).

¹⁵⁸⁸ Indictment, para. 1391.

¹⁵⁸⁹ Application declared inadmissible on the ground that it did not provide sufficient information to verify compliance with Rules 23 *bis* (1) and (4) in relation to the alleged crimes (Impugned Order D426, para. 26 and Annex 3).

¹⁵⁹⁰ Indictment, para. 262.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

people, Chinese people, Kampuchea krom minorities, and Cham people.¹⁵⁹¹ Without such information, it is not possible to determine whether the treatment of the Applicant's brother corresponds with one of the indicted crimes.

Civil Party Applicant 08-VU-01244 (D22/1377).¹⁵⁹² Chrak Sdau Village in Kampong Cham Province, where the Applicant is reported to have been subjected to forced labour,¹⁵⁹³ does not correspond with the cooperatives, worksites and security centres where the Indictment alleges that the crime against humanity of enslavement for which the Accused are indicted occurred.

Civil Party Applicant 08-VU-01247 (D22/1388).¹⁵⁹⁴ The fact that the Applicant suffered as a result of the deaths of her family members and her treatment by the Khmer Rouge is not at issue. However, for each of the allegations raised by the Co-Lawyers, there is key information, such as the dates and locations of the alleged crimes, which is missing. Without these particulars, it is not possible to determine whether the facts set out by the Applicant correspond with one of the specific incidences of crimes for which the Accused are indicted.

Civil Party Applicant 08-VU-01248 (D22/1371).¹⁵⁹⁵ The fact that the Applicant suffered from the deaths of her family members is not at issue. However, it is not alleged where or why they were each killed. Without this information, it is not possible to ascertain whether their deaths correspond with one of the specific instances of crimes for which the Accused are indicted. Paen Village in Kampong Cham Province where the Applicant reports that he was subjected to forced labour does not correspond with the cooperatives, worksites and security centres where the Indictment alleges that the crime against humanity of enslavement for which the Accused are indicted occurred.

¹⁵⁹¹ Indictment, paras 265-266.

¹⁵⁹² Application declared inadmissible on the ground that it did not provide sufficient information to verify compliance with Rules 23 *bis* (1) and (4) in relation to the alleged crimes (Impugned Order D426, para. 26 and Annex 3).

¹⁵⁹³ Summary of Supplementary Information, D22/1377b.

¹⁵⁹⁴ Application declared inadmissible on the ground that it did not provide sufficient information to verify compliance with Rules 23 *bis* (1) and (4) in relation to the alleged crimes (Impugned Order D426, para. 26 and Annex 3).

¹⁵⁹⁵ Application declared inadmissible on the ground that it did not provide sufficient information to verify compliance with Rules 23 *bis* (1) and (4) in relation to the alleged crimes (Impugned Order D426, para. 26 and Annex 3).

Civil party applications inadmissible in the view of Judge Marchi-Uhel



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 08-VU-01897 (D22/0179).¹⁵⁹⁶ The Co-Lawyers submit that in 1978, the father and older brother of the Applicant disappeared following a meeting with the Khmer Rouge,¹⁵⁹⁷ and that this act fulfills the requirements of the crime of unlawful killing.¹⁵⁹⁸ While it is plausible that the Applicant suffered as a result of the disappearance of her family members, without further information regarding the location or the cause of the killings, it is impossible to determine whether the alleged events correspond to one of the crimes as indicted.

Civil Party Applicant 09-VU-03605 (D22/3297).¹⁵⁹⁹ The fact that the Applicant has suffered from the deaths of her family members and due to her treatment by the Khmer Rouge regime is not at issue. There is however insufficient information provided by the Applicant to determine whether any of the events she has alleged correspond with one of these specifically indicted crimes. In particular, it is not alleged when her forcible transfer took place, where or in pursuance of what policy her brother was killed, nor where she was subjected to forced labour or torture.

Civil Party Applicant 10-VU-00389 (D22/3811).¹⁶⁰⁰ The fact that the Applicant has suffered from the deaths of her family members and due to her treatment by the Khmer Rouge regime is not at issue. Regarding the alleged forced transfer of the Applicant, this occurred prior to the temporal jurisdiction of the ECCC, which may only consider crimes committed between April 1975 and January 1979.¹⁶⁰¹ The Applicant's second move, to return home, was voluntary. It is not alleged where the Applicant was subjected to forced labour, nor where her father was killed. Without this information, it is not possible to ascertain whether these facts correspond with one of the specific instances of the crimes for which the Accused are indicted.

¹⁵⁹⁶ Application declared inadmissible on the ground that it did not provide sufficient information to verify compliance with Rules 23 *bis* (1) and (4) in relation to the alleged crimes (Impugned Order D426, para. 26 and Annex 3).

¹⁵⁹⁷ Appeal PTC 158, para. 111.

¹⁵⁹⁸ Appeal PTC 158, para. 111.

¹⁵⁹⁹ Application declared inadmissible on the ground that it did not provide sufficient information to verify compliance with Rules 23 *bis* (1) and (4) in relation to the alleged crimes (Impugned Order D426, para. 26 and Annex 3).

¹⁶⁰⁰ Application declared inadmissible on the ground that it did not provide sufficient information to verify compliance with Rules 23 *bis* (1) and (4) in relation to the alleged crimes (Impugned Order D426, para. 26 and Annex 3).

¹⁶⁰¹ ECCC Law, Art. 1.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 171)

Civil Party Applicant 07-VU-0003 (D22/1266).¹⁶⁰² The Applicant's brother is reported to have been killed at Wat Borivath in 1977 for being a former soldier.¹⁶⁰³ This location does not correspond with any of the worksites, security centres, or execution sites at which the Accused are indicted for the crime against humanity of persecution on political grounds, nor for that of murder. The facts of persecution on political grounds reported by the Applicant occurred in Andoung Pou Village in Kampong Cham Province,¹⁶⁰⁴ which also is not among the locations at which the Accused are indicted for this crime. As it is not alleged where the death of the Applicant's father for being a traitor occurred, it is not possible to determine whether this act corresponds with an indicted crime.

Civil Party Applicant 08-VU-00735 (D22/2632).¹⁶⁰⁵ It is reported that the Applicant's husband, the chief of Division 4 and a subordinate of Sao Phim, was killed in 1978 in Tbaung Khmum District as part of the purge of the East Zone. However there is no indication of where this killing as well as the killing of the Applicant's siblings occurred. As such, it is not possible to determine whether these deaths, even if in pursuance of the policy of the purging of the East Zone as submitted by the Co-Lawyers, correspond with specific incidences of the indicted crime against humanity of murder, or that of persecution on political grounds.

Civil Party Applicant 08-VU-00738 (D22/0987).¹⁶⁰⁶ There is no indication of where the Applicant's son was killed by the Khmer Rouge, and without this information it is not possible to determine whether the event corresponds with one of the instances for which the Accused are indicted for the crime against humanity of murder. Peuk Village in Kampong Cham Province, where it is reported that the Applicant was subjected to forced labour, does not correspond with the cooperatives, worksites and security centres where the Indictment alleges that the crime against humanity of enslavement for which the Accused are indicted occurred.

¹⁶⁰² Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

¹⁶⁰³ Supplementary information D22/1266b.

¹⁶⁰⁴ Supplementary information D22/1266b.

¹⁶⁰⁵ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

¹⁶⁰⁶ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

Civil party applications inadmissible in the view of Judge Marché Uhel



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002/19-09-2007-ECCC/OCJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 171)

Civil Party Applicant 08-VU-01239 (D22/1403).¹⁶⁰⁷ The reported deaths of the Applicant's uncle and his family occurred at Kouk Pring pit, while the Applicant's cousin was killed in Vihear Thum Sub-District, both in Kampong Cham Province.¹⁶⁰⁸ These locations do not correspond with any of the worksites, security centres, or execution sites at which the Accused are indicted for the crime against humanity of murder.

Civil Party Applicant 08-VU-01245 (D22/1369).¹⁶⁰⁹ The Applicant reported that his wife starved to death, while his younger brother was killed for an unknown reason, and his younger sister killed for a moral offence.¹⁶¹⁰ The starvation of the Applicant's wife does not correspond with an indicted crime. The death of the Applicant's brother and sister occurred in Poun Village, in Kampong Cham District. This location does not correspond with any of the worksites, security centres, or execution sites at which the Accused are indicted for the crime against humanity of murder.

Civil Party Applicant 08-VU-01324 (D22/1878).¹⁶¹¹ It is not alleged where the Applicant was subjected to forced labour, nor where her child was killed.¹⁶¹² Without this information, it is not possible to determine if these alleged acts correspond to an indicted crime. The Japanese Factory in Kampong Cham, where the Applicant's brother was allegedly killed, does not correspond with any of the worksites, security centres, or execution sites retained in the Indictment underlying the crime against humanity of murder for which the Accused are indicted.

¹⁶⁰⁷ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

¹⁶⁰⁸ Report on Civil Party Application D22/1403/1 and Summary of supplementary information D22/1403b.

¹⁶⁰⁹ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

¹⁶¹⁰ Appeal PTC 158, para. 105.

¹⁶¹¹ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

¹⁶¹² In the Appeal, para. 108, it is alleged that the child was thrown into the Mekong river at an unknown location. However, this is not corroborated by the material submitted by the Applicant (Report on Civil Party Application D22/1878/1) and (Summary of supplementary information D22/1878b).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 08-VU-01330 (D22/1862).¹⁶¹³ It is not alleged where the Applicant's brother-in-law was killed, where the Applicant was subjected to forced labour, nor the time or locations related to his being forcibly transferred. Without this information, it is not possible to determine whether these alleged acts correspond with indicted crimes. Regarding the death of the Applicant's sister, I note that it is reported to have occurred in Mat Khumuong in Kampong Cham Province. This location does not correspond with any of the worksites, security centres, or execution sites retained in the Indictment underlying the crime against humanity of murder for which the Accused are indicted.

Civil Party Applicant 08-VU-01351 (D22/0917).¹⁶¹⁴ Phnum Bros, Kampong Siem District, Kampong Cham Province where the Applicant's aunt, grandfather, and three entire families of more distant relatives of the Applicant, were killed by the Khmer Rouge in 1979,¹⁶¹⁵ does not correspond with any of the worksites, security centres, or execution sites retained in the Indictment underlying the crime against humanity of murder for which the Accused are indicted.

Civil Party Applicant 08-VU-01353 (D22/0918).¹⁶¹⁶ It is not alleged where the Applicant was forcibly transferred from, nor where his older sister was killed. As such, it is not possible to determine whether these events correspond with the specific instances of crimes for which the Accused are indicted. Regarding the deaths of the Applicant's brothers, the sites where they allegedly occurred Stoeng Trang District and Thmor Pich Commune in Kampong Cham Province do not correspond with any of the worksites, security centres, or execution sites retained in the Indictment underlying the crime against humanity of murder for which the Accused are indicted.

¹⁶¹³ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

¹⁶¹⁴ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

¹⁶¹⁵ Appeal PTC 158, para. 110.

¹⁶¹⁶ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 08-VU-02251 (D22/0867).¹⁶¹⁷ There is insufficient information about the first forced transfer of the Applicant, in either 1975 or 1976, to determine whether it fits within the scope of one of the phases of forced movements of population for which the Accused are indicted. Regarding the subsequent transfer of the Applicant within the Province of Kampong Cham in 1978,¹⁶¹⁸ this movement does not correspond geographically to Phase 3 of the forced transfers, which is the phase that occurred in 1978. The subsequent forced transfers alleged by the Accused do not fit geographically within any of the three phases.¹⁶¹⁹ Regarding the deaths of the Applicant's brothers, it is not known where one of them occurred. Without this information, it is not possible to determine whether or not this act corresponds with an indicted crime. The other brother is alleged to have been killed in Kandal Kaoh in Kandal Province. This location does not correspond with any of the worksites, security centres, or execution sites retained in the Indictment underlying the crime against humanity of murder for which the Accused are indicted.

Civil party applicant 09-VU-00323 (D22/1793).¹⁶²⁰ The location where it is reported that the Applicant's two sons were killed by the Khmer Rouge in 1978 does not correspond with any of the worksites, security centres, or execution sites retained in the Indictment underlying the crime against humanity of murder for which the Accused are indicted.

Civil Party Applicant 09-VU-00324 (D22/1802).¹⁶²¹ Tuol Beng Security Centre, where the Applicant reported that his father was sent to following his arrest by the Khmer Rouge in 1977, is not a security centre listed amongst those for which the Accused are indicted for the crime against humanity of imprisonment,¹⁶²² or for that of other inhumane acts through enforced disappearances.¹⁶²³

¹⁶¹⁷ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

¹⁶¹⁸ Report on Civil Party Application D22/867/1.

¹⁶¹⁹ Indictment, para. 284.

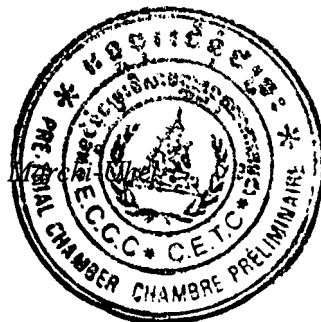
¹⁶²⁰ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

¹⁶²¹ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

¹⁶²² Indictment, para. 1402.

¹⁶²³ Indictment, para. 1470.

Civil party applications inadmissible in the view of Judge



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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 09-VU-00343 (D22/1820).¹⁶²⁴ Wat Ta Meas, where it is reported that the Applicant's father and older brother were unlawfully detained and killed by the Khmer Rouge,¹⁶²⁵ does not correspond with any of the worksites, security centres, or execution sites retained in the Indictment underlying the crime against humanity of murder or imprisonment for which the Accused are indicted.

Civil Party Applicant 09-VU-00345 (D22/1813).¹⁶²⁶ The killings of the Applicant's husband, father-in-law and three younger siblings who were Accused of being "white Khmer",¹⁶²⁷ is reported to have taken place at Tual Ta Beng security centre.¹⁶²⁸ This location does not correspond with any of the worksites, security centres, or execution sites retained in the Indictment underlying the crime against humanity of murder or persecution on political grounds for which the Accused are indicted.

Civil Party Applicant 09-VU-00763 (D22/0548).¹⁶²⁹ Thma Pun Kandal Village in Kampong Cham Province, where it is reported that the Applicant was subjected to forced labour by the Khmer Rouge regime,¹⁶³⁰ does not correspond to one of the cooperatives, worksites or security centres retained in the Indictment underlying the crime against humanity of enslavement for which the Accused are indicted. Further, Branatasuy Village, where it is reported that the Applicant and her husband were detained and interrogated,¹⁶³¹ is not among those sites in relation to which the Accused are indicted for the crime against humanity of imprisonment, nor for that of torture. Finally, there is no indication as to where the killing of the Applicant's parents and four siblings, nor where the Applicant witnessed a purge of chiefs of Communes who were replaced by cadre from the Southwest Zone.¹⁶³² Without this information, it is not

¹⁶²⁴ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

¹⁶²⁵ Appeal PTC 158, para. 118.

¹⁶²⁶ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

¹⁶²⁷ Appeal PTC 158, para. 119.

¹⁶²⁸ Supplementary Information D22/1813b.

¹⁶²⁹ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

¹⁶³⁰ Report on Civil Party Application D22/548/1.

¹⁶³¹ Report on Civil Party Application D22/548/1.

¹⁶³² Appeal PTC 158, para. 120.

Civil party applications inadmissible in the view of Judge Marchi-Diel



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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

possible to ascertain whether these events correspond to one of the specific instances of an indicted crime.

Civil Party Applicant 09-VU-02500 (D22/2276).¹⁶³³ Ou Trakuon Security Centre where it is reported that the enforced disappearance of the Applicant's family step mother, Accused of having cooked and eaten a chicken, along with three of her siblings took place,¹⁶³⁴ does not correspond with those security centres in relation to which the Accused are indicted for the crime against humanity of other inhumane acts through enforced disappearances. Further, without any indication of where the Applicant's father was killed, it is not possible to determine whether the act corresponds with a crime for which the Accused are indicted.

Civil Party Applicant 09-VU-03415 (D22/2410).¹⁶³⁵ Phnom Broh-Phnom Srey security centre, from where it is reported that the Applicant's father, two brothers, sister and three nieces and nephews, disappeared is not a location that corresponds with those security centres in relation to which the Accused are indicted for the crime against humanity of other inhumane acts through enforced disappearances.¹⁶³⁶

Civil Party Applicant 09-VU-03589 (D22/3283).¹⁶³⁷ Trapeang Chrey Village where the Applicant reported that she was separated from her newborn baby and subjected to forced labour in the rice fields does not correspond to one of the cooperatives, worksites or security centres in relation to which the Accused are indicted for the crime against humanity of enslavement. Furthermore, there is no indication of from where the Applicant's younger sister disappeared.¹⁶³⁸ Without this information, it is not possible to verify whether this act corresponds with an indicted crime.

¹⁶³³ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

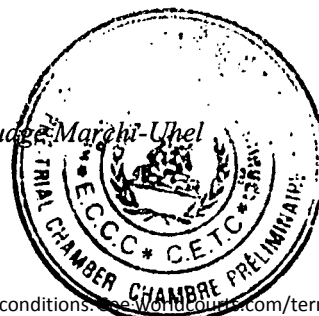
¹⁶³⁴ Report on Civil Party Application D22/2276/1.

¹⁶³⁵ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

¹⁶³⁶ Indictment, para. I470.

¹⁶³⁷ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

¹⁶³⁸ Appeal PTC 158, para. 123.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 09-VU-03596 (D22/3289).¹⁶³⁹ While the reported forced transfer of the Applicant, from Romeas Village in Kampong Cham Province in April 1975,¹⁶⁴⁰ fits within the temporal scope of the first phase of forced transfers for which the Accused are indicted, it is outside its geographical scope, which is limited to the evacuation of Phnom Penh. Furthermore, Kbal Tuek Village in Kampong Cham Province where it is alleged that the Applicant was subjected to forced labour,¹⁶⁴¹ does not correspond to one of the cooperatives, worksites or security centres in relation to which the Accused are indicted for the crime against humanity of enslavement. Finally, it is not alleged the Applicant's parents were killed by the Khmer Rouge in one of the sites retained in the Indictment underlying the crimes of murder, extermination and persecution for which the Accused are indicted.

Civil Party Applicant 09-VU-04332 (D22/2490).¹⁶⁴² The forcible transfers of the Applicant, in 1978 from Memut in Kampong Cham Province to Kratie Province, and then later that year to the Chamka Leu District of Kampong Cham Province,¹⁶⁴³ fit within the temporal limits of Phase 3. However, they do not fit within the geographical range of this Phase, which is limited to instances of movement outside of the East Zone. While some parts of Kampong Cham Province are included as locations of origin for these transfers (Kroch Chmar and Ponhea Krek Districts), the Applicant was transferred from Memut District. Additionally, Kratie Province is neither listed as an origin nor a destination location for the Phase 3 movements.¹⁶⁴⁴ Regarding the killing of the Applicant's nephews who were Khmer Rouge soldiers in Sao Phim's division and who he "treated as his own children", it is plausible that this was done as part of the purge of the East Zone.¹⁶⁴⁵ However, the exact location of these killings is not alleged. The location of one of the Applicant's sibling's killing is similarly not indicated. As such, it is not possible to

¹⁶³⁹ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

¹⁶⁴⁰ Summary of supplementary information D22/3289b.

¹⁶⁴¹ Report on Civil Party Application D22/3289/1.

¹⁶⁴² Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

¹⁶⁴³ Appeal PTC 158, para. 89.

¹⁶⁴⁴ Indictment, para. 283.

¹⁶⁴⁵ See Indictment, para. 200.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

determine whether these events correspond with an indicted crime, so the application cannot be admitted on these grounds.

Civil Party Applicant 10-VU-00388 (D22/3810).¹⁶⁴⁶ Krauch Saoch Pagoda, in front of where it is reported that the Applicant's father was killed after having been subjected to forced labour, does not correspond with any of the worksites, security centres, or execution sites at which the Accused are indicted for the crime against humanity of murder. As to the forcible transfer of the Applicant in early 1976, there is no indication of from where nor to where the Applicant was forcibly transferred. There is also no indication of where she and her father were subjected to forced labour or to torture. Without this information, it is not possible to ascertain whether these events correspond with an indicted crime.

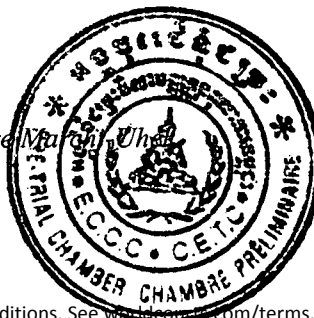
Civil Party Applicant 10-VU-00390 (D22/3812).¹⁶⁴⁷ Trapeang Tras Village in Kampong Cham Province, where it is reported that the Applicant's father was killed by the Khmer Rouge in 1977,¹⁶⁴⁸ does not correspond with any of the worksites, security centres, or execution sites retained in the Indictment underlying the crime against humanity of murder for which the Accused are indicted. There is no indication of where the Applicant was subjected to forced labour and torture. Without this information it is not possible to determine whether these events correspond with an indicted crime.

¹⁶⁴⁶ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

¹⁶⁴⁷ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

¹⁶⁴⁸ Report on Civil Party Application D22/3812/1.

Civil party applications inadmissible in the view of Judge Marchal



២០១៨/No: D404/2/4.3

002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

ANNEX CONCERNING CIVIL PARTY APPLICANTS WHOSE APPLICATIONS ARE, IN THE VIEW MAJORITY, INADMISSIBLE

Appeals against Impugned Order D401 (Preah Sihanouk Province)¹

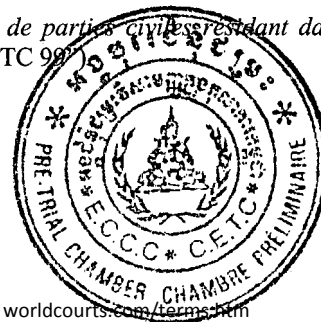
Appeal PTC 99²

Civil Party Applicant 10-VU-00369 (D22/3791). The Applicant has made some generalised statements concerning the Khmer Rouge, which he does not relate to his own circumstances or experiences during the period 1975 to 1979. He refers to an unidentified person having been killed by Khmer Rouge soldiers, but does not provide any details about whether he witnessed such killing or whether it was a relative or a person with whom he had a special bond who was killed. The facts provided by the Applicant do not relate to any implementation of a policy of the Khmer Rouge, any other like findings in the Closing Order, or any matter in respect of which the Accused are indicted, which would permit the admission of the Applicant to be joined as a civil party. Whilst there may be further facts available to the Applicant, unfortunately they have not been put before the Pre-Trial Chamber, which is only permitted to act upon the actual substance of the matters put before it. For these reasons the appeal is declined insofar as this Applicant is concerned. The Applicant shall remain classified as a complainant.

¹ Order on the Admissibility of Civil Party Applicants from Current Residents of Preah Sihanouk Province, 2 September 2010, D401 (“Impugned Order D401”).

² *Requête d’appel d’ordonnance sur la recevabilité des constitutions de parties civiles résidant dans la Province de Preah Sihanouk*, 12 September 2010, D401/5/1 (“Appeal PTC 99”).

Civil party applications inadmissible in the view of the Majority



1/11

ECCC/No: D404/2/4.3

002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Appeals against Impugned Order D403 (Kandal Province)³

Appeal PTC127⁴

Civil Party Applicant 09-VU-02020 (D22/2987). The Applicant has described how her two sons became soldiers in the army under Democratic Kampuchea and that they did not return home. Whilst it is clearly recognised that the deaths of children who go on to become soldiers is a very sad and traumatizing event for a parent, the facts provided by the Applicant do not relate to any implementation of a policy of the Khmer Rouge, or any other like findings in the Closing Order, or in respect of which the Accused are indicted, which would permit the admission of the Applicant to be joined as a civil party. Whilst there may be further facts available to the Applicant, unfortunately they have not been put before the Pre-Trial Chamber, which is only permitted to act upon the actual substance of the matters put before it. For these reasons the appeal is declined insofar as this Applicant is concerned. The Applicant shall remain classified as a complainant.

Civil Party Applicant 09-VU-03546 (D22/3243). The Applicant alleges that he “lost a lot of relatives, property and his commanders”. He fails to provide details in respect of the loss of his relatives or the loss of property. The Applicant provides the names of his “commanders” who died, but does not provide any details of a particular bond, relationship or link to them which would permit the Majority of the Pre-Trial Chamber to consider him to be a victim in respect of their deaths, although it is apparent that they were victims of a purge. The Applicant further recalls that he witnessed a monk being killed and Wat Veal Lbang being destroyed. He does not related the precise circumstances of the death of the monk, assert that he was distressed as a consequence of the death of the monk, or that he was unable to practice his religion as a consequence of this death or the destruction of the Wat. Without more information the Majority of the

³ Order on the Admissibility of Civil Party Applicants from Current Residents of Kandal Province, 6 September 2010, D403 (“Impugned Order D403”).

⁴ Appeal Brief against Order on the admissibility of Civil Party Applicants from current residents of Kandal Province (D403), 16 September 2010, D403/4/1 (“Appeal PTC 127”).

Civil party applications inadmissible in the view of the Majority



2/11

២០១២/No: D404/2/4.3

002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Pre-Trial Chamber is unable to admit the Applicant as a civil party. Whilst there may be further facts available to the Applicant, unfortunately they have not been put before the Pre-Trial Chamber, which is only permitted to act upon the actual substance of the matters before it. For these reasons the appeal is declined insofar as this Applicant is concerned. The Applicant shall remain classified as a complainant.

Appeals against Impugned Order D404 (Outside the Kingdom of Cambodia)⁵

Appeal PTC 116⁶

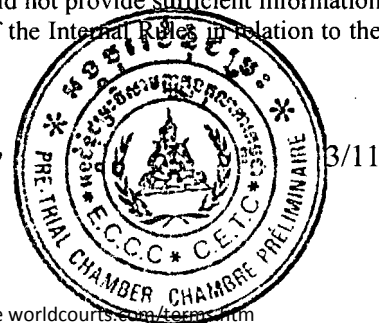
Civil Party Applicant 10-VU-00580 (D22/3838).⁷ The Applicant states that his wife and child visited him in France from May to June 1974, but they then returned to Cambodia, and he has not seen them since. Whilst it is clearly recognised that the disappearance of the Applicant's wife and child is a sad and traumatising event, the facts provided by the Applicant do not relate to any implementation of a policy of the Khmer Rouge, any other like findings in the Closing Order, or any matter in respect of which the Accused are indicted, which would permit the admission of the Applicant to be joined as a civil party. Whilst there may be further facts available to the Applicant, unfortunately they have not been put before the Pre-Trial Chamber, which is only permitted to act upon the actual substance of the matters put before it. For these reasons the appeal is declined insofar as this Applicant is concerned. The Applicant shall remain classified as a complainant

⁵ Order on the Admissibility of Civil Party Applicants residing outside the Kingdom of Cambodia, 7 September 2010, D404 ("Impugned Order D404").

⁶ Appeal against Order on the admissibility of Civil Party Applicants residing outside the Kingdom of Cambodia (D404), 16 September 2010, D404/4/1 ("Appeal PTC 116").

⁷ Application declared inadmissible on the ground that the Applicant did not provide sufficient information to verify compliance of his application with Rule 23 *bis* (1) and (4) of the Internal Rules in relation to the alleged crimes (Impugned Order D404, para. 25, and Annex 3).

Civil party applications inadmissible in the view of the Majority



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Appeal PTC 117⁸

Civil Party Applicant 09-VU-03621 (D22/3310). The Applicant alleges that he was a Khmer Rouge cadre from 1970 to 1973, and joined the Lon Nol army in 1974, where he was an intelligence officer until after the fall of Phnom Penh. The Applicant also mentions the killing of Lon Nol soldiers in April 1975 but it is not clear whether he witnessed the events, or is simply recounting events of which he had been made aware. The Applicant also attaches two articles to his Application, that he has written part of his work with the 'Association pour un Cambodge Libre', which discuss the Khmer Rouge regime and the trials of Khmer Rouge Leaders. These articles do not provide any additional information about the Applicant's personal experience during the regime, to allow the Pre-Trial Chamber to admit the Applicant as a Civil Party. Whilst there may be further facts available to the Applicant, unfortunately they have not been put before the Pre-Trial Chamber, which is only permitted to act upon the actual substance of the matters put before it. For these reasons the appeal is declined insofar as this Applicant is concerned. The Applicant shall remain classified as a complainant.

Appeal PTC 118⁹

Civil party application 09-VU-00517 (D22/2680). The Applicant alleges that she is a direct victim of the evacuation of Phnom Penh in April 1975. According to the Co-Lawyers, the Co-Investigating Judges erred in declaring the Application inadmissible on the ground that she provided no proof of identification. Establishing one's identity is a necessary requirement inherent in any civil action, whether or not specified in the procedural rules. However, the Majority notes that, as submitted by the Co-Lawyers, when the Applicant submitted his Application, Internal Rule 23 *bis* (1)(a) requiring as a specific condition of admissibility that the Civil Party Applicant shall be clearly

⁸ *Requête d'appel d'ordonnance sur la recevabilité des constitutions de parties civiles résidant en dehors du Royaume du Cambodge (France)*, 17 September 2010, D404/5/1 ("Appeal PTC 117").

⁹ Appeal against Order on the admissibility of Civil Party Applicants residing outside the Kingdom of Cambodia, 17 September 2010, D404/5/1 ("Appeal PTC 118").

Civil party applications inadmissible in the view of the Majority



4/11

២០១៨/No: D404/2/4.3

002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

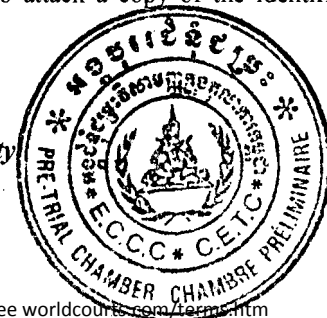
identified, had not yet been adopted. This notwithstanding, the Victim Information Form then included a section 11 entitled “Which of the following proof of identity do you have? Please indicate the number,” containing 10 possible responses one of which was chosen by the Applicant being “None”.¹⁰ In light of these circumstances, it was not obvious for the Applicant that failing to provide some proof of her identity could render the application inadmissible. Therefore, on 20 April 2011, the Pre-Trial Chamber invited the Co-Lawyers to submit a copy of their clients’ identification document. They responded by letter that they could not reach their client and were therefore unable to provide a proof of identity.¹¹ The Pre-Trial Chamber made a further attempt on the 6 June 2011, to ask the Co-Lawyers to provide a proof of identification for their client, but they failed to do so in the set deadline. As a consequence, the Application shall be rejected.

Civil Party Applicant 08-VU-02396 (D22/2664). The Applicant states that in November 1978, her parents, her brothers and her sister were killed in Svay Chanthy Village, Kampong Siem District in Kampong Cham Province. The Co-lawyers also state that the Applicant “heard about the death of some of her friends.” Whilst it is clearly recognised that the death of so many of the Applicant’s family members is distressing and traumatising, the facts provided by the Applicant do not relate to any implementation of a policy of the Khmer Rouge, any other like findings in the Closing Order, or any matter in respect of which the Accused are indicted, which would permit the admission of the Applicant to be joined as a civil party. Whilst there may be further facts available to the Applicant, unfortunately they have not been put before the Pre-Trial Chamber, which is only permitted to act upon the actual substance of the matters put before it. For these reasons the appeal is declined insofar as this Applicant is concerned. The Applicant shall remain classified as a complainant.

¹⁰ In a more recent version of the form, applicants are requested to attach a copy of the identification document.

¹¹ D404/6/1.2.

Civil party applications inadmissible in the view of the Majority



5/11

០០៧/No: D404/2/4.3

002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Civil Party Applicant 08-VU-02399 (D22/2666). The Applicant states that in 1978 his parents, brothers and sister were killed in Svay Teab (Kampong Cham Province). Whilst it is clearly recognised that the death of so many of the Applicant's family members is a sad and traumatising event, the facts provided by the Applicant do not relate to any implementation of a policy of the Khmer Rouge, any other like findings in the Closing Order, or any matter in respect of which the Accused are indicted, which would permit the admission of the Applicant to be joined as a civil party. Whilst there may be further facts available to the Applicant, unfortunately they have not been put before Pre-Trial Chamber, which is only permitted to act upon the actual substance of the matters put before it. For these reasons the appeal is declined insofar as this Applicant is concerned. The Applicant shall remain classified as a complainant.

Appeal PTC 119¹²

Civil Party Applicant 08-VU-2258 (D22/0039). The Applicant alleges being a direct victim of the evacuation of Phnom Penh in April 1975. According to the Co-Lawyers, the Co-Investigating Judges erred in declaring the Application inadmissible on the ground that they provided no proof of identification. Establishing one's identity is a necessary requirement inherent in any civil action, whether or not specified in the procedural rules. However, the Majority notes that, as submitted by the Co-Lawyers, when the Applicant submitted his Application, Internal Rule 23 *bis* (1)(a) requiring as a specific condition of admissibility that the Civil Party Applicant shall be clearly identified, had not yet been adopted. This notwithstanding, the Victim Information Form then included a section 11 entitled "Which of the following proof of identity do you have? Please indicate the number," containing 10 possible responses one of which chosen by the Applicants being "None".¹³ In light of these circumstances, it was not obvious for the Applicant that failing

¹² Appeal against Order on the Admissibility of Civil Party Applicants Residing Outside the Kingdom of Cambodia D404, 16 September 2010, D404/7/1 ("Appeal PTC 119").

¹³ In a more recent version of the form, applicants are requested to attach a copy of the identification document.

Civil party applications inadmissible in the view of the Majority



6/11

០០៨/No: D404/2/4.3

002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

to provide some proof of their identity could render the application inadmissible. Therefore, on 21 January 2011, the Pre-Trial Chamber has invited the Co-Lawyers to submit a copy of their clients' identification document. The Chamber sent a further request on the 6 June 2011. As the Pre-Trial Chamber received no response, the Application is rejected.

Civil Party Applicant 09-VU-03492 (D22/3195). The Applicant is in a similar situation as the previous Applicant.

Appeals against Impugned Order D406 (Phnom Penh Province)¹⁴

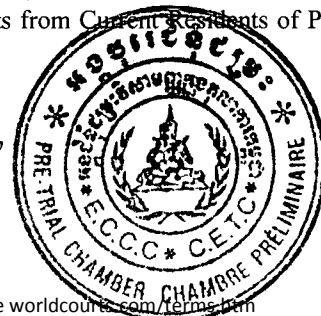
Appeal PTC 134¹⁵

Civil Party Applicant 10-VU-00956 (D22/3955). The Applicant alleges having been forcibly transferred from Phnom Penh to Kampong Cham Province. This transfer falls within the temporal and geographical scope of Phase One of the evacuation of population for which the accused are indicted. However, the Application was declared inadmissible on the basis that the Applicant did not provide a proof of identity. The Co-Lawyers merely indicate that she completed all the information required in the Victim Information Form. Pre-Trial Chamber has requested the Co-Lawyers to provide such proof of identity on two occasions. As the Pre-Trial Chamber received no response, the Application is rejected.

¹⁴ Order on the Admissibility of Civil Party Applicants from Current Residents of Phnom Penh, 6 September 2010, D406 ("Impugned Order D406").

¹⁵ Appeal against Order on the Admissibility of Civil Party Applicants from Current Residents of Phnom Penh D406, 13 September 2010, D406/2/1 ("Appeal PTC 134").

Civil party applications inadmissible in the view of the Majority



០១២/No: D404/2/4.3

002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Appeals against Impugned Order D414 (Kratie Province)¹⁶

Appeal PTC139¹⁷

Civil Party Applicant 09-VU-04207 (D22/3600). The Applicant stated that during the Khmer Rouge regime, her father and her brother were killed by unknown people at Chhok Seng Village. Whilst it is clearly recognised that the death of the Applicant's father and brother, is a very sad and traumatising event, the facts provided by the Applicant do not relate to any implementation of a policy of the Khmer Rouge, any other like findings in the Closing Order, or any matter in respect of which the Accused are indicted, which would permit the admission of the Applicant to be joined as a civil party. Whilst there may be further facts available to the Applicant, unfortunately they have not been put before the Pre-Trial Chamber, which is only permitted to act upon the actual substance of the matters put before it. For these reasons the appeal is declined insofar as this Applicant is concerned. The Applicant shall remain classified as a complainant.

Appeals against Impugned Order D424 (Siem Reap Province)¹⁸

Appeal PTC105¹⁹

Civil Party Applicant 08-VU-00694 (D22/0432). The Applicant states that her young brothers were killed in 1977, and the Co-lawyers state in the Appeal that the Applicant had two brothers who had served in the Khmer Rouge Army during the fighting with the Lon Nol government, who disappeared after 1977, during the time when people in cooperatives arrested people and leaders were changed. Although the disappearance of the Applicant's brothers is clearly sad and traumatising, the facts provided by the

¹⁶ Order on the Admissibility of Civil Party Applicants from Current Residents of Kratie Province, dated 9 September 2010, filed on 10 September 2010, D414 ("Impugned Order D414").

¹⁷ Appeal against Order on the Inadmissibility of Civil Party Applicants from Current Residents of Kratie Province, 20 September 2010, D414/3/1 ("Appeal PTC 139").

¹⁸ Order on Admissibility of Civil Party Applicants from Current Residents of Siem Reap Province, 15 September 2010, D424 ("Impugned Order D424").

¹⁹ Appeal against Order on the Inadmissibility of Civil Party Applicants from Current Residents of Siem Reap Province (with List of reference), 27 September 2010, D424/3/3 ("Appeal PTC 105").

Civil party applications inadmissible in the view of the Majority



លេខ/No: D404/2/4.3

002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Applicant do not relate to any implementation of a policy of the Khmer Rouge, any other like findings in the Closing Order, or any matter in respect of which the Accused are indicted, which would permit the admission of the Applicant to be joined as a civil party. Whilst there may be further facts available to the Applicant, unfortunately they have not been put before the Pre-Trial Chamber, which is only permitted to act upon the actual substance of the matters put before it. For these reasons the appeal is declined insofar as this Applicant is concerned. The Applicant shall remain classified as a complainant.

Civil Party Applicant 08-VU-01379 (D22/0984). The Applicant states that her husband was imprisoned, tortured and murdered at Anlong Sar reservoir, Siem Reap Province. Although the death of the Applicant's husband is clearly sad and traumatising, the facts provided by the Applicant do not relate to any implementation of a policy of the Khmer Rouge, any other like findings in the Closing Order, or any matter in respect of which the Accused are indicted, which would permit the admission of the Applicant to be joined as a civil party. Whilst there may be further facts available to the Applicant, unfortunately they have not been put before the Pre-Trial Chamber, which is only permitted to act upon the actual substance of the matters put before it. For these reasons the appeal is declined insofar as this Applicant is concerned. The Applicant shall remain classified as a complainant.

Appeals against Impugned Order D426 (Kampong Cham Province)²⁰

Appeal PTC110²¹

Civil Party Applicant 08-VU-00703 (D22/883). The Applicant alleges that her husband disappeared in 1977, after having been called to a meeting in Vihear Village, Vihear Thum Sub-District, Kampong Siem District, Kampong Cham Province. Although the

²⁰ Order on the Admissibility of Civil Party Applicants from Current Residents of kampong Cham Province, 15 September 2010, D426 ("Impugned Order D426").

²¹ Appeal Brief Order on the Admissibility of Civil Party Applicants from Current Residents of Kampong Cham, filed on 27 September 2010, D426/3/1 ("Appeal PTC 110").

Civil party applications inadmissible in the view of the Majority



9/11

០០៨/No: D404/2/4.3

002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

disappearance of the Applicant's husband is clearly sad and traumatising, the facts provided by the Applicant do not relate to any implementation of a policy of the Khmer Rouge, any other like findings in the Closing Order, or any matter in respect of which the Accused are indicted, which would permit the admission of the Applicant to be joined as a civil party. Whilst there may be further facts available to the Applicant, unfortunately they have not been put before the Pre-Trial Chamber, which is only permitted to act upon the actual substance of the matters put before it. For these reasons the appeal is declined insofar as this Applicant is concerned. The Applicant shall remain classified as a complainant.

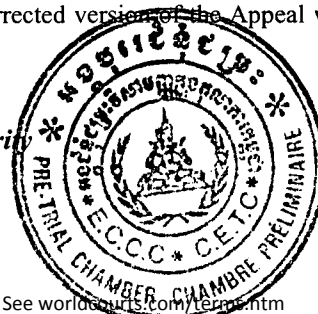
Civil Party Applicant 08-VU-01317 (D22/1428). The Applicant states that three of his older siblings and two younger siblings were killed by Pol Pot's guards in Srè Siem village, Tbaung Khmom district, Sector 21, in the East Zone on 20 May 1976. Although the death of the Applicant's siblings is clearly sad and traumatising, the facts provided by the Applicant do not relate to any implementation of a policy of the Khmer Rouge, any other like findings in the Closing Order, or any matter in respect of which the Accused are indicted, which would permit the admission of the Applicant to be joined as a civil party. Whilst there may be further facts available to the Applicant, unfortunately they have not been put before the Pre-Trial Chamber, which is only permitted to act upon the actual substance of the matters put before it. For these reasons the appeal is declined insofar as this Applicant is concerned. The Applicant shall remain classified as a complainant.

Appeal PTC 111²²

Civil Party Applicant 09-VU-03608 (D22/3300). The Applicant states that he lived in a Lon Nol area in Trapeang Chrey Village in Kampong Cham Province, but later lived in

²² *Requête d'appel d'ordonnance sur la recevabilité des constitutions de parties civiles résidant dans la Province de Kampong Cham*, 27 September 2010, D426/4/1. A corrected version of the Appeal was filed on 29 November 2010 ("Appeal PTC 111").

Civil party applications inadmissible in the view of the Majority



10/11

័័័័/No: D404/2/4.3

002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

an area 'liberated' by the Khmer Rouge in Cheyyou Sub-District in Kampong Cham Province, where he was provided with insufficient food and his wife and children got sick and were not provided with medical care. The Applicant notes that the Khmer Rouge monitored those who had moved from the 'enemy area' to live in the 'liberated area'. The Applicant states that he lost 7 relatives, including his father, who were killed in 1977 in Phnum Bros, Phnum Srei, Kampong Cham Province. Although the inhumane living conditions faced by the Applicant and his wife and the death of his relatives is clearly sad and traumatising, the information provided by the Applicant is insufficient and does not relate to or provide any basis for an inference to be drawn that the events recorded were related to the implementation of a policy of the Khmer Rouge, any other like findings in the Closing Order, or any matter in respect of which the Accused are indicted, which would permit the admission of the Applicant to be joined as a civil party. Whilst there may be further facts available to the Applicant, unfortunately they have not been put before the Pre-Trial Chamber, which is only permitted to act upon the actual substance of the matters put before it. For these reasons the appeal is declined insofar as this Applicant is concerned. The Applicant shall remain classified as a complainant.

Appeal PTC 158²³

Civil Party Applicant 08-VU-02246 (D22/2660). The Applicant is deceased and his relatives do not intend to pursue proceedings. As such, the appeal is considered as being discontinued insofar as this Applicant is concerned. *u*



²³ Re-Filing of Appeal against Order on the Inadmissibility of Civil Party Applicants from Current Residents of Kampong Cham Province, 27 October 2010, D426/6/1 ("Appeal PTC 158").

002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)



ANNEX CONCERNING THE CIVIL PARTY APPLICANTS FOR WHOM THE PRE-TRIAL CHAMBER FINDS, UNANIMOUSLY, THAT IT IS PLAUSIBLE THAT THEY SUFFERED A HARM AS A RESULT OF AT LEAST ONE CRIME FOR WHICH THE ACCUSED ARE INDICTED

IMPUGNED ORDER	APPEAL	CIVIL PARTY APPLICANT REJECTED BY CIJs	ADMISSIBILITY FINDING	IMMEDIATE VICTIM
D392 (Kep Province)¹	PTC 108²	08-VU-01552 (D22/2647) ³	Persecution on religious grounds against Buddhists	Applicant (prohibited from practicing Buddhism) ⁴
D393 (Oddar Meanchey Province)⁵	PTC 79⁶	09-VU-00583 (D22/880) ⁷	Persecution on religious grounds against Buddhists	Applicant (prohibited from practicing Buddhism) ⁸
		09-VU-00582 (D22/881) ⁹	Persecution on religious grounds against Buddhists	Applicant (prohibited from practicing Buddhism; prohibited from attending his pagoda) ¹⁰
		09-VU-00578 (D22/910) ¹¹	Inhumane acts through forced marriage	Applicant's brother ¹²

¹ Order on the Admissibility of Civil Party Applicants from Current Residents of Kep Province, 25 August 2010, D392.

² Appeal Against Order on the Admissibility of Civil Party Applicants from Current Residents of Kep Province (D392), 6 September 2010, filed 6 September 2010, D392/3/1 ("Appeal PTC 108").

³ Harm is not linked to the facts under investigation (Impugned Order D392, para. 25 and Annex 3).

⁴ Additional information incorporated in the Appeal.

⁵ Order on the Admissibility of Civil Party Applicants from Current Residents of Oddar Meanchey Province, 26 August 2010, D393.

⁶ Appeal Against Order on the Admissibility of Civil Party Applicants from Current Residents of Oddar Meanchey Province (D393), 6 September 2010, filed on 6 September 2010, D393/2/1 ("Appeal PTC 79").

⁷ Harm is not linked to the facts under investigation (Impugned Order D393, para. 24 and Annex 3).

⁸ Additional information provided by the Co-Lawyers at the request of the Pre-Trial Chamber, D393/2/2.

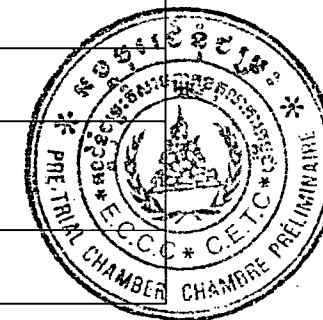
⁹ Harm is not linked to the facts under investigation (Impugned Order D393, para. 24 and Annex 3).

¹⁰ Summary of supplementary information D22/881a (not translated in the summary D22/881b).

¹¹ Harm is not linked to the facts under investigation (Impugned Order D393, para. 24 and Annex 3).

002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		09-VU-03779 (D22/3430) ¹³	Inhumane acts through forced marriage	Applicant's elder sister ¹⁴
		09-VU-03777 (D22/3428) ¹⁵	Persecution on religious grounds against Buddhists	Applicant (prohibited from practising Buddhism) ¹⁶
	PTC 80 ¹⁷	09-VU-00584 (D22/1469) ¹⁸	Inhumane acts through forced marriage	Applicant's two sisters ¹⁹
		09-VU-00579 (D22/1470) ²⁰	Inhumane acts through forced marriage	Applicant's nephew ²¹
D394 (Rattanakiri Province) ²²	PTC 82 ²³	08-VU-01537 (D22/1343) ²⁴	Phase 1 of forced transfer	Applicant ²⁵
		08-VU-01028 (D22/927) ²⁶	Inhumane acts through forced marriage	Applicant's brother ²⁷



¹² Additional information provided by the Co-Lawyers at the request of the Pre-Trial Chamber, D393/2/2.

¹³ Harm is not linked to the facts under investigation and the threshold for personal psychological harm is not met in relation to inhumane acts through forced marriage (Impugned Order D393, para. 22 and 24 and Annex 3).

¹⁴ Additional information provided by the Co-Lawyers at the request of the Pre-Trial Chamber, D393/2/2.

¹⁵ Harm is not linked to the facts under investigation (Impugned Order D393, para. 24 and Annex 3).

¹⁶ Additional information incorporated in the Appeal.

¹⁷ Appeal Against Order on the Inadmissibility of Civil Party Applicants from Current Residents of Oddar Meanchey Province (with references), 6 September 2010, filed 22 September 2010, D393/3/1 ("Appeal PTC 80").

¹⁸ Harm is not linked to the facts under investigation and the threshold for personal psychological harm is not met in relation to inhumane acts through forced marriage (Impugned Order D393, paras 22 and 24, and Annex 3).

¹⁹ Summary of supplementary information D393/3/1.3.2.

²⁰ Harm is not linked to the facts under investigation (Impugned Order D393, para. 24, and Annex 3).

²¹ Additional information incorporated in the Appeal.

²² Order on the Admissibility of Civil Party Applicants from Current Residents of Rattanakiri Province, 27 August 2010, D394.

²³ *Requete d'Appel d'Ordonnance sur la Recevabilite des Constitutions de Parties Civiles Residant dans la Province de Rattanakiri*, 2 September 2010, filed on 3 September 2010, D394/2/1 ("Appeal PTC 82").

²⁴ Insufficient proof of identification (Impugned Order D394, para. 20 and Annex 3).

²⁵ Additional information incorporated in the Appeal.

²⁶ Harm is not linked to the facts under investigation and the threshold for personal psychological harm is not met in relation to inhumane acts through forced marriage (Impugned Order D394, para. 26 and Annex 3).

002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		09-VU-00053 (D22/0764) ²⁸	Inhumane acts through forced marriage	Applicant's elder sister ²⁹
		08-VU-01190 (D22/0154) ³⁰	Inhumane acts through forced marriage	Applicant's cousin ³¹
		08-VU-01191 (D22/0932) ³²	Inhumane acts through forced marriage	Applicant's cousin ³³
		09-VU-00046 (D22/0957) ³⁴	Inhumane acts through forced marriage	Applicant's niece ³⁵
		09-VU-00035 (D22/1162) ³⁶	Inhumane acts through forced marriage	Applicant's brother ³⁷
	PTC 84³⁸	08-VU-01033 (D22/0042) ³⁹	Imprisonment at S-21	Applicant, who witnessed friends being arrested and sent to S-21, was afraid to be sent there too. ⁴⁰

²⁷ Summary of supplementary information D22/927a and Supplementary Information filed by ADHOC on 8 April 2010.

²⁸ Harm is not linked to the facts under investigation (Impugned Order D394, para. 26 and Annex 3).

²⁹ Summary of supplementary information D22/764b.

³⁰ Harm is not linked to the facts under investigation and the threshold for personal psychological harm is not met in relation to inhumane acts through forced marriage (Impugned Order D394, para. 26 and Annex 3).

³¹ Summary of supplementary information D22/154b.

³² Harm is not linked to the facts under investigation and the threshold for personal psychological harm is not met in relation to inhumane acts through forced marriage (Impugned Order D394, para. 26 and Annex 3).

³³ Supplementary information Form D22/932b.

³⁴ Harm is not linked to the facts under investigation and the threshold for personal psychological harm is not met in relation to inhumane acts through forced marriage (Impugned Order D394, para. 26 and Annex 3).

³⁵ Summary of supplementary information D22/957b.

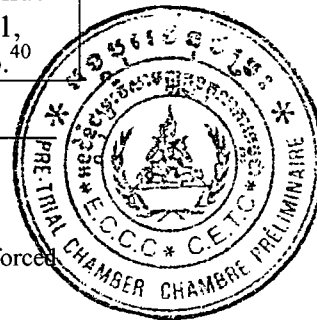
³⁶ Harm is not linked to the facts under investigation and the threshold for personal psychological harm is not met in relation to inhumane acts through forced marriage (Impugned Order D394, para. 26 and Annex 3).

³⁷ Supplementary information Form D22/1162b.

³⁸ Appeal by the *Avocats Sans Frontières France* Civil Party Co-Lawyers Against Order D394 on the Admissibility of Civil Party Applicants from Current Residents of Ratanakiri Province (D394), 6 September 2010, D394/4/1 ("Appeal PTC 84").

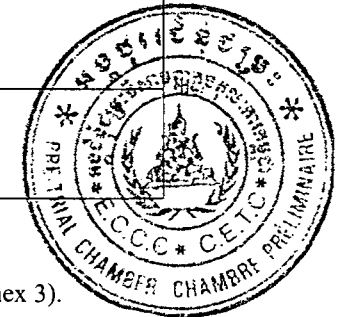
³⁹ Harm is not linked to the facts under investigation and no proof of kinship with the immediate victim(s) (Impugned Order D394, para. 24 and Annex 3).

⁴⁰ Additional Information from Applicant D22/42.3.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		08-VU-01032 (D22/0043) ⁴¹	Imprisonment, torture and murder at S-21	Applicant, who witnessed friends being arrested and sent to S-21, was afraid to be sent there too. He attempted to commit suicide to avoid this faith. ⁴²
		08-VU-01034 (D22/0048) ⁴³	Imprisonment, torture and murder at S-21	Applicant's uncle ⁴⁴
D395 (Mondulkiri Province)⁴⁵	PTC 85⁴⁶	08-VU-01819 (D22/1179) ⁴⁷	Enslavement and other inhuman acts through attacks against human dignity at the 1 st January dam worksite	Applicant ⁴⁸
		09-VU-0571 (D22/575) ⁴⁹	Enslavement and other inhuman acts through attacks against human dignity at Tram Kok cooperatives	Applicant ⁵⁰
D396 (Preah Vihear Province)⁵¹	PTC 87⁵²	09-VU-00021 (D22/00056) ⁵³	Imprisonment at S-21	Applicant's uncle ⁵⁴



⁴¹ Harm is not linked to the facts under investigation and no proof of kinship with the immediate victim(s) (Impugned Order D394, para. 24 and Annex 3).

⁴² Report on Civil Party Application D22/43/2.

⁴³ Insufficient information to verify compliance with Rule 23 *bis* (1) and (4) (Impugned Order D394, para. 27 and Annex 3).

⁴⁴ Report on Civil Party Application D22/48/1.

⁴⁵ Order on the Admissibility of Civil Party Applicants from Current Residents of Mondulkiri Province, 26 August 2010, D395.

⁴⁶ Appeal Against Order on the Admissibility of Civil Party Applicants from Current Residents of Mondulkiri Province (D395), 6 September 2010, D395/2/1 ("Appeal PTC 85").

⁴⁷ Harm is not linked to the facts under investigation and failure to demonstrate special bonds of affection with or dependency on the immediate victim (Impugned Order D395, para. 22 and 24 and Annex 3).

⁴⁸ Appeal PTC 85, para. 28 and footnote 28; Indictment, para. 1391. See also Report on Civil Party Application D22/1179/1.

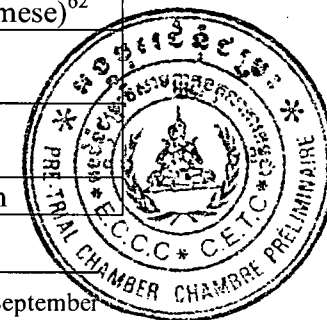
⁴⁹ Harm is not linked to the facts under investigation and failure to demonstrate special bonds of affection with or dependency on the immediate victim (Impugned Order D395, para. 22 and 24 and Annex 3).

⁵⁰ Appeal PTC 85, para. 29, and D22/575/1; Indictment, para. 1391.

⁵¹ Order on the admissibility of Civil Party Applicants from Current Residents of Preah Vihear Province, 30 August 2010, filed on 31 August 2010, D 396.

002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

D397 (Koh Kong Province)⁵⁵	PTC 89⁵⁶	08-VU-01842 (D22/1205) ⁵⁷	Persecution on religious grounds against Buddhists	Applicant (prohibited from practising Buddhism) ⁵⁸
		08-VU-02182 (D22/1206) ⁵⁹	Inhumane acts through forced marriage	Applicant's younger sister ⁶⁰
		08-VU-02194 (D22/0444) ⁶¹	Persecution on racial grounds against the Vietnamese in Prey Veng province	Applicant and his wife (arrested on the basis that they were perceived as being Vietnamese) ⁶²
		09-VU-00279 (D22/1998) ⁶³	Inhumane acts through forced marriage	Applicant's aunt ⁶⁴
		09-VU-00289 (D22/1137) ⁶⁵	Inhumane acts through forced marriage	Applicant's neighbours ⁶⁶
		09-VU-00291 (D22/0874) ⁶⁷	Persecution on religious grounds	Applicant (prohibited from



⁵² Appeal Against Order on the Admissibility of Civil Party Applicants from Current Residents of Preah Vihear Province, 9 September 2010, filed 9 September 2010, D396/2/1 (“Appeal PTC 87”)

⁵³ Harm is not linked to the facts under investigation (Impugned Order D396, para. 23 and Annex 3)

⁵⁴ Applicant's information D22/56.

⁵⁵ Order on the Admissibility of Civil Party Applicants from Current Residents of Koh Kong Province, 30 August 2010, filed on 31 August 2010, D397.

⁵⁶ Appeal Against Order on the Admissibility of Civil Party Applicants from Current Residents of Koh Kong, 9 September 2010, filed 9 September 2010, D397/2/1 (“Appeal PTC 89”).

⁵⁷ Harm is not linked to the facts under investigation (Impugned Order D397, para. 25 and Annex 3).

⁵⁸ Summary of supplementary information D22/1205b.

⁵⁹ Harm is not linked to the facts under investigation and the threshold for personal psychological harm is not met in relation to inhumane acts through forced marriage (Impugned Order D397, para. 25 and Annex 3).

⁶⁰ Applicant's supplementary information D22/1206b.

⁶¹ Harm is not linked to the facts under investigation (Impugned Order D397, para. 25 and Annex 3).

⁶² Report on Civil Party Application D22/444/1.

⁶³ Harm is not linked to the facts under investigation and the threshold for personal psychological harm is not met in relation to inhumane acts through forced marriage (Impugned Order D397, para. 25 and Annex 3).

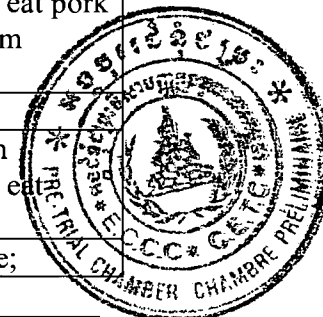
⁶⁴ Summary of supplementary information D22/1998b.

⁶⁵ Harm is not linked to the facts under investigation (Impugned Order D397, para. 25 and Annex 3).

⁶⁶ Summary of supplementary information D22/1137b.

002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

			against Buddhists	practicing Buddhism; witnessed the destruction of the Kao Savann Pagoda and the Bantheay Dei Pagoda; witnessed the disappearance of monks; prohibited from attending a pagoda; prohibited from praying) ⁶⁸
	PTC 90 ⁶⁹	07-VU-00104 (D22/1263) ⁷⁰	Persecution on religious grounds against Chams and Phase 1 of forced transfer	Applicant (prohibited from practising Islam; forced to eat pork and forcibly evacuated from Phnom Penh) ⁷¹
	PTC 91 ⁷²	09-VU-00544 (D22/1091) ⁷³	Phase 1 of forced transfer	Applicant's brother ⁷⁴
	PTC 92 ⁷⁵	08-VU-02195 (D22/501) ⁷⁶	Persecution on religious grounds against Chams	Applicant (prohibited from practising Islam; forced to eat pork) ⁷⁷
		09-VU-01788 (D22/2784) ⁷⁸	Persecution on religious grounds	Applicant (change of name;



⁶⁷ Harm is not linked to the facts under investigation (Impugned Order D397, para. 25 and Annex 3).

⁶⁸ Summary of supplementary information D22/874b and Supplementary Documentation on Appeal, D397/2.1.2.

⁶⁹ Appeal Against Order on the Admissibility of Civil Party Applicants from Current Residents of Koh Kong Province (D397), 9 September 2010, D397/3/1 ("Appeal PTC 90").

⁷⁰ Insufficient proof of identification (Impugned Order D397, para. 20 and Annex 3).

⁷¹ Additional information incorporated in the Appeal.

⁷² Appeal Against Order on the Admissibility of Civil Party Applicants from Current Residents of Koh Kong (D397), 9 September 2010, D397/4/1 ("Appeal PTC 91").

⁷³ Appeal Against Order on the Admissibility of Civil Party Applicants from Current Residents of Koh Kong (D397), 9 September 2010, D397/4/1 ("Appeal PTC 91").

⁷⁴ Additional information incorporated into the Appeal.

⁷⁵ *Requête D'appel D'ordonnance Sur La Recevabilité des Constitutions de Parties Civiles Résidant Dans La Province de Koh Kong*, 9 September 2010, filed 10 September 2010, D397/5/1 ("Appeal PTC 92").

⁷⁶ Harm is not linked to the facts under investigation and the threshold for psychological harm is not met in relation to forced marriage (Impugned Order D397, para. 25 and Annex 3).

⁷⁷ Summary of supplementary information D22/501b.

002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

			against Chams	prohibited from praying; prohibited from wearing traditional clothes) ⁷⁹
		08-VU-00822 (D22/1498) ⁸⁰	Persecution on religious grounds against Chams	Applicant (forced to eat pork) ⁸¹
		08-VU-02325 (D22/1128) ⁸²	Persecution on religious grounds against Chams	Applicant (prohibited from practising Islam; forced to eat pork) ⁸³
		09-VU-01786 (D22/1880) ⁸⁴	Persecution on religious grounds against Chams	Applicant ⁸⁵
		09-VU-01787 (D22/2783) ⁸⁶	Persecution on religious grounds against Chams	Applicant (prohibited from practising Islam; prohibited from wearing traditional clothes; prohibited from speaking Cham) ⁸⁷
		09-VU-01789 (D22/2785) ⁸⁸	Persecution on religious grounds against Chams	Applicant (prohibited from practising Islam; prohibited from praying; destruction of her mosque; prohibited from speaking Cham) ⁸⁹

⁷⁸ Harm is not linked to the facts under investigation and the threshold for psychological harm is not met in relation to inhumane acts through forced marriage (Impugned Order D397, para. 25 and Annex 3).

⁷⁹ Summary of supplementary information D22/2784b

⁸⁰ Harm is not linked to the facts under investigation (Impugned Order D397, para. 25 and Annex 3).

⁸¹ Summary of Supplementary Information D22/1498b.

⁸² Harm is not linked to the facts under investigation (Impugned Order D397, para. 25 and Annex 3).

⁸³ Summary of supplementary information D22/1128b.

⁸⁴ Harm is not linked to the facts under investigation (Impugned Order D397, para. 25 and Annex 3).

⁸⁵ Summary of supplementary information D22/1880b.

⁸⁶ Harm is not linked to the facts under investigation (Impugned Order D397, para. 25 and Annex 3).

⁸⁷ Summary of supplementary information D22/2783b.

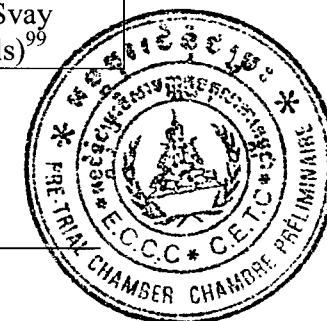
⁸⁸ Harm is not linked to the facts under investigation (Impugned Order D397, para. 25 and Annex 3).



Civil party applications unanimously found to be admissible

002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

D398 (Stung Treng Province)⁹⁰	PTC 94⁹¹	08-VU-01797 (D22/0395) ⁹²	Persecution on religious grounds against Buddhists	Applicant (prohibited from practising Buddhism; prohibited from attending the Ou Svay and Ochentear Pagodas) ⁹³
		08-VU-00665 (D22/0430) ⁹⁴	Persecution on religious grounds against Buddhists	Applicant (prohibited from practising Buddhism; prohibited from attending pagodas) ⁹⁵
		08-VU-00643 (D22/0483) ⁹⁶	Persecution on religious grounds against Buddhists	Applicant (prohibited from practising Buddhism) ⁹⁷
		08-VU-01794 (D22/1197) ⁹⁸	Persecution on religious grounds against Buddhists	Applicant (prohibited from practising Buddhism; witnessed the destruction of the Ou Svay Pagoda's religious symbols) ⁹⁹



⁸⁹ Summary of supplementary information D22/2785b.

⁹⁰ Order on the Admissibility of Civil Party Applicants from Current Residents of Stung Treng Province, 30 August 2010, D398.

⁹¹ Appeal Against Order on the Admissibility of Civil Party Applicants from Current Residents of Stung Treng (D398), 9 September 2010, D398/2/1 ("Appeal PTC 94").

⁹² Harm is not linked to the facts under investigation and the threshold for psychological harm is not met in relation to inhumane acts through forced marriage (Impugned Order D398, para. 24 and Annex 3).

⁹³ Summary of supplementary information D22/395b and additional information incorporated in the Appeal.

⁹⁴ Harm is not linked to the facts under investigation (Impugned Order D398, para. 24 and Annex 3).

⁹⁵ Summary of supplementary information D22/430b.

⁹⁶ Harm is not linked to the facts under investigation and no proof of kinship in relation to inhumane acts through forced marriage (Impugned Order D398, para. 24 and Annex 3).

⁹⁷ Additional information incorporated in the appeal.

⁹⁸ Harm is not linked to the facts under investigation and no proof of kinship in relation to inhumane acts through forced marriage (Impugned Order D398, para. 24 and Annex 3).

⁹⁹ Summary of supplementary information D22/1197b.

002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		09-VU-00300 (D22/1671) ¹⁰⁰	Persecution on religious grounds against Buddhists	Applicant (prohibited from practising Buddhism; prohibited from attending the Ou Svay Pagoda; prohibited from holding a funeral ceremony for his father) ¹⁰¹
		09-VU-01374 (D22/1894) ¹⁰²	Persecution on religious grounds against Buddhists	Applicant (witnessed the destruction of the Chey Mongkul Pagoda; suffered from having no place to pray) ¹⁰³
		09-VU-01375 (D22/1904) ¹⁰⁴	Persecution on religious grounds against Buddhists	Applicant (prohibited from practising Buddhism; witnessed the killing of a monk in her village of Kampong) ¹⁰⁵
		08-VU-01818 (D22/1184) ¹⁰⁶	Persecution on religious grounds against Buddhists	Applicant (prohibited from practising Buddhism; prohibited from holding Buddhist ceremonies; witnessed the killing of a monk from the Chey Mongkul pagoda) ¹⁰⁷

¹⁰⁰ Harm is not linked to the facts under investigation (Impugned Order D398, para. 24 and Annex 3).

¹⁰¹ Summary of supplementary information D22/1671b.

¹⁰² Harm is not linked to the facts under investigation (Impugned Order D398, para. 24 and Annex 3).

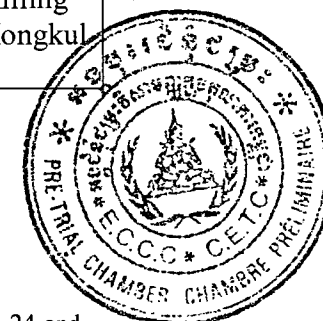
¹⁰³ Additional information incorporated in the appeal.

¹⁰⁴ Harm is not linked to the facts under investigation and there is no proof of kinship in relation to Buddhist persecution (Impugned Order D398, para. 24 and Annex 3).

¹⁰⁵ Report on Civil Party Application D22/1904/1 and additional information incorporated in the appeal. See also Indictment, paras. 741 and 1421 according to which ‘virtually all Buddhist monks and nuns were disrobed. Some monks were threatened with death or killed if they did not comply.’

¹⁰⁶ Harm is not linked to the facts under investigation and there is no proof of kinship in relation to Buddhist persecution (Impugned Order D398, para. 24 and Annex 3).

¹⁰⁷ Report on Civil Party Application D22/2184/1 and additional information incorporated in the appeal.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		09-VU-01940 (D22/2185) ¹⁰⁸	Persecution on religious grounds against Buddhists	Applicant (prohibited from practising Buddhism; prohibited from attending her pagoda) ¹⁰⁹
		09-VU-01478 (D22/2727) ¹¹⁰	Persecution on religious grounds against Buddhists	Applicant (prohibited from practising Buddhism; prohibited from attending Buddhist ceremonies; prohibited from praying) ¹¹¹
		09-VU-01941 (D22/2926) ¹¹²	Persecution on religious grounds against Buddhists	Applicant (prohibited from praying) ¹¹³
		09-VU-01945 (D22/2930) ¹¹⁴	Persecution on religious grounds against Buddhists	Applicant (prohibited from practising Buddhism; prohibited from praying; prohibited from giving offerings to monks) ¹¹⁵
		09-VU-01947 (D22/2932) ¹¹⁶	Persecution on religious grounds against Buddhists	Applicant (prohibited from practising Buddhism; witnessed the destruction of the Chey Mongkul pagoda; witnessed the disrobing of monks) ¹¹⁷

¹⁰⁸ Harm is not linked to the facts under investigation and there is no proof of kinship in relation to Buddhist persecution (Impugned Order D398, para. 24 and Annex 3).

¹⁰⁹ Report on Civil Party Application D22/2185/1.

¹¹⁰ Harm is not linked to the facts under investigation and there is no proof of kinship in relation to Buddhist persecution (Impugned Order D398, para. 24 and Annex 3).

¹¹¹ Report on Civil Party Application D22/2727/1 and additional information incorporated in the appeal.

¹¹² Harm is not linked to the facts under investigation and no proof of kinship in relation to Buddhist persecution (Impugned Order D398, para. 24 and Annex 3).

¹¹³ Report on Civil Party Application D22/2926/1 and additional information incorporated in the appeal.

¹¹⁴ Harm is not linked to the facts under investigation and no proof of kinship in relation to Buddhist persecution (Impugned Order D398, para. 24 and Annex 3).

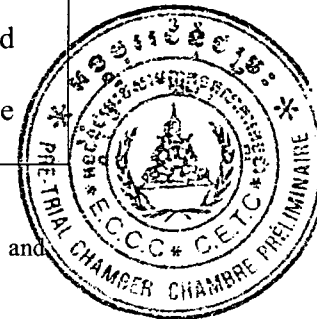
¹¹⁵ Report on Civil Party Application D22/2930/1 and additional information incorporated in the appeal.

¹¹⁶ Harm is not linked to the facts under investigation (Impugned Order D398, para. 24 and Annex 3).

¹¹⁷ Report on Civil Party Application D22/2932/1 and additional information incorporated in the appeal.

Civil party applications unanimously found to be admissible

10/60



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		09-VU-01951 (D22/2936) ¹¹⁸	Persecution on religious grounds against Buddhists	Applicant (prohibited from practising Buddhism; witnessed the destruction of the Chey Mongkul pagoda; witnessed Buddha statues being thrown into the river) ¹¹⁹
		09-VU-01982 (D22/2965) ¹²⁰	Persecution on religious grounds against Buddhists	Applicant (prohibited from practising Buddhism; witnessed the body of a monk floating in the river among other corpses; witnessed the clothes of monks, who had been forced to disrobe, scattered around beheaded Buddha statues) ¹²¹
		09-VU-01985 (D22/2968) ¹²²	Persecution on religious grounds against Buddhists	Applicant (prohibited from practising Buddhism; prohibited from praying; witnessed attacks against her religious symbols; witnessed the killing of a monk who refused to disrobe) ¹²³

¹¹⁸ Harm is not linked to the facts under investigation (Impugned Order D398, para. 24 and Annex 3).

¹¹⁹ Report on Civil Party Application D22/2936/1 and additional information incorporated in the appeal.

¹²⁰ Harm is not linked to the facts under investigation and no proof of kinship in relation to Buddhist persecution (Impugned Order D398, para. 24 and Annex 3).

¹²¹ Report on Civil Party Application D22/2965/1 and additional information incorporated in the appeal.

¹²² Harm is not linked to the facts under investigation and no proof of kinship in relation to Buddhist persecution (Impugned Order D398, para. 24 and Annex 3).

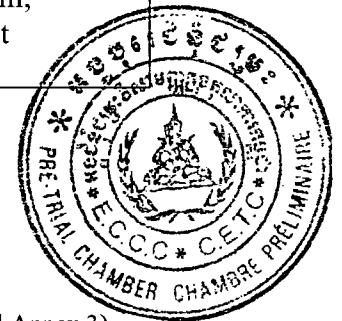
¹²³ Report on Civil Party Application D22/2968/1 and additional information incorporated in the appeal.

Civil party applications unanimously found to be admissible



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		09-VU-01987 (D22/2970) ¹²⁴	Persecution on religious grounds against Buddhists	Applicant (prohibited from practising Buddhism; prohibited from attending Buddhist ceremonies; witnessed attacks against religious symbols; witnessed the disrobing of ten monks from the Hang Ko Pagoda) ¹²⁵
		09-VU-01939 (D22/2184) ¹²⁶	Persecution on religious grounds against Buddhists	Applicant (prohibited from practising Buddhism; prohibited from attending Buddhist ceremonies; witnessed attacks against religious symbols; witnessed the killing of a monk at the Chey Mongkul Pagoda) ¹²⁷
		08-VU-01203 (D22/0966) ¹²⁸	Persecution on religious grounds against Buddhists	Applicant's mother (prohibited from practising Buddhism; witnessed attacks against Buddhists) ¹²⁹



¹²⁴ Harm is not linked to the facts under investigation and no proof of kinship in relation to Buddhist persecution (Impugned Order D398, para. 24 and Annex 3).

¹²⁵ Report on Civil Party Application D22/2970/1 and additional information incorporated in the appeal.

¹²⁶ Harm is not linked to the facts under investigation and no proof of kinship in relation to Buddhist persecution (Impugned Order D398, para. 24 and Annex 3).

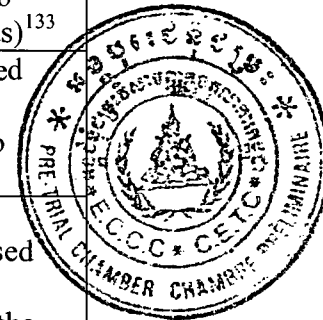
¹²⁷ Report on Civil Party Application D22/2184/1 and additional information incorporated in the appeal.

¹²⁸ Harm is not linked to the facts under investigation and no proof of kinship in relation to inhumane acts through forced marriage (Impugned Order D398, para. 24 and Annex 3).

¹²⁹ Report on Civil Party Application D22/966/1 and additional information incorporated in the appeal.

002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		09-VU-01944 (D22/2929) ¹³⁰	Persecution on religious grounds against Buddhists	Applicant's mother (prohibited from practising Buddhism; prohibited from praying; prohibited from attending her pagoda) ¹³¹
		09-VU-01946 (D22/2931) ¹³²	Persecution on religious grounds against Buddhists	Applicant's mother (prohibited from practising Buddhism; suffered from having no place to find relief or to pray at any time) and the applicant (attended meeting in April 1975 at which participants were instructed to disrespect monks and pagodas) ¹³³
		09-VU-01983 (D22/2966) ¹³⁴	Persecution on religious grounds against Buddhists	Applicant's mother (prohibited from practising Buddhism; suffered from being unable to pray) ¹³⁵
		09-VU-01949 (D22/2934) ¹³⁶	Persecution on religious grounds against Buddhists	Applicant (prohibited from practising Buddhism; witnessed the destruction of the Chey Mongkul Pagoda; witnessed the killing of three monks) ¹³⁷



¹³⁰ Harm is not linked to the facts under investigation (Impugned Order D398, para. 24 and Annex 3).

¹³¹ Report on Civil Party Application D22/2929/1 and additional information incorporated in the appeal.

¹³² Harm is not linked to the facts under investigation and the threshold for personal psychological harm is not met in relation to inhumane acts through forced marriage (Impugned Order D398, para. 24 and Annex 3).

¹³³ Report on Civil Party Application D22/2931/1 and additional information incorporated in the appeal.

¹³⁴ Harm is not linked to the facts under investigation (Impugned Order D398, para. 24 and Annex 3).

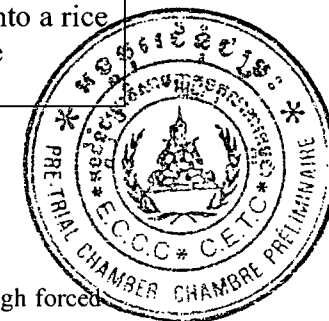
¹³⁵ Report on Civil Party Application D22/2966/1 and additional information incorporated in the appeal.

¹³⁶ Harm is not linked to the facts under investigation (Impugned Order D398, para. 24 and Annex 3).

¹³⁷ Report on Civil Party Application D22/2934/1 and additional information incorporated in the appeal.

002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		09-VU-01950 (D22/2935) ¹³⁸	Persecution on religious grounds against Buddhists	Applicant (prohibited from practicing Buddhism; destruction of the Chey Mongkul Pagoda; witnessed a monk being shot at) ¹³⁹
		09-VU-00309 (D22/1665) ¹⁴⁰	Inhumane acts through forced marriage	Applicant's cousin ¹⁴¹
		09-VU-01480 (D22/2729) ¹⁴²	Inhumane acts through forced marriage	Applicant's elder sister ¹⁴³
	PTC 95 ¹⁴⁴	09-VU-00296 (D22/2078) ¹⁴⁵	Persecution on religious grounds against Buddhists	Applicant (prohibited from practising Buddhism; prohibited from attending her child's funeral; prohibited from praying) ¹⁴⁶
		09-VU-01481 (D22/2133) ¹⁴⁷	Persecution on religious grounds against Buddhists	Applicant (witnessed the destruction being turned into a rice storage room; monks were disrobed) ¹⁴⁸



¹³⁸ Harm is not linked to the facts under investigation (Impugned Order D398, para. 24 and Annex 3).

¹³⁹ Report on Civil Party Application D22/2935/1 and additional information incorporated in the appeal.

¹⁴⁰ Harm is not linked to the facts under investigation and the threshold for personal psychological harm is not met in relation to inhumane acts through forced marriage (Impugned Order D398, para. 24 and Annex 3).

¹⁴¹ Summary of supplementary information D22/1665b and additional information incorporated in the appeal.

¹⁴² Harm is not linked to the facts under investigation and no proof of kinship in relation to Buddhist persecution (Impugned Order D398, para. 24 and Annex 3).

¹⁴³ Summary of supplementary information D22/2729b and additional information incorporated in the appeal.

¹⁴⁴ Appeal Against Order on the Inadmissibility of Civil Party Applicants from Current Residents of Stung Treng Province (with references), 9 September 2010, filed on 28 September 2010, D398/3/1 ("Appeal PTC 95").

¹⁴⁵ Harm is not linked to the facts under investigation (Impugned Order D398, para. 24 and Annex 3).

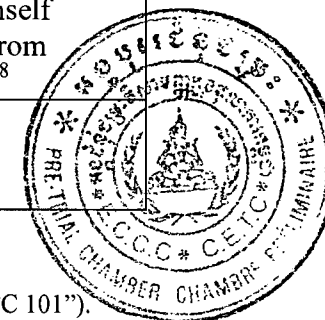
¹⁴⁶ Summary of supplementary information D22/2078b; Additional information submitted following a request of the Pre-Trial Chamber on 23 February 2011, D398/3/2.

¹⁴⁷ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D398, para. 24 and Annex 3).

¹⁴⁸ Additional information provided following a request from the Pre-Trial Chamber, D398/3/2.

002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

D399 (Takeo Province)¹⁴⁹	PTC 101¹⁵⁰	08-VU-01836 (D22/1167) ¹⁵¹	Persecution on religious grounds against Buddhists	Applicant (prohibited from practising Buddhism; closure of the Svay Teap Pagoda) ¹⁵²
		09-VU-00601 (D22/1220) ¹⁵³	Inhumane acts through forced marriage	Applicant's mother ¹⁵⁴
		09-VU-02077 (D22/3038) ¹⁵⁵	Persecution on religious grounds against Buddhists	Applicant (prohibited from practising Buddhism; closure of his pagoda) ¹⁵⁶
		09-VU-03465 (D22/3174) ¹⁵⁷	Persecution on religious grounds against Buddhists	Applicant (prohibited from practising Buddhism; transformation of his pagoda into prison where he was himself imprisoned; prohibited from practicing his religion) ¹⁵⁸
D401 (Preah Sihanouk Province)¹⁵⁹	PTC 96¹⁶⁰	09-VU-02070 (D22/3031) ¹⁶¹	Inhumane acts through forced marriage	Applicant's cousin ¹⁶²



¹⁴⁹ Order on the Admissibility of Civil Party Applicants from Current Residents of Takeo Province, 31 August 2010, D399.

¹⁵⁰ Appeal Against Order on the Admissibility of Civil Party Applicants from Current Residents of Takeo, 10 September 2010, D399/2/1 ("Appeal PTC 101").

¹⁵¹ Harm is not linked to the facts under investigation (Impugned Order D399, para. 24 and Annex 3).

¹⁵² Additional Documentation filed by the Co-Lawyers, D399/2/1.2.

¹⁵³ Harm is not linked to the facts under investigation (Impugned Order D399, para. 24 and Annex 3).

¹⁵⁴ Summary of supplementary information, D22/1220b.

¹⁵⁵ Harm is not linked to the facts under investigation and the threshold for personal psychological harm is not met in relation to inhumane acts through forced marriage (Impugned Order D399, para. 24 and Annex 3).

¹⁵⁶ Additional information incorporated in the Appeal.

¹⁵⁷ Harm is not linked to the facts under investigation and the threshold for personal psychological harm is not met in relation to inhumane acts through forced marriage (Impugned Order D399, para. 24 and Annex 3).

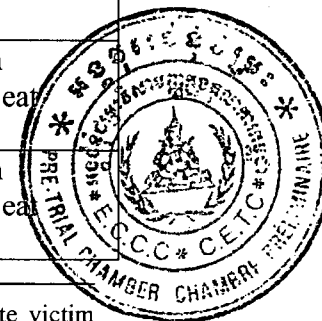
¹⁵⁸ Additional Documentation filed by the Co-Lawyers, D399/2/1.3.

¹⁵⁹ Order on the Admissibility of Civil Party Applicants from Current Residents of Preah Sihanouk Province, 2 September 2010, D401.

¹⁶⁰ Appeal Against Order on the Admissibility of Civil Party Applicants from Current Residents of Preah Sihanouk Province (D401), 8 September 2010, D401/2/1 ("Appeal PTC 96").

002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		09-VU-02076 (D22/3037) ¹⁶³	Persecution on religious grounds against Buddhists	Applicant (prohibited from practising Buddhism; witnessed monks being prohibited from staying in the Angk Mrehpraov Pagoda; witnessed the Angk Mrehpraov Pagoda being used as a detention centre; witnessed killings at the Angk Mrehpraov pagoda) ¹⁶⁴
	PTC 98 ¹⁶⁵	08-VU-01269 (D22/1009) ¹⁶⁶	Persecution on religious grounds against Chams	Applicant (prohibited from practising Islam; witnessed the destruction of his mosque; forced to eat pork) ¹⁶⁷
		09-VU-03798 (D22/3449) ¹⁶⁸	Persecution on religious grounds against Chams	Applicant (prohibited from practising Islam; forced to eat pork) ¹⁶⁹
		09-VU-01523 (D22/1866) ¹⁷⁰	Persecution on religious grounds against Chams	Applicant (prohibited from practising Islam; forced to eat pork) ¹⁷¹



¹⁶¹ Harm is not linked to the facts under investigation and failure to demonstrate special bonds of affection with or dependency on the immediate victim (Impugned Order D401, para. 22 and Annex 3).

¹⁶² Summary of supplementary information D22/3031b.

¹⁶³ Insufficient information to verify compliance with Rule 23 *bis* (1) and (4) (Impugned Order D401, para. 25 and Annex 3).

¹⁶⁴ Additional information incorporated in the Appeal.

¹⁶⁵ *Requête D'appel D'ordonnance Sur La Recevabilité des Constitutions de Parties Civiles Résidant Dans La Province de Preah Sihanouk*, 12 September 2010, D401/4/1 ("Appeal PTC 98").

¹⁶⁶ Harm is not linked to the facts under investigation (Impugned Order D410, para. 24 and Annex 3).

¹⁶⁷ Summary of supplementary information D22/1009b.

¹⁶⁸ Harm is not linked to the facts under investigation (Impugned Order D410, para. 24 and Annex 3).

¹⁶⁹ Summary of supplementary information D22/3449b.

¹⁷⁰ Harm is not linked to the facts under investigation and failure to demonstrate special bonds of affection with or dependency on the immediate victim (Impugned Order D401, para. 22 and Annex 3).

002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		09-VU-02053 (D22/3014) ¹⁷²	Persecution on religious grounds against Chams	Applicant (prohibited from practising Islam; forced to eat pork; witnessed her younger cousin being forced to eat pork and nearly dying) ¹⁷³
		09-VU-03801 (D22/3452) ¹⁷⁴	Persecution on religious grounds against Chams	Applicant (prohibited from practising Islam; forced to change her name; forced to eat pork meat) ¹⁷⁵
		09-VU-03802 (D22/3453) ¹⁷⁶	Persecution on religious grounds against Chams	Applicant (prohibited from practising Islam; prohibited from speaking Cham; forced to eat pork) ¹⁷⁷
		09-VU-00627 (D22/898) ¹⁷⁸	Persecution on religious grounds against Chams	Applicant (prohibited from practising Islam, prohibited from praying; forced to eat pork, prohibition to worship and to engage in any religious practice) ¹⁷⁹

¹⁷¹ Summary of supplementary information D22/1866b.

¹⁷² Harm is not linked to the facts under investigation (Impugned Order D410, para. 24 and Annex 3).

¹⁷³ Summary of supplementary information D22/3014b.

¹⁷⁴ Harm is not linked to the facts under investigation (Impugned Order D410, para. 24 and Annex 3).

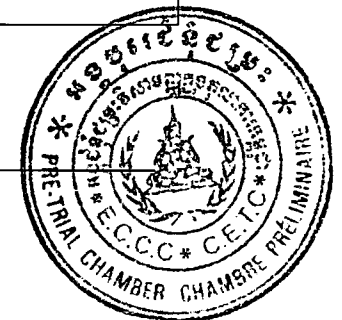
¹⁷⁵ Summary of supplementary information D22/3452b.

¹⁷⁶ Harm is not linked to the facts under investigation (Impugned Order D410, para. 24 and Annex 3).

¹⁷⁷ Summary of supplementary information D22/3453b.

¹⁷⁸ Harm is not linked to the facts under investigation (Impugned Order D410, para. 24 and Annex 3).

¹⁷⁹ Additional information submitted on 23 February 2011 following a request from the Pre-Trial Chamber, D401/4/2.5.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		09-VU-02052 (D22/3013) ¹⁸⁰	Persecution on religious grounds against the Cham	Applicant (forced to eat pork under the threat of being killed, prohibited from wearing traditional clothes, women forced to cut their hair, prohibition to hold any religious ceremony and for the Muslims to gather) ¹⁸¹
		09-VU-02054 (D22/3015) ¹⁸²	Persecution on religious grounds against the Cham	Applicant (forced to eat pork) and Applicant's uncle and grandfather(killed because they were found in possession of the Quoran) ¹⁸³
		09-VU-03799 (D22/3450) ¹⁸⁴	Persecution on religious grounds against the Cham	Applicant (forced to eat pork and confiscation of Quoran) ¹⁸⁵
		09-VU-02050 (D22/3011) ¹⁸⁶	Persecution on religious grounds against the Cham	Applicant (prohibition to practice religion, destruction of Mosques, people forced to eat pork and confiscation of Quoran) and Applicant's grandfather (killed after being caught practicing his religion) ¹⁸⁷

¹⁸⁰ Harm is not linked to the facts under investigation (Impugned Order D401, para.24 and Annex 3).

¹⁸¹ Additional information provided on 23 February 2011 following a request from the Pre-Trial Chamber, D401/4/2.7.

¹⁸² Harm is not linked to the facts under investigation (Impugned Order D401, para.24 and Annex 3).

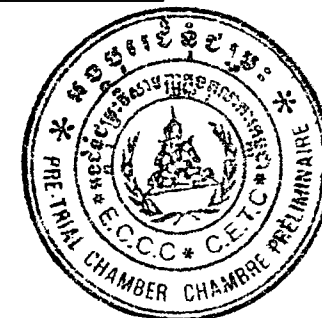
¹⁸³ Additional information provided on 23 February 2011 following a request from the Pre-Trial Chamber, D401/4/2.8.

¹⁸⁴ Harm is not linked to the facts under investigation (Impugned Order D401, para.24 and Annex 3).

¹⁸⁵ Additional information provided on 23 February 2011 following a request from the Pre-Trial Chamber, D401/4/2.9.

¹⁸⁶ Harm is not linked to the facts under investigation (Impugned Order D401, para.24 and Annex 3).

¹⁸⁷ Additional information provided on 23 February 2011 following a request from the Pre-Trial Chamber, D401/4/2.6.



Civil party applications unanimously found to be admissible

002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		09-VU-01816 (D22/2179) ¹⁸⁸	Persecution on religious grounds against the Cham	Applicant (prohibition to practice religion, people forced to eat pork and confiscation of Quoran) ¹⁸⁹
		09-VU-01034 (D22/2691) ¹⁹⁰	Persecution on religious grounds against the Cham	Applicant (people forced to eat pork and prohibition to practice any religion) ¹⁹¹
		09-VU-02049 (D22/3010) ¹⁹²	Persecution on religious grounds against the Cham	Applicant (people forced to eat pork and women forced to cut their hair) ¹⁹³
		09-VU-00079 (D22/1559) ¹⁹⁴	Inhumane acts through forced marriage	Applicant's two cousins ¹⁹⁵
	PTC 99¹⁹⁶	08-VU-02313 (D22/1466) ¹⁹⁷	Inhumane acts through forced marriage	Two of the applicant's friends ¹⁹⁸
		09-VU-00084 (D22/1164) ¹⁹⁹	Inhumane acts through forced marriage	Applicant's cousin ²⁰⁰
		09-VU-00087 (D22/461) ²⁰¹	Persecution on religious grounds	Applicant's two nephews who

¹⁸⁸ Harm is not linked to the facts under investigation (Impugned Order D401, para.24 and Annex 3).

¹⁸⁹ Additional information provided on 23 February 2011 following a request from the Pre-Trial Chamber, D401/4/2.2.

¹⁹⁰ Harm is not linked to the facts under investigation (Impugned Order D401, para.24 and Annex 3).

¹⁹¹ Additional information provided on 23 February 2011 following a request from the Pre-Trial Chamber, D401/4/2.3.

¹⁹² Harm is not linked to the facts under investigation (Impugned Order D401, para.24 and Annex 3).

¹⁹³ Additional information provided on 23 February 2011 following a request from the Pre-Trial Chamber, D401/4/2.1.

¹⁹⁴ Harm is not linked to the facts under investigation and failure to demonstrate special bonds of affection with or dependency on the immediate victim (Impugned Order D401, para. 22 and Annex 3).

¹⁹⁵ Summary of supplementary information D22/1559b.

¹⁹⁶ *Requête D'appel D'ordonnance Sur La Recevabilité des Constitutions de Parties Civiles Résidant Dans la Province de Preah Sihanouk*, 12 September 2010, D 401/5/1 ("Appeal PTC 99").

¹⁹⁷ Insufficient information to verify compliance with Rule 23 bis (1) and (4) (Impugned Order D401, para. 25 and Annex 3).

¹⁹⁸ Summary of supplementary information D22/1466b.

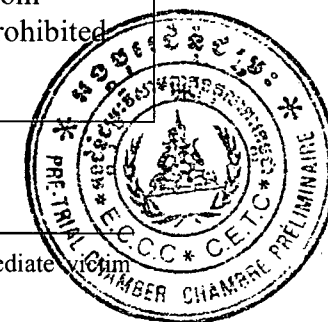
¹⁹⁹ Harm is not linked to the facts under investigation and failure to demonstrate special bonds of affection with or dependency on the immediate victim (Impugned Order D401, para. 22 and Annex 3).

²⁰⁰ Summary of supplementary information D22/1164b.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

			against Buddhists	were monks (forced to disrobe; forced to work at a cooperative) ²⁰²
		09-VU-00624 (D22/899) ²⁰³	Persecution on religious grounds against the Buddhists	Applicant (prohibited from practicing his religion, witnessed monks being forced out of a pagoda) ²⁰⁴
		09-VU-00628 (D22/1442) ²⁰⁵	Inhumane acts through forced marriage	Applicant's niece ²⁰⁶
		09-VU-00082 (D22/490) ²⁰⁷	Inhumane acts through forced marriage	Applicant's niece ²⁰⁸
	PTC 100 ²⁰⁹	09-VU-00080 (D22/762) ²¹⁰	Persecution on religious grounds against Buddhists	Applicant (prohibited from practising Buddhism; prohibited from holding funeral ceremonies) ²¹¹



²⁰¹ Harm is not linked to the facts under investigation and failure to demonstrate special bonds of affection with or dependency on the immediate victim (Impugned Order D401, para. 22 and Annex 3).

²⁰² Summary of supplementary information D22/461b.

²⁰³ Harm is not linked to the facts under investigation and failure to demonstrate special bonds of affection with or dependency on the immediate victim (Impugned Order D401, para. 22 and Annex 3).

²⁰⁴ Supplementary Information D22/899b.

²⁰⁵ Harm is not linked to the facts under investigation and failure to demonstrate special bonds of affection with or dependency on the immediate victim (Impugned Order D401, para. 22 and Annex 3).

²⁰⁶ Summary of supplementary information D22/1442b.

²⁰⁷ Threshold for personal psychological harm is not met in relation to forced marriage and harm is not linked to the other facts under investigation (Impugned Order D401, paras. 22-23 and Annex 3).

²⁰⁸ Summary of supplementary information D22/490b.

²⁰⁹ Appeal Against the Order on the Admissibility of Civil Party Applicants from Current Residents of Preah Sihanouk Province, 12 September 2010, D401/6/1 ("Appeal PTC 100").

²¹⁰ Harm is not linked to the facts under investigation (Impugned Order D401, para. 24 and Annex 3).

²¹¹ Summary of supplementary information D22/762b.

002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		09-VU-00085 (D22/0493) ²¹²	Persecution on religious grounds against Buddhists	Applicant itnessed shocking and violent scenes of persecution against Buddhists, such as Khmer Rouge soldiers chasing and shooting at monks as well as others being arrested and put on trucks and sent to be killed) ²¹³
		09-VU-01196 (D22/0747) ²¹⁴	Persecution on religious grounds against Buddhists	Applicant (prohibited from practising Buddhism; prohibited from offering food to spirits) ²¹⁵
		09-VU-01515 (D22/0863) ²¹⁶	Persecution on religious grounds against Buddhists	Applicant (prohibited from practising Buddhism; prohibited from holding funeral ceremonies for her child and husband) ²¹⁷
		09-VU-01518 (D22/0860) ²¹⁸	Inhumane acts through forced marriage	Applicant ²¹⁹
D403 (Kandal Province)²²⁰	PTC 127²²¹	09-VU-01995 (D22/2978) ²²²	Murder as part of the purges of the East Zone	Applicant's brother ²²³

²¹² Harm is not linked to the facts under investigation (Impugned Order D401, para. 24 and Annex 3).

²¹³ Summary of supplementary information D22/493b.

²¹⁴ Harm is not linked to the facts under investigation (Impugned Order D401, para. 24 and Annex 3).

²¹⁵ Summary of supplementary information D22/741b.

²¹⁶ Harm is not linked to the facts under investigation (Impugned Order D401, para. 24 and Annex 3).

²¹⁷ Summary of supplementary information D22/863b.

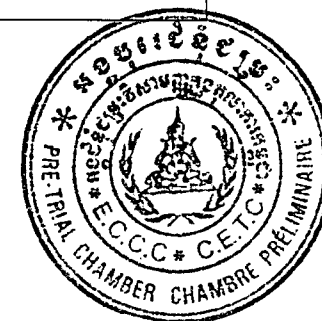
²¹⁸ Harm is not linked to the facts under investigation (Impugned Order D401, para. 24 and Annex 3).

²¹⁹ Summary of supplementary information D22/860b

²²⁰ Order on the Admissibility of Civil Party Applicants from Current Residents of Kandal Province, 6 September 2010, D403.

²²¹ Appeal Brief Against Order on the Admissibility of Civil Party Applications from Current Residents of Kandal Province of 6 September 2010, 16 September 2010, D403/4/1 ("Appeal PTC 127").

²²² Insufficient information to verify compliance with Rule 23 *bis* (1) and (4) (Impugned Order D403, para. 27 and Annex 3).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		09-VU-02034 (D22/2996) ²²⁴	Other inhumane acts through forced marriage	Applicant's older sister ²²⁵
	PTC 128 ²²⁶	08-VU02058 (D22/0378) ²²⁷	Phase 1 of forced transfer	Applicant's younger brother ²²⁸
		09-VU-01194 (D22/1531) ²²⁹	Persecution on religious grounds against Buddhists	Applicant's father (prohibited from practising Buddhism; forced to disrobe) ²³⁰
		09-VU-01651 (D22/0818) ²³¹	Inhumane acts through forced marriage	Applicant ²³²
		09-VU-01874 (D22/2863) ²³³	Inhumane acts through forced marriage	Applicant's younger brother ²³⁴
		09-VU-01636 (D22/0536) ²³⁵	Inhumane acts through forced marriage	Applicant's sister ²³⁶
		09-VU-01627 (D22/0774) ²³⁷	Inhumane acts through forced marriage	Applicant's niece ²³⁸

²²³ Supplementary information incorporated in the Appeal, para. 29; Supplementary Information D22/2192b. The Applicant is admitted on the basis of the same crime committed against his brother and for which another of his brother (Applicant 09-VU-02013 (D22/2192)) was admitted as a civil party by the Co-Investigating Judges.

²²⁴ Harm is not linked to the facts under investigation (Impugned Order D403, para. 26 and Annex 3).

²²⁵ Summary of supplementary information, D22/2996b.

²²⁶ Appeal Against Order on the Inadmissibility of Civil Party Applicants from Current Residents of Kandal Province, 16 September 2010, D403/5/1 ("Appeal PTC 128").

²²⁷ Harm is not linked to the facts under investigation (Impugned Order D403, para. 26 and Annex 3).

²²⁸ Additional information incorporated in the Appeal.

²²⁹ Harm is not linked to the facts under investigation (Impugned Order D403, para. 26 and Annex 3).

²³⁰ Additional information incorporated in the Appeal.

²³¹ Insufficient information to verify compliance with Rule 23 *bis* (1) and (4) (Impugned Order D403, para. 27 and Annex 3).

²³² Additional information incorporated in the Appeal.

²³³ Harm is not linked to the facts under investigation (Impugned Order D403, para. 26 and Annex 3).

²³⁴ Summary of supplementary information D22/2863b

²³⁵ Harm is not linked to the facts under investigation (Impugned Order D403, para. 26 and Annex 3).

²³⁶ Summary of supplementary information D22/536b.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		09-VU-02039 (D22/2198) ²³⁹	Inhumane acts through forced marriage	Applicant's two younger brothers ²⁴⁰
	PTC 159 ²⁴¹	09-VU-01626 (D22/0775) ²⁴²	Persecution on religious grounds against Buddhists	Applicant (prohibited from practising Buddhism; witnessed the destruction of his pagoda; - witnessed the killing of monks) ²⁴³
		10-VU-00415 (D22/3824) ²⁴⁴	Inhumane acts through forced marriage	Applicant ²⁴⁵
	PTC 166 ²⁴⁶	09-VU-01549 (D22/770) ²⁴⁷	Persecution on religious grounds against Buddhists	Applicant (prohibited from practising Buddhism; prohibited from attending the Koh Thum Pagoda) ²⁴⁸
		09-VU-01570 (D22/855) ²⁴⁹	Persecution on religious grounds against Buddhists	Applicant (prohibited from practising Buddhism; prohibited from attending her pagoda; prohibited from praying) ²⁵⁰

²³⁷ Harm is not linked to the facts under investigation and the threshold for personal psychological harm is not met in relation to inhumane acts through forced marriage (Impugned Order D403, para. 24 and Annex 3).

²³⁸ Report on civil party application D22/774/1.

²³⁹ Insufficient information to verify compliance with Rule 23 *bis* (1) and (4) (Impugned Order D403, para. 27 and Annex 3).

²⁴⁰ Summary of supplementary information D22/2198b.

²⁴¹ Appeal Against Order on the Admissibility of Civil Party Applicants from Current Residents of Kandal Province, 2 November 2010, D403/6/1 ("Appeal PTC 159").

²⁴² Insufficient information to verify compliance with Rule 23 *bis* (1) and (4) (Impugned Order D403, para. 27 and Annex 3).

²⁴³ Additional documentation filed by the Co-Lawyers, D403/6/1.4.2.

²⁴⁴ Harm is not linked to the facts under investigation (Impugned Order D403, para. 26 and Annex 3).

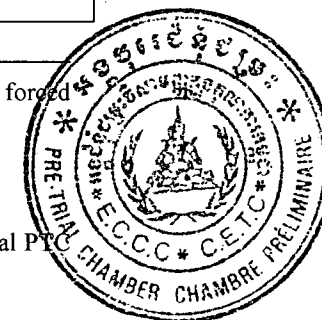
²⁴⁵ Additional documentation filed by the Co-Lawyers, D403/6/1.4.1.

²⁴⁶ Appeal Against Orders on the Admissibility of Civil Party Applicants from Current Resident of Kandal Province, 2 November 2010, D403/7/1 ("Appeal PTC 166").

²⁴⁷ Harm is not linked to the facts under investigation (Impugned Order D403, para. 26 and Annex 3).

²⁴⁸ Additional documentation filed by the Co-Lawyers, D403/7/1.2.3.

²⁴⁹ Harm is not linked to the facts under investigation (Impugned Order D403, para. 26 and Annex 3).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		09-VU-00997 (D22/1622) ²⁵¹	Persecution on religious grounds against Buddhists	Applicant (prohibited from practising Buddhism; witnessed the conversion of the Purthiban Pagoda into a rice storage facility) ²⁵²
		09-VU-01856 (D22/2846) ²⁵³	Persecution on religious grounds against Buddhists	Applicant (prohibited from practising Buddhism; prohibited from attending her pagoda) ²⁵⁴
		09-VU-01538 (D22/1854) ²⁵⁵	Persecution on religious grounds against Buddhists	Applicant (prohibited from practising Buddhism; prohibited from attending the Koh Thom and Purthiban Pagodas) ²⁵⁶
		09-VU-01555 (D22/857) ²⁵⁷	Inhumane acts through forced marriage	Applicant's cousin ²⁵⁸
D404 (Outside Cambodia) ²⁵⁹	PTC 73 ²⁶⁰	10-VU-00400 (D22/3820) ²⁶¹	Imprisonment and murder at S-21	Applicant's wife's uncle ²⁶²

²⁵⁰ Additional documentation filed by the Co-Lawyers, D403/7/1.2.4.

²⁵¹ Harm is not linked to the facts under investigation (Impugned Order D403, para. 26 and Annex 3).

²⁵² Additional information incorporated in the Appeal.

²⁵³ Harm is not linked to the facts under investigation (Impugned Order D403, para. 26 and Annex 3).

²⁵⁴ Additional information incorporated in the Appeal.

²⁵⁵ Harm is not linked to the facts under investigation and the threshold for personal psychological harm is not met in relation to inhumane acts through forced marriage (Impugned Order D403, para. 24 and Annex 3).

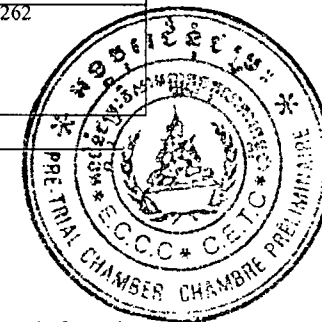
²⁵⁶ Additional information incorporated in the Appeal.

²⁵⁷ Harm is not linked to the facts under investigation and the threshold for personal psychological harm is not met in relation to inhumane acts through forced marriage (Impugned Order D403, para. 24 and Annex 3).

²⁵⁸ Supplementary Information D22/857b.

²⁵⁹ Order on the Admissibility of Civil Party Applicants Residing Outside the Kingdom of Cambodia, 6 September 2010, filed on 7 September 2010, D404 ("Impugned Order D404").

²⁶⁰ Appeal Against Order on the Admissibility of Civil Party Applicants Residing Outside the Kingdom of Cambodia (D404), 17 September 2010, D404/2/3 ("Appeal PTC 73").



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		10-VU-00193 (D22/3750) ²⁶³	Phase 1 of forced transfer	Applicant ²⁶⁴
		07-VU-00049 (D22/1270) ²⁶⁵	Phase 1 of forced transfer	Applicant witnessed phase 1 of forcible transfer ²⁶⁶
		09-VU-04314 (D22/3677) ²⁶⁷	Persecution on religious grounds against Buddhists	Applicant (prohibited from practising Buddhism; prohibited from attending the Chroy Neang Nuom Village Pagoda; witnessed the disrobing of monks) ²⁶⁸
	PTC 119 ²⁶⁹	10-VU-00414 (D22/3823) ²⁷⁰	Phase 1 of forced transfer	Applicant's mother, brothers and sisters ²⁷¹
D406 (Phnom Penh Province)²⁷²	PTC 135 ²⁷³	10-VU-00025 (D22/2504) ²⁷⁴	Phase 1 of forced transfer	Applicant's three siblings ²⁷⁵

²⁶¹ Harm is not linked to the facts under investigation (Impugned Order D404, para. 24 and Annex 3).

²⁶² Additional information filed with the Appeal (D404/2/3.2.8); D288/6.68.1 (entry 6385) confirming that the name in question indeed appears as the name of an inmate of S-21, an engineer who had studied in France and was executed on 23 May 1976.

²⁶³ Insufficient information to verify compliance with Rule 23 *bis* (1) and (4) (Impugned Order D404, para. 25 and Annex 3).

²⁶⁴ Additional information incorporated in the Appeal.

²⁶⁵ Insufficient information to verify compliance with Rule 23 *bis* (1) and (4) (Impugned Order D404, para. 25 and Annex 3).

²⁶⁶ Additional information incorporated in the Appeal.

²⁶⁷ Insufficient information to verify compliance with Rule 23 *bis* (1) and (4) (Impugned Order D404, para. 25 and Annex 3).

²⁶⁸ Supplementary statement filed as supporting documentation, D404/7/1.

²⁶⁹ Appeal against Order on the Admissibility of Civil Party Applicants Residing Outside the Kingdom of Cambodia (D404) 17 September 2010, D404/1 ("Appeal PTC 119").

²⁷⁰ Insufficient information to verify compliance with Rule 23 *bis* (1) and (4) (Impugned Order D404, para. 25 and Annex 3).

²⁷¹ Additional information incorporated in the Appeal.

²⁷² Order on the Admissibility of Civil Party Applicants from Current Residents of Phnom Penh, 6 September 2010, D406.

²⁷³ Appeal Against Order on the Admissibility of Civil Party Applicants from Current Residents of Phnom Penh (D406) 16 September 2010, D406/3/1 ("Appeal PTC 135").

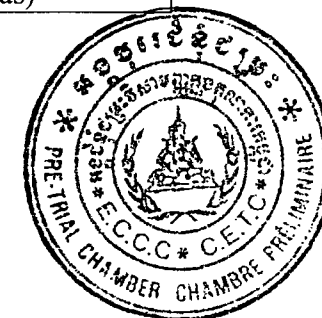
²⁷⁴ Insufficient information to verify compliance with Rule 23 *bis* (1) and (4) (Impugned Order D406, para. 24 and Annex 3).

²⁷⁵ Additional information incorporated in the Appeal.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		10-VU-00960 (D22/3959) ²⁷⁶	Phase 1 of forced transfer	Applicant ²⁷⁷
D408 (Pailin Province)²⁷⁸	PTC 168²⁷⁹	09-VU-01906 (D22/2893) ²⁸⁰	Persecution on religious grounds against Buddhists	Applicant (prohibited from practising Buddhism; witnessed the death of a monk) ²⁸¹
		09-VU-01924 (D22/2911) ²⁸²	Persecution on religious grounds against Buddhists	Applicant (prohibited from practising Buddhism; witnessed the destruction of religious symbols) ²⁸³
		09-VU-01925 (D22/2912) ²⁸⁴	Persecution on religious grounds against Buddhists	Applicant (prohibited from practising Buddhism; prohibited from attending the Korng Kang and Phnom Yat Pagodas) ²⁸⁵



²⁷⁶ Insufficient proof of identification (Impugned Order D408 and Annex 3).

²⁷⁷ Summary of supplementary information D22/3959b. Following a request by the Pre-Trial Chamber, the applicant provided a sufficient proof of identity (D406/3/1.2.2). D22/3959b.

²⁷⁸ Order on the Admissibility of Civil Party Applicants from current residents of Pailin Province, 6 September 2010, filed on 7 September 2010, D408.

²⁷⁹ Appeal Against Order on the Admissibility of Civil Party Applicants from Current Residents of Pailin Province, 2 November 2010, D408/3/1 (“Appeal PTC 168”).

²⁸⁰ Harm is not linked to the facts under investigation and no proof of kinship with the immediate victim in relation to forced marriage (Impugned Order D408, para. 23 and Annex 3).

²⁸¹ Additional information incorporated in the Appeal.

²⁸² Harm is not linked to the facts under investigation (Impugned Order D408, para. 25 and Annex 3).

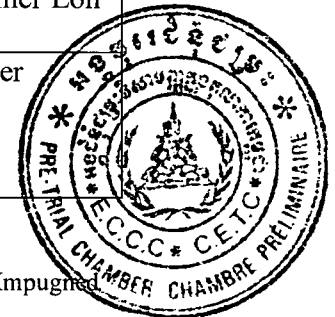
²⁸³ Additional information incorporated in the Appeal.

²⁸⁴ Harm is not linked to the facts under investigation (Impugned Order D408, para. 25 and Annex 3).

²⁸⁵ Additional information incorporated in the Appeal.

002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		09-VU03827 (D22/3478) ²⁸⁶	Persecution on religious grounds against Buddhists	Applicant (prohibited from practising Buddhism; prohibited from praying; prohibited from attending the Chroy Mothes Pagoda; witnessed the conversion of the Chroy Mothes Pagoda into a kitchen, dining hall and a place for widows) ²⁸⁷
D409 (Svay Rieng Province)²⁸⁸	PTC 131²⁸⁹	08-VU-02372 (D22/765) ²⁹⁰	Phase 1 of forced transfer	Applicant's older cousin ²⁹¹
		08-VU-02109 (D22/1053) ²⁹²	Phase 2 of forcible transfer from Chamkar Leav Village to Trapeang Bon Village, within Svay Rieng Province (April 1976)	Applicant (connected to the Lon Nol regime, since her husband and three brothers were all former Lon Nol soldiers) ²⁹³
		08-VU-02102 (D22/2056) ²⁹⁴	Persecution on racial grounds against the Vietnamese in Svay Rieng province (arrest, detention and killing)	Applicant's younger brother (perceived as being Vietnamese) ²⁹⁵



²⁸⁶ Harm is not linked to the facts under investigation and the threshold for personal psychological harm is not met and no proof of relevant harm (Impugned Order D408, para. 22 and Annex 3).

²⁸⁷ Additional information incorporated in the Appeal.

²⁸⁸ Order on the Admissibility of Civil Party Applicants from Current Residents of Svay Rieng Province, 9 September 2010, D409.

²⁸⁹ Appeal Against Order on the Admissibility of Civil Party Applicants from Current Residents of Svay Rieng Province (D409), 17 September 2010, D409/2/1 ("Appeal PTC 131").

²⁹⁰ Harm is not linked to the facts under investigation (Impugned Order D409, para. 24 and Annex 3).

²⁹¹ Summary of supplementary information, D22/765b.

²⁹² Harm is not linked to the facts under investigation (Impugned Order D409, para. 24 and Annex 3).

²⁹³ Report on Civil Party Application D22/1053/1; Appeal PTC 131, paras 91-92; Indictment, paras 263 and 265.

²⁹⁴ Harm is not linked to the facts under investigation (Impugned Order D409, para. 24 and Annex 3).

²⁹⁵ Appeal PTC 131, para. 95; Indictment, paras 1422 and 1415.

002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

	PTC 132 ²⁹⁶	08-VU-02303 (D22/365) ²⁹⁷	Phase 2 of forcible transfer within Svay Rieng Province (between 1975 and 1977)	Applicant (connected to the Lon Nol's regime as her two young brothers and her uncle were all former Lon Nol soldiers who were sent for reeducation in 1975) ²⁹⁸
	PTC 133 ²⁹⁹	08-VU-02275 (D22/1150) ³⁰⁰	Phase 2 of forcible transfer from Trapeang Bon Village to Prey Kokir village, within Svay Rieng Province (April 1976)	Applicant (connected to the Lon Nol's regime as her father was a soldier in this regime) ³⁰¹
		09-VU-00340 (D22/1791) ³⁰²	Phase 2 of forcible transfer within Svay Rieng Province (April 1977)	Applicant (connected with Lon Nol's regime as her husband was a soldier) ³⁰³
		09-VU-00645 (D22/1257) ³⁰⁴	Phase 2 of forcible transfer from Trapeang Bon Village to Check Village, within Svay Rieng Province (July 1977)	Applicant (a former Lon Nol soldier) ³⁰⁵
		09-VU-02444 (D22/2223) ³⁰⁶	Persecution on religious grounds against Buddhists	Applicant (prohibition to practice his religion) ³⁰⁷

²⁹⁶ Appeal Against Order on the Admissibility of Civil Party Applicants from Current Residents of Svay Rieng Province (D409), 20 September 2010, D409/3/1 ("Appeal PTC 132").

²⁹⁷ Harm is not linked to the facts under investigation (Impugned Order D409, para. 24 and Annex 3).

²⁹⁸ Report on Civil Party Application D22/365/1.

²⁹⁹ Appeal Against Order on the Inadmissibility of Civil Party Applicants from Current Residents of Svay Rieng Province, 20 September 2010, D409/4/1 ("Appeal PTC 133").

³⁰⁰ Harm is not linked to the facts under investigation (Impugned Order D409, para. 24 and Annex 3).

³⁰¹ Report on civil party application, D22/1150/1.

³⁰² Insufficient information to verify compliance with Rule 23 *bis* (1) and (4) (Impugned Order D409, para. 24 and Annex 3).

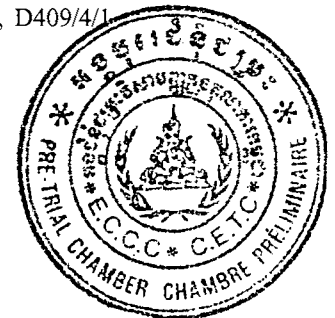
³⁰³ Report on civil party application, D22/1791/1.

³⁰⁴ Harm is not linked to the facts under investigation (Impugned Order D409, para. 24 and Annex 3).

³⁰⁵ Report on civil party application, D22/1257/1.

³⁰⁶ Insufficient information to verify compliance with Rule 23 *bis* (1) and (4) (Impugned Order D409, para. 24 and Annex 3).

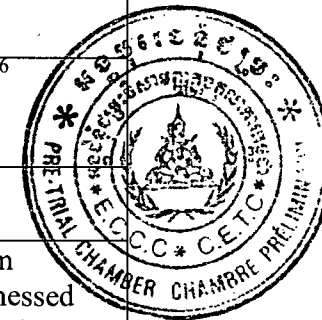
³⁰⁷ Report on civil party application, D22/2223/1 and Appeal.



Civil party applications unanimously found to be admissible

002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		09-VU-02451 (D22/2230) ³⁰⁸	Persecution on racial grounds against the Vietnamese (murder) in Svay Rieng province	Applicant's younger brother (accused of being an "infiltrated YUON enemy") ³⁰⁹
	PTC 161 ³¹⁰	08-VU-00668 (D22/366) ³¹¹	Inhumane acts through forced marriage	Applicant's older sister ³¹²
D410 (Prey Veng Province) ³¹³	PTC 129 ³¹⁴	09-VU-02173 (D22/3085) ³¹⁵	Inhumane acts through forced marriage	Applicant's two cousins ³¹⁶
		09-VU-02177 (D22/3089) ³¹⁷	Inhumane acts through forced marriage	Applicant's cousin ³¹⁸
		09-VU-02181 (D22/3093) ³¹⁹	Persecution on religious grounds against Buddhists	Applicant (prohibited from practising Buddhism; witnessed the destruction of her pagoda at Kouk Kong Kaeut; witnessed the disrobing of monks; witnessed the disrobing of her two nephews who were monks at the Tham Ke Pagoda; witnessed the



³⁰⁸ Harm is not linked to the facts under investigation (Impugned Order D409, para. 24 and Annex 3).

³⁰⁹ Report on civil party application, D22/2230/1 (Khmer version).

³¹⁰ Appeal Against Orders on the Admissibility of Civil Party Applicants from Current Residents of Svay Rieng Province, 2 November 2010, D409/5/1 ("Appeal PTC 161").

³¹¹ Harm is not linked to the facts under investigation (Impugned Order D409, para. 24 and Annex 3).

³¹² Supplementary documentation filed by the Co-Lawyers, D409/5/1.2.1.

³¹³ Order on the Admissibility of Civil Party Applicants from Current Residents of Prey Veng Province, 9 September 2010, D410.

³¹⁴ Appeal Against Order on the Admissibility of Civil Party Applicants from Current Residents of Prey Veng Province (D410) 16 September 2010, D410/2/1 ("Appeal PTC 129")

³¹⁵ Harm is not linked to the facts under investigation (Impugned Order D410, para. 26 and Annex 3).

³¹⁶ Report on civil party application (Khmer version), D22/3085/1.

³¹⁷ Harm is not linked to the facts under investigation and the threshold for personal psychological harm is not met (Impugned Order D410, paras 24 and 26 and Annex 3).

³¹⁸ Additional information incorporated in the Appeal.

Civil party applications unanimously found to be admissible

29/60

002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

				disappearance of her two nephews) ³²⁰
	PTC 130 ³²¹	07-VU-00142 (D22/0069) ³²²	Persecution on racial grounds against the Vietnamese (murder) in Prey Veng province	Applicant's younger brother (accused of being a <i>Yuon</i> , a derogatory word to designate a Vietnamese person) ³²³
	PTC 153 ³²⁴	09-VU-01091 (D22/0600) ³²⁵	Persecution on racial grounds against the Vietnamese (arrest, detention and disappearance) at a security centre in Cheung Chab, Sampoar Village in Prey Vieng Province	Applicant's husband (accused of having an affiliation with the Vietnamese and being an enemy of Angkar) ³²⁶
		09-VU-01099 (D22/0606) ³²⁷	Inhumane acts through forced marriage	Applicant's two daughters ³²⁸
		09-VU-01102 (D22/0890) ³²⁹	Persecution on racial grounds against the Vietnamese (torture and murder) at Prey Vao pagoda in Prey Veng Province	Applicant's father (accused of being a Vietnamese agent and agent of the "enemy") ³³⁰



³¹⁹ Insufficient information to verify compliance with Rule 23 *bis* (1) and (4) (Impugned Order D410, para. 27 and Annex 3).

³²⁰ Additional information incorporated in the Appeal.

³²¹ Appeal against the Order on the Admissibility of Civil Party Applicants from Current Residents of Prey Veng Province (D410), 19 September 2010, D410/4/1 ("Appeal PTC 130").

³²² Insufficient information to verify compliance with Rule 23 *bis* (1) and (4) (Impugned Order D410, para. 27 and Annex 3).

³²³ Report on civil party application, D22/0069/1 and information incorporated in the Appeal.

³²⁴ Amended Appeal of Civil Party Applicants against Order on the Inadmissibility of Civil Party Applicants from Current Residents of Prey Veng Province, D410, 22 October 2010, D410/6/1 ("Appeal PTC 153").

³²⁵ Harm is not linked to the facts under investigation (Impugned Order D410, para. 26 and Annex 3).

³²⁶ Report on Civil Party Application, D22/600/1 and information incorporated in the Appeal.

³²⁷ Harm is not linked to the facts under investigation (Impugned Order D410, para. 26 and Annex 3).

³²⁸ Summary of supplementary information, D22/606b.

³²⁹ Harm is not linked to the facts under investigation (Impugned Order D410, para. 26 and Annex 3).

³³⁰ Report on Civil Party Application, D22/890/1, Summary of supplementary information, D22/890b and Appeal PTC 153, paras. 63, 65, 73 and 143.

002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		09-VU-01110 (D22/0609) ³³¹	Persecution on racial grounds against the Vietnamese (arrest, torture and enforced disappearance in Prey Veng province)	Applicant's husband (accused of being a Vietnamese agent) ³³²
		09-VU-01103 (D22/0608) ³³³	Inhumane acts through forced marriage	Applicant's younger sibling ³³⁴
		09-VU-01124 (D22/0746) ³³⁵	Inhumane acts through forced marriage	Applicant's nephew ³³⁶
		09-VU-01292 (D22/0666) ³³⁷	Inhumane acts through forced marriage	Applicant's cousin ³³⁸
	PTC 154 ³³⁹	09-VU-02513 (D22/2285) ³⁴⁰	Phase 3 of forcible transfer Prey Veng to Pursat Province in 1978	Applicant's brother (Applicant perceived as Vietnamese) ³⁴¹
		08-VU-00800 (D22/1353) ³⁴²	Phase 1 of forced transfer	Applicant and her family ³⁴³
		09-VU-00902 (D22/1108) ³⁴⁴	Persecution on religious grounds against Buddhists and inhumane acts through forced marriage	Applicant's uncle (a monk who was disrobed and forced to marry) ³⁴⁵

³³¹ Harm is not linked to the facts under investigation (Impugned Order D410, para. 26 and Annex 3).

³³² Report on Civil Party Application, D22/609/1 and Appeal PTC 153, paras. 100 and 145.

³³³ Harm is not linked to the facts under investigation (Impugned Order D410, para. 26 and Annex 3).

³³⁴ Additional information incorporated in the Appeal.

³³⁵ Harm is not linked to the facts under investigation (Impugned Order D410, para. 26 and Annex 3).

³³⁶ Summary of supplementary information, D22/746b.

³³⁷ Harm is not linked to the facts under investigation (Impugned Order D410, para. 26 and Annex 3).

³³⁸ Summary of supplementary information, D22/666b.

³³⁹ Amended Appeal of Civil Parties Against Order on the Inadmissibility of Civil Party Applicants from Current Residents of Prey Veng Province (D410) 22 October 2010, D410/6/1 ("Appeal PTC 154").

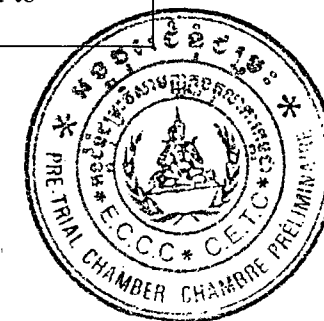
³⁴⁰ Insufficient information to verify compliance with Rule 23 *bis* (1) and (4) (Impugned Order D410, para. 27 and Annex 3).

³⁴¹ Supporting documentation filed by the Co-Lawyers, D410/5/1.1.15.

³⁴² Insufficient information to verify compliance with Rule 23 *bis* (1) and (4) (Impugned Order D410, para. 27 and Annex 3).

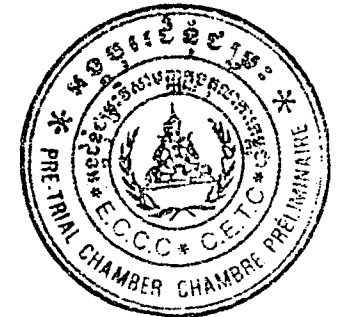
³⁴³ Supporting documentation filed by the Co-Lawyers, D410/5/1.1.11.

³⁴⁴ Insufficient information to verify compliance with Rule 23 *bis* (1) and (4) (Impugned Order D410, para. 27 and Annex 3).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		08-VU-00799 (D22/1354) ³⁴⁶	Phase 3 of forcible transfer Prey Veng to Pursat Province in 1978	Applicant and her family (her father being perceived as an enemy) ³⁴⁷
		08-VU-00797 (D22/1384) ³⁴⁸	Inhumane acts through forced marriage	Applicant's elder sister ³⁴⁹
		08-VU-00796 (D22/1383) ³⁵⁰	Phase 3 of forcible transfer Prey Veng to Pursat Province in 1978	Applicant and her family (the Applicant's father, who was a first lieutenant in the Lon Nol's army, and her uncle, who was a Lon Nol's soldier, were considered as traitors/bad elements. They were both executed by the Khmer Rouge.) ³⁵¹



³⁴⁵ Supporting documentation filed by the Co-Lawyers, D410/5/1.1.10.

³⁴⁶ Insufficient information to verify compliance with Rule 23 *bis* (1) and (4) (Impugned Order D410, para. 27 and Annex 3).

³⁴⁷ Supporting documentation filed by the Co-Lawyers, D410/5/1.1.8.

³⁴⁸ Insufficient information to verify compliance with Rule 23 *bis* (1) and (4) (Impugned Order D410, para. 27 and Annex 3).

³⁴⁹ Supporting documentation filed by the Co-Lawyers, D410/5/1.1.7.

³⁵⁰ Insufficient information to verify compliance with Rule 23 *bis* (1) and (4) (Impugned Order D410, para. 27 and Annex 3).

³⁵¹ Supporting documentation filed by the Co-Lawyers, D410/5/1.1.5.

Civil party applications unanimously found to be admissible

002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		09-VU-00923 (D22/2687) ³⁵²	Phase 3 of forcible transfer Prey Veng to Pursat Province (1978)	Applicant and his parents (who belonged to the class of persons targeted by the khmer rouge in the context of Phase Three since the applicant was imprisoned in Pornptoek Security Centre of Kampong Trabek district from 1975 to 1978, on an allegation that he was in the KGB, and that three of the applicant's brothers-in-law were killed by the Khmer Rouge in 1977 on an allegation that they had allied with an enemy) ³⁵³
		09-VU-00897 (D22/1258) ³⁵⁴	Inhumane acts through forced marriage	Applicant's son ³⁵⁵
		08-VU-02260 (D22/0959) ³⁵⁶	Phase 1 of forced transfer	Applicant ³⁵⁷
		09-VU-00901 (D22/1254) ³⁵⁸	Inhumane acts through forced marriage	Applicant ³⁵⁹
		09-VU-02449 (D22/2228) ³⁶⁰	Inhumane acts through forced marriage	Applicant's younger sister ³⁶¹

³⁵² Harm is not linked to the facts under investigation (Impugned Order D410, para. 26 and Annex 3).

³⁵³ Supporting documentation filed by the Co-Lawyers, D410/5/1.1.14.

³⁵⁴ Harm is not linked to the facts under investigation (Impugned Order D410, para. 26 and Annex 3).

³⁵⁵ Supporting documentation filed by the Co-Lawyers, D410/5/1.1.4.

³⁵⁶ Harm is not linked to the facts under investigation (Impugned Order D410, para. 26 and Annex 3).

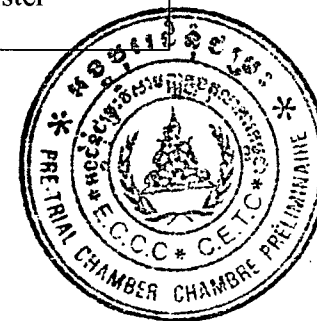
³⁵⁷ Supporting documentation filed by the Co-Lawyers, D410/5/1.1.3.

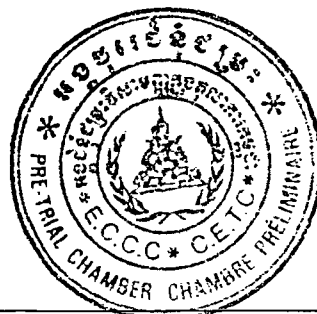
³⁵⁸ Harm is not linked to the facts under investigation (Impugned Order D410, para. 26 and Annex 3).

³⁵⁹ Supporting documentation filed by the Co-Lawyers, D410/5/1.1.2.

³⁶⁰ Harm is not linked to the facts under investigation (Impugned Order D410, para. 26 and Annex 3).

³⁶¹ Supporting documentation filed by the Co-Lawyers, D410/5/1.1.1.





លេខ/No: D404/2/4.4

002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

	PTC 163 ³⁶²	07-VU-00144 (D22/2609) ³⁶³	Persecution on racial grounds against the Vietnamese (arrest, imprisonment and murder) at Krang Kor Security Centre in Prey Veng Province	Applicant (arrested), his wife (Vietnamese) and his seven children (executed) ³⁶⁴ (Applicant deceased, succeeded by his brother LACH Kri) ³⁶⁵
D414 (Kratie Province)³⁶⁶	PTC 139 ³⁶⁷	09-VU-03337 (D22/2342) ³⁶⁸	Persecution on religious grounds against Buddhists	Applicant (forced to destroy Buddha statues and Wat Reussei Kaev) ³⁶⁹
		08-VU-00792 (D22/1365) ³⁷⁰	Persecution on religious grounds against Buddhists	Applicant's two brothers (monks disrobed) ³⁷¹
	PTC 140 ³⁷²	07-VU-00208 (D22/2612) ³⁷³	Persecution on religious grounds against the Cham	Applicant's father (a religious teacher who was arrested and imprisoned) ³⁷⁴

³⁶² Appeal Against Order on the Admissibility of Civil Party Applicants from Current Residents of Prey Veng Province, 2 November 2010, D410/7/1 (“Appeal PTC 163”).

³⁶³ Application inadmissible in the absence of any indication of willingness to continue the application of the deceased civil party (Impugned Order D410, p. 11).

³⁶⁴ Report on Civil Party Application D22/2609/1; Appeal PTC 163, paras 37-39.

³⁶⁵ Continuation of Civil Party Claims of D22/2609, 15 September 2010, D410/7/1/2/1. Considering that no specific deadline was provided by which successors of the deceased Applicant had to notify the Co-Investigating Judges of their intention to continue the Applicant's claim, the Majority finds that the Co-Investigating Judges erred when they decided that the Application of D22/2609 was “extinct” and considers that given the difficulties faced in contacting the deceased Applicant's family, the statement filed on 15 September 2010 shall have been accepted as a valid confirm of the Mr. LACH's intention to continue the Application of his brother. Pursuant to Article 173(2)(a) of the Cambodian Code of Criminal Procedure, the Majority acknowledges Mr LACH Kri as the successor of the deceased Civil Party D22/2609, and authorises him to continue said civil action.

³⁶⁶ Order on the Admissibility of Civil Party Applicants from Current Residents of Kratie Province, 10 September 2010, D414.

³⁶⁷ Appeal against Order on the Inadmissibility of Civil Party Applicants from Current Residents of Kratie Province, 20 September 2010, D414/3/1 (“PTC 139”).

³⁶⁸ No proof of relevant harm (Impugned Order D414, para. 23 and Annex 3).

³⁶⁹ Report on Civil Party Application D22/2342/1 and Appeal PTC 139, para. 117.

³⁷⁰ Harm is not linked to the facts under investigation (Impugned Order D414, para. 27 and Annex 3).

³⁷¹ Supplementary information from the applicant filed as an annex to the Appeal.

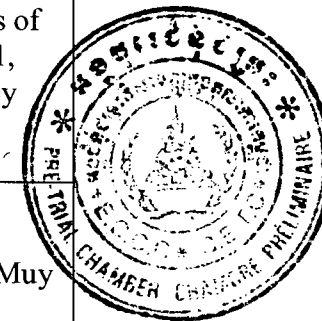
³⁷² Appeal Brief against Order on the Admissibility of Civil Party Applicants from Current Residents of Kratie Province (D414), 20 September 2010, D414/4/1 (“Appeal PTC 140”).

³⁷³ Harm is not linked to the facts under investigation (Impugned Order D414, para. 27 and Annex 3).

³⁷⁴ Supplementary Information D22/2612b.

002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

	PTC 171 ³⁷⁵	08-VU-01220 (D22/2045) ³⁷⁶	Murder and other inhumane acts through attacks against human dignity at S-21	Applicant, a soldier of Division 310 which was alleged to be “traitor”, alleges having suffered from witnessing many soldiers of his Division being sent to S-21, including a relative, where they would be mistreated and/or killed ³⁷⁷
		08-VU-02352 (D22/1139) ³⁷⁸	Persecution on religious grounds against Buddhists	Applicant (Prohibition of practicing Buddhism and destruction of his pagoda Sar Muy Roi) ³⁷⁹
		09-VU-00754 (D22/1485) ³⁸⁰	Persecution on religious grounds against Buddhists	Applicant (Prohibition of practicing Buddhism) ³⁸¹
		09-VU-00756 (D22/1603) ³⁸²	Persecution on religious grounds against Buddhists	Applicant (Prohibition of practicing Buddhism) ³⁸³
		09-VU-00757 (D22/1602) ³⁸⁴	Persecution on religious grounds against Buddhists	Applicant (Prohibition of practicing Buddhism and destruction of her pagoda Khno in Kampong Cham province) ³⁸⁵



³⁷⁵ Appeal Against Orders on the Admissibility of Civil Party Applicants from Current Residents of Kratie Province, 2 November 2010, D414/5/1 (“Appeal PTC 171”).

³⁷⁶ Threshold for personal psychological harm is not met in relation to Tuol Sleng (S21) security centre (Impugned Order D414 and Annex 3).

³⁷⁷ Statement from the mother of the immediate victim filed by the Co-Lawyers as an annex to the appeal.

³⁷⁸ Harm is not linked to the facts under investigation (Impugned Order D414, para. 27 and Annex 3).

³⁷⁹ Additional information from telephone interview of the applicant held on 13 September 2010, incorporated in the appeal.

³⁸⁰ Harm is not linked to the facts under investigation and no proof of kinship with an immediate victim in relation to Buddhist persecution (Impugned Order D414 and Annex 3).

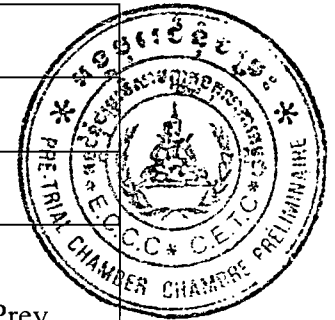
³⁸¹ Additional information incorporated in the Appeal.

³⁸² Harm is not linked to the facts under investigation (Impugned Order D414, para. 27 and Annex 3).

³⁸³ Additional information from the applicant filed as an annex to the Appeal.

002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		09-VU-01383 (D22/1900) ³⁸⁶	Persecution on religious grounds against Buddhists	Applicant (Prohibition of practicing Buddhism) ³⁸⁷
		09-VU-01776 (D22/2774) ³⁸⁸	Persecution on religious grounds against Buddhists	Applicant (Prohibition of practicing Buddhism) ³⁸⁹
		09-VU-01777 (D22/2775) ³⁹⁰	Inhumane acts through forced marriage	Applicant's aunt ³⁹¹
		09-VU-01780 (D22/2777) ³⁹²	Persecution on religious grounds against Buddhists	Applicant (Prohibition of practicing Buddhism and destruction of his pagoda Prey Kri) ³⁹³
Order D415 (Battambang Province) ³⁹⁴	PTC 136 ³⁹⁵	09-VU-03517 (D22/3220) ³⁹⁶	Inhumane acts through forced marriage	Applicant's four nieces ³⁹⁷
		09-VU-03522 (D22/3225) ³⁹⁸	Persecution on religious grounds	Applicant (Prohibition of



³⁸⁴ Harm is not linked to the facts under investigation (Impugned Order D414, para. 27 and Annex 3).

³⁸⁵ Additional information incorporated in the Appeal.

³⁸⁶ Harm is not linked to the facts under investigation and no proof of kinship with an immediate victim of forced marriage (Impugned Order D414 and Annex 3).

³⁸⁷ Additional information from telephone interview of the applicant held on 14 September 2010, incorporated in the appeal.

³⁸⁸ Harm is not linked to the facts under investigation and no proof of kinship with an immediate victim of forced marriage (Impugned Order D414 and Annex 3).

³⁸⁹ Additional information from telephone interview of the applicant, incorporated in the appeal.

³⁹⁰ Harm is not linked to the facts under investigation and threshold for psychological harm is not met in relation to forced marriage (Impugned Order D414 and Annex 3).

³⁹¹ Additional information incorporated to the appeal concerning the existence of a bond of affection between the applicant and her aunt, reinforcing the presumption of psychological harm

³⁹² Harm is not linked to the facts under investigation and no proof of kinship with an immediate victim of forced marriage (Impugned Order D414 and Annex 3).

³⁹³ Additional information from telephone interview of the applicant held on 11 September 2010, incorporated to the appeal.

³⁹⁴ Order on the Admissibility of Civil Party Applications from Current Residents of Battambang Province, 13 September 2010, D415 ("Impugned Order D 415").

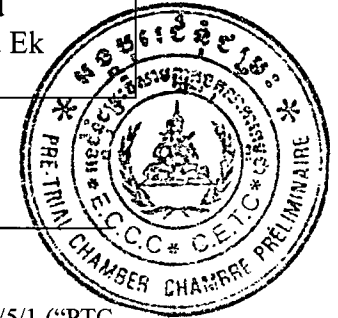
³⁹⁵ Appeal Against Orders on the Admissibility of Civil Party Applicants from Current Residents of Battambang Province, 27 September 2010, D415/2/1 ("Appeal PTC 136").

³⁹⁶ Harm is not linked to the facts under investigation (Impugned Order D415, para. 26 and Annex 3).

³⁹⁷ Additional information from the applicant filed as an annex to the Appeal, D415/2/1.3.1.

002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

			against Buddhists	practicing Buddhism) ³⁹⁹
	PTC 137 ⁴⁰⁰	09-VU-03515 (D22/3218) ⁴⁰¹	Inhumane acts through forced marriage	Applicant's two nieces ⁴⁰²
	PTC 150 ⁴⁰³	09-VU-01678 (D22/2137) ⁴⁰⁴	Inhumane acts through forced marriage	Applicant's niece ⁴⁰⁵
		09-VU-02074 (D22/3039) ⁴⁰⁶	Phase 1 of forced transfer	Applicant and members of her family ⁴⁰⁷
	PTC 169 ⁴⁰⁸	08-VU-01027 (D22/0376) ⁴⁰⁹	Persecution on religious grounds against Buddhists	Applicant (Prohibition of practicing Buddhism and destruction of her pagoda Ek Raing Sei) ⁴¹⁰



³⁹⁸ Harm is not linked to the facts under investigation (Impugned Order D415, para. 26 and Annex 3).

³⁹⁹ Additional information from the applicant, incorporated in the appeal (Appeal PTC 136, para. 80).

⁴⁰⁰ Appeal Against Order on the Inadmissibility of Civil Party Applicants from Current Residents of Battambang Province, 22 September 2010, D415/5/1 (“PTC 137”).

⁴⁰¹ Harm is not linked to the facts under investigation (Impugned Order D415, para. 26 and Annex 3).

⁴⁰² Additional information from the applicant, incorporated to the appeal (Appeal PTC137, para. 81).

⁴⁰³ Appeal Against Order on the Admissibility of Civil Party Applications from Current Residents of Battambang, D415, 20 October 2010, D415/7/1 (“Appeal PTC 150”).

⁴⁰⁴ Threshold for personal psychological harm is not met in relation to forced marriage and harm not linked to the facts under investigation in relation to the other alleged crimes (Impugned Order D415, paras. 24, 26 and Annex 3).

⁴⁰⁵ Supplementary Information, D22/2137b.

⁴⁰⁶ Harm is not linked to the facts under investigation (Impugned Order D415, para.26 and Annex 3).

⁴⁰⁷ See Appeal PTC 150, stressing erroneous date of transfer of application in English summary (1973 instead of 1975) and clarifying from where the applicant was transferred, i.e. Phnom Penh, an information the application was lacking.

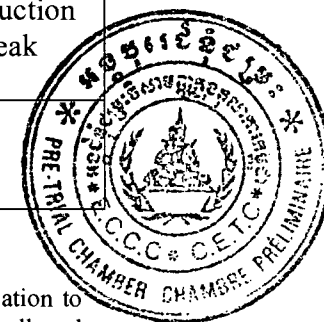
⁴⁰⁸ Appeal Against Orders on the Admissibility of Civil Party Applicants from Current Residents of Battambang Province, 2 November 2010, D415/8/1 (“Appeal PTC 169”).

⁴⁰⁹ No proof of kinship with an immediate victim in relation to forced marriage and Buddhist persecution and harm is not linked to other crimes under investigation (Impugned Order D415, paras. 23, 26 and Annex 3).

⁴¹⁰ Appeal PTC 169, para. 40 and further statement from the applicant annexed to the Appeal (D415/8.1.2.3).

002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		08-VU-01025 (D22/0167) ⁴¹¹	Inhumane acts through forced marriage	Applicant's niece ⁴¹²
		08-VU-01534 (D22/0381) ⁴¹³	Persecution on religious grounds against Buddhists	Applicant (Prohibition of practicing Buddhism) ⁴¹⁴
		08-VU-01202 (D22/0141) ⁴¹⁵	Persecution on religious grounds against Buddhists	Applicant (Prohibition of practicing Buddhism) ⁴¹⁶
		08-VU-01026 (D22/0151) ⁴¹⁷	Persecution on religious grounds against Buddhists	Applicant (Prohibition of practicing Buddhism, destruction of her pagoda Wat Ek in Preak Norint) ⁴¹⁸
D416 (Bantey Meanchey)	PTC 124⁴²⁰	10-VU-00979 (D22/3977) ⁴²¹	Inhumane acts through forced marriage	Applicant ⁴²²



⁴¹¹ Threshold for personal psychological harm is not met in relation to forced marriage and harm is not linked to the facts under investigation, in relation to Buddhist persecution at Wat Samrong, Samrong district, Battambang province as described in paragraph 72 of the Introductory Submission; and the other alleged crimes (Impugned Order D415, paras. 24, 26 and Annex 3).

⁴¹² Additional information about the existence of a bond of affection between the applicant and his niece (Appeal PTC 169, para. 43).

⁴¹³ No proof of kinship with an immediate victim in relation to forced marriage and Buddhist persecution and the harm is not linked to other crimes under investigation (Impugned Order D415, paras. 23, 26 and Annex 3).

⁴¹⁴ Additional information from the applicant (telephone interview of 15 September 2010), incorporated to the appeal. See also, Supplementary Information D22/381b.

⁴¹⁵ Threshold for personal psychological harm is not met in relation to forced marriage and harm is not linked to the facts under investigation, in relation to Buddhist persecution at Wat Samrong, Samrong district, Battambang province as described in paragraph 72 of the Introductory Submission; and the other alleged crimes (Impugned Order D415, paras. 24, 26 and Annex 3).

⁴¹⁶ Additional information from the applicant (telephone interview of 16 September 2010), incorporated to the appeal Appeal PTC 169, para. 49. See also, Supplementary Information D22/381b.

⁴¹⁷ Threshold for personal psychological harm is not met in relation to forced marriage and harm is not linked to the facts under investigation, in relation to Buddhist persecution at Wat Samrong, Samrong district, Battambang province as described in paragraph 72 of the Introductory Submission; and the other alleged crimes (Impugned Order D415, paras. 24, 26 and Annex 3).

⁴¹⁸ Additional information from the applicant (telephone interview of 16 September 2010), incorporated in the Appeal.

⁴¹⁹ Order on the Admissibility of Civil Party Applications from Current Residents of Bantey Meanchey Province, 13 September 2010, D416 ("Impugned Order D416").

002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Province) ⁴¹⁹				
	PTC 125 ⁴²³	10-VU-00987 (D22/1445) ⁴²⁴	Persecution on religious grounds against Buddhists	Applicant (Prohibition of practicing Buddhism) ⁴²⁵
		10-VU-01540 (D22/1837) ⁴²⁶	Enslavement and extermination (Trapeang Thma Dam worksite)	Applicant's two nieces aged 18 and 15 years old who died of exhaustion ⁴²⁷
		10-VU-01356 (D22/1933) ⁴²⁸	Inhumane acts through forced marriage	Applicant's female cousin ⁴²⁹
		10-VU-01892 (D22/2820) ⁴³⁰	Enslavement and murder (Trapeang Thma Dam worksite)	Applicant's two brothers (enslavement) and one of the two brothers (murder) ⁴³¹
	PTC 149 ⁴³²	10-VU-02092 (D22/3052) ⁴³³	Inhumane acts through forced marriage	Applicant's elder brother and sister ⁴³⁴
	PTC 170 ⁴³⁵	09-VU-02092 (D22/1507) ⁴³⁶	Persecution on religious grounds	Applicant (Prohibition of

⁴²⁰ Appeal against Order on the Admissibility of Civil Party Applicants from Current Residents of Banteay Meanchey Province, 22 September 2010, D416/5/1 ("Appeal PTC 124").

⁴²¹ Harm not linked to the facts under investigation (Impugned Order D416, para. 26 and Annex 3).

⁴²² Supplementary information incorporated in the Appeal (PTC 124, page 25).

⁴²³ Appeal against Order on the Admissibility of Civil Party Applicants from Current Residents of Banteay Meanchey Province D416, 23 September 2010, D416/6/1 ("Appeal PTC 125").

⁴²⁴ Harm is not linked to the facts under investigation (Impugned Order D416, para. 23 and Annex 3).

⁴²⁵ Appeal PTC 125 and excerpt from phone interviews of the Applicant by his Counsel on 19 September 2010.

⁴²⁶ Harm is not linked to the facts under investigation (Impugned Order D416, para. 23 and Annex 3).

⁴²⁷ Appeal PTC 125 and excerpt from phone interview of the applicant by his counsel on 19 September 2010.

⁴²⁸ Insufficient information to verify compliance to Rule 23 *bis* (1) and (4) of the Internal Rules (Impugned Order D416, para.24 and Annex 3).

⁴²⁹ Further information from applicant resulting from phone interview of 17 September 2010, incorporated to the Appeal (Appeal PTC 125, para. 109).

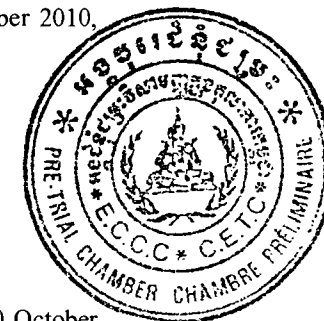
⁴³⁰ Harm is not linked to the facts under investigation (Impugned Order D416, para.23 and Annex 3).

⁴³¹ Further information from applicant resulting from phone interview of 17 September 2010, incorporated to the Appeal (Appeal PTC 125, para. 109).

⁴³² Amended Appeal against Order on the Admissibility of Civil Party Applicants from Current Residents of Banteay Meanchey Province D416, 20 October 2010, D416/7/1 ("Appeal PTC 149").

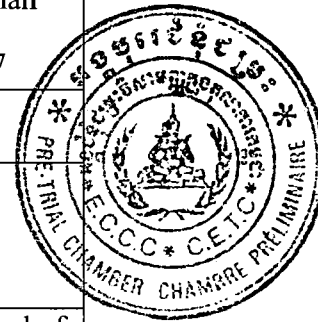
⁴³³ Harm is not linked to the facts under investigation (Impugned Order D416, para.23 and Annex 3).

⁴³⁴ Further information from applicant resulting from phone interview of 19 September 2010, incorporated to the Appeal (Appeal PTC 149, para. 14)



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

			against Buddhists	practicing Buddhism and Applicant's pagodas Prum Chan and Ampean turned into rice granary and livestock hold) ⁴³⁷
		10-VU-00992 (D22/3989) ⁴³⁸	Inhumane acts through forced marriage	Applicant's sister ⁴³⁹
D417 (Kampong Chhnang Province)⁴⁴⁰	PTC 143⁴⁴¹	08-VU-00251 (D22/1378) ⁴⁴²	Enslavement (1 st January Dam)	Applicant ⁴⁴³
		09-VU-00229 (D22/1187) ⁴⁴⁴	Phase 1 of forced transfer	Applicant (witnessed the arrival of people forcibly evacuated from Phnom Penh) ⁴⁴⁵
		09-VU-01001 (D22/1625) ⁴⁴⁶	Inhumane acts through forced marriage	Applicant's two cousins ⁴⁴⁷
		08-VU-00629 (D22/1941) ⁴⁴⁸	Persecution on religious grounds	Applicant (prohibition of islam,



⁴³⁵ Appeal against Orders on the Admissibility of Civil Party Applicants from Current Residents of Banteay Meanchey Province, 2 November 2010, D416/8/1 ("Appeal PTC 170").

⁴³⁶ Insufficient information to verify compliance to Rule 23 *bis* (1) and (4) of the Internal Rules (Impugned Order D416, para. 24 and Annex 3).

⁴³⁷ Appeal PTC 170 incorporating further information from the applicant.

⁴³⁸ Harm is not linked to the facts under investigation (Impugned Order D416, para.23 and Annex 3).

⁴³⁹ Additional information from the applicant annexed to the appeal (D416/8/1.2.3).

⁴⁴⁰ Order on the Admissibility of Civil Party Applicants from Current Residents of Kampong Chhnang Province, 13 September 2010, D417 ("Impugned Order D417").

⁴⁴¹ *Mémoire d'appel contre l'ordonnance sur la recevabilité de constitution de parties civiles résidant en province de Kampong Chhnang (D417)*, 23 September 2010, D417/3/1 ("Appeal PTC 143").

⁴⁴² No proof of kinship with an immediate victim (Impugned Order D417, para. 22 and Annex 3).

⁴⁴³ Supplementary Information D22/1378a (original Khmer version of the statement).

⁴⁴⁴ No proof of kinship with an immediate victim (Impugned Order D417, para. 22 and Annex 3).

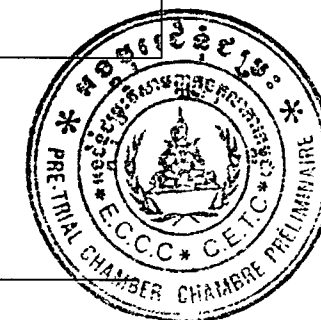
⁴⁴⁵ Supplementary information, D22/1187b.

⁴⁴⁶ Threshold of personal psychological harm has not been met (Impugned Order D417, para. 23 and Annex 3).

⁴⁴⁷ Supplementary information, D22/1625c

002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

			against the Cham	forced to eat pork saw ⁴⁴⁹
	PTC 144 ⁴⁵⁰	09-VU-04309 (D22/3673) ⁴⁵¹	Persecution on religious grounds against the Cham	Applicant (prohibition to practice Islam, to speak Cham language, burning of Quoran and obligation to engage in practice contrary to Islam <i>inter alia</i> to eat pork) ⁴⁵²
		09-VU-04312 (D22/3676) ⁴⁵³	Persecution on religious grounds against the Cham	Applicant (prohibition to practice Islam, to speak Cham language, burning of Quoran and obligation to engage in practice contrary to Islam <i>inter alia</i> to eat pork) ⁴⁵⁴
		09-VU-02047 (D22/3008) ⁴⁵⁵	Persecution on religious grounds against the Cham	Applicant (prohibition to practice Islam and obligation to engage in practice contrary to Islam <i>inter alia</i> to eat pork) ⁴⁵⁶



⁴⁴⁸ Harm is not linked to the facts under investigation (Impugned Order D417, para. 25 and Annex 3).

⁴⁴⁹ Report on Civil Party Application D22/1941/1.

⁴⁵⁰ *Requête d'appel d'ordonnance sur la recevabilité des constitutions de parties civiles résidant dans la province de Kampong Chhnang*, 16 September 2010, D417/4/1 ("Appeal PTC 144").

⁴⁵¹ Harm is not linked to the facts under investigation (outside geographic scope / Cham persecution) (Impugned Order D417, para. 25 and Annex 3).

⁴⁵² Appeal PTC 144, para. 75; Report on Civil Party Application D22/3673.

⁴⁵³ Harm is not linked to the facts under investigation (outside geographic scope / Cham persecution) (Impugned Order D417, para. 25 and Annex 3).

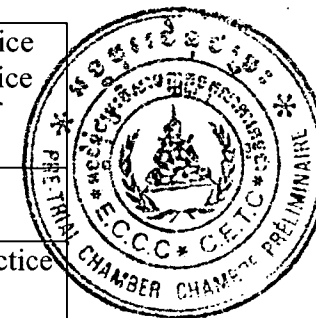
⁴⁵⁴ Appeal PTC144, para. 75; Report on Civil Party Application D22/2676/1.

⁴⁵⁵ Harm is not linked to the facts under investigation (outside geographic scope / Cham persecution) (Impugned Order D417, para. 25 and Annex 3).

⁴⁵⁶ Appeal PTC144, para. 75; Supplementary Information D22/3008b.

002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		09-VU-02058 (D22/3019) ⁴⁵⁷	Persecution on religious grounds against the Cham	Applicant (prohibition to practice Islam and any traditional practice associated to it, under threat of being executed) ⁴⁵⁸
		09-VU-02056 (D22/3018) ⁴⁵⁹	Inhumane acts through forced marriage	Applicant's niece ⁴⁶⁰
		09-VU-02059 (D22/3020) ⁴⁶¹	Persecution on religious grounds against the Cham	Applicant (prohibition to practice Islam, forced to eat pork) ⁴⁶²
		09-VU-02060 (D22/3021) ⁴⁶³	Persecution on religious grounds against the Cham	Applicant (prohibition to practice Islam and to speak Cham language and respect the traditions) ⁴⁶⁴
		09-VU-02061 (D22/3022) ⁴⁶⁵	Persecution on religious grounds against the Cham	Applicant (prohibition to practice Islam and to read Quoran) ⁴⁶⁶
		09-VU-03835 (D22/3486) ⁴⁶⁷	Persecution on religious grounds against Buddhists	Applicant (prohibition to pay respect to Buddha) ⁴⁶⁸



⁴⁵⁷ No proof of kinship with an immediate victim and the harm is not linked to the facts under investigation (outside geographic scope / Cham persecution) (Impugned Order D417, paras 22 and 25 and Annex 3).

⁴⁵⁸ Appeal PTC144, para. 75; Supplementary Information D22/3019b.

⁴⁵⁹ Threshold of personal psychological harm was not met in relation to forced marriage and the harm is not linked to the facts under investigation (other alleged crimes) (Impugned Order D417, paras 23 and 25 and Annex 3).

⁴⁶⁰ Supplementary Information D22/3018b.

⁴⁶¹ No proof of kinship with an immediate victim in relation to forced marriage the harm is not linked to the facts under investigation (other alleged crimes) (Impugned Order D417, paras 22 and 25 and Annex 3).

⁴⁶² Supplementary Information D22/3020a and b.

⁴⁶³ No proof of kinship with an immediate victim of Prey Trapeang execution site and the harm is not linked to the facts under investigation (other alleged crimes) (Impugned Order D417, paras 22 and 25 and Annex 3).

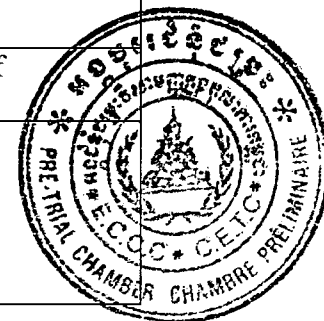
⁴⁶⁴ Supplementary Information D22/3021a and b.

⁴⁶⁵ No proof of kinship with an immediate victim in relation to forced marriage and the harm is not linked to the facts under investigation (other alleged crimes) (Impugned Order D417, paras 22 and 25 and Annex 3).

⁴⁶⁶ Supplementary Information D22/3022a and b.

002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		09-VU-01794 (D22/2790) ⁴⁶⁹	Phase 1 of forced transfer	Applicant's cousin who disappeared during this phase ⁴⁷⁰
		09-VU-01003 (D22/1606) ⁴⁷¹	Inhumane acts through forced marriage	Applicant's nephew ⁴⁷²
		09-VU-01214 (D22/710) ⁴⁷³	Inhumane acts through forced marriage	Applicant's cousin ⁴⁷⁴
		08-VU-02187 (D22/502) ⁴⁷⁵	Persecution on religious grounds against Buddhists	Applicant (Prohibition of practicing Buddhism) ⁴⁷⁶
D418 (Kampong Thom Province)⁴⁷⁷	PTC 156⁴⁷⁸	08-VU-02213 (D22/1810) ⁴⁷⁹	Inhumane acts through forced marriage	Applicant ⁴⁸⁰



⁴⁶⁷ No proof of kinship with an immediate victim in relation to forced marriage and the harm is not linked to the facts under investigation (other alleged crimes) (Impugned Order D417, paras 22 and 25 and Annex 3).

⁴⁶⁸ Appeal PTC144, para. 78; Supplementary Information D22/3486 a and b; Indictment, para. 741.

⁴⁶⁹ No proof of kinship with an immediate victim in relation to forced marriage and the harm is not linked to the facts under investigation (other alleged crimes) (Impugned Order D417, paras 22 and 25 and Annex 3).

⁴⁷⁰ Appeal PTC144, para. 79; Supplementary Information D22/2790 a and b.

⁴⁷¹ Threshold for personal psychological harm was not met in relation to forced marriage and the harm is not linked to the facts under investigation (other alleged crimes) (Impugned Order D417, paras 23 and 25 and Annex 3).

⁴⁷² Appeal PTC144, para. 79; Supplementary Information D22/1606 a and b.

⁴⁷³ Threshold for personal psychological harm was not met in relation to forced marriage and the harm is not linked to the facts under investigation (other alleged crimes) (Impugned Order D417, paras 23 and 25 and Annex 3).

⁴⁷⁴ Supplementary information, D22/710b.

⁴⁷⁵ No proof of kinship with an immediate victim in relation to forced marriage and the harm is not linked to the facts under investigation (other alleged crimes) (Impugned Order D417, paras 22 and 25 and Annex 3).

⁴⁷⁶ Appeal PTC144, para. 78; Supplementary Information D22/506 a and b.

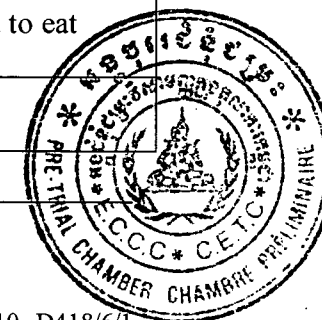
⁴⁷⁷ Order on the Admissibility of Civil Party Applicants from Current Residents of Kampong Thom Province, issued on 26 August 2010 and filed on 14 September 2010 ("Impugned Order D418").

⁴⁷⁸ Re-Filing of the Appeal Against Order on the Admissibility of Civil Party Applicants from Current Residents of Kampong Thom Province D418, 27 September 2010, D418/5/1 ("Appeal PTC 156").

⁴⁷⁹ Harm not linked to the facts under investigation (Impugned Order D418, para. 24 and Annex 3).

002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		10-VU-00907 (D22/3917) ⁴⁸¹	Inhumane acts through forced marriage	Applicant's sister in law ⁴⁸²
	PTC 167 ⁴⁸³	10-VU-00898 (D22/3908).	Imprisonment at S-21 Security Center and murder	Applicant's sister and extended family members ⁴⁸⁴
D423 (Pursat Province) ⁴⁸⁵	PTC 120 ⁴⁸⁶	09-VU-01071 (D22/2693) ⁴⁸⁷	Persecution on religious grounds against the Buddhists	Applicant's elder brothers (it is reported that they were monks and have been disrobed by the Khmer Rouge) ⁴⁸⁸
		07-VU00415 (D22/1390) ⁴⁸⁹	Persecution on religious grounds against the Cham	Applicant (Prohibition of practicing Islam, forced to eat pork meat) ⁴⁹⁰
		09-VU-00240 (D22/0790) ⁴⁹¹	Inhumane acts through forced marriage	Applicant's uncle ⁴⁹²



⁴⁸⁰ Additional information inserted in Appeal PTC 156.

⁴⁸¹ Harm not linked to the facts under investigation (Impugned Order D418, para. 24 and Annex 3).

⁴⁸² Additional information inserted in Appeal PTC 156.

⁴⁸³ Appeal Against Order on the Admissibility of Civil Party Applicants from Current Residents of Kampong Thom Province, 2 November 2010, D418/6/1 ("Appeal PTC 167").

⁴⁸⁴ Report on Civil Party Application, D22/3908/1. The name of the Applicant's sister is not listed among the S-21 prisoners detained or executed (Revised S-21 Prisoner List, E68.1), however, this does not make it implausible that she, along with her family, were sent to S-21 since, as the Trial Chamber found in Case 001, the list is not exhaustive, and it is likely that a great many prisoners whose names are not on it (Judgement, Case No. 001/18-07-2007/ECCC/TC, 26 July 2010, E188, paras 142 & 143).

⁴⁸⁵ Order on the Inadmissibility of Civil Party Applicants from Current Residents of Pursat Province, 25 September 2010, D423.

⁴⁸⁶ Appeal Against Order on the Inadmissibility of Civil Party Applicants from Current Residents of Pursat Province, 24 September 2010, D423/4/1 ("Appeal PTC 120").

⁴⁸⁷ Harm not linked to facts under investigation (Impugned Order D423, para. 25 and Annex 3).

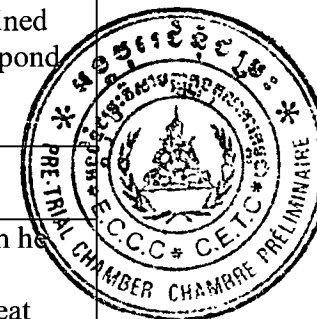
⁴⁸⁸ Supplementary Information D22/2693b.

⁴⁸⁹ Applicant did not substantiate sufficiently a bond of affection or dependency with the immediate victim to meet the psychological harm threshold and harm is not linked to the crimes under investigation (other alleged crimes) (Impugned Order D423, para. 25 and Annex 3).

⁴⁹⁰ Report on Civil Party Application D22/1390.

002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

	PTC 121 ⁴⁹³	09-VU-01978 (D22/2961) ⁴⁹⁴	Persecution on religious grounds against the Buddhists	Applicant's brother in law (a monk who was defrocked by the Khmer Rouge) ⁴⁹⁵
		09-VU-00565 (D22/2012) ⁴⁹⁶	Murders during Phase 3 of forcible transfers from Svay Rieng to Pursat province in 1978	The applicant witnessed these murders, the victims being lined up, killed and thrown into a pond in Bakan district, Pursat province ⁴⁹⁷
		09-VU-01974 (D22/2957) ⁴⁹⁸	Inhumane acts through forced marriage	Applicant's cousin ⁴⁹⁹
	PTC 122 ⁵⁰⁰	10-VU-0860 (D22/3873) ⁵⁰¹	Persecution on religious grounds against the Cham	Applicant (as he was a Cham he refused to eat pork and was starved until he accepted to eat porridge mixed with oil made of pork) ⁵⁰²



⁴⁹¹ Applicant did not substantiate sufficiently a bond of affection or dependency with the immediate victim to meet the psychological harm threshold and harm is not linked to the crimes under investigation (other alleged crimes) (Impugned Order D423, para. 25 and Annex 3).

⁴⁹² Supplementary information provided on 30 August 2010, incorporated to the Appeal PTC 120.

⁴⁹³ Appeal Against Order on the Inadmissibility of Civil Party Applicants from Current Residents of Pursat Province, 27 September 2010, D423/5/1 ("Appeal PTC 121").

⁴⁹⁴ Harm is not linked to the facts under investigation (Impugned Order D423, para. 25 and Annex 3).

⁴⁹⁵ Supplementary Information D22/2961b.

⁴⁹⁶ No proof of kinship with an immediate victim in relation to forcible transfer from the East Zone (Phase 3) and the harm is not linked to the other facts under investigation (Impugned Order D423, para. 25 and Annex 3).

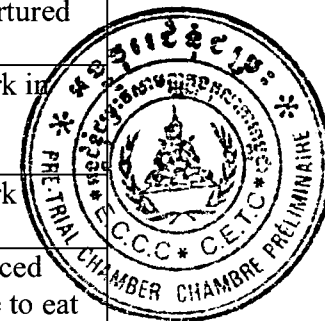
⁴⁹⁷ It is not disputed that this is a crime for which the accused are indicted. The Co-investigating Judges considered that the applicant did not offer proof of kinship with an immediate victim of this crime. Witnessing mass killing and/or human being bodies having been voluntarily killed and thrown into a pond amount to an event of a shocking and violent nature which makes it plausible that the applicant suffered psychological harm from witnessing a crime for which the accused are indicted.

⁴⁹⁸ No proof of kinship with an immediate victim of forced marriage and the harm is not linked to the other facts under investigation (Impugned Order D423, para. 25 and Annex 3).

⁴⁹⁹ Supplementary Information D22/2957b.

002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		10-VU-0861 (D22/3874) ⁵⁰³	Persecution on religious grounds against the Cham	Applicant (forced to eat pork because he is a Cham) ⁵⁰⁴
		10-VU-0863 (D22/3876) ⁵⁰⁵	Persecution on religious grounds against the Cham	Applicant (forced to eat pork because he is a Cham and knew that, had he refused to do so, he would have been beaten, tortured or killed) ⁵⁰⁶
		10-VU-0864 (D22/3877) ⁵⁰⁷	Persecution on religious grounds against the Cham	Applicant (forced to eat pork in 1976, a practice against his religion) ⁵⁰⁸
		10-VU-0877 (D22/3887) ⁵⁰⁹	Persecution on religious grounds against the Cham	Applicant (forced to eat pork because of being Cham) ⁵¹⁰
	PTC 123 ⁵¹¹	09-VU-00100 (D22/1082) ⁵¹²	Persecution on religious grounds against the Cham	Applicant (khmer rouge forced him and other Cham people to eat pork and that the fact he begged



⁵⁰⁰ *Appel des Co-avocats de parties civiles, groupe « Avocats Sans Frontières France », de l'ordonnance D423 sur la recevabilité des constitutions de parties civiles résidant dans la province de Pursat, 27 September 2010, D423/6/1 (“Appeal PTC 122”).*

⁵⁰¹ Harm is not linked to the facts under investigation and is outside geographical scope with respect to Cham persecution (Impugned Order D423, para. 25 and Annex 3)

⁵⁰² Supplementary information, D22/3873b.

⁵⁰³ Harm is not linked to the facts under investigation and is outside geographical scope with respect to Cham persecution (Impugned Order D423, para. 25 and Annex 3).

⁵⁰⁴ Supplementary Information D22/3374b.

⁵⁰⁵ Harm is not linked to the facts under investigation and is outside geographical scope with respect to Cham persecution (Impugned Order D423, para. 25 and Annex 3).

⁵⁰⁶ Report on Civil Party Application D22/3876/1 and Supplementary Information D3876b.

⁵⁰⁷ Harm is not linked to the facts under investigation and is outside geographical scope with respect to Cham persecution (Impugned Order D423, para. 25 and Annex 3).

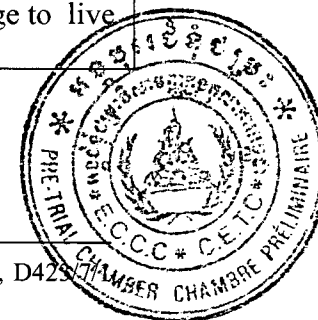
⁵⁰⁸ Report on Civil Party Application D22/3877/1 and Indictment, para. 1420.

⁵⁰⁹ Harm is not linked to the facts under investigation and is outside geographical scope with respect to Cham persecution (Impugned Order D423, para. 25 and Annex 3).

⁵¹⁰ Report on Civil Party Application D22/3887/1 and Indictment, para. 1420.

002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

				them not to force him had no effect) ⁵¹³
		09-VU-00225 (D22/1132) ⁵¹⁴	Persecution on religious grounds against the Cham	Applicant (forced to eat pork because of being Cham) ⁵¹⁵
		09-VU-01955 (D22/2940) ⁵¹⁶	Inhumane acts through forced marriage	Applicant's aunt (sister of the applicant's father, forced to marry a non Cham person against her will. She died less than a year later due to exhaustion after having delivered a baby) ⁵¹⁷
		09-VU-01956 (D22/2941) ⁵¹⁸	Persecution on religious grounds against the Cham	Applicant (Prohibition of Islam as well as Cham culture he was forced by the Khmer rouge to live like Khmer families) ⁵¹⁹



⁵¹¹ *Requête d'appel d'ordonnance sur la recevabilité des constitutions de parties civiles résidant dans la province de Pursat*, 27 September 2010, D423/13 (“Appeal PTC 123”).

⁵¹² Harm is not linked to the facts under investigation (outside geographical scope with respect to Cham persecution) (Impugned Order D423, para. 25 and Annex 3).

⁵¹³ Report on Civil Party Application D22/1082/1.

⁵¹⁴ Harm is not linked to the facts under investigation (outside geographical scope with respect to Cham persecution) (Impugned Order D423, para. 25 and Annex 3).

⁵¹⁵ Report on Civil Party Application D22/1132/1.

⁵¹⁶ The threshold for psychological harm has not been met in relation to forced marriage and the harm is not linked to the facts under investigation (Impugned Order D423, para. 25 and Annex 3).

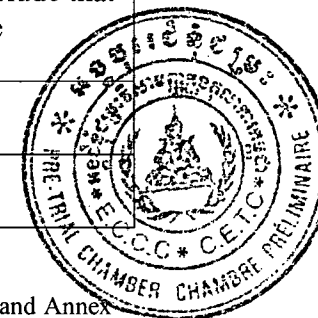
⁵¹⁷ Supplementary Information D22/2940b.

⁵¹⁸ Harm is not linked to the facts under investigation (outside geographical scope with respect to Cham persecution) (Impugned Order D423, para. 25 and Annex 3).

⁵¹⁹ Supplementary Information D22/2941b.

002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		09-VU-01958 (D22/2943) ⁵²⁰	Persecution on religious grounds against the Cham	Applicant (forced by the khmer rouge who knew she was a Cham, to eat soup mixed with pork. She did not dare to refuse because she was afraid that they would harm her) ⁵²¹
		09-VU-01975 (D22/2958) ⁵²²	Phase 3 of forcible transfers from Svay Rieng to Pursat province in 1978	Applicant witnessed the witnessed the arrival of persons forcibly transferred from Svay Rieng and Prey Veng to Pursat province, a shocking event as every information available to him including earlier killings he witnessed led him to conclude that these persons where to be executed ⁵²³
		09-VU-01976 (D22/2959) ⁵²⁴	Inhumane acts through forced marriage	Applicant's aunt ⁵²⁵
		09-VU-01979 (D22/2962) ⁵²⁶	Inhumane acts through forced marriage	Applicant's cousin ⁵²⁷



⁵²⁰ Harm is not linked to the facts under investigation (outside geographical scope with respect to Cham persecution) (Impugned Order D423, para. 25 and Annex 3).

⁵²¹ Report on Civil Party Application D22/2943/1 and Supplementary Information D22/2943b.

⁵²² No proof of kinship with an immediate victim in relation to forcible transfers from the East Zone (Phase 3) (Impugned Order D423, para. 22 and Annex 3)

⁵²³ Supplementary Information D22/2958b.

⁵²⁴ Harm is not linked to the facts under investigation (Impugned Order D423, para. 25 and Annex 3).

⁵²⁵ See information highlighted in the appeal regarding the family relationship existing between the applicant the niece of applicant D22/2942 who was admitted as a civil party on the basis of the forced marriage of her mother.

⁵²⁶ Threshold for psychological harm has not been met in relation to forced marriage and harm is not linked to the facts under investigation (outside geographical scope with respect to Cham persecution) (Impugned Order D423, paras 23 and 25 and Annex 3).

⁵²⁷ Supplementary information, D22/2962b.

002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

	PTC 151 ⁵²⁸	08-VU-02112 (D22/1971) ⁵²⁹	Inhumane acts through forced marriage	Applicant (witnessed the forced marriage of ten couples, and that this event traumatized her, and caused her to fear that she might be subjected to such a marriage as well) ⁵³⁰
		09-VU-01687 (D22/2145) ⁵³¹	Persecution on religious grounds against Buddhists	Applicant (prohibition of Buddhism, he was prevented from visiting a Wat and practicing his religion during the Khmer Rouge regime. He was also greatly traumatized by the shooting of monks to death he witnessed) ⁵³²
		09-VU-01690 (D22/2148) ⁵³³	Phase 3 of forcible transfers from the East Zone in 1978 to Pursat province	Applicant (witnessed forcible evacuation and the brutal killings of evacuees from the East Zone in 1978 to Pursat province) ⁵³⁴
		08-VU-02132 (D22/2658) ⁵³⁵	Inhumane acts through forced marriage	Applicant's daughter ⁵³⁶

⁵²⁸ Appeal Against Order on the Admissibility of Civil Party Applicants from Current Residents of Pursat Province (D423), 20 October 2010, D423/8/1 ("Appeal PTC 151").

⁵²⁹ No proof of kinship with an immediate victim in relation to forced marriage and harm is not linked to the facts under investigation (outside geographical scope/Khmer Kampuchea Kraom persecution) (Impugned Order D423, para. 25 and Annex 3).

⁵³⁰ Appeal PTC 151, para. 19.

⁵³¹ Harm is not linked to the facts under investigation (Impugned Order D423, para. 25 and Annex 3).

⁵³² Appeal PTC 151, para. 26.

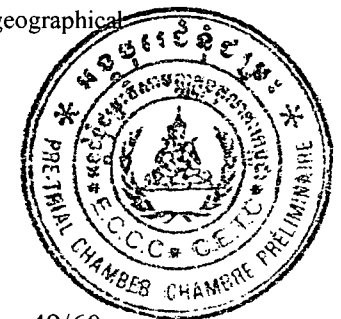
⁵³³ No proof of kinship with an immediate victim in relation to forced transfers Phase 3 (Impugned Order D423, para. 22 and Annex 3).

⁵³⁴ Appeal PTC 151, para. 32.

⁵³⁵ Harm is not linked to the facts under investigation (Impugned Order D423, para. 25 and Annex 3).

⁵³⁶ Further information from the applicant incorporated into the appeal (PTC 151, para. 33).

Civil party applications unanimously found to be admissible



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		09-VU-03482 (D22/3185) ⁵³⁷	Phase 3 of forcible transfers from the East Zone in 1978 to Pursat province	Applicant (witnessed the forced transfer of evacuees from Svay Rieng Province, and their execution) ⁵³⁸
		09-VU-03485 (D22/3188) ⁵³⁹	Phase 3 of forcible transfers from the East Zone in 1978 to Pursat province	Applicant (witnessed several waves of evacuees from Svay Rieng Province forcibly transferred to Pursat province, and their subsequent execution) ⁵⁴⁰
		09-VU-03486 (D22/3189) ⁵⁴¹	Inhumane acts through forced marriage	Applicant's mother (forced to marry 20 days after the killing of her husband, the applicant's father) ⁵⁴²
		09-VU-03487 (D22/3190) ⁵⁴³	Inhumane acts through forced marriage	Applicant's sister ⁵⁴⁴
		09-VU-02094 (D22/3054) ⁵⁴⁵	Persecution on religious grounds against Buddhists	Applicant (Prohibited to practice her religion) ⁵⁴⁶
		09-VU-02096 (D22/3056) ⁵⁴⁷	Inhumane acts through forced marriage	Applicant (witnessed the forced marriage of twenty couples, including that of a second cousin

⁵³⁷ Harm is not linked to the facts under investigation (outside geographical scope/Khmer Kampuchea Kraom persecution) (Impugned Order D423, para. 25 and Annex 3).

⁵³⁸ Appeal PTC 151, para. 36.

⁵³⁹ No proof of kinship with an immediate victim in relation to the forced transfer from the East Zone (Phase 3) (Impugned Order D423, para. 22 and Annex 3).

⁵⁴⁰ Appeal PTC 151, paras 38-39.

⁵⁴¹ Harm is not linked to the facts under investigation (Impugned Order D423, para. 25 and Annex 3).

⁵⁴² Appeal PTC 151, para. 41.

⁵⁴³ Harm is not linked to the facts under investigation (Impugned Order D423, para. 25 and Annex 3).

⁵⁴⁴ Appeal PTC 151, para. 47.

⁵⁴⁵ Harm is not linked to the facts under investigation (Impugned Order D423, para. 25 and Annex 3).

⁵⁴⁶ Further information from the applicant incorporated in Appeal PTC 151.

Civil party applications unanimously found to be admissible



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

				of her husband's, who worked in the same cooperative as the applicant and with whom she had a close relationship. The applicant further stated that she felt sorry for Yem He, and was under a constant fear that it may happen to her daughter one day) ⁵⁴⁸
	PTC 162 ⁵⁴⁹	09-VU-00530 (D22/1425) ⁵⁵⁰	Persecution on religious grounds against Buddhists	Applicant (Prohibition of practicing Buddhism) and Applicant's two uncles (who were monks at Boeung Khnar Pagoda who were disrobed by the Khmer Rouge and sent for re-education) ⁵⁵¹
		09-VU-00524 (D22/1426) ⁵⁵²	Persecution on religious grounds against Buddhists	Applicant (Prohibition of practicing Buddhism) and Applicant's uncle (a monk disrobed by the Khmer Rouge) ⁵⁵³
		09-VU-00245 (D22/2074) ⁵⁵⁴	Persecution on religious grounds against Buddhists	Applicant (he was a Buddhist monk forcibly disrobed by the Khmer Rouge) ⁵⁵⁵ This caused him psychological harm. ⁵⁵⁶

⁵⁴⁷ Harm is not linked to the facts under investigation (Impugned Order D423, para. 25 and Annex 3).

⁵⁴⁸ Appeal PTC 151, para. 55.

⁵⁴⁹ Appeal Against Orders on the Admissibility of Civil Party Applicants from Current Residents of Pursat Province (D423), 2 November 2010, D423/9/1 ("Appeal PTC 162").

⁵⁵⁰ Harm is not linked to the facts under investigation (outside geographical scope of/Vietnamese persecution (Impugned Order D423, para. 25 and Annex 3).

⁵⁵¹ Appeal, para. 76.

⁵⁵² Harm is not linked to the facts under investigation (outside geographical scope of/Vietnamese persecution (Impugned Order D423, para. 25 and Annex 3).

⁵⁵³ Supplementary Statement of the applicant, 17 September 2010, submitted with the Appeal, para. 2.

Civil party applications unanimously found to be admissible

51/60



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

D424 (Siem Reap Province)⁵⁵⁷	PTC 105⁵⁵⁸	08-VU-01452 (D22/1754) ⁵⁵⁹	Inhumane acts through forced marriage	Applicant's cousin ⁵⁶⁰
		09-VU-00692 (D22/1438) ⁵⁶¹	Inhumane acts though forced marriage	Applicant's niece ⁵⁶²
		09-VU-00698 (D22/1504) ⁵⁶³	Inhumane acts though forced marriage	Applicant's nieces ⁵⁶⁴
		09-VU-00812 (D22/1514) ⁵⁶⁵	Inhumane acts though forced marriage	Members of the Applicant's cooperative (les) ⁵⁶⁶
		09-VU-01507 (D22/0781) ⁵⁶⁷	Persecution on Religious Grounds. Against Buddhists	Applicant ⁵⁶⁸
		09-VU-00800 (D22/1450) ⁵⁶⁹	Inhumane acts though forced	Applicant's cousin ⁵⁷⁰

⁵⁵⁴ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D423, para. 25 and Annex 3).

⁵⁵⁵ Appeal PTC 151, para. 76 and Report on Civil Party Application D22/2074/1.

⁵⁵⁶ Report on Civil Party Application D22/2074/1.

⁵⁵⁷ Order on the Admissibility of Civil Party Applicants from Current Residents of Siem Reap Province of 15 September 2010, filed on 15 September 2010, D424 ("Impugned Order D424").

⁵⁵⁸ Appeal Against Order on the Inadmissibility of Civil Party Applicants From Current Residents of Siem Reap Province, 27 September 2010, D424/3/3 ("Appeal PTC 105").

⁵⁵⁹ Threshold for personal psychological harm not met in relation to forced marriage and Harm is not linked to the facts under investigation (Impugned Order D424, paras. 25-26 and Annex 3).

⁵⁶⁰ Summary of supplementary information, D22/1754b.

⁵⁶¹ Threshold for personal psychological harm is not met in relation to forced marriage, and Harm is not linked to the facts under investigation (other alleged crimes) (Impugned Order D424, paras. 25-26 and Annex 3).

⁵⁶² Summary of supplementary information, D22/1438b

⁵⁶³ Threshold for personal psychological harm is not met in relation to forced marriage, and Harm is not linked to the facts under investigation (other alleged crimes) (Impugned Order D424, paras. 25-26 and Annex 3).

⁵⁶⁴ Summary of supplementary information, D22/1504b.

⁵⁶⁵ No proof of relevant harm.

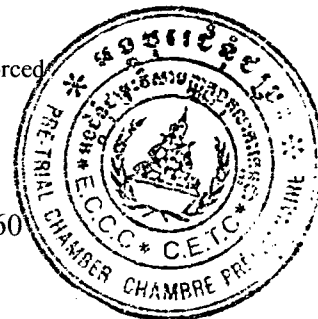
⁵⁶⁶ Summary of supplementary information, D22/1514b, according to which, as chief of the cooperative, the applicant was ordered to organize the forced marriage of 40 couples; see also Appeal PTC 105, para. 100.

⁵⁶⁷ Harm is not linked to the facts under investigation (Impugned Order D424, para. 26 and Annex 3).

⁵⁶⁸ Summary of supplementary information, D22/781b and additional information incorporated in the Appeal.

Civil party applications unanimously found to be admissible

52/60



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

			marriage	
		09-VU-01495 (D22/0652) ⁵⁷¹	Inhumane acts though forced marriage	Applicant's niece ⁵⁷²
		09-VU-00714 (D22/0837). ⁵⁷³	Inhumane acts though forced marriage	Applicant's aunt ⁵⁷⁴
		09-VU-02202 (D22/3113) ⁵⁷⁵	Imprisonment at North Zone Security Centre	Detainees (the Applicant witnessed their violent and shocking execution) ⁵⁷⁶
		09-VU-00693 (D22/1437) ⁵⁷⁷	Phase 2 of forced movement of population within Battambang province during 1975, 1976.	Applicant ⁵⁷⁸
		08-VU-02330 (D22/0460) ⁵⁷⁹	Inhumane acts though forced marriage	40 women forcibly married to handicapped soldiers at Svay Pagoda in 1976 (The Applicant witnessed the acts and afterwards heard that some of the women had committed suicide or were killed because they didn't obey the order to get married) ⁵⁸⁰

⁵⁶⁹ Application inadmissible on the ground that Threshold for personal psychological harm not met in relation to forced marriage and harm is not linked to the facts under investigation (other alleged crimes) (Impugned Order D424, para. 26 and Annex 3).

⁵⁷⁰ Summary of supplementary information, D22/1450b.

⁵⁷¹ Application inadmissible on the ground that Threshold for personal psychological harm not met in relation to forced marriage and harm is not linked to the facts under investigation (other alleged crimes) (Impugned Order D424, para. 26 and Annex 3).

⁵⁷² Summary of supplementary information, D22/652b.

⁵⁷³ Harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

⁵⁷⁴ Summary of supplementary information, D424/3/4.1.

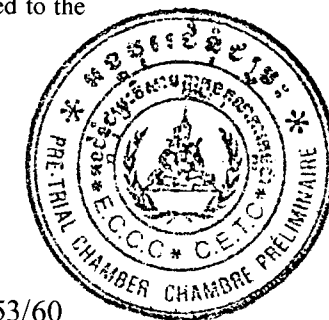
⁵⁷⁵ Harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

⁵⁷⁶ Summary of supplementary information, D22/3113/1.

⁵⁷⁷ Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

⁵⁷⁸ Report of civil party application D22/1437/1 and Summary of supplementary information, D22/1437b. See also Appeal PTC105, para. 101.

Civil party applications unanimously found to be admissible



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		09-VU-01012 (D22/2086) ⁵⁸¹	Phase 1 of forced transfer	Applicant's father ⁵⁸²
		09-VU-01503 (D22/0796) ⁵⁸³	Persecution on Religious Grounds. Against Buddhists	Applicant's relatives (they were not allowed to pray, dress in white robes or any other practice of Buddhism) ⁵⁸⁴
		09-VU-02460 (D22/2239) ⁵⁸⁵	Persecution on Religious Grounds. Against Buddhists	Applicant (was not allowed to practice his religion, was told that Buddhist statutes were just cement statutes and monks were just villager's sons) ⁵⁸⁶
	PTC 106 ⁵⁸⁷	08-VU-00112 (D22/1290) ⁵⁸⁸	Persecution on religious grounds against Buddhists	Applicant's uncle (monk who was forced to work before being arrested and disappeared). ⁵⁸⁹
	PTC 107 ⁵⁹⁰	08-VU-00711 (D22/0450) ⁵⁹¹	Inhumane acts through forced marriage	Applicant's female cousin ⁵⁹²
D426	PTC 109 ⁵⁹⁴	09-VU-02065 (D22/3026) ⁵⁹⁵	Imprisonment at S-21	Applicant's husband (Not only

⁵⁷⁹ Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

⁵⁸⁰ Supporting documentation filed by the Co-Lawyers, D424/3/4.2.

⁵⁸¹ Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

⁵⁸² Additional information incorporated in the Appeal (PTC105, para.104).

⁵⁸³ Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

⁵⁸⁴ Report on civil party application, D22/796/1 and Appeal PTC105, para. 156.

⁵⁸⁵ Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

⁵⁸⁶ Summary of supplementary information D22/2239b; Appeal PTC105, para. 145.

⁵⁸⁷ *Appel des Co-avocats de parties civiles, groupe "Avocats Sans Frontières France", de l'ordonnance D424 sur la recevabilité des constitutions de parties civiles résidant dans la province de Siem Reap*, 27 September 2010, D424/4/1 (PTC 106").

⁵⁸⁸ Insufficient information to verify compliance to Rule 23bis (1) and (4) of the Internal Rules (Impugned Order D424, para. 28 and Annex 3).

⁵⁸⁹ Supplementary Information D22/1290b.

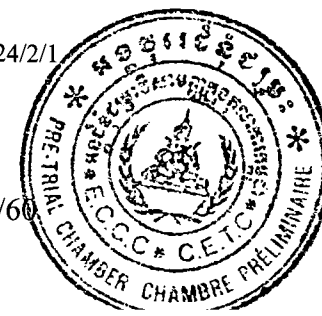
⁵⁹⁰ Appeal against Order on the Inadmissibility of Civil Party Applicants from Current Residents of Siem Reap Province (D424), 26 September 2010, D424/2/1 ("Appeal PTC 107").

⁵⁹¹ Insufficient information to verify compliance with Rule 23 bis (1) and (4) (Impugned Order D424, para. 28 and Annex 3).

⁵⁹² Further information provided by the applicant to Co-Lawyers by phone and inserted in the appeal (Appeal PTC 107, para. 12).

Civil party applications unanimously found to be admissible

54/60



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

(Kampong Cham Province) ⁵⁹³				does the Applicant assert that she has seen a photograph of her husband at the Tuol Sleng Genocide Museum, ⁵⁹⁶ but additionally the husband's name, Preap Kim Sun alias Mann, is found on the S-21 Prisoner List) ⁵⁹⁷
		09-VU-02190 (D22/3102) ⁵⁹⁸	Inhumane acts through forced marriage	Two of the Applicant's nieces ⁵⁹⁹
		09-VU-02192 (D22/3104) ⁶⁰⁰	Persecution on religious grounds against Buddhists	Applicant's father (arrested, tortured, dragged along the path, and stepped on brutally by the Khmer Rouge in 1977 because of his attempts to pray to Buddha. Applicant's uncle (a monk arrested and tortured). These facts were additionally witnessed by the Applicant) ⁶⁰¹
		09-VU-02200 (D22/3111) ⁶⁰²	Imprisonment at S-21 and killing	Applicant's father ⁶⁰³

⁵⁹³ Order on the Admissibility of Civil Party Applicants from Current Residents of Kampong Cham Province, 15 September 2010, D426, ("Impugned Order D426").

⁵⁹⁴ Appeal Against Order on the Admissibility of Civil Party Applicants from Current Residents of Kampong Cham Province, 26 September 2010, D426/2/1 ("Appeal PTC 109").

⁵⁹⁵ Insufficient information to verify compliance with Rules 23 *bis* (1) and (4) in relation to the alleged crimes (Impugned Order D426, para. 26 and Annex 3).

⁵⁹⁶ Supplementary Information, D22/3026b.

⁵⁹⁷ Revised S-21 Prisoner List, E68.1.

⁵⁹⁸ Harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

⁵⁹⁹ Further information provided by the applicant to the Co-lawyers on 23 September 2010 and incorporated to the Appeal PTC 109.

⁶⁰⁰ Harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

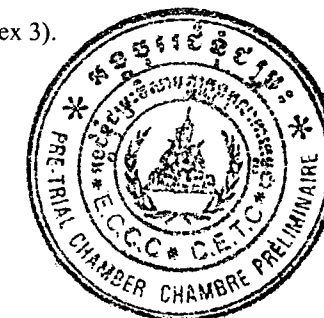
⁶⁰¹ Report on Civil Party Application, D22/3104/1.

⁶⁰² Harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

⁶⁰³ The list of prisoners at S-21 includes a man named Preap Soreoun, who was arrested and executed in 1977 (Revised S-21 Prisoner List, E68.1).

Civil party applications unanimously found to be admissible

55/60



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

	PTC 110 ⁶⁰⁴	07-VU-00118 (D22/2608) ⁶⁰⁵	Phase 2 of forced transfers from Kampong Cham province to Kampong Thom province in early 1976	Applicant's brother (a former Lon Nol soldier) and his family ⁶⁰⁶
		10-VU-00173 (D22/2578) ⁶⁰⁷	Persecution on religious grounds against Buddhist	Applicant (destruction of statues and the Buddhist temple of her pagoda Wat Ta Ong, located in Chamkar Leu village, Ta Ong sub-district, Chamkar Leu district, Kampong Cham province.) ⁶⁰⁸
		09-VU-00669 (D22/3334) ⁶⁰⁹	Genocide and/or Persecution on religious grounds against the Cham	Applicant witnessed 10 Cham families being killed in Tuol Chabeil village, Boeng Kok sub-district, Kampong Cham district, Kampong Cham province at the end of 1976 ⁶¹⁰



⁶⁰⁴ Appeal Brief Against Order on the Admissibility of Civil Party Applicants from Current Residents of Kampong Cham, filed on 27 September 2010, D426/3/1 (“Appeal PTC 110”).

⁶⁰⁵ Harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

⁶⁰⁶ Appeal PTC 110, para. 29; Supplementary Information D22/2608 a and b.

⁶⁰⁷ Harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

⁶⁰⁸ Report on Civil Party Application, D22/2578/1.

⁶⁰⁹ Harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

⁶¹⁰ Appeal PTC 110, para. 106; Report on Civil Party Application D22/3334/1. The circumstances described make it plausible that the applicant suffered psychological harm from witnessing such a violent and shocking event.

002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		10-VU-03671 (D22/3336) ⁶¹¹	Genocide and/or Persecution on religious grounds against the Cham	Applicant witnessed the killing of 40 Cham families from his village, Chamkar Samseb village, Kokor sub-district, Kampong Siem district, Kampong Cham province ⁶¹²
		09-VU-03696 (D22/3361) ⁶¹³	Genocide and/or Persecution on religious grounds against the Cham	Applicant witnessed Chams girls being taken away to be killed, being hit and crying knowing they were to be executed ⁶¹⁴
	PTC 111 ⁶¹⁵	08-VU-01357 (D22/2640) ⁶¹⁶	Inhumane acts through forced marriage	Applicant ⁶¹⁷
		07-VU-0027 (D22/1015) ⁶¹⁸	Inhumane acts through forced marriage	Applicant's close relative ⁶¹⁹
		09-VU-00316 (D22/1473) ⁶²⁰	Persecution on religious grounds against Buddhists	Applicant (Prohibition of Buddhism, was unable to organize a funeral for his son and brother-in-law, and thereby honor the

⁶¹¹ Harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

⁶¹² Appeal PTC 110, para. 107; Report on Civil Party Application D22/3336/1. The circumstances described make it plausible that the applicant suffered psychological harm from witnessing such a violent and shocking event.

⁶¹³ Harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

⁶¹⁴ Additional information from the applicant annexed to the appeal, D426/3/1.24.

⁶¹⁵ *Requête d'appel d'ordonnance sur la recevabilité des constitutions de parties civiles résidant dans la province de Kampong Cham*, 27 September 2010, D426/4/1. A corrected version of the Appeal was filed on 29 November 2010 ("Appeal PTC 111").

⁶¹⁶ Insufficient information to verify compliance of their application with Rule 23bis (1) and (4) of the Internal Rules in relation to the alleged crimes (Impugned Order D426, para. 27 and Annex 3).

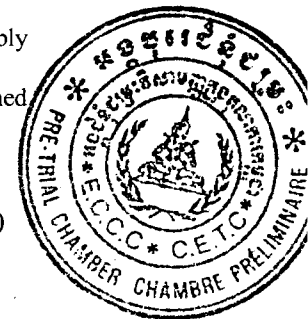
⁶¹⁷ Whereas the English summary of the supplementary information provided by the Applicant (D22/2640b) does not specify whether she herself was forcibly married, but only that some members of her family were forcibly married (with no further details), the Khmer version does (D22/2640a).

⁶¹⁸ Insufficient information to verify compliance of their application with Rule 23bis (1) and (4) of the Internal Rules in relation to the alleged crimes (Impugned Order D426, para. 27 and Annex 3).

⁶¹⁹ Supplementary Information D22/1015b.

Civil party applications unanimously found to be admissible

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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

				memory of his deceased loved ones) ⁶²¹
		09-VU-02498 (D22/2274) ⁶²²	Inhumane acts through forced marriage	Applicant's niece and two brother/sister in law ⁶²³
		09-VU-02493 (D22/2269) ⁶²⁴	Inhumane acts through forced marriage	Applicant's younger brother in law ⁶²⁵
		09-VU-03423 (D22/2418) ⁶²⁶	Inhumane acts through forced marriage	Applicant's nephew and niece ⁶²⁷
		09-VU-03412 (D22/2407) ⁶²⁸	Inhumane acts through forced marriage	Applicant's cousin ⁶²⁹
		08-VU-01199 (D22/0456) ⁶³⁰	Phase 1 of forced transfer	Applicant's extended family (applicant's great uncle and older brother in law and members of their respective families) ⁶³¹
		09-VU-00823 (D22/1663) ⁶³²	Inhumane acts through forced marriage	Applicant's cousin ⁶³³

⁶²⁰ Harm is not linked with the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

⁶²¹ Supplementary Information, D22/1473b.

⁶²² Application declared inadmissible on the ground that it did not demonstrate proof of any kinship with the immediate victim of forced marriage (Impugned Order D426 and Annex 3).

⁶²³ Supplementary Information D22/2274b.

⁶²⁴ Did not demonstrate proof of bonds of affection or dependency with the immediate victim (Impugned Order D426 and Annex 3).

⁶²⁵ Supplementary Information D22/2269b.

⁶²⁶ Did not demonstrate proof of bonds of affection or dependency with the immediate victim (Impugned Order D426 and Annex 3).

⁶²⁷ Supplementary Information D22/2418b.

⁶²⁸ Harm is not linked with the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

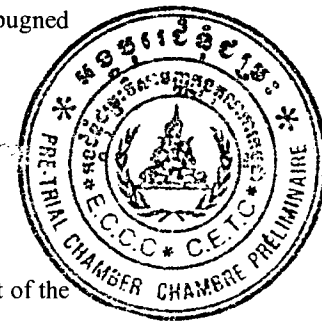
⁶²⁹ Supplementary Information D22/2407b.

⁶³⁰ Insufficient Information to verify compliance with Internal Rules 23bis (1) and (4) and harm is not linked with the facts under investigation (treatment of the Cham minority at Wat O Trakuon Security Center, Kampong Cham province) (Impugned Order D426, para. 26 and Annex 3).

⁶³¹ Supplementary Information D22/456b.

⁶³² Application declared inadmissible on the ground that the harm not linked to any other crime (Impugned Order D426, para. 26 and Annex 3).

⁶³³ Supplementary Information D22/1663b.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

	PTC 158 ⁶³⁴	08-VU-02247 (D22/0115) ⁶³⁵	Phase 1 of forced transfer	Applicant's parents ⁶³⁶
		07-VU-00019 (D22/1273) ⁶³⁷	Inhumane acts through forced marriage	Applicant's niece ⁶³⁸
		08-VU-00723 (D22/1871) ⁶³⁹	Inhumane acts through forced marriage	Applicant's younger sister ⁶⁴⁰
		08-VU-01912 (D22/1062) ⁶⁴¹	Phase 1 of forced transfer	Applicant along with members of her family ⁶⁴²
		09-VU-03581 (D22/3275) ⁶⁴³	Inhumane acts through forced marriage	Applicant's brother ⁶⁴⁴
		08-VU-02250 (D22/1859) ⁶⁴⁵	Enslavement (Kampong Chhnang Airport worksite)	Applicant. ⁶⁴⁶
		08-VU-02245 (D22/0869) ⁶⁴⁷	Inhumane acts through forced marriage	Applicant's younger brother ⁶⁴⁸

⁶³⁴ Re-Filing of Appeal Against Order on the Inadmissibility of Civil Party Applicants from Current Residents of Kampong Cham Province, 27 October 2010, D426/6/1 ("Appeal PTC 158").

⁶³⁵ Applicant did not provide proof of identification (Impugned Order D426, para. 20 and Annex 3).

⁶³⁶ Appeal PTC 158, para. 113. Also, the Co-Lawyers have filed a family record book on 1 April 2011 which contains proof of identification including a picture of the applicant (D426/6/2), D22/115/1.

⁶³⁷ Threshold of psychological harm not met in relation to forced marriage and harm is not linked with the facts under investigation (other alleged crimes) (Impugned Order D426, paras 23 and 25 and Annex 3).

⁶³⁸ Appeal PTC 158, para. 94.

⁶³⁹ Threshold of psychological harm not met in relation to forced marriage and harm is not linked with the facts under investigation (other alleged crimes) (Impugned Order D426, paras 23 and 25 and Annex 3).

⁶⁴⁰ Appeal PTC 158, para. 96.

⁶⁴¹ Insufficient information to verify compliance with Rules 23 *bis* (1) and (4) in relation to the alleged crimes (Impugned Order D426, para. 26 and Annex 3).

⁶⁴² Further information from the applicant incorporated to the Appeal PTC 158, para. 87.

⁶⁴³ Insufficient information to verify compliance with Rules 23 *bis* (1) and (4) in relation to the alleged crimes (Impugned Order D426, para. 26 and Annex 3).

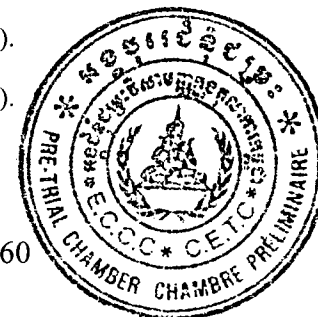
⁶⁴⁴ Further information from the applicant incorporated to the Appeal PTC 158, para. 88.

⁶⁴⁵ Harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

⁶⁴⁶ Appeal PTC 158, para. 114, corroborated by the original Khmer application, not by the English summary.

Civil party applications unanimously found to be admissible

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លេខ/No: D404/2/4.4

002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		10-VU-00405 (D22/2587) ⁶⁴⁹	Inhumane acts through forced marriage	Applicant's younger sister (who was forced to marry with her cousin) ⁶⁵⁰
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⁶⁴⁷ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

⁶⁴⁸ Appeal PTC 158, para. 92.

⁶⁴⁹ Harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

⁶⁵⁰ Further information from the applicant, incorporated in the Appeal PTC 158, para. 90.

002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

ANNEX – CIVIL PARTY APPLICANTS FOR WHOM THE MAJORITY OF FOUR JUDGES FINDS THAT IT IS PLAUSIBLE THAT THEY SUFFERED HARM AS A RESULT OF AT LEAST ONE OF THE POLICIES ALLEGEDLY IMPLEMENTED BY THE COMMUNIST PARTY OF KAMPUCHEA SET OUT IN THE INDICTMENT

IMPUGNED ORDER	APPEAL	CIVIL PARTY APPLICANT REJECTED BY CIJs	ADMISSIBILITY FINDING	IMMEDIATE VICTIM
D392 (Kep Province)¹	PTC 78²	09-VU01302 (D22/2709)	Enslavement in Kampot District, Kampot Province	Applicant
		07-VU00344 (D22/0595)	Enslavement in Kep Province	Applicant
		09-VU-01304 (D22/1595)	Enslavement in Kampot Province	Applicant
		09-VU-01303 (D22/0665)	Enslavement in Srae Chaeng Village, Kampot Province	Applicant
		09-VU-0434 (D22/3152)	Imprisonment and torture at Tuk Meas Security Centre Tuk Meas District, Kampot Province. and Kaoh Sla Prison, in Kaoh Sla District, Kampot Province.	Applicant
		09-VU-01305 (D22/2710)	Enslavement in Kampot District, Kampot Province	Applicant
D393 (Oddar Meanchey Province)³	PTC 81⁴	09-VU-04239 (D22/3625)	Enslavement in Battambang Province	Applicant

¹ Order on the Admissibility of Civil Party Applicants from Current Residents of Kep Province of 25 August 2010, filed on 26 August 2010, D392 (“Impugned Order D392”).

² *Appel des Co-Avocats de parties civiles, groupe “Avocats Sans Frontières France”, de l’ordonnance D392 sur la recevabilité des constitutions de parties civiles résidant dans la Province de Kep*, 3 September 2010, D392/2/1 (“Appeal PTC 78”).

³ Order on the Admissibility of Civil Party Applicants from Current Residents of Oddar Meanchey Province, 26 August 2010, D393 (“Impugned Order D393”).

⁴ *Appel des Co-avocats de parties civiles, groupe “Avocats Sans Frontières France”, de l’ordonnance D393 sur la recevabilité des constitutions de parties civiles résidant dans la Province d’Oddar Meanchey*, 6 Septembre 2010, D393/4/1 (“Appeal PTC 81”).

Annex – Civil party applications admissible in the view of the Majority (Judge Marchi-Uhel dissenting)



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

D394 (Rattanakiri Province)⁵	PTC 82⁶	08-VU-01188 (D22/2637)	Enslavement in Rattanakiri and Stung Streng Provinces	Applicant
		08-VU-01531 (D22/2645)	Other inhumane acts through forced transfer from Kratie to Kampong Cham Province	Applicant
		09-VU-00040 (D22/0488)	Enslavement in Andoung Meas District, Rattanakiri Province	Applicant
		09-VU-00048 (D22/0496)	Persecution on racial grounds (murder) at unspecified location within Cambodia	Applicant's uncle (alleged to have been Vietnamese)
		09-VU-00052 (D22/1667)	Enslavement at Auchalay and Aukrim Dams, in Lumphat District, Rattanakiri Province	Applicant
	PTC 83⁷	08-VU-01193 (D22/0934)	Enslavement in Ou Chum District, Rattanakiri Province	Applicant
D395 (Mondulkiri Province)⁸	PTC 85⁹	09-VU-01205 (D22/718)	Enslavement and other inhuman acts through attack against human dignity in Koh Gnek District, Mondulkiri Province	Applicant
		09-VU-01531 (D22/2736)	Enslavement in Basedth District, Kampong Speu Province and Kracheh District, Kratie Province and Region 105 in Mondulkiri Province	Applicant

⁵ Order on the Admissibility of Civil Party Applicants from Current Residents of Rattanakiri Province, 27 August 2010, D394 (“Impugned Order D394”).

⁶ Requete d’Appel d’Ordonnance sur la Recevabilite des Constitutions de Parties Civiles Residant dans la Province de Rattanakiri, 2 September 2010, D394/2/1 (“Appeal PTC 82”).

⁷ Appeal Against Order On The Inadmissibility Of Civil Party Applicants From Current Residents of Rattanakiri Province, 6 September 2010, D394/3/1 (“Appeal PTC 83”).

⁸ Order on the Admissibility of Civil Party Applicants From Current Residents of Mondulkiri Province, 26 August 2010, D395 (“Impugned Order D395”).

⁹ Mémoire d’appel contre l’ordonnance sur la recevabilité des constitutions de parties civiles résidant dans la Province de Mondulkiri, 6 September 2010, D395/2/1 (“Appeal PTC 85”).

Annex – Civil party applications admissible in the view of the Majority (Judge Marchi-Uhel dissenting)



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

	09-VU-01022 (D22/1711)	Enslavement in Mondulkiri Province	Applicant
	09-VU-01802 (D22/2176)	Enslavement in Kaoh Nheak District, Mondulkiri Province	Applicant
	09-VU-01023 (D22/1712)	Enslavement in Koh Gnek District, Mondulkiri Province	Applicant
	09-VU-01021 (D22/1710)	Enslavement in Pech Chheada and Kach Nheak Districts and at the Vietnamese Border, in Mondulkiri Province	Applicant
	09-VU-01525 (D22/1826)	Enslavement in Koh Nehk District, Mondulkiri Province	Applicant
	09-VU-00617 (D22/902)	Enslavement in Kiri Vong District, Takeo Province	Applicant
	09-VU-630 (D22/2681)	Enslavement and other inhuman acts through attacks against human dignity in Koh Gnek District, Mondulkiri Province	Applicant
	09-VU-820 (D22/1701)	Enslavement and other inhuman acts through attacks against human dignity in Koh Gnek District, Mondulkiri Province	Applicant
	09-VU-01026 (D22/1432)	Enslavement and other inhuman acts through attacks against human dignity in Koh Gnek District, Mondulkiri Province	Applicant
	09-VU-01820 (D22/1172)	Enslavement and other inhuman acts through attacks against human dignity in Baribour District, Kampong Chhnang Province	Applicant
	09-VU-01019 (D22/1700)	Enslavement in Nang Khi Lik Commune, Koh Nehk District, Mondulkiri Province	Applicant
	09-VU-01524 (D22/1827)	Enslavement in Me Sang District, Prey Veng Province	Applicant
	09-VU-01758 (D22/2760)	Enslavement in Kaoh Nheak District and	Applicant

Annex – Civil party applications admissible in the view of the Majority (Judge Marchi-Uhel dissenting)



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

			Chi Miet Sub-District, Mondulkiri Province	
		09-VU-01800 (D22/2796)	Enslavement in Kratie Province	Applicant
	PTC 86¹⁰	09-VU-00006 (D22/0399)	Enslavement in Kang Meas District, Kampong Cham Province	Applicant
		09-VU-00008 (D22/0400)	Enslavement in Ou Angsa Sub-District, Takeo Province	Applicant
		09-VU-00589 (D22/1650)	Enslavement in Kampot District, Kampot Province	Applicant
		09-VU-01209 (D22/0715)	Enslavement in Kaoh Nheaek District, Mondulkiri Province	Applicant
		09-VU-01803 (D22/2177)	Enslavement in Kaev Seima District, Mondulkiri Province	Applicant
		08-VU-01812 (D22/1185)	Enslavement in Srae Huy Sub-District, Kaoh Nheaek District, Mondulkiri Province	Applicant
		08-VU-01840 (D22/0392)	Enslavement in Banan District, Battambang Province	Applicant
		09-VU-00005 (D22/0398)	Enslavement in Phnum Sruoch Sector, Kratie Province	Applicant
D396 (Preah Vihear Province)¹¹	PTC87¹²	09-VU00027 (D22/1191)	Enslavement in Kuleann District, Preah Vihear Province	Applicant's husband

¹⁰ Appeal against Order on the Inadmissibility of Civil Party Applicants from Current Residents of Mondulkiri Province (with references), 6 September 2010, D395/3/1 ("Appeal PTC 86").

¹¹ Order on the Admissibility of Civil Party Applicants from Current Residents of Preah Vihear Province of 30 August 2010, filed on 31 August 2010, D396 ("Impugned Order D396").

¹² Appeal of Civil Party Lawyers (ASF-France) against Order on the Admissibility of Civil Party Applicants from Current Residents of Prey Vihear Province (D396), 9 September 2010, D396/2/1 ("Appeal PTC 87").

Annex – Civil party applications admissible in the view of the Majority (Judge Marchi-Uhel dissenting)



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

	09-VU-00030 (D22/0424)	Enslavement at Phnum Khongpang Worksite, Kampong Chhnang Province and 109 Worksite, Preah Vihear Province	Applicant
	09-VU-01393 (D22/2104)	Enslavement in Kampong Sralau and Ou Sniet Dam, Preah Vihear Province	Applicant
	09-VU-01806 (D22/2799)	Enslavement in Ta Saeng Village, Preah Vihear Province	Applicant
	09-VU-01808 (D22/2801)	Enslavement at various locations in Preah Vihear Province	Applicant
	09-VU-00711 (D22/1620)	Enslavement in Region 31, Siem Reap Province	Applicant
	09-VU-00022 (D22/396)	Enslavement in Tbeang Mean Chey District, Preah Vihear Province.	Applicant
	09-VU-00023 (D22/500)	Enslavement in Preah Khleang Sub-District, Preah Vihear Province	Applicant
	09-VU-00025 (D22/469)	Enslavement at various locations in Preah Vihear and Stung Streng Provinces	Applicant
	09-VU-00026 (D22/2669)	Enslavement at various locations in Preah Vihear Province	Applicant
	09-VU-00031 (D22/0425)	Imprisonment and torture in Sar Vieng Secondary School, Preah Vihear Province	Applicant
	09-VU-00032 (D22/1192)	Enslavement in Praeus K'ak Village, Preah Vihear Province	Applicant
	09-VU-00214 (D22/1252)	Enslavement in Rumchek Village and Khnar Pagoda, Preah Vihear Province	Applicant
	09-VU-00293 (D22/0612)	Enslavement at Damnak Trach and Romduol Worksites, Preah Vihear Province	Applicant
	09-VU-00597 (D22/1095)	Persecution on political grounds (murder) in Chey Saen District, Preah Vihear	Applicant's husband, a former Lon Nol soldier

Annex – Civil party applications admissible in the view of the Majority (Judge Marchi-Uhel dissenting)

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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		Province	
	09-VU-00611 (D22/0903)	Enslavement at various locations in Preah Vihear Province	Applicant
	09-VU-00700 (D22/1570)	Persecution on political grounds (murder) at Wat Kandal, Kampong Thom Province	Applicant's father (a militia member)
	09-VU-00701 (D22/2684)	Enslavement in Sangkom Thmei District, Preah Vihear Province	Applicant
	09-VU-00709 (D22/0571)	Enslavement in Sangkom Thmei District, Preah Vihear Province	Applicant
	09-VU-01392 (D22/2103)	Enslavement at Ou Tror Lork Worksite, Preah Vihear Province	Applicant
	09-VU-01395 (D22/2106)	Enslavement in Putrea Sub-District, Preah Vihear Province	Applicant
	09-VU-01398 (D22/2109)	Enslavement at various locations in Preah Vihear Province	Applicant
	09-VU-01399 (D22/2110)	Enslavement at various locations in Preah Vihear Province	Applicant
	09-VU-01400 (D22/2111)	Enslavement at various locations in Preah Vihear Province	Applicant
	09-VU-01402 (D22/2113)	Enslavement at various locations in Preah Vihear Province	Applicant
	09-VU-01404 (D22/2115)	Enslavement at various locations in Preah Vihear Province	Applicant
	09-VU-01804 (D22/2178)	Enslavement at various locations in Preah Vihear Province	Applicant
	09-VU-01805 (D22/2798)	Enslavement at various locations in Preah Vihear Province	Applicant
	09-VU-03850 (D22/3501)	Enslavement in Preah Vihear Province	Applicant
	09-VU-03851 (D22/3502)	Enslavement at various locations in Preah Vihear Province	Applicant

Annex – Civil party applications admissible in the view of the Majority (Judge Marchi-Uhel dissenting)



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		09-VU-03854 (D22/3505)	Enslavement at various locations in Preah Vihear Province	Applicant
		09-VU-01391 (D22/0844)	Enslavement in Kuleaen District, Preah Vihear Province	Applicant
	PTC 88¹³	09-VU-00292 (D22/1578)	Enslavement in Chhaeb District, Preah Vihear Province	Applicant
		09-VU-01403 (D22/2114)	Enslavement in Chey Saen District, Preah Vihear Province	Applicant
D397 (Koh Kong Province)¹⁴	PTC 89¹⁵	10-VU-00364 (D22/3786)	Enslavement in Preaek Thmei Village, Kandal Province	Applicant
	PTC 91¹⁶	09-VU-00978 (D22/1251)	Enslavement at various locations in Kampot Province	Applicant
		09-VU-01828 (D22/2819)	Enslavement at Tak Krala and Takaen Koah Sla Dams, Kampot Province	Applicant
		09-VU-00976 (D22/1070)	Enslavement in Sangkae District, Battambang Province	Applicant
		08-VU-02326 (D22/0462)	Enslavement in Dang Peaeng Sub-District, Koh Kong Province	Applicant
	PTC 93¹⁷	10-VU-00834 (D22/3852)	Enslavement at various locations in Kampot Province	Applicant
D398 (Stung Treng)	PTC95¹⁹	08-VU-01798 (D22/1195)	Imprisonment and torture at Unit 704 and Prey Torteung, Sameakki Commune,	Applicant

¹³ Appeal against Order on the Inadmissibility of Civil Party Applicants from current residents of Preah Vihear Province, 9 September 2010, filed in Khmer on 9 September 2010 and in English on 28 September 2010, D396/3/1.

¹⁴ Order on the Admissibility of Civil Party Applicants from Current Residents of Koh Kong Province of 30 August 2010, filed on 31 August 2010, D397 (“Impugned Order D397”).

¹⁵ Appeal Against Order on the Admissibility of Civil Party Applicants from Current Residents of Koh Kong, 9 September 2010, D397/2/1 (“Appeal PTC 89”).

¹⁶ Appeal against order on the admissibility of civil party applicants from current residents of Koh Kong, 9 September 2010, D397/4/1 (“Appeal PTC 91”).

¹⁷ Appeal Against Order on the Admissibility of civil party applicants from current residents of Koh Kong Province (with references), 9 September 2010, D397/6/1 (“Appeal PTC 93”).

Annex – Civil party applications admissible in the view of the Majority (Judge Marchi-Uhel dissenting)



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Province) ¹⁸			Stung Treng District, Stung Streng Province	
		09-VU-01477 (D22/2726)	Enslavement in Nang Kham Village, Stung Treng Province	Applicant
		09-VU-01943 (D22/2928)	Enslavement at various locations in Stung Streng Province	Applicant
D399 (Takeo Province)²⁰	PTC101²¹	09-VU-02068 (D22/3029)	Enslavement in a mobile unit in Kampong Cham Province	Applicant
		09-VU- 02084 (D22/3044)	Enslavement at an unspecified location within Cambodia	Applicant's father
	PTC102²²	08-VU-01714 (D22/0994)	Imprisonment and murder at Ban Noy Security Center, Takeo Province	Applicant's 13 family members
		09-VU-00592 (D22/0877)	Enslavement in Roliek Village, Takeo Province	Applicant
		08-VU-01837 (D22/1208)	Enslavement in Borei Cholsar District, Takeo Province	Applicant
		09-VU-00598 (D22/1105)	Enslavement at various locations in Takeo Province	Applicant
		09-VU-00607 (D22/0875)	Enslavement in Roliek and Mroum Villages, Takeo Province	Applicant
	PTC103²³	09-VU-03577 (D22/3271)	Other inhumane acts through forced transfer to Chrea Village, Takeo Province	Applicant's father in law (perceived enemy)

¹⁸ Order on the Admissibility of Civil Party Applicants from Current Residents of Stung Treng Province, 30 August 2010, D398 ("Impugned Order D398").

¹⁹ Appeal Against Order on the Inadmissibility of Civil Party Applicants from Current Residents of Stung Treng Province (with references), 9 September 2010, D398/3/1 ("Appeal PTC 95").

²⁰ Order on the Admissibility of Civil Party Applicants from Current Residents of Takeo Province, 31 August 2010, D399 ("Impugned Order D399").

²¹ Appeal Against Order on the Admissibility of Civil Party Applicants from Current Residents of Takeo, 10 September 2010, D399/2/1 ("Appeal PTC 101").

²² Appeal by the *Avocats Sans Frontières France* Civil Party Co-Lawyers against Order D399 on the admissibility of Civil Party Applicants from current residents of Takeo Province, 9 September 2010, D399/3/1 ("Appeal PTC102 ").

Annex – Civil party applications admissible in the view of the Majority (Judge Marchi-Uhel dissenting)



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

			[moved from an unspecified location within Cambodia]	
D401 (Preah Sihanouk Province) ²⁴	PTC96 ²⁵	09-VU-02198 (D22/3109)	Enslavement in Trapeang Trayueng Village, Preah Sihanouk Province	Applicant's father
		10-VU-00360 (D22/3782)	Enslavement in Trapeang Pel Village, Kampot Province	Applicant
		10-VU-00361 (D22/3783)	Imprisonment and other inhuman acts through attacks against human dignity in a security center in Anha Haong Village, Preah Sihanouk Province	Applicant
		10-VU-00362 (D22/3784)	Enslavement in Pech Sar Village, Takeo Province	Applicant
		10-VU-00366 (D22/3788)	Enslavement in Trapeang P'ao Village, Kampot Province	Applicant
	PTC97 ²⁶	08-VU-01269 (D22/1156)	Enslavement in Srae Knong Village and Anlong Thum Reservoir, Preah Sihanouk Province	Applicant
		09-VU-00513 (D22/1090)	Enslavement in Thmey Village, Kampong Speu Province	Applicant
		09-VU-01517 (D22/0861)	Enslavement in a cooperative in Veal Rehn Sub-District, Kampot Province	Applicant
		09-VU-01929 (D22/2916)	Enslavement at various locations, probably in Preah Sihanouk Province	Applicant

²³ Appeal Against Order on the Inadmissibility of Civil Party Applicants from Current Residents of Takeo Province (with References), 9 September 2010, D399/4/1 ("Appeal PTC103").

²⁴ Order on the Admissibility of Civil Party Applicants from Current Residents of Preah Sihanouk Province, 2 September 2010, D401 ("Impugned Order D401").

²⁵ Appeal Against Order on the Admissibility of Civil Party Applicants from Current Residents of Preah Sihanouk Province, 8 September 2010, D401/2/1 ("Appeal PTC96").

²⁶ Appeal Against Order on the Admissibility of Civil Party Applicants from Current Residents of Preah Sihanouk Province (with references), 9 September 2010, D401/3/1 ("Appeal PTC97").

Annex – Civil party applications admissible in the view of the Majority (Judge Marchi-Uhel dissenting)



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		10-VU-00373 (D22/3795)	Enslavement in Veal Renh and Veal Thum, Preah Sihanouk Province	Applicant
	PTC 99²⁷	10-VU-00358 (D22/3781)	Enslavement and other inhumane acts through attacks on human dignity in Kampong Chhang Province	Applicant
		10-VU-00368 (D22/3790)	Enslavement and other inhumane acts through attacks on human dignity in Veal Mea Village, Prey Nob District, Sihanouk Province	Applicant
		10-VU-00370 (D22/3792)	Enslavement at an unspecified location within Cambodia	Applicant and parents
		10-VU-00371 (D22/3793)	Enslavement in Kampong Speu Province	Applicant
		10-VU-00375 (D22/3797)	Enslavement at an unspecified location within Cambodia	Applicant
		10-VU-00376 (D22/3798)	Enslavement in Krang Dei Vay Village, Kampong Speu Province	Applicant
		10-VU-00377 (D22/3799)	Enslavement at an unspecified location within Cambodia	Applicant
		10-VU-00381 (D22/3803)	Murder at an execution site in Baribour District, Kampong Chhnang Province	Applicant's relatives
		09-VU-03576 (D22/3270)	Enslavement at Peam Chor District, Prey Veng Province	Applicant's brother
		10-VU-00367 (D22/3789)	Enslavement at Smach Daeng Village, Ream Sub-district, Prey Nob District, Sihanouk Province	Applicant
	PTC100²⁸	09-VU-00083 (D22/0491)	Enslavement in a children's unit in Kampong Trach District, Kampot	Applicant and Applicant's brother

²⁷ *Requête d'appel d'ordonnance sur la recevabilité des constitutions de parties civiles résidant dans la Province de Preah Sihanouk*, 12 September 2010, D401/5/1 ("Appeal PTC99").

Annex – Civil party applications admissible in the view of the Majority (Judge Marchi-Uhel dissenting)



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		Province	
	09-VU-00590 (D22/1649)	Enslavement at children's unit in Kampot Province	Applicant
	09-VU-00705 (D22/1608)	Enslavement in Trapeang Raug, Koh Konh Province	Applicant
	09-VU-01819 (D22/2811)	Enslavement in Romeas Ngoab Village, Ou Oknha Heng Sub-District, Prey Nob, Kampot Province	Applicant and his grandfather, mother and siblings
	09-VU-01930 (D22/2917)	Enslavement at Preaek Pras Village, Tuek L'ak Sub-District, Prey Nob District, Kampot Province	Applicant's siblings.
	09-VU-02051 (D22/3012)	Enslavement in Ou Chamnar Village, Ou Oknha Heng Sub District, Prey Nob District, Kampot Province	Applicant
	10-VU-00372 (D22/3794)	Enslavement and other inhumane acts through attacks on human dignity at Boeng Veaeng Village, Veal Renh Sub District, Prey Nob District, Sihanouk and at Anlong Chrey, Peam Sub-District, Kampong Chhang Province	Applicant and Applicant's uncle and aunt
	10-VU-00378 (D22/3800)	Enslavement in a children's unit in Koh Kong Province	Applicant's siblings
	10-VU-00379 (D22/3801)	Enslavement in an unspecified location in Cambodia	Applicant
	10-VU-00380 (D22/3802)	Enslavement at Kandol Village, Kampong Speu Province	Applicant's 3 children
	10-VU-00391 (D22/3813)	Enslavement at Theay Village, Kampot Province	Applicant

²⁸ Appeal Against Order on the Admissibility of Civil Party Applicants from Current Residents of Preah Sihanouk Province, 12 September 2010, D401/6/1 ("Appeal PTC100").

Annex – Civil party applications admissible in the view of the Majority (Judge Marchi-Uhel dissenting)



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

D403 (Kandal Province)²⁹	PTC 126³⁰	09-VU-03495 (D22/3198)	Enslavement at Krang Yov Commune, S'ang District, Kandal Province	Applicant
		09-VU-03499 (D22/3202)	Enslavement in Prey Nop District, Kampong Som province	Applicant
	PTC 127³¹	09-VU-01608 (D22/0586)	Murder at Pou Tonle Security Centre, Kandal Province	Applicant's grandmother
		09-VU-01609 (D22/0585)	Enslavement at Kandal Kaoh Thum Village, Kaoh Thum Ka Sub-District, Kaoh Thum District, Kandal Province	Applicant
		09-VU-01614 (D22/0582)	Enslavement at K'am Smnar Kraom Village, K'am Samnar Sub District, Leuk Daek District, Kandal Province	Applicant and her father
		09-VU-01617 (D22/0758)	Enslavement at an unspecified location within Cambodia	Applicant
		09-VU-01618 (D22/0757)	Enslavement and murder at a security centre in Pou Tonle Village, Koah Thum Ka Sub-District, Kandal Province	Applicant's grandfather
		09-VU-01619 (D22/0756)	Enslavement in Kampong Province, Praek Dach and Toul Kouk District, Phnom Penh	Applicant
		09-VU-01640 (D22/0564)	Enslavement in Kandal Kaoh Thum Village, Kandal Province	Applicant
		09-VU-01641 (D22/0752)	Enslavement in Kbal Damrei Kraom Village, Kampong Kong Sub-District,	Applicant, her uncle and brother

²⁹ Order on the Admissibility of Civil Party Applicants from Current Residents of Kandal Province, 6 September 2010, D403 ("Impugned Order D403")

³⁰ Appeal Against Order on the Admissibility of Civil Party Applicants from Current Residents of Kandal Province, 14 September 2010, D401/6/1 ("Appeal PTC126").

³¹ Appeal Brief Against Order on the Admissibility of Civil Party Applications from Current Residents of Kandal Province, 16 September 2010, D403/4/1 ("Appeal PTC 127").

Annex – Civil party applications admissible in the view of the Majority (Judge Marchi-Uhel dissenting)



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

			Kaoh Thum District, Kandal Province	
		09-VU-01643 (D22/0563)	Enslavement in Chong Kaoh Thmei Village, Kaoh Thum Ka Sub-District, Kandal Province	Applicant and her husband
		09-VU-01648 (D22/0819)	Enslavement in Chong Kaoh Thmei Village, Kampong Province	Applicant's father
		09-VU-01729 (D22/0827)	Enslavement in a children's unit in Kaoh Thum District, Kandal Province	Applicant
		09-VU-01732 (D22/0590)	Enslavement at Koah Svay Dam in Prey Chhor District, Kampong Cham Province and at other locations	Applicant and Applicant's aunt and sister)
		09-VU-01740 (D22/0542)	Enslavement at Chong Kaoh Thum Village, Kandal Province	Applicant and his wife
		09-VU-01742 (D22/0544)	Enslavement at Sampov Lun Village, Kandal Province	Applicant
		09-VU-01996 (D22/2979)	Enslavement at Chompaov Paun Village, Kaoh Thum District, Kandal Province	Applicant
		09-VU-02002 (D22/2188)	Enslavement at the Russie Dam in Koah Thum District, Kandal Province	Applicant's brother
		09-VU-02012 (D22/2191)	Murder at a security centre in Po Tonle Village, Kaoh Thum District, Kandal, Province	Applicant's brother
		09-VU-02035 (D22/2997)	Enslavement in Russei Kei, Kaoh District, Kandal Province	Applicant
		09-VU-020306 (D22/2998)	Enslavement in Russei Ka, Kandal Province	Applicant
		09-VU-02041 (D22/3002)	Enslavement at Ruessei Kei, Kandal Province	Applicant and Applicant's younger brother
		08-VU-00673 (D22/0429)	Enslavement at an unspecified location	Applicant, his three

Annex – Civil party applications admissible in the view of the Majority (Judge Marchi-Uhel dissenting)



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

			within Cambodia	siblings, cousins, aunt and uncle
		08-VU-01946 (D22/0952)	Imprisonment at Chrey Opov Security Centre, Kong Pisei District, Kampong Speu Province	Applicant and her daughter (sent for reeducation)
		09-VU-01607 (D22/0587)	Enslavement at an unspecified location within Cambodia	Applicant
		09-VU-01611 (D22/0584)	Enslavement in Leuk Daek District, Kandal Province	Applicant and members of her family
		09-VU-01612 (D22/0778)	Persecution on political grounds (murder) in Kandal Province	Applicant's uncle (former Lon Nol soldier)
		09-VU-01613 (D22/0583)	Enslavement in Kaoh Thum District, Kandal Province	Applicant
		09-VU-01616 (D22/0581)	Enslavement in Kaoh Thum Village, Kandal Province	Applicant
		09-VU-01624 (D22/0755)	Enslavement in Kaoh Thum District, Kandal Province	Applicant
		09-VU-01631 (D22/0569)	Enslavement at Kandal Kaoh Thum Village, Kandal Province.	Applicant
		09-VU-01632 (D22/0568)	Enslavement in K'am Samnar Sub-District, Kandal Province	Applicant
		09-VU-01655 (D22/0809)	Enslavement at Kba; Kaoh Thum Village, Kandal Province	Applicant and members of her family
		09-VU-01730 (D22/0813)	Enslavement at Kadal Koah Thum Village, Kandal Province	Applicant
		09-VU-01733 (D22/0550)	Enslavement and other inhuman attacks on human dignity at Chong Kaoh Thum Village	Applicant and her mother, younger sister and brother

Annex – Civil party applications admissible in the view of the Majority (Judge Marchi-Uhel dissenting)



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		09-VU-01738 (D22/0540)	Persecution on religious grounds against Buddhist	Applicant (destruction of pagoda, monks were disrobed)
		09-VU-01741 (D22/0543)	Enslavement at Dam 38 in Kaoh Thum District, Kandal Province	Applicant
		09-VU-07143 D22/0761	Enslavement at S-24 and Stueng Mean Chey Sub-District, Phnom Penh	Applicant
		09-VU-01994 (D22/2977)	Enslavement at Bakau Choeung Ek, Phnom Penh	Applicant
		09-VU-02014 (D22/2982)	Enslavement at 17 April Barrage in Kandal Province	Applicant's son
		09-VU-02015 (D22/2193)	Persecution on political grounds (murder) at Security Centre 15 in Traeuy Slaa Sub-District, S'ang District, Kandal Province	Applicant's uncle (enemy of Angkar)
		09-VU-02016 (D22/2983)	Enslavement in Kaoh Thum District, Kandal Province	Applicant
		09-VU-02017 (D22/2984)	Enslavement in Kandal Province	Applicant
		09-VU-02022 (D22/2989)	Persecution on political grounds (murder) at Pau Tonle Security Centre, Kandal Province	Applicant's five sons (all soldiers)
		09-VU-02023 (D22/2194)	Enslavement at Kbal Damrei Leu Village, Kampong Kong Sub-District, Kandal Province	Applicant
		09-VU-02025 (D22/2990)	Enslavement and other inhumane acts through attacks against human dignity at Centre 15, Kampong Speu Province	Applicant's brother
		09-VU-02026 (D22/2195)	Enslavement at Chheu Kmau Village, Kandal Province	Applicant and her siblings
		09-VU-02029 (D22/2197)	Enslavement in Kaoh Thum District, Kandal Province	Applicant

Annex – Civil party applications admissible in the view of the Majority (Judge Marchi-Uhel dissenting)



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		09-VU-02033 (D22/2995)	Persecution on political grounds (murder) at Koh Thom Security Centre	Applicant's brother (deserted Khmer Rouge soldier)
		09-VU-02040 (D22/3001)	Enslavement in Chong Kaoh Village, Kandal Province	Applicant
		09-VU-02042 (D22/3003)	Enslavement at Kaoh Thmei Village, Kandal Province	Applicant
		09-VU-02044 (D22/3005)	Enslavement at Preaek Tom Village Kandal Province	Applicant
		09-VU-02245 (D22/3121)	Enslavement at Preaek Ta Dol Village, Kandal Province	Applicant
		09-VU-03729 (D22/2443)	Enslavement at K'am Samnar Kraom Village, Kandal Province	Applicant
		09-VU-04220 (D22/3607)	Persecution on political grounds (other inhumane acts through enforced disappearance) in Preaek Ta Meak Sub-District, Khsach Kandar Province	Applicant's uncle (suspected Khmer Sar)
		09-VU-04221 (D22/3608)	Enslavement in Kandal Province	Applicant and his older sister
		10-VU-00002 (D22/2493)	Enslavement and other inhumane acts as attacks on human dignity in Kandal Province	Applicant and members of his family
		10-VU-00004 (D22/3680)	Enslavement at an unspecified location within Cambodia	Applicant
		09-VU-02028 (D22/2991)	Enslavement in Kandal Province	Applicant
	PTC 128 ³²	08-VU-02122 (D22/0427)	Enslavement in Kien Svay District, Kandal Province	Applicant and members of his family
		09-VU-00163 (D22/0616)	Enslavement in Sangkae District,	Applicant and his 2

³² Appeal Against Order on the Inadmissibility of Civil Party Applicants from Current Residents of Kandal Province, 16 September 2010, D403/5/1 ("Appeal PTC128").

Annex – Civil party applications admissible in the view of the Majority (Judge Marchi-Uhel dissenting)



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		Battambang Province	siblings
	09-VU-01630 (D22/0754)	Enslavement at an unspecified location within Cambodia	Applicant
	09-VU-00594 (D22/1228)	Enslavement in Kampong Chhnang Province	Applicant and members of his family
	09-VU-00996 (D22/1621)	Enslavement in Kandal Province	Applicant
	09-VU-01841 (D22/2831)	Enslavement at an unspecified location within Cambodia	Applicant
	09-VU-01851 (D22/2841)	Enslavement in Khsach Kandal District, Kandal Province	Applicant
	09-VU-01857 (D22/2847)	Enslavement in Mukh Kampil District, Kandal Province	Applicant
	09-VU-01859 (D22/2849)	Enslavement in Khsach Kandal District, Kandal Province	Applicant
	09-VU-01861 (D22/2851)	Enslavement in Kandal Province	Applicant and members of her family
	09-VU-01863 (D22/2852)	Enslavement at Dol Village, Sanlung Sub District, Khsch Kandal District, Kandal Province	Applicant
	09-VU-01866 (D22/2855)	Enslavement at Preak To Kong Security Centre in Khsach Kandal District, Kandal Province and Preak Pou Security Centre in Kampong Cham Province	Applicant
	09-VU-01870 (D22/2859)	Enslavement in Mukh Kampul District, Kandal Province	Applicant's parents
	09-VU-01872 (D22/2861)	Enslavement in Prey Veng Province	Applicant
	09-VU-02032 (D22/2994)	Enslavement in Kaoh Thum District, Kandal Province	Applicant
	09-VU-02246 (D22/3122)	Enslavement in Kaoh Thum District, Kandal Province	Applicant

Annex – Civil party applications admissible in the view of the Majority (Judge Marchi-Uhel dissenting)



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		09-VU-03496 (D22/3199)	Enslavement in S'ang District,. Kandal Province	Applicant
		09-VU-03500 (D22/3203)	Enslavement in S'ang District,. Kandal Province	Applicant
		09-VU-03751 (D22/3403)	Enslavement in Sithor Kandal District, Prey Veng Province	Applicant
		09-VU-03752 (D22/3404)	Enslavement in Mukh Kampul District, Kandal Province	Applicant
		09-VU-03769 (D22/3420)	Enslavement in Mukh Kampul District, Kandal Province	Applicant
		09-VU-03805 (D22/3456)	Enslavement in Mukh Kampul District, Kandal Province	Applicant
		09-VU-03806 (D22/3457)	Enslavement in Mukh Kampul District, Kandal Province	Applicant
		09-VU-03750 (D22/3402)	Enslavement in Ruessei Kaev District, Phnom Penh	Applicant
		09-VU-01576 (D22/0852)	Enslavement in Kandal Stueng District, Kandal Province	Applicant's sister and brother
		09-VU-03767 (D22/3418)	Enslavement in Preak Dambang Sub-District, Kandal Province	Applicant
	PTC 159³³	09-VU-01639 (D22/0565)	Enslavement in Kaoh Thum District, Kandal Province	Applicant
		09-VU-01550 (D22/0739)	Enslavement and other inhumane acts through attacks on human dignity in Kandal Province	Applicant
		09-VU-02019 (D22/2986)	Murder at Centre 15 in Kandal Province	Two of the Applicant's children
D404 (outside	PTC 73³⁵	10-VU-00188 (D22/3745)	Persecution on political grounds (murder)	Applicant's brother

³³ Appeal Against *Orders* (sic) on the Admissibility of Civil party applicants from Current Residents of Kandal Prvovince, 2 November 2010, D403/6/1 (“Appeal PTC 159”).

Annex – Civil party applications admissible in the view of the Majority (Judge Marchi-Uhel dissenting)



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Cambodia) ³⁴			in Mount Russei District, Battambang Province	(killed because of association with Applicant, who was a former civil servant of the Khmer Republic)
		10-VU-00206 (D22/3763)	Enslavement and other inhumane acts through attacks on human dignity in Battambang Province	Applicant
		10-VU-00349 (D22/3774)	Enslavement and other inhumane acts through attacks on human dignity in Svay Rieng Province	Applicant
		10-VU-00214 (D22/3770)	Enslavement and other inhumane acts through attacks on human dignity at an unspecified location within Cambodia	Applicant and members of his family
		10-VU-00217 (D22/2585)	Enslavement and other inhumane acts through attacks on human dignity at an unspecified location within Cambodia	Applicant
		10-VU-00180 (D22/3737).	Enslavement and other inhumane acts through attacks on human dignity in Tmar Koal, Battambang Province	Applicant
		10-VU-00190 (D22/3747)	Enslavement in Tralork Village, Battambang Province	Applicant
		10-VU-00203 (D22/3760)	Persecution on political grounds (assault and threat to kill)	Applicant (former Lon Nol Sergeant)
		10-VU-00204 (D22/3761)	Enslavement in Oddar Meanchey Province	Applicant and members of her family

³⁴ Order on the Admissibility of Civil Party Applicants residing outside the Kingdom of Cambodia, 7 September 2010, D404 (“Impugnd Order D404”)

³⁵ Appeal against Order on the Admissibility of Civil party applicants Residing Outside the Kingdom of Cambodia D404, 17 September 2010, D404/2/3 (“Appeal PTC 73”).

Annex – Civil party applications admissible in the view of the Majority (Judge Marchi-Uhel dissenting)



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		10-VU-00199 (D22/3756)	Enslavement and other inhumane acts through attacks on human dignity at an unspecified location within Cambodia	Applicant and members of his family
	PTC 77³⁶	10-VU-00409 (D22/0352)	Enslavement at an unspecified location within Cambodia	Applicant (former military trainer)
		10-VU-00408 (D22/0353)	Enslavement and other inhumane acts through attacks against human dignity in a children's unit in Kampong Som Province	Applicant
	PTC 116³⁷	08-VU-02403 (D22/2668)	Enslavement in Battambang Province	Applicant and members of her family
		08-VU-02402 (D22/2667)	Enslavement in Battambang Province	Applicant
	PTC 118³⁸	07-VU-00181 (D22/2610)	Persecution on political grounds (murder) of 600 Lon Nol soldiers in Battambang on 17 April 1975 and of a further thousand soldiers later in Battambang Province	Applicant witnessed these killings
		08-VU-00198 (D22/2626)	Enslavement and other inhumane acts through attacks on human dignity in Botum Sakor District, Koh Kong Province	Applicant
	PTC 119³⁹	10-VU-00094 (D22/3709)	Persecution on political grounds (murder) at Phum Tras Ekphnom (Battambang)	Applicant's father, (killed because he was a teacher)
	PTC117⁴⁰	09-VU-03688 (D22/3353)	Persecution on political grounds (murder) in Chhoe Teal Village, Battambang	Applicant's father (perceived as an

³⁶ Appeal against Order on the Admissibility of Civil party applicants Residing Outside the Kingdom of Cambodia D404, 15 September 2010, D404/3/1 ("Appeal PTC 77").

³⁷ Appeal against Order on the admissibility of Civil Party applicants residing outside the Kingdom of Cambodia D404, 16 September 2010, D404/4/1 (« Appeal PTC 116 »).

³⁸ Appeal against Order on the admissibility of Civil Party applicants residing outside the Kingdom of Cambodia D404, 17 September 2010, D404/5/1 ("Appeal PTC118").

³⁹ Appeal against Order on the Admissibility of Civil party applicants Residing Outside the Kingdom of Cambodia D404, 17 September 2010, D404/7/1 ("Appeal PTC 119").

Annex – Civil party applications admissible in the view of the Majority (Judge Marchi-Uhel dissenting)



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

			Province	enemy)
		09-VU-01166 (D22/2696)	Enslavement in Prasat Bakong District, Siem Reap Province	Applicant and members of her family
		09-VU-03687 (D22/3352)	Enslavement and other inhumane acts through attacks on human dignity at an unspecified location within Cambodia	Applicant's wife and daughter
		09-VU-03686 (D22/3351)	Enslavement at an unspecified location within Cambodia	Applicant, her cousin and sister
		09-VU-03685 (D22/3350)	Enslavement at an unspecified location within Cambodia	Members of the Applicant's family
		09-VU-03683 (D22/3348)	Enslavement at an unspecified location within Cambodia	Members of the Applicant's family
		09-VU-03684 (D22/3349)	Enslavement at an unspecified location within Cambodia	Members of the Applicant's family
		09-VU-01172 (D22/2092)	Other inhumane acts through forced transfer from Peamchileang Village, Kompong Cham Province to Prek Bak, Stung Trang Sub-Prefecture, Kampong Cham Province	Applicant's wife and children
		09-VU-01604 (D22/2741)	Enslavement in Battambang Province	Members of the Applicant's family
D406 (Phnom Penh)⁴¹	PTC 134⁴²	09-VU-00683 (D22/1440)	Enslavement in Battambang Province	Applicant's father, older sister and brother

⁴⁰ Appeal against Order on the Admissibility of Civil Party Applicants Residing Outside the Kingdom of Cambodia, D404, 17 September 2010, D404/5/1 ("Appeal PTC 117")

⁴¹ Order on the Admissibility of Civil Party Applicants from Current Residents of Phnom Penh, 7 September 2010, D406 ("Impugnd Order D406")

⁴² Appeal Against Order on the Admissibility of Civil party applicants from Current Residents of Phnom Penh D406, 13 September 2010, D406/2/1 ("Appeal PTC 134").

Annex – Civil party applications admissible in the view of the Majority (Judge Marchi-Uhel dissenting)



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		10-VU-00871 (D22/3881)	Enslavement in Kaoh Sla District, Kampot Province	Applicant's father
		09-VU-03628 (D22/3317)	Enslavement in Kchor District, Kampong Speu Province	Applicant
		09-VU-02071 (D22/3032)	Enslavement in Banteay Meas District, Kampot Province	Applicant
		09-VU-00165 (D22/614)	Persecution on political grounds (murder) in Preaek Traeng Village, Kandal Province	Applicant's uncle (former doctor)
		09-VU-00164 (D22/615)	Persecution on political grounds (murder) in Korkor Villang, Kandal Province	Applicant's mother's husband (former teacher)
		08-VU-01791 (D22/1198)	Enslavement in Kampong Chhnang Province	Applicant
		07-VU-00322 (D22/1268)	Enslavement in Pursat Province	Applicant
		08-VU-01397 (D22/2643)	Enslavement in Preah Sdach Village, Prey Veng Province	Applicant
		07-VU-00320 (D22/2615)	Murder in Prasat Sub-District, Battambang Province in 1978	Applicant witnessed the murders of several people, including children
		09-VU-02158 (D22/3073)	Enslavement in Stueng Trang District, Kampong Cham Province	Applicant
	PTC 135 ⁴³	07-VU-00121 (D22/1267)	Enslavement at an unspecified location within Cambodia	Applicant
		08-VU-00253 (D22/1358)	Other inhumane acts through forced transfer from Trapeang Kraet Village, Svay Rieng Province to a cooperative in	Applicant and members of her family

⁴³ *Mémoire d'appel contre l'ordonnance sur la recevabilité de constitution de parties civiles résidant à Phnom Penh* (D406), 16 September 2010, D406/3/1 ("Appeal PTC 135").



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

			Kanhchriech District, Prey Veng Province	
		08-VU-00254 (D22/1372)	Enslavement at an unspecified location within Cambodia	Applicant
		09-VU-00961 (D22/2689)	Enslavement in Svay Chrum District, Svay Rieng Province	Applicant's older brother
		10-VU-00021 (D22/2501)	Enslavement in Baribour District, Kampong Chhnang Province	Applicant and her husband
	PTC 160 ⁴⁴	09-VU-00134 (D22/2072)	Enslavement at an unspecified location within Cambodia	Applicant
D409 (Svay Rieng Province)⁴⁵	PTC 132 ⁴⁶	09-VU-1195 (D22/1481)	Enslavement in S'ang District, Kandal Province	Applicant and his siblings
		09-VU-01201 (D22/696)	Enslavement in Kandal Province	Applicant
		09-VU-1814 (D22/2807)	Enslavement in Svay Chrum District, Svay Rieng Province	Applicant and his wife
		09-VU-02473 (D22/2250)	Other inhumane acts through forced transfer to Phnom Chheu Kach, Prey Veng Province	Applicant and members of his family
		09-VU-02474 (D22/2251)	Enslavement in Kampong Rou District, Svay Rieng Province	Applicant and members of his family
		09-VU-04196 (D22/3590)	Enslavement at an unspecified location within Cambodia	Applicant and members of his family
		09-VU-03844 (D22/3495)	Enslavement in Svay Chrum District, Svay Rieng Province.	Applicant
		09-VU-03862 (D22/3513)	Enslavement in Svay Chrum District,	Applicant

⁴⁴ Appeal Against Orders on the Admissibility of Civil Party Applicants from Current Residents of Phnom Penh, 2 November 2010, D406/4/1 ("Appeal PTC 106").

⁴⁵ Order on the Admissibility of Civil Party Applicants from Current Residents of Svay Rieng Province, 9 September 2010, D409 ("Impugned Order D409").

⁴⁶ *Mémoire d'appel contre l'ordonnance sur la recevabilité de constitution de parties civiles résidant dans la Province de Svay Rieng* (D409), 20 September 2010, D409/3/1 ("Appeal PTC 132").

Annex – Civil party applications admissible in the view of the Majority (Judge Marchi-Uhel dissenting)



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

			Svay Rieng Province.	
		09-VU-02471 (D22/2248)	Enslavement at an unspecified location within Cambodia	Applicant and members of her family
		08-VU-02005 (D22/953)	Enslavement in Kien Svay District, Kandal Province	Applicant and members of his family
		08-VU-02006 (D22/954)	Enslavement in Sambour District, Kratie Province	Members of the Applicant's family
		09-VU-04194 (D22/3588)	Murder in Kokir Saom Sub-District, Svay Rieng Province	Members of the Applicant's family
	PTC 133 ⁴⁷	09-VU-02475 (D22/2252)	Enslavement in Svay Rieng Province	Applicant and members of his family
		09-VU-02472 (D22/2249)	Enslavement in Kampong Reu District, Svay Rieng Province	Applicant's husband and members of her family
		09-VU-02443 (D22/2222)	Enslavement at an unspecified location within Cambodia	Applicant
		09-VU-03653 (D22/3322)	Enslavement in Rumdoul District, Svay Rieng Province	Applicant, his wife and their six children
		08-VU-02105 (D22/0487)	Enslavement in Chantrea District, Svay Rieng Province	Applicant
		09-VU-04225 (D22/2481)	Enslavement in Svay Prahut Village, Svay Rieng Province	Applicant and members of her family
		09-VU-01128 (D22/1521)	Enslavement at an unspecified location within Cambodia	Applicant
		09-VU-02436 (D22/2215)	Enslavement in Svay Rieng Province	Applicant's husband and two sons
		09-VU-02441 (D22/2220)	Enslavement at an unspecified location within Cambodia	Applicant and her husband

⁴⁷ Appeal Against Order on the Inadmissibility of Civil Party Applicants from Current Residents of Svay Rieng Province, 20 September 2010, D409/4/1 ("Appeal PTC 133").

Annex – Civil party applications admissible in the view of the Majority (Judge Marchi-Uhel dissenting)



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		09-VU-02483 (D22/2260)	Enslavement in Kampong Rou District, Svay Rieng Province	Applicant
		09-VU-02485 (D22/2262)	Enslavement and other inhumane acts through attacks against human dignity in Star Kuntuy Vai, Svay Chrum District, Svay Rieng Province.	Applicant's mother
		09-VU-02486 (D22/2263)	Enslavement at an unspecified location within Cambodia	Applicant's brother
		09-VU-00338 (D22/1749)	Enslavement at an unspecified location within Cambodia	Applicant
		08-VU-00769 (D22/0989)	Enslavement in Svay Rieng Province	Applicant
		09-VU-00342 (D22/1790)	Enslavement in Kampong Rou District, Svay Rieng Province	Applicant
		09-VU-02470 (D22/3131)	Enslavement at an unspecified location within Cambodia	Applicant
		09-VU-02487 (D22/2264)	Persecution on political grounds in Svay Chrum District, Svay Rieng Province	Applicant (arrest and attempted murder on accusation of being CIA spy)
		09-VU-02489 (D22/2266)	Other inhumane acts through forced transfer within Svay Rieng Province including being transferred to Svay Chrum District in 1975, then to Boeng Rae Village, Svay Chum District, Svay Rieng Province in 1976, then to Kampong Trabaek (date not specified)	Applicant and family
		09-VU-04215 (D22/2478)	Imprisonment and torture in a cooperative	Applicant

Annex – Civil party applications admissible in the view of the Majority (Judge Marchi-Uhel dissenting)



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

			in Thmei Village, Svay Rieng Province	
	PTC 161 ⁴⁸	09-VU-00674 (D22/1717)	Enslavement in Kampong Rou District, Svay Rieng Province	Applicant
D410 (Prey Veng Province)⁴⁹	PTC 153 ⁵⁰	09-VU-01280 (D22/0669)	Enslavement and other inhumane acts through attacks against human dignity in Peam Ro District, in Prey Veng Province	Applicant
		08-VU-00789 (D22/2635)	Enslavement and other inhumane acts through attacks against human dignity at an unspecified location within Cambodia	Applicant's child
		09-VU-01096 (D22/0605)	Enslavement and other inhumane acts through attacks against human dignity in Me Sang District, Prey Veng Province	Applicant
		09-VU-01094 (D22/0603)	Enslavement and other inhumane acts through attacks against human dignity in Me Sang District, Prey Veng Province	Applicant
		09-VU-01286 (D22/0668)	Enslavement and other inhumane acts through attacks against human dignity in Me Sang District, Prey Veng Province	Applicant
	PTC 154 ⁵¹	08-VU-01399 (D22/0940)	Enslavement and other inhumane acts through attacks against human dignity in Ponlech Sambour, Chbar Mon District, Kampong Speu Province	Applicant's older brother, his wife, his children and his grandchildren
		08-VU-01398 (D22/0120)	Enslavement in Anlong Reach Village, Kampong Trabaek Sub-District, Kampong	Applicant

⁴⁸ Appeal Against Orders on the Admissibility of Civil Party Applicants from Current Residents of Svay Rieng Province, 2 November 2010, D409/5/1 ("PTC 161").

⁴⁹ Order on the Admissibility of Civil Party Applicants from Current Residents of Prey Veng Province, 9 September 2010, D410 ("Impugned Order D410").

⁵⁰ Amended Appeal of Civil Party against Order on the Inadmissibility of Civil Party Applicants from Current Residents of Prey Veng Province, D410, 22 October 2010, D410/6/1 ("Appeal PTC 153").

⁵¹ Amended appeal of Civil Party against Order on the Inadmissibility of Civil Party Applicants from Current Residents of Prey Veng Province, D410, 22 October 2010, D410/6/1 ("Appeal PTC 154").

Annex – Civil party applications admissible in the view of the Majority (Judge Marchi-Uhel dissenting)



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

			Trabaek District, Prey Veng Province	
		08-VU-00798 (D22/1355)	Enslavement and other inhumane acts through attacks against human dignity in a district mobile unit at an unspecified location within Cambodia	Applicant
		09-VU-03592 (D22/3285)	Persecution on political grounds (murder) in Prey Sva Village, Chrey Khmum Sub-District, Sithor Kandal District, Prey Veng Province	Applicant's brother (sent for re-education)
		09-VU-03594 (D22/3287)	Enslavement and other inhumane acts through attacks against human dignity at an unspecified location within Cambodia	Applicant
		08-VU-00659 (D22/0446)	Enslavement in Prey Khla Village, Kandieng Sub-District, Pean Ro District, Prey Veng Province	Applicant
		07-VU-00129 (D22/0074)	Enslavement and other inhumane acts through attacks against human dignity at an unspecified location within Cambodia	Applicant
		08-VU-00801 (D22/1385)	Enslavement and other inhumane acts through attacks against human dignity in Tuol Menhr, Kansom Ak Commune, Kampong Trabek District, Prey Veng Province	Applicant
		08-VU-01195 (D22/1632)	Enslavement and murder in Prey Chheang Pagoda, Prey Chheang Village, Sithor Kandal District, Prey Veng Province	Applicant's husband (a Khmer Rouge soldier taken to be killed)
		09-VU-00904 (D22/1107)	Enslavement and other inhumane acts through attacks against human dignity at various locations in Prey Veng Province	Applicant
		09-VU-03591 (D22/3284)	Enslavement and other inhumane acts	Applicant

Annex – Civil party applications admissible in the view of the Majority (Judge Marchi-Uhel dissenting)



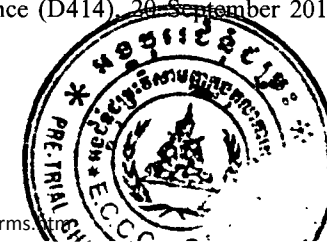
002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

			through attacks against human dignity at an unspecified location within Cambodia	
		09-VU-03578 (D22/3272)	Enslavement and other inhumane acts through attacks against human dignity at an unspecified location within Cambodia	Applicant
		09-VU-01121 (D22/0743)	Enslavement and other inhumane acts through attacks against human dignity in Me Sang District, Prey Veng Province	Applicant
		09-VU-00900 (D22/1109)	Imprisonment, torture and murder at Sector 24 Security Centre, Phnum Chheu Kach, Prey Veng Province	Applicant's father (accused of affiliation with the enemy)
		09-VU-00925 (D22/2688)	Enslavement and other inhumane acts through attacks against human dignity in Kampong Trabaek District, Prey Veng Province	Applicant
D414 (Kratie Province)⁵²	PTC 139⁵³	09-VU-03333 (D22/2338)	Enslavement and other inhumane acts through attacks on human dignity in Rolum Phnov work site at an unspecified location in Cambodia	Applicant
		08-VU-00791 (D22/1387)	Enslavement in Anhchanh Village, Dar Sub-District, Kracheh District, Kratie Province	Applicant and members of his/her family
		08-VU-00793 (D22/1366)	Imprisonment at the Ou Loung Worksite in Stueng Svay Village, Dar Sub-District, Kracheh District, Kratie Province	Applicant's wife and father-in-law
		08-VU-00794 (D22/1367)	Other inhumane acts through forced transfer from Kantring Village, Ou	Applicant's grandmother, aunt and

⁵² Order on the Admissibility of Civil Party Applicants from Current Residents of Kratie Province, 9 September 2010, D414 ("Impugned Order D414").

⁵³ Appeal Against Order on the Inadmissibility of Civil Party Applicants from Current Residents of Kratie Province (D414), 20 September 2010, D414/3/1 ("Appeal PTC 139").

Annex – Civil party applications admissible in the view of the Majority (Judge Marchi-Uhel dissenting)



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

			Ruessei Sub-District, Kracheh District, Kratie Province	cousins
		08-VU-00795 (D22/1395)	Persecution on racial grounds against the Vietnamese (torture and murder) in Kratie Province	Applicant's wife and two children (accused of being Vietnamese)
		08-VU-01437 (D22/1784)	Persecution on political grounds (other inhumane acts through enforced disappearance) Preaek Prasab District, Kratie Province	Applicant's husband (a former soldier for the Sihanouk Government accused of being an enemy)
		08-VU-01439 (D22/0942)	Persecution on political grounds (murder) in Stung Treng District, Kampong Cham Province	Applicant's husband (taken to be reeducated)
		08-VU-01441 (D22/1785)	Persecution on political grounds (murder) in Hanchey Village, Kampong Cham Province	Applicant's father-in-law (alleged to be a CIA agent)
		08-VU-01479 (D22/1733)	Imprisonment at Wat Pacha in Ou Ruessei Sub-District, Kratie Province	Applicant (accused of being an enemy, CIA agent and taking Vietnamese to the country)
		09-VU-00142 (D22/1786)	Persecution on political grounds (murder) in Preaek Prasab District, Kratie Province	Applicant's father (Khmer Rouge cadre)
		09-VU-00145 (D22/1756)	Persecution on political grounds (murder) at the Ta Mao Sub-District Office, Preaek Prasab District, Kratie Province	Applicant's father (considered to be an enemy)
		09-VU-04199 (D22/3593)	Enslavement at an unspecified location within Cambodia	Applicant
		09-VU-04201 (D22/3595)	Enslavement in Pou Village, Kratie Province	Applicant's husband

Annex – Civil party applications admissible in the view of the Majority (Judge Marchi-Uhel dissenting)



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		09-VU-04202 (D22/3596)	Persecution on political grounds (arrest and disappearance) in Antong Vien Village, Kantuot Sub-District, Chetr Borei District, Kratie Province	Applicant younger brother (former Lon Nol soldier)
		09-VU-04203 (D22/3597)	Inhumane acts through enforced disappearance at Kantuot Village, Kratie Province	Applicant's three children (perceived to be enemies)
		09-VU-04204 (D22/3598)	Enslavement at the Ou Sampoch worksite, Kampot Province	Applicant's husband
		09-VU-04208 (D22/3601)	Persecution on political grounds (murder) at Kaoh Srokar	Two of the Applicant's brothers (who had held positions during the Lon Nol Regime)
		09-VU-04219 (D22/3606)	Persecution on political grounds (torture and murder) in Phnom Aoral, Kampong Speu Province	Applicant's brothers (part of the 1970 revolution)
		09-VU-04210 (D22/3603)	Murder at Chrava Village, Kantuot Sub-District, Chit Bou District, Kratie Province	Applicant's three brothers, arrested by Khmer Rouge
		09-VU-00146 (D22/1787)	Enslavement at Khsat Village, Kratie Province	Applicant and members of her family
		09-VU-03334 (D22/2339)	Enslavement in Kratie Province	Applicant's father
		09-VU-04198 (D22/3592)	Enslavement at Aur Sam Porch Worksite at an unspecified location within Cambodia	Applicant
		08-VU-00225 (D22/1310)	Enslavement at Thma Kaing Dam, Kou Loab Village, Kratie Province	Applicant
		08-VU-01435 (D22/1783)	Enslavement at Wat Chroy Ampil Security Centre, Kratie Province	Applicant's mother
		08-VU-02064 (D22/1050)	Enslavement in Kracheh Sub-District,	Applicant

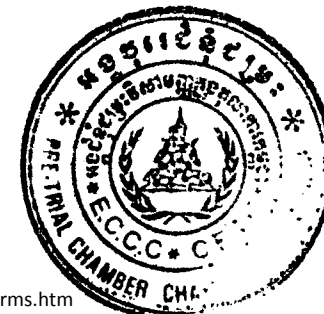
Annex – Civil party applications admissible in the view of the Majority (Judge Marchi-Uhel dissenting)



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

			Kratie Province	
		08-VU-02066 (D22/1049)	Imprisonment at a police station in Preaek Prolung Village, Saob Sub-District, Preaek Prasab District, Kratie Province	Applicant's father (accused of being member of Khmer Sar)
		08-VU-02067 (D22/0477)	Enslavement at Ou Rolang, in Dar Sub-District, Kracheh District, Kratie Province	Applicant
		09-VU-04205 (D22/2474)	Enslavement at the Tuek L'ak Dam Worksite, Kratie Province	Applicant
		09-VU-04206 (D22/3599)	Murder in Chhokk Village in Kratie Province	Applicant's husband (perceived to be an enemy)
		09-VU-04211 (D22/2475)	Enslavement at Thma Riep Dam, Kratie Province	Applicant
		09-VU-00147 (D22/0619)	Persecution on political grounds (murder) in Ruessei Kaev Village, Khmao Sub-District	Applicant's parents and seven siblings (accused of being capitalists)
		09-VU-00161 (D22/0618)	Enslavement at Kracheh Village, Kratie Province	Applicant and members of his family
		09-VU-03336 (D22/2341)	Enslavement at Khvan Pi Village, Kratie Province	Applicant and members of his family
		09-VU-02468 (D22/2246)	Enslavement at Tuok Khli Security Centre and Kampong Speu Security Centre	Applicant
		09-VU-04212 (D22/3604)	Persecution on political ground (murder) in Klouy Ti Pir village, Kampong Cham province	Applicant's older sibling (assumed to have been perceived as

Annex – Civil party applications admissible in the view of the Majority (Judge Marchi-Uhel dissenting)



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

				an enemy)
	PTC 140 ⁵⁴	08-VU-00101 (D22/0113)	Enslavement at an unspecified location within Cambodia	Applicant
		09-VU-01474 (D22/2723)	Imprisonment at a security centre in Chrarva Village, Kantuot Sub-District, Kracheh District, Kratie Province	Applicant's husband and his sister
		09-VU-01475 (D22/2724)	Imprisonment at Prey Chhor Security Centre, Kampong Cham Province	Applicant's mother
		09-VU-01476 (D22/2725)	Imprisonment at Kaun Nget Security Centre, Snuol District, Kratie Province	Applicant's brother
		09-VU-01581 (D22/1893)	Enslavement in Stoeng Svay Village, Kratie Province	Applicant
		09-VU-01582 (D22/0769)	Imprisonment at Kaun Nget Security Centre in Snuol District, Kratie Province	Applicant's father-in-law
		09-VU-1585 (D22/0589)	Enslavement at Preak Pao Worksite and Pravanh Village in Snuol District, Kratie Province	Applicant
		09-VU-01586 (D22/0588)	Imprisonment at Kaun Nget Security Centre, Snuol District, Kratie Province	Applicant's husband, uncle, aunt and two brothers-in-law
		09-VU-01774 (D22/2773)	Enslavement in Sambuor Village, Svay Chreah Sub-District, Snuol District, Kratie Province	Applicant
		09-VU-01781 (D22/2778)	Enslavement at Cheung Khlu Village, Pir Thnu Sub-District, Snuol District, Kratie Province	Applicant and members of her family
D415 (Battambang)	PTC 137⁵⁶	09-VU-01684 (D22/2142)	Enslavement in Battambang Province	Applicant and members of his family

⁵⁴ Appeal Brief against Order on the Admissibility of Civil Party Applicants from Current Residents of Kratie Province (D414), 20 September 2010, D414/4/1 ("Appeal PTC 140").

Annex – Civil party applications admissible in the view of the Majority (Judge Marchi-Uhel dissenting)



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

Province) ⁵⁵				
		09-VU-03512 (D22/3215)	Enslavement at an unspecified location within Cambodia	Applicant's wife and children
		09-VU-03516 (D22/3219)	Enslavement at Kampong Prieng Cooperative in Battambang Province	Applicant and his wife
		09-VU-03573 (D22/3267)	Enslavement at Antouk Chreav Village and Boeung Pak at an unspecified location within Cambodia	Applicant
		09-VU-03575 (D22/3269)	Enslavement at an unspecified location within Cambodia	Applicant
	PTC 138⁵⁷	08-VU-00048 (D22/1287)	Persecution on political grounds (murder) at Samraong Pagoda	Applicant's father-in-law (former Village Chief at Prek Norin, an official under the Lon Nol Regime)
	PTC 150⁵⁸	09-VU-01679 (D22/2138)	Enslavement and other inhumane acts through attacks against human dignity at Reang Kraol Village, Reang Kerei Sub-District, Sangkae District, Battambang Province	Applicant and members of her family
		09-VU-01680 (D22/2139)	Enslavement and other inhumane acts through attacks against human dignity at Phnom Thiphadei Cooperative, Koas Krala District, Battambang Province	Applicant and members of her family

⁵⁵ Order on the Admissibility of Civil Party Applicants from Current Residents of Battambang Province, 13 September 2010, D415 ("Impugned Order D415").

⁵⁶ Appeal Against Order on the Inadmissibility of Civil Party Applicants from Current Residents of Battambang Province (D415), 22 September 2010, D415/5/1 ("Appeal PTC 137").

⁵⁷ Appeal Against Order on the Admissibility of Civil Party Applicants from Current Residents of Battambang Province (D415), 23 September 2010, D415/6/1 ("Appeal PTC 138").

⁵⁸ Appeal Against Order on the Admissibility of Civil Party Applicants from Current Residents of Battambang Province (D415), 20 October 2010, D415/7/1 ("Appeal PTC 150").

Annex – Civil party applications admissible in the view of the Majority (Judge Marchi-Uhel dissenting)



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		09-VU-01685 (D22/2143)	Enslavement and other inhumane acts through attacks against human dignity at Reang Kraol Village, Reang Kerei Sub-District, Sangkae District, Battambang Province	Applicant and members of her family
		09-VU-01710 (D22/2160)	Enslavement and other inhumane acts through attacks against human dignity at Reang Kraol Village, Reang Kerei Sub-District, Sangkae District, Battambang Province	Applicant and members of her family
		09-VU-01675 (D22/2743)	Enslavement and other inhumane acts through attacks against human dignity at Phnom Thiphadei Cooperative, Koas Krala District, Battambang Province	Applicant and members of his family
		09-VU-01676 (D22/2744)	Enslavement and other inhumane acts through attacks against human dignity at Phnom Thiphadei, Koas Krala District, Battambang Province	Applicant and members of his family
		09-VU-01682 (D22/2746)	Enslavement at a Cooperative in Sector 4, Sangkae District, Battambang Province	Applicant and her husband
		09-VU-01709 (D22/2750)	Other inhumane acts through forced transfer from Battambang City to Reang Kraol, Battambang Province	Applicant and members of his family
		09-VU-02067 (D22/3028)	Enslavement in Battambang Province	Applicant and members of her family
		09-VU-02073 (D22/3034)	Enslavement and other inhumane acts through attacks against human dignity at Moug Ruessei District and Svay Cheat in Battambang Province	Applicant and his mother
		09-VU-02074 (D22/3035)	Enslavement and other inhumane acts	Applicant

Annex – Civil party applications admissible in the view of the Majority (Judge Marchi-Uhel dissenting)



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

			through attacks against human dignity at Ou Andoung Kaeut Village, Banteay Neang Sub-District, Mongkol Borei District	
		09-VU-02080 (D22/3041)	Imprisonment at Snam Preah Prison, Pursat Province	Applicant, her mother and three of her siblings
		09-VU-03514 (D22/3217)	Enslavement and other inhumane acts through attacks against human dignity at Sam Commune, Battambang Province	Applicant and members of his family
		09-VU-03520 (D22/3223)	Enslavement and other inhumane acts through attacks against human dignity at Phum 30 Cooperative, Battambang Province	Applicant
		09-VU-03521 (D22/3224)	Enslavement and other inhumane acts through attacks against human dignity at Reang Kesi and Sam Cooperatives, Battambang Province	Applicant and members of her family
		09-VU-03523 (D22/3226)	Enslavement and other inhumane acts through attacks against human dignity at Sala Trav Village, Battambang Province	Applicant and members of her family
		09-VU-03524 (D22/3227)	Enslavement and other inhumane acts through attacks against human dignity at Sala Trav Village, Battambang Province	Applicant and members of his family
		09-VU-03527 (D22/3230)	Enslavement and other inhumane acts through attacks against human dignity at Sam Cooperative, Sre Pi District, Battambang Province	Applicant and members of his family
		09-VU-03525 (D22/3228)	Other inhumane acts through forced transfer from Battambang City to the	Applicant and eleven members of his family

Annex – Civil party applications admissible in the view of the Majority (Judge Marchi-Uhel dissenting)



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

			countryside	
		09-VU-03526 (D22/3229)	Other inhumane acts through forced transfer from Battambang City to the countryside	Applicant and members of his family
D416 (Bantey Meanchey Province)⁵⁹	PTC 124⁶⁰	09-VU03563 (D22/3257)	Enslavement in Beantey Meanchey Province	Applicant
		09-VU03564 (D22/3258)	Enslavement in Beantey Meanchey Province	Applicant
		09-VU03574 (D22/3268)	Persecution on political grounds (murder) in Punlech Village, Sang Roang Commune	Applicants uncle (a suspected spy)
		10-VU-00986 (D22/3983)	Enslavement and other inhumane acts through attacks on human dignity at Sisophon, Serei Saophoan District and Mongkolborei District in Bantey Meanchey Province	Applicant
	PTC 125⁶¹	10-VU-01897 (D22/2885)	Enslavement and other inhumane acts through attacks on human dignity in Siem Reap Province	Applicant and members of his/her family
		10-VU-01883 (D22/2872)	Enslavement and other inhumane acts through attacks on human dignity in Kda Village, Battambang Province	Applicant
	PTC 149⁶²	10-VU-020901 (D22/3051)	Enslavement and other inhumane acts	Applicant and members

⁵⁹ Order on the Admissibility of Civil Party Applicants from Current Residents of Bantey Meanchey Province of 13 September 2010, filed on 13 September 2010, D416 (“Impugned Order D416”).

⁶⁰ Appeal against Order on the Admissibility of Civil Party Applications from Current Residents of Bantey Meanchey Province (D416), 22 September 2010, D416/5/1 (“Appeal PTC 124”).

⁶¹ Appeal Against Order on the Admissibility of Civil Party Applicants from Current Residents of Bantey Meanchey Province (D416), 23 September 2010, D416/6/1 (“Appeal PTC 125”).

Annex – Civil party applications admissible in the view of the Majority (Judge Marchi-Uhel dissenting)



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

			through attacks on human dignity in Bantey Meanchey Province	of his/her family
D417 (Kampong Chhnang Province)⁶³	PTC 74⁶⁴	09-VU-01721 (D22/2758)	Enslavement and other inhumane acts through attacks against human dignity at Chas Village, Tang, Krasang Sub-District, Tuek Phos District, Kampong Chhnang Province	Applicant
		08-VU-02115 (D22/1901)	Enslavement at an unspecified location within Cambodia	Applicant
		09-VU-03477 (D22/3180)	Enslavement in Svay Rumpear District, Kampong Chhnang Province	Applicant
		09-VU-03480 (D22/3183)	Persecution on racial grounds against the Vietnamese (murder) in Kampong Thom Province	Members of the Applicant's first and second aunts' families
		08-VU-02119 (D22/2057)	Enslavement and other inhumane acts through forced transfer to Phnum Kang Kep area in Kampong Chhnang Province	Applicant
		09-VU-01700 (D22/2154)	Enslavement in Kampong Leaeng District, Kampong Chhnang Province	Applicant
		08-VU-02114 (D22/0438)	Enslavement in Kampong Leaeng District, Kampong Chhnang Province	Applicant
		09-VU-03476 (D22/3179)	Enslavement in Kampong Leaeng District, Kampong Chhnang Province	Applicant and her husband

⁶² Amended Appel Against Order on the Admissibility of Civil Party Applicants from Current Residents of Bantey Meanchey Province (D416), 20 October 2010, D416/7/1 ("Appeal PTC 149").

⁶³ Order on the Admissibility of Civil Party Applicants from Current Residents of Kampong Chhnang Province, 13 September 2010, D417 ("Impugned Order D417").

⁶⁴ Appeal Against Order on the Admissibility of Civil Party Applicants from Current Residents of Kampong Chhnang Province (D417), 27 September 2010, D417/2/3 ("Appeal PTC 74").

Annex – Civil party applications admissible in the view of the Majority (Judge Marchi-Uhel dissenting)



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

	09-VU-03479 (D22/3182)	Enslavement in Kampong Leang District, Kampong Chhnang Province	Applicant
	09-VU-01671 (D22/0816)	Enslavement at an unspecified location within Cambodia	Applicant
	09-VU-03474 (D22/3177)	Other inhumane acts through forced transfer from Peam Tonlea Village, Pu Sub-District, Kampong Chhnang Province, to Pou Leu Village, Pou Sub-District, Kampong Leang District, Kampong Chhnang Province	Members of the Applicant's family
	09-VU-01703 (D22/2157)	Enslavement in Kampong Leang District, Kampong Chhnang Province	Applicant and members of his family
	09-VU-03478 (D22/3181)	Enslavement in Kampong Leang District, Kampong Chhnang Province	Applicant
	09-VU-01670 (D22/0817)	Enslavement in Kampong Leang District, Kampong Chhnang Province	Applicant
	09-VU-01701 (D22/2155)	Enslavement in Kampong Leang District, Kampong Chhnang Province	Applicant
	09-VU-01699 (D22/2153)	Enslavement in Kampong Leang District, Kampong Chhnang Province	Applicant
	08-VU-02377 (D22/0404)	Enslavement in Kampong Leang District, Kampong Chhnang Province	Applicant
	09-VU-01702 (D22/2156)	Enslavement in Kampong Leang District, Kampong Chhnang Province	Applicant
	09-VU-01156 (D22/1136)	Enslavement in Kampong Leang District, Kampong Chhnang Province	Applicant
	09-VU-00849 (D22/1969)	Enslavement in Kampong Leang District, Kampong Chhnang Province	Applicant
	09-VU-03472 (D22/3175)	Enslavement in Kampong Leang District, Kampong Chhnang Province	Applicant and members of his family

Annex – Civil party applications admissible in the view of the Majority (Judge Marchi-Uhel dissenting)



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		09-VU-03473 (D22/3176)	Enslavement in Kampong Leaeng District, Kampong Chhnang Province	Applicant
		09-VU-03475 (D22/3178)	Enslavement in Kampong Leaeng District, Kampong Chhnang Province	Applicant
		09-VU-01704 (D22/2158)	Enslavement in Kampong Leaeng District, Kampong Chhnang Province	Applicant
		09-VU-01152 (D22/1092)	Enslavement in Kampong Leaeng District, Kampong Chhnang Province	Applicant and members of his family
	PTC 143⁶⁵	07-VU-00290 (D22/0030)	Other inhumane acts through attacks against humane dignity at Thmar Rieng Village, Kampong Chhnang Province	Applicant (called “an American dog” and beaten)
		08-VU-02306 (D22/1213)	Imprisonment and other inhumane acts in Sothey Ram Samraong, Pursat Province	Applicant and members of his family
		09-VU-00229 (D22/1609)	Enslavement in Kampong Chhnang Province	Applicant and members of his family
		09-VU-00229 (D22/0704)	Enslavement in Tuek Phos District, Kampong Chhnang Province	Applicant
		09-VU-02197 (D22/3108)	Enslavement in a mobile unit near Phonm Ang District, Kampong Cham Province	Applicant
		09-VU-00605 (D22/1648)	Enslavement in Chrolong Kak Village, Kampong Chhnang Province	Applicant
		09-VU-03456 (D22/3165)	Enslavement in Sameakki Mean Chey District, Kampong Chhnang Province	Applicant’s brother
		09-VU-00737 (D22/558)	Enslavement and other inhumane acts through attacks on human dignity in Voat Village, Kampong Chhnang Province	Applicant
		09-VU-01532 (D22/2737)	Enslavement and other inhumane acts through attacks on human dignity in	Applicant and her husband.

⁶⁵ Appeal Against Order on the Admissibility of Civil Party Applicants from Current Residents of Kampong Chhnang Province (D417), 23 September 2010, D417/3/1 (“Appeal PTC143”).

Annex – Civil party applications admissible in the view of the Majority (Judge Marchi-Uhel dissenting)



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

			Trapeang Prey Village, Kampong Chhnang Province	
		09-VU-00230 (D22/1419)	Enslavement and other inhumane acts through attacks on human dignity in Ou Khlout Village, Kampong Chhnang Province	Applicant
		09-VU-00230 (D22/1217)	Persecution on political grounds (murder) at Tuol Ses Kra Nagauv, Bakan District, Pursat Province	Applicant's father (former Lon Nol soldier)
		09-VU-01543 (D22/1911)	Persecution on political grounds (murder) in Tuek Phos District, Kampong Chhnang Province.	Applicant's nephew (former Lon Nol soldier)
		07-VU-00389 (D22/2622)	Persecution on political grounds (murder) in Ruessei Krang Village	Applicant's uncle (former Lon Nol soldier, taken to be re-educated)
		08-VU-02205 (D22/0410)	Enslavement in Kampong Tralach District, Kampong Chhnang Province	Applicant's son
		09-VU-00089 (D22/0471)	Enslavement in Kampong Tralach District, Kampong Chhnang Province	Applicant's sister
		09-VU-00090 (D22/0476)	Enslavement in Kampong Chhnang Province	Applicant and her husband
		09-VU-00738 (D22/1661)	Enslavement in Kampong Chhnang Province	Applicant and members of her family
		09-VU-00739 (D22/1475)	Enslavement in Kampong Chhnang Province	Applicant and members of her family
		09-VU-00761 (D22/1236)	Enslavement in Kampong Chhnang Province	Applicant and members of her family
		09-VU-00762 (D22/1222)	Enslavement in Kampong Chhnang Province	Applicant and members of her family

Annex – Civil party applications admissible in the view of the Majority (Judge Marchi-Uhel dissenting)



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		09-VU-01207 (D22/717)	Enslavement in Kampong Chhnang Province	Applicant and members of her family
		09-VU-01208 (D22/716)	Enslavement in Kampong Chhnang Province	Applicant and members of her family
		09-VU-01210 (D22/714)	Enslavement in Kampong Chhnang Province	Applicant and members of her family
		09-VU-01536 (D22/1823)	Enslavement in Kampong Chhnang Province	Applicant and members of her family
		09-VU-01791 (D22/2787)	Enslavement in Kampong Chhnang Province	Applicant and members of her family
		09-VU-01793 (D22/2789)	Enslavement in Kampong Chhnang Province	Applicant and members of her family
		09-VU-01795 (D22/2791)	Enslavement in Kampong Chhnang Province	Applicant and members of her family
		09-VU-00740 (D22/1601)	Enslavement in Kampong Chhnang Province	Applicant and members of her family
		09-VU-01535 (D22/1824)	Enslavement in Kampong Chhnang Province	Applicant and members of her family
		09-VU-01797 (D22/2793)	Enslavement in Kampong Chhnang Province	Applicant and members of her family
		09-VU-01798 (D22/2794)	Enslavement in Kampong Chhnang Province	Applicant and members of her family
		09-VU-00603 (D22/1134)	Enslavement in Kampong Chhnang Province	Applicant and members of her family
	PTC 144 ⁶⁶	09-VU-04307 (D22/3671)	Enslavement in a children's unit in Kampong Tralach District, Kampong Chhnang Province	Applicant
		09-VU-02056 (D22/3017)	Enslavement and other inhumane acts	Applicant

⁶⁶ *Requête d'appel d'ordonnance sur la recevabilité des constitutions de parties civiles résidant dans la Province de Kampong Chhnang*, 16 September 2010, D401/5/1 ("Appeal PTC99").

Annex – Civil party applications admissible in the view of the Majority (Judge Marchi-Uhel dissenting)



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

			through attacks on human dignity in Tuek Chenh Village, Kampong Chhnang Province	
		09-VU-01473 (D22/2722)	Enslavement and other inhumane acts through attacks against human dignity in Trapeang Preay Village, Krang Skear Sub-District, Tuek Phos District, Kampong Chhnang Province	Applicant
		09-VU-03836 (D22/3487)	Persecution on political grounds (murder) in a teenager mobile unit in Thma Kaev Village, Svay Chrum Sub-District, Rolea B'ier District, Kampong Chhnang Province	Applicant's brother (former Lon Nol soldier)
		09-VU-00604 (D22/1088)	Enslavement and other inhumane acts through attacks against human dignity in Kampong Chhnang Province	Applicant's husband
	PTC 148 ⁶⁷	09-VU-00231 (D22/1861)	Enslavement and other inhumane acts through attacks against human dignity in Kampong Pring Village, Chaong Maong Commune, Toek Phos District, Kampong Chhnang Province	Applicant and members of her family
	PTC 155 ⁶⁸	09-VU-00228 (D22/1231)	Enslavement in Baribour District, Kampong Chhnang Province	Applicant's mother
		09-VU-00612 (D22/1850)	Enslavement and other inhumane acts through attacks against human dignity	Applicant and his mother
		09-VU-00760 (D22/1530)	Enslavement in Kampong Chhnang	Applicant and her

⁶⁷ Amended Appeal Against Order on the Admissibility of Civil Party Applicants from Current Residents of Kampong Chhnang Province (D417), 2 December 2010, D417/7/1 ("Appeal PTC 148").

⁶⁸ Re-filing of the Appeal Against Order on the Admissibility of Civil Party Applicants from Current Residents of Kampong Chhnang Province (D417), 27 September 2010, D417/8/1 ("Appeal PTC 155").

Annex – Civil party applications admissible in the view of the Majority (Judge Marchi-Uhel dissenting)



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

			Province	mother
		09-VU-00606 (D22/876)	Enslavement and other inhumane acts through attacks against human dignity in Kampong Chhnang Province	Applicant and her son
D418 (Kampong Thom Province)69	PTC 141⁷⁰	09-VU-00096 (D22/0405)	Enslavement in Santuk District, Kampong Thom Province	Applicant
		10-VU-00065 (D22/2528)	Enslavement at an unspecified location within Cambodia	Applicant
		10-VU-00939 (D22/3946)	Enslavement at an unspecified location within Cambodia	Applicant
		10-VU-00100 (D22/3711)	Enslavement at an unspecified location within Cambodia	Applicant and family
		10-VU-00894 (D22/3904)	Persecution on political grounds (murder) in Kampong Thom Province	Applicant's brother (accused of being an enemy)
		09-VU-04268 (D22/3650)	Enslavement in Chamkar Leu District, Kampong Cham Province	Applicant
		10-VU-00060 (D22/2525)	Enslavement and other inhumane acts through attacks on human dignity in Chamkar Leu District, Kampong Cham Province	Applicant
		10-VU-00928 (D22/3936)	Enslavement and other inhumane acts through attacks on human dignity in Kampong Svav District, Kampong Thom	Applicant

⁶⁹ Order on the Admissibility of Civil Party Applicants from Current Residents of Kampong Thom Province, issued on 26 August 2010 and filed on 14 September 2010 ("Impugned Order D418").

⁷⁰ *Mémoire d'appel contre l'ordonnance sur la recevabilité des constitutions de parties civiles résidant dans la Province de Kampong Thom*, 24 September 2010, D418/2/1.

Annex – Civil party applications admissible in the view of the Majority (Judge Marchi-Uhel dissenting)



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		Province	
	10-VU-00054 (D22/3694)	Enslavement in Kampong Svav District, Kampong Thom Province	Applicant
	10-VU-00932 (D22/3940)	Enslavement in Kampong Svav District, Kampong Thom Province	Applicant
	10-VU-00934 (D22/3942)	Enslavement and other inhumane acts through attacks on human dignity in Kampong Svav District, Kampong Thom Province	Applicant
	09-VU-04287 (D22/3664)	Persecution (arrest and murder) in Kampong Svay District, Kampong Thom Province	Applicant's father (accused of assisting the enemy)
	10-VU-00055 (D22/3695)	Enslavement and other inhumane acts through attacks on human dignity in Kampong Thom Province	Applicant
	10-VU-00049 (D22/3693)	Enslavement in Kampong Thom Province	Applicant
	10-VU-00107 (D22/2540)	Enslavement and other inhumane acts through attacks on human dignity in Kampong Svay District, Kampong Thom Province.	Applicant's two uncles.
	10-VU-00929 (D22/3937)	Enslavement and other inhumane acts through attacks on human dignity in Boeng Andaeng Village, Kampong Thom Province	Applicant
	10-VU-00943 (D22/3950)	Enslavement in Prasat Ballangk District, Kampong Thom Province	Applicant
	10-VU-00900 (D22/3910)	Enslavement and other inhumane acts through attacks on human dignity at an unspecified location within Cambodia	Applicant
	10-VU-00926 (D22/3934)	Enslavement and other inhumane acts	Applicant

Annex – Civil party applications admissible in the view of the Majority (Judge Marchi-Uhel dissenting)



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

			through attacks on human dignity at an unspecified location within Cambodia	
		08-VU-01221 (D22/1942)	Persecution on political grounds (imprisonment and torture) in Tuol Sleng, (S21 Security Centre), Phnom Penh	Applicant's brother-in-law
		08-VU-02078 (D22/1051)	Persecution on political grounds (murder) in Krasong Village, Trea Sub-District, Stuong District, Kampong Thom Province	Applicant
		08-VU-02169 (D22/1808)	Other inhumane acts through forced transfer from Msar Krang Cheung Village, Stoung District, Kampong Thom Province to Pralay Village, Kampong Thom Province	Applicant
		10-VU-00933 (D22/3941)	Enslavement at an unspecified location within Cambodia	Applicant
		09-VU-00585 (D22/1512)	Enslavement and other inhumane acts through attacks on human dignity in Baray District, Kampong Thom Province	Applicant
		09-VU-03849 (D22/3500)	Enslavement and other inhumane acts through attacks on human dignity in Santuk District, Kampong Thom Province	Applicant
		08-VU-01263 (D22/0973)	Enslavement and other inhumane acts through attacks on human dignity at an unspecified location within Cambodia	Applicant
		08-VU-01265 (D22/1008)	Enslavement and other inhumane acts through attacks on human dignity in Prasat Sambour District, Kampong Thom Province	Applicant
		09-VU-03847 (D22/3498)	Enslavement and other inhumane acts through attacks on human dignity in	Applicant

Annex – Civil party applications admissible in the view of the Majority (Judge Marchi-Uhel dissenting)



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

			Kampong Svay District, Kampong Thom Province	
		09-VU-04285 (D22/3663)	Enslavement and other inhumane acts through attacks on human dignity in Kampong Svay District, Kampong Thom Province	Applicant
		09-VU-04306 (D22/3670)	Enslavement and other inhumane acts through attacks on human dignity in Kampong Svay District, Kampong Thom Province	Applicant
		10-VU-00035 (D22/3688)	Enslavement and other inhumane acts through attacks on human dignity at an unspecified location within Cambodia	Applicant
		10-VU-00061 (D22/3697)	Enslavement and other inhumane acts through attacks on human dignity in Kampong Svay District, Kampong Thom Province	Applicant
		10-VU-00062 (D22/3698)	Enslavement and other inhumane acts through attacks on human dignity in Kampong Svay District, Kampong Thom Province	Applicant
		10-VU-00079 (D22/2533)	Enslavement and other inhumane acts through attacks on human dignity in Kampong Thom Province	Applicant
		10-VU-00086 (D22/2535)	Enslavement and other inhumane acts through attacks on human dignity in Kampong Svay District, Kampong Thom Province	Applicant
		10-VU-00108 (D22/2541)	Enslavement and other inhumane acts through attacks on human dignity in	Applicant

Annex – Civil party applications admissible in the view of the Majority (Judge Marchi-Uhel dissenting)



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

			Kampong Svay District, Kampong Thom Province	
		10-VU-00908 (D22/3918)	Enslavement and other inhumane acts through attacks on human dignity in Kampong Thom Province	Applicant
		10-VU-00911 (D22/3921)	Enslavement and other inhumane acts through attacks on human dignity in Tbaeng District, Kampong Thom Province	Applicant
		10-VU-00915 (D22/3924)	Enslavement and other inhumane acts through attacks on human dignity at an unspecified location within Cambodia	Applicant
		10-VU-00940 (D22/3947)	Enslavement in Kampong Thom Province	Applicant's siblings
		10-VU-00916 (D22/3925)	Enslavement and other inhumane acts through attacks on human dignity in Ou Ambaeng, Kampong Thom Province	Applicant
		09-VU-04271 (D22/3652)	Enslavement and other inhumane acts through attacks on human dignity in Kampong Svay District, Kampong Thom Province	Applicant
		10-VU-00041 (D22/3690)	Enslavement and other inhumane acts through attacks on human dignity in Kampong Svay District, Kampong Thom Province	Applicant
		10-VU-00044 (D22/2514)	Enslavement and other inhumane acts through attacks on human dignity in Kang Meas District, Kampong Cham Province	Applicant
		09-VU-00098 (D22/1146)	Enslavement and other inhumane acts through attacks on human dignity in Stoung District, Kampong Thom Province	Applicant

Annex – Civil party applications admissible in the view of the Majority (Judge Marchi-Uhel dissenting)



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		09-VU-01491 (D22/0839)	Enslavement and other inhumane acts through attacks on human dignity in Kampong Thom Province	Applicant
		09-VU-02251 (D22/3125)	Enslavement and other inhumane acts through attacks on human dignity in Kampong Svay District, Kampong Thom Province	Applicant
		09-VU-03848 (D22/3499)	Enslavement and other inhumane acts through attacks on human dignity in Kampong Svay District, Kampong Thom Province	Applicant
		09-VU-04280 (D22/3660)	Enslavement and other inhumane acts through attacks on human dignity in Kampong Svay District, Kampong Thom Province	Applicant
		09-VU-04281 (D22/3661)	Enslavement and other inhumane acts through attacks on human dignity in Kampong Thom Province	Applicant
		10-VU-00032 (D22/3687)	Enslavement and other inhumane acts through attacks on human dignity in Kampong Svay District, Kampong Thom Province	Applicant
		10-VU-00042 (D22/2513)	Enslavement and other inhumane acts through attacks on human dignity in Kampong Svay District, Kampong Thom Province	Applicant
		08-VU-02356 (D22/0379)	Enslavement and other inhumane acts through attacks on human dignity in Kampong Chhnang Province	Applicant
		08-VU-00815 (D22/1368)	Imprisonment in Tuol Plorng, Trea Sub-	Applicant's father

Annex – Civil party applications admissible in the view of the Majority (Judge Marchi-Uhel dissenting)



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

			District, Stoung District, Kampong Thom Province	
		08-VU-01262 (D22/1705)	Enslavement and other inhumane acts through attacks on human dignity in Kampong Svay District, Kampong Thom Province	Applicant
		09-VU-03897 (D22/3547)	Enslavement and other inhumane acts through attacks on human dignity in Kampong Thom Province	Applicant
		08-VU-00196 (D22/1312)	Enslavement and other inhumane acts through attacks on human dignity in Stoung District, Kampong Thom Province	Applicant
		09-VU-00586 (D22/0879)	Enslavement and other inhumane acts through attacks on human dignity in Kampong Svay District, Kampong Thom Province	Applicant
		09-VU-01489 (D22/0656)	Enslavement and other inhumane acts through attacks on human dignity in Santuk District, Kampong Thom Province	Applicant
		09-VU-04272 (D22/3653)	Enslavement and other inhumane acts through attacks on human dignity in Kampong Svay District, Kampong Thom Province	Applicant
		09-VU-04274 (D22/3655)	Enslavement and other inhumane acts through attacks on human dignity in Kampong Svay District, Kampong Thom Province	Applicant
		09-VU-04278 (D22/3659)	Enslavement and other inhumane acts through attacks on human dignity in Kampong Svay District, Kampong Thom	Applicant

Annex – Civil party applications admissible in the view of the Majority (Judge Marchi-Uhel dissenting)



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

			Province	
		10-VU-00043 (D22/3691)	Enslavement and other inhumane acts through attacks on human dignity in Kampong Svay District, Kampong Thom Province	Applicant
		10-VU-00067 (D22/2529)	Enslavement and other inhumane acts through attacks on human dignity in Baribour District, Kampong Chhnang Province	Applicant
		10-VU-00051 (D22/2519)	Enslavement and other inhumane acts through attacks on human dignity in Kampong Svay District, Kampong Thom Province	Applicant
		10-VU-00045 (D22/2515)	Enslavement and other inhumane acts through attacks on human dignity in Kampong Svay District, Kampong Thom Province	Applicant
		10-VU-00056 (D22/3696)	Enslavement and other inhumane acts through attacks on human dignity in Kampong Svay District, Kampong Thom Province	Applicant
		10-VU-00063 (D22/2526)	Enslavement and other inhumane acts through attacks on human dignity at an unspecified location within Cambodia	Applicant
		10-VU-00920 (D22/3928)	Enslavement and other inhumane acts through attacks on human dignity in Stueng Saen District, Kampong Thom Province	Applicant
		10-VU-00048 (D22/3692)	Persecution on political grounds (murder) in Srangea Security Center, Tbaeing Sub-	Applicant's brother (accused of being an

Annex – Civil party applications admissible in the view of the Majority (Judge Marchi-Uhel dissenting)



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

			District, Kampong Svay District, Kampong Thom Province	enemy)
		10-VU-00052 (D22/2520)	Enslavement and other inhumane acts through attacks on human dignity in Kampong Thmei area, Kampong Thom Province	Applicant
		10-VU-00058 (D22/2523)	Enslavement and other inhumane acts through attacks on human dignity in District 108, Takeo Province	Applicant
		10-VU-00076 (D22/2530)	Enslavement and other inhumane acts through attacks on human dignity in Prasat Sambour District, Kampong Thom Province	Applicant
		10-VU-00895 (D22/3905)	Enslavement and other inhumane acts through attacks on human dignity in Kampong Svay District, Kampong Thom Province	Applicant
		10-VU-00896 (D22/3906)	Enslavement and other inhumane acts through attacks on human dignity in Santuk District, Kampong Thom Province	Applicant
		10-VU-00899 (D22/3909)	Enslavement and other inhumane acts through attacks on human dignity in Baray District, Kampong Thom Province	Applicant
		10-VU-00909 (D22/3919)	Enslavement and other inhumane acts through attacks on human dignity in Kampong Svay District, Kampong Thom Province	Applicant
		10-VU-00922 (D22/3930)	Enslavement and other inhumane acts through attacks on human dignity in Kampong Svay District, Kampong Thom	Applicant

Annex – Civil party applications admissible in the view of the Majority (Judge Marchi-Uhel dissenting)



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		Province	
	10-VU-00945 (D22/3952)	Enslavement and other inhumane acts through attacks on human dignity in Treang District, Takeo Province	Applicant
	09-VU-04284 (D22/3662)	Enslavement and other inhumane acts through attacks on human dignity in Kampong Svay District, Kampong Thom Province	Applicant
	10-VU-00078 (D22/2532)	Enslavement and other inhumane acts through attacks on human dignity in Svay Chum District, Svay Rieng Province	Applicant
	10-VU-00921 (D22/3929)	Enslavement in Kampong Svay District, Kampong Thom Province.	Applicant and Applicant's father
	10-VU-00938 (D22/3945)	Enslavement and other inhumane acts through attacks on human dignity in Sandan District, Kampong Thom Province	Applicant
	08-VU-02167 (D22/1805)	Enslavement and other inhumane acts through attacks on human dignity in Stoung District, Kampong Thom Province	Applicant
	08-VU-02168 (D22/1806)	Persecution on political grounds (torture and murder) in Tuol Plorng Village, Trea Sub-District, Stoung District, Kampong Thom Province	Applicant's father (accused of being a capitalist)
	08-VU-02171 (D22/1809)	Imprisonment in Tuol Plorng Village, Trea Sub-District, Stoung District, Kampong Thom Province	Applicant's husband
	08-VU-02214 (D22/1811)	Persecution on political grounds (arrest and attempted murder) in Stoung District, Kampong Thom Province	Applicant (considered to be an enemy)
	09-VU-03898 (D22/3548)	Enslavement and other inhumane acts	Applicant

Annex – Civil party applications admissible in the view of the Majority (Judge Marchi-Uhel dissenting)



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

			through attacks on human dignity in Kbel cooperative, Kampong Thom Province	
		09-VU-04276 (D22/3657)	Enslavement and other inhumane acts through attacks on human dignity at an unspecified location within Cambodia	Applicant
		09-VU-04277 (D22/3658)	Enslavement and other inhumane acts through attacks on human dignity in Kampong Svay District, Kampong Thom Province	Applicant
		09-VU-04288 (D22/3665)	Enslavement and other inhumane acts through attacks on human dignity at an unspecified location within Cambodia	Applicant
		09-VU-04273 (D22/3654)	Enslavement in Ta Ream Village, Kampong Thom Province	Applicant
		09-VU-03899 (D22/3549)	Enslavement in Kampong Thom Province	Applicant and members of her family
	PTC 156 ⁷¹	08-VU-02360 (D22/771)	Enslavement in Tang Kouk District, Kampong Thom Province	Applicant, her husband and her two children
		10-VU-00918 (D22/3926)	Enslavement in Panhna Chi work site, Steung Saen District, Kampong Thom	Applicant
		09-VU-04289 (D22/3996)	Enslavement in Kampong Svay District, Kampong Thom Province	Applicant
		08-VU-02357 (D22/0497)	Persecution on political grounds (murder) at an unspecified location in Cambodia	Applicant's husband (a former Lon Nol soldier)
D423 (Pursat Province) ⁷²	PTC 120 ⁷³	09-VU-00526 (D22/1000)	Enslavement in Preah Mlu Sub-District, Pursat Province	Applicant's mother

⁷¹ Re-filing of Appeal Against Order on the Admissibility of Civil Party Applicants from Current Residents of Kampong Thom Province D418, 27 September 2010, D418/5/1 ("Appeal PTC 156").

Annex – Civil party applications admissible in the view of the Majority (Judge Marchi-Uhel dissenting)



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		09-VU-00109 (D22/1209)	Enslavement and other inhumane acts through attacks on human dignity in Prey Klout cooperative, Battambang Province and Prey Klout cooperative, Pursat Province	Applicant and members of her family
		09-VU-00732 (D22/1619)	Enslavement and other inhumane acts through attacks on human dignity in Pursat Province	Applicant
		09-VU-00532 (D22/1003)	Enslavement at Prey Tauch Cooperative, Battambang Province	Applicant's brother
		09-VU-01967 (D22/2952)	Enslavement and other inhumane acts through attacks on human dignity at an unspecified location in Cambodia	Applicant and members of his family
		09-VU-00110 (D22/1183)	Enslavement at an unspecified location in Cambodia	Applicant
		09-VU-00221 (D22/1074)	Enslavement and other inhumane acts through attacks on human dignity in Kampong Chhnang Province	Applicant
		09-VU-00522 (D22/997)	Enslavement and other inhumane acts through attacks on human dignity in Rumlech Cooperative, Pursat Province	Applicant's mother
		08-VU-02269 (D22/1152)	Enslavement and other inhumane acts through attacks on human dignity in Pursat Province	Applicant
		09-VU-03488 (D22/3191)	Enslavement and other inhumane acts through attacks on human dignity in Pursat Province	Applicant and members of her family

⁷² Order on the Admissibility of Civil party applicants from Current Residents of Pursat Province, 15 September 2010, D423 ("Impugned Order D423").

⁷³ Appeal Against Order on the Inadmissibility of Civil party applicants from Current Residents of Pursat Province, 24 September 2010, D423/4/1 ("Appeal PTC 120").

Annex – Civil party applications admissible in the view of the Majority (Judge Marchi-Uhel dissenting)



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		09-VU-00521 (D22/996)	Enslavement and other inhumane acts through attacks on human dignity in Pursat Province	Applicant's father
		09-VU-01064 (D22/1690)	Enslavement and other inhumane acts through attacks on human dignity in Battambang Province	Applicant's children
		09-VU-03570 (D22/3264)	Enslavement at an unspecified location in Pursat Province	Applicant and members of her family
		09-VU-01075 (D22/1692)	Enslavement in Pursat Province	Applicant
		09-VU-01968 (D22/2186)	Enslavement in Pursat Province	Applicant
		09-VU-00244 (D22/2677)	Enslavement and other inhumane acts through attacks on human dignity in Tonle Ting, Tram and Krouch Saech, Pursat Province	Applicant
		09-VU-01113 (D22/0688)	Enslavement and other inhumane acts through attacks on human dignity in Bak Pring Village, Pursat Province	Applicant
		09-VU-00676 (D22/1961)	Enslavement in Pursat Province	Applicant
		09-VU-01959 (D22/2944)	Enslavement and other inhumane acts through attacks on human dignity in Pursat Province	Applicant and her sister
		08-VU-02129 (D22/0127)	Enslavement and other inhumane acts through attacks on human dignity in Pursat Province	Applicant
		09-VU-00246 (D22/2075)	Enslavement and other inhumane acts through attacks on human dignity in Pursat and Battambang Province	Applicant
		10-VU-00847 (D22/3860)	Enslavement and other inhumane acts through attacks on human dignity in Pursat Province	Applicant's children

Annex – Civil party applications admissible in the view of the Majority (Judge Marchi-Uhel dissenting)



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		10-VU-00859 (D22/3872)	Enslavement and other inhumane acts through attacks on human dignity in Pursat Province	Applicant and his siblings
		09-VU-00533 (D22/0610)	Enslavement at a dam site in Agnchagn Rong Village, Agnchagn Rong Commune, Bâribo District, Kampong Chhnang Province	Applicant
		09-VU-00111 (D22/1182)	Enslavement and other inhumane acts through attacks on human dignity in Pursat Province	Applicant and family
		09-VU-00133 (D22/1103)	Enslavement and other inhumane acts through attacks on human dignity in Nor Norng Cooperative, Battambang Province	Applicant's family
		09-VU-00529 (D22/1002)	Persecution on political grounds (other inhumane acts through enforced disappearance)	Applicant's father (former Commune Chief in Lon Nol Regime taken to be re-educated)
		09-VU-01067 (D22/1856)	Enslavement and other inhumane acts through attacks on human dignity in Pursat Province	Applicant and her siblings
		09-VU-03831 (D22/3482)	Enslavement in Pursat Province	Applicant, her parents and her younger sister
	PTC 121⁷⁴	09-VU-03784 (D22/3435)	Enslavement in Pursat Province	Applicant's child
		09-VU-03786 (D22/3437)	Enslavement and other inhumane acts through attacks on human dignity in Pursat Province	Applicant and members of her family

⁷⁴ Appeal Against Order on the Inadmissibility of Civil Party Applicants from Current Residents of Pursat Province, 27 September 2010, D423/5/1 ("Appeal PTC 121").

Annex – Civil party applications admissible in the view of the Majority (Judge Marchi-Uhel dissenting)



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		09-VU-03832 (D22/3483)	Enslavement and other inhumane acts through attacks on human dignity in Pursat Province	Applicant
		09-VU-02204 (D22/3115)	Enslavement and other inhumane acts through attacks on human dignity in Pursat Province	Applicant's wife
		09-VU-01977 (D22/2960)	Enslavement and other inhumane acts through attacks on human dignity in Pursat Province	Applicant
		09-VU-00011 (D22/0472)	Enslavement and other inhumane acts through attacks on human dignity in Pursat Province	Applicant
		09-VU-00128 (D22/2070)	Enslavement and other inhumane acts through attacks on human dignity in Pursat Province	Applicant and members of his family
		09-VU-00129 (D22/2071)	Enslavement and other inhumane acts through attacks on human dignity in Pursat Province	Applicant
		09-VU-00131 (D22/1193)	Enslavement and other inhumane acts through attacks on human dignity in Pursat Province	Applicant and members of his family
		09-VU-00218 (D22/1084)	Enslavement in Pursat Province	Applicant and members of her family
		09-VU-00226 (D22/1226)	Enslavement and other inhumane acts through attacks on human dignity in Pursat Province	Applicant and members of his family
		09-VU-00227 (D22/1227)	Enslavement and other inhumane acts through attacks on human dignity in Pursat Province	Applicant and members of her family
		09-VU-00238 (D22/1611)	Enslavement and other inhumane acts	Applicant and members

Annex – Civil party applications admissible in the view of the Majority (Judge Marchi-Uhel dissenting)



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

			through attacks on human dignity in Pursat Province	of her family
		09-VU-00242 (D22/1036)	Enslavement and other inhumane acts through attacks on human dignity in Pursat Province	Applicant
		09-VU-00248 (D22/2017)	Enslavement and other inhumane acts through attacks on human dignity in Banteay Meanchey (previously Battambang) Province	Applicant
		09-VU-00564 (D22/1633)	Enslavement and other inhumane acts through attacks on human dignity in Pursat Province	Applicant and members of her family
		09-VU-00569 (D22/1646)	Enslavement and other inhumane acts through attacks on human dignity in Pursat Province	Applicant and members of her family
		09-VU-00690 (D22/1439)	Enslavement and other inhumane acts through attacks on human dignity in Pursat Province	Applicant and members of her family
		09-VU-00734 (D22/1618)	Enslavement and other inhumane acts through attacks on human dignity in Pursat Province	Applicant
		09-VU-00748 (D22/1543).	Enslavement and other inhumane acts through attacks on human dignity in Pursat Province	Applicant and members of her family
		09-VU-01063 (D22/1518)	Enslavement and other inhumane acts through attacks on human dignity in Pursat Province	Applicant and members of her family
		09-VU-01963 (D22/2948)	Enslavement and other inhumane acts through attacks on human dignity in Pursat Province	Applicant and members of his family

Annex – Civil party applications admissible in the view of the Majority (Judge Marchi-Uhel dissenting)



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		09-VU-01964 (D22/2949)	Enslavement and other inhumane acts through attacks on human dignity in Pursat Province	Applicant and members of family
		09-VU-01971 (D22/2954)	Enslavement and other inhumane acts through attacks on human dignity in Pursat Province	Applicant and members of his family
		09-VU-01072 (D22/1495)	Enslavement and other inhumane acts through attacks on human dignity in Pursat Province	Applicant
		09-VU-01961 (D22/2946)	Enslavement and other inhumane acts through attacks on human dignity in Pursat Province	Applicant
		09-VU-01069 (D22/1556).	Enslavement and other inhumane acts through attacks on human dignity in Pursat Province	Applicant and members of his family
		09-VU-01111 (D22/0740)	Enslavement and other inhumane acts through attacks on human dignity in Pursat Province	Applicant
		09-VU-01125 (D22/0682).	Enslavement and other inhumane acts through attacks on human dignity in Pursat Province	Applicant and members of his family
		09-VU-02387 (D22/2663)	Enslavement and other inhumane acts through attacks on human dignity in Pursat Province	Applicant and members of her family
	PTC 122⁷⁵	08-VU-00077 (D22/1357)	Enslavement and other inhumane acts through attacks on human dignity in Pursat Province	Applicant
		09-VU-0528 (D22/0613)	Enslavement in Pursat Province	Applicant

⁷⁵ *Appel des Co-avocats de parties civiles, groupe « Avocats Sans Frontières France », de l'ordonnance D423 sur la recevabilité des constitutions de parties civiles résidant dans la Province de Pursat, 27 September 2010, D423/6/1 (“Appeal PTC 122”).*

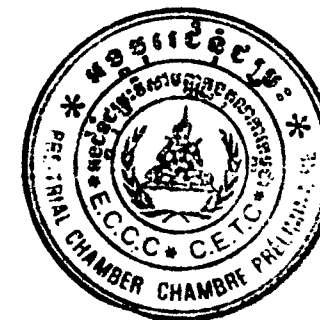
Annex – Civil party applications admissible in the view of the Majority (Judge Marchi-Uhel dissenting)



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

	09-VU-00534 (D22/0579)	Enslavement in Voat Luong Village, Pursat Province	Applicant's father
	09-VU-00640 (D22/0130)	Enslavement in Pech Changvar Village, Battambang Province	Applicant
	10-VU-00849 (D22/3862)	Enslavement in Pursat Province	Applicant
	10-VU-00852 (D22/3865)	Enslavement in Angkor Loy Village, Battambang Province	Applicant and his siblings
	10-VU-0853 (D22/3866)	Enslavement in Pursat Province	Applicant
	10-VU-0854 (D22/3867)	Enslavement at South Kao Factory, Phnom Penh Province	Applicant
	10-VU-0859 (D22/3872)	Enslavement and other inhumane acts through attacks on human dignity in Pursat Province	Applicant
	10-VU-0875 (D22/3885)	Enslavement in Kom Brak Koun Village, Pursat Province	Applicant
	09-VU-00523 (D22/0998)	Enslavement in Trang Village, Pursat Province	Applicant
	09-VU-00527 (D22/1001)	Enslavement in Bakan ROUNG Village, Pursat Province	Applicant
	10-VU-0878 (D22/3888)	Persecution on political grounds (other inhumane act through enforced disappearance) in a cooperative in	Applicant's brother-in-law (accused of being a former Lon Nol

Annex – Civil party applications admissible in the view of the Majority (Judge Marchi-Uhel dissenting)



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

			Rumlech Village, Pursat Province	soldier)
	PTC 123 ⁷⁶	09-VU-00106 (D22/1085)	Enslavement and other inhumane acts through attacks on human dignity in Kandal Tuol Ta Bou Village, Pursat Province	Applicant
		09-VU-00749 (D22/1561)	Enslavement and other inhumane acts through attacks on human dignity in Battambang Province	Applicant
		09-VU-01981 (D22/2964)	Enslavement and other inhumane acts through attacks on human dignity in Pursat Province	Applicant and her children
	PTC 151 ⁷⁷	09-VU-00639 (D22/128)	Enslavement and other inhumane acts through attacks on human dignity in Chrab Village, Pursat Province	Applicant and members of his family
		09-VU-01696 (D22/814)	Enslavement and other inhumane acts through attacks on human dignity in Tuol Rokeang Village, Pursat Province	Applicant and members of her family
		09-VU-01694 (D22/823)	Enslavement and other inhumane acts through attacks on human dignity in Tuol Anduong Char, Pursat Province	Applicant and members of her family
		09-VU-01686 (D22/2144)	Enslavement and other inhumane acts through attacks on human dignity in Kampong Village, Pursat Province	Applicant and members of his family
		09-VU-01697 (D22/2151)	Enslavement and other inhumane acts through attacks on human dignity in Tuol Rokeang Village, Pursat Province	Applicant and members of her family

⁷⁶ *Requête d'appel d'ordonnance sur la recevabilité des constitutions de parties civiles résidant dans la Province de Pursat*, 27 September 2010, D423/7/1 ("Appeal PTC 123").

⁷⁷ Appeal Against Order on the Admissibility of Civil Party Applicants from Current Residents of Pursat Province (D423), 20 October 2010, D423/8/1 ("Appeal PTC 151").

Annex – Civil party applications admissible in the view of the Majority (Judge Marchi-Uhel dissenting)



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		09-VU-01689 (D22/2147	Enslavement and other inhumane acts through attacks on human dignity in Pursat Province	Applicant and members of his family
		09-VU-01695 (D22/815)	Enslavement and other inhumane acts through attacks on human dignity in Kakaoh Village, Battambang Province	Applicant and members of her family
D424 (Siem Reap Province)⁷⁸	PTC 105⁷⁹	08-VU-00005 (D22/1314)	Enslavement and other inhumane acts through attacks on human dignity in Siem Reap Province	Applicant
		08-VU-00111 (D22/1313 and D22/1314)	Enslavement and other inhumane acts through attacks on human dignity in Siem Reap Province	Applicant
		08-VU-00589 (D22/1018)	Enslavement and other inhumane acts through attacks on human dignity in Kralanh District, Siem Reap Province	Applicant and her child
		08-VU-00684 (D22/0431)	Persecution on political grounds (imprisonment) at Phorm Koun Dom Vey, Siem Reap Province	Applicant's father (taken to be re-educated)
		08-VU-00685 (D22/1021)	Enslavement and other inhumane acts through attacks on human dignity in Siem Reap Province	Applicant
		08-VU-00686 (D22/1022)	Enslavement at an unspecified location (Applicant) and at Tonle Sap lake (Applicant's husband)	Applicant and her husband
		08-VU-00687 (D22/0436)	Persecution on political grounds	Applicant's father

⁷⁸ Order on the Admissibility of Civil Party Applicants from Current Residents of Siem Reap Province of 15 September 2010, filed on 15 September 2010, D424 ("Impugned Order D424").

⁷⁹ Appeal Against Order on the Inadmissibility of Civil Party Applicants From Current Residents of Siem Reap Province, 27 September 2010, D424/3/3 ("Appeal PTC 105").

Annex – Civil party applications admissible in the view of the Majority (Judge Marchi-Uhel dissenting)



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

			(imprisonment) at Prey Damrei Kaun Security Centre, Siem Reap Province	(disappeared after his education was queried)
		08-VU-00693 (D22/0433)	Enslavement and other inhumane acts through attacks on human dignity in Siem Reap Province	Applicant's sister
		08-VU-00695 (D22/0411)	Other inhumane acts through enforced transfer from Yeang Tes Village, Siem Reap Province, to Krakaoh Dam, Popel Sub-District, Siem Reap Province	Applicant
		08-VU-00696 (D22/1394)	Persecution on political grounds (imprisonment) at Damrei Koun Village, Siem Reap Province	Applicant's brother (taken to re-educated)
		08-VU-01367 (D22/0977)	Imprisonment and torture at a security centre in Wat Ampil, Siem Reap Province	Applicant
		08-VU-01368 (D22/0978)	Enslavement in Siem Reap Province	Applicant
		08-VU-01374 (D22/0597)	Enslavement in Ampil Village, Siem Reap Province	Applicant
		08-VU-01376 (D22/0596)	Enslavement in Kouk Thmeil Village (Applicant's siblings) and Bay Mat Village (Applicant), in Siem Reap Province	Applicant and his siblings
		08-VU-01378 (D22/0983)	Enslavement and other inhumane acts through attacks against human dignity in Siem Reap Province	Applicant and her family
		08-VU-01380 (D22/0936)	Other inhumane acts through enforced disappearance in Siem Reap Province	Applicant's son (former Lon Nol soldier)
		08-VU-01382 (D22/0938)	Enslavement and Murder at Wat Ampil, Samraong Yea Village, Puok District, Siem Reap Province	Applicant's father

Annex – Civil party applications admissible in the view of the Majority (Judge Marchi-Uhel dissenting)



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

	08-VU-01386 (D22/0939)	Enslavement in Siem Reap Province	Applicant
	08-VU-01420 (D22/1758)	Enslavement in Siem Reap Province	Applicant and her husband
	08-VU-01442 (D22/1777)	Enslavement in Snuol Sub District of Kralanh in Siem Reap Province	Applicant and her family
	08-VU-01447 (D22/1728)	Enslavement in Kaev Poar Sub-District, Puok District, Siem Reap Province	Applicant and her family
	08-VU-01448 (D22/1771)	Enslavement in Puok District, Siem Reap Province	Applicant and her family
	08-VU-01449 (D22/1770)	Persecution on political grounds (murder) in Puok District, Siem Reap Province	Applicant's father (accused of being enemy and taken to be re-educated) and brother (a former Lon Nol soldier)
	08-VU-01450 (D22/1751)	Persecution on political grounds (murder) in Kouk Ta Suos	Applicant's siblings (taken to be re-educated)
	08-VU-01473 (D22/1741)	Enslavement and other inhumane acts through attacks on human dignity in Siem Reap Province	Applicant and members of her family
	08-VU-01474 (D22/1742)	Enslavement and other inhumane acts through attacks on human dignity in Siem Reap Province	Applicant's husband
	08-VU-01475 (D22/1740)	Enslavement and other inhumane acts through attacks on human dignity in Siem	Applicant and members of her family

Annex – Civil party applications admissible in the view of the Majority (Judge Marchi-Uhel dissenting)



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		Reap Province	
	08-VU-01507 (D22/0382)	Enslavement in Siem Reap Province	Applicant
	08-VU-01530 (D22/0935)	Enslavement and other inhumane acts through attacks on human dignity in Tuol Krasang Village, Svay Doun Keo District, Pursat Province	Applicant
	08-VU-01815 (D22/1166)	Enslavement and other inhumane acts through attacks on human dignity in Prey Kyong Village, Krouch Kor Sub District, Siem Reap Province	Applicant
	08-VU-01823 (D22/0394)	Enslavement and other inhumane acts through attacks on human dignity in Kralanh District of Siem Reap Province	Applicant and members of her family
	08-VU-02329 (D22/1465)	Enslavement and other inhumane acts through attacks on human dignity in Siem Reap Province	Applicant
	08-VU-02332 (D22/1159)	Enslavement and other inhumane acts through attacks on human dignity in Varin District, Siem Reap Province	Applicant
	09-VU-00265 (D22/1458)	Enslavement and other inhumane acts through attacks on human dignity in Chamreh Village, Spean Tnaot Sub District, Siem Reap Province	Applicant
	09-VU-00267 (D22/1457)	Enslavement and other inhumane acts through attacks on human dignity in Siem Reap Province	Applicant
	09-VU-00270 (D22/1436)	Enslavement in Tuek Lich Village, Soutr Nikcom District, Siem Reap Province	Applicant
	09-VU-00271 (D22/1412)	Enslavement and other inhumane acts through attacks on human dignity in Siem	Applicant

Annex – Civil party applications admissible in the view of the Majority (Judge Marchi-Uhel dissenting)



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

			Reap Province	
		09-VU-00273 (D22/1612)	Enslavement and other inhumane acts through attacks on human dignity in Siem Reap Province	Applicant
		09-VU-00274 (D22/1519)	Enslavement and other inhumane acts through attacks on human dignity in Trapeang Chrey Village, Siem Reap Province	Applicant
		09-VU-00355 (D22/1735)	Enslavement and other inhumane acts through attacks on human dignity in Siem Reap Province	Applicant's two older brothers
		09-VU-00357 (D22/1737)	Persecution on political grounds (imprisonment) at Wat Ta Yaek, Siem Reap Province	Applicant's father and two brothers (accused of being capitalists and 17 April people)
		09-VU-00359 (D22/1766)	Enslavement and other inhumane acts through attacks on human dignity in Siem Reap Prison, Siem Reap Province	Applicant
		09-VU-00362 (D22/1780)	Enslavement and other inhumane acts through attacks on human dignity at Anlong Sar Reservoir in Puok District, Siem Reap Province	Applicant
		09-VU-00363, (D22/1779)	Enslavement and other inhumane acts through attacks on human dignity at Popeal Khe Village, Siem Reap Province	Applicant
		09-VU-00365 (D22/1748)	Enslavement and other inhumane acts through attacks on human dignity in Ang Anlong Sar, Kaev Poar Sub-District, Siem Reap Province	Applicant
		09-VU-00693 (D22/1437)	Enslavement and other inhumane acts	Applicant

Annex – Civil party applications admissible in the view of the Majority (Judge Marchi-Uhel dissenting)



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

			through attacks on human dignity in Anlong Vil Village, Sangkae District, Battambang Province	
		09-VU-00695 (D22/2084)	Enslavement and other inhumane acts through attacks on human dignity in Siem Reap Province	Applicant
		09-VU-00725 (D22/1477)	Enslavement and other inhumane acts through attacks on human dignity in Yeang Tes Village, Soutr Nikom District, Siem Reap Province	Applicant
		09-VU-00726 (D22/1617)	Enslavement and other inhumane acts through attacks on human dignity in Chi Kraeng District in Siem Reap Province	Applicant
		09-VU-00728 (D22/1616)	Enslavement and other inhumane acts through attacks on human dignity in Prey Pros, in Chi Kraeng District in Siem Reap Province	Applicant
		09-VU-00729 (D22/1598)	Enslavement and other inhumane acts through attacks on human dignity in Popel Village, Pongro Kraom Sub-District in Siem Reap Province	Applicant
		09-VU-00731 (D22/0559)	Enslavement and other inhumane acts through attacks on human dignity in Siem Reap Province	Applicant
		09-VU-00791 (D22/1585)	Enslavement and other inhumane acts through attacks on human dignity in Chi Kraeng District, Siem Reap Province	Applicant
		09-VU-00793 (D22/1588)	Enslavement and other inhumane acts through attacks on human dignity in Sangkae Meanchey Village Cooperative,	Applicant

Annex – Civil party applications admissible in the view of the Majority (Judge Marchi-Uhel dissenting)



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

			Chi Kraeng District, Siem Reap Province	
		09-VU-00796 (D22/1586)	Enslavement and other inhumane acts through attacks on human dignity in Siem Reap Province	Applicant
		09-VU-00797 (D22/1591)	Enslavement and other inhumane acts through attacks on human dignity in Siem Reap Province	Applicant
		09-VU-00799 (D22/1451)	Enslavement and other inhumane acts through attacks on human dignity in Siem Reap Province	Applicant
		09-VU-00813 (D22/0929)	Enslavement in Yeang Village, Siem Reap Province	Applicant
		09-VU-00814 (D22/1707)	Enslavement in Prey Kdouch Village, Prey Veng Province	Applicant
		09-VU-00815 (D22/1693)	Enslavement in Takeo Province and Kandal Province	Applicant
		09-VU-00817 (D22/1422)	Enslavement in Siem Reap Province	Applicant
		09-VU-01009 (D22/1455)	Enslavement and other inhumane acts through attacks on human dignity in Bak Phka, Chi Kraeng District, Siem Reap Province	Applicant
		09-VU-01010 (D22/1454)	Enslavement in Battambang Province	Applicant
		09-VU-01012 (D22/2086)	Enslavement and other inhumane acts through attacks on human dignity in Siem Reap Province	Applicant and members of her family
		09-VU-01014 (D22/1696)	Enslavement in Monduliri Province	Applicant
		09-VU-01017 (D22/1699)	Enslavement and other inhumane acts through attacks on human dignity at Dak Phka Village, Siem Reap Province	Applicant
		09-VU-01484 (D22/0650)	Enslavement and other inhumane acts	Applicant

Annex – Civil party applications admissible in the view of the Majority (Judge Marchi-Uhel dissenting)



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

			through attacks on human dignity in Takeo Province	
		09-VU-01485 (D22/0842)	Enslavement and other inhumane acts through attacks on human dignity in Siem Reap Province	Applicant
		09-VU-01496 (D22/0651)	Enslavement and other inhumane acts through attacks on human dignity in Siem Reap Province	Applicant
		09-VU-01497 (D22/0788)	Enslavement and other inhumane acts through attacks on human dignity in Siem Reap Province	Applicant
		09-VU-01503 (D22/0796)	Enslavement and other inhumane acts through attacks on human dignity in Siem Reap Province	Applicant
		09-VU-01504 (D22/0784)	Enslavement and other inhumane acts through attacks on human dignity in Siem Reap Province	Applicant
		09-VU-01508 (D22/0795)	Enslavement and other inhumane acts through attacks on human dignity in Preah Vihear Province	Applicant
		09-VU-01509 (D22/0780)	Enslavement and other inhumane acts through attacks on human dignity in Kamboar Village, Bakan District, Pursat Province	Applicant and members of her family
		09-VU-01931 (D22/2918)	Enslavement and other inhumane acts through attacks on human dignity in Chamkar Andong, Kampong Cham Province	Applicant
		09-VU-01933 (D22/2920)	Enslavement and other inhumane acts through attacks on human dignity in Siem	Applicant and members of her family

Annex – Civil party applications admissible in the view of the Majority (Judge Marchi-Uhel dissenting)



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

			Reap Province	
		09-VU-01937 (D22/2924)	Enslavement and other inhumane acts through attacks on human dignity in Siem Reap Province	Applicant
		09-VU-02454 (D22/2233)	Enslavement and other inhumane acts through attacks on human dignity in Siem Reap Province.	Applicant
		09-VU-02457 (D22/2236)	Enslavement in a unspecified location in Cambodia	Applicant
		09-VU-02460 (D22/2239)	Persecution on political grounds (murder) at Sranal SubDistrict, Siem Reap Province	Applicant's cousin (accused of being an enemy)
		09-VU-02462 (D22/2241)	Enslavement in Prey Ar Khnar Sub District of Kralanh District, Siem Reap Province	Applicant and members of her family
		09-VU-02463 (D22/2242)	Enslavement and other inhumane acts through attacks on human dignity in Siem Reap Province	Applicant
		09-VU-02465 (D22/2244)	Enslavement and other inhumane acts through attacks on human dignity in Siem Reap Province	Members of the Applicant's family
		09-VU-02466 (D22/2245)	Enslavement in Siem Reap Province	Applicant and members of her family
		09-VU-02524 (D22/3137)	Enslavement and other inhumane acts through attacks on human dignity in Khchas Village, Khchas Sub District, Sotr Nikom District, Siem Reap Province	Applicant and her family
		09-VU-03435 (D22/3153)	Enslavement in Kouk Trach Village, Khnat Sub District, Puok District, Siem	Applicant

Annex – Civil party applications admissible in the view of the Majority (Judge Marchi-Uhel dissenting)



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

			Reap Province	
		09-VU-03443 (D22/2428)	Enslavement in Phum Thmei, Samraong Year Cooperative, Samraong Yea Sub District, Puok District, Siem Reap Province	Applicant
		09-VU-03444 (D22/2429)	Enslavement and other inhumane acts through attacks on human dignity in Siem Reap Province	Applicant and members of her family
		09-VU-03448 (D22/2433)	Enslavement in Siem Reap Province	Applicant
		09-VU-03449 (D22/2434)	Enslavement in Siem Reap Province	Applicant and members of his family
		10-VU-00549 (D22/2598)	Enslavement in Siem Reap Province	Applicant
		10-VU-00550 (D22/2599)	Enslavement in Siem Reap Province	Applicant
		09-VU-00819 (D22/1698)	Enslavement in Beong Pou Ti Muoy Village and Kamping Puoy Dam, Battambang Province	Applicant
		09-VU-01506 (D22/0782)	Enslavement in Kakaoh Village, Battambang Province	Applicant
	PTC 106⁸⁰	08-VU-00109 (D22/1396)	Enslavement at an unspecified location in Cambodia	Applicant
		09-VU-00624 (D22/217)	Enslavement at Phnom Penh Port	Applicant
		08-VU-00106 (D22/1379)	Imprisonment at Tauch Yum Security Center	Applicant's brother and father
		09-VU-00120 (D22/1301)	Enslavement and other inhumane acts through attacks on human dignity in Siem Reap Province	Applicant
		08-VU-01038 (D22/928)	Enslavement in Phnum Trong Bat Village, Kampong Thkov Sub-District, Kralanh	Applicant

⁸⁰ *Appel des Co-avocats de parties civiles, groupe « Avocats sans Frontières France », de l'ordonnance D424 sur la recevabilité des constitutions de parties civiles résidant dans la Province de Siem Reap, 27 September 2010, D424/4/1 ("Appeal PTC 106").*

Annex – Civil party applications admissible in the view of the Majority (Judge Marchi-Uhel dissenting)



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

			District, Siem Reap Province	
		08-VU-01372 (D22/980)	Persecution on political grounds (murder) in Samraong Yea Village, Samraong Yea Sub-District, Puok District, Siem Reap Province	Applicant's two brothers (former Lon Nol soldiers)
		09-VU-00360 (D22/1757)	Enslavement in Siem Reap Province	Applicant
	PTC 107⁸¹	09-VU-01505 (D22/0783)	Enslavement at the following locations: Dam 95 in Dan Run Sub-District, Soutr Nikom District in Siem Reap Province, Tra Pak Construction Site, Popel Sub-District in Siem Reap Province, a Chinaware factory in Wat Sala, Trav Kiet Village and Chrey Village, Khchas Sub-District, Siem Reap Province	Applicant
		08-VU-01373 (D22/0981)	Persecution on political grounds (torture and murder) in Doun Sva Village, Samroang Yea Sub-District, Puok District in Siem Reap Province	Applicant's father (accused of being the enemy or a CIA agent)
		09-VU-01499 (D22/0786)	Enslavement in Pou Village, Siem Reap Province	Applicant
		09-VU-01498 (D22/0787)	Enslavement at Makak Dam Worksite, located in Makak Village, Kork Thlork Leu Commune, Chi Kreng District, Siem Reap Province	Applicant
		09-VU-00713 (D22/0838)	Enslavement in Trapeang Trav Village, Chi Kreng District, Siem Reap Province	Applicant and members of her family
		09-VU-00269 (D22/1463)	Enslavement in Siem Reap Province	Applicant and members of her family

⁸¹ Appeal against Order on the Inadmissibility of Civil Party Applicants from Current Residents of Siem Reap Province (D424), 26 September 2010, D424/2/1 ("Appeal PTC 107").

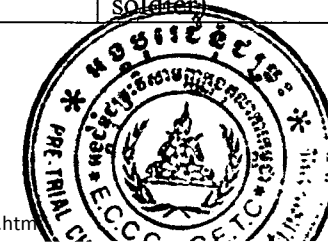
Annex – Civil party applications admissible in the view of the Majority (Judge Marchi-Uhel dissenting)



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		09-VU-00798 (D22/1553)	Enslavement and other inhumane acts through attacks against human dignity in Kampong Kdei Commune, Chi Kreng Commune, and Kork Thlork Commune in Siem Reap Province	Applicant and members of his family
		09-VU-00794 (D22/1589)	Enslavement in Prey Sneb Village, Kork Thlork Commune, Chi Kreng District, Siem Reap Province.	Applicant and members of her family
		09-VU-00366 (D22/1774)	Enslavement in Khnat Commune, Puok District, Siem Reap	Applicant and members of his family
		09-VU-00364 (D22/1778)	Enslavement and other inhumane acts through attacks against human dignity in Battambang Province	Applicant and members of her family
		09-VU-00361 (D22/1755)	Enslavement and other inhumane acts through attacks against human dignity in Kork Snuol Village, Khnat Commune, Puok District, Siem Reap Province	Applicant and members of his family
		09-VU-01932 (D22/2919)	Enslavement in Chi Kreng District of Siem Reap Province	Applicant and members of her family
		09-VU-01935 (D22/2922)	Enslavement and other inhumane acts through attacks against human dignity in Chi Kreng District in Siem Reap Province	Applicant
		09-VU-04228 (D22/3614)	Enslavement and other inhumane acts through attacks against human dignity in Kien Sangke Commune, Sang-Vaey Commune, Chi Kreng District, Siem Reap Province	Applicant and members of her family
		10-VU-00589 (D22/3847)	Persecution on political grounds (murder) in Sotr Nikom District, Siem Reap Province	Applicant's father (a former Lon Nol soldier)

Annex – Civil party applications admissible in the view of the Majority (Judge Marchi-Uhel dissenting)



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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

D426 (Kampong Cham Province)⁸²	PTC 109⁸³	09-VU-02187 (D22/3099)	Enslavement and other inhumane acts through attacks on human dignity in Trapeang Tras Village, Kampong Cham Province	Applicant
		09-VU-03555 (D22/3249)	Enslavement at Khlong Porpak Village, Kampong Cham Province	Applicant
		09-VU-03557 (D22/3251)	Enslavement in Nuon Saran Village in Kampong Cham Province	Applicant and members of her family
		09-VU-03558 (D22/3252)	Enslavement in Kampong Siem District of Kampong Cham Province	Applicant and members of her family
		09-VU-03567 (D22/3261)	Enslavement in Krala commune in Kampong Cham Province	Applicant and members of her family
		09-VU-02064 (D22/3025)	Enslavement in Ampil Thum Village, Kampong Chhnang Province	Members of the Applicant's family
		09-VU-02191 (D22/3103)	Enslavement in Chhuk District of Kampot Province	Applicant and members of her family
		09-VU-02193 (D22/3105)	Enslavement in Kampong Chhnang Province	Applicant
		09-VU-02201 (D22/3112)	Enslavement in Thmar Poun Village in Kampong Cham Province	Applicant and members of her family
		09-VU-03556 (D22/3250)	Enslavement in Trapeang Ruessei Village in Kampong Cham Province	Applicant
		09-VU-03559 (D22/3253)	Imprisonment at a security centre at Phnom Pros Pnom Srei, Kampong Cham Province	Applicant's father
		09-VU-03560 (D22/3254)	Enslavement in Vihear Village and in	Applicant and his

⁸² Order on the Admissibility of Civil Party Applicants from Current Residents of Kampong Cham Province, 15 September 2010, D426 (“Impugned Order D426”).

⁸³ Appeal Against Order on the Admissibility of Civil Party Applicants from Current Residents of Kampong Cham Province, 26 September 2010, D426/2/1 (“Appeal PTC 109”).

Annex – Civil party applications admissible in the view of the Majority (Judge Marchi-Uhel dissenting)



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

			Reay Pay Village, both in Kampong Cham Province.	family
		09-VU-03561 (D22/3255)	Enslavement in Ampil Chrum Village, Kampong Cham Province	Applicant and her family
	PTC 110⁸⁴	08-VU-01329 (D22/2639)	Enslavement in Kampong Cham Province	Applicant
		09-VU-03739 (D22/3392)	Enslavement in Khsat Village, Kratie Province	Applicant's mother and older sister
		09-VU-03742 (D22/3395)	Enslavement and other inhumane acts through attacks against human dignity in a mobile unit	Applicant
		08-VU-00705 (D22/924)	Persecution on political grounds (other inhumane acts through enforced disappearances) in Trapeang Chrey Village, Kampong Thom Province	Applicant's siblings, (taken to be re-educated)
		08-VU-01326 (D22/1873)	Enslavement in Takeo Province	Applicant and her husband
		09-VU-03676 (D22/3341)	Persecution on political grounds (murder) in Kaoh Prong Village, Kaoh Mitt Sub-District, Kampong Siem District, Kampong Cham Province	Applicant's older brother (accused of belonging to the Vietcong)
		09-VU-03699 (D22/3364)	Enslavement and other inhumane acts through attacks against human dignity in Kampong Cham Province	Applicant's mother
		09-VU-03734 (D22/3388)	Enslavement and other inhumane acts through attacks against human dignity in Andoung Pou Village, Krala Sub-District, Kampong Siem District, Kampong Cham Province	Applicant

⁸⁴ Appeal Brief Against Order on the Admissibility of Civil Party Applicants from Current Residents of Kampong Cham, 27 September 2010, D426/3/1 ("Appeal PTC 110").

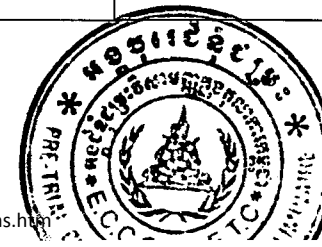
Annex – Civil party applications admissible in the view of the Majority (Judge Marchi-Uhel dissenting)



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		09-VU-03747 (D22/3400)	Enslavement in a forest in Chamkar Leu District, Kampong Cham Province	Applicant
		10-VU-00124 (D22/3717)	Enslavement and other inhumane acts through attacks against human dignity in Sameakki Village	Applicant
		10-VU-00144 (D22/3722)	Enslavement and other inhumane acts through attacks against human dignity in Dambang Daek Village, Kaoh Roak Sub-District, Kampong Siem District, Kampong Cham Province	Applicant
		08-VU-01321 (D22/911)	Enslavement in the Japanese factory in Chirou Kraom Ti Pir Sub-District, Tboung Khmum District, Kampong Cham Province	Applicant's son
		08-VU-01249 (D22/1863)	Enslavement in Kampong Cham Province	Applicant
		08-VU-01325 (D22/599)	Enslavement at a rubber plantation in Tboung Khmum District, Kampong Cham Province	Applicant's nine siblings
		08-VU-01350 (D22/2047)	Persecution on political grounds (murder) in Tboung Khmum District, Kampong Cham Province	Applicant's three sons (taken to be re-educated)
		08-VU-01904 (D22/0181)	Persecution on political grounds (other inhumane acts through enforced disappearances) at Wat Roka Khmuoch, Kampong Cham Province	Applicant's younger sister and brother (taken to be re-educated)
		08-VU-03611 (D22/3303)	Enslavement in Kampong Cham Province	Applicant's husband
		09-VU-03667 (D22/3332)	Persecution on political grounds (murder) in Twat Prey Preah in Prey Totueng Village, Mien Sub-District, Prey Chhor District, Kampong Cham Province	Applicant's father (accused of being an enemy)

Annex – Civil party applications admissible in the view of the Majority (Judge Marchi-Uhel dissenting)

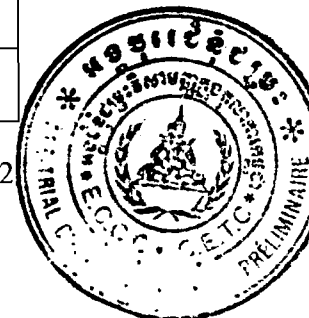


002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		09-VU-03668 (D22/3333)	Persecution on political grounds (other inhumane acts through enforced disappearances) in Krouch Kor Sub-District, Prey Chhor District, Kampong Cham Province	Applicant's father (taken to be re-educated)
		09-VU-03670 (D22/3335)	Enslavement in a security center in Krouch Village, Kampong Cham Province	Applicant
		09-VU-03672 (D22/3337)	Enslavement and other inhumane acts through attacks against human dignity in Dambang Daek Village, Kaoh Roka Sub-District, Siem District, Kampong Cham Province	Applicant and her children
		09-VU-03675 (D22/3340)	Enslavement in Phnom Bros Phonm Srei, Kampong Cham Province	Applicant's uncle
		09-VU-03678 (D22/3343)	Enslavement at various locations, including Truoch Chek Dam, in Kampong Cham Province	Applicant
		09-VU-03692 (D22/3357)	Enslavement and other inhumane acts through attacks against human dignity in Ou Dar Village, Svay Teab Sub-District, Chamkar Leu District, Kampong Cham Province	Applicant
		09-VU-03693 (D22/3358)	Other inhumane acts through forced transfer from Paen Mey Village, Trean Sub-District, Kampong Siem District, Kampong Cham Province to Tuol Sambour Village, Tuol Sambour Sub-District in Kratie Province	Applicant and members of her family
		09-VU-03695 (D22/3360)	Persecution on political grounds (murder) in Tuol Beng security office, Kampong	Applicant's uncle (accused of betraying)

Annex – Civil party applications admissible in the view of the Majority (Judge Marchi-Uhel dissenting)

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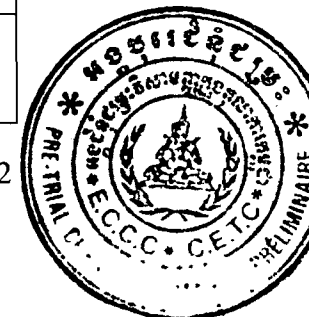


002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

			Cham Province	Angkar)
		09-VU-03700 (D22/3365)	Other inhumane acts through forced transfer from Andoung Pou Village, Krala Sub-District, Kampong Siem District, Kampong Cham Province to Tuol Sambour, Kratie Province	Members of the Applicant's family
		09-VU-03703 (D22/3368)	Enslavement in Kampong Cham Province	Applicant
		09-VU-03708 (D22/2438)	Enslavement in Kampong Siem District, Kampong Cham Province	Applicant and members of his family
		09-VU-03709 (D22/2439)	Enslavement at Phnom Bros Phnom Srey, Kampong Cham Province	Applicant
		09-VU-03713 (D22/3994)	Enslavement and other inhumane acts through attacks against human dignity in Tuo Romeas Sub-District in Kampong Cham Province	Applicant
		09-VU-03714 (D22/3374)	Enslavement and other inhumane acts through attacks against human dignity in Andoung Pou Village, Krala Sub-District, Kampong Siem District, Kampong Cham Province	Applicant's wife
		09-VU-03715 (D22/3375)	Enslavement in Ou Dar Village, Svay Teab Sub-District, Chamkar Leu District, Kampong Cham Province	Applicant and her husband
		09-VU-03718 (D22/2440)	Enslavement in a mobile unit in Trapeang Ruessei Village, Krala Sub-District, Kampong Siem District, Kampong Cham Province	Applicant
		09-VU-03719 (D22/2441)	Enslavement in Andoung Pou Village, Krala Sub-District, Kampong Siem District, Kampong Cham Province	Applicant

Annex – Civil party applications admissible in the view of the Majority (Judge Marchi-Uhel dissenting)

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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		09-VU-03720 (D22/2442)	Enslavement in Andoung Pou Village, Krala SubDistrict, Kampong Siem District, Kampong Cham Province	Applicant
		09-VU-03725 (D22/3380)	Enslavement in Trepeang Russei Village, Krala Sub-District, Kampong Siem District, Kampong Cham Province	Applicant
		09-VU-03727 (D22/3382)	Murder at Chamkar Kô security center, in Chamkar Kô Village, East Zone, Kampong Cham Province	Applicant's brother
		09-VU-03728 (D22/3383)	Enslavement in Thnuol Village, Kampong Cham Province	Applicant
		09-VU-03730 (D22/3384)	Imprisonment and other inhumane acts through enforced disappearance at security center in Kroch Kor	Applicant's sibling
		09-VU-03732 (D22/3386)	Murder at Angkuonh Dei prison, in Krala Sub-District, Kampong Siem District, Kampong Cham Province	Applicant's son
		09-VU-03733 (D22/3387)	Enslavement in Kratie Province	Applicant
		09-VU-03735 (D22/3389)	Enslavement in Bos Khnaor Village (in a children unit in so far as the Applicant his concerned)	Applicant and members of her family
		09-VU-03737 (D22/3391)	Enslavement in Kang Meas Village, Norkor Ban Sub-District (which may correspond to Angkor Ban Sub-District, Kang Meas District) and various places in Kaoh Roka Sub-District, Kampong Siem District, Kampong Cham Province	Applicant and her mother
		09-VU-03740 (D22/3393)	Persecution on racial grounds (murder) in Kokor Village, Kokob Sub-District, probably in Kampong Siem District,	Applicant's father (accused being Vietnamese)

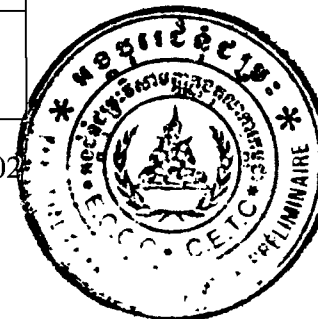


002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

			Kampong Cham Province	
		09-VU-04223 (D22/3610)	Persecution on political grounds (murder) in Krala Village, Kampong Cham Province	Applicant's older brother (a former Lon Nol soldier)
		10-VU-00116 (D22/2545)	Enslavement in Kampong Siem District, Kampong Cham Province	Applicant
		10-VU-00117 (D22/2546)	Enslavement in Stany Boeng Thum (probably Boeng Thum worksite), Kampong Cham Province	Applicant
		10-VU-00122 (D22/3716)	Enslavement in Bos Khnaor Sub-District, Chamkar Leu District, Kampong Cham Province	Applicant
		10-VU-00125 (D22/2549)	Enslavement at various locations in Kampong Siem District, Kampong Cham Province	Applicant
		10-VU-00127 (D22/3719)	Enslavement and other inhumane acts through attacks against human dignity at Anlong Snouk Village, Kampong Cham Province	Applicant
		10-VU-00129 (D22/2551)	Enslavement in Rong Damrei Village, Kampong Cham Province	Applicant
		10-VU-00130 (D22/3720)	Enslavement in Kouk Kream Village, Vihear Thum Sub-District, Kampong Siem District, Kampong Cham Province	Applicant
		10-VU-00133 (D22/3721)	Enslavement at various locations in Kampong Siem District, Kampong Cham Province	Applicant
		10-VU-00135 (D22/2554)	Enslavement in Ou Romiet Village, Ta Ong Sub-District, Chankar Leu District, Kampong Cham Province	Applicant

Annex – Civil party applications admissible in the view of the Majority (Judge Marchi-Uhel dissenting)

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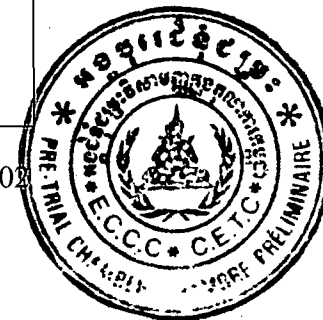


002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		10-VU-00136 (D22/3723)	Enslavement in Kaoh Ka Village and Popeak Village, both in Kampong Cham Province	Applicant
		10-VU-00137 (D22/3724)	Enslavement in Andoung Svay Village, Vihear Thum Sub-District, Kampong Siem District, Kampong Cham Province	Applicant and her husband
		10-VU-00138 (D22/2555)	Enslavement in Krouk Kream Village, Vihear Thum Sub-District, Kampong Siem District, Kampong Cham Province	Applicant
		10-VU-00142 (D22/2557)	Enslavement at Kdei Boeng Worksite, Kouk Kream Village, Kampong Cham Province	Applicant
		10-VU-00143 (D22/2558)	Enslavement in a teenager mobile unit, in Chamkar Leu and Kampong Siem Districts, Kampong Cham Province	Applicant
		10-VU-00144 (D22/2559)	Enslavement in Anlong Snouk Village, Kampong Cham Province	Applicant
		10-VU-00146 (D22/2561)	Enslavement and other inhumane acts through attacks against human dignity in Kong Moha Village, Vihear Thum Sub-District, Kampong Siem District, Kampong Cham Province	Applicant
		10-VU-00149 (D22/2563)	Enslavement in Trapeang Tras Village and Veal Sav Sorn Dam, in Kampong Cham Province	Applicant
		10-VU-00152 (D22/3727)	Enslavement in Andoung Svay Village, probably in Vihear Thum Sub-District, Kampong Siem District, Kampong Cham Province and Chroy Chek Dam and Pyeam Prum Dam, in Lpeak Village, Srak	Applicant

Annex – Civil party applications admissible in the view of the Majority (Judge Marchi-Uhel dissenting)

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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

			Sub-District, Kampong Siem District, Kampong Cham Province	
		10-VU-00141 (D22/2556)	Enslavement and other inhumane acts through attacks against human dignity in Kouk Kream Village, Vihear Thum Sub-District, Kampong Siem District, Kampong Cham Province and Chroy Chek Dam in Trean Sub-District, Kampong Siem District, Kampong Cham Province	Applicant
		10-VU-00154 (D22/3728)	Enslavement and other inhumane acts through attacks against human dignity in Andoung Svay Village, Vihear Thum Sub-District, Kampong Siem District, Kampong Cham Province and Prey Chhor and Chamkar Leu Districts, Kampong Cham Province	Applicant
		10-VU-00155 (D22/3729)	Enslavement and other inhumane acts through attacks against human dignity in Trapeang Chrey Dam, in Trapeang Chrey Village, Krala Sub-District, Kampong Siem District, Kampong Cham Province and Sdech Korn in Kampong Siem District, Kampong Cham Province	Applicant
		10-VU-00156 (D22/2567)	Enslavement and other inhumane acts through attacks against human dignity in Kaoh Roka Village, Kaoh Roka Sub-District, Kampong Siem District, Kampong Cham Province	Applicant
		10-VU-00158 (D22/2569)	Enslavement and other inhumane acts	Applicant's parents

Annex – Civil party applications admissible in the view of the Majority (Judge Marchi-Uhel dissenting)



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

			through attacks against human dignity in Kampong Roling Village, Kaoh Roka Sub-District, Kampong Siem District, Kampong Cham Province	
		10-VU-00160 (D22/3730)	Enslavement in Anlong Snouk Village, Kampong Cham Province	Applicant
		10-VU-00161 (D22/2571)	Enslavement and other inhumane acts through attacks against human dignity in Kaoh Roka Village, Kaoh Roka Sub-District, Kampong Siem District, Kampong Cham Province	Applicant
		10-VU-00162 (D22/2572)	Enslavement and other inhumane acts through attacks against human dignity in Trapeang Chrey Village, Krala Sub-District, Kampong Siem District, Kampong Cham Province and Bos Khnaor Village, Chham Naom Sub-District, Chamkar Leu District, Kampong Cham Province	Applicant
		10-VU-00163 (D22/2573)	Enslavement and other inhumane acts through attacks against human dignity in Ta Man Dam, in Krakor Village, Kampong Siem District, Kampong Cham Province	Applicant
		10-VU-00164 (D22/2574)	Enslavement and other inhumane acts through attacks against human dignity in Bos Khnaor Sub-District, Chamkar Leu District, Kampong Cham Province	Applicant
		10-VU-00165 (D22/3731)	Enslavement in Chranaom Village, Kampong Cham Province	Applicant

Annex – Civil party applications admissible in the view of the Majority (Judge Marchi-Uhel dissenting)

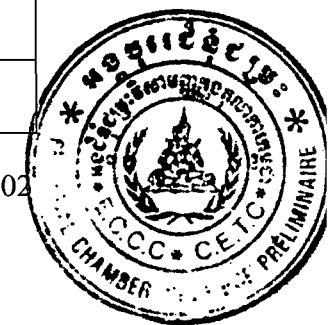


002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		10-VU-00166 (D22/2575)	Enslavement and other inhumane acts through attacks against human dignity in Chhmè Village, said to be located in Prey Chhor District, Kampong Cham Province	Applicant
		10-VU-00167 (D22/2576)	Enslavement to Speu Village, Kampong Cham Province	Applicant
		10-VU-00168 (D22/3732)	Enslavement and other inhumane acts through attacks against human dignity in at various locations in Kampong Siem and Prey Chhor Districts, Kampong Cham Province	Applicant
		10-VU-00172 (D22/3735)	Enslavement in Kaoh Ta Ngao Village, Kaoh Ta Ngao Sub-District, Kang Meas District, Kampong Cham Province	Applicant
		10-VU-00174 (D22/2579)	Other inhumane acts through attacks against human dignity in the children's unit in Krasang Pul Village, Mien Sub-District, Prey Chhor District, Kampong Cham Province	Applicant
		10-VU-00175 (D22/2580)	Enslavement and other inhumane acts through attacks against human dignity in Anlong Snouk Village, Kampong Cham Province	Applicant
		10-VU-00177 (D22/3736)	Enslavement and other inhumane acts through attacks against human dignity in Prey Phdau Village, Vihear Thum Sub-District, Kampong Siem District, Kampong Cham Province	Applicant
		10-VU-00178 (D22/2582)	Enslavement and other inhumane acts through attacks against human dignity in	Applicant

Annex – Civil party applications admissible in the view of the Majority (Judge Marchi-Uhel dissenting)

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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

			Preaek Ouv Chrueng Village, Preaek Rumeng Sub-District, Srei Santhor District, Kampong Cham Province	
		10-VU-00179 (D22/2583)	Enslavement in Anduong Svay Village, Kampong Cham Province	Applicant
		10-VU-00350 (D22/3775)	Enslavement and other inhumane acts through attacks against human dignity in Kokor Village in Kokor Sub-District and Prek Chik Dam in Preaek Chik Village, Kaoh Roka Sub-District, both in Kampong Siem District, Kampong Cham Province	Applicant
		10-VU-03673 (D22/3338)	Persecution on political grounds (other inhumane acts through enforced disappearance) in Kampong Cham town, Kampong Cham Province	Applicant's husband (a former Lon Nol soldier, taken to be re-educated)
		09-VU-03701 (D22/3366)	Enslavement and other inhumane acts through attacks against human dignity in Trapeang Tras Village, Krala Sub-District, Kampong Siem District, Kampong Cham Province	Applicant
		09-VU-03702 (D22/3367)	Enslavement and other inhumane acts through attacks against human dignity in Tropoang Chrey Village, Krala Sub-District, Kampong Siem District, Kampong Cham Province	Applicant
		10-VU-03706 (D22/3370)	Enslavement in a children's unit in Khsat Village and in Ta Mau Kraom Village, both in Kratie Province	Applicant
		09-VU-03726 (D22/3381)	Enslavement in Andoung Pou Village,	Applicant

Annex – Civil party applications admissible in the view of the Majority (Judge Marchi-Uhel dissenting)

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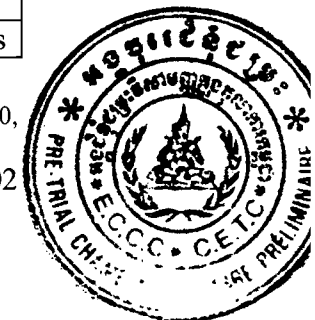


002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

			Krala Sub-District, Kampong Siem District, Kampong Cham Province	
		09-VU-03731 (D22/3385)	Enslavement in Ou Tra Kuon, Kampong Cham Province	Applicant
		10-VU-00120 (D22/3715)	Persecution on political grounds in Kampong Cham town, Kampong Cham Province	Applicant's child, sibling and nephew (former Lon Nol soldiers)
		08-VU-01251 (D22/0965)	Persecution on political grounds (murder) in Phnom Bros Phnom Srei, Kampong Cham Province	Applicant's sister (perceived to be an enemy)
		10-VU-00581 (D22/3839)	Enslavement and other inhumane acts through attacks on human dignity in Andoung Pou Village, Kampong Cham Province	Applicant
		10-VU-00582 (D22/3840)	Enslavement and other inhumane acts through attacks on human dignity at various locations in Kampong Cham Province	Applicant and Applicant's father
		09-VU-03681 (D22/3346)	Enslavement and other inhumane acts through attacks on human dignity at a Security Centre in 304 sector in Kampong Cham Province	Applicant
		10-VU-00153 (D22/2566)	Enslavement in Anduong Svay Village, Kampong Cham Province	Applicant
	PTC 111 ⁸⁵	09-VU-00828 (D22/0547)	Enslavement in Prey Chhor District, Kampong Cham Province	Applicant
		09-VU-02491 (D22/2267)	Other inhumane acts through forced	Applicant and members

⁸⁵ *Requête d'appel d'ordonnance sur la recevabilité des constitutions de parties civiles résidant dans la province de Kampong Cham*, 27 September 2010, D426/4/1. A corrected version of the Appeal was filed on 29 November 2010 ("Appeal PTC 111").

Annex – Civil party applications admissible in the view of the Majority (Judge Marchi-Uhel dissenting)

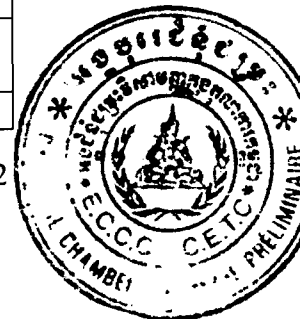


002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

			transfer from Tuol Kandal Village in Kampong Cham Province	of his family
		09-VU-02492 (D22/2268)	Imprisonment and murder in a prison in Tboung Khmum District, Kampong Cham Province	Applicant's husband
		09-VU-02506 (D22/3134)	Enslavement in Thboung Khmun District, Kampong Cham Province.	Applicant's two sons
		09-VU-02507 (D22/2281)	Enslavement in Thboung Khmun District, Kampong Cham Province.	Applicant's son
		09-VU-02509 (D22/2283)	Other inhumane acts through forced transfer to Aekkapheap Pram Village in Kampong Cham Province	Applicant
		09-VU-02510 (D22/3135)	Enslavement at an unspecified location within Cambodia	Applicant and his parents
		09-VU-02511 (D22/3136)	Persecution on political grounds (murder) in Kratie Province	Applicant's husband (accused of betraying Angkar)
		09-VU-03403 (D22/2399)	Enslavement and other inhumane acts through attacks against human dignity in Kang Meas District, Kampong Cham Province	Applicant's father
		09-VU-03408 (D22/2403)	Enslavement in Kang Meas District, Kampong Cham Province	Applicant's child
		09-VU-03413 (D22/2408)	Enslavement at an unspecified location within Cambodia	Applicant's father
		09-VU-03580 (D22/3274)	Enslavement in Ou Reang Ov District in Kampong Cham Province	Applicant
		09-VU-03582 (D22/3276)	Enslavement at an unspecified location within Cambodia	Applicant
		09-VU-03583 (D22/3277)	Enslavement at an unspecified location	Applicant

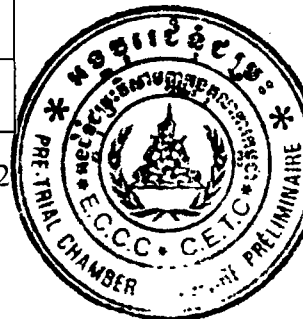
Annex – Civil party applications admissible in the view of the Majority (Judge Marchi-Uhel dissenting)

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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

			within Cambodia	
		09-VU-03586 (D22/3280)	Enslavement in Kampong Cham Province	Applicant
		09-VU-03587 (D22/3281)	Enslavement at an unspecified location within Cambodia	Applicant
		09-VU-03597 (D22/3290)	Enslavement at an unspecified location within Cambodia	Applicant's siblings
		09-VU-03600 (D22/3293)	Enslavement at an unspecified location within Cambodia	Applicant
		09-VU-03601 (D22/3294)	Enslavement in Kampong Chhnang Province	Applicant
		09-VU-03606 (D22/3298)	Enslavement in Kampong Siem District, Kampong Cham Province	Applicant
		09-VU-03609 (D22/3301)	Enslavement in Kampong Siem District, Kampong Cham Province	Applicant, her parents and her siblings
		09-VU-03610 (D22/3302)	Other inhumane acts through forced transfer from Trapeang Chrey Village in Kampong Cham Province to Cheyyou Sub-District, Kampong Cham Province	Applicant and members of her family
		09-VU-03612 (D22/3304)	Imprisonment and murder in a security centre at Sector 42, Pros Mountain Srey Mountain, Central Zone in Kampong Cham Province	Applicant's older brother
		09-VU-03614 (D22/3306)	Enslavement in Kampong Cham Province	Applicant and her husband
		09-VU-03615 (D22/3307)	Enslavement in Kampong Siem District, Kampong Cham Province	Applicant and her husband
		09-VU-04161 (D22/3566)	Enslavement at an unspecified location within Cambodia	Applicant's two older brothers
		09-VU-04167 (D22/3572)	Enslavement and re-education leading to death of relatives at an unspecified	Members of the Applicant's family



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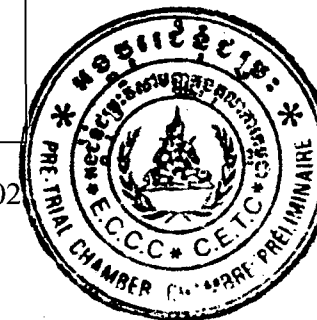
			location within Cambodia	(including uncle, and brother)
		09-VU-04168 (D22/3573)	Enslavement Thoung Khmum District, Kampong Cham Province	Applicant's older sibling
		09-VU-04330 (D22/2488)	Enslavement in Snoul District, Kratie Province	Applicant and members of his family
		10-VU-00385 (D22/3807)	Enslavement in Kampong Siem District, Kampong Cham Province	Applicant
		10-VU-00386 (D22/3808)	Enslavement and other inhumane acts through forced transfer at an unspecified location within Cambodia	Applicant
		10-VU-00387 (D22/3809)	Enslavement and other inhumane acts through forced transfer at an unspecified location within Cambodia	Applicant
		10-VU-00418 (D22/2588)	Enslavement in Kampong Cham Province	Applicant's husband
		10-VU-00419 (D22/2589)	Persecution on political grounds (murder) in Kampong Siem District, Kampong Cham Province.	Applicant's husband and two older brothers (perceived enemy)
		10-VU-00422 (D22/2592)	Persecution on political grounds (murder) in Kampong Siem District, Kampong Cham Province.	Applicant's younger brothers-in-law (perceived enemy)
		07-VU-00002 (D22/1271)	Persecution on political grounds (murder) in Treang District, Takeo Province	Applicant's two brothers (killed because they were former Lon Nol soldiers)
		08-VU-00008 (D22/1300)	Persecution on political grounds (murder and inhumane acts through enforced disappearance) in Tboung Kkmum District, Kampong Cham Province	Applicant two siblings (taken away to be re-educated)
		08-VU-01907 (D22/0182)	Persecution on political grounds	Applicant's older

Annex – Civil party applications admissible in the view of the Majority (Judge Marchi-Uhel dissenting)



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

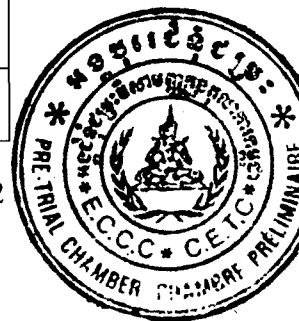
			(inhumane acts through enforced disappearance) from Tboung Kkmum District, Kampong Cham Province	brother, older sister-in-law and three of the applicant's younger brothers (taken to be re-educated)
		08-VU-00728 (D22/738)	Persecution on political grounds (murder) in Kouk Totea village, Kampong Cham province	Applicant's older brother (assumed to have been perceived as an enemy)
		08-VU-01916 (D22/949)	Other inhumane acts through forced transfer from Chrey Ro Young village to Wat Kôk Ches, Kandal province	Applicant
		08-VU-01250 (D22/970)	Persecution on political grounds (murder) in a pit in Chamkar Andoung sub-district, Kampong Cham province	Applicant's cousin (assumed to have been perceived as an enemy)
		08-VU-00195 (D22/1293)	Persecution on political or racial grounds (murder) in Kampong Cham province	Applicant's family members (accused of being Vietnamese, Chinese or soldiers)
		08-VU-01910 (D22/1060)	Persecution on political grounds (murder) in Kbal Romeas village, probably located in Pursat province	Applicant's elder sister and her husband (assumed to have been perceived as an enemy)
		10-VU-00421 (D22/2591)	Persecution on political grounds (murder) in Vihear village, Kampong Cham province	Applicant's brothers (assumed to have been perceived as enemies)
		10-VU-00420 (D22/2590)	Persecution on political grounds (murder) in Kouk Totea village, Kampong Cham province	Applicant's brother-in-law (assumed to have been perceived as an enemy)



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		09-VU-03417 (D22/2412)	Persecution on political grounds (inhumane acts through enforced disappearance) from Andoung Ta Ong village, Kampong Cham province	Applicant's father (assumed to have been perceived as an enemy)
		09-VU-02512 (D22/2284)	Persecution on political grounds (murder) at an unknown location in Cambodia	Applicant's younger brother and sister (assumed to have been perceived as enemies)
		10-VU-00970 (D22/3969)	Persecution on political grounds (murder) in Phnum Bros, Kampong Cham province	Applicant's father and four of her relatives (assumed to have been perceived as enemies)
		09-VU-03602 (D22/3295)	Persecution on political grounds (murder) in Ta Meang village, Kampong Cham province	Applicant's husband (assumed to have been perceived as an enemy)
		07-VU-00025 (D22/1283)	Persecution on racial grounds against the Vietnamese (murder) in Tboung Khmum District, Kampong Cham Province	Applicant (witnessed people who were told to have a Vietnamese head being brought to be killed)
		07-VU-00026 (D22/1282)	Other inhumane acts through forced transfer by boat from Roka Thum village, Kampong Cham province	Applicant's father
		07-VU-00024 (D22/1274)	Persecution on political grounds (murder) in Andaung Prampi La-veng village, Kampong Cham province	Applicant's father-in-law (a former chief of village, assumed to have been perceived as an enemy)
		07-VU-00017 (D22/1276)	Persecution on political grounds (murder) at Pongro Village, Kampong Cham	Applicant witnessed 6 families, assumed to

Annex – Civil party applications admissible in the view of the Majority (Judge Marchi-Uhel dissenting)



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

			Province	have been perceived as enemies, being taken away to be killed by the Unit Chief
		08-VU-01915 (D22/0948)	Other inhumane acts through forced transfer to the North Zone in 1975	Applicant's father, brothers and sisters
		08-VU-01358 (D22/2641)	Enslavement in Tboung Khmum District, Kampong Cham Province	Applicant
		09-VU-04318 (D22/2487)	Enslavement and other inhumane acts through attacks on human dignity in Chi Kraeng District, Siem Reap Province	Applicant
		09-VU-02505 (D22/3133)	Persecution on political grounds (murder) in Chirou Kraom Ti Pir Village, Chirou Ti Muoy Sub-District, Kampong Cham Province	Applicant's brothers (accused of being traitors)
		08-VU-00655 (D22/1709)	Enslavement in Prey Chor District, Kampong Cham Province	Applicant
		08-VU-01200 (D22/1431)	Enslavement in Ou Reang Ov District in Kampong Cham Province	Applicant
		09-VU-04331 (D22/2489)	Enslavement in Snoul District, Kratie Province	Applicant
		09-VU-04333 (D22/2491)	Enslavement and other inhumane acts through attacks on human dignity in Kratie Province	Applicant and members of his family
		09-VU-04164 (D22/3569)	Enslavement and other inhumane acts through attacks on human dignity in Tboung Khmum District, Kampong Cham Province	Applicant
		08-VU-00637 (D22/1629)	Enslavement and other inhumane acts through attacks on human dignity in Prey	Applicant

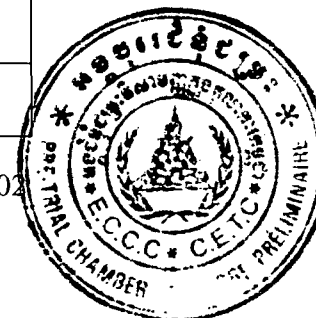


002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

			Chhor District, Kampong Cham Province	
		09-VU-00765 (D22/1544)	Enslavement and other inhumane acts through attacks on human dignity in Prey Chhor District, Kampong Cham Province	Applicant
		09-VU-00820 (D22/1453)	Enslavement and other inhumane acts through attacks on human dignity in Prey Chhor District, Kampong Cham Province	Applicant
		09-VU-00825 (D22/1483)	Enslavement and other inhumane acts through attacks on human dignity in Kampong Cham Province	Applicant
		09-VU-00826 (D22/1647)	Enslavement and other inhumane acts through attacks on human dignity in Kampong Cham Province	Applicant
		09-VU-00315 (D22/1472)	Enslavement and other inhumane acts through attacks on human dignity in Batheay District in Kampong Cham Province	Applicant
		09-VU-00821 (D22/1452)	Enslavement and other inhumane acts through attacks on human dignity in Prey Chhor District, Kampong Cham Province	Applicant
		09-VU-01341 (D22/1635)	Persecution on political grounds (murder) in Steung Trang District, Kampong Cham Province	Applicant's older brother and sister (perceived to be enemies)
		10-VU-00384 (D22/3806)	Enslavement and other inhumane acts through attacks on human dignity in Chmkar Leu District, Kampong Cham Province	Applicant
		08-VU-01238 (D22/1402)	Persecution on political grounds (murder) in Prey Chhor District, Kampong Cham	Applicant's siblings (accused of being

Annex – Civil party applications admissible in the view of the Majority (Judge Marchi-Uhel dissenting)

93/10

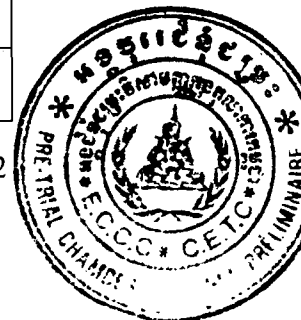


002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		Province	spies)
	08-VU-01240 (D22/1407)	Persecution on political grounds (murder) in Kampong Siem District, Kampong Cham Province	Applicant's younger sister (accused of being related to the CIA)
	08-VU-01320 (D22/1636)	Enslavement and other inhumane acts through attacks against human dignity in Prey Chhor District, Kampong Cham Province	Applicant's older sister
	08-VU-01908 (D22/183)	Persecution on political grounds (other inhumane acts through enforced disappearance) in Tboung District, Kampong Cham Province	Applicant's husband (accused of being a traitor)
	09-VU-01903 (D22/180)	Persecution on political grounds (other inhumane acts through enforced disappearance) at an unspecified location in Cambodia	Applicant's older and younger sister, and her husband (taken to be reeducated)
	08-VU-01327 (D22/913)	Enslavement at an unspecified location within Cambodia	Applicant and his family
	08-VU-01349 (D22/916)	Enslavement in Tboung Khmum District, Kampong Cham Province	Applicant's two nephews
	08-VU-01354 (D22/975)	Enslavement at an unspecified location within Cambodia	Applicant's father
	08-VU-0163 (D22/976)	Enslavement in Kampong Siem District, Kampong Cham Province	Applicant
	08-VU-00742 (D22/988)	Enslavement in Kampong Siem District, Kampong Cham Province	Applicant
	08-VU-00009 (D22/1016)	Enslavement in Tbaung Khmum District, Kampong Cham Province	Applicant
	08-VU-01911 (D22/1061)	Persecution on political grounds (other inhumane acts through enforced	Applicant's older brother, taken to be

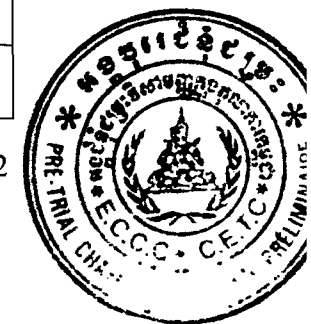
Annex – Civil party applications admissible in the view of the Majority (Judge Marchi-Uhel dissenting)

94/102



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

			disappearance) in Kampong Cham Province	reeducated
		09-VU-03585 (D22/3279)	Enslavement at an unspecified location within Cambodia	Applicant's older brother
		09-VU-03613 (D22/3305)	Enslavement in Kampong Cham Province	Applicant
		09-VU-04156 (D22/3561)	Enslavement in Kampong Siem District, Kampong Cham Province	Applicant and members of his family
		10-VU-00966 (D22/3965)	Persecution on political grounds (murder)	Applicant's older sister and younger brother (killed because the applicant's older sister was a Lon Nol soldier)
		09-VU-02499 (D22/2275)	Imprisonment and murder in a prison in Peam Chileang District, Sector 21 in the East Zone	Applicant's brother and his 3 children
		09-VU-02504 (D22/2280)	Persecution on political grounds (other inhumane acts through enforced disappearance) in Kampong Cham Province	Applicant's son (taken to be re-educated)
		09-VU-02508 (D22/2282)	Enslavement and other inhumane acts through attacks on human dignity in Prey Chhor District, Kampong Cham Province	Applicant, members of his family and relatives
		09-VU-03409 (D22/2404)	Enslavement at an unspecified location within Cambodia	Applicant's husband
		09-VU-03410 (D22/2405)	Enslavement at an unspecified location within Cambodia	Applicant's aunts
		09-VU-03414 (D22/2409)	Enslavement at an unspecified location within Cambodia	Applicant's older brother
		09-VU-03416 (D22/2411)	Enslavement at an unspecified location within Cambodia	Applicant

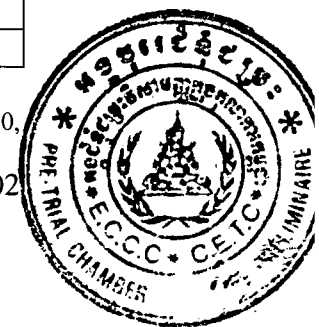


002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		08-VU-01906 (D22/2653)	Persecution on political grounds (other inhumane acts through enforced disappearance) in Kampong Cham	Applicant's older brother and his sister-in-law (taken to be reeducated)
		09-VU-03588 (D22/3282)	Enslavement in Kampong Cham Province	Applicant
	PTC 158 ⁸⁶	08-VU-1242 (D22/1405)	Persecution on political grounds (torture and murder) in Ou Thnong Village in Kampong Cham Province	Applicant's father (former Lon Nol soldier)
		08-VU-00236 (D22/1393)	Enslavement and other inhumane acts through attacks on human dignity in Srae Siem Village and Toung Village in Kampong Cham Province	Applicant
		08-VU-00724 (D22/0735)	Enslavement in Kampong Cham Province	Applicant
		08-VU-01322 (D22/0912)	Enslavement in a Japanese Factory in Chirou Kraom District, Kampong Cham Province	Applicant's brother
		08-VU-01241 (D22/1406)	Enslavement in Kampong Cham Province	Applicant
		08-VU-01243 (D22/1389)	Enslavement and other inhumane acts through attacks on human dignity in Kang Meas District, Kampong Cham Province	Applicant
		08-VU-01244 (D22/1377)	Enslavement in Chrak Sdau Village, Kampong Cham Province	Applicant
		08-VU-01247 (D22/1388)	Enslavement in Srak Village, Kampong Cham Province	Applicant
		08-VU-01248 (D22/1371)	Enslavement and other inhumane acts through attacks on human dignity in Srak Village, Kampong Cham Province	Applicant
		08-VU-01897 (D22/0179)	Persecution on political grounds (other	Applicant's father and

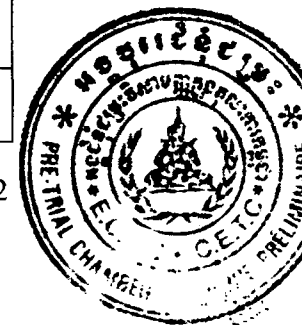
⁸⁶ Re-Filing of Appeal Against Order on the Inadmissibility of Civil Party Applicants from Current Residents of Kampong Cham Province, 27 October 2010, D426/6/1 ("Appeal PTC 158").

Annex – Civil party applications admissible in the view of the Majority (Judge Marchi-Uhel dissenting)



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

			inhumane acts through enforced disappearance) in Tboung Khmum District, Kampong Cham Province	brother (taken to be re-educated)
		09-VU-03605 (D22/3297)	Enslavement and other inhumane acts through attacks on human dignity in Kampong Cham Province	Applicant
		10-VU-00389 (D22/3811)	Enslavement and other inhumane acts through attacks on human dignity in Krala Sub-District, Kampong Siem District	Applicant
		07-VU-0003 (D22/1266)	Persecution on political grounds (murder) at Wat Borivath in Phnom Bros Mountain Base, Krala Sub-District, Kampong Siem District	Applicant's brother (former Lol Non soldier)
		08-VU-00735 (D22/2632)	Persecution on political grounds (murder) in Tuol Vihear Village, Chirou Ti Pir Sub-District, Thoung Khmum District, Kampong Cham Province	Applicant's husband (purges: accused of being a subordinate of Sao Phim)
		08-VU-00738 (D22/0987)	Enslavement at an unspecified location in Cambodia	Applicant
		08-VU-01239 (D22/1403)	Persecution on political grounds (murder) in Vihear Thum Sub-District, Kampong Siem District, Kampong Cham Province	Applicant's cousin (accused of betraying Angkar)
		08-VU-01245 (D22/1369)	Enslavement and other inhumane acts through attacks on human dignity in Sampov Srut, Kampong Cham Province	Applicant
		08-VU-01324 (D22/1878)	Enslavement in Kampong Cham Province	Applicant
		08-VU-01330 (D22/1862)	Enslavement at Peuk Village, Kampong Cham Province	Applicant
		08-VU-01351 (D22/0917)	Other inhumane acts through forced transfer from Kaoh Lung, Trapeang	Applicant

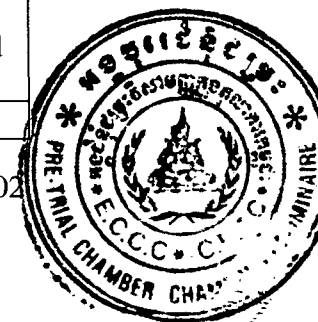


002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

			Ruessei Village, Dambae Sub-District, Kampong Cham Province	
		08-VU-01353 (D22/0918)	Enslavement in Kampong Cham Province	Applicant
		08-VU-02251 (D22/0867)	Enslavement and other inhumane acts through attacks on human dignity in Kampong Cham Province	Applicant
		09-VU-00323 (D22/1793)	Enslavement at an unspecified location in Cambodia	Applicant's sons
		09-VU-00324 (D22/1802)	Imprisonment and other inhumane acts through enforced disappearance at Tuol Beng Security Centre, Kampong Cham Province	Applicant's father
		09-VU-00343 (D22/1820)	Persecution on political grounds (murder) at Wat Ta Meas in Prey Chhor District, Kampong Cham Province	Applicant's father (accused of being an enemy)
		09-VU-00345 (D22/1813)	Persecution on political grounds (murder) in Tuol Ta Beng Security Centre, Kampong Cham Province	Applicant's husband (accused of being Khmer Sar)
		09-VU-00763 (D22/0548)	Enslavement and other inhumane acts through attacks on human dignity at various locations in Kampong Cham Province	Applicant
		09-VU-02500 (D22/2276)	Enforced disappearance in Ou Trakuon Security Centre, Kampong Cham Province	Applicant's step mother
		09-VU-03415 (D22/2410)	Persecution on political grounds at Phnom Broh-Phnom Srey Security Centre, Kampong Cham Province	Applicant's father, siblings and nieces and nephews
		09-VU-03589 (D22/3283)	Enslavement in Trapeang Chrey Village,	Applicant

Annex – Civil party applications admissible in the view of the Majority (Judge Marchi-Uhel dissenting)

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002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

			Kampong Cham Province	
		09-VU-03596 (D22/3289)	Enslavement in Khul Tuek Village, Kampong Cham Province	Applicant
		09-VU-04332 (D22/2490)	Enslavement and other inhumane acts through attacks on human dignity in Choeng Village, Kratie Province	Applicant's brother and uncle
		10-VU-00388 (D22/3810)	Enslavement and other inhumane acts through attacks on human dignity at an unspecified location in Cambodia	Applicant
		10-VU-00390 (D22/3812)	Enslavement and other inhumane acts through attacks on human dignity in Trapeang Tras Village, Kampong Cham Province	Applicant



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

IMPUGNED ORDER AND PTC DECISION RECONSIDERED	REQUEST FOR RECONSIDERATION	CIVIL PARTY APPLICANT REJECTED BY CIJs	ADMISSIBILITY FINDING	IMMEDIATE VICTIM
D250/3/2⁸⁷ D274/4/5 and D250/3/2/1/5⁸⁸	PTC 74⁸⁹	08-VU-02379 (D230/2/8, formerly D22/125)	Enslavement in Thmor Rieng Village, Kampong Chhnang Province	Applicant and members of his family
		08-VU-02380 (D230/2/11, formerly D22/171)	Enslavement in Kuy Village, Kampong Chhnang Province	Applicant, her husband and 2 children
		08-VU-02378 (D230/2/24, formerly D22/276)	Enslavement in Chranouk Sub-District, Kampong Chhnang Province	Applicant
		08-VU-02116 (D230/2/12, formerly D22/172)	Enslavement and other inhumane acts through attacks against human dignity in Chranouk Sub-District, Kampong Chhnang Province	Applicant and members of his family
		09-VU-01723 (D230/2/25, formerly D22/277)	Enslavement in Svay Rumpear Sub-District, Kampong Chhnang Province	Applicant and his brother
		09-Vu-01722 (D230/2/26, formerly D22/278)	Enslavement and other inhumane acts through attacks against human dignity in Chrolong Village, Kampong Chhnang Province	Applicant
		09-VU-02241 (D230/2/27, formerly D22/279)	Enslavement and other inhumane acts through attacks against human dignity in Kampong Chhnang Province	Applicant

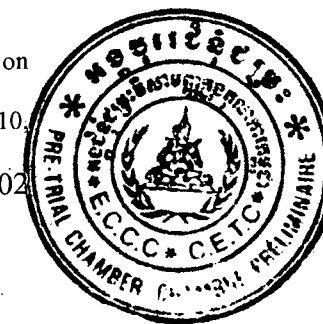
⁸⁷ Order on the Admissibility of Civil Party Applications Related to Request D250/3, 13 January 2010, D250/3/2 (“Impugned Order D250”).

⁸⁸ Decision on Appeals against Co-Investigating Judges’ Combined Order 250/3/3 dated 13 January 2010 and Order 250/3/2 dated 13 January 2010 on Admissibility of Civil Party Applications, 27 April 2010, D274/4/5 and D250/3/2/1/5.

⁸⁹ Appeal Against Order on the Admissibility of Civil Party Applicants from Current Residents of Kampong Chhnang Province (D417), 27 September 2010, D417/2/3 (“Appeal PTC 74”), part VII titled “Request for Reconsideration”.

Annex – Civil party applications admissible in the view of the Majority (Judge Marchi-Uhel dissenting)

100/102



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		09-VU-02242 (D230/2/28, formerly D22/280)	Deportation and persecution on racial grounds against the Vietnamese	Applicant (a Vietnamese who witnessed the deportation of Vietnamese from Cambodia to Vietnam)
		09-VU-02243 (D230/2/29, formerly D22/281)	Deportation from Kampong Chhnang Province to Vietnam in July 1975 and persecution on racial grounds against the Vietnamese	Applicant
		08-VU-02291 (D230/2/13, formerly D22/205)	Enslavement and other inhumane acts through attacks against human dignity in Pou Village and at the dam in Svay Rumpear Sub-district, Kampong Chhnang Province	Applicant and members of his family
		09-VU-02239 (D230/2/30, formerly D22/282)	Deportation from Cheung Kruos Village, Samraong Saen Sub-District, Kampong Leang District, Kampong Chhnang Province to Vietnam in May 1975 and persecution on racial grounds against the Vietnamese	Applicant and members of his family
		09-VU-02240 (D230/2/31, formerly D22/283)	Enslavement in Kamong Leang District, Kampong Chhnang Province	Applicant and members of his family
		09-VU-00687 (D22/230/2/32, formerly D22/284)	Enslavement at Kep Mountain, Kampong Chhnang Province	Applicant
		09-VU-00686 (D230/2/33, formerly D22/285)	Enslavement and other inhumane acts through attacks against human dignity at Kep Mountain, Kampong Chhnang Province	Applicant and members of his family



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 148, 149, 150, 151, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171)

		09-VU-00688 (D230/2/34, formerly D22/286)	Enslavement and other inhumane acts through attacks against human dignity at Kep Mountain, Kampong Chhnang Province	Applicant
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២១២/No: D411/3/6.3

002/19-09-2007-ECCC/OCIJ (PTC 76, 112, 113, 114, 115,
142, 157, 164, 165 and 172)**ANNEX CONCERNING CIVIL PARTY APPLICANT WHOSE APPLICATION
IS, IN THE VIEW OF THE MAJORITY, INADMISSIBLE****Appeals against Impugned Order D411 (Kampong Speu Province)¹****Appeal PTC 76²**

Civil Party Applicant 08-VU-02051 (D22/0360). The Applicant has described how her brother became a soldier in the army under Democratic Kampuchea for two years from 1975 and that he was wounded, returned home for a few days and was then summoned to the East Zone, from which he did not return. Whilst it is clearly recognised that the death of a loved one who is a soldier is a very sad and traumatising event for a sister, the facts provided by the Applicant do not relate to the implementation of a policy of the Khmer Rouge, any other like findings in the Closing Order, or any matter in respect of which the Accused are indicted, which would permit the admission of the Applicant to be joined as a civil party. Whilst there may be further facts available to the Applicant, unfortunately they have not been put before the Pre-Trial Chamber, which is only permitted to act upon the actual substance of the matters put before it. For these reasons the appeal is declined insofar as this Applicant is concerned. The Applicant shall remain classified as a complainant. *CR*

¹ Order on the Admissibility of Civil Party Applicants from Current Residents of Kampong Speu Province, 9 September 2010, D411 (“Impugned Order D411”).

² Appeal against Order on the Inadmissibility of Civil Party Applicants from Current Residents of Kampong Speu Province (D411), 20 September 2010, D411/8/3 (“Appeal PTC 76”).

Civil party applications inadmissible in the view of the Majority



ANNEX CONCERNING CIVIL PARTY APPLICANTS FOR WHOM THE PRE-TRIAL CHAMBER FINDS, UNANIMOUSLY, THAT IT IS PLAUSIBLE THAT THEY SUFFERED A HARM AS A RESULT OF AT LEAST ONE CRIME FOR WHICH THE ACCUSED ARE INDICTED

IMPUGNED ORDER	APPEAL	CIVIL PARTY APPLICANT REJECTED BY CIJs	ADMISSIBILITY FINDING	IMMEDIATE VICTIM
D411 (Kampong Speu Province)¹	PTC 76²	08-VU-01222 (D22/1401) ³	Phase 1 of forced transfer	Applicant's father-in-law ⁴
		08-VU-01227 (D22/1411) ⁵	Forced marriage	Applicant's younger brother ⁶
		08-VU-01306 (D22/1013) ⁷	Phase 1 of forced transfer	Applicant's uncle ⁸
		09-VU-02516 (D22/2288) ⁹	Phase 1 of forced transfer	Applicant's parents, aunts, uncles and grand mother ¹⁰
		09-VU-02517 (D22/2289) ¹¹	Forced marriage	Applicant ¹²
		09-VU-02521 (D22/2293) ¹³	Forced marriage	Applicant's older brother ¹⁴

¹ Order on the Admissibility of Civil Party Applicants from Current Residents of Kampong Speu Province, 9 September 2010, D411.

² Appeal against Order on the Inadmissibility of Civil Party Applicants from Current Residents of Kampong Speu Province (D411), 20 September 2010, D411/8/3 ("PTC 76").

³ Harm is not linked to the facts under investigation (Impugned Order D411, para. 27 and Annex 3).

⁴ Supporting documentation filed by the Co-Lawyers, D411/3/31.

⁵ Harm is not linked to the facts under investigation (Impugned Order D411, para. 27 and Annex 3).

⁶ Supporting documentation filed by the Co-Lawyers, D411/3/6.

⁷ Insufficient information to verify compliance with Rule 23 *bis* (1) and (4) (Impugned Order D411, para. 28 and Annex 3).

⁸ Supporting documentation filed by the Co-Lawyers, D411/3/18.

⁹ Harm is not linked to the facts under investigation (Impugned Order D411, para. 27 and Annex 3).

¹⁰ Supporting documentation filed by the Co-Lawyers, D411/3/3.

¹¹ Harm is not linked to the facts under investigation (Impugned Order D411, para. 27 and Annex 3).

¹² Supporting documentation filed by the Co-Lawyers, D411/3/19.

¹³ Harm is not linked to the facts under investigation (Impugned Order D411, para. 27 and Annex 3).

¹⁴ Supporting documentation filed by the Co-Lawyers, D411/3/28.

Civil party applications unanimously found to be admissible



	09-VU-03309 (D22/2318) ¹⁵	Forced marriage	Applicant's sister ¹⁶
	09-VU-3310 (D22/2319) ¹⁷	Phase 1 of forced transfer	Applicant's uncle ¹⁸
	09-VU-03311 (D22/2320) ¹⁹	Forced marriage	Applicant's sister ²⁰
	09-VU-03314 (D22/2323) ²¹	Phase 1 of forced transfer	Applicant's grandparents ²²
	09-VU-03318 (D22/2327) ²³	Phase 1 of forced transfer	Applicant's older sister and her family ²⁴
	09-VU-3323 (D22/2331) ²⁵	Phase 1 of forced transfer	Applicant's older brother, his wife and their four children ²⁶
	09-VU-03331 (D22/2337) ²⁷	Forced marriage	Applicant ²⁸
	09-VU-03349 (D22/2353) ²⁹	Forced marriage	Applicant's younger sister ³⁰
	09-VU-03350 (D22/2354) ³¹	Forced marriage	Applicant's younger sister ³²
	09-VU-03358 (D22/2362) ³³	Forced marriage	Applicant's younger and older sisters ³⁴
	09-VU-03393 (D22/2395) ³⁵	Phase 1 of forced transfer	Applicant's grandparents ³⁶

¹⁵ Harm is not linked to the facts under investigation (Impugned Order D411, para. 27 and Annex 3).

¹⁶ Supporting documentation filed by the Co-Lawyers, D411/3/15.

¹⁷ Insufficient information to verify compliance with Rule 23 *bis* (1) and (4) (Impugned Order D411, para. 28 and Annex 3).

¹⁸ Supporting documentation filed by the Co-Lawyers, D411/3/2.

¹⁹ Harm is not linked to the facts under investigation (Impugned Order D411, para. 27 and Annex 3).

²⁰ Supporting documentation filed by the Co-Lawyers, D411/3/9.

²¹ Harm is not linked to the facts under investigation (Impugned Order D411, para. 27 and Annex 3).

²² Supporting documentation filed by the Co-Lawyers, D411/3/4.

²³ Harm is not linked to the facts under investigation (Impugned Order D411, para. 27 and Annex 3).

²⁴ Supporting documentation filed by the Co-Lawyers, D411/3/16.

²⁵ Harm is not linked to the facts under investigation (Impugned Order D411, para. 27 and Annex 3).

²⁶ Supporting documentation filed by the Co-Lawyers, D411/3/32.

²⁷ Harm is not linked to the facts under investigation (Impugned Order D411, para. 27 and Annex 3).

²⁸ Additional information incorporated in the Appeal.

²⁹ Harm is not linked to the facts under investigation (Impugned Order D411, para. 27 and Annex 3).

³⁰ Supporting documentation filed by the Co-Lawyers, D411/3/14.

³¹ Harm is not linked to the facts under investigation (Impugned Order D411, para. 27 and Annex 3).

³² Supporting documentation filed by the Co-Lawyers, D411/3/29.

³³ Harm is not linked to the facts under investigation (Impugned Order D411, para. 27 and Annex 3).

³⁴ Supporting documentation filed by the Co-Lawyers, D411/3/20.

Civil party applications unanimously found to be admissible



	09-VU-03395 (D22/2397) ³⁷	Phase 1 of forced transfer	Applicant's aunt and uncle ³⁸
	09-VU-03429 (D22/2424) ³⁹	Persecution against Buddhists	Applicant (Prohibition of practicing Buddhism) and Applicant's nephew (a monk, who was disrobed and killed) ⁴⁰
	09-VU-03455 (D22/3164) ⁴¹	Forced marriage	Applicant ⁴²
	09-VU-03461 (D22/3170) ⁴³	Phase 1 of forced transfer	Applicant's older sister ⁴⁴
	09-VU-04172 (D22/2463) ⁴⁵	Phase 1 of forced transfer	Applicant's second cousin ⁴⁶
	09-VU-04178 (D22/2469) ⁴⁷	Phase 1 of forced transfer	Applicant's older cousin and her six months old child ⁴⁸
	09-VU-04187 (D22/2473) ⁴⁹	Phase 1 of forced transfer	Applicant's uncle and his family members ⁵⁰
	09-VU-04189 (D22/3583) ⁵¹	Forced marriage	Applicant's younger sister ⁵²
	10-VU-00026 (D22/2505) ⁵³	Phase 1 of forced transfer	Applicant's younger siblings ⁵⁴

³⁵ Insufficient information to verify compliance with Rule 23 *bis* (1) and (4) (Impugned Order D411, para. 28 and Annex 3).

³⁶ Additional information incorporated in the Appeal.

³⁷ Harm is not linked to the facts under investigation (Impugned Order D411, para. 27 and Annex 3).

³⁸ Supporting documentation filed by the Co-Lawyers, D411/3/27.

³⁹ Harm is not linked to the facts under investigation (Impugned Order D411, para. 27 and Annex 3).

⁴⁰ Supporting documentation filed by the Co-Lawyers, D411/3/24.

⁴¹ Insufficient information to verify compliance with Rule 23 *bis* (1) and (4) (Impugned Order D411, para. 28 and Annex 3).

⁴² Supporting documentation filed by the Co-Lawyers, D411/3/13.

⁴³ Harm is not linked to the facts under investigation (Impugned Order D411, para. 27 and Annex 3).

⁴⁴ Supporting documentation filed by the Co-Lawyers, D411/3/33.

⁴⁵ Harm is not linked to the facts under investigation (Impugned Order D411, para. 27 and Annex 3).

⁴⁶ Supporting documentation filed by the Co-Lawyers, D411/3/23.

⁴⁷ Harm is not linked to the facts under investigation (Impugned Order D411, para. 27 and Annex 3).

⁴⁸ Supporting documentation filed by the Co-Lawyers, D411/3/8.

⁴⁹ Harm is not linked to the facts under investigation (Impugned Order D411, para. 27 and Annex 3).

⁵⁰ Supporting documentation filed by the Co-Lawyers, D411/3/30.

⁵¹ Harm is not linked to the facts under investigation (Impugned Order D411, para. 27 and Annex 3).

⁵² Supporting documentation filed by the Co-Lawyers, D411/3/11.

Civil party applications unanimously found to be admissible



		10-VU-00404 (D22/3822) ⁵⁵	Persecution against Buddhists	Applicant (Prohibition of practicing Buddhism) and Applicant's nephew (a monk, who was disrobed) ⁵⁶
		08-VU-01483 (D22/1752) ⁵⁷	Phase 2 of forcible transfer Kampong Speu province to Pursat province in 1977	Applicant's mother-in-law and brothers-in-law (Applicant's husband considered an enemy) ⁵⁸
		09-VU-01052 (D22/1545) ⁵⁹	Phase 2 of forcible transfer Svay Rieng Province to Prey Veng Province in 1976	Applicant's sister ⁶⁰
		09-VU-01502 (D22/0785) ⁶¹	Persecution against Buddhists	Applicant (Prohibition of practicing Buddhism, including ceremonies for her dead siblings) ⁶²
		09-VU-04191 (D22/3585) ⁶³	Phase 2 of forcible transfer Kampong Speu province to Kampong Thom province in 1975	Applicant and his family members, classified 17 April people ⁶⁴
	PTC 172 ⁶⁵	08-VU-01347 (D22/383) ⁶⁶	Persecution on religious grounds against Buddhists	Applicant (Prohibition of practicing Buddhism, no access to a pagoda to pray, monks disrobed,

⁵³ No proof of kinship with an immediate victim in relation to forced marriage and harm is not linked to the facts under investigation and (Impugned Order D411, paras. 24 and 27 and Annex 3).

⁵⁴ Supporting documentation filed by the Co-Lawyers, D411/3/5.

⁵⁵ Harm is not linked to the facts under investigation (Impugned Order D411, para. 27 and Annex 3).

⁵⁶ Supporting documentation filed by the Co-Lawyers, D411/3/7.

⁵⁷ Harm is not linked to the facts under investigation (Impugned Order D411, para. 27 and Annex 3).

⁵⁸ Report on Civil Party Application D22/1752 and Further particulars sought by the Pre-Trial Chamber (D411/3/4).

⁵⁹ Insufficient information to verify compliance with Rule 23 *bis* (1) and (4) (Impugned Order D411, para. 28 and Annex 3).

⁶⁰ Further particulars sought by the Pre-Trial Chamber (D411/3/4).

⁶¹ Harm is not linked to the facts under investigation (Impugned Order D411, para. 27 and Annex 3).

⁶² Further particulars sought by the Pre-Trial Chamber (D411/3/4).

⁶³ Harm is not linked to the facts under investigation (Impugned Order D411, para. 27 and Annex 3).

⁶⁴ Report on Civil Party Application D22/3585.

Civil party applications unanimously found to be admissible



័័័័/No: D411/3/6.4

002/19-09-2007-ECCC/OCIJ (PTC 76, 112, 113,
114, 115, 142, 157, 164, 165 and 172)

				Buddha statues thrown into the water and no possibility to celebrate the deaths) ⁶⁷
		09-VU-01417 (D22/0843) ⁶⁸	Phase 2 of forced transfers from Kampong Speu Province to Battambang Province during the second half of 1975	Applicant and her family ⁶⁹
		08-VU-01460 (D22/1723) ⁷⁰	Other inhumane acts through forced marriage	Applicant's cousin and her cousin's daughter ⁷¹ (Applicant deceased, succeeded by Son) ⁷²
		09-VU-01422 (D22/1860) ⁷³	Phase 2 of forced transfers from Kampong Speu Province to Battambang Province in 1976	Applicant's aunt ⁷⁴
		08-VU-01303 (D22/364) ⁷⁵	Persecution on religious grounds against Buddhists	Applicant (prohibition to practice Buddhism) ⁷⁶
D419 (Kampot Province)⁷⁷	PTC 112⁷⁸	09-VU-03389 (D22/2392) ⁷⁹	Inhumane acts through forced marriage	Applicant ⁸⁰

⁶⁵ Appeal Against Orders on the Admissibility of Civil Party Applicants from Current Residents of Kampong Speu, 2 November 2010, D411/5/1 ("Appeal PTC 172").

⁶⁶ No proof of kinship with an immediate victim and harm is not linked to the other facts under investigation (Impugned Order, paras. 25-27 and Annex 3).

⁶⁷ Additional information incorporated in the Appeal and Report on Civil Party Application D22/383b.

⁶⁸ Harm is not linked to the facts under investigation (Impugned Order D411, paras 19-25 and Annex 3).

⁶⁹ Report on Civil Party Application, 31 December 2009, D22/843/1.

⁷⁰ Threshold of psychological harm not met in relation to forced marriage (Impugned Order D411, para. 25 and Annex 3).

⁷¹ Summary of supplementary information, D22/1723b.

⁷² Declaration of Succession, 31 May 2011, E2/8.1; Decision on Declaration of Succession Regarding Deceased Civil Party Applicant D22/1723, 24 June 2011, D411/5/3.

⁷³ Insufficient information to verify compliance with Internal Rule 23 bis (1) and (4) (Impugned Order D411, para. 28 and Annex 3).

⁷⁴ Summary of supplementary information, D22/1860b and additional information filed in support of the appeal, D411/5/1.2.3.

⁷⁵ No proof of relevant harm, Impugned Order D411, para. 23 and Annex 3.

⁷⁶ Additional information incorporated in the Appeal, para. 61. See also D364/3b.

⁷⁷ Order on the Admissibility of Civil Party Applicants from Current Residents of Kampot Province, 14 September 2010, D419 ("Impugned Order D419").

Civil party applications unanimously found to be admissible



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		09-VU-01186 (D22/1490) ⁸¹	Imprisonment (North Zone Security Centre)	Applicant ⁸²
		08-VU-01858 (D22/1946) ⁸³	Inhumane acts through forced marriage	Applicant's cousin ⁸⁴
		09-VU-04181 (D22/3577) ⁸⁵	Inhumane acts through forced marriage	Applicant's cousin ⁸⁶
	PTC 113 ⁸⁷	09-VU-01336 (D22/0647) ⁸⁸	Inhumane acts through forced marriage	Applicant's sister in law ⁸⁹
		09-VU-01317 (D22/0636) ⁹⁰	Inhumane acts through forced marriage	Applicant's sister ⁹¹
	PTC 114 ⁹²	08-VU-00820 (D22/448) ⁹³	Persecution on religious grounds against the Cham	Applicant (one or more of the following: prohibition of Islam and/or Cham language and/or to

⁷⁸ *Appel des Co-avocats de parties civiles, Groupe Avocats Sans Frontières France, de l'ordonnance D419 sur la recevabilité des constitutions de parties civiles résidant dans la province de Kampot, 27 September 2010, D419/2/1 ("Appeal PTC 112").*

⁷⁹ Harm is not linked with facts under investigation (Impugned Order D419, para. 29 and Annex 3).

⁸⁰ Report on Civil Party Application D22/2392.

⁸¹ Harm is not linked with facts under investigation (Impugned Order D419, para. 29 and Annex 3).

⁸² Supplementary Information, D22/1490b.

⁸³ Threshold for personal psychological harm is not met in relation to forced marriage; harm is not linked to the facts under investigation (in relation to Buddhist persecution at Wat Damnak Trayeung; harm is not linked to the facts under investigation (outside geographical scope/Vietnamese persecution); harm is not linked to the facts under investigation in relation to the other crimes (Impugned Order D419, paras 26-27 and Annex 3).

⁸⁴ Report on Civil Party Application D22/1946.

⁸⁵ Threshold for personal psychological harm not met in relation to forced marriage; harm is not linked to the facts under investigation (other alleged crimes) (Impugned Order D419, paras 26-27 and Annex 3).

⁸⁶ D22/3577b.

⁸⁷ Appeal Against Order on the Admissibility of Civil Party Applicants from Current Residents of Kampot Province, filed on 24 September 2010, D419/5/1 ("Appeal PTC 113").

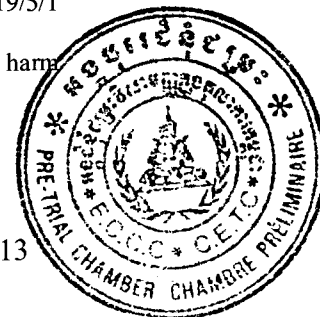
⁸⁸ Application declared inadmissible on the ground that the threshold for personal psychological harm not met in relation to forced marriage and that the harm was not linked to the facts under investigation in relation to the other alleged crimes (Impugned Order D419, para. 27, and Annex 3).

⁸⁹ D22/1502 and Appeal PTC 113.

⁹⁰ Harm is not linked with facts under investigation (Impugned Order D419, para. 26 and Annex 3).

⁹¹ Supplementary information included in the Appeal as an Annex, D419/5/1.1.1.

Civil party applications unanimously found to be admissible



				hold funeral ceremonies, forced to eat pork) ⁹⁴
		08-VU-01553 (D22/385)	<i>Ibid</i>	<i>Ibid</i> ⁹⁵
		08-VU-01775 (D22/1500)	<i>Ibid</i>	<i>Ibid</i> ⁹⁶
		08-VU-01776 (D22/388)	<i>Ibid</i>	<i>Ibid</i> ⁹⁷
		08-VU-01783 (D22/919)	<i>Ibid</i>	<i>Ibid</i> ⁹⁸
		08-VU-01787 (D22/1501)	<i>Ibid</i>	<i>Ibid</i> ⁹⁹
		08-VU-01789 (D22/923)	<i>Ibid</i>	<i>Ibid</i> ¹⁰⁰
		08-VU-01833 (D22/225)	<i>Ibid</i>	<i>Ibid</i> ¹⁰¹
		09-VU-00576 (D22/1982)	<i>Ibid</i>	<i>Ibid</i> ¹⁰²
		09-VU-03790 (D22/3441)	<i>Ibid</i>	<i>Ibid</i> ¹⁰³
		09-VU-03870 (D22/3521)	<i>Ibid</i>	<i>Ibid</i> ¹⁰⁴
		09-VU-03874 (D22/3525)	<i>Ibid</i>	<i>Ibid</i> ¹⁰⁵
		09-VU-03876 (D22/3527)	<i>Ibid</i>	<i>Ibid</i> ¹⁰⁶
		09-VU-03880 (D22/3530)	<i>Ibid</i>	<i>Ibid</i> ¹⁰⁷

⁹² *Requête d'appel d'ordonnance sur la recevabilité des constitutions de parties civiles résidant dans la province de Kampot (52 requérants)* Table des sources, 27 September 2010, D419/7/1. Despite the reference to the table of authorities in the title of this document, it contains the appeal; the table of authorities is in the document entitled *Requête d'appel d'ordonnance sur la recevabilité des constitutions de parties civiles résidant dans la province de Kampot (52 requérants)*, dated 27 September 2010, D419/7/1.1.

⁹³ Harm is not linked to the facts under investigation regarding the treatment of the Cham, because the facts are alleged to have been committed in Kampot (Impugned Order D419, para. 26, footnote 23 and Annex 3).

⁹⁴ Supplementary information, D22/448b.

⁹⁵ Supplementary information, D22/385b.

⁹⁶ Supplementary information, D22/1500/1.

⁹⁷ Supplementary information, D22/388b.

⁹⁸ Supplementary information, D22/919b.

⁹⁹ Supplementary information, D22/1501/1.

¹⁰⁰ Supplementary information, D22/923b.

¹⁰¹ Supplementary information, D22/225.

¹⁰² Supplementary information, D22/1982b.

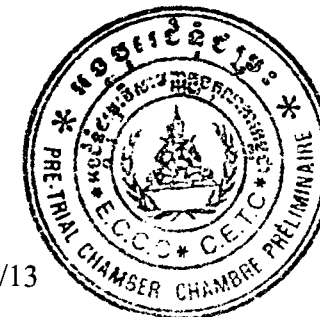
¹⁰³ Supplementary information, D22/3441b.

¹⁰⁴ Supplementary information, D22/3521b.

¹⁰⁵ Supplementary information, D22/3525b.

¹⁰⁶ Supplementary information, D22/3527b.

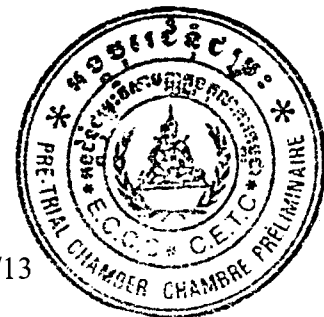
Civil party applications unanimously found to be admissible



	09-VU-03882 (D22/3532)	<i>Ibid</i>	<i>Ibid</i> ¹⁰⁸
	09-VU-03896 (D22/3546)	<i>Ibid</i>	<i>Ibid</i> ¹⁰⁹
	09-VU-04254 (D22/3640)	<i>Ibid</i>	<i>Ibid</i> ¹¹⁰
	09-VU-04257 (D22/3643)	<i>Ibid</i>	<i>Ibid</i> ¹¹¹
	09-VU-03793 (D22/3444)	<i>Ibid</i>	<i>Ibid</i> ¹¹²
	08-VU-01785 (D22/921)	<i>Ibid</i>	<i>Ibid</i> ¹¹³
	08-VU -01844 (D22/224)	<i>Ibid</i>	<i>Ibid</i> ¹¹⁴
	08-VU-02184 (D22/478)	<i>Ibid</i>	<i>Ibid</i> ¹¹⁵
	08-VU-02370 (D22/1147)	<i>Ibid</i>	<i>Ibid</i> ¹¹⁶
	09-VU-00059 (D22/1720)	<i>Ibid</i>	<i>Ibid</i> ¹¹⁷
	09-VU-00060 (D22/1719)	<i>Ibid</i>	<i>Ibid</i> ¹¹⁸
	09-VU-00572 (D22/2080)	<i>Ibid</i>	<i>Ibid</i> ¹¹⁹
	09-VU-00573 (D22/1979)	<i>Ibid</i>	<i>Ibid</i> ¹²⁰
	09-VU-00575 (D22/221)	<i>Ibid</i>	<i>Ibid</i> ¹²¹
	09-VU-00619 (D22/1978)	<i>Ibid</i>	<i>Ibid</i> ¹²²
	09-VU-00621 (D22/900)	<i>Ibid</i>	<i>Ibid</i> ¹²³
	09-VU-00723 (D22/830)	<i>Ibid</i>	<i>Ibid</i> ¹²⁴

¹⁰⁷ Supplementary information, D22/3530/1.¹⁰⁸ Supplementary information, D22/3532b.¹⁰⁹ Supplementary information, D22/3546/1.¹¹⁰ Supplementary information, D22/3640b.¹¹¹ Supplementary information, D22/3643b.¹¹² Supplementary information, D22/3444/1.¹¹³ Supplementary information, D22/921/1.¹¹⁴ Supplementary information, D22/224/1.¹¹⁵ Supplementary information, D22/478b.¹¹⁶ Supplementary information, D22/1147b.¹¹⁷ Supplementary information, D22/1720/1.¹¹⁸ Supplementary information, D22/1719/1.¹¹⁹ Supplementary information, D22/2080B.¹²⁰ Supplementary information, D22/1979b.¹²¹ Supplementary information, D22/221/1.¹²² Supplementary information, D22/1978/1.¹²³ Supplementary information, D22/900b.

Civil party applications unanimously found to be admissible



	09-VU-03773 (D22/3424)	<i>Ibid</i>	<i>Ibid</i> ¹²⁵
	09-VU-03783 (D22/3434)	<i>Ibid</i>	<i>Ibid</i> ¹²⁶
	09-VU-03796 (D22/3447)	<i>Ibid</i>	<i>Ibid</i> ¹²⁷
	09-VU-03794 (D22/3445)	<i>Ibid</i>	<i>Ibid</i> ¹²⁸
	09-VU-03864 (D22/3515)	<i>Ibid</i>	<i>Ibid</i> ¹²⁹
	09-VU-03871 (D22/3522)	<i>Ibid</i>	<i>Ibid</i> ¹³⁰
	09-VU-03875 (D22/3526)	<i>Ibid</i>	<i>Ibid</i> ¹³¹
	09-VU-03878 (D22/3528)	<i>Ibid</i>	<i>Ibid</i> ¹³²
	09-VU-03883 (D22/3533)	<i>Ibid</i>	<i>Ibid</i> ¹³³
	09-VU-03885 (D22/3535)	<i>Ibid</i>	<i>Ibid</i> ¹³⁴
	09-VU-03890 (D22/3540)	<i>Ibid</i>	<i>Ibid</i> ¹³⁵
	09-VU-03892 (D22/3542)	<i>Ibid</i>	<i>Ibid</i> ¹³⁶
	09-VU-04240 (D22/3626)	<i>Ibid</i>	<i>Ibid</i> ¹³⁷
	09-VU-04244 (D22/3630)	<i>Ibid</i>	<i>Ibid</i> ¹³⁸
	09-VU-04253 (D22/3639)	<i>Ibid</i>	<i>Ibid</i> ¹³⁹
	09-VU-04262 (D22/3648)	<i>Ibid</i>	<i>Ibid</i> ¹⁴⁰
	08-VU-01778 (D22/945)	<i>Ibid</i>	<i>Ibid</i> ¹⁴¹

¹²⁴ Supplementary information, D22/830b.

¹²⁵ Supplementary information, D22/3424b.

¹²⁶ Supplementary information, D22/3434b.

¹²⁷ Supplementary information, D22/3447/1.

¹²⁸ Supplementary information, D22/3445/1.

¹²⁹ Supplementary information, D22/3515b.

¹³⁰ Supplementary information, D22/3522/1.

¹³¹ Supplementary information, D22/3526b.

¹³² Supplementary information, D22/3528b.

¹³³ Supplementary information, D22/3533b.

¹³⁴ Supplementary information, D22/3535b.

¹³⁵ Supplementary information, D22/3540b.

¹³⁶ Supplementary information, D22/3542/1.

¹³⁷ Supplementary information, D22/3626b.

¹³⁸ Supplementary information, D22/3630b.

¹³⁹ Supplementary information, D22/3639b.

¹⁴⁰ Supplementary information, D22/3648b.

Civil party applications unanimously found to be admissible



		09-VU-00055 (D22/531)	<i>Ibid</i>	<i>Ibid</i> ¹⁴²
		09-VU-00622 (D22/1502)	Inhumane acts through forced marriage	Applicants aunt ¹⁴³
	PTC 115 ¹⁴⁴	09-VU-03797 (D22/3448) ¹⁴⁵	Inhumane acts through forced marriage	Applicant's sister ¹⁴⁶
		09-VU-00261 (D22/1970) ¹⁴⁷	Persecution on religious grounds against the Cham	Applicant (threats to oblige him to eat pork and suffered from ban on prayers and reading of the <i>dharma</i>) ¹⁴⁸
		09-VU-00262 (D22/1459) ¹⁴⁹	Persecution on religious grounds against the Cham	Applicant (ban on the practice of Islam) ¹⁵⁰
		09-VU-03761 (D22/3412) ¹⁵¹	Persecution on religious grounds against the Cham	Applicant (ban on the practice of Islam) ¹⁵²
		08-VU-01832 (D22/1943) ¹⁵³	Persecution on religious grounds against the Cham	Applicant (conversion of his mosque into a pig pen) ¹⁵⁴
		09-VU-03863 (D22/3514) ¹⁵⁵	Inhumane acts through forced	Applicant's younger sister ¹⁵⁶

¹⁴¹ Supplementary information, D22/945b.

¹⁴² Supplementary information, D22/531/1.

¹⁴³ Supplementary information, D22/1502b.

¹⁴⁴ Appeal against the Order on the Admissibility of Civil Party Applicants from Current Residents of Kampot Province (23 Applicants), 27 September 2010, D419/8/1 ("Appeal PTC 115").

¹⁴⁵ Threshold for personal psychological harm not met in relation to forced marriage (Impugned Order D419, para. 27 and Annex 3).

¹⁴⁶ Supplementary information, D22/3448b.

¹⁴⁷ Harm was not related to the facts under investigation (Impugned Order D419, para. 26 and Annex 3).

¹⁴⁸ Supplementary Information D22/1970a.

¹⁴⁹ Harm not linked to the facts under investigation (Impugned Order D419, para. 26 and Annex 3).

¹⁵⁰ Supplementary Information D22/1459b. Khmer version of the statement (D22/1459b) further specifies that the Applicant's uncle was killed for failure to comply with the ban on prayers.

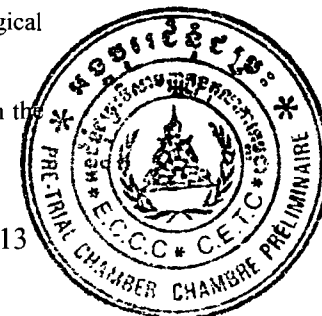
¹⁵¹ The application of Civil Party Applicant 09-VU-03761 (D22/3412) was also declared inadmissible on the ground that the threshold for personal psychological harm was not met in relation to forced marriage (Annex 3).

¹⁵² Report on Civil Party Application D22/3412.

¹⁵³ The application of Civil Party Applicant 08-VU-01832 (D22/1943) was also declared inadmissible on the ground that there was no proof of kinship with the immediate victim of forced marriage (Annex 3).

¹⁵⁴ Supplementary Information D22/1943a.

Civil party applications unanimously found to be admissible



			marriage	
		09-VU-00062 (D22/1673) ¹⁵⁷	Inhumane acts through forced marriage	Applicant's cousin ¹⁵⁸
		09-VU-01426 (D22/1915) ¹⁵⁹	Inhumane acts through forced marriage	Applicant's niece ¹⁶⁰
		09-VU-02063 (D22/3024) ¹⁶¹	Inhumane acts through forced marriage	Applicant's niece ¹⁶²
		08-VU-01828 (D22/1200) ¹⁶³	Phase 1 of forced transfer and murder	Applicant (witnessed people forcibly evacuated from Phnom Penh and witnessed seven students executed during their transfer) ¹⁶⁴

¹⁵⁵ The application of Civil Party Applicant 09-VU-03863 (D22/3514) was declared inadmissible on the ground that the threshold for personal psychological harm was not met in relation to forced marriage and Harm is not linked to the facts under investigation (Annex 3).

¹⁵⁶ Supplementary Information D22/3514a.

¹⁵⁷ The application of Civil Party Applicant 09-VU-00062 (D22/1673) was also declared inadmissible on the ground that the threshold for personal psychological harm was not met in relation to force marriage and there was no proof of kinship with the immediate victim of forced transfer in relation to the evacuation of Phnom Penh (Phase 1) (Annex 3).

¹⁵⁸ Presumption of psychological harm reinforced by the fact that the applicant justifies the existence of a bond of affection with the immediate victim (Supplementary Information D22/1673a.).

¹⁵⁹ The application of Civil Party Applicant 09-VU-01426 (D22/1915) was also declared inadmissible on the ground that the threshold for personal psychological harm was not met in relation to forced marriage and that there was no proof of kinship with the immediate victim of forced transfer in relation to the evacuation of Phnom Penh (Phase 1) (Annex 3).

¹⁶⁰ Supplementary information, D22/1915b.

¹⁶¹ The application of Civil Party Applicant 09-VU-02063 (D22/3024) was also declared inadmissible on the ground that the threshold for personal psychological harm was not met in relation to forced marriage (Annex 3).

¹⁶² Supplementary information, D22/3024b.

¹⁶³ No proof of kinship with the immediate victim of the forced transfer in relation to the evacuation of Phnom Penh (Phase 1) (Impugned Order D419 and Annex 3).

¹⁶⁴ Supplementary information, D22/1200b.

Civil party applications unanimously found to be admissible



		09-VU-01427 (D22/1916) ¹⁶⁵	Persecution on religious grounds against Buddhists	Applicant (Prohibition of practicing Buddhism, including not being allowed to follow religious funeral rites following her brother's death from disease and malnutrition) ¹⁶⁶
		09-VU-00703 (D22/1605) ¹⁶⁷	Inhumane acts through forced marriage	Applicant's two cousin ¹⁶⁸
	PTC157 ¹⁶⁹	08-VU-02160 (D22/0098) ¹⁷⁰	Inhumane acts through forced marriage	Applicant ¹⁷¹
		08-VU-02163 (D22/0215) ¹⁷²	Inhumane acts through forced marriage	Applicant ¹⁷³
		09-VU-00329 (D22/1815) ¹⁷⁴	Inhumane acts through forced marriage	Applicant's younger sister ¹⁷⁵
	PTC 164 ¹⁷⁶	09-VU-01756 (D22/2169) ¹⁷⁷	Phase 1 of forced transfer	Applicant's older brother, the latter's wife and children ¹⁷⁸

¹⁶⁵ Threshold for personal psychological harm not met in relation to forced marriage, no proof of kinship with an immediate victim in relation to forced transfer Phase I and Buddhist persecution and harm not linked to other facts under investigation (Impugned Order D419, para. 26 and Annex 3).

¹⁶⁶ Report on civil party application, D22/1916/1

¹⁶⁷ Harm is not linked to the facts under investigation (Impugned Order D419, para. 26 and Annex 3).

¹⁶⁸ Supplementary information, D22/1605/b.

¹⁶⁹ Appeal against Orders on the Inadmissibility of Civil Party Applicants from current Residents of Kampot Province (D419), 27 October 2010, D419/10/1 ("PTC 157").

¹⁷⁰ Crimes alleged to have been committed at Wat Damnak Trayeung are not linked to the facts under investigation because the Co-Investigating Judges were only authorized to investigate crimes committed in that security center in relation to Buddhist persecution and harm is not linked to the facts under investigation, (other alleged crimes) (Impugned Order D419, para. 26 and Annex 3).

¹⁷¹ Additional information provided by the applicant to the Co-Lawyers, Appeal PTC 157 under the heading "supplementary information".

¹⁷² Crimes alleged to have been committed at Wat Damnak Trayeung are not linked to the facts under investigation because the Co-Investigating Judges were only authorized to investigate crimes committed in that security center in relation to Buddhist persecution and harm is not linked to the facts under investigation (other alleged crimes) (Impugned Order D419, para. 26 and Annex 3).

¹⁷³ Additional information provided by the applicant to the Co-Lawyers, Appeal PTC 157 under the heading "supplementary information".

¹⁷⁴ Harm is not linked to the facts under investigation (Impugned Order D419, para. 26 and Annex 3).

¹⁷⁵ Additional information provided by the applicant to the Co-Lawyers, Appeal PTC 157 under the heading "supplementary information".

Civil party applications unanimously found to be admissible



	PTC 165 ¹⁷⁹	09-VU-00926 (D22/1253) ¹⁸⁰	Persecution on religious grounds against Buddhists	Applicant (Prohibition of practicing Buddhism) ¹⁸¹
		09-VU-03359 (D22/2363) ¹⁸²	Persecution on religious grounds against Buddhists	Applicant ¹⁸³
		09-VU-2104 (D22/2200) ¹⁸⁴	Inhumane acts through forced marriage	Applicant was shocked by the forced marriages she witnessed on 5 occasions in her commune and was afraid of being herself forced to marry should her husband disappeared ¹⁸⁵

¹⁷⁶ Appeal against Orders on the Admissibility of Civil Party Applicants from Current residents of Kampot Province (D419), 2 November 2010, D419/11/1 (“PTC 164”).

¹⁷⁷ The harm he alleged in relation to the treatment of the Vietnamese in Kampot province is not linked to the facts under investigation because the Co-investigating Judges were only authorized to investigate these crimes in Prey Veng and Svay Rieng Provinces, as described in paragraphs 67-70 of the Introductory Submission and the harm is not linked to the other facts under investigation (Impugned Order D419, para. 26 and Annex 3).

¹⁷⁸ Supplementary statement from the applicant filed on appeal, D419/11/1.4.1.

¹⁷⁹ Appeal against Orders on the Admissibility of Civil Party Applicants from Current residents of Kampot Province, 2 November 2010, D419/12/1 (“PTC 165”).

¹⁸⁰ Threshold for forced marriage not met is relation to forced marriage and harm is not linked to other alleged crimes (Impugned Order D419, paras. 26-27 and Annex 3).

¹⁸¹ Appeal PTC 165, paras 39-40, incorporating further information from the applicant.

¹⁸² Insufficient information to verify compliance with Rules 23 *bis* (1) and (4) in relation to the alleged crimes (Impugned Order D419, para. 29 and Annex 3).

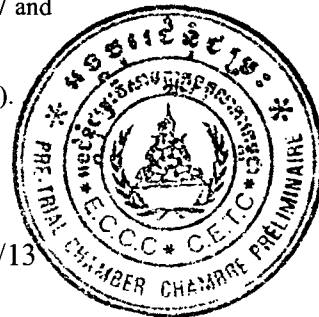
¹⁸³ Supplementary from the applicant incorporated in Appeal PTC 165, para. 45.

¹⁸⁴ Harm is not linked the facts under investigation (Impugned Order D419, para. 26 and Annex 3).

¹⁸⁵ Additional information incorporated in the Appeal PTC 165, para. 47.

Civil party applications unanimously found to be admissible

13/13



ANNEX CONCERNING CIVIL PARTY APPLICANTS FOR WHOM JUDGE MARCHI-UHEL CONCURS WITH THE MAJORITY THAT IT IS PLAUSIBLE THAT THEY SUFFERED A HARM AS A RESULT OF AT LEAST ONE CRIME FOR WHICH THE ACCUSED ARE INDICTED

IMPUGNED ORDER	APPEAL	CIVIL PARTY APPLICANT REJECTED BY CIJs	ADMISSIBILITY FINDING	IMMEDIATE VICTIM
D411 (Kampong Speu Province)¹	PTC 76²	08-VU-01222 (D22/1401) ³	Phase 1 of forced transfer	Applicant's father-in-law ⁴
		08-VU-01227 (D22/1411) ⁵	Forced marriage	Applicant's younger brother ⁶
		08-VU-01306 (D22/1013) ⁷	Phase 1 of forced transfer	Applicant's uncle ⁸
		09-VU-02516 (D22/2288) ⁹	Phase 1 of forced transfer	Applicant's parents, aunts, uncles and grand mother ¹⁰
		09-VU-02517 (D22/2289) ¹¹	Forced marriage	Applicant ¹²
		09-VU-02521 (D22/2293) ¹³	Forced marriage	Applicant's older brother ¹⁴
		09-VU-03309 (D22/2318) ¹⁵	Forced marriage	Applicant's sister ¹⁶

¹ Order on the Admissibility of Civil Party Applicants from Current Residents of Kampong Speu Province, 9 September 2010, D411.

² Appeal against Order on the Inadmissibility of Civil Party Applicants from Current Residents of Kampong Speu Province (D411), 20 September 2010, D411/8/3 ("PTC 76").

³ Harm is not linked to the facts under investigation (Impugned Order D411, para. 27 and Annex 3).

⁴ Supporting documentation filed by the Co-Lawyers, D411/3/31.

⁵ Harm is not linked to the facts under investigation (Impugned Order D411, para. 27 and Annex 3).

⁶ Supporting documentation filed by the Co-Lawyers, D411/3/6.

⁷ Insufficient information to verify compliance with Rule 23 *bis* (1) and (4) (Impugned Order D411, para. 28 and Annex 3).

⁸ Supporting documentation filed by the Co-Lawyers, D411/3/18.

⁹ Harm is not linked to the facts under investigation (Impugned Order D411, para. 27 and Annex 3).

¹⁰ Supporting documentation filed by the Co-Lawyers, D411/3/3.

¹¹ Harm is not linked to the facts under investigation (Impugned Order D411, para. 27 and Annex 3).

¹² Supporting documentation filed by the Co-Lawyers, D411/3/19.

¹³ Harm is not linked to the facts under investigation (Impugned Order D411, para. 27 and Annex 3).

¹⁴ Supporting documentation filed by the Co-Lawyers, D411/3/28.

¹⁵ Harm is not linked to the facts under investigation (Impugned Order D411, para. 27 and Annex 3).



	09-VU-3310 (D22/2319) ¹⁷	Phase 1 of forced transfer	Applicant's uncle ¹⁸
	09-VU-03311 (D22/2320) ¹⁹	Forced marriage	Applicant's sister ²⁰
	09-VU-03314 (D22/2323) ²¹	Phase 1 of forced transfer	Applicant's grandparents ²²
	09-VU-03318 (D22/2327) ²³	Phase 1 of forced transfer	Applicant's older sister and her family ²⁴
	09-VU-3323 (D22/2331) ²⁵	Phase 1 of forced transfer	Applicant's older brother, his wife and their four children ²⁶
	09-VU-03331 (D22/2337) ²⁷	Forced marriage	Applicant ²⁸
	09-VU-03349 (D22/2353) ²⁹	Forced marriage	Applicant's younger sister ³⁰
	09-VU-03350 (D22/2354) ³¹	Forced marriage	Applicant's younger sister ³²
	09-VU-03358 (D22/2362) ³³	Forced marriage	Applicant's younger and older sisters ³⁴
	09-VU-03393 (D22/2395) ³⁵	Phase 1 of forced transfer	Applicant's grandparents ³⁶
	09-VU-03395 (D22/2397) ³⁷	Phase 1 of forced transfer	Applicant's aunt and uncle ³⁸

¹⁶ Supporting documentation filed by the Co-Lawyers, D411/3/15.

¹⁷ Insufficient information to verify compliance with Rule 23 *bis* (1) and (4) (Impugned Order D411, para. 28 and Annex 3).

¹⁸ Supporting documentation filed by the Co-Lawyers, D411/3/2.

¹⁹ Harm is not linked to the facts under investigation (Impugned Order D411, para. 27 and Annex 3).

²⁰ Supporting documentation filed by the Co-Lawyers, D411/3/9.

²¹ Harm is not linked to the facts under investigation (Impugned Order D411, para. 27 and Annex 3).

²² Supporting documentation filed by the Co-Lawyers, D411/3/4.

²³ Harm is not linked to the facts under investigation (Impugned Order D411, para. 27 and Annex 3).

²⁴ Supporting documentation filed by the Co-Lawyers, D411/3/16.

²⁵ Harm is not linked to the facts under investigation (Impugned Order D411, para. 27 and Annex 3).

²⁶ Supporting documentation filed by the Co-Lawyers, D411/3/32.

²⁷ Harm is not linked to the facts under investigation (Impugned Order D411, para. 27 and Annex 3).

²⁸ Additional information incorporated in the Appeal.

²⁹ Harm is not linked to the facts under investigation (Impugned Order D411, para. 27 and Annex 3).

³⁰ Supporting documentation filed by the Co-Lawyers, D411/3/14.

³¹ Harm is not linked to the facts under investigation (Impugned Order D411, para. 27 and Annex 3).

³² Supporting documentation filed by the Co-Lawyers, D411/3/29.

³³ Harm is not linked to the facts under investigation (Impugned Order D411, para. 27 and Annex 3).

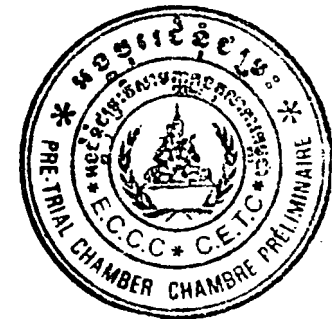
³⁴ Supporting documentation filed by the Co-Lawyers, D411/3/20.

³⁵ Insufficient information to verify compliance with Rule 23 *bis* (1) and (4) (Impugned Order D411, para. 28 and Annex 3).

³⁶ Additional information incorporated in the Appeal.

³⁷ Harm is not linked to the facts under investigation (Impugned Order D411, para. 27 and Annex 3).

³⁸ Supporting documentation filed by the Co-Lawyers, D411/3/27.



		09-VU-03429 (D22/2424) ³⁹	Persecution against Buddhists	Applicant (Prohibition of practicing Buddhism) and Applicant's nephew (a monk, who was disrobed and killed) ⁴⁰
		09-VU-03455 (D22/3164) ⁴¹	Forced marriage	Applicant ⁴²
		09-VU-03461 (D22/3170) ⁴³	Phase 1 of forced transfer	Applicant's older sister ⁴⁴
		09-VU-04172 (D22/2463) ⁴⁵	Phase 1 of forced transfer	Applicant's second cousin ⁴⁶
		09-VU-04178 (D22/2469) ⁴⁷	Phase 1 of forced transfer	Applicant's older cousin and her six months old child ⁴⁸
		09-VU-04187 (D22/2473) ⁴⁹	Phase 1 of forced transfer	Applicant's uncle and his family members ⁵⁰
		09-VU-04189 (D22/3583) ⁵¹	Forced marriage	Applicant's younger sister ⁵²
		10-VU-00026 (D22/2505) ⁵³	Phase 1 of forced transfer	Applicant's younger siblings ⁵⁴
		10-VU-00404 (D22/3822) ⁵⁵	Persecution against Buddhists	Applicant (Prohibition of practicing Buddhism) and Applicant's nephew (a monk, who was disrobed) ⁵⁶

³⁹ Harm is not linked to the facts under investigation (Impugned Order D411, para. 27 and Annex 3).

⁴⁰ Supporting documentation filed by the Co-Lawyers, D411/3/24.

⁴¹ Insufficient information to verify compliance with Rule 23 *bis* (1) and (4) (Impugned Order D411, para. 28 and Annex 3).

⁴² Supporting documentation filed by the Co-Lawyers, D411/3/13.

⁴³ Harm is not linked to the facts under investigation (Impugned Order D411, para. 27 and Annex 3).

⁴⁴ Supporting documentation filed by the Co-Lawyers, D411/3/33.

⁴⁵ Harm is not linked to the facts under investigation (Impugned Order D411, para. 27 and Annex 3).

⁴⁶ Supporting documentation filed by the Co-Lawyers, D411/3/23.

⁴⁷ Harm is not linked to the facts under investigation (Impugned Order D411, para. 27 and Annex 3).

⁴⁸ Supporting documentation filed by the Co-Lawyers, D411/3/8.

⁴⁹ Harm is not linked to the facts under investigation (Impugned Order D411, para. 27 and Annex 3).

⁵⁰ Supporting documentation filed by the Co-Lawyers, D411/3/30.

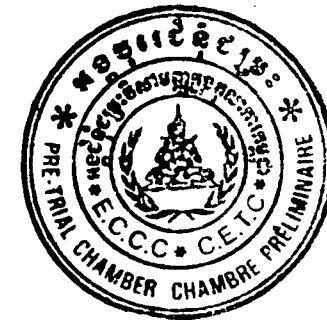
⁵¹ Harm is not linked to the facts under investigation (Impugned Order D411, para. 27 and Annex 3).

⁵² Supporting documentation filed by the Co-Lawyers, D411/3/11.

⁵³ No proof of kinship with an immediate victim in relation to forced marriage and harm is not linked to the facts under investigation and (Impugned Order D411, paras. 24 and 27 and Annex 3).

⁵⁴ Supporting documentation filed by the Co-Lawyers, D411/3/5.

⁵⁵ Harm is not linked to the facts under investigation (Impugned Order D411, para. 27 and Annex 3).



		08-VU-01483 (D22/1752) ⁵⁷	Phase 2 of forcible transfer Kampong Speu province to Pursat province in 1977	Applicant's mother-in-law and brothers-in-law (Applicant's husband considered an enemy) ⁵⁸
		09-VU-01052 (D22/1545) ⁵⁹	Phase 2 of forcible transfer Svay Rieng Province to Prey Veng Province in 1976	Applicant's sister ⁶⁰
		09-VU-01502 (D22/0785) ⁶¹	Persecution against Buddhists	Applicant (Prohibition of practicing Buddhism, including ceremonies for her dead siblings) ⁶²
		09-VU-04191 (D22/3585) ⁶³	Phase 2 of forcible transfer Kampong Speu province to Kampong Thom province in 1975	Applicant and his family members, classified 17 April people ⁶⁴
	PTC 172⁶⁵	08-VU-01347 (D22/383) ⁶⁶	Persecution on religious grounds against Buddhists	Applicant (Prohibition of practicing Buddhism, no access to a pagoda to pray, monks disrobed, Buddha statues thrown into the water and no possibility to celebrate the deaths) ⁶⁷

⁵⁶ Supporting documentation filed by the Co-Lawyers, D411/3/7.

⁵⁷ Harm is not linked to the facts under investigation (Impugned Order D411, para. 27 and Annex 3).

⁵⁸ Report on Civil Party Application D22/1752 and Further particulars sought by the Pre-Trial Chamber (D411/3/4).

⁵⁹ Insufficient information to verify compliance with Rule 23 *bis* (1) and (4) (Impugned Order D411, para. 28 and Annex 3).

⁶⁰ Further particulars sought by the Pre-Trial Chamber (D411/3/4).

⁶¹ Harm is not linked to the facts under investigation (Impugned Order D411, para. 27 and Annex 3).

⁶² Further particulars sought by the Pre-Trial Chamber (D411/3/4).

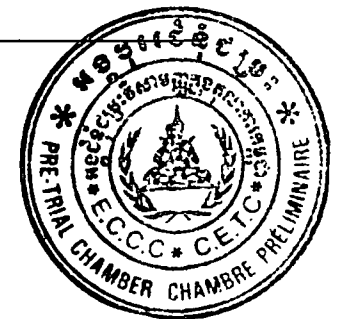
⁶³ Harm is not linked to the facts under investigation (Impugned Order D411, para. 27 and Annex 3).

⁶⁴ Report on Civil Party Application D22/3585.

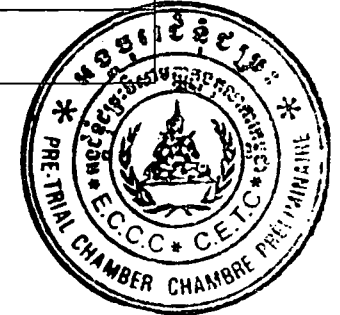
⁶⁵ Appeal Against Orders on the Admissibility of Civil Party Applicants from Current Residents of Kampong Speu, 2 November 2010, D411/5/1 ("Appeal PTC 172").

⁶⁶ No proof of kinship with an immediate victim and harm is not linked to the other facts under investigation (Impugned Order, paras. 25-27 and Annex 3).

⁶⁷ Additional information incorporated in the Appeal and Report on Civil Party Application D22/383b.



		09-VU-01417 (D22/0843) ⁶⁸	Phase 2 of forced transfers from Kampong Speu Province to Battambang Province during the second half of 1975	Applicant and her family ⁶⁹
		08-VU-01460 (D22/1723) ⁷⁰	Other inhumane acts through forced marriage	Applicant's cousin and her cousin's daughter ⁷¹ (Applicant deceased, succeeded by Son) ⁷²
		09-VU-01422 (D22/1860) ⁷³	Phase 2 of forced transfers from Kampong Speu Province to Battambang Province in 1976	Applicant's aunt ⁷⁴
		08-VU-01303 (D22/364) ⁷⁵	Persecution on religious grounds against Buddhists	Applicant (prohibition to practice Buddhism) ⁷⁶
D419 (Kampot Province)⁷⁷	PTC 112⁷⁸	09-VU-03389 (D22/2392) ⁷⁹	Inhumane acts through forced marriage	Applicant ⁸⁰
		09-VU-01186 (D22/1490) ⁸¹	Imprisonment (North Zone Security Centre)	Applicant ⁸²



⁶⁸ Harm is not linked to the facts under investigation (Impugned Order D411, paras 19-25 and Annex 3).

⁶⁹ Report on Civil Party Application, 31 December 2009, D22/843/1.

⁷⁰ Threshold of psychological harm not met in relation to forced marriage (Impugned Order D411, para. 25 and Annex 3).

⁷¹ Summary of supplementary information, D22/1723b.

⁷² Declaration of Succession, 31 May 2011, E2/8.1; Decision on Declaration of Succession Regarding Deceased Civil Party Applicant D22/1723, 24 June 2011, D411/5/3.

⁷³ Insufficient information to verify compliance with Internal Rule 23 bis (1) and (4) (Impugned Order D411, para. 28 and Annex 3).

⁷⁴ Summary of supplementary information, D22/1860b and additional information filed in support of the appeal, D411/5/1.2.3.

⁷⁵ No proof of relevant harm, Impugned Order D411, para. 23 and Annex 3.

⁷⁶ Additional information incorporated in the Appeal, para. 61. See also D364/3b.

⁷⁷ Order on the Admissibility of Civil Party Applicants from Current Residents of Kampot Province, 14 September 2010, D419 ("Impugned Order D419").

⁷⁸ *Appel des Co-avocats de parties civiles, Groupe Avocats Sans Frontières France, de l'ordonnance D419 sur la recevabilité des constitutions de parties civiles résidant dans la province de Kampot*, 27 September 2010, D419/2/1 ("Appeal PTC 112").

⁷⁹ Harm is not linked with facts under investigation (Impugned Order D419, para. 29 and Annex 3).

⁸⁰ Report on Civil Party Application D22/2392.

⁸¹ Harm is not linked with facts under investigation (Impugned Order D419, para. 29 and Annex 3).

⁸² Supplementary Information, D22/1490b.

		08-VU-01858 (D22/1946) ⁸³	Inhumane acts through forced marriage	Applicant's cousin ⁸⁴
		09-VU-04181 (D22/3577) ⁸⁵	Inhumane acts through forced marriage	Applicant's cousin ⁸⁶
	PTC 113 ⁸⁷	09-VU-01336 (D22/0647) ⁸⁸	Inhumane acts through forced marriage	Applicant's sister in law ⁸⁹
		09-VU-01317 (D22/0636) ⁹⁰	Inhumane acts through forced marriage	Applicant's sister ⁹¹
	PTC 114 ⁹²	08-VU-00820 (D22/448) ⁹³	Persecution on religious grounds against the Cham	Applicant (one or more of the following: prohibition of Islam and/or Cham language and/or to hold funeral ceremonies, forced to eat pork) ⁹⁴
		08-VU-01553 (D22/385)	<i>Ibid</i>	<i>Ibid</i> ⁹⁵

⁸³ Threshold for personal psychological harm is not met in relation to forced marriage; harm is not linked to the facts under investigation (in relation to Buddhist persecution at Wat Damnak Trayeung; harm is not linked to the facts under investigation (outside geographical scope/Vietnamese persecution); harm is not linked to the facts under investigation in relation to the other crimes (Impugned Order D419, paras 26-27 and Annex 3).

⁸⁴ Report on Civil Party Application D22/1946.

⁸⁵ Threshold for personal psychological harm not met in relation to forced marriage; harm is not linked to the facts under investigation (other alleged crimes) (Impugned Order D419, paras 26-27 and Annex 3).

⁸⁶ D22/3577b.

⁸⁷ Appeal Against Order on the Admissibility of Civil Party Applicants from Current Residents of Kampot Province, filed on 24 September 2010, D419/5/1 ("Appeal PTC 113").

⁸⁸ Application declared inadmissible on the ground that the threshold for personal psychological harm not met in relation to forced marriage and that the harm was not linked to the facts under investigation in relation to the other alleged crimes (Impugned Order D419, para. 27, and Annex 3).

⁸⁹ D22/1502 and Appeal PTC 113.

⁹⁰ Harm is not linked with facts under investigation (Impugned Order D419, para. 26 and Annex 3).

⁹¹ Supplementary information included in the Appeal as an Annex, D419/5/1.1.1.

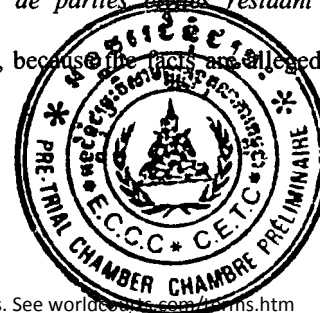
⁹² *Requête d'appel d'ordonnance sur la recevabilité des constitutions de parties civiles résidant dans la province de Kampot (52 requérants) Table des sources*, 27 September 2010, D419/7/1. Despite the reference to the table of authorities in the title of this document, it contains the appeal; the table of authorities is in the document entitled *Requête d'appel d'ordonnance sur la recevabilité des constitutions de parties civiles résidant dans la province de Kampot (52 requérants)*, dated 27 September 2010, D419/7/1.1.

⁹³ Harm is not linked to the facts under investigation regarding the treatment of the Cham, because the facts are alleged to have been committed in Kampot (Impugned Order D419, para. 26, footnote 23 and Annex 3).

⁹⁴ Supplementary information, D22/448b.

⁹⁵ Supplementary information, D22/385b.

Civil party applications admissible in the view of Judge Marchi-Uhel



	08-VU-01775 (D22/1500)	<i>Ibid</i>	<i>Ibid</i> ⁹⁶
	08-VU-01776 (D22/388)	<i>Ibid</i>	<i>Ibid</i> ⁹⁷
	08-VU-01783 (D22/919)	<i>Ibid</i>	<i>Ibid</i> ⁹⁸
	08-VU-01787 (D22/1501)	<i>Ibid</i>	<i>Ibid</i> ⁹⁹
	08-VU-01789 (D22/923)	<i>Ibid</i>	<i>Ibid</i> ¹⁰⁰
	08-VU-01833 (D22/225)	<i>Ibid</i>	<i>Ibid</i> ¹⁰¹
	09-VU-00576 (D22/1982)	<i>Ibid</i>	<i>Ibid</i> ¹⁰²
	09-VU-03790 (D22/3441)	<i>Ibid</i>	<i>Ibid</i> ¹⁰³
	09-VU-03870 (D22/3521)	<i>Ibid</i>	<i>Ibid</i> ¹⁰⁴
	09-VU-03874 (D22/3525)	<i>Ibid</i>	<i>Ibid</i> ¹⁰⁵
	09-VU-03876 (D22/3527)	<i>Ibid</i>	<i>Ibid</i> ¹⁰⁶
	09-VU-03880 (D22/3530)	<i>Ibid</i>	<i>Ibid</i> ¹⁰⁷
	09-VU-03882 (D22/3532)	<i>Ibid</i>	<i>Ibid</i> ¹⁰⁸
	09-VU-03896 (D22/3546)	<i>Ibid</i>	<i>Ibid</i> ¹⁰⁹
	09-VU-04254 (D22/3640)	<i>Ibid</i>	<i>Ibid</i> ¹¹⁰
	09-VU-04257 (D22/3643)	<i>Ibid</i>	<i>Ibid</i> ¹¹¹
	09-VU-03793 (D22/3444)	<i>Ibid</i>	<i>Ibid</i> ¹¹²
	08-VU-01785 (D22/921)	<i>Ibid</i>	<i>Ibid</i> ¹¹³

⁹⁶ Supplementary information, D22/1500/1.

⁹⁷ Supplementary information, D22/388b.

⁹⁸ Supplementary information, D22/919b.

⁹⁹ Supplementary information, D22/1501/1.

¹⁰⁰ Supplementary information, D22/923b.

¹⁰¹ Supplementary information, D22/225.

¹⁰² Supplementary information, D22/1982b.

¹⁰³ Supplementary information, D22/3441b.

¹⁰⁴ Supplementary information, D22/3521b.

¹⁰⁵ Supplementary information, D22/3525b.

¹⁰⁶ Supplementary information, D22/3527b.

¹⁰⁷ Supplementary information, D22/3530/1.

¹⁰⁸ Supplementary information, D22/3532b.

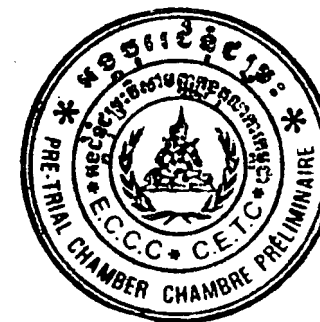
¹⁰⁹ Supplementary information, D22/3546/1.

¹¹⁰ Supplementary information, D22/3640b.

¹¹¹ Supplementary information, D22/3643b.

¹¹² Supplementary information, D22/3444/1.

¹¹³ Supplementary information, D22/921/1.



	08-VU -01844 (D22/224)	<i>Ibid</i>	<i>Ibid</i> ¹¹⁴
	08-VU-02184 (D22/478)	<i>Ibid</i>	<i>Ibid</i> ¹¹⁵
	08-VU-02370 (D22/1147)	<i>Ibid</i>	<i>Ibid</i> ¹¹⁶
	09-VU-00059 (D22/1720)	<i>Ibid</i>	<i>Ibid</i> ¹¹⁷
	09-VU-00060 (D22/1719)	<i>Ibid</i>	<i>Ibid</i> ¹¹⁸
	09-VU-00572 (D22/2080)	<i>Ibid</i>	<i>Ibid</i> ¹¹⁹
	09-VU-00573 (D22/1979)	<i>Ibid</i>	<i>Ibid</i> ¹²⁰
	09-VU-00575 (D22/221)	<i>Ibid</i>	<i>Ibid</i> ¹²¹
	09-VU-00619 (D22/1978)	<i>Ibid</i>	<i>Ibid</i> ¹²²
	09-VU-00621 (D22/900)	<i>Ibid</i>	<i>Ibid</i> ¹²³
	09-VU-00723 (D22/830)	<i>Ibid</i>	<i>Ibid</i> ¹²⁴
	09-VU-03773 (D22/3424)	<i>Ibid</i>	<i>Ibid</i> ¹²⁵
	09-VU-03783 (D22/3434)	<i>Ibid</i>	<i>Ibid</i> ¹²⁶
	09-VU-03796 (D22/3447)	<i>Ibid</i>	<i>Ibid</i> ¹²⁷
	09-VU-03794 (D22/3445)	<i>Ibid</i>	<i>Ibid</i> ¹²⁸
	09-VU-03864 (D22/3515)	<i>Ibid</i>	<i>Ibid</i> ¹²⁹
	09-VU-03871 (D22/3522)	<i>Ibid</i>	<i>Ibid</i> ¹³⁰
	09-VU-03875 (D22/3526)	<i>Ibid</i>	<i>Ibid</i> ¹³¹

¹¹⁴ Supplementary information, D22/224/1.

¹¹⁵ Supplementary information, D22/478b.

¹¹⁶ Supplementary information, D22/1147b.

¹¹⁷ Supplementary information, D22/1720/1.

¹¹⁸ Supplementary information, D22/1719/1.

¹¹⁹ Supplementary information, D22/2080B.

¹²⁰ Supplementary information, D22/1979b.

¹²¹ Supplementary information, D22/221/1.

¹²² Supplementary information, D22/1978/1.

¹²³ Supplementary information, D22/900b.

¹²⁴ Supplementary information, D22/830b.

¹²⁵ Supplementary information, D22/3424b.

¹²⁶ Supplementary information, D22/3434b.

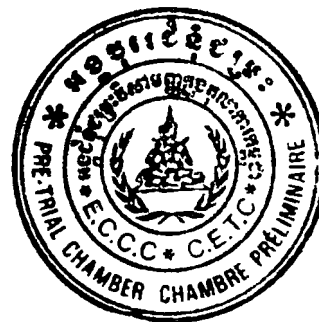
¹²⁷ Supplementary information, D22/3447/1.

¹²⁸ Supplementary information, D22/3445/1.

¹²⁹ Supplementary information, D22/3515b.

¹³⁰ Supplementary information, D22/3522/1.

¹³¹ Supplementary information, D22/3526b.



		09-VU-03878 (D22/3528)	<i>Ibid</i>	<i>Ibid</i> ¹³²
		09-VU-03883 (D22/3533)	<i>Ibid</i>	<i>Ibid</i> ¹³³
		09-VU-03885 (D22/3535)	<i>Ibid</i>	<i>Ibid</i> ¹³⁴
		09-VU-03890 (D22/3540)	<i>Ibid</i>	<i>Ibid</i> ¹³⁵
		09-VU-03892 (D22/3542)	<i>Ibid</i>	<i>Ibid</i> ¹³⁶
		09-VU-04240 (D22/3626)	<i>Ibid</i>	<i>Ibid</i> ¹³⁷
		09-VU-04244 (D22/3630)	<i>Ibid</i>	<i>Ibid</i> ¹³⁸
		09-VU-04253 (D22/3639)	<i>Ibid</i>	<i>Ibid</i> ¹³⁹
		09-VU-04262 (D22/3648)	<i>Ibid</i>	<i>Ibid</i> ¹⁴⁰
		08-VU-01778 (D22/945)	<i>Ibid</i>	<i>Ibid</i> ¹⁴¹
		09-VU-00055 (D22/531)	<i>Ibid</i>	<i>Ibid</i> ¹⁴²
		09-VU-00622 (D22/1502)	Inhumane acts through forced marriage	Applicants aunt ¹⁴³
	PTC 115 ¹⁴⁴	09-VU-03797 (D22/3448) ¹⁴⁵	Inhumane acts through forced marriage	Applicant's sister ¹⁴⁶
		09-VU-00261 (D22/1970) ¹⁴⁷	Persecution on religious grounds against the Cham	Applicant (threats to oblige him to eat pork and suffered from ban on prayers and reading of the <i>dharma</i>) ¹⁴⁸

¹³² Supplementary information, D22/3528b.

¹³³ Supplementary information, D22/3533b.

¹³⁴ Supplementary information, D22/3535b.

¹³⁵ Supplementary information, D22/3540b.

¹³⁶ Supplementary information, D22/3542/1.

¹³⁷ Supplementary information, D22/3626b.

¹³⁸ Supplementary information, D22/3630b.

¹³⁹ Supplementary information, D22/3639b.

¹⁴⁰ Supplementary information, D22/3648b.

¹⁴¹ Supplementary information, D22/945b.

¹⁴² Supplementary information, D22/531/1.

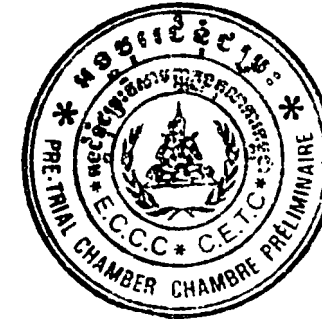
¹⁴³ Supplementary information, D22/1502b.

¹⁴⁴ Appeal against the Order on the Admissibility of Civil Party Applicants from Current Residents of Kampot Province (23 Applicants), 27 September 2010, D419/8/1 ("Appeal PTC 115").

¹⁴⁵ Threshold for personal psychological harm not met in relation to forced marriage (Impugned Order D419, para. 27 and Annex 3).

¹⁴⁶ Supplementary information, D22/3448b.

¹⁴⁷ Harm was not related to the facts under investigation (Impugned Order D419, para. 26 and Annex 3).



		09-VU-00262 (D22/1459) ¹⁴⁹	Persecution on religious grounds against the Cham	Applicant (ban on the practice of Islam) ¹⁵⁰
		09-VU-03761 (D22/3412) ¹⁵¹	Persecution on religious grounds against the Cham	Applicant (ban on the practice of Islam) ¹⁵²
		08-VU-01832 (D22/1943) ¹⁵³	Persecution on religious grounds against the Cham	Applicant (conversion of his mosque into a pig pen) ¹⁵⁴
		09-VU-03863 (D22/3514) ¹⁵⁵	Inhumane acts through forced marriage	Applicant's younger sister ¹⁵⁶
		09-VU-00062 (D22/1673) ¹⁵⁷	Inhumane acts through forced marriage	Applicant's cousin ¹⁵⁸
		09-VU-01426 (D22/1915) ¹⁵⁹	Inhumane acts through forced marriage	Applicant's niece ¹⁶⁰
		09-VU-02063 (D22/3024) ¹⁶¹	Inhumane acts through forced marriage	Applicant's niece ¹⁶²

¹⁴⁸ Supplementary Information D22/1970a.

¹⁴⁹ Harm not linked to the facts under investigation (Impugned Order D419, para. 26 and Annex 3).

¹⁵⁰ Supplementary Information D22/1459b. Khmer version of the statement (D22/1459b) further specifies that the Applicant's uncle was killed for failure to comply with the ban on prayers.

¹⁵¹ The application of Civil Party Applicant 09-VU-03761 (D22/3412) was also declared inadmissible on the ground that the threshold for personal psychological harm was not met in relation to forced marriage (Annex 3).

¹⁵² Report on Civil Party Application D22/3412.

¹⁵³ The application of Civil Party Applicant 08-VU-01832 (D22/1943) was also declared inadmissible on the ground that there was no proof of kinship with the immediate victim of forced marriage (Annex 3).

¹⁵⁴ Supplementary Information D22/1943a.

¹⁵⁵ The application of Civil Party Applicant 09-VU-03863 (D22/3514) was declared inadmissible on the ground that the threshold for personal psychological harm was not met in relation to forced marriage and Harm is not linked to the facts under investigation (Annex 3).

¹⁵⁶ Supplementary Information D22/3514a.

¹⁵⁷ The application of Civil Party Applicant 09-VU-00062 (D22/1673) was also declared inadmissible on the ground that the threshold for personal psychological harm was not met in relation to force marriage and there was no proof of kinship with the immediate victim of forced transfer in relation to the evacuation of Phnom Penh (Phase 1) (Annex 3).

¹⁵⁸ Presumption of psychological harm reinforced by the fact that the applicant justifies the existence of a bond of affection with the immediate victim (Supplementary Information D22/1673a.).

¹⁵⁹ The application of Civil Party Applicant 09-VU-01426 (D22/1915) was also declared inadmissible on the ground that the threshold for personal psychological harm was not met in relation to forced marriage and that there was no proof of kinship with the immediate victim of forced transfer in relation to the evacuation of Phnom Penh (Phase 1) (Annex 3).

¹⁶⁰ Supplementary information, D22/1915b.

¹⁶¹ The application of Civil Party Applicant 09-VU-02063 (D22/3024) was also declared inadmissible on the ground that the threshold for personal psychological harm was not met in relation to forced marriage (Annex 3).

Civil party applications admissible in the view of Judge Marchi-Uhel



		08-VU-01828 (D22/1200) ¹⁶³	Phase 1 of forced transfer and murder	Applicant (witnessed people forcibly evacuated from Phnom Penh and witnessed seven students executed during their transfer) ¹⁶⁴
		09-VU-01427 (D22/1916) ¹⁶⁵	Persecution on religious grounds against Buddhists	Applicant (Prohibition of practicing Buddhism, including not being allowed to follow religious funeral rites following her brother's death from disease and malnutrition) ¹⁶⁶
		09-VU-00703 (D22/1605) ¹⁶⁷	Inhumane acts through forced marriage	Applicant's two cousin ¹⁶⁸
	PTC157 ¹⁶⁹	08-VU-02160 (D22/0098) ¹⁷⁰	Inhumane acts through forced marriage	Applicant ¹⁷¹
		08-VU-02163 (D22/0215) ¹⁷²	Inhumane acts through forced marriage	Applicant ¹⁷³
		09-VU-00329 (D22/1815) ¹⁷⁴	Inhumane acts through forced marriage	Applicant's younger sister ¹⁷⁵

¹⁶² Supplementary information, D22/3024b.

¹⁶³ No proof of kinship with the immediate victim of the forced transfer in relation to the evacuation of Phnom Penh (Phase 1) (Impugned Order D419 and Annex 3).

¹⁶⁴ Supplementary information, D22/1200b.

¹⁶⁵ Threshold for personal psychological harm not met in relation to forced marriage, no proof of kinship with an immediate victim in relation to forced transfer, Phase I and Buddhist persecution and harm not linked to other facts under investigation (Impugned Order D419, para. 26 and Annex 3).

¹⁶⁶ Report on civil party application, D22/1916/1

¹⁶⁷ Harm is not linked to the facts under investigation (Impugned Order D419, para. 26 and Annex 3).

¹⁶⁸ Supplementary information, D22/1605/b.

¹⁶⁹ Appeal against Orders on the Inadmissibility of Civil Party Applicants from current Residents of Kampot Province (D419), 27 October 2010, D419/10/1 ("PTC 157").

¹⁷⁰ Crimes alleged to have been committed at Wat Damnak Trayeung are not linked to the facts under investigation because the Co-Investigating Judges were only authorized to investigate crimes committed in that security center in relation to Buddhist persecution and harm is not linked to the facts under investigation, (other alleged crimes) (Impugned Order D419, para. 26 and Annex 3).

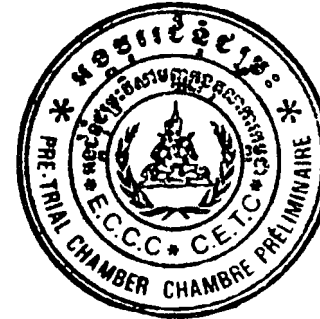
¹⁷¹ Additional information provided by the applicant to the Co-Lawyers, Appeal PTC 157 under the heading "supplementary information".

¹⁷² Crimes alleged to have been committed at Wat Damnak Trayeung are not linked to the facts under investigation because the Co-Investigating Judges were only authorized to investigate crimes committed in that security center in relation to Buddhist persecution and harm is not linked to the facts under investigation (other alleged crimes) (Impugned Order D419, para. 26 and Annex 3).

¹⁷³ Additional information provided by the applicant to the Co-Lawyers, Appeal PTC 157 under the heading "supplementary information".



	PTC 164 ¹⁷⁶	09-VU-01756 (D22/2169) ¹⁷⁷	Phase 1 of forced transfer	Applicant's older brother, the latter's wife and children ¹⁷⁸
	PTC 165 ¹⁷⁹	09-VU-00926 (D22/1253) ¹⁸⁰	Persecution on religious grounds against Buddhists	Applicant (Prohibition of practicing Buddhism) ¹⁸¹
		09-VU-03359 (D22/2363) ¹⁸²	Persecution on religious grounds against Buddhists	Applicant ¹⁸³
		09-VU-2104 (D22/2200) ¹⁸⁴	Inhumane acts through forced marriage	Applicant was shocked by the forced marriages she witnessed on 5 occasions in her commune and was afraid of being herself forced to marry should her husband disappeared ¹⁸⁵



¹⁷⁴ Harm is not linked to the facts under investigation (Impugned Order D419, para. 26 and Annex 3).

¹⁷⁵ Additional information provided by the applicant to the Co-Lawyers, Appeal PTC 157 under the heading "supplementary information".

¹⁷⁶ Appeal against Orders on the Admissibility of Civil Party Applicants from Current residents of Kampot Province (D419), 2 November 2010, D419/11/1 ("PTC 164").

¹⁷⁷ The harm he alleged in relation to the treatment of the Vietnamese in Kampot province is not linked to the facts under investigation because the Co-investigating Judges were only authorized to investigate these crimes in Prey Veng and Svay Rieng Provinces, as described in paragraphs 67-70 of the Introductory Submission and the harm is not linked to the other facts under investigation (Impugned Order D419, para. 26 and Annex 3).

¹⁷⁸ Supplementary statement from the applicant filed on appeal, D419/11/1.4.1.

¹⁷⁹ Appeal against Orders on the Admissibility of Civil Party Applicants from Current residents of Kampot Province, 2 November 2010, D419/12/1 ("PTC 165").

¹⁸⁰ Threshold for forced marriage not met is relation to forced marriage and harm is not linked to other alleged crimes (Impugned Order D419, paras. 26-27 and Annex 3).

¹⁸¹ Appeal PTC 165, paras 39-40, incorporating further information from the applicant.

¹⁸² Insufficient information to verify compliance with Rules 23 *bis* (1) and (4) in relation to the alleged crimes (Impugned Order D419, para. 29 and Annex 3).

¹⁸³ Supplementary from the applicant incorporated in Appeal PTC 165, para. 45.

¹⁸⁴ Harm is not linked the facts under investigation (Impugned Order D419, para. 26 and Annex 3).

¹⁸⁵ Additional information incorporated in the Appeal PTC 165, para. 47.

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142, 157, 164, 165 and 172)

ANNEX CONCERNING CIVIL PARTY APPLICANTS WHOSE APPLICATIONS ARE, IN
THE VIEW OF JUDGE MARCHI-UHEL, INADMISSIBLE¹

Appeals against Impugned Order D411 (Kampong Speu Province)²

Appeal PTC 76³

Civil Party Applicant 09-VU-02428 (D22/2208).⁴ The forced transfer of the Applicant's family in 1975 from Angk Village, Rung Roeang Sub-District, Thpong District, Kampong Speu Province to sector No 99, Kampong Speu Province; the Applicant's siblings' evacuation from Sector 99 in 1975; and the Applicant's evacuation to Koh Kong Province in late 1976 do not form part of any of the three phases of movements of the population where the Indictment alleges the crime of other inhumane acts through forced transfer for which the Accused are indicted. None of the locations where the Applicant and his family were forced to work under inhuman conditions form part of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted. There is insufficient information about the circumstances surrounding the execution of the Applicant's relatives to consider it plausible that it took place in one of the limited number of security centers, execution sites or even worksites or cooperatives retained in the Indictment underlying the crimes of extermination, murder, persecution and other inhumane acts through enforced disappearances for which the Accused are indicted.

¹ This Annex includes the applicants for whom I concur with the Majority that their application to become a civil party in Case File 002 shall be declared inadmissible, but, in most cases, for different reasons.

² Order on the Admissibility of Applicant Civil Party Applicant Applicant Civil Party Applicant Applicant Applicant Civil Party Applicant Applicant Civil Party Applicants from Current Residents of Kampong Speu Province, 9 September 2010, D411 ("Impugned Order D411").

³ Appeal against Order on the Inadmissibility of Applicant Civil Party Applicant Applicant Civil Party Applicant Applicant Applicant Civil Party Applicants from Current Residents of Kampong Speu Province (D411), 20 September 2010, D411/8/3 ("Appeal PTC 76").

⁴ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

Civil party applications inadmissible in the view of Judge Marchi-U



1

002/19-09-2007-ECCC/OCIJ (PTC 76, 112, 113, 114, 115, 142, 157, 164, 165 and 172)

Civil Party Applicant 09-VU-02519 (D22/2291).⁵ The forced transfer of the Applicant's family within Kampong Speu Province does not form part of any of the three phases of forced movements of population for which the Accused are indicted. It is not alleged that the execution of the Applicant's husband, Accused of being a Lon Nol soldier, in 1977, took place in one of the limited number of security centres, execution sites, worksites or cooperatives retained in the Indictment underlying the crimes of extermination, murder, persecution and other inhumane acts through enforced disappearance for which the Accused are indicted. The forced labour and deprivation of food to which the Applicant and her family were subjected in Kruos pagoda, Mohasang Commune, Samroang Torng District, Kampong Speu Province did not take place in one of the worksites or cooperatives retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted.

Civil Party Applicant 09-VU-02520 (D22/2292).⁶ There is insufficient information about the location from where the Applicant was evacuated to Trapeang Chek Village to consider it plausible that they form part of any of the three phases of forced movement of population for which the Accused are indicted. The forced transfer of the Applicant and her three younger sisters/brothers from Toek Chroeu District (Dam Bae District) to Oral forest, Kampong Speu Province in 1977 does not form part of any of the three phases of forced movements of population for which the Accused are indicted. The information about the following acts does not allow me to conclude that it is plausible that they occurred in one of the limited number of security centres, execution sites, worksites or cooperatives retained in the Indictment underlying the crimes of imprisonment, torture, extermination, murder, persecution and other inhumane acts through enforced disappearance for which the Accused are indicted: imprisonment and torture of the Applicant and the subsequent execution of her older brother upon accusation of being CIA agents; imprisonment and execution through lethal injection of the Applicant's mother in Sector 21 because she was Accused of being a capitalist; execution of her older

⁵ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

⁶ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

Civil party applications inadmissible in the view of Judge Marchis



002/19-09-2007-ECCC/OCIJ (PTC 76, 112, 113, 114, 115, 142, 157, 164, 165 and 172)

brother, Bot Son for betraying the collectivity; reeducation and execution of her older brother, Bot Sut, in Srah Bopea, Toek Chroeu District.

Civil Party Application 09-VU-03462 (D22/3171).⁷ There is insufficient information about the prison where the Applicant's father-in-law was detained, beaten and interrogated in 1977 to consider it plausible that it corresponds to one of the limited number of security centres, or even worksites or cooperatives retained in the Indictment underlying the crimes of imprisonment and torture for which the Accused are indicted. Tama pagoda, where the Applicant's father-in-law was sent subsequent to this detention and became sick and eventually died as a result of receiving insufficient food, is not among the six cooperatives and worksites retained in the Indictment underlying the crime of other inhumane acts through attacks against human dignity for which the Accused are indicted. The evacuation of the Applicant's older brother from Ang Village in Rong Roeung Commune, Thpung District, Kampong Speu Province to Phnom Penh in 1976; the subsequent evacuation of the Appellant's older brother to the Vietnamese border in the west and; the evacuation of the Applicant's other older brother, Sroeun Heng from Phnom Penh to Dang Raek mountain in 1977 or 1978 do not form part of any of the three phases of forced movements of population for which the Accused are indicted.

Civil Party Application 09-VU-04176 (D22/2467).⁸ The information provided does not allow me to consider that the killing of the Applicant's husband, who was accused of being a CIA spy, took place in one of the limited number of security centres, execution sites, worksites or cooperatives retained in the Indictment underlying the crimes of extermination, murder, persecution or other inhumane acts through enforced disappearance for which the Accused are indicted. There is further insufficient information about the circumstances surrounding the forced labour and separation from her children to which the Applicant was subjected to consider it plausible that it took place in one of the six cooperatives or worksites retained in the Indictment underlying the

⁷ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

⁸ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

Civil party applications inadmissible in the view of Judge Marchi-Libet



3

002/19-09-2007-ECCC/OCIJ (PTC 76, 112, 113, 114, 115, 142, 157, 164, 165 and 172)

crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted.

Civil Party Application 09-VU-04184 (D22/3579).⁹ The killing of the Applicant's husband and two older brothers, who were Accused of being traitors, did not take place in one of the limited number of security centres, execution sites, worksites or cooperatives retained in the Indictment underlying the crimes of extermination, murder, persecution and other inhumane acts through enforced disappearances for which the Accused are indicted. There is also insufficient evidence of the circumstances of the disappearances of the Applicant's older brothers where they were sent by the Khmer Rouge to go fishing in Kampong Som to consider it plausible that it took place in one of the locations retained in the Indictment underlying the crime of other inhumane acts through enforced disappearances for which the Accused are indicted.

Civil Party Applicant 08-VU-00227 (D22/1298).¹⁰ It is not alleged that the forced transfer the Applicant and members of his family have been victims of forms part of any of the three phases of forced transfer of population for which the Accused are indicted. It is not alleged either that the places where the Applicant and members of his family were forced to work correspond to one of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted. The information provided by the Applicant in relation to the loss of his relatives (killing of his younger brother while building a dike and starvation to death of other relatives including siblings) does not allow me to conclude that these events form part of the crimes for which the Accused are indicted. Further, it is not alleged that the execution of his younger sister and her husband in Svay Rieng Province in 1976 as his brother-in-law was a former Lon Nol soldier took place in one of the limited number of security centers, execution sites or even worksites or cooperatives retained in the Indictment underlying the crimes of

⁹ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

¹⁰ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

Civil party applications inadmissible in the view of Judge Marchi-Unger



002/19-09-2007-ECCC/OCIJ (PTC 76, 112, 113, 114, 115, 142, 157, 164, 165 and 172)

extermination, murder, persecution and other inhumane acts through enforced disappearances for which the Accused are indicted.

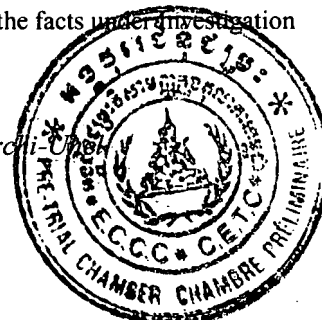
Civil Party Applicant (08-VU-00248 D22/1375).¹¹ It is not alleged that the forced transfer the Applicant and members of his family have been victims of forms part of any of the three phases of forced transfer of population for which the Accused are indicted. It is not alleged either that the location where the Applicant and members of his family were forced to work correspond to one of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted. Finally, it is not alleged that the killing of the Applicant's husband took place in one of the limited number of security centers, execution sites or even worksites or cooperatives retained in the Indictment underlying the crime of murder for which the Accused are indicted.

Civil Party Applicant 08-VU-00666 (D22/363).¹² The forced transfer of the Applicant and his family in 1975 from Bakan Village, Trapeang Chornng Sub-District, Bakan District, Pursat to live in another Village in Bakan District, Pursat Province does not form part of any of the three phases of forced movement of population for which the Accused are indicted. It is not alleged that the facts of forced labour of which the Applicant was a victim took place in one of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement, and other inhumane acts through attacks against human dignity for which the Accused are indicted. There is insufficient information surrounding the circumstances of the deaths resulting from malnutrition of the Applicant's parents, two sisters and one brother to consider that it is plausible that it took place in one of the locations where the Indictment alleges that the crime of other inhumane acts through attacks against human dignity for which the Accused are indicted. None of these sites are located in Svay Doun Kaev Sub-District, Bakan District, Pursat Province, where, in 1978, one of the Applicant's sister died of malnutrition.

¹¹ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

¹² Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D411, para. 26 and Annex 3).

Civil party applications inadmissible in the view of Judge Marchal



002/19-09-2007-ECCC/OCIJ (PTC 76, 112, 113, 114, 115, 142, 157, 164, 165 and 172)

Civil Party Applicant 08-VU-01178 (D22/0387).¹³ It is not alleged that the forced transfer of the Applicant and her family forms part of the three movements of population for which the Accused are indicted. There is insufficient information to consider it plausible that any of the various locations where the Applicant and members of her family were forced to work under inhuman conditions and where some passed away correspond to one of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement, and other inhumane acts through attacks against human dignity for which the Accused are indicted.

Civil Party Applicant 08-VU-01295 (D22/373).¹⁴ There is insufficient information about the forced labour of the Applicant's older brother to consider it plausible that it took place in one of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement, and other inhumane acts through attacks against human dignity for which the Accused are indicted. There is also insufficient information about the deaths of the Applicant's older brother, his wife and son to consider it plausible that it took place in one of the limited number of security centres, execution sites or even worksites or cooperatives retained in the Indictment underlying the crimes of extermination, murder, persecution and other inhumane acts through enforced disappearance for which the Accused are indicted.

Civil Party Applicant 08-VU-01298 (D22/1012).¹⁵ The location where the Applicant's husband was forced to work and killed (around Svay Char pagoda) is not among the limited number of security centers, execution sites or even worksites or cooperatives retained in the Indictment underlying the crimes of enslavement, other inhumane acts through attacks against human dignity, extermination and murder for which the Accused are indicted.

¹³ Application declared inadmissible on the ground that there was insufficient information to verify compliance with Rule 23 *bis* (1) and (4) (Impugned Order D411, para. 28 and Annex 3)

¹⁴ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

¹⁵ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

Civil party applications inadmissible in the view of Judge March



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Civil Party Applicant 08-VU-01303 (D22/0428).¹⁶ The “13th Security Center in Trapeang Charp in Amleang Sub-District, Thpong District, Kampong Speu Province”, where the imprisonment, torture and killing of the Applicant’s husband and father in 1976 on the basis that they were considered as being “enemies” or “CIA” took place, is not among the limited number of security centers, execution sites or even worksites or cooperatives retained in the Indictment underlying the crimes of imprisonment, torture, enslavement, extermination, murder, persecution and other inhumane acts through enforced disappearances for which the Accused are indicted. Similarly, the Security Center in Phnom Basedth, Kampong Speu Province and the 99th Security Center, where the siblings of the Applicant were detained, are not among the limited number of security centers retained in the Indictment underlying the crime of imprisonment.

Civil Party Applicant 08-VU-01342 (D22/0914).¹⁷ It is not alleged that the location where the Applicant was forced to work under inhuman conditions (Thpong District, Kampong Speu Province) formed part of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement, and other inhumane acts through attacks against human dignity for which the Accused are indicted. Indeed, none of these are located in the area where the Applicant was forced to work.

Civil Party Applicant 08-VU-01457 (D22/1768).¹⁸ Phnom Preah Sith prison, where the Applicant and her children were imprisoned, is not among the limited number of security centers retained in the Indictment underlying the crime of imprisonment. The location where the Applicant’s husband was sent to forcibly work under inhumane conditions until his death (Region 99 in Thpong District) is not among the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement, and other inhumane acts through attacks against human dignity for which the Accused are indicted.

¹⁶ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

¹⁷ Application declared inadmissible on the ground that there was insufficient information to verify compliance with Rule 23 *bis* (1) and (4) (Impugned Order D411, para. 28 and Annex 3)

¹⁸ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

Civil party applications inadmissible in the view of Judge Manthi



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Civil Party Applicant 08-VU-01485 (D22/1731).¹⁹ Detention Office 99, where the Applicant's husband was imprisoned, torture and forced to work under inhumane conditions is not among the limited number of security centers retained in the Indictment underlying the crimes of imprisonment, torture, enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted.

Civil Party Applicant 08-VU-01486 (D22/1730).²⁰ Detention Office 99, where the Applicant's husband, who was Accused to be a "traitor", was imprisoned and tortured in 1976, is not among the limited number of security centers retained in the Indictment underlying the crimes of imprisonment, torture and persecution for which the Accused are indicted.

Civil Party Applicant 08-VU-01514 (D22/0768).²¹ Detention Office 99, where the Applicant's husband, who was Accused to be "CIA agent", was imprisoned, tortured and forced to work under inhuman conditions in January 1976, is not among the limited number of security centers retained in the Indictment underlying the crimes of imprisonment, torture, enslavement, other inhumane acts through attacks against human dignity, enforced disappearance and persecution for which the Accused are indicted. Furthermore, it is not alleged that the forced transfer the Applicant and members of his family have been victims of form part of any of the three phases of forced movements of population for which the Accused are indicted.

Civil Party Applicant 08-VU-01533 (D22/0408).²² The forced transfer of the Applicant and her family from one Village to another in Kampong Speu Province is not part of any of the three movements of population for which the Accused are indicted. There is insufficient information about the circumstances surrounding the death of the Applicant's relative by starvation or murder to consider that it is plausible that it occurred in one of

¹⁹ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

²⁰ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

²¹ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

²² Application declared inadmissible on the ground that there was insufficient information to verify compliance with Rule 23 *bis* (1) and (4) (Impugned Order D411, para. 28 and Annex 3).

Civil party applications inadmissible in the view of Judge Marchi-



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the limited number of security center, execution sites, cooperatives or worksites retained in the Indictment underlying the crimes of other inhumane acts through attacks against human dignity and murder for which the Accused are indicted. The lack of information about the enforced disappearance of her brother and his family does not allow me to consider that it forms part of the crime of other inhumane acts through enforced disappearances for which the Accused are indicted.

Civil Party Applicant 08-VU-02024 (D22/0372).²³ It is not alleged that the killings of the Applicant's siblings and parents as a result of them being Accused of being connected to the CIA or Vietnam took place in one of the limited number of security centres, execution sites or even worksites or cooperatives retained in the Indictment underlying the crimes of extermination, murder, persecution and other inhumane acts through enforced disappearances for which the Accused are indicted. Further, the forced transfer of the Applicant and his family from Kampong Speu to Kampong Chhnang Provinces does not form part of one of the three phases of forced movements of population for which the Accused are indicted.

Civil Party Applicant 08-VU-02026 (D22/1025).²⁴ It is not alleged that the killing of the Applicant's husband, who was a Khmer Rouge cadre and was later Accused of being a "CIA agent", in 1976 took place in one of the limited number of security centers, execution sites or even worksites or cooperatives retained in the Indictment underlying the crimes of extermination, murder, persecution and other inhumane acts through enforced disappearance for which the Accused are indicted.

Civil Party Applicant 08-VU-02037 (D22/0361).²⁵ It is not alleged that the torture inflicted upon the Applicant, who was Accused of being a "CIA agent", in 1976 took place in one of the limited number of security centers retained in the Indictment underlying the crimes of torture and persecution for which the Accused are indicted. The

²³ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

²⁴ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

²⁵ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

Civil party applications inadmissible in the view of Judge Marchal



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lack of information about the circumstances surrounding the killing of the Applicant's parents and 22 siblings does not allow me to consider that it took place in on of the limited number of security centers, execution sites, or even cooperatives or worksites retained in the Indictment underlying the crimes of extermination, murder, persecution and other inhumane acts through enforced disappearance for which the Accused are indicted.

Civil Party Applicant 08-VU-02051 (D22/360).²⁶ There is insufficient information about the circumstances of the disappearance of the brother of the Applicant to consider that it is plausible that it took place in one of the locations where the Indictment alleges that the crimes of other inhumane acts through enforced disappearances for which the Accused are indicted did.

Civil Party Applicant 08-VU-02335 (D22/0474).²⁷ The forced transfer of the Applicant and his family from Kampong Speu provincial town to the countryside does not form of the three movements of population for which the Accused are indicted. It is not alleged that the locations where the Applicant and his family members were forced to work, and where some of them died of starvation, form part of one of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement, and other inhumane acts through attacks against human dignity for which the Accused are indicted. The lack of information about the killing of the Applicant's brother-in-law does not allow me to consider that it took place in one of the limited number of security centers, execution sites, or even cooperatives or worksites retained in the Indictment underlying the crime of extermination, murder and other inhumane acts through enforced disappearance for which the Accused are indicted. Furthermore, it is not alleged that the execution of his father, on the accusation that he was a former Lon Nol soldier, in early 1978 took place in one of the limited number of security centers, execution sites or even worksites or cooperatives retained in the Indictment underlying the crimes of

²⁶ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

²⁷ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

Civil party applications inadmissible in the view of Judge Marchisio



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extermination, murder, persecution and other inhumane acts through enforced disappearance for which the Accused are indicted.

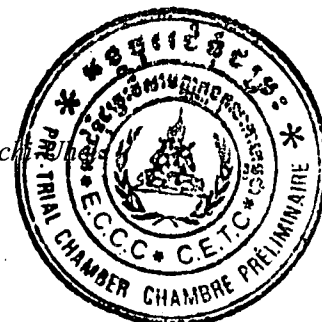
Civil Party Applicant 08-VU-02340 (D22/386).²⁸ The forced transfer of the Applicant's family in 1975 from Prey Kampoung Village, Kahaeng Sub-District, Samraong Tong District, Kampong Speu Province to Trapeang Trayueng Village, Prey Kmeng Sub-District, Phnum Sruoch District (District 51) does not form part of any of the three phases of forced movements of population for which the Accused are indicted. Further, the labour that she was forced to perform did not take place in one of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement, and other inhumane acts through attacks against human dignity for which the Accused are indicted. There is further insufficient evidence on the circumstances surrounding the killing of the Appellant's younger sister and husband in 1978 to consider it plausible that it took place in one of the limited number of security centres, execution sites or even worksites or cooperatives retained in the Indictment underlying the crimes of extermination, murder, persecution and other inhumane acts through enforced disappearance for which the Accused are indicted.

Civil Party Applicant 08-VU-02341 (D22/0407).²⁹ The forced transfer of the Applicant and his family within Kampong Speu Province is not among the three movements of population for which the Accused are indicted. The various locations where the Applicant and members of his family were forced to work under inhuman conditions and where some died of starvation or lack of medical care do not form part of one of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement, and other inhumane acts through attacks against human dignity for which the Accused are indicted.

²⁸ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

²⁹ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

Civil party applications inadmissible in the view of Judge March



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Civil Party Applicant 08-VU-02345 (D22/1141).³⁰ The forced transfer of the Applicant and his family within Kampong Speu Province does not form part of the three movements of population for which the Accused are indicted. The various locations where the Applicant and some members of her family were forced to work under inhuman conditions do not formed part of one of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement, and other inhumane acts through attacks against human dignity for which the Accused are indicted. Furthermore, it is not alleged that the execution of his father, on the accusation that he was a former Lon Nol soldier, in early 1978 took place in one of the limited number of security centers, execution sites or even worksites or cooperatives retained in the Indictment underlying the crimes of extermination, murder, persecution and other inhumane acts through enforced disappearance for which the Accused are indicted.

Civil Party Applicant 08-VU-02347 (D22/0413).³¹ The forced transfer of the Applicant and her family from Kampong Speu to Kampot Province is not part of any of the three movements of population for which the Accused are indicted. It is not alleged that the locations where the Applicant was forced to work under inhuman conditions formed part of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement, and other inhumane acts through attacks against human dignity for which the Accused are indicted. The lack of information about the circumstances and the locations where the Applicant's relatives died of starvation does not allow me to consider that it forms part of the crimes for which the Accused are indicted. Furthermore, it is not alleged that the killing of the Applicant's husband in March 1977 upon the accusation that he was a "spy" took place in one of the limited number of security centers, execution sites or even worksites or cooperatives retained in the Indictment underlying the crimes of extermination, murder, persecution and other inhumane acts through enforced disappearances for which the Accused are indicted.

³⁰ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

³¹ Application declared inadmissible on the ground that there was insufficient information to verify compliance with Rule 23 *bis* (1) and (4) (Impugned Order D411, para. 28 and Annex 3).

Civil party applications inadmissible in the view of Judge March



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Civil Party Applicant 08-VU-02348 (D22/1142).³² The forced transfer of the Applicant and his family from a soldier camp in Kandal Province to Kampong Speu Province does not form part of the three movements of population for which the Accused are indicted. The cooperative located in Pong Village, Tummoda Ar Sub-District, Samraoing Tong District, Kampong Speu Province, where the Applicant and her family were forced to work under inhuman conditions and some died of starvation, does not formed part of one of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement, and other inhumane acts through attacks against human dignity for which the Accused are indicted.

Civil Party Applicant 09-VU-00014 (D22/0473).³³ The forced transfer of the Applicant and her family within Kampong Speu Province does not form part of the three movements of population for which the Accused are indicted. It is not alleged that the locations where the Applicant and some members of her family where forced to work under inhuman conditions and some died of diseases form part of one of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement, and other inhumane acts through attacks against human dignity for which the Accused are indicted.

Civil Party Applicant 09-VU-00016 (D22/1176).³⁴ The forced transfer of the Applicant and her family from Kampong Speu town to a Village in the Province does not form part of the three movements of population for which the Accused are indicted. It is not alleged that the locations where the Applicant and some members of her family where forced to work under inhuman conditions and some died of diseases or starvation form part of one of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement, and other inhumane acts through attacks against human dignity for which the Accused are indicted. Furthermore, K'ek Pong mountain where the Applicant's father was killed is not among the limited number of security centers, execution sites or even

³² Application declared inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

³³ Application declared inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

³⁴ Application declared inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

Civil party applications inadmissible in the view of Judge Marchal



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worksites or cooperatives retained in the Indictment underlying the crimes of extermination, murder, persecution and other inhumane acts through enforced disappearance for which the Accused are indicted.

Civil Party Applicant 09-VU-00017 (D22/0499).³⁵ The forced transfer of the Applicant and his family within Kampong Speu Province does not form part of the three movements of population for which the Accused are indicted. It is not alleged that any of the locations where the Applicant and some members of her family were forced to work under inhuman conditions and some died of diseases or starvation form part of one of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement, and other inhumane acts through attacks against human dignity for which the Accused are indicted. In addition, the lack of information about the circumstances surrounding the killing of the Applicant's relatives does not allow to consider that it took place in on of the limited number of security centers, execution sites, or even cooperatives or worksites retained in the Indictment underlying the crime of extermination, murder, persecution and other inhumane acts through enforced disappearance for which the Accused are indicted.

Civil Party Applicant 09-VU-00162 (D22/0617).³⁶ It is not alleged that the disappearance of the Applicant's grandfather in 1976, when he was teaching in Pou Mreal Village, Basedth District, Kampong Speu Province, correspond to any of the locations listed in the Indictment underlying the crime of other inhumane acts through enforced disappearances for which the Accused are indicted. Furthermore, the lack of information about the circumstances surrounding the killing of the Applicant's uncle does not allow to consider that it took place in on of the limited number of security centers, execution sites, or even cooperatives or worksites retained in the Indictment underlying the crime of extermination, murder, persecution and other inhumane acts through enforced disappearance for which the Accused are indicted.

³⁵ Application declared inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

³⁶ Application declared inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

Civil party applications inadmissible in the view of Judge Marchal



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142, 157, 164, 165 and 172)

Civil Party Applicant 09-VU-01048 (D22/1688).³⁷ The forced transfer of the Applicant and his family from Kampong Speu town to the countryside in 1975 does not form part of the three movements of population for which the Accused are indicted. It is not alleged that any of the locations where the Applicant and some members of her family were forced to work under inhumane conditions and some died of diseases or starvation form part of one of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement, and other inhumane acts through attacks against human dignity for which the Accused are indicted. Krang Chek Sub-District, Oudoug District, Kampong Speu Province where the Applicant's father was killed does not correspond to the location where any of the limited number of security centers, execution sites or even worksites or cooperatives retained in the Indictment underlying the crimes of extermination, murder, persecution and other inhumane acts through enforced disappearance for which the Accused are indicted are located. Furthermore, the lack of information about the circumstances surrounding the killing of the Applicant's relatives does not allow to consider that it took place in on of the limited number of security centers, execution sites, or even cooperatives or worksites retained in the Indictment underlying the crime of extermination, murder, persecution and other inhumane acts through enforced disappearance for which the Accused are indicted.

Civil Party Applicant 09-VU-01051 (D22/1547).³⁸ The forced transfer of the Applicant and his family within Kampong Speu Province does not form part of the three movements of population for which the Accused are indicted. It is not alleged that any of the locations where the Applicant was forced to work under inhumane conditions form part of one of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement, and other inhumane acts through attacks against human dignity for which the Accused are indicted. Furthermore, Ta Ai Center where the execution of his grandfather and his son, on the basis that he was a "feudalist" or because his son was a former governor of Siem Reap Province, at Ta Ai Center, in Basedth District, Kampong Speu Province took place is not among the limited number of security centers, execution

³⁷ Application declared inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

³⁸ Application declared inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

Civil party applications inadmissible in the view of Judge Marc



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sites or even worksites or cooperatives retained in the Indictment underlying the crimes of extermination, murder, persecution and other inhumane acts through enforced disappearance for which the Accused are indicted. The same hold true for the disappearance of the Applicant's uncle, who was a former governor of Siem Reap Province.

Civil Party Applicant 09-VU-01054 (D22/1548).³⁹ The forced transfer of the Applicant and his family within Kampong Speu Province does not form part of the three movements of population for which the Accused are indicted. It is not alleged that any of the locations where the Applicant and members of his family were forced to work under inhumane conditions and tortured form part of one of the six cooperatives and worksites, or even security center retained in the Indictment underlying the crimes of enslavement, other inhumane acts through attacks against human dignity and torture for which the Accused are indicted. Furthermore, it is not alleged that the execution of the Applicant's family members who were former soldier under Lon Nol took place in one of the limited number of security centers, execution sites or even worksites or cooperatives retained in the Indictment underlying the crimes of extermination, murder, persecution and other inhumane acts through enforced disappearance for which the Accused are indicted.

Civil Party Applicant 09-VU-01055 (D22/1550).⁴⁰ The forced transfer of the Applicant and his family within Kampong Speu Province does not form part of the three movements of population for which the Accused are indicted. It is not alleged that the location where the Applicant was forced to work under inhumane conditions and where his daughter died of illness form part of one of the six cooperatives and worksites, or even security centre retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted. The locations where the Applicant's father and uncle were killed do not form part of the limited number of security centers, execution sites or even worksites or cooperatives retained in the Indictment underlying the crimes of extermination, murder,

³⁹ Application declared inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

⁴⁰ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

Civil party applications inadmissible in the view of Judge Marchal



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persecution and other inhumane acts through enforced disappearance for which the Accused are indicted.

Civil Party Applicant 09-VU-01057 (D22/1551).⁴¹ The forced transfer of the Applicant and his family within Kampong Speu Province does not form part of the three movements of population for which the Accused are indicted. It is not alleged that the location where the Applicant and members of his family were forced to work under inhumane conditions and where some died from part of one of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted. Furthermore, it is not alleged that the execution of the Applicant's uncle, a former soldier under Lon Nol, and members of his family in 1975 took place in one of the limited number of security centers, execution sites or even worksites or cooperatives retained in the Indictment underlying the crimes of extermination, murder, persecution and other inhumane acts through enforced disappearances for which the Accused are indicted.

Civil Party Applicant 09-VU-01059 (D22/2087).⁴² The forced transfer of the Applicant and her family from Kampong Speu to Takeo Province does not form part of the three movements of population for which the Accused are indicted. It is not alleged that the cooperatives where the Applicant and some members of her family were forced to work under inhumane conditions, and where her father died, form part of one of the six cooperatives and worksites, or even security centers retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted. The locations where the Applicant's father and brother were killed do not form part of the limited number of security centers, execution sites or even worksites or cooperatives retained in the Indictment underlying the crimes of extermination, murder, persecution and other inhumane acts through enforced disappearance for which the Accused are indicted. Furthermore, it is not alleged that the execution of the Applicant's other brother, a former soldier under Lon Nol, took place in

⁴¹ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

⁴² Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

Civil party applications inadmissible in the view of Judge Marchal



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one of the limited number of security centers, execution sites or even worksites or cooperatives retained in the Indictment underlying the crimes of extermination, murder, persecution and other inhumane acts through enforced disappearance for which the Accused are indicted.

Civil Party Applicant 09-VU-01060 (D22/1430).⁴³ The forced transfer of the Applicant and his family within Kampong Speu Province does not form part of any of the three movements of population for which the Accused are indicted. It is not alleged that any of the locations where the Applicant and members of his family were forced to work under inhumane conditions and where some died form part of one of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted.

Civil Party Applicant 09-VU-01411 (D22/1849).⁴⁴ The forced transfer of the Applicant and his family within Kampong Speu Province does not form part of any of the three movements of population for which the Accused are indicted. It is not alleged that the location where the Applicant and members of his family were forced to work under inhumane conditions and where some died form part of one of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted.e

Civil Party Applicant 09-VU-01413 (D22/1848).⁴⁵ The forced transfer of the Applicant and his family within Kampot Province does not form part of any of the three movements of population for which the Accused are indicted. It is not alleged that the location where the Applicant and members of his family were forced to work under inhumane conditions form part of one of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against

⁴³ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

⁴⁴ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

⁴⁵ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

Civil party applications inadmissible in the view of Judge Marchal



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human dignity for which the Accused are indicted. The locations where the Applicant's father, a former teacher under Lon Nol, was executed and where the Applicant witnessed the killing of 17 persons are not among the limited number of security centers, execution sites, worksites, cooperatives nor does it correspond to one of the movements of population retained in the Indictment underlying the crimes of extermination, murder, persecution and other inhumane acts through enforced disappearance for which the Accused are indicted.

Civil Party Applicant 09-VU-01910 (D22/2897).⁴⁶ The forced transfer of the Applicant and his family within Kampong Speu Province does not form part of any of the three movements of population for which the Accused are indicted. It is not alleged that any of the location where the Applicant and members of his family were forced to work under inhumane conditions form part of one of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted. Furthermore, Prek Kmeng, Kampong Speu Province where it is alleged that the disappearance and execution of his father, a chief of Sub-District during King Sihanouk's Regime, took place in 1975, does not correspond to one of the limited number of security centers, execution sites or even worksites or cooperatives retained in the Indictment underlying the crimes of imprisonment, extermination, murder, persecution and other inhumane acts through enforced disappearances for which the Accused are indicted. The same holds true for the killing of the Applicant's grandfather and aunt, as there is insufficient information about the location where they were killed to consider that it forms part of the crimes of extermination, murder, persecution and other inhumane acts through enforced disappearance for which the Accused are indicted.

Civil Party Applicant 09-VU-01911 (D22/2898).⁴⁷ It is not alleged that the forced transfer of the Applicant and her family forms part of one of the three phases of forced transfer of population for which the Accused are indicted. It is not alleged that any of the

⁴⁶ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

⁴⁷ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

Civil party applications inadmissible in the view of Judge Marchesi



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various locations where the Applicant and her family were forced to work under inhumane conditions is one of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted. Furthermore, Tumnuh Kâp Chhkè Dam Village, Prey Kmeng Sub-District, Kampong Speu Province where the execution of her uncle, a former Lon Nol soldier, and his family took place in 1977 is not one of the limited number of security centers, execution sites or even worksites or cooperatives retained in the Indictment underlying the crimes of extermination, murder, persecution and other inhumane acts through enforced disappearances for which the Accused are indicted.

Civil Party Applicant 09-VU-01912 (D22/2899).⁴⁸ It is not alleged that the forced transfer of the Applicant and his family forms part of one of the three phases of forced movements of population for which the Accused are indicted. It is not alleged either that any of the locations where the Applicant was forced to work under inhumane conditions formed part of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted. Furthermore, it is not alleged that the execution of the husband of the Applicant's cousin, a former Lon Nol soldier, and other members of her family in 1977 took place in one of the limited number of security centers, execution sites or even worksites or cooperatives retained in the Indictment underlying the crimes of extermination, murder, persecution and other inhumane acts through enforced disappearances for which the Accused are indicted.

Civil Party Applicant 09-VU-01915 (D22/2902).⁴⁹ It is not alleged that the forced transfer of the Applicant and her family forms part of one of the three phases of forced movements of population for which the Accused are indicted. It is not alleged either that any of the locations where the Applicant and members of her family were forced to work under inhumane conditions, and where the Applicant's father died of starvation, formed

⁴⁸ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

⁴⁹ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

Civil party applications inadmissible in the view of Judge Marchal



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part of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement, and other inhumane acts through attacks against human dignity for which the Accused are indicted.

Civil Party Applicant 09-VU-01916 (D22/2903).⁵⁰ It is not alleged that any of the locations where the Applicant's family members died *inter alia* of starvation or were executed formed part of the six cooperatives and worksites retained in the Indictment underlying the crimes of extermination, murder or other inhumane acts through attacks against human dignity for which the Accused are indicted. There is insufficient information about the circumstances of the disappearance of her nephew to consider that it is plausible that it took place in one of the locations where the Indictment alleges that the crimes of other inhumane acts through enforced disappearances for which the Accused are indicted did.

Civil Party Applicant 09-VU-01917 (D22/2904).⁵¹ It is not alleged that the forced transfer of the Applicant and her family forms part of one of the three phases of forced movements of population for which the Accused are indicted. It is not alleged that any of the locations where the Applicant's family members died of starvation formed part of the six cooperatives and worksites retained in the Indictment underlying the crime of other inhumane acts through attacks against human dignity for which the Accused are indicted. It is not alleged that the location where the Applicant's older brother has been executed forms part of the limited number of sites or during events retained in the Indictment underlying the crimes of extermination, murder and other inhumane acts through enforced disappearances for which the Accused are indicted.

Civil Party Applicant 09-VU-01918 (D22/2905).⁵² It is not alleged that the forced transfer of the Applicant and her family forms part of one of the three phases of forced transfer of population for which the Accused are indicted. It is not alleged that any of the

⁵⁰ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

⁵¹ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

⁵² Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).



locations where the Applicant's family members died of starvation formed part of the six cooperatives and worksites retained in the Indictment underlying the crime of other inhumane acts through attacks against human dignity for which the Accused are indicted. Furthermore, it is not alleged that the execution of the Applicant's father, a former Lon Nol soldier, and other members of her family in 1977 took place in one of the limited number of security centers, execution sites or even worksites or cooperatives retained in the Indictment underlying the crimes of extermination, murder, persecution and other inhumane acts through enforced disappearances for which the Accused are indicted.

Civil Party Applicant 09-VU-01919 (D22/2906).⁵³ It is not alleged that the forced transfer of the Applicant and her family forms part of one of the three phases of forced movements of population for which the Accused are indicted. It is not alleged that any of the locations where the Applicant and her family were forced to work under inhumane conditions and where the Applicant's parents and older brother died of starvation formed part of the six cooperatives and worksites retained in the Indictment underlying the crime of enslavement or other inhumane acts through attacks against human dignity for which the Accused are indicted.

Civil Party Applicant 09-VU-02427 (D22/2207).⁵⁴ The forced transfer of the Applicant's older brother's family from Kampong Speu to Kampong Chhnang Province is not part of any of the three movements of population for which the Accused are indicted. It is not alleged that their killing took place in one of the limited number of security centers, execution sites or even worksites or cooperatives retained in the Indictment underlying the crimes of extermination, murder and other inhumane acts through enforced disappearances for which the Accused are indicted.

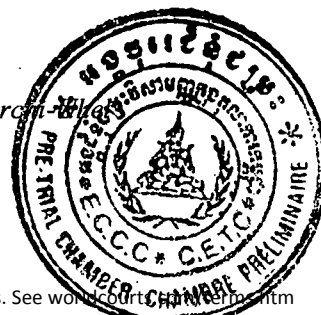
Civil Party Applicant 09-VU-02430 (D22/2209).⁵⁵ The forced transfer of the Applicant from Kampong Speu to Kampong Chhnang Province does not form part of one of the

⁵³ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

⁵⁴ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

⁵⁵ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

Civil party applications inadmissible in the view of Judge Marchal



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three phases of forced movements of population for which the Accused are indicted. It is not alleged that any of the locations where the Applicant and his family were forced to work under inhumane conditions and where the Applicant's mother and sister and older brother died of starvation formed part of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement or other inhumane acts through attacks against human dignity for which the Accused are indicted. Furthermore, it is not alleged that the execution of the Applicant's father-in-law, on the basis that he was a "feudalist", in Tbaeng Village took place in one of the limited number of security centers, execution sites or even worksites or cooperatives retained in the Indictment underlying the crimes of extermination, murder, persecution and other inhumane acts through enforced disappearances for which the Accused are indicted.

Civil Party Applicant 09-VU-02431 (D22/2210).⁵⁶ The forced transfer of the Applicant's father within Kampong Speu Province does not form part of one of the three phases of forced movements of population for which the Accused are indicted. It is not alleged that any of the locations where the Applicant and his father were forced to work under inhumane conditions and where the Applicant's father died formed part of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement or other inhumane acts through attacks against human dignity for which the Accused are indicted.

Civil Party Applicant 09-VU-02432 (D22/2211).⁵⁷ It is not alleged that the execution of the Applicant's husband on the basis that he was considered to be a "traitor" took place in one of the limited number of security centers, execution sites or even worksites or cooperatives retained in the Indictment underlying the crimes of extermination, murder, persecution and other inhumane acts through enforced disappearances for which the Accused are indicted. The prison in Tuek L'ak area, where the Applicant was imprisoned and torture, does not form part of the limited number of security center, or even worksites or cooperatives retained in the Indictment underlying the crimes of imprisonment or

⁵⁶ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

⁵⁷ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

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torture for which the Accused are indicted. The location where the Applicant was forced to work under inhuman conditions (Boeng Kak Village, Ta Ches Sub-District, Kampong Tralach District, Kampong Chhnang Province) does not form part of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement or other inhumane acts through attacks against human dignity for which the Accused are indicted.

Civil Party Applicant 09-VU-02433 (D22/2212).⁵⁸ It is not alleged that the execution of the Applicant's sons after they deserted took place in one of the limited number of security centers, execution sites or even worksites or cooperatives retained in the Indictment underlying the crimes of extermination, murder, persecution and other inhumane acts through enforced disappearances for which the Accused are indicted. It is not alleged that the location where the Applicant and her husband were forced to work under inhuman conditions and where the Applicant's husband died formed part of any of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement or other inhumane acts through attacks against human dignity for which the Accused are indicted.

Civil Party Applicant 09-VU-02434 (D22/2213).⁵⁹ The forced transfer of the Applicant and his family, together with the Applicant's brother-in-law's family, within Kampong Speu Province and then to Kampong Chhnang Province does not form part of one of the three phases of forced transfer of population for which the Accused are indicted. It is not alleged that the location where the Applicant and his family were forced to work under inhuman conditions, and where members of the Applicant's brother-in-law's family died of illness or starvation, formed part of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted.

⁵⁸ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

⁵⁹ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

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Civil Party Applicant 09-VU-02435 (D22/2214).⁶⁰ Along Phlieng, in Pou Mreal Sub-District, Basedth District, Kampong Speu Province, where the Applicant was imprisoned, forced to work and beaten, is not among the limited number of security centers, or even worksites or cooperatives retained in the Indictment underlying the crimes of imprisonment, torture, enslavement or other inhumane acts through attacks against human dignity for which the Accused are indicted.

Civil Party Applicant 09-VU-02514 (D22/2286).⁶¹ It is not alleged that the execution of the Applicant's husband upon allegation that he was a "capitalist" in Trapeang Chour Village, Trapeang Chour Sub-District, Aoral District, Kampong Speu Province took place in one of the limited number of security centers, execution sites or even worksites or cooperatives retained in the Indictment underlying the crimes of extermination, murder, persecution and other inhumane acts through enforced disappearances for which the Accused are indicted. The same holds true for the Applicant's two siblings, who appear to have been killed in the same area.

Civil Party Applicant 09-VU-02518 (D22/2290).⁶² It is not alleged that the forced transfer of the Applicant and her family forms part of one of the three phases of forced movements of population for which the Accused are indicted. It is not alleged that any of the locations where the Applicant and her family were forced to work under inhuman conditions and where the Applicant's father and one sibling died of starvation and exhaustion formed part of any of the six cooperatives and worksites retained in the Indictment underlying the crime of enslavement or other inhumane acts through attacks against human dignity for which the Accused are indicted. Furthermore, it is not alleged that the execution of the Applicant's uncle upon allegation that he was a "CIA agent" in Trapeang Sangkae Village took place in one of the limited number of security centers, execution sites or even worksites or cooperatives retained in the Indictment underlying

⁶⁰ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

⁶¹ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

⁶² Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

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the crimes of extermination, murder, persecution and other inhumane acts through enforced disappearances for which the Accused are indicted.

Civil Party Applicant 09-VU-03323 (D22/2331).⁶³ Anlong Phleang worksite, in Pou Mreal Sub-District, Basedth District, Kampong Speu Province, where the Applicant's children were forced to work under inhuman conditions, does not form part of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted.

Civil Party Applicant 09-VU-03316 (D22/2325).⁶⁴ Ou Kaun Trom Dam, in Phnum Sruoch District, Kampong Speu Province, where the Applicant's husband was forced to work under inhuman conditions and died of overwork and starvation is not among the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted. There is insufficient information about the circumstances of the disappearance of her sibling-in-law to consider that it is plausible that it took place in one of the locations where the Indictment alleges that the crimes of other inhumane acts through enforced disappearances for which the Accused are indicted did.

Civil Party Applicant 09-VU-03319 (D22/2328).⁶⁵ The forced transfer of the Applicant's daughter from Kampong Speu to Takeo Province does not form part of one of the three phases of forced movements of population for which the Accused are indicted. It is not alleged that the children's unit in Takeo Province where the Applicant's daughter was forced to work under inhuman conditions and from where she disappeared forms part of the six cooperatives and worksites, or even the limited number of security centers retained in the Indictment underlying the crimes of enslavement, other inhumane acts

⁶³ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

⁶⁴ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

⁶⁵ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

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through attacks against human dignity or enforced disappearance for which the Accused are indicted.

Civil Party Applicant 09-VU-03321 (D22/2329).⁶⁶ The mass grave north of Srâng Market, near Wat Kak Kâ in Kong Pisei District, Kampong Speu Province, where the Applicant's husband and siblings were killed, does not form part of the limited number of security centers, execution sites or even worksites or cooperatives retained in the Indictment underlying the crimes of extermination, murder, persecution and other inhumane acts through enforced disappearances for which the Accused are indicted.

Civil Party Application 09-VU-03324 (D22/2332).⁶⁷ There is insufficient about the circumstances surrounding the arrest and torture of the Applicant's father in 1978 to consider it plausible that it took place in one of the limited number of security centres, or even worksites or cooperatives retained in the Indictment underlying the crimes of imprisonment and torture for which the Accused are indicted. There is insufficient information to consider it plausible that the imprisonment of the Applicant where he was Accused of being an American spy and was not fed, in Chrey Hau Pnov in Kong Pisei District, Kampong Speu Province, took place in one of the limited number of security centres, or even worksites or cooperatives retained in the Indictment underlying the crimes of imprisonment and other inhumane acts through 'attacks against human dignity' for which the Accused are indicted.

Civil Party Application 09-VU-03326 (D22/2334).⁶⁸ There is insufficient information about the circumstances surrounding the arrest and torture of the Applicant in 1976 in a military centre in Prey Kabbas District, Takeo Province, where the Applicant was Accused of hiding guns, to consider it plausible that it took place in one of the limited number of security centres, execution sites, worksites or cooperatives retained in the

⁶⁶ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

⁶⁷ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

⁶⁸ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

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Indictment underlying the crimes of imprisonment and torture for which the Accused are indicted.

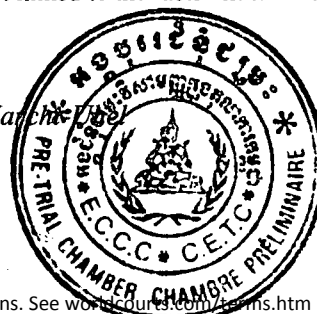
Civil Party Application 09-VU-03328 (D22/2335).⁶⁹ There is insufficient information about the circumstances surrounding the arrest and torture of the Applicant's husband as a result of his refusal to hand over his properties to Angkar to consider it plausible that it took place in one of the limited number of security centres, or even worksites or cooperatives retained in the Indictment underlying the crimes of imprisonment and torture for which the Accused are indicted. There is insufficient information to consider it plausible that the imprisonment and subsequent killing of the Appellant's younger sister-in-law, who was Accused of being an enemy, took place in one of the limited number of security centres, execution sites, worksites or cooperatives retained in the Indictment underlying the crime of extermination, murder, persecution or other inhumane acts through enforced disappearances for which the Accused are indicted.

Civil Party Application 09-VU-03330 (D22/3140).⁷⁰ The forcible transfer of the '17 April' people from Phnom Penh to Kouk Pnov Village, Prey Nheat Sub-District, Kong Pisei District, Kampong Speu Province in 1976 or the subsequent transfer of the '17 April' people along with the Appellant and his wife to Ta Ai security centre, Kampong Speu Province in 1976 do not form part of any of the three phases of forced movements of population for which the Accused are indicted. There is insufficient information to consider it plausible that the evacuation and subsequent killing of the Appellant's wife where she was Accused of being a capitalist and being associated with enemies of the Angkar took place in one of the limited number of security centres, execution sites, worksites or cooperatives retained in the Indictment underlying the crime of extermination, murder, persecution or other inhumane acts through enforced disappearances of which the Accused are indicted.

⁶⁹ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

⁷⁰ Application declared inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

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Civil Party Application 09-VU-03339 (D22/2343).⁷¹ There is insufficient information about the location where the Appellant's husband was assigned to collect palm juice in 1976 to consider it plausible that it took place in one of the limited number of cooperatives, worksites or security centres retained in the Indictment underlying the crime of enslavement for which the Accused are Indictment. Pheap Security Centre, Phong Commune, Basedth District, Kampong Speu Province, where it is alleged that the killing of the Appellant's husband Accused of forming part of the network of the enemy took place, is not among the limited number of security centres, execution sites, or even worksites or cooperatives retained in the Indictment underlying the crime of extermination, murder, persecution or other inhumane acts through enforced disappearances for which the Accused are indicted.

Civil Party Application 09-VU-03341 (D22/D2345).⁷² The arrest, imprisonment, torture and subsequent killing of the Appellant's mother in 1977 by Khmer Rouge cadres at the Srae Hau Pnao security centre in Kong Pisei District, Kampong Speu Province did not occur at one of the limited number of security centres, execution sites, worksites or cooperatives retained in the Indictment underlying the crimes of extermination, murder, persecution, other inhumane acts through enforced disappearances, imprisonment and torture for which the Accused are indicted.

Civil Party Application 09-VU-03344 (D22/2348).⁷³ There is insufficient information to consider that the killing of the Appellant's older brother in 1976 by Khmer Rouge cadres because he was Accused of being a traitor took place in one of the limited number of security centres, execution sites, worksites or cooperatives retained in the Indictment underlying the crime of extermination, murder, persecution or other inhumane acts through enforced disappearances for which the Accused are indicted.

⁷¹ Application declared inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

⁷² Application declared inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

⁷³ Application declared inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

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Civil Party Application 09-VU-03345 (D22/2349).⁷⁴ The forced labour of the Applicant in Thnal Dach Village, Preah Khae Sub-District, Basedth District, Kampong Speu Province did not occur at one of the six worksites or cooperatives retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted.

Civil Party Application 09-VU-03347 (D22/2351).⁷⁵ The forced transfer of the Appellant's husband in 1976 to A Pheap security centre in Phong Sub-District, Basedth District, Kampong Speu Province; and from this location to Thnal Village, Preah Khae Sub-District, Basedth District, Kampong Speu Province five months later do not form part of any of the three phases of forced movements of population for which the Accused are indicted. A Pheap security centre in Phong Sub-District, Basedth District, Kampong Speu Province where the Appellant's husband was arrested, detained, tortured and killed in 1977 is not among the limited number of security centres, execution sites, worksites or cooperatives retained in the Indictment underlying the crimes of torture, extermination, murder, persecution, other inhumane acts through enforced disappearances and imprisonment for which the Accused are indicted.

Civil Party Application 09-VU-03348 (D22/2352).⁷⁶ There is insufficient information about the circumstances surrounding the torture and killing of the Appellant's older brother in 1976 upon accusation of being an intellectual to consider it plausible that it took place in one of the limited number of security centres, execution sites, worksites or cooperatives retained in the Indictment underlying the crimes of extermination, murder, persecution, other inhumane acts through enforced disappearances and torture for which the Accused are indicted.

⁷⁴ Application declared inadmissible on the basis that there was insufficient information to verify compliance with Rule 23 *bis* (1) and (4) Impugned Order D411, para. 28 and Annex 3).

⁷⁵ Application declared inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

⁷⁶ Application declared inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

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Civil Party Application 09-VU-03351 (D22/2355).⁷⁷ The arrest, detention, torture and killing of the Appellant's father in 1976 at A Pheap security centre in Phong Sub-District, Basedth District, Kampong Speu Province; the arrest, detention, forced labour and killing of the Appellant's mother in 1977 at Chrai Haur Pnao security centre in Kong Pisei District, Kampong Speu Province and; the forced labour of the Appellant herself at Chrai Haur Pnao security centre did not occur at one of the limited number of security centres, execution sites, worksites or cooperatives retained in the Indictment underlying the crimes of extermination, murder, persecution, torture, imprisonment and other inhumane acts through attacks against human dignity and enforced disappearances for which the Accused are indicted.

Civil Party Application 09-VU-03352 (D22/2356).⁷⁸ Ta Ai security centre, Our Svay Phièm, Chaoam Sangkae Sub-District, Phnum Sruoch District, Kampong Speu Province where the Applicant's husband was detained and killed is not among the limited number of security centres, execution sites, worksites or cooperatives retained in the Indictment underlying the crimes of imprisonment, extermination, murder, persecution or other inhumane acts through enforced disappearances for which the Accused are indicted.

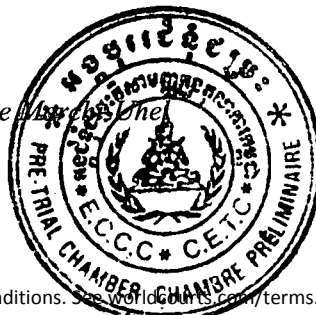
Civil Party Application 09-VU-03353 (D22/2357).⁷⁹ The forced transfer of the Appellant's husband from Trapeang Veang Village, Preah Khae Sub-District, Basedth District, Kampong Speu Province to Boeng Village, Preah Khae Sub-District, Basedth District, Kampong Speu Province does not form part of any of the three phases of forced movements of population for which the Accused are indicted. The location where the Applicant's husband was killed (north of Boeng Village, Preah Khae Sub-District) does not correspond to an area where any of the limited number of security centres, execution sites, worksites or cooperatives retained in the Indictment underlying the crime of extermination, murder, persecution or other inhumane acts through enforced disappearances for which the Accused are indicted were located.

⁷⁷ Application declared inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

⁷⁸ Application declared inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

⁷⁹ Application declared inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

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Civil Party Application 09-VU-03354 (D22/2358).⁸⁰ A Pheap security centre in Phong Sub-District, Basedth District, Kampong Speu Province where the killing of the Appellant's father because he was Accused of being a hidden enemy took place is not among the limited number of security centres, execution sites, worksites or cooperatives retained in the Indictment underlying the crimes of extermination, murder, persecution or other inhumane acts through enforced disappearances of which the Accused are indicted. The same hold true for the imprisonment, forced labour and torture of the Appellant's father at the same security center.

Civil Party Application 09-VU-03356 (D22/2360).⁸¹ The arrest, imprisonment and killing of the Appellant's older brother by Khmer Rouge cadres in 1977 at Our Svay Phiem in Choam Sangkae Sub-District, Phnum Sruoch District, Kampong Speu Province because he was Accused of having conducted an immoral act did not take place in one of the limited number of security centres, execution sites, worksites or cooperatives retained in the Indictment underlying the crimes of extermination, murder, persecution, other inhumane acts through enforced disappearances and imprisonment for which the Accused are indicted.

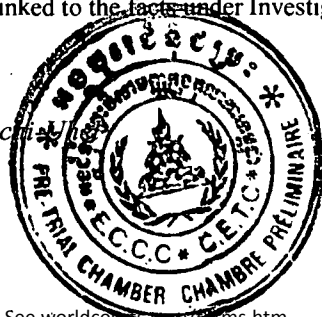
Civil Party Application 09-VU-03394 (D22/2396).⁸² There is insufficient information about the circumstances surrounding the death of the Appellant's child in 1975 as a result of nobody taking care of her to consider it plausible that it took place in one of the limited number of cooperatives, worksites or during phases 1 or 2 of the population movements retained in the Indictment underlying the crime of other inhumane acts through attacks against human dignity for which the Accused are indicted. The arrest of the Appellant's husband in Chambak Run Khang Cheung Village, Pou Mreal Sub-District, Basedth District, Kampong Speu Province because he was Accused of stealing a bicycle as well as the detention and killing of the Appellant's husband at Ta Ai security centre did not occur at one of the limited number of execution sites, security centres, worksites or

⁸⁰ Application declared inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

⁸¹ Application declared inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

⁸² Application declared inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

Civil party applications inadmissible in the view of Judge Marchesi



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cooperatives retained in the Indictment underlying the crimes of imprisonment, extermination, murder, persecution or other inhumane acts through enforced disappearances of which the Accused are indicted.

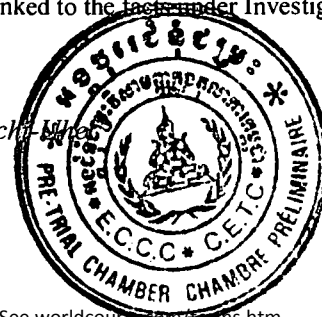
Civil Party Application 09-VU-03397 (D22/3146).⁸³ Phnom Chrey Ho Pnov, Kong Pesei District, Kampong Speu Province where the Applicant's husband was arrested, detained and interrogated is not among the limited number of security centres, worksites or cooperatives retained in the Indictment underlying the crimes of imprisonment, extermination, murder, persecution or other inhumane acts through enforced disappearances for which the Accused are indicted. Phnom Chrey Ho Pnov where the killing of the Appellant's husband, Accused of being an accomplice of the Yuon, took place is not one of the limited number of security centres, execution sites, worksites or cooperatives retained in the Indictment underlying the crime of extermination, murder, persecution or other inhumane acts through enforced disappearances for which the Accused are indicted.

Civil Party Application 09-VU-03430 (D22/2425).⁸⁴ There is insufficient information about the circumstances surrounding the arrest and chaining of the Appellant's father at the house of a Khmer Rouge chief for seven days in 1977 because he took two bunches of rice to consider it plausible that it took place at one of limited number of security centres, worksites or cooperatives retained in the Indictment underlying the crime of imprisonment for which the Accused are indicted. Further, there is insufficient evidence of the circumstances where the Appellant's father was called to be on standby to carry injured people but never returned to consider it plausible that that it took place in one of the locations where the Indictment alleges that the crimes of other inhumane acts through enforced disappearances for which the Accused are indicted did.

⁸³ Application declared inadmissible on the basis that there was insufficient information to verify compliance with Rule 23 *bis* (1) and (4) Impugned Order D411, para. 28 and Annex 3).

⁸⁴ Application declared inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

Civil party applications inadmissible in the view of Judge March



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Civil Party Application 09-VU-03431 (D22/2426).⁸⁵ Au Svay Ph'em Prison in Choam Sangkae Sub-District, Phnum Sruoch District, Kampong Speu Province, where the applicant's husband was detained, interrogated and beaten up everyday because he was Accused of being a Yuon spy, is not one of the limited number of security centres, worksites or cooperatives retained in the Indictment underlying the crimes of imprisonment and torture for which the Accused are indicted.

Civil Party Application 09-VU-03433 (D22/2427).⁸⁶ Au Svay Ph'em Prison in Choam Sangkae Sub-District, Phnum Sruoch District, Kampong Speu Province, where the detention and forced labour of the Appellant without sufficient food in 1977 because she had been Accused of being a Yuon enemy took place, is not one of the limited number of security centres, worksites or cooperatives retained in the Indictment underlying the crimes of imprisonment and other inhumane acts through attacks against human dignity for which the Accused are indicted.

Civil Party Application 09-VU-03453 (D22/3162).⁸⁷ There is insufficient information about the circumstances surrounding the forced labour of the Appellant's older brother without sufficient food in 1977 to consider it plausible that it took place in one of the limited number of security centres, worksites or cooperatives retained in the Indictment underlying the crimes of imprisonment, enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted. Anlong Chrey, Kampong Speu Province where the Appellant's older brother was shot dead for being a Yuon spy is not one of the limited number of execution sites, security centres, worksites or cooperatives retained in the Indictment underlying the crime of extermination, murder, persecution or other inhumane acts through enforced disappearances of which the Accused are indicted.

⁸⁵ Application declared inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

⁸⁶ Application declared inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

⁸⁷ Application declared inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

Civil party applications inadmissible in the view of Judge Marchal



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Civil Party Application 09-VU-03454 (D22/3163).⁸⁸ 99 security centre in Hpong District, Kampong Speu Province, where the Applicant's older brother was forced to work, is not one of the limited number of worksites, cooperatives or even security centres retained in the Indictment underlying the crime of enslavement for which the Accused are indicted. There is insufficient information about the circumstances surrounding the disappearance of the Appellant's older brother to consider it plausible that it took place in one of the limited number of security centres, execution sites, or even worksites or cooperatives retained in the Indictment underlying the crime of other inhumane acts through enforced disappearances of which the Accused are indicted.

Civil Party Application 09-VU-03457 (D22/3166).⁸⁹ Svay Kamprok security centre in sector 99 in Kampong Speu Province, where the Appellant's husband was detained upon his arrest and forced to work in 1975 because he was Accused of betraying Angkar for taking meat from a dead ox to eat and from where he subsequently disappeared is not among the limited number of security centres, worksites or cooperatives retained in the Indictment underlying the crimes of imprisonment, enslavement and other inhumane acts through attacks against human dignity and other inhumane acts through enforced disappearances for which the Accused are indicted. Damrei Kach Roteh where the Appellant and her four children were detained after their arrest does not correspond to any of the limited number of security centres, worksites or cooperatives retained in the Indictment underlying the crimes of imprisonment and other inhumane acts through attacks against human dignity for which the Accused are indicted.

Civil Party Application 09-VU-03458 (D22/3167).⁹⁰ There is insufficient information about the arrest of the Applicant's father in 1976 and his killing in Takeo Province in 1978 because he was a former Lon Nol soldier; the killing of the Appellant's older brother and sister because they were Accused of being CIA spies and were supposedly sent to attend a study session to conclude that it took place in one of the limited number

⁸⁸ Application declared inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

⁸⁹ Application declared inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

⁹⁰ Application declared inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

Civil party applications inadmissible in the view of Judge March



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of security centres, execution sites or worksites retained in the Indictment underlying the crime of extermination, murder, persecution or other inhumane acts through enforced disappearances for which the Accused are indicted.

Civil Party Application 09-VU-03826 (D22/3477).⁹¹ The evacuation of the Appellant and her family members from Kampong Speu Province to the countryside in 1975 does not form part of any of the three phases of forced movements of population for which the Accused are indicted. Angkor Village, Angkor Borei District, Takeo Province where the Appellant's father, husband, children and sisters died of forced labour and starvation between 1976 and 1978 does not correspond to any of the location where the limited number of worksites, cooperatives or security centres retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity of which the Accused are indicted are situated.

Civil Party Application 09-VU-04153 (D22/3560).⁹² Pheap Office, Trapeang Peuk Village, Preah Khae Sub-District, Basedth District, Kampong Speu Province where the Applicant's younger brother was tortured and starved to death upon accusation of being an American spy is not among the limited number of security centres, worksites or cooperatives retained in the Indictment underlying the crime of torture, enslavement or other inhumane acts through attacks against human dignity for which the Accused are indicted.

Civil Party Applicant 09-VU-04174 (D22/2465).⁹³ The prisons at Svay Rumpea Sub-District, Basedth District and Wat Svay Teach, Phnum Kropeu Sub-District, Kong Piseil District, both located in Kampong Speu Province, where the Applicant was arrested and tortured on the ground that he was a "CIA spy" in 1976, are not among of the limited number of security centers, execution sites or even worksites or cooperatives retained in

⁹¹ Application declared inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

⁹² Application declared inadmissible on the ground that there is no proof of kinship with an immediate victim of forced transfer Phase 1 and harm is not linked to the facts under investigation (Impugned Order D411, paras 24 and 27 and Annex 3).

⁹³ Application declared inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

Civil party applications inadmissible in the view of Judge Marc



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the Indictment underlying the crimes of imprisonment, torture persecution or other inhumane acts through attacks against human dignity for which the Accused are indicted.

Civil Party Applicant 09-VU-04183 (D22/3578).⁹⁴ Kong Pisei District, Kampong Speu Province where the Applicant's brother, a medic, was killed does not correspond to the location where the limited number of security centers, execution sites or even worksites or cooperatives retained in the Indictment underlying the crimes of extermination, murder, persecution and other inhumane acts through enforced disappearances for which the Accused are indicted are situated.

Civil Party Applicant 09-VU-04186 (D22/3581).⁹⁵ Svay Ampear (or Svay Rumpea) Sub-District, Basedth District, Kampong Speu Province where the Applicant's younger brother, a member of the militia, was killed is not among the limited number of security centers, execution sites or even worksites or cooperatives retained in the Indictment underlying the crimes of extermination, murder, persecution or other inhumane acts through enforced disappearances for which the Accused are indicted.

Civil Party Application 09-VU-00348 (D22/3773).⁹⁶ None of the locations where two of the Applicant's siblings Accused of being enemies were arrested and killed in 1975 and 1977 (Prey Roneang Village, Svay Rompea Commune, Korng Pisey District, Kampong Speu Province; Prey Khlei Village, Bâ-sêth Commune, Bâ-sêth District, Kampong Speu Province) is among the limited number of sites retained in the Indictment underlying the crimes of murder, extermination, persecution and other inhumane acts through enforced disappearances for which the Accused are indicted. Further, the arrest, detention and forced labour of the Applicant for three or four days where he was forced to carry unearthed soil because he was Accused of being the 'third force' did not occur in one of limited number of security centres, cooperatives or worksites retained in the Indictment

⁹⁴ Application declared inadmissible on the basis that there was insufficient information to verify compliance with Rule 23 *bis* (1) and (4) (Impugned Order D411, para. 28 and Annex 3).

⁹⁵ Application declared inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

⁹⁶ Application declared inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

Civil party applications inadmissible in the view of Judge Mar



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underlying the crimes of enslavement, imprisonment and other inhumane acts through attacks against human dignity for which the Accused are indicted.

Civil Party Application 09-VU-00469 (D22/3827).⁹⁷ There is insufficient information about the killing of the Appellant's father because he was a former first secretary in 1975 to consider it plausible that it took place in one of the limited number of security centres, execution sites or worksites retained in the Indictment underlying the crime of extermination, murder, persecution or other inhumane acts through enforced disappearances for which the Accused are indicted. Further, it is not alleged that the arrest and imprisonment of the Appellant and his mother at Chrey Hou Pnov security centre in Kong Pisei District, Kampong Speu Province; the Appellant's forced labour and consequent beating if he did not achieve the plan of the Khmer Rouge; and the mistreatment of the Appellant's older mother where she eventually fell ill took place in one of the limited number of security centres, cooperatives or worksites retained in the Indictment underlying the crimes of imprisonment, enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted.

Civil party applicant 09-VU-03312 (D22/2321). Anlong Phleang worksite, in Basedth district, Kampong Speu province, where the applicant and her children were forced to work does not correspond to one of the limited number of cooperatives or worksites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted.

Appeal PTC 142⁹⁸

Civil Party Applicant 08-VU-01230 (D22/2046).⁹⁹ It is not alleged that the place where the Applicant was forced to work under inhumane conditions formed part of any of the

⁹⁷ Application declared inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

⁹⁸ Appeal Brief against the Order on the Admissibility of Applicant Civil Party Applicant Applicant Civil Party Applicant Applicant Applicant Civil Party Applicant Applicant Civil Party Applicant from current Residents of Kampong Speu Province (D411), 19 September 2010, D411/4/1 ("Appeal PTC 139").

⁹⁹ Application declared inadmissible on the ground that there was insufficient information to verify compliance with Rule 23 *bis* (1) and (4) (Impugned Order D411, para. 28 and Annex 2).

Civil party applications inadmissible in the view of Judge Marchi-U...



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six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement, and other inhumane acts through attacks against human dignity for which the Accused are indicted. There is insufficient information about the circumstances of the disappearance and killing of her husband to consider that it is plausible that it took place in one of the locations where the Indictment alleges that the crimes of other inhumane acts through enforced disappearances and murder for which the Accused are indicted did.

Civil Party Applicant 08-VU-01228 (D22/1400).¹⁰⁰ It is not alleged that the “Central Security center in Phong Sub-District, Basedth Distrist, Kampong Speu Province” where the Applicant said her father was sent to work and later killed is part of the limited number of six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted, nor of the limited number of execution sites or other sites or formed part of the events retained in the Indictment underlying the crime of murder. Similarly, there is insufficient information about the location where the younger sister and mother of the Applicant were “reeducated” and subsequently killed to consider that it is plausible that it took place in one of the limited number of cooperatives, worksites, execution sites or security centers retained in the Indictment underlying the crimes of murder.

Civil Party Applicant 08-VU-01229 (D22/1409).¹⁰¹ It is not alleged that the killing of the Applicant’s mother took place in any of the execution sites or other sites or formed part of the events retained in the Indictment. There is also insufficient information about the location where the older brother/sister of the Applicant was killed to consider that it is plausible that it took place in one of the locations where the Indictment alleges that the crime of murder for which the Accused are indicted did.

¹⁰⁰ Application declared inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

¹⁰¹ Application declared inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

Civil party applications inadmissible in the view of Judge M...



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Civil Party Applicant 08-VU-01231 (D22/1404).¹⁰² Ou Svay Prem and Basedth prisons where the Applicant was detained, interrogated, beaten and tortured are not amongst the limited number of security centers retained in the Indictment underlying the crimes of imprisonment, torture and other inhumane acts through attacks against human dignity for which the Accused are indicted.

Civil Party Applicant 08-VU-01293 (D22/0437).¹⁰³ The Applicant does not mention a specific cooperative or worksite where her parents were sent to forcibly work and starved. None of the six cooperatives or worksites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted are located in the area mentioned by the Applicant (Basedth District, Kampong Speu Province). Apheap security center where the Applicant's parents Accused to be an "enemy" or a member of the CIA were later sent to be killed is not one of the limited number of security centers or execution sites retained in the Indictment underlying the crime of murder for which the Accused are indicted.

Civil Party Applicant 08-VU-01300 (D22/1658).¹⁰⁴ It is not alleged that the Applicant's father was forced to work in one of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted. It is not alleged that the killing of the Applicant's father, who had been Accused of having an immoral conduct with a woman, took place in one of the limited number of security centers or execution sites retained in the Indictment underlying the crime of murder for which the Accused are indicted.

Civil Party Applicant 08-VU-01443 (D22/1798).¹⁰⁵ The prison in Phnum Prasert where the Applicant's father, considered an alleged "enemy" and "CIA agent", was detained,

¹⁰² Application declared inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

¹⁰³ Application declared inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

¹⁰⁴ Application declared inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

¹⁰⁵ Application declared inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

Civil party applications inadmissible in the view of Judge March



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tortured and starved until death is not among the limited number of security centers retained in the Indictment underlying the crimes of imprisonment, torture, murder and other inhumane acts through attacks against human dignity for which the Accused are indicted. The same applies for the Applicant's mother, who was also detained, "shackled, starved and overworked until death" at the same prison.

Civil Party Applicant 08-VU-01550 (D22/1045).¹⁰⁶ It is not alleged that the arrest in 1975 and subsequent killing of the Applicant's uncle took place in one of the limited number of security centers, execution site or even worksites or cooperatives retained in the Indictment underlying the crimes of imprisonment, extermination, murder, persecution and other inhumane acts through enforced disappearances for which the Accused are indicted. Furthermore, there is insufficient information about the location where the Applicant's father was sent for "reeducation" and subsequently killed to consider that it is plausible that it took place in one of the limiter number of cooperatives, worksites, execution sites or security centers retained in the Indictment underlying the crimes of murder or other inhumane acts through enforced disappearances for which the Accused are indicted. Finally, it is not alleged that the forced transfer of the Applicant as described in his application forms part of one of the three phases of forced transfer of population for which the Accused are indicted.

Civil Party Applicant 08-VU-02052 (D22/0946).¹⁰⁷ Pou Village, Pou Mreal Sub-District, Basedth District, Kampong Speu Province, where the brother/sister, brother/sister-in-law and niece/nephew of the Applicant were killed, does not correspond to any of the limited number of cooperatives, worksites, execution sites or security centers retained in the Indictment underlying the crime of murder for which the Accused are indicted.

Appeals against Impugned Order D419 (Kampot Province)¹⁰⁸

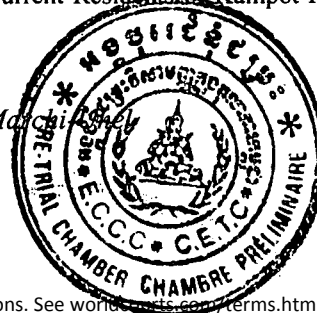
Appeal PTC 112¹⁰⁹

¹⁰⁶ Application declared inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

¹⁰⁷ Application declared inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

¹⁰⁸ Order on the Admissibility of Civil Party Applicants from Current Residents of Kampot Province, 14 September 2010, D419 ("Impugned Order D419").

Civil party applications inadmissible in the view of Judge Ma...



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The Appeal relates to 209 Civil Party Applicants whose applications were declared inadmissible by the Impugned Order. The Appeal raises general arguments related to all of the Applicants which I have addressed in my dissenting opinion, along with none of which warrant reversing the rejection of individual Civil Party Applicants. I therefore limit the present further reasons to my opinion to the 10 of the 13 Civil Party Applicants for which the Co-Lawyers have raised specific arguments and whose application in my view cannot be admitted.

Civil Party Applicant 09-VU-00777 (D22/0552).¹¹⁰ The Co-Lawyers stress that the father of the Applicant, Accused of being Vietnamese, was killed in Kampot Province in 1978 and that his/her brother and nephews were killed in Sihanouk town under the same accusation. The application was dismissed *inter alia* on the ground that the harm is not linked to the facts under investigation, as it occurred outside the geographical scope of the persecutions of the Vietnamese.¹¹¹ As for the 21 other Applicants who reported crimes concerning the treatment of the Vietnamese in Kampot Province, the Co-Investigating Judges specified that they were only authorised by the Co-Prosecutors to investigate crimes in Prey Veng and Svay Rieng Provinces which are described in paragraphs 69 to 70 of the Introductory Submission. The Co-Lawyers emphasize that the crimes of persecution against the Vietnamese are not necessarily limited to specified areas and that the Khmer Rouge targeted the Applicant based on the perception that they were Vietnamese or that they had Vietnamese physical traits. According to the Co-Lawyers, the accounts of these crimes constitute evidence of genocide and crimes against humanity committed against the Vietnamese, as described in the Introductory Submission. This argument is countered by the unambiguous wording of the Introductory Submission, which limits the facts under investigation to those forming part of the policy of eliminating the entire Vietnamese population of the Provinces of Prey Veng and Svay Rieng (paragraph 69) and Vietnamese who were encountered during incursions into

¹⁰⁹ *Appel des Co-avocats de parties civiles, Groupe Avocats Sans Frontières France, de l'ordonnance D419 sur la recevabilité des constitutions de parties civiles résidant dans la Province de Kampot, 27 September 2010, D419/2/1 ("Appeal PTC 112")*.

¹¹⁰ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (outside geographical scope/Vietnamese persecution); and the harm is not linked to the facts under investigation in relation to the other crimes (Impugned Order D419, para. 26 and Annex 3).

¹¹¹ Impugned Order D419, para. 26 and Annex 3.

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Vietnamese territory (paragraph 70). The facts reported by the Applicant, as echoed by the Co-Lawyers, are situated in Kampot Province, they are not within the geographical purview of the Introductory Submission nor of the Indictment. Therefore, I find that the error alleged by the Co-Lawyers is not established.

Civil Party Applicant 09-VU-03380 (D22/2393).¹¹² In support of the same arguments as those raised in favour of Civil Party Applicant 09-VU-00777 (D232/0552), the Co-Lawyers stress that the father of the Applicant was killed in Kampong Speu, Accused of being a CIA agent and a Vietnamese. As for Civil Party Applicant 09-VU-00777 (D232/0552), the facts reported by the Applicant are not within the geographical purview of the Introductory Submission. Therefore, I find that the error alleged by the Co-Lawyers is not established.

Civil Party Applicant 08-VU-02364 (D22/0466).¹¹³ In support of the same arguments as those raised in favour of Civil Party Applicant 09-VU-00777 (D232/0552), the Co-Lawyers stress that the young brother of the Applicant as well as 20 to 25 other persons Accused of being enemies because they had a Khmer body but a Vietnamese head. As for Civil Party Applicant 09-VU-00777 (D232/0552), the facts reported by the Applicant are alleged to have taken place in Kampot Province¹¹⁴ and thus are not within the geographical purview of the Introductory Submission. Therefore, I find that the error alleged by the Co-Lawyers is not established.

Civil Applicant 09-VU-00505 (D22/0960).¹¹⁵ The Co-Lawyers stress that the husband of the Applicant was arrested because the Chief of his Village knew that he was Lon Nol military and that he disappeared. It is not alleged that these events form part of any of the phases of forcible evacuation or that they occurred in one of any of the worksites and

¹¹² Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (in relation to Buddhist persecution at Wat Damnak Trayeung; the harm is not linked to the facts under investigation (outside geographical scope/Vietnamese persecution); and the harm is not linked to the facts under investigation in relation to the other crimes (Impugned Order D419, para. 26 and Annex 3).

¹¹³ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (outside geographical scope/Vietnamese persecution); and the harm is not linked to the facts under investigation in relation to the other crimes (Impugned Order D419, para. 26 and Annex 3).

¹¹⁴ Report on Civil Party Application D22/0466/1.

¹¹⁵ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D419, para. 26 and Annex 3).



cooperatives, security centres or execution sites in relation to which the charge of persecution on political ground is retained.

Civil Applicant 09-VU-01460 (D22/2713).¹¹⁶ The Co-Lawyers stress that the uncle of the Applicant, Accused of being a Lon Nol soldier and an enemy, was killed. It is not alleged that these events form part of any of the phases of forcible evacuation or that they occurred in any of the worksites and cooperatives, security centres or execution sites in relation to which the charge of persecution on political ground is retained.

Civil Applicant 09-VU-01750 (D22/2164).¹¹⁷ The Co-Lawyers stress that the husband of the Applicant, a former Lon Nol soldier responsible for radio communication, was killed during the Pol Pot regime. It is not alleged that these events form part of any of the phases of forcible evacuation or that they occurred in one of any of the worksites and cooperatives, security centres or execution sites in relation to which the charge of persecution on political ground is retained.

Civil Applicant 09-VU-00772 (D22/0555).¹¹⁸ The Co-Lawyers stress that the elder brother of the Applicant, Accused of being a former Lon Nol soldier was killed. It is not alleged that these events form part of any of the phases of forcible evacuation or that they occurred in one of any of the worksites and cooperatives, security centres or execution sites in relation to which the charge of persecution on political ground is retained.

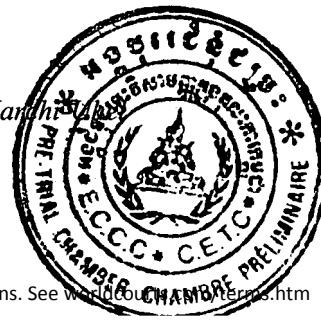
Civil Applicant 09-VU00774 (D22/114). The Co-Lawyers stress that the father of the Applicant, a Colonel under Lon Nol Regime, was attached, deprived of food and later killed in May 1975. It is not alleged that these events form part of any of the phases of forcible evacuation or that they occurred in one of any of the worksites and cooperatives, security centres or execution sites in relation to which the charge of persecution on political ground is retained.

¹¹⁶ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D419, para. 26 and Annex 3).

¹¹⁷ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D419, para. 26 and Annex 3).

¹¹⁸ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D419, para. 26 and Annex 3).

Civil party applications inadmissible in the view of Judge Man...



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Civil Applicant 09-VU-03305 (D22/2314).¹¹⁹ The Co-Lawyers stress that the Applicant's brother was killed for being a former Lon Nol soldier. It is not alleged that these events form part of any of the phases of forcible evacuation or that they occurred in one of any of the worksites and cooperatives, security centres or execution sites in relation to which the charge of persecution on political ground is retained.

Civil Applicant 09-VU-03308 (D22/02317).¹²⁰ The Co-Lawyers stress that the Applicant's nephew, a doctor in the Lon Nol army, and his/her uncle, a soldier in the same army, were killed on that ground. It is not alleged that these events form part of any of the phases of forcible evacuation or that they occurred in one of any of the worksites and cooperatives, security centres or execution sites in relation to which the charge of persecution on political ground is retained. Again, the error alleged on appeal is not established.

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Civil Party Applicant 08-VU-02365 (D22/0465).¹²² The evacuation of the Applicant on 17 April 1975 falls outside the geographical scope of the first phase of forced transfers of population for which the Accused are indicted and which is limited to the evacuation of the population from Phnom Penh. The various locations where the Applicant was forced to work under inhumane conditions is not one of the six worksites and cooperatives listed in the Indictment underlying the crimes of enslavement and other inhumane acts through inhumane living conditions for which the Accused are indicted. Finally, the information provided about the killing of the Applicant's younger brother and aunts by the Khmer Rouge in 1978 does not allow me to conclude that these killings form part of the factual basis of the crimes of murder and extermination. In particular, the killing site of Koh Sla is not among the execution sites listed in the Indictment underlying these crimes.

¹¹⁹ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D419, para. 26 and Annex 3).

¹²⁰ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D419, para. 26 and Annex 3).

¹²¹ Appeal Against Order on the Admissibility of Civil Party Applicants from Current Residents of Kampot Province, filed on 24 September 2010, D419/5/1 ("Appeal PTC 113").

¹²² Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D419, para. 26 and Annex 3).

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Civil Party Applicant 09-VU-00216 (D22/1262).¹²³ The evacuation of the Applicant on 17 April 1975 falls outside the geographical scope of the first phase of forced transfers of population for which the Accused are indicted and which is limited to the evacuation of the population from Phnom Penh. His further evacuation within Koh Kong Province in 1977 does not fall within the scope any of the phases of forced transfers of population for which the Accused are indicted. The Village where he was then forced to work under inhumane conditions including starvation as a result of which his son and daughter died, is not among the six worksites and cooperatives listed in the Indictment underlying the crimes of enslavement, extermination and other inhumane acts through inhumane living conditions for which the Accused are indicted. The information he provides about the killings he witnessed in June 1978 does not allow me to conclude that these killings form part of the factual basis of the crimes of murder and extermination for which the Accused are indicted. As to the instances of forced marriage witnessed by the Applicant, she does not allege a specific bond of affection or dependence with the persons in question.

Civil Party Applicant 09-VU-01451 (D22/2120).¹²⁴ The forced evacuation of the Applicant in July 1976 in Kampot Province does not fall within the scope of any of the three phases of forced transfer of population for which the Accused are indicted. The location where she was forced to work under inhumane conditions is not among the six worksites and cooperatives listed in the Indictment underlying the crimes of enslavement and other inhumane acts through inhumane living conditions for which the Accused are indicted. Ta Teaen Village where the Applicant's father, uncles and aunt were killed by the Khmer Rouge is not among the sites listed in the Indictment underlying the crimes of murder and extermination for which the Accused are indicted.

Civil Party Applicant 08-VU-01561 (D22/1064).¹²⁵ The forced evacuation of the application on 17 April 1975 does not form part of Phase 1 of the forced movement of population for which the Accused are indicted which is limited to the forcible transfer of

¹²³ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D419, para. 26 and Annex 3).

¹²⁴ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D419, para. 26 and Annex 3).

¹²⁵ Application declared inadmissible on the ground that the harm is not linked with facts under investigation (Impugned Order D419, para. 26 and Annex 3).

Civil party applications inadmissible in the view of Judge Marchini



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people from Phnom Penh. The facts of forced labour alleged by the Applicant did not occur in one of the cooperatives, worksite or any other site retained in the Indictment in relation to the crime of enslavement. The site mentioned by the Applicant in relation to the execution of his brother is not one of the sites retained in the Indictment where killings are alleged to have taken place and underlying the crimes of murder, extermination or persecution on political grounds for which the Accused are indicted.

Civil Party Applicant 08-VU-01790 (D22/1143).¹²⁶ The forced evacuation of the Applicant on 17 April 1975 does not form part of Phase 1 of the forced movement of population for which the Accused are indicted which is limited to the forcible transfer of people from Phnom Penh. The Indictment has limited the instances of rape for which the Accused are indicted to those having taken place in the context of forced marriage.¹²⁷ The Applicant does not allege that he was forced to work in one of the cooperatives, worksite or any other site retained in the Indictment in relation to the crime of enslavement. The information provided by the Applicant in relation to the murder of the above victim of rape and the murder of his mother, younger brother and his two aunts does not allow me to conclude that they occurred in one of the sites retained in the Indictments where killings are alleged to have taken place and underlie the crimes of murder or extermination for which the Accused are indicted.

Civil Party Applicant 09-VU-00069 (D22/2671).¹²⁸ The forced evacuation of the Applicant in 1975 does not form part of Phase 1 of the forced movement of population for which the Accused are indicted which is limited to the forcible transfer of people from Phnom Penh. The information she provided does not allow me to consider that her further forcible transfer forms part of any of the two other phases of forcible transfer for which the Accused are indicted. The Applicant does not allege that she was forced to work in one of the cooperatives, worksite or any other site retained in the Indictment in relation to the crimes of enslavement and other inhumane acts through attacks against human dignity. The information provided by the Applicant in relation to the

¹²⁶ Application declared inadmissible on the ground that the harm is not linked with facts under investigation (Impugned Order D419, para. 26 and Annex 3).

¹²⁷ Indictment, para. 1429.

¹²⁸ Application declared inadmissible on the ground that the harm is not linked with facts under investigation (Impugned Order D419, para. 26 and Annex 3).

Civil party applications inadmissible in the view of Judge Marchal



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disappearance of three of her cousins does not allow to conclude that they occurred in one of the sites retained in the Indictment underlying the crime of other inhumane acts through enforced disappearances for which Accused are indicted. The Co-lawyers do not allege that there existed family link or a sufficient bond of affection between the Applicant and the immediate victims of forced marriage she reports about and do not adduce any evidence making it plausible that the Applicant suffered psychological harm as a result witnessing such events.

Civil Party Applicant 09-VU-00254 (D22/1039).¹²⁹ The forced evacuation of the Applicant on 17 April 1975 does not form part of Phase 1 of the forced population movement for which the Accused are indicted which is limited to the forcible transfer of people from Phnom Penh. The information provided by the Applicant in relation to the death of her elder sister and uncle from hunger in July 1977 at Touch Village does not allow me to conclude that they occurred in one of the sites retained in the Indictment in relation to any of the crimes for which the Accused are indicted. The Applicant does not allege that she was forced to work in one of the cooperatives, worksite or any other site retained in the Indictment in relation to the crimes of enslavement and other inhumane acts through attacks against human dignity.

Civil Party Applicant 09-VU-00547 (D22/1133).¹³⁰ The Applicant does not allege that he was forced to work in one of the cooperatives, worksite or any other site retained in the Indictment in relation to the crimes of enslavement and other inhumane acts through attacks against human dignity. Trapeang Sangkae, Kampot District and Province, where the Applicant's brother-in-law and aunt respectively was executed and died from hunger is not listed as one of the locations where it is alleged that any of the relevant crimes for which the Accused are indicted occurred. Finally the information provided by the Applicant in relation to her successive forcible relocation do not allow to conclude that it formed part of any of the three phases of movement of population for which the Accused are indicted of other inhumane acts through forced transfer.

¹²⁹ Application declared inadmissible on the ground that the harm is not linked with facts under investigation (Impugned Order D419, para. 26 and Annex 3).

¹³⁰ Application declared inadmissible on the ground that the harm is not linked with facts under investigation (Impugned Order D419, para. 26 and Annex 3).

Civil party applications inadmissible in the view of Judge Marchi



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Civil Party Applicant 09-VU-00549 (D22/1223).¹³¹ The forced evacuation of the Applicant and her family on 17 April 1975 does not form part of Phase 1 of the forced population movement for which the Accused are indicted which is limited to the forcible transfer of people from Phnom Penh. She does not allege that she was forced to work in one of the cooperatives, worksite or any other site retained in the Indictment in relation to the crimes of enslavement and other inhumane acts through attacks against human dignity. Mlou Moutain in Kampot Province where her elder male cousins were executed is not listed as one of the locations where it is alleged that any of the relevant executions for which the Accused are indicted occurred. The information she provided about the violent and shocking event she witnessed in October 1975 does not allow me to conclude that it formed part of the crimes for which the Accused are indicted.

Civil Party Applicant 09-VU-00721 (D22/0832).¹³² The forced evacuation of the Applicant on 17 April 1975 does not form part of Phase 1 of the forced population movement for which the Accused are indicted which is limited to the forcible transfer of people from Phnom Penh. He does not allege that the Village where he was forced to work under inhumane conditions is one of the cooperatives, worksite or any other site retained in the Indictment in relation to the crimes of enslavement and other inhumane acts through attacks against human dignity. Lve Village where his uncle and grand father were executed on the allegation of being enemies as well as Trapeang Bong Village where he reports that another of his uncles was also killed by the Khmer Rouge, are not listed as one of the locations where it is alleged that any of the relevant executions for which the Accused are indicted occurred.

Civil Party Applicant 09-VU-00802 (D22/1448).¹³³ The Applicant does not allege that the locations where he was forced to work and received inhumane treatments are one of the cooperatives, worksite or any other site retained in the Indictment in relation to the crimes of enslavement and other inhumane acts through attacks against human dignity.

¹³¹ Application declared inadmissible on the ground that the harm is not linked with facts under investigation (Impugned Order D419, para. 26 and Annex 3).

¹³² Application declared inadmissible on the ground that the harm is not linked with facts under investigation (Impugned Order D419, para. 26 and Annex 3).

¹³³ Application declared inadmissible on the ground that the harm is not linked with facts under investigation (Impugned Order D419, para. 26 and Annex 3).

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The information he provides about the circumstances of the executions of his father and elder sister do not allow me to conclude that these executions form part of the executions for which the Accused are indicted.

Civil Party Applicant 09-VU-00805 (D22/2085).¹³⁴ The forced evacuation of the Applicant and his family on 17 April 1975 does not form part of Phase 1 of the forced population movement for which the Accused are indicted which is limited to the forcible transfer of people from Phnom Penh. He does not allege that the Village where he was forced to work under inhumane conditions is one of the cooperatives, worksite or any other site retained in the Indictment in relation to the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted. The Village of Prey Peay, Kampot Province where three of his siblings were executed in March 1978 is not listed as one of the locations where it is alleged that any of the relevant executions for which the Accused are indicted occurred. He does not allege any family link, special bond of affection with the persons he witnessed being the immediate victims of forced marriage and the Co-Lawyers do not adduce any evidence making it plausible that the Applicant suffered psychological harm as a result witnessing such events.

Civil Party Applicant 09-VU-01185 (D22/2093).¹³⁵ The information provided by the Applicant in relation to the execution of her son near Kampong Trach District, Kampot Province does not allow me to consider that it formed part of the executions for which the Accused are indicted. The information she provided about the forced labour and inhumane conditions imposed on her is also insufficient to conclude that these facts occurred in one of the cooperatives, worksites or any other site retained in the Indictment in relation to the crimes of enslavement and other inhumane acts through attacks against human dignity.

¹³⁴ Application declared inadmissible on the ground that the harm is not linked with facts under investigation (Impugned Order D419, para. 26 and Annex 3).

¹³⁵ Application declared inadmissible on the ground that they did not provide sufficient information to verify compliance with Rules 23 *bis* (1) and (4) in relation to the alleged crimes (Impugned Order D419, para. 29 and Annex) 3.



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Civil Party Applicant 09-VU-01308 (D22/0662).¹³⁶ The Applicant does not allege that the facts of forced labour and inhumane conditions imposed on her occurred in one of the cooperatives, worksites or any other site retained in the Indictment in relation to the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted. Further, the information she provides in relation to the execution of her niece and nephews does not allow me to conclude that it formed part of the executions for which the Accused are indicted.

Civil Party Applicant 09-VU-01316 (D22/0635).¹³⁷ The Applicant does not allege that the facts of forced labour and inhumane conditions as well as of evacuation imposed on her occurred in one of the cooperatives, worksites or in relation to any other site or phase of forced movements of population retained in the Indictment in relation to the crimes of enslavement, other inhumane acts through attacks against human dignity and forced transfer for which the Accused are indicted. The Village where her mother and father died from hunger and lack of medicine in February 1976 is not listed as one of the locations where it is alleged that any of the relevant crimes for which the Accused are indicted occurred.

Civil Party Applicant 09-VU-0174 (D22/2172).¹³⁸ The Commune of Lbaeuk, Chhuk District, Kampot Province, where the Applicant indicates that his father was executed in June 1975, is not listed as one of the locations where it is alleged that any of the relevant executions for which the Accused are indicted occurred. The same goes for the site of Sen Han Mountain where the Applicant's brother was executed. The information he provides in relation to the facts of forced labour, inhumane conditions and forced evacuation imposed on him do not allow me to conclude that they occurred in one of the cooperatives, worksites or in relation to any other site or phase of forced movements of population retained in the Indictment in relation to the crimes of enslavement, other

¹³⁶ Application declared inadmissible on the ground that the harm is not linked with facts under investigation (Impugned Order D419, para. 26 and Annex 3).

¹³⁷ Application declared inadmissible on the ground that the harm is not linked with facts under investigation (Impugned Order D419, para. 26 and Annex 3).

¹³⁸ Application declared inadmissible on the ground that the harm is not linked with facts under investigation (Impugned Order D419, para. 26 and Annex 3).

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142, 157, 164, 165 and 172)

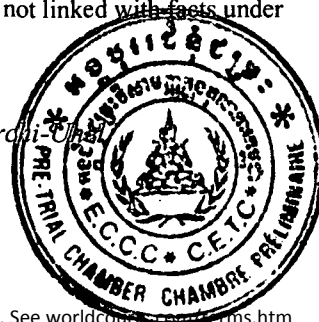
inhumane acts through attacks against human dignity and forced transfer for which the Accused are indicted.

Civil Party Applicant 09-VU-01337 (D22/1883).¹³⁹ While the Applicant states that any activities related to religion were prohibited, she does not specify whether she herself was practicing one religion prior to the events and if so which one. The information provided by the Applicant in relation to her forcible evacuation in April 1976 and the facts of forced labour imposed on her does not allow me to conclude that these facts form part of any of the phases of forced movements of population, or correspond to any of the cooperatives or worksites for which the Accused are indicted for crimes against humanity of enslavement and other inhumane acts through forced transfer. Further, the information she provides in relation to the execution of her cousins and elder brother-in-law for unknown reasons and in relation to the execution of her elder male cousins under the allegation of being enemies associated with Vietnamese does not allow me to conclude that these executions formed part of the executions, including persecutions, for which the Accused are indicted. In her supplementary information, the Applicant is stressing that she suffered from being unable to pray, conduct funerals for her deceased and organized wedding ceremonies for her loved ones. However, she does not give any indication as to the religion she was practicing.

Civil Party Applicant 08-VU-02203 (D22/0420).¹⁴⁰ The information provided by the Applicant in relation to her forcible evacuation in April 1975 and the facts of forced labour and inhumane conditions imposed on her does not allow me to conclude that these facts form part of Phase 1 of forced movements of population concerning the evacuation of the population of Phnom Penh, or correspond to any of the cooperatives or worksites for which the Accused are indicted for crimes against humanity of enslavement and other inhumane acts through forced transfer. Furthermore, the information provided by the Applicant in relation to the execution of her father, mother, grand parents, aunt and one of her younger sister on the allegation of being the undercover agents of Vietnam does

¹³⁹ Application declared inadmissible on the ground that the harm is not linked with facts under investigation (Impugned Order D419, para. 26 and Annex 3).

¹⁴⁰ Application declared inadmissible on the ground that the harm is not linked with facts under investigation (Impugned Order D419, para. 26 and Annex 3).



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not allow me to conclude that these executions formed part of the executions or persecution on political grounds for which the Accused are indicted.

Civil Party Applicant 10-VU-00833 (D22/3851).¹⁴¹ The forced evacuation of the Applicant on 18 April 1975 does not form part of Phase 1 of the forced movements of population for which the Accused are indicted which is limited to the forcible transfer of people from Phnom Penh. The Applicant does not allege that the location where he was forced to work under inhumane condition is one of the cooperatives or worksites retained in the Indictment in relation to the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted. The information he provides in relation to the violent and shocking event he witnessed of killings of persons Accused of betraying Angkar or rebelling against it does not allow me to conclude that the executions in question form part of those for which the Accused are indicted. The incident forming part of the purges witnessed by the Applicant in 1978 do not form part of the specific instances of execution for which the Accused are indicted (i.e. alleged to have been committed during specific movements of population or at specific sites).

Civil party Applicant 09-VU-01432 (D22/0760).¹⁴² The information provided by the Applicant in relation to her forcible evacuation in October 1977, the facts of forced labour and inhumane conditions imposed on her and resulting in the death of her daughters and one of her sons does not allow me to conclude that these facts form part of any of the three phases of forced movements of population, or correspond to any of the cooperatives or worksites for which the Accused are indicted for crimes against humanity of enslavement, extermination and other inhumane acts through forced transfer.

¹⁴¹ Application declared inadmissible on the ground that the harm is not linked with facts under investigation (Impugned Order D419, para. 26 and Annex 3).

¹⁴² Application declared inadmissible on the ground that the harm is not linked with facts under investigation (Impugned Order D419, para. 26 and Annex 3).



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Civil Party Applicant 09-VU-01333 (D22/1885).¹⁴³ The forced evacuation of the Applicant on 17 April 1975 does not form part of Phase 1 of the forced population movement for which the Accused are indicted, which is limited to the forcible transfer of people from Phnom Penh. The information the Applicant provides in relation to the facts of forced labour and inhumane working conditions imposed on her does not allow me to conclude that these facts took place in any of the cooperatives or worksites for which the Accused are indicted for crimes against humanity of enslavement and other inhumane acts through attacks against human dignity.¹⁴⁴ The killing of the Applicant's cousins under the suspicion of being undercover agents serving Vietnam does not form part of the specific instances of execution for which the Accused are indicted. I note in this respect that Prey Totueng is not one of the sites listed in the Indictment.

Civil party Applicant 09-VU-01309 (D22/0661).¹⁴⁵ The information provided by the Applicant in relation to her forcible evacuations in December 1976 and thereafter, as well as the facts of forced labour and inhumane conditions imposed on her does not allow me to conclude that these facts form part of any of any the phases of forced movements of population, or correspond to any of the cooperatives or worksites for which the Accused are indicted for crimes against humanity of enslavement and other inhumane acts through forced transfer. The circumstances of the death of the Applicant's younger sibling while escaping the cooperative do not either allow me to conclude that these facts form part of the facts underlying the crimes for which the Accused are indicted.

Civil Party Applicant 08-VU-01556 (D22/1006).¹⁴⁶ The forced evacuation of the Applicant on 17 April 1975 does not form part of Phase 1 of the forced movements of population for which the Accused are indicted which is limited to the forcible transfer of people from Phnom Penh. The facts of forced labour alleged by the Applicant did not

¹⁴³ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (outside geographic scope in relation to persecution against Vietnamese) and that is not linked to the facts under investigation in relation to other alleged crimes (Impugned Order D419, para. 26 and Annex 3).

¹⁴⁴ Indictment, para. 1391.

¹⁴⁵ Application declared inadmissible on the ground that the harm is not linked with facts under investigation (Impugned Order D419, para. 26 and Annex 3).

¹⁴⁶ Application declared inadmissible on the ground that the harm is not linked with facts under investigation (Impugned Order D419, para. 26 and Annex 3).

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occur in one of the cooperatives, worksite or any other site retained in the Indictment in relation to the crime of enslavement. Furthermore, the information provided by the Applicant in relation to the shocking event he witnessed (the violent arrest of a couple Accused of immoral offence) does not allow me to conclude that it forms part of the facts underlying the crimes for which the Accused are indicted. The same goes with the facts related to the arrest and execution of his parents and siblings on the accusation of having served the enemy during Lon Nol's regime. The Co-Lawyers do not allege that these events occurred in any of the sites listed in the Indictment as places where executions for which the Accused are indicted occurred.

Civil Party Applicant 09-VU-00788 (D22/1584).¹⁴⁷ The forced evacuation of which the Applicant was a victim on 17 April 1975 does not form part of Phase 1 of the forced population movement for which the Accused are indicted which is limited to the forcible transfer of people from Phnom Penh. The facts of forced labour alleged by the Applicant did not occur in one of the cooperatives, worksite or any other site retained in the Indictment in relation to the crime of enslavement. The information she provides in relation to the execution of her father in June 1978 under the accusation of being an enemy and of being lazy as well as in relation to the death of her uncle as a result of illness and lack of medication does not allow me to conclude that these events form part of the factual basis of the crimes for which the Accused are indicted.

Civil Party Applicant 09-VU-00789 (D22/1593).¹⁴⁸ The Applicant does not allege that the facts of forced labour and inhumane conditions she was a victim of from August 1977 occurred in one of the cooperatives, worksite or any other site retained in the Indictment underlying crime of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted. Touch Village, Krang Snay Commune, Chhuk District, Kampot Province, where the Applicants' two sons were killed without apparent reason is not one of the sites where it is alleged that any of the relevant executions for which the Accused are indicted occurred. The information she provided in

¹⁴⁷ Application declared inadmissible on the ground that the harm is not linked with facts under investigation (Impugned Order D419, para. 26 and Annex 3).

¹⁴⁸ Application declared inadmissible on the ground that they did not provide sufficient information to verify compliance with Rules 23 *bis* (1) and (4) in relation to the alleged crimes (Impugned Order D419, para. 29 and Annex) 3.



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relation to the execution of her daughter does not either allow me to conclude that it is plausible that her execution forms part of the factual basis of the crimes for which the Accused are indicted. The same goes in relation to the information provided by the Applicant in relation to the evacuation she witnessed in November 1978 of about 150 persons, amongst which her two nephews, who were sent by the Khmer Rouge to La'ng Mountain, La'ng Commune, Dang Tong District, Kampot Province and from where they disappeared.

Civil Party Applicant 08-VU-02368 (D22/0470).¹⁴⁹ The forced evacuation of the Applicant on 17 April 1975 does not form part of Phase 1 of the forced movements of population for which the Accused are indicted which is limited to the forcible transfer of people from Phnom Penh. The information provided by the Applicant about his further forcible evacuations from place to place do not allow me to conclude that it formed part of any of the three phases of forced movements of population for which the Accused are indicted. The facts of forced labour alleged by the Applicant did not occur in one of the cooperatives, worksite or any other site retained in the Indictment in relation to the crime of enslavement. The Village of Ta Tean, Chres Commune, Chum Kiri District, Kampot Province, where his father and younger brother were executed in July 1977 under the accusation of being enemies, is not one of the sites where it is alleged that any of the relevant executions for which the Accused are indicted occurred.

Civil Party Applicant 09-VU-01521 (D22/0791).¹⁵⁰ The facts of forced labour and inhumane conditions of which the Applicant was a victim and as a result of which two of her children died did not occur in one of the cooperatives, worksite or any other site retained in the Indictment in relation to the crime of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted. The information the Applicant provides in relation to the torture and deprivation of food as a

¹⁴⁹ Application declared inadmissible on the ground that the harm is not linked with facts under investigation (Impugned Order D419, para. 26 and Annex 3).

¹⁵⁰ Application declared inadmissible on the ground that there was no proof of kinship with an immediate victim in relation of the Forced Transfer from Phnom Penh (Phase I) and that the harm is not linked to the facts under investigation, in relation to the other alleged crimes (Impugned Order D419, para. 28 and Annex 3).

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result of which her husband died does not allow me to conclude that these events form part of the factual basis of the crimes for which the Accused are indicted.

Civil Party Applicant 09-VU-00758 (D22/1488). The places where the applicant was forced to work, in Chhuk district, Kampot province, does not correspond to any of the limited number of cooperatives and worksites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the accused are indicted. Similarly, Phnom Mlou village, in Kampot province, where the applicant's grand uncle and cousins were executed upon accusation of being enemies, does not correspond to any of the limited number of security centers or execution sites retained in the Indictment underlying the crimes of murder, extermination and persecution on political grounds for which the accused are indicted.

Appeal PTC 114¹⁵¹

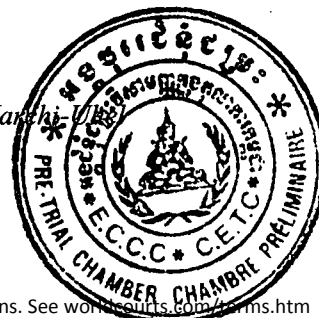
Civil Party Applicant 09-VU-04252 (D22/3638).¹⁵² The Co-Lawyers submit that the Co-Investigating Judges erred in finding that the applications of the 52 Applicants in this appeal are inadmissible because they concern the treatment of the Cham minority in Kampot Province. While I am ready to accept the Co-Lawyer's statement that the Applicant is Cham, which is not mentioned in the application, I find that there is insufficient information provided in the application to conclude that the Applicant has suffered from one of the facts for which the Accused are indicted in relation to the crime of persecution against the Cham. The mere statement by the Applicant that "all religious places were destroyed, and religion was prohibited",¹⁵³ without any indication that the Applicant was a practicing Muslim or that she has suffered from the prohibition to practice her religion, is insufficient to conclude that she has suffered as a result of crime of persecution on religious ground against the Cham for which the Accused are indicted.

¹⁵¹ *Requête d'appel d'ordonnance sur la recevabilité des constitutions de parties civiles résident dans la Province de Kampot (52 requérants) – Liste des sources*, 27 September 201, D419/7/1.

¹⁵² Application declared inadmissible on the ground that there is no proof of kinship with an immediate victim in relation to forced marriage and the harm is not linked to the facts under investigation, in relation to the other alleged crimes and outside geographic scope / Cham persecution (Impugned Order D419, para. 26 and Annex 3).

¹⁵³ Supplementary information D22/3638b.

Civil party applications inadmissible in the view of Judge Marchal



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Civil Party Applicant 09-VU-00620 (D22/901).¹⁵⁴ The Co-Lawyers submit that the Co-Investigating Judges erred in finding that the applications of the 52 Applicants in this appeal are inadmissible because they concern the treatment of the Cham minority in Kampot Province. The Applicant, who alleges being Cham, solely makes reference in her application to Wat Kampot being destroyed and to the forcible disrobing of the monks.¹⁵⁵ This information, which relates to the persecution of Buddhists, does not allow me to conclude that the Applicant has suffered from one of the facts for which the Accused are indicted in relation to the crime of persecution against the Cham.

Appeal PTC 115¹⁵⁶

Civil Party Applicants 08-VU-02199 (D22/1131)¹⁵⁷, 09-VU-03795 (D22/3446)¹⁵⁸, 09-VU-03869 (D22/3520)¹⁵⁹, 09-VU-04251 (D22/3637)¹⁶⁰, 09-VU-03792 (D22/3443)¹⁶¹, 08-VU-0827 (D22/1027)¹⁶² (see also additional reasoning below for some of the Applicants). The Co-Lawyers submit that fourteen of the twenty-three Civil Party Applicants in Appeal PTC 115 allege injury as a result of crimes of persecution stemming from the treatment of the Cham and aimed at banning the practice of Islam, of which they were victims. According to the Co-Lawyers, these Applicants describe the prohibition to practice their religion including prayers; some of the victims also witnessed the murder of a man who defied the ban; the obligation to eat pork under surveillance; the obligation to

¹⁵⁴ Application declared inadmissible on the ground that there is no proof of kinship with an immediate victim in relation to forced marriage and the harm is not linked to the facts under investigation, in relation to the other alleged crimes and outside geographic scope / Cham persecution (Impugned Order D419, para. 26 and Annex 3).

¹⁵⁵ Supplementary information D22/901b.

¹⁵⁶ Appeal against the Order on the Admissibility of Civil Party Applicants from Current Residents of Kampot Province (23 Applicants), 27 September 2010, D419/8/1 ("Appeal PTC 115").

¹⁵⁷ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D419, para. 26 and Annex 3).

¹⁵⁸ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D419, para. 26 and Annex 3).

¹⁵⁹ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D419, para. 26 and Annex 3).

¹⁶⁰ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D419, para. 26 and Annex 3).

¹⁶¹ Application declared inadmissible on the ground that there is no proof of kinship with an immediate victim in relation to forced marriage and the harm is not linked to the facts under investigation, in relation to other alleged crimes (Impugned Order D419, para. 28 and Annex 3).

¹⁶² Application rejected on the ground that there is insufficient information to verify compliance with Rule 23 bis (1) and (4) of the Internal Rules (Impugned Order D419, para. 29 and Annex 3).

Civil party applications inadmissible in the view of Judge Marchi-Labell



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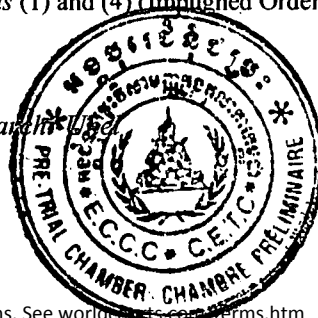
marry a non-Muslim; the obligation to witness the destruction of mosques and/or their conversion into pig pens; not being able to observe religious ceremonies, including funeral ceremonies. The applications of the concerned Civil Party Applicants were declared inadmissible mainly on the ground that they failed to establish a link between the harm suffered and the facts under investigation. I find that, contrary to the Co-Lawyers' assertion, the six Cham Civil Party Applicants listed above do not allege psychological harm linked to the acts of persecution against their community. The Applicants 08-VU-02199 (D22/1131), 09-VU-03795 (D22/3446), 09-VU-03869 (D22/3520), 09-VU-04251 (D22/3637), 09-VU-03792 (D22/3443), 08-VU-0827 (D22/1027)¹⁶³ make no reference to the facts listed by the Co-Lawyers.¹⁶⁴ I further note that while some of the said Applicants also alleged acts of persecution as a result of their forced transfer, none of these transfers fall within the geographical scope set out in the Supplementary Submission and the Indictment.

Civil Party Applicant 08-VU-0827 (D22/1027).¹⁶⁵ In addition to what I have said above in relation to this Applicant, I note that according to the Co-Lawyers, the finding that the Applicant did not provide sufficient information to verify compliance with Rule 23 *bis* (1) and (4) is inconsistent with the Co-Investigating Judges' acknowledgement that "the specific context and scope of Case 002/19-09-2007-ECCC-OCIJ makes it difficult and, in some cases, impossible to expect that Victims will be able to fully substantiate their claims based on documentary evidence." In any case, the Co-Lawyers submit that the information provided by the Applicant in support of her application is sufficiently substantiated. According to them, she alleges that she was a victim of forced labour in Preah Sihanouk Province from 1975 which caused her to be exhausted and ill; the arrest of her husband in 1977 at the cooperative where he was living by soldiers who Accused him and five others at the cooperative of betraying Angkar; and the death of their child from starvation a few weeks later. The information provided by the Applicant does not allow me to conclude that the cooperative where it is alleged that the crimes occurred is

¹⁶³ Report on Civil Party Application D22/1027.

¹⁶⁴ Report on Civil Party Applications D22/1131, D22/3446, D22/3520, D22/3637, D22/3443 (the same is true of the Applicant's supplementary information D22/3443a).

¹⁶⁵ Application declared inadmissible on the ground that the Applicant did not provide sufficient information to verify compliance of his application with Rule 23 *bis* (1) and (4) (Imnugned Order D419, para. 29 and Annex 3).



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among the limited number of cooperatives and worksites listed in the Indictment underlying crimes for which the Accused are indicted for enslavement, extermination and other inhuman acts through attacks against human dignity.

Civil Party Applicant 09-VU-03792 (D22/3443).¹⁶⁶ In addition to what I have said above in relation to this Applicant, I note that the Co-Lawyers submit that the Applicant was under severe distress as a result of the forced marriage of a relative. I find however that this allegation is not substantiated by the Applicant's statements. She reported having witnessed the forced marriage of 15 to 20 couples in Phnum Kraol Krobei, but does not specify any kinship with any of the persons involved or any harm she would have personally suffered as a result of witnessing the forced marriages.¹⁶⁷

Civil Party Applicant 08-VU-00830 (D22/993).¹⁶⁸ The Co-Lawyers stress that the Applicant belongs to the Khmer-Muslim community and that he saw the mosque in Preaek Sangkae having been turned into a prison where he saw five persons shackled while he was looking after his cattle. This information alone, does not alone allow me to conclude that it is plausible that the Applicant suffered psychological harm as a result of persecution on religious grounds.¹⁶⁹

Civil Party Applicant 08-VU-01829 (D22/393).¹⁷⁰ The Co-lawyers argue that the Applicant witnessed many people from Phnom Penh being forcibly transferred into his Village on 17 April 1975. They stress that he perfectly remembers these families, which lived in his house or nearby. According to the Co-Lawyers, seeing these persons leaving and disappearing could not have left the Applicant unaffected. I note that while the Applicant reports that five families forcibly transferred from Phnom Penh lived in his

¹⁶⁶ Application declared inadmissible on the ground that there is no proof of kinship with an immediate victim in relation to forced marriage and the harm is not linked to the facts under investigation, in relation to other alleged crimes (Impugned Order D419, para. 28 and Annex 3).

¹⁶⁷ Summary of supplementary information D22/3443a.

¹⁶⁸ Application declared inadmissible on the ground that the harm is not linked to facts under investigation (Impugned Order D419, para. 26 and Annex 3).

¹⁶⁹ Summary of supplementary information, D22/993b.

¹⁷⁰ Application declared inadmissible on the grounds that there is no proof of kinship with an immediate victim in relation to forced transfer from Phnom Penh (Phase 1) and the harm is not linked to the facts under investigation, (Impugned Order D419, paras 26 and 28 and Annex 3)

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house with his own family, he does not claim that he suffered harm as a result of their forcible transfer and does not report their further killing or disappearance.

Civil Party Applicant 09-VU-01428 (D22/1917).¹⁷¹ I note that the Applicant did report witnessing the forced transfer of people from Phnom Penh to her Village after 17 April 1975. However, she does not, contrary to what the Co-Lawyers submit, allege having suffered from this fact, but “from the loss of two relatives and the hard labour she performed during the regime”. Considering the absence details regarding the circumstances of the forced transfer witnessed by the Applicant,¹⁷² I do not find that the Co-Investigating Judges erred by dismissing the application on this ground.

Civil Party Applicant 09-VU-01429 (D22/1918).¹⁷³ The Applicant attributes the psychological harm she suffered to the loss of two of her relatives and the hard labour of which she was a victim, and not, as the Co-Lawyers claim, to the forcible evacuation of Phnom Penh, which she describes without providing any details that establish an error committed by the Co-Investigating Judges.

Civil Party Applicants 09-VU-00626 (D22/1443)¹⁷⁴ and 09-VU-04251 (D22/3637)¹⁷⁵. The Co-Lawyers cite the atmosphere of terror in which the Applicant lived but fail to identify the specific crime(s) for which the Accused are indicted as a result of which the Applicant suffered harm.

Civil Party Applicant 09-VU-03869 (D22/3520).¹⁷⁶ In addition to what I have said above in relation to this Applicant, I note that the information provided does not allow me to

¹⁷¹ Application declared inadmissible on the ground that there is no proof of kinship with an immediate victim in relation to Forced Transfer (Phase I) and Buddhist persecution (Impugned Order D419, para. 26 and Annex 3).

¹⁷² Report on Civil Party Application D22/1917 and Supplementary Information D22/1917b.

¹⁷³ Application declared inadmissible on the ground that there is no proof of kinship with an immediate victim in relation to Forced Transfer Phase I and harm not linked to other crimes under investigation (Impugned Order D419, para. 26 and Annex 3)

¹⁷⁴ Application declared inadmissible on the ground that there is no link between the alleged harm and the facts under investigation (Impugned Order D419, para. 26 and Annex 3).

¹⁷⁵ Application declared inadmissible on the ground that there is no link between the alleged harm and the facts under investigation (Impugned Order D419, para. 26 and Annex 3).

¹⁷⁶ Application declared inadmissible on the ground that there is no link between the alleged harm and the facts under investigation (Impugned Order D419, para. 26 and Annex 3).

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conclude that the execution of the Applicant's maternal grandfather and sister are among the crimes for which the Accused are indicted.

Civil Party Applicant 09-VU-03795 (D22/3446).¹⁷⁷ In addition to what I have said above in relation to this Applicant, I note that the information provided does not allow me to conclude that the execution of the Applicant's father is among the crimes for which the Accused are indicted.

Civil Party Applicant 08-VU-02199 (D22/1131).¹⁷⁸ In addition to what I have said above in relation to this Applicant, I note that the information provided does not allow me to conclude that the execution of the Applicant's brothers and sisters are among the crimes for which the Accused are indicted.

Appeal PTC 157¹⁷⁹

Civil Party Applicant 08-VU-02155 (D22/1799).¹⁸⁰ Phnom La'ang, where the Applicant's father was called upon to work, after having been beaten and from where he disappeared, is not one of the six cooperatives or worksites listed in the Indictment in relation to the crime of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted.

Civil Party Applicant 09-VU-00328 (D22/1814).¹⁸¹ The execution of the Applicant's husband and older brother on the ground that they were former Lon Nol's soldiers did not occur in one of the limited number of sites retained in the Indictment underlying the crimes of murder and persecution on political grounds for which the Accused are indicted. For the same reasons, the reprisals of which the Applicant and her children were

¹⁷⁷ Application declared inadmissible on the ground that there is no link between the alleged harm and the facts under investigation (Impugned Order D419, para. 26 and Annex 3).

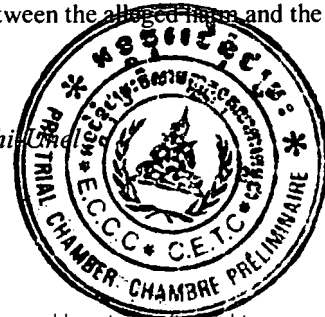
¹⁷⁸ Application declared inadmissible on the ground that there is no link between the alleged harm and the facts under investigation (Impugned Order D419, para. 26 and Annex 3).

¹⁷⁹ Appeal Against Order on the Inadmissibility of Civil Party Applicants from Current Residents of Kampot Province (D419), 27 October 2010, D419/10/1 ("Appeal PTC 157").

¹⁸⁰ Application declared inadmissible on the ground that there is no link between the alleged harm and the facts under investigation (Impugned Order D419, para. 26 and Annex 3).

¹⁸¹ Application declared inadmissible on the ground there is no link between the alleged harm and the facts under investigation (Impugned Order D419, para. 26 and Annex 3).

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victim, including the murder of some of her children, do not form part of the factual basis of the crimes for which the Accused are indicted.

Civil Party Applicant 09-VU-00347 (D22/1797).¹⁸² It is not alleged that the detention and killing of the Applicant's sibling on the accusation of being an enemy took place in any of the sites retained in the Indictment underlying the crimes of murder and persecution on political grounds for which the Accused are indicted. It is not either alleged that the Applicant's father disappeared from any of the sites or during events where the Indictment alleges that enforced disappearances for which the Accused are indicted took place.

Civil Party Applicant 09-VU-00322 (D22/1795).¹⁸³ It is not alleged that the acts of torture and killing of the Applicant's husband, the work she was forced to perform and the killing of her younger siblings, nephews and nieces in 1976 took place in any of the locations where crimes of murder and enslavement for which the Accused are indicted are alleged to have been committed.

¹⁸² Application declared inadmissible on the ground that the harm he alleged in relation to the treatment of the Vietnamese in Kampot Province is not linked to the facts under investigation because the Co-investigating Judges were only authorized to investigate these crimes in Prey Veng and Svay Rieng Provinces, as described in paragraphs 67-70 of the Introductory Submission (Impugned Order D419, para. 26) and the harm is not linked to the facts under investigation, in so far as the other alleged crimes are concerned (Annex 3).

¹⁸³ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D419, para. 26 and Annex 3).

Civil party applications inadmissible in the view of Judge Marc



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