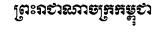
Declassified to Public 08 April 2021

Nº: D268



សូម ខាមនា ដែះឧសារអិ៍នៃ

Kingdom of Cambodia Nation Religion King

Royaume du Cambodge Nation Religion Roi



អទីនូមុំឧណែ៖១ខាតយឺង៉ិចដំបាងអងគំជា

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

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Office of the Co-Investigating Judges Bureau des co-juges d'instruction

Case File No.: 003/07-09-2009/ECCC/OCIJ

Before: The Co-Investigating Judges

Date: 28 November 2018

Original Language: Khmer

Classification: Confidential

ឯអសារបអព្វែប

TRANSLATION/TRADUCTION

ថ្ងៃ ខែ ឆ្នាំ (Date): 31-Jan-2019, 11:26

смs/сго: Ly Bunloung

ORDER ON THE CIVIL PARTY APPLICAITONS

Distribution:

Co-Prosecutors	Civil Party Lawyers
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MEAS Muth Defence LOR Chunthy Daniel MCLAUGHLIN

ANG Udom SAM Sokong Yiqiang LIU Michael G. KARNAVAS SIN Soworn Lyma NGUYEN

TY Srinna Nushin SARKARATI

VEN Pov

I. Procedural History

- 1. The disagreement between the Co-Investigating Judges ("CIJs") in Case 003 was registered on 7 February 2013, 22 February 2013, 17 July 2014 and 16 January 2017.
- 2. On 29 April 2011, CIJs YOU Bunleng and Siegfried BLUNK concluded the judicial investigation in Case 003.
- 3. From the open day of the judicial investigation in Case 003 to 14 May 2011 which was the deadline for Civil Party Applications, four people filed Civil Party Applications in Case 003.
- 4. On 29 April 2011, 27 July 2011 and 9 September 2011, in the light of the documents filed before the conclusion of the judicial investigation, the CIJs declared the abovementioned four Civil Party Applicants: SENG Chantheary, Robert Hamill, CHUM Neou and Thimothy Scott Deeds inadmissible. Those applicants appealed against this order. ²
- 5. On 24 October 2011, 28 February 2012 and 13 and 14 February 2013, the Pre-Trial Chamber could not attain the required majority of the affirmative vote in order to reach a decision on the Appeals of the four Civil Party Applicants.³
- 6. On 15 November 2011, SENG Chantheary withdrew her application from Case 003.⁴ The greffier of the Office of the CIJs acknowledged the withdrawal of the application through a letter dated 29 May 2014.⁵

² Case 003, D11/1/4/1, Appeal Against Order on the Admissibility of Civil Party Application of SENG Chan Theary, 18 May 2001; Case 003, D11/2/4/2, Appeal against Order on the Admissibility of Civil Party Applicant Mr Robert Hamill, 23 May 2011; Case 003, D11/4/4/1, Appeal against Order on the Admissibility of Civil Party Applicant Mr Timothy Scott DEEDS, 3 October 2011.

¹ Case 003, D11/1/3, Order on the Admissibility of the Civil Party Application of SENG Chan Theary, 29 April 2011; Case 003, D11/2/3, Order on the Admissibility of the Civil Party Application of Rob Hamill, 29 April 2011; Case 003, D11/3/3, Order on the Admissibility of the Civil Party Application of CHUM Neou, 9 September 2011 [7 July 2011].

³ Case 003, D11/2/4/4, Considerations of the Pre-Trial Chamber regarding the Appeal against Order on the Admissibility of Civil Party Applicant Robert Hamill, 14 February 2011 [24 October 2011]; Case 003, D11/1/4/2, Considerations of the Pre-Trial Chamber regarding the Appeal against Order on the Admissibility of Civil Party Applicant SENG Chantheary, 28 February 2012; Case 003, D11/3/4/2, Considerations of the Pre-Trial Chamber regarding the Appeal against Order on the Admissibility of Civil Party Applicant CHUM Neou, 13 February 2013; Case 003, D11/4/4/2, Considerations of the Pre-Trial Chamber regarding the Appeal against Order on the Admissibility of Civil Party Applicant Timothy Scott DEEDS, 14 February 2013.

⁴ Case 003, D11/1/5, Request to Withdraw Ms SENG Chantheary's Civil Party Application 11-VSS-00001, 3 March 2014.

7. From 14 May 2011 to the date of this order issued, other 642 Civil Party applications

were submitted to the International Co-Investigating Judge.

II. Discussion

8. Rule 23 bis of the Internal Rules states that, "A victim who wishes to be joined as a

Civil Party shall submit such application in writing no later than fifteen (15) days

after the Co-Investigating Judges notify the parties of the conclusion of the judicial

investigation pursuant IR 66(1)."

9. Pursuant to Rule 23 bis above, as both CIJs concluded the judicial investigation into

Case 003 on 29 April 2011, therefore the day of 14 May 2011 was the deadline for

Civil Party applications before CIJs YOU Bunleng and Siegfried BLUNK. For this

reason, applications submitted after 14 May 2011 would not be considered due to

procedural defects as mentioned in the Order dismissing the case against MEAS

Muth, paragraph 18.6

10. The four Civil Party applications filed earlier during the course of the judicial

investigation until 14 May 2011 were finally rejected. Thereore, 642 applications

which were filed after 14 May 2011 would not be considered.

For the forgoing reasons, we hereby:

11. **DISMISS** all the Civil Party applications filed after 14 May 2011.

Phnom Penh, 28 November 2018

YOU Bunleng

National Co-Investigating Judge

⁵ Case 003, D11/1/6, Letter of the Greffier of the Office of the Co-Investigating Judges to Mr Choung Chou-Ngy, 29 May 2014; Case 003, D11/1/7, Letter of the Greffier of the Office of the Co-Investigating Judges to Mr Sam Sokong, 29 May 2014; Case 003, D11/1/8, Letter of the Greffier of the Office of the Co-Investigating Judges to Lawyer Emmanuel Jacomy, 29 May 2014.

⁶ Case 003, D266, Order Dismissing the Case against MEAS Muth, 28 November 2018.