

**Annex H(1): Admissibility Arguments for Civil Party Applicants Found Inadmissible
for Insufficiency of the Evidence or Related Grounds
(Applicants Represented by Foreign-National Lawyer Teams)**

**Declassified to Public
12 June 2020**

VSS Ref. No.	Full Name	Ground for Denial	Cambodian Lawyer	Foreign Lawyer	Submissions by Co-Lawyers for Civil Party Applicant
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4. No / Insufficient Identification

16-VSS-00048	HAV Chou	4	Kim Mengkhy	Martine Jacquin	The Applicant describes the enslavement and starvation of her mother in Kampong Svay District, Kampong Cham Province from April 1975 until January 6, 1979 and the murder of Applicant's great aunt and grandfather. Although the applicant's identity documents indicate that she was born in July 1979, after the collapse of Democratic Kampuchea, this is not sufficient grounds enough to deny her Civil Party status. The applicant provides sufficient evidence to establish that she has suffered harm as a consequence of the crimes committed against her mother and other relatives within the scope of the case.
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5. Outside the temporal scope of the case file

15-VSS-00038	CHHIM Noeun	5	Ty Srinna, Ven Pov		In 1976, her father was arrested and killed by accusing as an enemy. Her suffer related to the losing of her father was under the scope of Jurisdiction without determined the time and place.
16-VSS-00042	CHIN Suong	5	Kim Mengkhy	Martine Jacquin	In late 1976, they were both captured by 2 or 3 militias at their home which was near the applicant's house. They were shackled and escorted to Trapeang Ruessei Commune, where they were detained, accused of belonging to the CIA. They were deprived of food and not even their wives were allowed to visit them. Then they were brought to be killed in the jungle at night. The applicant mentioned that he still greatly suffers when he remembers the past. It is well inside the temporal scope the case file and the testimony is accurate.
16-VSS-00044	CHUON Oeurn	5	Kim Mengkhy	Martine Jacquin	In 1976, her younger sibling-in-law named TOY Tit (15 years old) was killed because he/she had eaten porridge secretly. She said that the food ratio was inadequate while they had to work very hard. The applicant said that the location of the crime was in Ta Ream Village, Tbaeng Commune, Kampong Svay District, Kampong Thom province. The abuses appeared in 1976.

Annex H(1) (Insufficiency of the Evidence Related Grounds)

VSS Ref. No.	Full Name	Ground for Denial	Cambodian Lawyer	Foreign Lawyer	Submissions by Co-Lawyers for Civil Party Applicant
12-VSS-00432	KRY Loeng	5	Ty Srinna, Ven Pov		Her husband was detained and tortured by the Khmer Rouge, and then was killed in 1976. Her suffer regarding to the losing of her husband was under the scope of Jurisdiction without determined the time and place.

Annex H(1) (Insufficiency of the Evidence Related Grounds)

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16-VSS-00014	LY Srom	5	Kim Mengkhy	Martine Jacquin	In 1976, the applicant's four older brothers, Yun, Chhun, Chheng and Sieng Hi were arrested to be killed because they stole some vegetables for food. The applicant worked there until 1979.

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16-VSS-00015	MAN Sles	5	Kim Mengkhy	Martine Jacquin	The facts began in 1975 and continued after that.
12-VSS-00583	MAO Ra	5	Ty Srinna, Ven Pov		Her husband was sent by accused as the enemy, and then disappeared up today. Her suffer regarding to the losing of her husband was under the scope of Jurisdiction without determined the time and place.

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VSS Ref. No.	Full Name	Ground for Denial	Cambodian Lawyer	Foreign Lawyer	Submissions by Co-Lawyers for Civil Party Applicant
16-VSS-00071	NEOU Sarem	5	Sam Sokong	Nushin Sarkarati	Annex B of the ICIJ’s Order states that Applicant NEOU was declared inadmissible because the “the crimes alleged fall outside the temporal scope of the case file where the dates are specified.” (Case File No 004/2, D362.2, Annex B: Civil Party Applications Declared Inadmissible, 18 August 2018, at 01580930.) However, Applicant’s VIF indicates that the crimes occurred in Paprak Kom, Campson Kandar, Boeung Trabek, Pursat, Taley, Angkor Chey, and Wathsleng in 1976, and includes a list of numerous family members who died under the regime. (NEOU, Sarem Victim Support Section Summary, 16-VSS-00071, D5/1913/1, at 01372357.) Further, Applicant’s case file includes a lengthy 118-page oral history that was submitted in both English and Khmer as supplementary evidence of Applicant’s experience under the Khmer Rouge regime. (On 21 Dec 2016 Civil Party Co-Lawyers filed a request with the Victim Support Section and the Office of the Co-Investing Judges for the transfer of Case 002 civil party applications and all supplemental documents for five civil party applicants, including NEOU Sarem, 10-VU-00205, to Cases 003, 004, and 004/2. (Case File 004, D5/1916/2, Transfer Request for Civil Party Applications from Case 002 to Cases 003, 004, and 004/2, 21 Dec 2016). Applicant’s oral history indicates that her family were evacuated from Phnom Penh by the Khmer Rouge in 1975 and later enslaved; her husband and brother were assigned to a mobile unit, while her parents and two daughters were sent to Pra Prakkaun in Pursat Province. (Case File No 002, E3/6934, NEOU Sarem’s Oral History, VOA Khmer Service, at 01003510.) Applicant herself was considered among the elite who were deemed “intellectuals” or “imperialists” by the Khmer Rouge due to her education in France. (Case File No 002, E3/6934, NEOU Sarem’s Oral History, VOA Khmer Service, at 01003411, 01003434, 01003462-3, 01003513.) Following Applicant’s return to Cambodia in 1976, she was forced to undergo “re-education” before being transferred to various forced labor camps or worksites near Phnom Penh and Kandal Province. (Case File No 002, E3/6934, NEOU Sarem’s Oral History, VOA Khmer Service, at 01003420, 01003428.) Applicant NEOU describes in detail how she was forced to work under inhumane conditions, including facing starvation, and would regularly hear about people disappearing or being executed in the evenings. (Case File No 002, E3/6934, NEOU Sarem’s Oral History, VOA Khmer Service, at 01003429, 01003231, 01003433-4). After the collapse of the regime, Applicant NEOU was sent to the United States and learned about the fate of her family members in a letter. (Case File No 002, E3/6934, NEOU Sarem’s Oral History, VOA Khmer Service, at 01003510.) Many had died of starvation or disease in the forced labor camps, her aunt was murdered with an axe by Khmer Rouge soldiers and her mother was imprisoned and tortured to death after being accused of stealing rice. (Case File No 002, E3/6934, NEOU Sarem’s Oral History, VOA Khmer Service, at 01003510.) The Application thus provides sufficient information regarding the temporal scope of the crimes committed.

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VSS Ref. No.	Full Name	Ground for Denial	Cambodian Lawyer	Foreign Lawyer	Submissions by Co-Lawyers for Civil Party Applicant
16-VSS-00020	PHÂN Sophat	5	Kim Mengkhy	Martine Jacquin	The applicant relates that "in 1976, her father named THAONG Phôn who had been a Commune's assistant in LON Nol regime was sent to be reeducated, whereupon he disappeared. She also mentionnes that « she was told by uncle that her father was sent to be killed in Thmei Kroam Village (according to geographic database 2010, the village does not exist. It is probably changed to other name), Kampong Siem District, Kampong Cham Province, to kill him there. Later on, the applicant, the applicant's mother, and the applicant's older brother were forcibly transferred to work in Prey Chhor District, Kampong Cham Province. » These informations should be precise enough.
12-VSS-00498	PIN Hei	5	Ty Srinna, Ven Pov		Her husband was arrested and accused as the enemy, and then disappeared up today. Her suffer regarding to the losing of her husband was under the scope of Jurisdiction without determined the time and place.
11-VSS-00346	PUT Eng	5	Kim Mengkhy	Martine Jacquin	The Applicant described the following: murder of Applicant's relatives in Kampong Siem District, Kampong Cham Province in 1976
12-VSS-00440	SO Yen	5	Ty Srinna, Ven Pov		In 1976 her husband was arrested and accused as CIA by the Khmer Rouge, and then disappeared up today. Her suffer regarding to her husband and her mother were under the scope of Jurisdiction without determined the time and place.

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11-VSS-00032	SOEM Roern	5	Kim Mengkhy	Martine Jacquin, Isabelle Durand	In 1976, the applicant's husband named VAN Voa, who was a former LON Nol's soldier, was arrested in Ou Svay District (not found in geographic database but it has only Ou Svay Sub-district), Ampil Kranhanh Sub-district (not found in geographic database but it has only Ampil Kranhanh Village), Kampong Cham Province. The applicant's husband was no doubt killed. In late 1976, the applicant was forced to marry comrade Chheng by comrade Dân and comrade Nal in Trapeang Chrey Village, Krala Sub-district, Kampong Siem District, Kampong Cham Province. The applicant's forced marriage happened in front of Angkar. The applicant bore a son and three daughters to her forced marriage. The applicant's new husband was then killed for no apparent reason. The applicant did not understand what she was forced to commit to during her forced wedding.
12-VSS-00560	SVAY Mon	5	Ty Srinna, Ven Pov		Her five relatives were sent and disappeared by accused as the enemy in 1978. Her suffer regarding to the losing of her relatives were under the scope of Jurisdiction without determined the time and place.
11-VSS-00337	TUON Pronh	5	Kim Mengkhy	Martine Jacquin	The crimes were committed before 1976.
11-VSS-00178	YAN San	5	Kim Mengkhy	Martine Jacquin	In 1977, the applicant was forced to marry a man named Pob. Since then, the food ration was reduced and sometimes she was only provided with cassava. At the end of 1978, Vietnamese soldiers arrived so that she and her second husband together with their children returned to Srae Sangkom Sub-district, Kaoh Nheak District, Mondul Kiri Province. It is well inside the temporal scope the case file.

6. Insufficient time frames and locations to establish that application should be admitted to the case file

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VSS Ref. No.	Full Name	Ground for Denial	Cambodian Lawyer	Foreign Lawyer	Submissions by Co-Lawyers for Civil Party Applicant
11-VSS-00100	AM Nai Oun	6	Kim Mengkhy	Martine Jacquin	She was told by her cousin named Yân that they were killed in Phnom Bros Phnom Srei probably in Krala Sub-district, Kampong Siem District, Kampong Cham Province. During the Khmer Rouge regime, she and her older sister lived in Trapeang Ruessei Village, Krala sub-district, Kampong Siem District, Kampong Cham Province. So, the applicant described exactly the locations of the crimes.
12-VSS-00624	DORK Sokin	6	Ty Srinna, Ven Pov		In 1976, her brother, sister in law, and her niece were deceased by starvation. Her suffer regarding to the losing of her relatives were under the scope of Jurisdiction without determined the time and place.
16-VSS-00052	KHEAV Tol	6	Kim Mengkhy	Martine Jacquin	The applicant stated that her husband named SÂY Chhây was killed in 1976 for an unknown reason at Wat Srange Security Center in Srangae Village, Tbaeng Commune, Kampong Svay District, Kampong Thom province. Regarding the amount of details that are given by the applicant (names, places etc ...) and the fact that 1976 is in the temporal scope, the Chamber shouldn't consider that « the dates are too vague to establish the temporal scope of the events ».
11-VSS-00024	KHI Leat	6	Kim Mengkhy	Martine Jacquin, Isabelle Durand	The applicant relates that « In 1975 his older sister named KHY Hean was forcibly married to a man named BENG Srân in Kouk Kream Village, Vihear Thum Sub-district, Kampong Siem District, Kampong Cham Province. ».

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VSS Ref. No.	Full Name	Ground for Denial	Cambodian Lawyer	Foreign Lawyer	Submissions by Co-Lawyers for Civil Party Applicant
11-VSS-00033	KIM Sean	6	Kim Mengkhy	Martine Jacquin, Isabelle Durand	The applicant relates that « her cousin's children named Ny, Thy and Roeun were killed at Memot District, Kampong Cham Province in 1977." The applicant specified the location and the time frame when her cousin's children were killed.
15-VSS-00159	KONG Phearin	6	Kim Mengkhy	Martine Jacquin	The applicant describe precisely the death of his father and his uncles : " In May 1976, at around, 5.00 , two armed Khmer Rouge soldiers who came from Ou Reang Ov District came to call my father family including my father and his older brother KUNG Kun, and his five younger siblings KUNG Un, KUNG Nun, KUNG Yim, and KUNG Peou, and nine villagers to go to a meeting at Tnaot Village Cooperative in order to be educated. When I arrived at the village, I saw they had been tied up by the Khmer Rouge and taken away. Later, I learnt that all of them were killed near Wat Ou Reang Ov Pagoda which was about seven kilometres away from Tnaot Village. I learnt this information from a villager who had been arrested with my family member and who had later been released." These informations should be enough to accept the admissibility of the applicant and contradict that Chamber statement
16-VSS-00016	MAT Keu	6	Kim Mengkhy	Martine Jacquin	Even if the applicant doesn't always mention precisely the time frame of the events he relates, he ensures that it happened after 1975. According to the amount of details he gives (exact places and names), his testimony should be considered trustfull and accurate.
11-VSS-00058	MEAS Sorth	6	Kim Mengkhy	Martine Jacquin	Even if the applicant doesn't give a time frame when her brother was killed : « the applicant's older brother named Si was called to re-educate and then disappeared. », she describes precisely that « After 17 April 1975 she was forced to carry soil 3 m³ per day, but the applicant could finish only 2 m³. Due to overwork, the applicant developed a problem with her leg so her leg could not function as usual." This statement should be enough to prove that she endures a lot of suffering due to the Khmer Rouge regime.
12-VSS-00484	OU Sân	6	Ty Srimma, Ven Pov		In 1977, her father was deceased by starvation and 4 siblings were sent to kill. Her suffer regarding to the losing of her father and siblings were under the scope of Jurisdiction without determined the time and place.

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16-VSS-00020	PHÂN Sopath	6	Kim Mengkhy	Martine Jacquin	The applicant relates that « in 1976, her father named THAONG Phôn who had been a Commune's assistant in LON Nol regime was sent to be reeducated, whereupon he disappeared » She also mentionnes that « she was told by uncle that her father was sent to be killed in Thmei Kroam Village (according to geographic database 2010, the village does not exist. It is probably changed to other name), Kampong Siem District, Kampong Cham Province, to kill him there. Later on, the applicant, the applicant's mother, and the applicant's older brother were forcibly transferred to work in Prey Chhor District, Kampong Cham Province. »
11-VSS-00068	POURK Chheam	6	Kim Mengkhy	Martine Jacquin	The applicant stated that she has three siblings. Her older sibling named PUOK Yen was killed at Ou Ambaeng Village, Tbaeng Sub-district, Kampong Svay District, Kampong Thom province in 1976. She was starved and was provided with Insufficient food. The applicant stated that her older brother named POURK Yin was taken to be killed in Ou Ambaeng Village, Tbaeng Sub-district, Kampong Svay District, Kampong Thom Province. The applicant was forced to overwork and she could not refuse. So, the applicant described exactly the locations of the crimes.
12-VSS-00445	SAO Nâm	6	Ty Srinna, Ven Pov		Her husband was arrested and killed in 1976. Her suffer regarding to the losing of her husband was under the scope of Jurisdiction without determined the time and place.
15-VSS-00018	SAUT Han	6	Ty Srinna, Ven Pov		In 1975, her two brothers were disappeared. Her suffer regarding to the losing of her two brother were under the scope of Jurisdiction without determined the time and place.

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16-VSS-00028	SEANG Oeurn	6	Kim Mengkhy	Martine Jacquin	« The applicant was told that her brother Soeurn was detained in a prison in Ankuonh Dei (probably it is located in Angkuonh Dei Village, Krala Commune, Kampong Siem District, Kampong Cham Province) and her brother was probably killed in Tuol Beng (probably it is located in Tuol Beng Village, Krala Commune, Kampong Siem District District, Kampong Cham Province). Furthermore, she added that her husband was forced to labour until he died in Speu hospital, and she mentioned that she was forced to labour even though she was pregnant. » The applicant specified the location and the time frame when her brother was detained and killed.
12-VSS-00577	TÈM Vát	6	Ty Srinna, Ven Pov		One of his older brothers was sent to kill at Proum Bros Proum Srey in Kampong Cham province. It was clearly in the scope of Jurisdiction of case 004/2.
12-VSS-00486	TIM Yin	6	Ty Srinna, Ven Pov		In 1977, her three children (one daughter and two sons) were deceased by starvation. her suffer of losing children were under the scope of Jurisdiction without determined the time and place.

7. Testimony cannot be reconciled with evidence or is inconsistent

11-VSS-00065	BRACH Sorng	7	Kim Mengkhy	Martine Jacquin, Isabelle Durand	The applicant relates that "she saw her younger brother be killed by a blow to the back of the head with a hoe in 1977 in Lveang Village (not found in geographic database), Sambuor Sub-district." She also mentioned that "her father was killed in 1977 in Prey Run Village (it is currently located in Srangae Sub-district, Treang District), Sambuor Sub-district, Treang District, Takeo Province." This informations should be enough.
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VSS Ref. No.	Full Name	Ground for Denial	Cambodian Lawyer	Foreign Lawyer	Submissions by Co-Lawyers for Civil Party Applicant
11-VSS-00129	KIM Seng	7	Kim Mengkhy	Martine Jacquin, Isabelle Durand	The applicant relates that "In late 1975, the applicant's family, including his great aunt, his cousins, his nieces, and his nephews were forcibly transferred from Chbar Mon in Kampong Speu Province to Pursat Province, and then to Battambang Province." "Many of the applicant's relatives were forcibly married. For example, KIM Yang, the applicant's younger sister, was forced to marry Math in 1976 in Prey Lvea Village (according to geographic database, this village located in Preah Nipean Sub-district, Kong Pisei District, Kampong Speu Province)." Contrary to the Court statement, the circumstances are not unclear and contradictory.
15-VSS-00066	KONG Koem Sean	7	Ty Srinna, Ven Pov		Civil Party had information only in his VIF. There is no any contrast information as mentioned by OCIJ. Therefore, he should not deny under the ground 7.
8. Absent or Insufficient Reasoning					
12-VSS-00415	KIEV Him	8	Ty Srinna, Ven Pov		The International CIJ merely recapitulates the applicant's evidence, but does not provide any specific reason for his finding of inadmissibility.