

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)

**ANNEX CONCERNING CIVIL PARTY APPLICANTS WHOSE APPLICATIONS ARE, IN THE VIEW OF JUDGE MARCHI-UHEL, INADMISSIBLE<sup>1</sup>**

**Appeals against Impugned Order D392 (Kep Province)<sup>2</sup>**

**Appeal PTC 78<sup>3</sup>**

Civil Party Applicant 09-VU01302 (D22/2709).<sup>4</sup> 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).<sup>5</sup> 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

<sup>1</sup> 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.

<sup>2</sup> 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").

<sup>3</sup> *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").

<sup>4</sup> 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).

<sup>5</sup> 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).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 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).<sup>6</sup> 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.<sup>7</sup> 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).<sup>8</sup> 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.<sup>9</sup> 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).<sup>10</sup> 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.

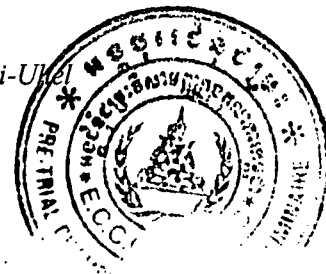
<sup>6</sup> Application declared inadmissible on the ground that it did not establish the necessary causal link between the alleged harm and the facts under investigation (Impugned Order D395, para. 21, and Annex 3).

<sup>7</sup> Indictment, paras 369-370.

<sup>8</sup> 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).

<sup>9</sup> Indictment, paras 369-370.

<sup>10</sup> 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).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 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).<sup>11</sup> 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.<sup>12</sup> 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)<sup>13</sup>**

#### **Appeal PTC 81<sup>14</sup>**

Civil Party Applicant 09-VU-04239 (D22/3625).<sup>15</sup> 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.

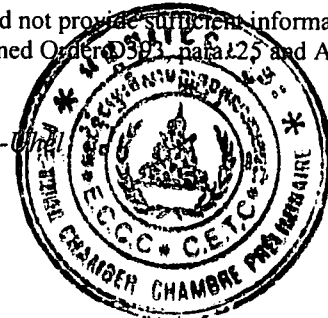
<sup>11</sup> Application declared inadmissible on the ground that it did not establish the necessary causal link between the alleged harm and the facts under investigation (Impugned Order D395, para. 21, and Annex 3).

<sup>12</sup> Indictment, paras 369-370.

<sup>13</sup> Order on the Admissibility of Civil Party Applicants from Current Residents of Oddar Meanchey Province, 26 August 2010, D393 ("Impugned Order D393").

<sup>14</sup> *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").

<sup>15</sup> 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).



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)<sup>16</sup>

### Appeal PTC 82<sup>17</sup>

Civil Party Applicant 08-VU-01188 (D22/2637).<sup>18</sup> 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).<sup>19</sup> 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).<sup>20</sup> 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

<sup>16</sup> Order on the Admissibility of Civil Party Applicants from Current Residents of Rattanakiri Province, 27 August 2010, D394 (“Impugned Order D394”)

<sup>17</sup> *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”).

<sup>18</sup> Application declared inadmissible on the ground that the Applicant did not provide sufficient proof of identification (*Impugned Order D394*, para. 20 and Annex 3).

<sup>19</sup> Application declared inadmissible on the ground that the Applicant did not provide sufficient proof of identification (*Impugned Order D394*, para. 20 and Annex 3).

<sup>20</sup> 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).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 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)

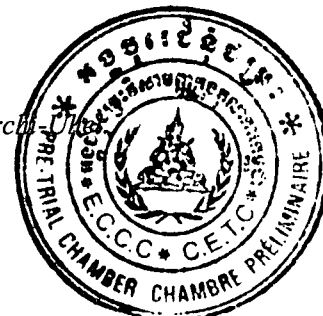
forced marriage of her friends but also from the fear that situation generated. I note that the Applicant does not explain in any way the bond of affection that existed between her and these friends and does not even say that she witnessed their forced marriage.<sup>21</sup> The English summary of her 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).<sup>22</sup> 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.<sup>23</sup> 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.

<sup>21</sup> Supplementary information D22/488b.

<sup>22</sup> 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).

<sup>23</sup> 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).<sup>24</sup> 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.<sup>25</sup> 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 83<sup>26</sup>**

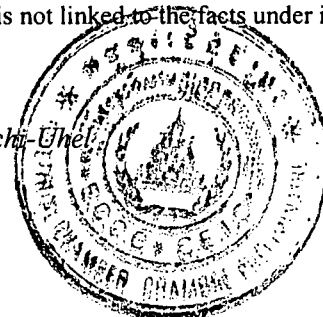
Civil Party Applicant 08-VU-01193 (D22/0934).<sup>27</sup> There is insufficient information about the location where the Applicant was forced to work and not given enough food to consider it plausible that it occurred at any of the six cooperatives and worksites retained in the Indictment underlying 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.

<sup>24</sup> 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).

<sup>25</sup> Supplementary information D22/1667b.

<sup>26</sup> 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").

<sup>27</sup> 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/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)

## Appeals against Impugned Order D395 (Mondulkiri Province)<sup>28</sup>

### Appeal PTC 85<sup>29</sup>

Civil Party Applicant 09-VU-01205 (D22/718).<sup>30</sup> 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.<sup>31</sup> 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).<sup>32</sup> 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

<sup>28</sup> Order on the Admissibility of Civil Party Applicants From Current Residents of Mondulkiri Province, 26 August 2010, D395 (“Impugned Order D395”).

<sup>29</sup> *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”).

<sup>30</sup> Application declared inadmissible on the ground that it does not provide sufficient information to verify compliance with Rules 23*bis* (1) and (4) of the Internal Rules in relation to the alleged crimes (Impugned Order D395, para. 25, and Annex 3).

<sup>31</sup> Appeal PTC 85, para. 27 and footnote 26.

<sup>32</sup> 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)

period specified in the Indictment.<sup>33</sup> 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.<sup>34</sup> 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).<sup>35</sup> 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 Kraol<sup>36</sup> 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.<sup>37</sup> This argument fails to demonstrate as such that the Applicant suffered injury as a consequence of at least one of the crimes under investigation.

<sup>33</sup> The Indictment specifically refers to the murders committed during the evacuation of Phnom Penh (see, *inter alia*, para. 1373).

<sup>34</sup> Appeal PTC 85, para. 27 and footnote 26.

<sup>35</sup> 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).

<sup>36</sup> One of the security centres listed in the Indictment underlying crimes for which the Accused are indicted.

<sup>37</sup> Appeal PTC 85, para. 27 and footnote 26.





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-01802 (D22/2176).<sup>38</sup> 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).<sup>39</sup> Some of the facts relating to the transfer of and forced labour the Applicant and her family were 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,<sup>40</sup> 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.<sup>41</sup> 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

<sup>38</sup> 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).

<sup>39</sup> 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).

<sup>40</sup> Indictment, para. 283.

<sup>41</sup> *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.<sup>42</sup> 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).<sup>43</sup> 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. 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.<sup>44</sup> This argument fails to demonstrate as such that the Applicant suffered injury as a consequence of at least one of the crimes under investigation.

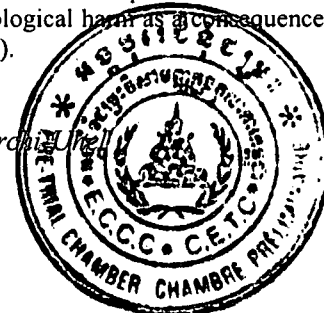
Civil Party Applicant 09-VU-01525 (D22/1826).<sup>45</sup> Koh Nehk District where the Applicant was victim of forced labour in 1975 is not among worksites and cooperatives listed in the Indictment underlying the crime of enslavement for which the Accused are indicted. The Applicant's forcible transfer 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

<sup>42</sup> Appeal PTC 85, para. 27 and footnote 26.

<sup>43</sup> 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).

<sup>44</sup> Appeal PTC 85, para. 27 and footnote 26.

<sup>45</sup> 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.<sup>46</sup> 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).<sup>47</sup> 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).<sup>48</sup> 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).<sup>49</sup> 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.

<sup>46</sup> Appeal PTC 85, para. 27 and footnote 26.

<sup>47</sup> 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).

<sup>48</sup> 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).

<sup>49</sup> 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)

Civil Party Applicant 09-VU-01026 (D22/1432).<sup>50</sup> 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).<sup>51</sup> 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).<sup>52</sup> 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.

<sup>50</sup> 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).

<sup>51</sup> 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).

<sup>52</sup> 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)

Civil Party Applicant 09-VU-01524 (D22/1827).<sup>53</sup> 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).<sup>54</sup> 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.<sup>55</sup> 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).<sup>56</sup> 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.<sup>57</sup> 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 86<sup>58</sup>**

Civil Party Applicant 09-VU-00006 (D22/0399).<sup>59</sup> 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

<sup>53</sup> 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).

<sup>54</sup> 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).

<sup>55</sup> Appeal PTC 85, para. 27 and footnote 26.

<sup>56</sup> 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).

<sup>57</sup> Appeal PTC 85, para. 27 and footnote 26.

<sup>58</sup> 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 Monduliri Province (with references), 6 September 2010, D395/3/1 ("Appeal PTC 86").

<sup>59</sup> 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.<sup>60</sup> Although it involves movements within the Central (Old North) Zone,<sup>61</sup> 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.<sup>62</sup>

Civil Party Applicant 09-VU-00008 (D22/0400).<sup>63</sup> 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.<sup>64</sup> 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.<sup>65</sup> 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.

<sup>60</sup> Indictment, para. 1448.

<sup>61</sup> Indictment, para. 263.

<sup>62</sup> See in particular, Indictment, paras 1373 and 1381.

<sup>63</sup> 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).

<sup>64</sup> Indictment, para. 1391.

<sup>65</sup> 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).<sup>66</sup> 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.<sup>67</sup>

Civil Party Applicant 09-VU-01209 (D22/0715).<sup>68</sup> 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.<sup>69</sup> 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).<sup>70</sup> 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

<sup>66</sup> 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).

<sup>67</sup> Indictment, in particular, paras 1391, 1373 and 1381.

<sup>68</sup> 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).

<sup>69</sup> Indictment, para. 1448.

<sup>70</sup> 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.<sup>71</sup> 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.<sup>72</sup>

Civil Party Applicant 08-VU-01812 (D22/1185).<sup>73</sup> 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.<sup>74</sup>

Civil Party Applicant 08-VU-01840 (D22/0392).<sup>75</sup> 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

<sup>71</sup> Indictment, para. 1391.

<sup>72</sup> See in particular, Indictment, paras 1373 and 1381.

<sup>73</sup> 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).

<sup>74</sup> Indictment, paras 1416 and 1434 and related parts of the Factual Findings of Crimes.

<sup>75</sup> 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.<sup>76</sup> 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.<sup>77</sup>

Civil Party Applicant 09-VU-00005 (D22/0398).<sup>78</sup> 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 torture<sup>79</sup> and persecution on political grounds.<sup>80</sup> 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.<sup>81</sup> 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.<sup>82</sup> 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,<sup>83</sup> including the crime of persecution on political grounds.<sup>84</sup>

<sup>76</sup> Indictment, para. 1391.

<sup>77</sup> See in particular, Indictment, paras 1373-1378 and 1381.

<sup>78</sup> 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).

<sup>79</sup> Indictment, para. 1408 and related Factual Findings of Crimes.

<sup>80</sup> Indictment, para. 1416.

<sup>81</sup> Indictment, para. 224.

<sup>82</sup> Indictment, para. 1391.

<sup>83</sup> See in particular, Indictment, paras 1373-1378 and 1381.

<sup>84</sup> Indictment, para. 1416.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 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)<sup>85</sup>

### Appeal PTC 87<sup>86</sup>

Civil Party Applicant 09-VU00027 (D22/1191).<sup>87</sup> 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 Reap<sup>88</sup> or at Tuol Sleng.<sup>89</sup> 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).<sup>90</sup> 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

<sup>85</sup> 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").

<sup>86</sup> 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").

<sup>87</sup> 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).

<sup>88</sup> Summary of supplementary information, D22/844b.

<sup>89</sup> Report on Civil Party Application, D22/844/1.

<sup>90</sup> 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)

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).<sup>91</sup> 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).<sup>92</sup> 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.

<sup>91</sup> 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).

<sup>92</sup> 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).<sup>93</sup> 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).<sup>94</sup> 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 Vietnamese<sup>95</sup> 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).<sup>96</sup> 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).<sup>97</sup> 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

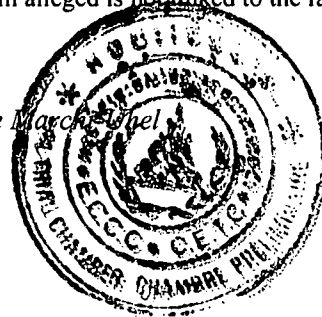
<sup>93</sup> Application declared inadmissible on the ground that the Applicant did not provide sufficient information to verify compliance with Rules 23 *bis* (1) and (4) in relation to the alleged crimes (Impugned Order D396, para. 24 and Annex 3).

<sup>94</sup> 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).

<sup>95</sup> The application refers to an accusation of being KGB and CIA agent.

<sup>96</sup> 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).

<sup>97</sup> 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)

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).<sup>98</sup> 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).<sup>99</sup> 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).<sup>100</sup> 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).<sup>101</sup> 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.

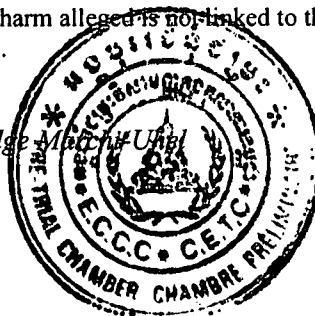
Civil Party Applicant 09-VU-00214 (D22/1252).<sup>102</sup> The fact that the Applicant was forced to become the new chief of his Village under threat of being killed if he refused does not form part of the crimes for which the Accused are indicted.

<sup>98</sup> 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).

<sup>99</sup> 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).

<sup>100</sup> 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).

<sup>101</sup> 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/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).<sup>103</sup> 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).<sup>104</sup> 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).<sup>105</sup> 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).<sup>106</sup> 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.

<sup>102</sup> 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).

<sup>103</sup> 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).

<sup>104</sup> 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).

<sup>105</sup> 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).

<sup>106</sup> 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-00701 (D22/2684).<sup>107</sup> 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).<sup>108</sup> 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).<sup>109</sup> 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).<sup>110</sup> 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).<sup>111</sup> 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

<sup>107</sup> 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).

<sup>108</sup> 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).

<sup>109</sup> 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).

<sup>110</sup> 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).

<sup>111</sup> 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).<sup>112</sup> 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).<sup>113</sup> 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).<sup>114</sup> 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.

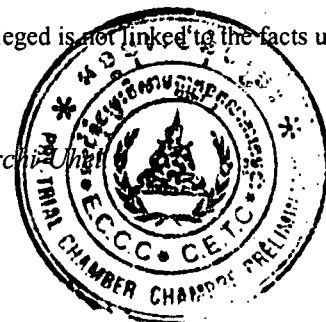
Civil Party Applicant 09-VU-01404 (D22/2115).<sup>115</sup> None of the facts highlighted by the Co-Lawyers, including the fact that the Applicant was forced to wake up at 4 am and participate in meetings of the organization as chief of the women organization and mobile units; or that she was considered an enemy and was threatened of being killed, form part of factual basis of the crimes for which the Accused are indicted.

<sup>112</sup> 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).

<sup>113</sup> 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).

<sup>114</sup> 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).

<sup>115</sup> 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/OClJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 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).<sup>116</sup> 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).<sup>117</sup> 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).<sup>118</sup> 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).<sup>119</sup> 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

<sup>116</sup> 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).

<sup>117</sup> 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).

<sup>118</sup> 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).

<sup>119</sup> 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).<sup>120</sup> 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 88<sup>121</sup>**

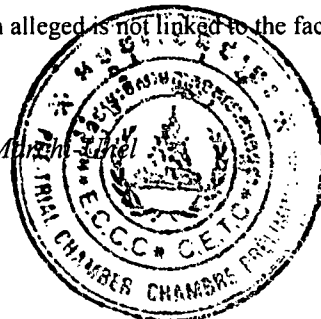
Civil Party Applicant 09-VU-03589 (D22/3283). I note that the Appeal PTC 88 is moot in so far as this Applicant is concerned, as his Application was not made in Prey Veng Province but in Kampong Cham Province, and therefore not dealt with in the Impugned Order subject to the present Appeal (D410). This 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).<sup>122</sup> 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.

<sup>120</sup> 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).

<sup>121</sup> 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").

<sup>122</sup> 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-01403 (D22/2114).<sup>123</sup> 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.<sup>124</sup> 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)<sup>125</sup>**

##### **Appeal PTC 89<sup>126</sup>**

Civil Party Applicant 10-VU-00364 (D22/3786).<sup>127</sup> 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 91<sup>128</sup>**

<sup>123</sup> 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).

<sup>124</sup> Report on Civil Party Application D22/2114/1.

<sup>125</sup> 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”).

<sup>126</sup> 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”).

<sup>127</sup> 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”).

<sup>128</sup> 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”).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 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).<sup>129</sup> 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).<sup>130</sup> 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.

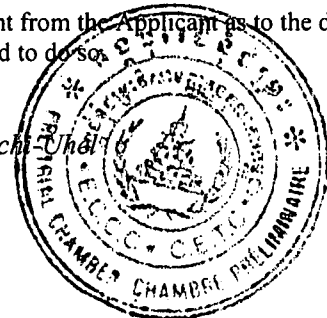
Civil Party Applicant 09-VU-00976 (D22/ 1070).<sup>131</sup> The Co-Lawyers argue that the Applicant has added that her older sister was part of the first phase of transfers of the Population from Phnom Penh to provinces and that her sister was transferred forcibly to Pursat Province with her three children. 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.<sup>132</sup>

<sup>129</sup> 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).

<sup>130</sup> 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).

<sup>131</sup> 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).

<sup>132</sup> 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).<sup>133</sup> 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 93<sup>134</sup>**

Civil Party Applicant 10-VU-00834 (D22/3852).<sup>135</sup> 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)<sup>136</sup>**

#### **Appeal PTC 95<sup>137</sup>**

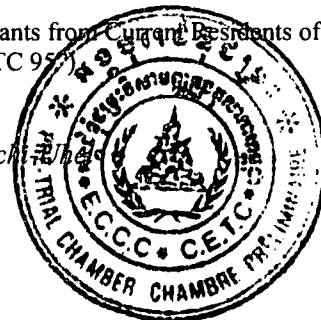
<sup>133</sup> Application declared inadmissible on the ground that he did not provide sufficient information to verify compliance with Rules 23 *bis* (1) and (4) in relation to the alleged crimes (Impugned Order D397, para. 26 and Annex 3).

<sup>134</sup> 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”)

<sup>135</sup> 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).

<sup>136</sup> Order on the Admissibility of Civil Party Applicants from Current Residents of Stung Treng Province, 30 August 2010, D398 (“Impugned Order D398”)

<sup>137</sup> 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”)



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 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).<sup>138</sup> 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).<sup>139</sup> 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).<sup>140</sup> 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)<sup>141</sup>**

<sup>138</sup> 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).

<sup>139</sup> 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).

<sup>140</sup> 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).

<sup>141</sup> Order on the Admissibility of Civil Party Applicants from Current Residents of Takeo Province, 31 August 2010, D399 ("Impugned Order D399")



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 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 101<sup>142</sup>

Civil Party Applicant 09-VU-02068 (D22/3029).<sup>143</sup> 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).<sup>144</sup> 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 102<sup>145</sup>

Civil Party Applicant 08-VU-01714 (D22/0994).<sup>146</sup> 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

<sup>142</sup> Appeal Against Order on the Admissibility of Civil Party Applicants from Current Residents of Takeo, 10 September 2010, D399/2/1 ("Appeal PTC 101").

<sup>143</sup> 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).

<sup>144</sup> 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).

<sup>145</sup> 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").

<sup>146</sup> 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).



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)

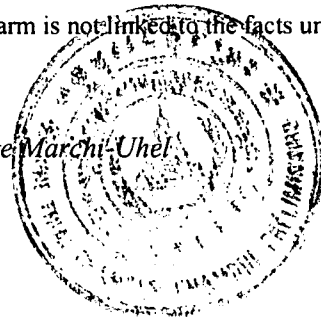
previously imprisoned in the security center of Ban Noy in Takeo Province. They argue that this secondary security center depended from the Takeo primary security center which itself reported to S21. The security center in question however is not one of the security centers retained in the Indictment underlying the crimes in particular imprisonment, murder and extermination for which the Accused are indicted.

Civil Party Applicant 09-VU-00592 (D22/0877).<sup>147</sup> 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).<sup>148</sup> 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.

<sup>147</sup> 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).

<sup>148</sup> 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).





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).<sup>149</sup> 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.

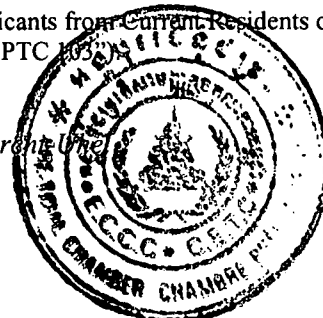
Civil Party Applicant 09-VU-00607 (D22/0875).<sup>150</sup> The acts of forcible transfer of the Applicant within the Province of Takeo do not form part of any of the three phases of forced movement of population for which the Accused are indicted. The facts of forced labour, and inhumane leaving conditions 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 103<sup>151</sup>

<sup>149</sup> 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).

<sup>150</sup> 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).

<sup>151</sup> 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").



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 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).<sup>152</sup> 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)<sup>153</sup>**

##### **Appeal PTC 96<sup>154</sup>**

Civil Party Applicant 09-VU-02198 (D22/3109).<sup>155</sup> 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).<sup>156</sup> Trapeang Thma, where the Applicant's father, Accused by the Khmer Rouge of being an agent of the Vietnamese and a traitor, was

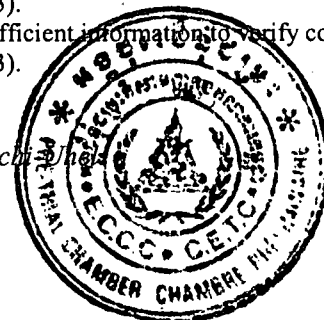
<sup>152</sup> Application declared inadmissible on the ground that the harm is not linked to the facts under investigation. (Impugned Order D399, para. 24 and Annex 3).

<sup>153</sup> Order on the Admissibility of Civil Party Applicants from Current Residents of Preah Sihanouk Province, 2 September 2010, D 401 ("Impugned Order D401").

<sup>154</sup> 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").

<sup>155</sup> 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).

<sup>156</sup> 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).<sup>157</sup> 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).<sup>158</sup> 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.

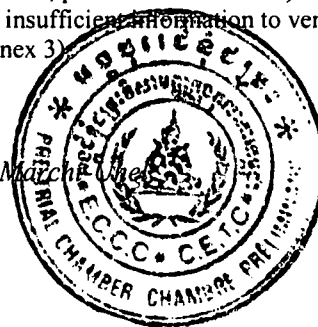
Civil Party Applicant 10-VU-00366 (D22/3788).<sup>159</sup> Review of the information provided by the Applicant<sup>160</sup> shows that none of the crimes she reports form part of the crimes for which the Accused are indicted. In particular, she was not forced to work in one of the six worksites or 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

<sup>157</sup> 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).

<sup>158</sup> 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).

<sup>159</sup> 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).

<sup>160</sup> 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 97<sup>161</sup>**

Civil Party Applicant 08-VU-01269 (D22/1156).<sup>162</sup> 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).<sup>163</sup> 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

<sup>161</sup> 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").

<sup>162</sup> 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).

<sup>163</sup> 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)

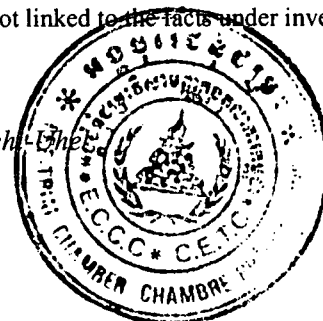
against human dignity for which the Accused are indicted. Finally, the Security Office in Ang Ta Aon where her younger brother was imprisoned and executed is not listed among the limited number of security centers and execution sites retained in the Indictment underlying the crimes of imprisonment, murder and extermination.

Civil Party Applicant 09-VU-01517 (D22/0861).<sup>164</sup> 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).<sup>165</sup> 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.

<sup>164</sup> 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).

<sup>165</sup> 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).<sup>166</sup> 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 99<sup>167</sup>

Civil Party Applicant 09-VU-03576 (D22/3270).<sup>168</sup> 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).<sup>169</sup> 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.<sup>170</sup> The Village of Samlout where the Applicant was forced to work in 1976-1979 is

<sup>166</sup> 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).

<sup>167</sup> *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").

<sup>168</sup> 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).

<sup>169</sup> 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).

<sup>170</sup> Summary of supplementary information D22/3789b.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 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).<sup>171</sup> 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).<sup>172</sup> 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).<sup>173</sup> 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.

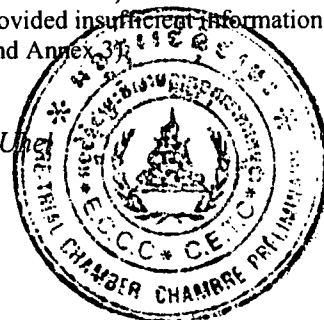
Civil Party Applicant 10-VU-00370 (D22/3792).<sup>174</sup> It is not alleged that the worksite where the Applicant's parents were forced to work and as a result of which they died is one of the six worksites and cooperatives retained in the Indictment underlying the crime of enslavement, other inhumane acts and extermination for which the Accused are indicted. The other crimes

<sup>171</sup> 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).

<sup>172</sup> 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).

<sup>173</sup> 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).

<sup>174</sup> 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).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 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).<sup>175</sup> 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).<sup>176</sup> 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).<sup>177</sup> 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.

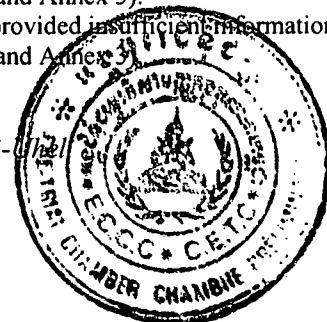
Civil Party Applicant 10-VU-00377 (D22/3799).<sup>178</sup> It is not alleged children's unit where the Applicant was forced to work although under aged is one of the six worksites and cooperatives retained in the Indictment underlying the crime of enslavement and other inhumane acts, for

<sup>175</sup> 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).

<sup>176</sup> 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).

<sup>177</sup> 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).

<sup>178</sup> 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).





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)

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).<sup>179</sup> 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.

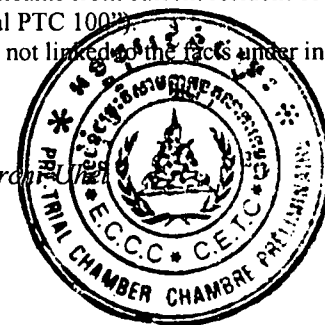
#### **Appeal PTC 100<sup>180</sup>**

Civil Party Applicant 09-VU-00083 (D22/0491).<sup>181</sup> 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.

<sup>179</sup> 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).

<sup>180</sup> 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").

<sup>181</sup> 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).<sup>182</sup> 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).<sup>183</sup> 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).<sup>184</sup> 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

<sup>182</sup> 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).

<sup>183</sup> 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).

<sup>184</sup> 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).<sup>185</sup> 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).<sup>186</sup> 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).<sup>187</sup> 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.

<sup>185</sup> 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).

<sup>186</sup> 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).

<sup>187</sup> 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).<sup>188</sup> 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).<sup>189</sup> 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.

<sup>188</sup> 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).

<sup>189</sup> 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 10-VU-00380 (D22/3802).<sup>190</sup> 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).<sup>191</sup> 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.<sup>192</sup> 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)<sup>193</sup>**

#### **Appeal PTC 126<sup>194</sup>**

Civil Party Applicant 09-VU-03495 (D22/3198).<sup>195</sup> 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

<sup>190</sup> 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).

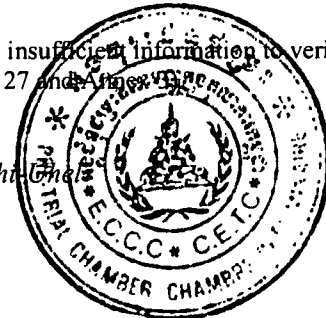
<sup>191</sup> Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D401, para. 24 and Annex 3).

<sup>192</sup> D22/3813.

<sup>193</sup> Order on the Admissibility of Civil Party Applicants from Current Residents of Kandal Province, 6 September 2010, D403 ("Impugned Order D403").

<sup>194</sup> 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").

<sup>195</sup> 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).<sup>196</sup> 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.

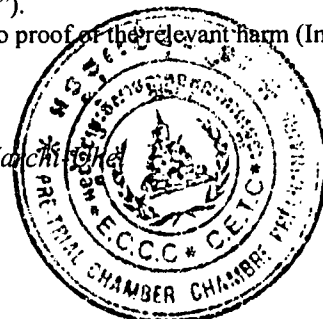
### **Appeal PTC 127<sup>197</sup>**

Civil Party Applicant 09-VU-03546 (D22/3243).<sup>198</sup> 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

<sup>196</sup> 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).

<sup>197</sup> 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").

<sup>198</sup> 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/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 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).<sup>199</sup> 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.

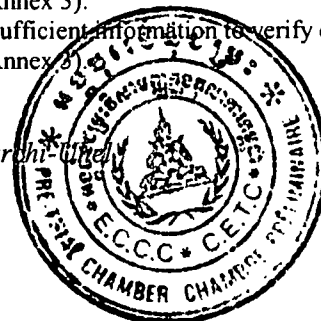
Civil Party Applicant 09-VU-01609 (D22/0585).<sup>200</sup> It is not alleged that any of the locations where the Applicant was forced to work under inhumane conditions formed part of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement, and other inhumane 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).<sup>201</sup> 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

<sup>199</sup> 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).

<sup>200</sup> 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).

<sup>201</sup> 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).<sup>202</sup> 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).<sup>203</sup> 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).<sup>204</sup> The factory located in Phnom Penh where the Applicant was forced to work is not one of the six cooperatives and worksites retained in

<sup>202</sup> 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).

<sup>203</sup> 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).

<sup>204</sup> 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).<sup>205</sup> 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).<sup>206</sup> 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.

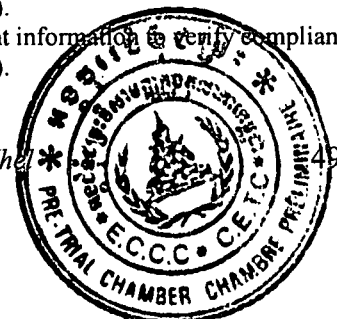
Civil Party Applicant 09-VU-01643 (D22/0563).<sup>207</sup> It is not alleged that the cooperative where the Applicant was forced to work while being pregnant is one of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement, and other inhumane acts through 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,

<sup>205</sup> 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).

<sup>206</sup> 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).

<sup>207</sup> 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).<sup>208</sup> 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.

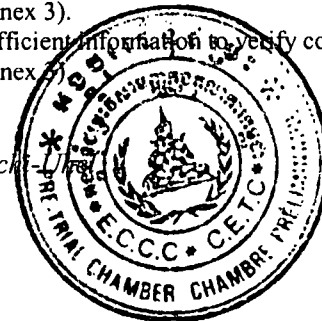
Civil Party Applicant 09-VU-01729 (D22/0827).<sup>209</sup> It is not alleged that the imprisonment and killing of the Applicant's uncle under the accusation of being a capitalist have taken place in one of the limited number of security centres, execution sites or even worksites or cooperatives retained 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).<sup>210</sup> 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.

<sup>208</sup> 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).

<sup>209</sup> 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).

<sup>210</sup> 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)

Civil Party Applicant 09-VU-01740 (D22/0542).<sup>211</sup> 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).<sup>212</sup> 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).<sup>213</sup> 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).<sup>214</sup> 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.

<sup>211</sup> 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).

<sup>212</sup> 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).

<sup>213</sup> 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).

<sup>214</sup> 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)

Civil Party Applicant 09-VU-02012 (D22/2191).<sup>215</sup> 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).<sup>216</sup> 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).<sup>217</sup> 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).<sup>218</sup> 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).<sup>219</sup> 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.

<sup>215</sup> 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).

<sup>216</sup> 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).

<sup>217</sup> 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).

<sup>218</sup> 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).

<sup>219</sup> 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 08-VU-01946 (D22/0952).<sup>220</sup> 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).<sup>221</sup> 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).<sup>222</sup> 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.

<sup>220</sup> 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).

<sup>221</sup> 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).

<sup>222</sup> 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-01612 (D22/0778).<sup>223</sup> 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).<sup>224</sup> 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).<sup>225</sup> 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.

<sup>223</sup> 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).

<sup>224</sup> 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).

<sup>225</sup> 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).<sup>226</sup> 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.

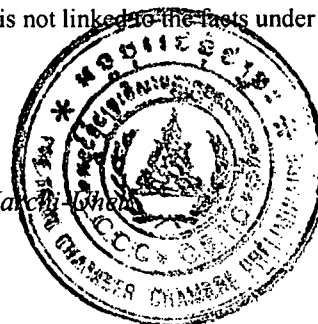
Civil Party Applicant 09-VU-01631 (D22/0569).<sup>227</sup> It is not alleged that the worksite where the Applicant was forced to work is one of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity 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).<sup>228</sup> 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.

<sup>226</sup> 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).

<sup>227</sup> 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).

<sup>228</sup> 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-01655 (D22/0809).<sup>229</sup> 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).<sup>230</sup> 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).<sup>231</sup> 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).<sup>232</sup> 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).<sup>233</sup> 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

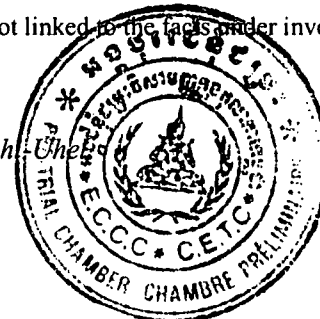
<sup>229</sup> Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D403, para. 26 and Annex 3).

<sup>230</sup> 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).

<sup>231</sup> 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).

<sup>232</sup> 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).

<sup>233</sup> 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).<sup>234</sup> The enrolment of child soldiers in 1974 by the Khmer Rouge<sup>235</sup> 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 Choeung 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 Choeung 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).<sup>236</sup> Like the previous Applicant, he was forced to farm at Bakau Choeung 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

<sup>234</sup> 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).

<sup>235</sup> Report on Civil Party Application D22/0761.

<sup>236</sup> 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).<sup>237</sup> 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).<sup>238</sup> 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 information<sup>239</sup> 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.

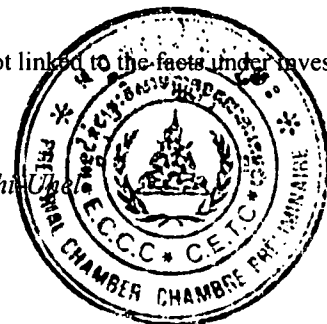
Civil Party Applicant 09-VU-02016 (D22/2983).<sup>240</sup> Pau Tonle Security Center where the Applicant's father was executed is not among the limited number of security centers retained in the Indictment underlying the crimes of imprisonment, extermination, murder, persecution and other inhumane acts through enforced disappearances for which the Accused are indicted.

<sup>237</sup> 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).

<sup>238</sup> 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).

<sup>239</sup> Summary of supplementary information D22/2193b.

<sup>240</sup> 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).<sup>241</sup> 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).<sup>242</sup> 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).<sup>243</sup> 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.

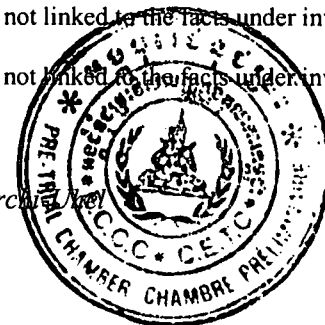
Civil Party Applicant 09-VU-02023 (D22/2194).<sup>244</sup> It is not alleged that the worksite where the Applicant has been forced to work is one of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human 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.

<sup>241</sup> 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).

<sup>242</sup> 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).

<sup>243</sup> 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).

<sup>244</sup> 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).<sup>245</sup> 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.

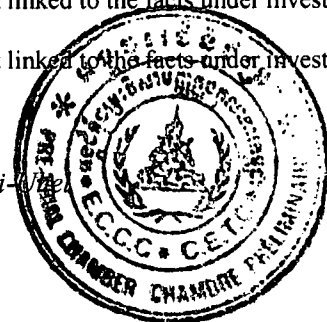
Civil Party Applicant 09-VU-02026 (D22/2195).<sup>246</sup> It is not alleged that the worksite where the Applicant has been forced to work is one of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human 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).<sup>247</sup> 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.

<sup>245</sup> 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).

<sup>246</sup> 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).

<sup>247</sup> 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-02033 (D22/2995).<sup>248</sup> 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).<sup>249</sup> 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).<sup>250</sup> 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.

<sup>248</sup> 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).

<sup>249</sup> 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).

<sup>250</sup> 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).<sup>251</sup> 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.

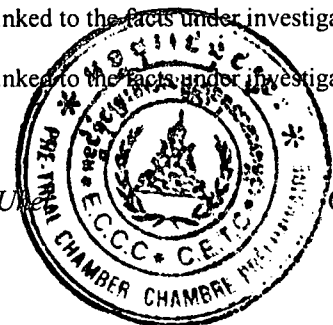
Civil Party Applicant 09-VU-02045 (D22/3121).<sup>252</sup> It is not alleged that the worksite where the Applicant was forced to work is among the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity 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).<sup>253</sup> 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 Pneou, does not form part of the phases of forced transfer of population for which the Accused are indicted.

<sup>251</sup> 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).

<sup>252</sup> 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).

<sup>253</sup> 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-04220 (D22/3607).<sup>254</sup> 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).<sup>255</sup> 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).<sup>256</sup> 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).<sup>257</sup> 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.

<sup>254</sup> 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).

<sup>255</sup> 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).

<sup>256</sup> 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).

<sup>257</sup> 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).<sup>258</sup> 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 128<sup>259</sup>**

Civil Party Applicant 08-VU-02122 (D22/0427).<sup>260</sup> 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).<sup>261</sup> 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).<sup>262</sup> 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

<sup>258</sup> 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).

<sup>259</sup> 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").

<sup>260</sup> 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).

<sup>261</sup> 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).

<sup>262</sup> 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)

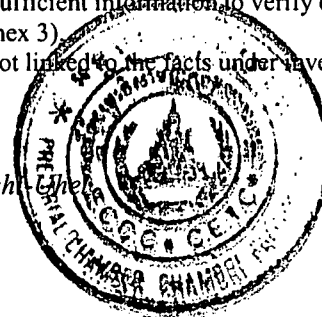
part of any other event retained in the Indictment underlying the crimes of murder and extermination for which the Accused are indicted. Further, it is not alleged that the location where he was forced to work is among the six cooperatives and worksites retained in the Indictment underlying the crimes 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).<sup>263</sup> 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).<sup>264</sup> 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

<sup>263</sup> 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).

<sup>264</sup> 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).<sup>265</sup> 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.

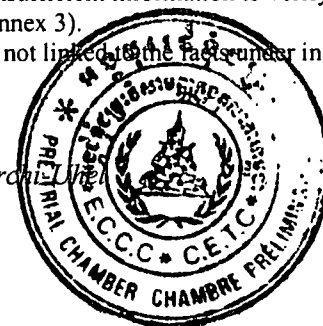
Civil Party Applicant 09-VU-01851 (D22/2841).<sup>266</sup> It is not alleged that the worksite/cooperative where the Applicant was forced to work while being a child in 1975 is among the six sites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks 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).<sup>267</sup> 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

<sup>265</sup> 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).

<sup>266</sup> 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).

<sup>267</sup> 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)

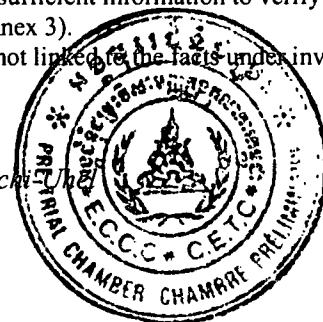
of having stolen a can of rice does not allow me to conclude that it forms part of the crimes for which the Accused are indicted. It is not alleged that the location where her younger sister was killed by Khmer Rouge militias in 1978 is among the limited number of sites including execution sites retained in the Indictment underlying the crime of murder and extermination for which the Accused are indicted.

Civil Party Applicant 09-VU-01859 (D22/2849).<sup>268</sup> 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).<sup>269</sup> 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.

<sup>268</sup> 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).

<sup>269</sup> 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).<sup>270</sup> 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).<sup>271</sup> 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).<sup>272</sup> 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).<sup>273</sup> 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

<sup>270</sup> 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).

<sup>271</sup> 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).

<sup>272</sup> 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).

<sup>273</sup> 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)

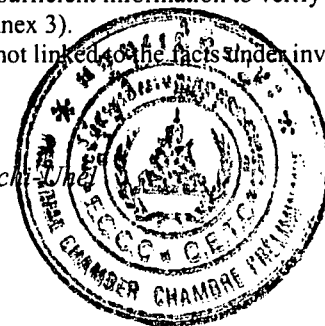
reeducation in 1977 in Prey Veng Province are among the six sites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted. The information about the execution of his father does not allow me to conclude 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).<sup>274</sup> 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).<sup>275</sup> 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.

<sup>274</sup> 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).

<sup>275</sup> 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).<sup>276</sup> 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).<sup>277</sup> 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).<sup>278</sup> 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).<sup>279</sup> 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

<sup>276</sup> 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).

<sup>277</sup> 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).

<sup>278</sup> 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).

<sup>279</sup> 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).<sup>280</sup> 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.

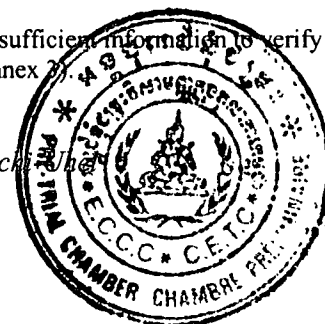
Civil Party Applicant 09-VU-03805 (D22/3456).<sup>281</sup> It is not alleged that the location where the Applicant's parents were forced to work is among the six worksites or cooperatives retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against 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).<sup>282</sup> 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

<sup>280</sup> 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).

<sup>281</sup> 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).

<sup>282</sup> 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/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 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).<sup>283</sup> 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).<sup>284</sup> 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,<sup>285</sup> 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.

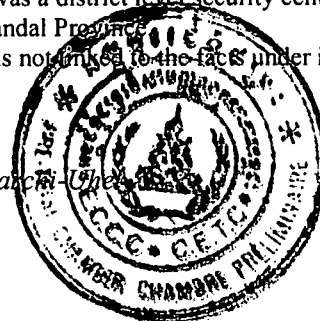
Civil Party Applicant 09-VU-03767 (D22/3418).<sup>286</sup> It is not alleged that the sites where the Applicant was forced to work are among the six worksites or cooperatives retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity and enforced disappearances for which the Accused are indicted. The

<sup>283</sup> 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).

<sup>284</sup> 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).

<sup>285</sup> 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.

<sup>286</sup> 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 159<sup>287</sup>**

Civil Party Applicant 09-VU-01639 (D22/0565).<sup>288</sup> 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 grounds<sup>289</sup> 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.<sup>290</sup> 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.

<sup>287</sup> 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").

<sup>288</sup> 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).

<sup>289</sup> Indictment, para. 1416.

<sup>290</sup> Indictment, paras 1415 and 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)

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).<sup>291</sup> 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).<sup>292</sup> 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)<sup>293</sup>**

#### **Appeal PTC 73<sup>294</sup>**

Civil Party Applicant 10-VU-00188 (D22/3745).<sup>295</sup> 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

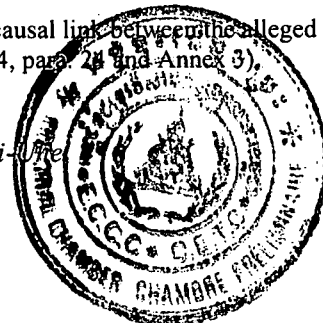
<sup>291</sup> Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D403, para. 26 and Annex 3).

<sup>292</sup> 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).

<sup>293</sup> Order on the Admissibility of Civil Party Applicants residing outside the Kingdom of Cambodia, 7 September 2010, D404 ("Impugned Order D404").

<sup>294</sup> 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").

<sup>295</sup> 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. 28 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)

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).<sup>296</sup> 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.<sup>297</sup> 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.

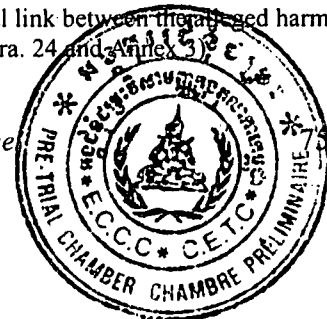
Civil Party Applicant 10-VU-00349 (D22/3774).<sup>298</sup> The Co-Lawyers argue that the Applicant was a soldier in the Lon Nol army, working as a nurse at a military hospital in April 1975 and that he is a victim of persecution, having suffered direct harm as a result of periodic interrogation between 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

<sup>296</sup> 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).

<sup>297</sup> Additional information D404/2/3.3.8.

<sup>298</sup> 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-Uhe*



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 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).<sup>299</sup> 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).<sup>300</sup> 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 occurred<sup>301</sup> and Khmer Republic soldiers were imprisoned in that centre. I note however, that

<sup>299</sup> 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).

<sup>300</sup> 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).

<sup>301</sup> Indictment, para. 669.



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 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.

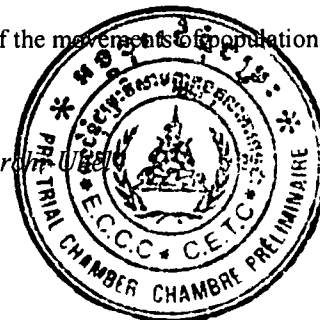
Civil Party Applicant 10-VU-00180 (D22/3737). The killing of the Applicant's husband, a former Lon Nol soldier who was ordered by the Khmer Rouge to cut bamboo in the jungle and that he never returned, does not form part of the instances of killing of former Lon Nol soldiers for which the Accused are 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).<sup>302</sup> 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).<sup>303</sup> 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.<sup>304</sup> 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

<sup>302</sup> 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.

<sup>303</sup> The transfer falls outside the temporal scope of Phases 2 and 3 of the movements of population.

<sup>304</sup> D404/2/3.2.4.



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)

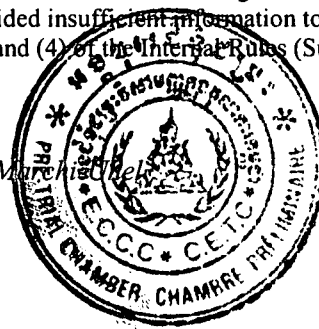
by the Applicant about the killings in question, following careful review of the Indictment, I am of the view that the executions described by the Applicant do not form part of the facts underlying the crimes of genocide,<sup>305</sup> murder, extermination or persecution for which the Accused are indicted.<sup>306</sup> 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).<sup>307</sup> 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

<sup>305</sup> Indictment, paras 1335-1349. See also corresponding parts of the Factual Findings of Crimes.

<sup>306</sup> Indictment, paras 1373 and 1381. See also corresponding parts of the Factual Findings of Crimes.

<sup>307</sup> 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).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 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.<sup>308</sup> 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).<sup>309</sup> 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.<sup>310</sup> 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.<sup>311</sup> 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).<sup>312</sup> 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.

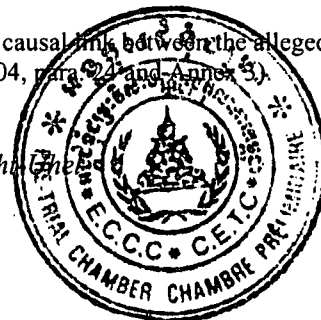
<sup>308</sup> Indictment, paras 1415-1418 and related parts of the Factual Findings of Crimes.

<sup>309</sup> 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.

<sup>310</sup> Report on Civil Party Application D22/3761, part B.

<sup>311</sup> Indictment, para. 1391.

<sup>312</sup> 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)

### Appeal PTC 77<sup>313</sup>

Civil Party Applicant 10-VU-00409 (D22/0352).<sup>314</sup> 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.<sup>315</sup>

Civil Party Applicant 10-VU-00408 (D22/0353).<sup>316</sup> 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.<sup>317</sup> 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*

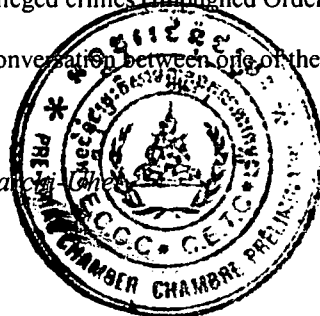
<sup>313</sup> Appeal against Order on the Admissibility of Civil Party Applicants Residing Outside the Kingdom of Cambodia (D404), 15 September 2010, D404/3/1 ("Appeal PTC 77").

<sup>314</sup> 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).

<sup>315</sup> Indictment, para. 1373. See also, paras 1374-1378 and, in relation to the charge of extermination, para. 1381.

<sup>316</sup> 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).

<sup>317</sup> 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.<sup>318</sup> The Co-Lawyers therefore do not demonstrate that the Impugned Order should be reversed on that ground.

#### **Appeal PTC 116<sup>319</sup>**

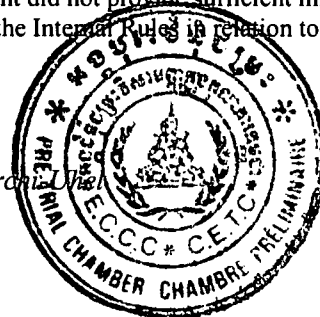
Civil Party Applicant 10-VU-00580 (D22/3838).<sup>320</sup> The Applicant is not in a position to provide details about the circumstances of his son's and the mother of his son's disappearance. This is understandable since he lived in France at the time of the events and only received news about them 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.<sup>321</sup>

<sup>318</sup> Indictment, para. 1470.

<sup>319</sup> 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").

<sup>320</sup> 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).

<sup>321</sup> Indictment, para 1470.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 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).<sup>322</sup> 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”.<sup>323</sup> 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.<sup>324</sup> 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.<sup>325</sup>

Civil Party Applicant 08-VU-02402 (D22/2667).<sup>326</sup> 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.<sup>327</sup> 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

<sup>322</sup> 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).

<sup>323</sup> Impugned Order D404, para. 25, and Annex 3.

<sup>324</sup> Indictment, paras 1373-1378

<sup>325</sup> Indictment, para. 1391.

<sup>326</sup> 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).

<sup>327</sup> 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 117<sup>328</sup>**

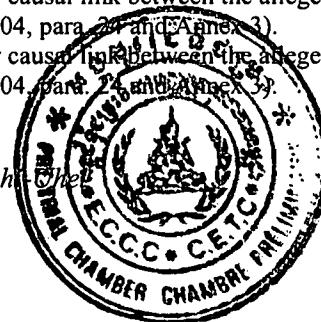
Civil Party Applicant 09-VU-01166(D22/2696).<sup>329</sup> The alleged acts were perpetrated against the Applicant's mother, brothers, sister and niece starting on 20 April 1975 during forcible evacuation of Siem Reap, and included forced labour by her family members and the disappearance of her sister 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).<sup>330</sup> 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.

<sup>328</sup> *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/S/1 ("Appeal PTC 117").

<sup>329</sup> 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. 27 and Annex 3).

<sup>330</sup> 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. 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-03688 (D22/3353).<sup>331</sup> 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),<sup>332</sup> 09-VU-03685 (D22/3350),<sup>333</sup> 09-VU-03683 (D22/3348)<sup>334</sup> 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

<sup>331</sup> 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).

<sup>332</sup> 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).

<sup>333</sup> 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).

<sup>334</sup> 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).



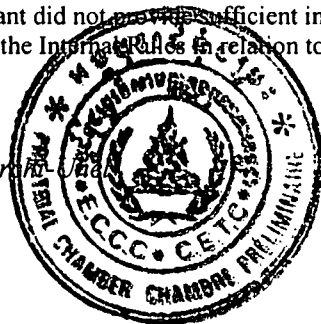
002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 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)).<sup>335</sup> 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).<sup>336</sup> 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

<sup>335</sup> See Summary of supplementary information D22/3348a and D22/3349a.

<sup>336</sup> 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)

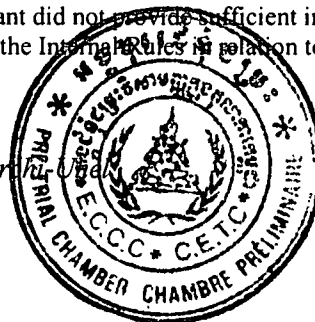
children, who were deported in 1975 by the Khmer Rouge from their Village of Peamchileang in Kompong Cham Province to Prek Bak in Stung Trang Sub-prefecture, also in Kampong Cham Province, where they were massacred with pickaxe handles and buried. None of the facts in question form part of the factual basis of the crimes for which the Accused are indicted.

Civil Party Applicant 09-VU-01604 (D22/2741).<sup>337</sup> 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).<sup>338</sup> 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

<sup>337</sup> 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).

<sup>338</sup> 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.<sup>339</sup> 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,<sup>340</sup> 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 118<sup>341</sup>**

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.<sup>342</sup> The Co-Lawyers have done so.<sup>343</sup> 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

<sup>339</sup> OCIJ letter, 11 August 2010, D337/11/1.

<sup>340</sup> See Internal Rule 77 *bis* 2.

<sup>341</sup> Appeal against Order on the admissibility of Civil Party Applicants residing outside the Kingdom of Cambodia, 17 September 2010, D404/5/1 ("Appeal PTC118").

<sup>342</sup> Impugned Order D404, para. 20 and Annex – Inadmissible Civil Parties.

<sup>343</sup> D404/6/1.3.1.



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)

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).<sup>344</sup> 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".<sup>345</sup> 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.<sup>346</sup> As a consequence, I am of the view that the application shall be rejected.

Civil Party Applicant 08-VU-00198 (D22/2626).<sup>347</sup> 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

<sup>344</sup> Application declared inadmissible due to insufficient proof of identification (Impugned Order D404, para. 20 and Annex 3).

<sup>345</sup> In a more recent version of the form, applicants are requested to attach a copy of the identification document.  
<sup>346</sup> D404/6/1.2.

<sup>347</sup> 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).





002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 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).<sup>348</sup> 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).<sup>349</sup> 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 119<sup>350</sup>

<sup>348</sup> 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).

<sup>349</sup> 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).

<sup>350</sup> 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").



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 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).<sup>351</sup> 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).<sup>352</sup> 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".<sup>353</sup> 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

<sup>351</sup> 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).

<sup>352</sup> Application declared inadmissible on the ground that the Applicant provided no proof of identification (Impugned Order D404, para. 20 and Annex 3).

<sup>353</sup> 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).<sup>354</sup> The Applicant is in a similar situation as the previous Applicant.

### **Appeals against Impugned Order D406 (Phnom Penh Province)<sup>355</sup>**

#### **Appeal PTC 134<sup>356</sup>**

Civil Party Applicant 10-VU-00956 (D22/3955).<sup>357</sup> 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).<sup>358</sup> 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

<sup>354</sup> Application declared inadmissible on the ground that the Applicant provided no proof of identification (Impugned Order D404, para. 20 and Annex 3).

<sup>355</sup> Order on the Admissibility of Civil Party Applicants from Current Residents of Phnom Penh, 6 September 2010, D406 ("Impugned Order D406").

<sup>356</sup> 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").

<sup>357</sup> Impugned Order D406, para. 20 and Annex 3.

<sup>358</sup> Application declared inadmissible on the basis that harm is not linked to the facts under investigation (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)

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).<sup>359</sup> 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.

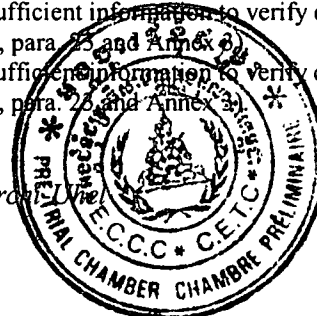
Civil Party Applicant 09-VU-03628 (D22/3317).<sup>360</sup> The forced transfer of the Applicant from Mukh Kampul District, Kandal Province to Kchor District, Kampong Speu Province does not form part of any of the three phases of forced transfer of population for which the Accused are indicted. Further, 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).<sup>361</sup> 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.

<sup>359</sup> 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).

<sup>360</sup> 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).

<sup>361</sup> 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).<sup>362</sup> 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).<sup>363</sup> 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).<sup>364</sup> 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.<sup>365</sup> 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

<sup>362</sup> Application declared inadmissible on the basis that harm is not linked to the facts under investigation (Impugned Order D406, para. 23 and Annex 3).

<sup>363</sup> Application declared inadmissible on the basis that harm is not linked to the facts under investigation (Impugned Order D406, para. 23 and Annex 3).

<sup>364</sup> Application declared inadmissible on the basis that harm is not linked to the facts under investigation (Impugned Order D406, para. 23 and Annex 3).

<sup>365</sup> 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,<sup>366</sup> 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.<sup>367</sup> 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.<sup>368</sup> 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.<sup>369</sup> 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

<sup>366</sup> Report on Civil Party Application D22/1268/1.

<sup>367</sup> Indictment, para. 698.

<sup>368</sup> Impugned Order D406, para. 20 and Annex 3.

<sup>369</sup> 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.<sup>370</sup> 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.

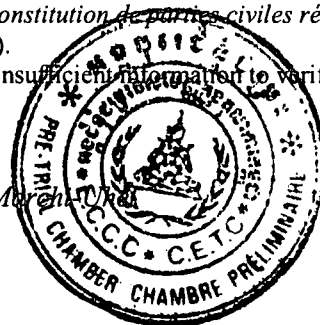
### **Appeal PTC 135<sup>371</sup>**

Civil Party Applicant 07-VU-00121 (D22/1267).<sup>372</sup> 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.

<sup>370</sup> Impugned Order D406, para. 20 and Annex 3.

<sup>371</sup> *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").

<sup>372</sup> 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).<sup>373</sup> 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).<sup>374</sup> 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).<sup>375</sup> 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).<sup>376</sup> 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

<sup>373</sup> Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Annex 3).

<sup>374</sup> 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).

<sup>375</sup> Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Annex 3).

<sup>376</sup> 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 160<sup>377</sup>**

Civil Party Applicant 09-VU-00134 (D22/2072).<sup>378</sup> 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)<sup>379</sup>**

#### **Appeal PTC 132<sup>380</sup>**

Civil Party Applicant 09-VU-1195 (D22/1481).<sup>381</sup> 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

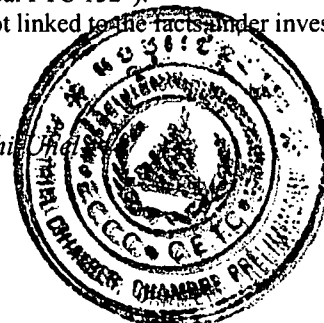
<sup>377</sup> Appeal Against Orders on the Admissibility of Civil Party Applicants from Current Residents of Phnom Penh, 2 November 2010, D406/4/1 ("Appeal PTC 160").

<sup>378</sup> 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).

<sup>379</sup> Order on the Admissibility of Civil Party Applicants from Current Residents of Svay Rieng Province, 9 September 2010, D409 ("Impugned Order D409").

<sup>380</sup> *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").

<sup>381</sup> 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)

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.

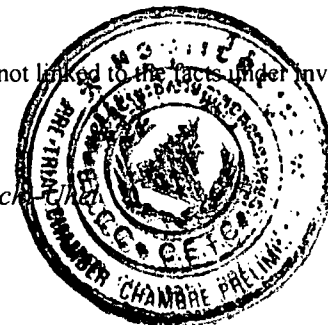
Civil Party Applicant 09-VU-01201 (D22/696).<sup>382</sup> The security centre of Korki Som in region 23, where the Applicant's brothers were detained for being respectively a former Lon Nol soldier and a secretary of the Commune, and where they were subsequently killed is not among the limited number 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.<sup>383</sup> 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).<sup>384</sup> 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.

<sup>382</sup> 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).

<sup>383</sup> Report on Civil Party Application D22/696/1.

<sup>384</sup> 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).<sup>385</sup> 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).<sup>386</sup> 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).<sup>387</sup> 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.

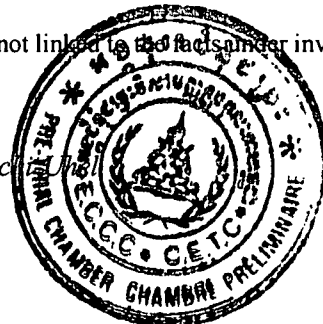
Civil Party Applicant 09-VU-03844 (D22/3495).<sup>388</sup> The Co-Lawyers do not explain on what basis they infer that without doubt the husband and brother of the Applicant arrested by the Khmer Rouge in July 1978 and sent to Svay Phaem pagoda have been detained in the security center of Svay Chrum 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

<sup>385</sup> 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).

<sup>386</sup> 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).

<sup>387</sup> 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).

<sup>388</sup> 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).<sup>389</sup> 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).<sup>390</sup> 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)<sup>391</sup>, 08-VU-02006 (D22/954)<sup>392</sup> and 09-VU-04194 (D22/3588)<sup>393</sup> and I see no reason to reverse the Impugned Order regarding the admissibility of their respective application.

### Appeal PTC 133<sup>394</sup>

<sup>389</sup> 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).

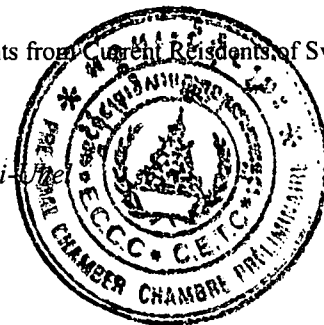
<sup>390</sup> Application declared inadmissible on the ground that the Applicant provided insufficient information to verify compliance to Rule 23 bis (1) and (4) (Impugned Order D409, para. 24 and Annex 3).

<sup>391</sup> 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).

<sup>392</sup> 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).

<sup>393</sup> 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).

<sup>394</sup> 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").



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 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).<sup>395</sup> The application is silent as to when in 1975 the Applicant's family was forcibly transferred within Svay Rieng Province.<sup>396</sup> 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.<sup>397</sup> 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).<sup>398</sup> 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 among 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).<sup>399</sup> Reussey Sanh pagoda where the Applicant's father who was Accused of being a traitor was sent and from where he is not

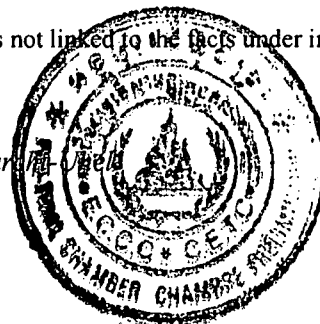
<sup>395</sup> Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D409, para. 24 and Annex 3).

<sup>396</sup> According to the Indictment, para 262 the second phase of forced transfer of population started around September 1975.

<sup>397</sup> 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".

<sup>398</sup> 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).

<sup>399</sup> 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).<sup>400</sup> 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.

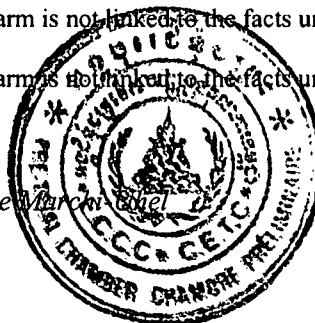
Civil Party Applicant 08-VU-02105 (D22/0487).<sup>401</sup> There is not indication that the site where this Applicant's father was executed by the Khmer Rouge is among the limited number of sites listed in the Indictment underlying the crimes of murder and extermination for which the Accused are indicted. 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).<sup>402</sup> 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

<sup>400</sup> 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).

<sup>401</sup> 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).

<sup>402</sup> 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)

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).<sup>403</sup> 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).<sup>404</sup> 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).<sup>405</sup> 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

<sup>403</sup> 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).

<sup>404</sup> 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).

<sup>405</sup> 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)

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).<sup>406</sup> 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.

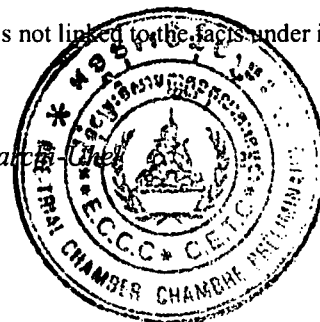
Civil Party Applicant 09-VU-02485 (D22/2262).<sup>407</sup> The killing of the Applicant's mother as a result of her refusal to let the cooperative take her main house is not among the crimes for which the Accused are indicted.

Civil Party Applicant 09-VU-02486 (D22/2263).<sup>408</sup> 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.

<sup>406</sup> 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).

<sup>407</sup> 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).

<sup>408</sup> 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-00338 (D22/1749).<sup>409</sup> 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).<sup>410</sup> 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).<sup>411</sup> 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).<sup>412</sup>

Civil Party Applicant 09-VU-02470 (D22/3131).<sup>413</sup> 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.

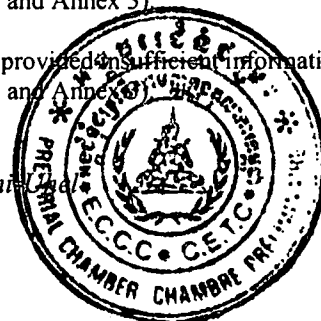
<sup>409</sup> Application declared inadmissible on the ground that the Applicant provided insufficient information to verify compliance to Rule 23 bis (1) and (4) (Impugned Order D409, para. 24 and Annex 3).

<sup>410</sup> 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).

<sup>411</sup> 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).

<sup>412</sup> Indictment, para. 265.

<sup>413</sup> 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).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 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).<sup>414</sup> 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).<sup>415</sup> 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).<sup>416</sup> 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).<sup>417</sup> 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).<sup>418</sup> 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

<sup>414</sup> 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).

<sup>415</sup> Indictment, para. 265.

<sup>416</sup> 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).

<sup>417</sup> Indictment, para. 265.

<sup>418</sup> 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).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 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.<sup>419</sup> 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 161<sup>420</sup>

Civil Party Applicant 09-VU-00674 (D22/1717).<sup>421</sup> 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.<sup>422</sup> 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.<sup>423</sup> 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.<sup>424</sup> 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.<sup>425</sup> The Co-Lawyers submit that these acts fit within the crime against humanity of persecution on racial grounds of perceived Vietnamese.<sup>426</sup> Wat Chum Poh Krek prison in Kien Svay District, Kandal Province where the Applicant was

<sup>419</sup> Indictment, paras 1415 and 1422

<sup>420</sup> 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”).

<sup>421</sup> 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).

<sup>422</sup> Appeal PTC 161, para. 61.

<sup>423</sup> Indictment, para. 284.

<sup>424</sup> 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).

<sup>425</sup> Appeal PTC 161, paras 6-63.

<sup>426</sup> 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)

mistreated<sup>427</sup> 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,<sup>428</sup> 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.<sup>429</sup> 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)<sup>430</sup>**

#### **Appeal PTC 153<sup>431</sup>**

Civil Party Applicant 09-VU-01280 (D22/0669).<sup>432</sup> 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.”<sup>433</sup> It is not alleged that the execution of her husband in 1978 because he was a Lon Nol<sup>434</sup> 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.<sup>435</sup> As the Applicant was not

<sup>427</sup> Appeal PTC 161, para. 62.

<sup>428</sup> Indictment, para. 1416.

<sup>429</sup> 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.

<sup>430</sup> Order on the Admissibility of Civil Party Applicants from Current Residents of Prey Veng Province, 9 September 2010, D410 (“Impugned Order D410”).

<sup>431</sup> 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”).

<sup>432</sup> 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).

<sup>433</sup> Appeal PTC 153, para 152.

<sup>434</sup> Appeal PTC 153, para. 147.

<sup>435</sup> 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.<sup>436</sup>

Civil Party Applicant 08-VU-00789 (D22/2635).<sup>437</sup> Two of the Applicant's daughters were given a lethal injection by Khmer Rouge medical staff after they were forced to attend hospital.<sup>438</sup> 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.<sup>439</sup> 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.<sup>440</sup> 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 enemy<sup>441</sup>, 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).<sup>442</sup> The information about the Applicant's forced labour which resulted in serious medical problems including scabies, multiple miscarriages and a prolapsed uterus<sup>443</sup> 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

<sup>436</sup> Indictment, para. 283.

<sup>437</sup> Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D410, para. 26 and Annex 3).

<sup>438</sup> Appeal PTC 153, paras 53, 58 and 138.

<sup>439</sup> Appeal PTC 153, para. 58.

<sup>440</sup> Appeal PTC 153, paras 53, 58 and 138.

<sup>441</sup> Appeal PTC 153, para. 138.

<sup>442</sup> Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D410, para. 26 and Annex 3).

<sup>443</sup> 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."<sup>444</sup> The location where the execution of the Applicant's brother took place, Chi Poch Village in Chi Phoch Commune, Me Sang District,<sup>445</sup> 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).<sup>446</sup> The Applicant alleges that in 1976, her younger brother was forced to enter the military and has since disappeared,<sup>447</sup> and her husband disappeared in 1977, after being forcibly moved to a mobile unit that "kept moving from one to another place."<sup>448</sup> 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."<sup>449</sup> 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).<sup>450</sup> The information about the Applicant's forced labour<sup>451</sup> and the disappearance of her two brothers after they were forced to enter the

<sup>444</sup> Appeal PTC 153, para. 71.

<sup>445</sup> Appeal PTC 153, para. 71.

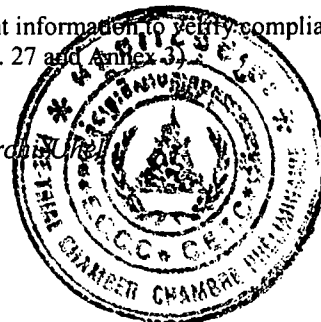
<sup>446</sup> Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D410, para. 26 and Annex 3).

<sup>447</sup> Appeal PTC 153, para. 140.

<sup>448</sup> Appeal PTC 153, paras 70 and 140.

<sup>449</sup> Appeal PTC 153, para. 152.

<sup>450</sup> 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).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 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 respectively<sup>452</sup> 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 154<sup>453</sup>**

Civil Party Applicant 08-VU-01399 (D22/0940).<sup>454</sup> 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 1976<sup>455</sup> 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).<sup>456</sup> 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.<sup>457</sup> 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)[...],"<sup>458</sup> 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

<sup>451</sup> Appeal PTC 153, para. 103.

<sup>452</sup> Appeal PTC 153, para. 148.

<sup>453</sup> 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").

<sup>454</sup> 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).

<sup>455</sup> Appeal PTC 154, para. 38.

<sup>456</sup> 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).

<sup>457</sup> Appeal PTC 154, para. 117 and Report on Civil Party Application D22/0940.

<sup>458</sup> Indictment, para. 263.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 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.<sup>459</sup>

Civil Party Applicant 08-VU-00798 (D22/1355).<sup>460</sup> Tuol Mrenh, where the Applicant’s father was imprisoned and tortured by the Khmer Rouge from 1977 until liberation day,<sup>461</sup> 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 1975<sup>462</sup> 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.<sup>463</sup> 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 Zone<sup>464</sup> 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.

<sup>459</sup> Indictment, para. 265.

<sup>460</sup> 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).

<sup>461</sup> Appeal PTC 154, para. 113.

<sup>462</sup> Appeal PTC 154, para. 91.

<sup>463</sup> Report on Civil Party Application D22/1355/1.

<sup>464</sup> 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).<sup>465</sup> The information about the Applicant's forced labour, including being deprived of food and medicine and being physically and mentally mistreated<sup>466</sup> and the execution of her elder brother, who was a Khmer Rouge soldier, at Peanea Village, Ampil Krau Commune of Prey Veng Province<sup>467</sup> 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).<sup>468</sup> The information about the execution of the Applicant's elder brother by the Khmer Rouge in Sithor Kandal District in 1978<sup>469</sup> 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).<sup>470</sup> In 1978 the Applicant worked as a militiaman for the Khmer Rouge<sup>471</sup> and was gathered with "other troops from all platoons and companies for training session, but in fact they were taken for execution."<sup>472</sup> 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.<sup>473</sup> 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

<sup>465</sup> 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).

<sup>466</sup> Appeal PTC 154, para. 28.

<sup>467</sup> Appeal PTC 154, para. 47.

<sup>468</sup> 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).

<sup>469</sup> Appeal PTC 154, para. 49.

<sup>470</sup> 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).

<sup>471</sup> Appeal PTC 154, para. 128.

<sup>472</sup> Appeal PTC 154, para. 128.

<sup>473</sup> Appeal PTC 154, para. 128.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 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).<sup>474</sup> The Applicant's three younger brothers were forcibly transferred from the "Eastern Zone"<sup>475</sup> to the west of Pursat Province in 1978, where they have since disappeared.<sup>476</sup> Although the movement from the East Zone to Pursat Province forms part of the known movements of population during Phase 3,<sup>477</sup> 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.<sup>478</sup> 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."<sup>479</sup> Although the Applicant's father is said to have been a squad commander of 10 soldiers in the Khmer Rouge,<sup>480</sup> 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).<sup>481</sup> Tuol Mrenh in Kansom Ak Commune, Kampong Trabek District, where the Applicant suffered forced labour<sup>482</sup> and her husband was arrested, imprisoned, undertook forced labour and was later executed "on an allegation that he was an enemy"<sup>483</sup> is not one of the limited number of security centers, execution sites, worksites or cooperatives retained in the Indictment underlying the crimes of, imprisonment,

<sup>474</sup> 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).

<sup>475</sup> Report on Civil Party Application D22/74/1.

<sup>476</sup> Appeal PTC 154, paras 78 and 129.

<sup>477</sup> Indictment, para. 283.

<sup>478</sup> Indictment, para. 284.

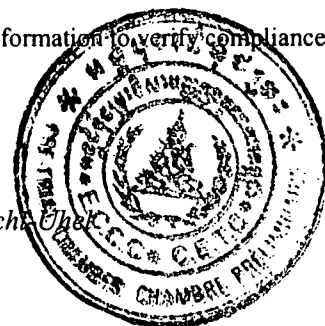
<sup>479</sup> Indictment, para. 285.

<sup>480</sup> Appeal PTC 154, para. 56.

<sup>481</sup> 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).

<sup>482</sup> Appeal PTC 154, para. 30.

<sup>483</sup> Appeal PTC 154, para. 53.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 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).<sup>484</sup> The information about the Applicant's forced labour and the death of her son from starvation and lack of medicine<sup>485</sup> 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,<sup>486</sup> 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).<sup>487</sup> The Appeal lists the Applicant as one of many who have "suffered from the crime of forcible evacuation"<sup>488</sup> 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.<sup>489</sup> The Applicant's initial Report on Civil Party Application states that in 1975 the Applicant lived in Prey Veng Province,<sup>490</sup> 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.

<sup>484</sup> 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).

<sup>485</sup> Appeal PTC 154, paras 31 and 103.

<sup>486</sup> Appeal PTC 154, para. 57.

<sup>487</sup> Application inadmissible on the ground that Harm is not linked to the facts under Investigation (Impugned Order D410, para. 26 and Annex 3).

<sup>488</sup> Appeal PTC 154, para. 63.

<sup>489</sup> Supplementary Information D22/1107; Additional information D410/71.1.12, 25 October 2010.

<sup>490</sup> Report on Civil Party Application D22/1107/1.



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-03591 (D22/3284).<sup>491</sup> 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,<sup>492</sup> which is later specified to have occurred "in Prey Veng Province".<sup>493</sup> 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.<sup>494</sup> 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)[...],"<sup>495</sup> 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.<sup>496</sup> 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,"<sup>497</sup> 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).<sup>498</sup> 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."<sup>499</sup> 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."<sup>500</sup> It

<sup>491</sup> Application inadmissible on the ground that Harm is not linked to the facts under Investigation (Impugned Order D410, para. 26 and Annex 3).

<sup>492</sup> Appeal PTC 154, para. 75.

<sup>493</sup> Appeal PTC 154, para. 121.

<sup>494</sup> Summary of Supplementary Information D22/3284b (EN) and D22/3284a (KH).

<sup>495</sup> Indictment, para. 263.

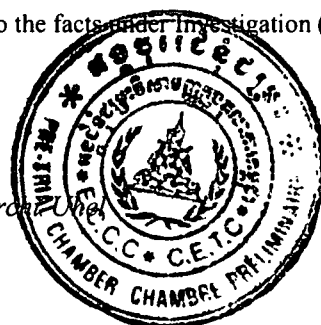
<sup>496</sup> Indictment, para. 265.

<sup>497</sup> Appeal PTC 154, para. 58.

<sup>498</sup> Application inadmissible on the ground that Harm is not linked to the facts under Investigation (Impugned Order D410, para. 26 and Annex 3).

<sup>499</sup> Appeal PTC 154, para 76.

<sup>500</sup> 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.<sup>501</sup> 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,<sup>502</sup> 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).<sup>503</sup> 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),<sup>504</sup> 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.<sup>505</sup>

Civil Party Applicant 09-VU-01121 (D22/0743).<sup>506</sup> The information about the Applicant's forced labour in 1975 after she had just delivered a baby<sup>507</sup> and the arrest, detention and execution of her husband at Choeung Chap Security Centre in 1978 on the allegation that "he was a CIA agent"<sup>508</sup> 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).<sup>509</sup> Sector 24 Security Centre located at Chheu Kach mountain where the Applicant's father was arrested, imprisoned and executed "on an

<sup>501</sup> Report on Civil Party Application D22/3272..

<sup>502</sup> Indictment, para. 263.

<sup>503</sup> Indictment, para. 262.

<sup>504</sup> Indictment, para. 283

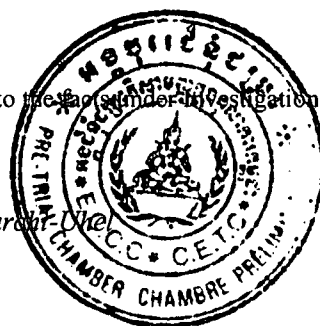
<sup>505</sup> Indictment, paras 283-4.

<sup>506</sup> Application inadmissible on the ground that Harm is not linked to the facts under Investigation (Impugned Order D410, para. 26 and Annex 3).

<sup>507</sup> Appeal PTC 154, para. 124.

<sup>508</sup> Appeal PTC 154, para. 51.

<sup>509</sup> 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,”<sup>510</sup> 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).<sup>511</sup> 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”<sup>512</sup> does not form part of the known movements of population of the East Zones during Phase 2.<sup>513</sup> 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 Province<sup>514</sup> 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.”<sup>515</sup> 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)<sup>516</sup>**

#### **Appeal PTC 139<sup>517</sup>**

<sup>510</sup> Appeal PTC 154, paras 52 and 125.

<sup>511</sup> Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D410, para. 26 and Annex 3).

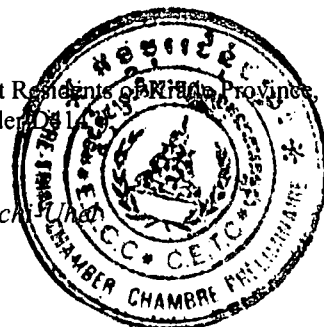
<sup>512</sup> Appeal PTC 154, para. 77.

<sup>513</sup> Indictment, para. 263.

<sup>514</sup> Appeal PTC 154, paras 54 and 127.

<sup>515</sup> Appeal PTC 154, paras 77 and 127.

<sup>516</sup> 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”).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 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 murder<sup>518</sup> and persecution on political grounds<sup>519</sup> 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 murder<sup>520</sup> and persecution on political grounds<sup>521</sup> 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).<sup>522</sup> 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).<sup>523</sup> 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.<sup>524</sup> 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.

<sup>517</sup> 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").

<sup>518</sup> Indictment, para. 1373.

<sup>519</sup> Indictment, para. 1416.

<sup>520</sup> Indictment, para. 1373.

<sup>521</sup> Indictment, para. 1416.

<sup>522</sup> 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).

<sup>523</sup> 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).

<sup>524</sup> 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).<sup>525</sup> 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.<sup>526</sup> 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).<sup>527</sup> 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.<sup>528</sup> 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).<sup>529</sup> 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).<sup>530</sup> 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

<sup>525</sup> 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).

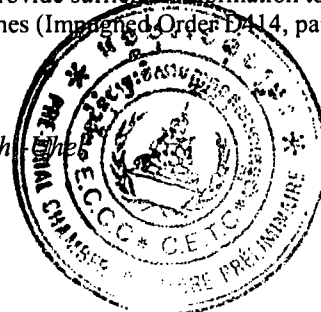
<sup>526</sup> Appeal PTC 139, para. 85.

<sup>527</sup> 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).

<sup>528</sup> 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.

<sup>529</sup> 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).

<sup>530</sup> 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).





002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 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).<sup>531</sup> Hanchey Village, Kampong Cham Province, where the killing of the Applicant's father-in-law occurred in 1978 for allegedly being a CIA agent,<sup>532</sup> 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).<sup>533</sup> 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,<sup>534</sup> 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).<sup>535</sup> Chroy Banteay subDistrict office where it is alleged that the father of the Applicant disappeared in 1978 as a result of the Khmer Rouge,<sup>536</sup> 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.

<sup>531</sup> 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).

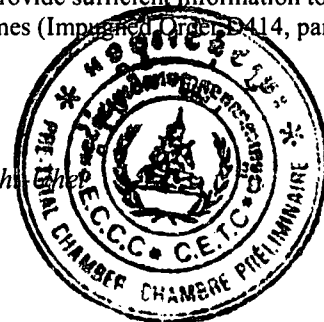
<sup>532</sup> Report on Civil Party Application, D22/1785/1.

<sup>533</sup> 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).

<sup>534</sup> Appeal PTC 139 PTC 139, para. 91.

<sup>535</sup> 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).

<sup>536</sup> Appeal PTC 139, 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-00145 (D22/1756).<sup>537</sup> Ta Mao subDistrict office, where it is alleged that the father of the Applicant disappeared in 1978 as a result of the Khmer Rouge,<sup>538</sup> 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).<sup>539</sup> 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).<sup>540</sup> 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,<sup>541</sup> 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).<sup>542</sup> 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.<sup>543</sup> 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

<sup>537</sup> 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).

<sup>538</sup> Appeal PTC 139, para. 96.

<sup>539</sup> 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).

<sup>540</sup> 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).

<sup>541</sup> Appeal PTC 139, para. 98 and Report on Civil Party Application, D22/3595/1.

<sup>542</sup> 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).

<sup>543</sup> Appeal PTC 139, para. 99.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 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.<sup>544</sup> 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).<sup>545</sup> 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,<sup>546</sup> 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).<sup>547</sup> The forced transfer of the Applicant from Kaoh Chraeng Village in Kratie Province to Thma Andaeuk Sub-District in Kampot Province in October 1976<sup>548</sup> 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.<sup>549</sup> 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.<sup>550</sup> This location does not correspond to any of those

<sup>544</sup> Indictment, para. 284.

<sup>545</sup> 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).

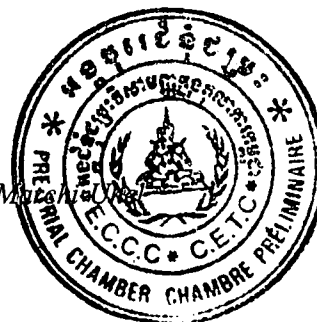
<sup>546</sup> Appeal PTC 139, para. 100.

<sup>547</sup> 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).

<sup>548</sup> Report on Civil Party Application, D22/3598/1.

<sup>549</sup> Appeal PTC 139, para. 102.

<sup>550</sup> Report on Civil Party Application, D22/3598/1.



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)

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).<sup>551</sup> Chhok Seng Village, where it is alleged that the Applicant's father and older brother were killed by the Khmer Rouge in 1976,<sup>552</sup> 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).<sup>553</sup> 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,<sup>554</sup> 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).<sup>555</sup> The Co-Lawyers submit that three of the siblings of the Applicant were killed by the Khmer Rouge.<sup>556</sup> 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

<sup>551</sup> 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).

<sup>552</sup> Appeal PTC 139, para. 104 and Report on Civil Party Application, D22/3600/1.

<sup>553</sup> 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).

<sup>554</sup> Appeal PTC 139, para. 105.

<sup>555</sup> 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).

<sup>556</sup> Appeal PTC 139, para. 106.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 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).<sup>557</sup> There is no indication as to the location where three of the Applicant's siblings were killed by the Khmer Rouge.<sup>558</sup> 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).<sup>559</sup> 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,<sup>560</sup> 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).<sup>561</sup> 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.<sup>562</sup> Further, Khsat Village in Kratie Province where it is alleged that the Applicant and her family were subjected to forced labour,<sup>563</sup> is not among those retained in the Indictment underlying the crime of enslavement for which the Accused are indicted.

<sup>557</sup> 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).

<sup>558</sup> Appeal PTC 139, para. 107.

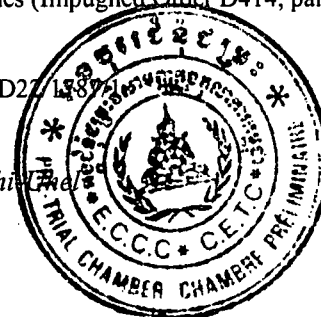
<sup>559</sup> Application declared inadmissible on the ground that they did not provide sufficient information to verify compliance with Rules 23 *bis* (1) and (4) in relation to the alleged crimes (Impugned Order D414, para. 28 and Annex 3).

<sup>560</sup> Appeal PTC 139, para. 109 and Report on Civil Party Application, D22/360

<sup>561</sup> 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).

<sup>562</sup> Indictment, para. 1373.

<sup>563</sup> Appeal PTC 139, para. 110 and Report on Civil Party Application, D22/1787



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 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).<sup>564</sup> 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).<sup>565</sup> Aur Sam Poch Worksite,<sup>566</sup> 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.<sup>567</sup> 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,<sup>568</sup> 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).<sup>569</sup> 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.<sup>570</sup> 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.

<sup>564</sup> 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).

<sup>565</sup> 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).

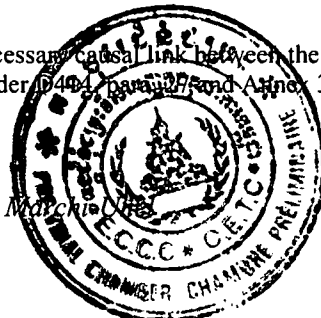
<sup>566</sup> Report on Civil Party Application, D22/3592/1.

<sup>567</sup> Indictment, para. 1391.

<sup>568</sup> Appeal PTC 139, para. 116.

<sup>569</sup> 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).

<sup>570</sup> 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.<sup>571</sup> 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).<sup>572</sup> 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,<sup>573</sup> 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).<sup>574</sup> 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.

<sup>571</sup> Summary of Supplementary Information, D22/1310.

<sup>572</sup> 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).

<sup>573</sup> Appeal PTC 139, para. 87.

<sup>574</sup> 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 08-VU-02066 (D22/1049).<sup>575</sup> 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.<sup>576</sup> 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).<sup>577</sup> 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,<sup>578</sup> 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).<sup>579</sup> 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.<sup>580</sup> 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".<sup>581</sup> 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.<sup>582</sup> I note that the death of the Applicant's wife and child are reported to have occurred at Phom Prech in Kratie Province.<sup>583</sup> 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

<sup>575</sup> 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).

<sup>576</sup> Appeal PTC 139, para. 93.

<sup>577</sup> 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).

<sup>578</sup> Appeal PTC 139, para. 94.

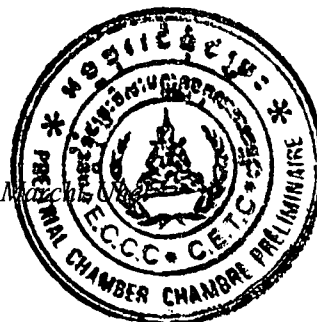
<sup>579</sup> Application declared inadmissible on the ground that the necessary causal link between the alleged harm and the facts under investigation was not established (Impugned Order D414, para. 27 and Annex 3).

<sup>580</sup> Appeal PTC 139, para. 101.

<sup>581</sup> Indictment, paras 1343-1344.

<sup>582</sup> Indictment, para. 1422.

<sup>583</sup> 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).<sup>584</sup> 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).<sup>585</sup> 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,<sup>586</sup> 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).<sup>587</sup> Wat Chroy Ampil, where it is submitted that the Applicant's parents were killed on 4 March 1977,<sup>588</sup> 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).<sup>589</sup> Kracheh Village, where it is submitted that the Applicant along with his family were subjected to forced labour, does not correspond to a

<sup>584</sup> 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).

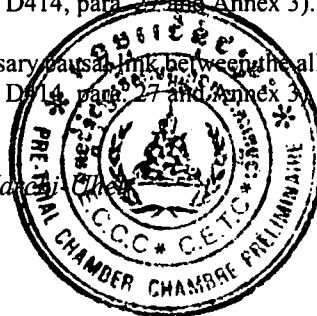
<sup>585</sup> Application declared inadmissible on the ground that the necessary causal link between the alleged harm and the facts under investigation was not established (Impugned Order D414, para. 27 and Annex 3).

<sup>586</sup> Appeal PTC 139, para. 108.

<sup>587</sup> 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).

<sup>588</sup> Appeal PTC 139, para. 111.

<sup>589</sup> 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)

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,<sup>590</sup> 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).<sup>591</sup> 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.<sup>592</sup> Without such information, it cannot be determined if this corresponds with an indicted crime either.

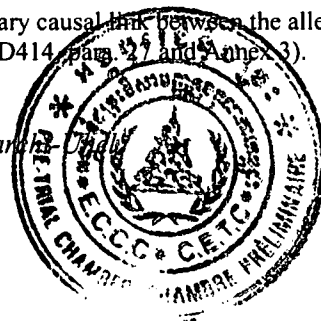
Civil Party Applicant 09-VU-02468 (D22/2246).<sup>593</sup> Tuok Khli security centre where it is submitted that the Applicant was immediately sent to upon the fall of the Lon Nol Regime, tortured and subjected to forced labour is not a location retained in the Indictment underlying the crime against humanity of enslavement, persecution on political grounds or torture. for

<sup>590</sup> Appeal PTC 139, para. 112.

<sup>591</sup> 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).

<sup>592</sup> Appeal PTC 139, para. 115.

<sup>593</sup> 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)

which the Accused are indicted,<sup>594</sup> The same goes for Kampong Speu security centre where he was subsequently transferred and submitted to the same crimes.

### Appeal PTC 140<sup>595</sup>

Civil Party Applicant 08-VU-00101 (D22/0113).<sup>596</sup> 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).<sup>597</sup> 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 Chorva 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

<sup>594</sup> Appeal PTC 139, para. 118.

<sup>595</sup> 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").

<sup>596</sup> 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).

<sup>597</sup> 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)

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).<sup>598</sup> 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).<sup>599</sup> 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.

<sup>598</sup> 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).

<sup>599</sup> 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).<sup>600</sup> 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.

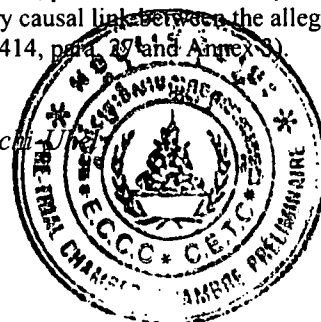
Civil Party Applicant 09-VU-01582 (D22/0769).<sup>601</sup> The forced transfer of the Applicant and her family from Kratie Province to Kampong Cham Province in 1975 does not correspond to any of the three movements of population for which the Accused are indicted. Further, Kaun Nget security centre, 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).<sup>602</sup> 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

<sup>600</sup> 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).

<sup>601</sup> 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).

<sup>602</sup> 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)

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).<sup>603</sup> 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).<sup>604</sup> 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).<sup>605</sup> 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

<sup>603</sup> 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).

<sup>604</sup> 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).

<sup>605</sup> 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)

underlying the crimes of imprisonment, torture, murder, extermination and persecution for which the Accused are indicted.

### **Appeals against Impugned Order D415 (Battambang Province)<sup>606</sup>**

#### **Appeal PTC 137<sup>607</sup>**

Civil Party Applicant 09-VU-01684 (D22/2142).<sup>608</sup> 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.<sup>609</sup> 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.<sup>610</sup> 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

<sup>606</sup> Order on the Admissibility of Civil Party Applications from Current Residents of Battambang Province, 13 September 2010, D 415 ("Impugned Order D 415").

<sup>607</sup> Appeal Against Order on the Inadmissibility of Civil Party Applicants from Current Residents of Battambang Province, 22 September 2010, D415 ("Impugned Order D415").

<sup>608</sup> Application inadmissible on the ground that that harm is not linked to the facts under Investigation (Impugned Order D415, para. 26 and Annex 3).

<sup>609</sup> Appeal PTC 137, para. 79 and Report on Civil Party Application D22/2142/1.

<sup>610</sup> Appeal PTC 137, para. 79.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 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.<sup>611</sup> 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).<sup>612</sup> 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.<sup>613</sup> 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.<sup>614</sup> 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.<sup>615</sup> 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).<sup>616</sup> 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).<sup>617</sup> This information does not allow me to consider it

<sup>611</sup> Appeal PTC 137, para. 79.

<sup>612</sup> Application declared inadmissible on the ground that there is no proof of relevant harm (Impugned Order D415, para. 22 and Annex 3).

<sup>613</sup> Appeal PTC137, para. 80 and Report on Civil Party Application D22/3215/1.

<sup>614</sup> Appeal PTC137, para. 80 and Report on Civil Party Application D22/3215/1.

<sup>615</sup> Appeal PTC137, para. 80.

<sup>616</sup> Application inadmissible on the ground that that harm is not linked to the facts under Investigation (Impugned Order D415, para. 26 and Annex 3).

<sup>617</sup> Appeal PTC 137, para. 82 and Report on Civil Party Application D22/3219/1.





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)

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,<sup>618</sup> 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.<sup>619</sup> It appears from the Applicant's initial application that he was an eyewitness to this event.<sup>620</sup> 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).<sup>621</sup> 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.<sup>622</sup> 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,<sup>623</sup> 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.

<sup>618</sup> Appeal PTC 137, para. 82.

<sup>619</sup> Appeal PTC 137, para. 82.

<sup>620</sup> Report on Civil Party Application D22/3219/1.

<sup>621</sup> Application inadmissible on the ground that that harm is not linked to the facts under Investigation (Impugned Order D415, para. 26 and Annex 3).

<sup>622</sup> Appeal 137, para. 83 and Report on Civil Party Application D22/3267/1.

<sup>623</sup> 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)<sup>624</sup> The Co-Lawyers reiterate information in the Applicant's initial application about her forced movement from "one place to another,"<sup>625</sup> 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.<sup>626</sup> 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 138<sup>627</sup>

Civil Party Applicant 08-VU-00048 (D22/1287).<sup>628</sup> 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

<sup>624</sup> Application inadmissible on the ground that that harm is not linked to the facts under Investigation (Impugned Order D415, para. 26 and Annex 3).

<sup>625</sup> Appeal PTC 137, para. 84 and Report on Civil Party Application D22/3269/1.

<sup>626</sup> Appeal PTC 137, para. 84.

<sup>627</sup> *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").

<sup>628</sup> 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 150<sup>629</sup>**

Civil Party Applicant 09-VU-01679 (D22/2138).<sup>630</sup> 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).<sup>631</sup> 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

<sup>629</sup> 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").

<sup>630</sup> Application inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D415, para. 26 and Annex 3).

<sup>631</sup> 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)

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).<sup>632</sup> 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).<sup>633</sup> 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

<sup>632</sup> 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).

<sup>633</sup> 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)

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.<sup>634</sup> 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 killed<sup>635</sup> 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).<sup>636</sup> 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

<sup>634</sup> Indictment, para. 1422.

<sup>635</sup> Report on Civil Party Application D22/2160/1.

<sup>636</sup> 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)

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).<sup>637</sup> 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).<sup>638</sup> 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

<sup>637</sup> 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).

<sup>638</sup> Application declared inadmissible on the ground that no proof of identification was provided (Impugned Order D415, 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)

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).<sup>639</sup> 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).<sup>640</sup> 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

<sup>639</sup> 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).

<sup>640</sup> 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)

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).<sup>641</sup> 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).<sup>642</sup> 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

<sup>641</sup> Application inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D415, para.26 and Annex 3).

<sup>642</sup> 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).<sup>643</sup> 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).<sup>644</sup> 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

<sup>643</sup> Application inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D415, para.26 and Annex 3).

<sup>644</sup> 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)

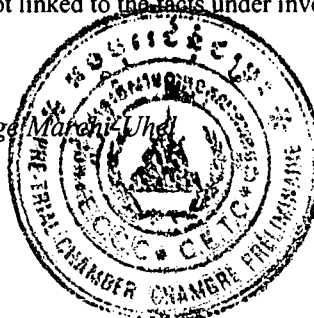
conditions is not among the six worksites and cooperatives listed in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted. Further, I note that the information reported by the Applicant as to instances of 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).<sup>645</sup> 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).<sup>646</sup> 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

<sup>645</sup> Application inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D415, para.26 and Annex 3).

<sup>646</sup> Application inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D415, para.26 and Annex 3).

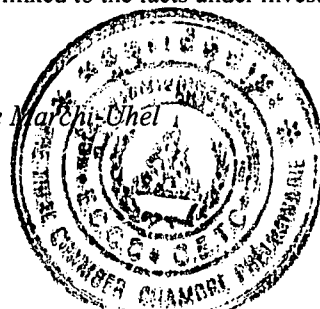


002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139,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

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).<sup>647</sup> 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.

<sup>647</sup> Application inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D415, para. 26 and Annex 3).



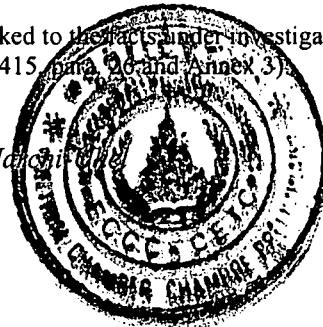
002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139,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

Civil Party Applicant 09-VU-03524 (D22/3227).<sup>648</sup> 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).<sup>649</sup> 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

<sup>648</sup> Application inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D415, para. 26 and Annex 3).

<sup>649</sup> 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).<sup>650</sup> 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).<sup>651</sup> 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) <sup>652</sup>**

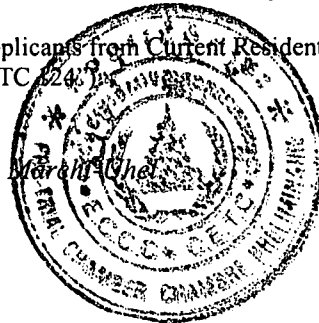
#### **Appeal PTC 124<sup>653</sup>**

<sup>650</sup> Application inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D415, para. 26 and Annex 3).

<sup>651</sup> Application inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D415, para. 26 and Annex 3).

<sup>652</sup> Order on the Admissibility of Civil Party Applicants from Current Residents of Bantey Meanchey Province, 13 September 2010, D416 ("Impugned Order D416").

<sup>653</sup> 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").



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 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-03563 (D22/3257).<sup>654</sup> 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).<sup>655</sup> 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).<sup>656</sup> 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

<sup>654</sup> 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).

<sup>655</sup> Application inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D416, para.23 and Annex 3).

<sup>656</sup> Application inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D416, 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)

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).<sup>657</sup> 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.<sup>658</sup>

### Appeal PTC 125<sup>659</sup>

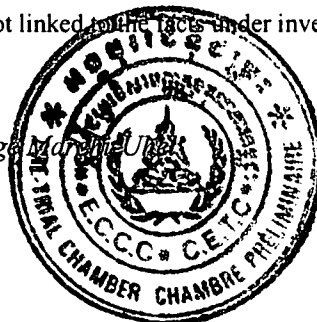
Civil Party Applicant 10-VU-01897 (D22/2885).<sup>660</sup> The forcible evacuation of the Applicant and members of her family within Siem Reap Province falls within the temporal scope of Phase 1 of the evacuation of population for which the Accused are indicted of other inhumane

<sup>657</sup> Application inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D416, para.23 and Annex 3).

<sup>658</sup> Indictment, paras 323-349.

<sup>659</sup> 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").

<sup>660</sup> Application inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D416, 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)

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.

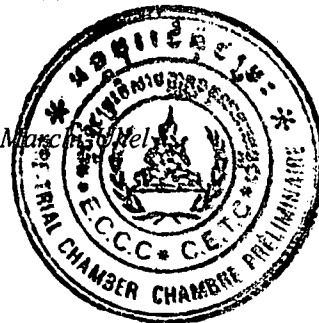
Civil Party Applicant 10-VU-01883 (D22/2872).<sup>661</sup> The second and third forcible transfers of the Applicant within Battambang Province fall within the temporal and geographical scope of Phase two of evacuation of population underlying the crime of other inhumane acts through forced transfer 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.<sup>662</sup> 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 149<sup>663</sup>**

<sup>661</sup> Application inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D416, para.23 and Annex 3).

<sup>662</sup> Indictment, para. 265 (Cham population is also concerned (para. 266) but not in relation to movements within Battambang).

<sup>663</sup> 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").





002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 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).<sup>664</sup> 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)<sup>665</sup>**

##### **Appeal PTC 74<sup>666</sup>**

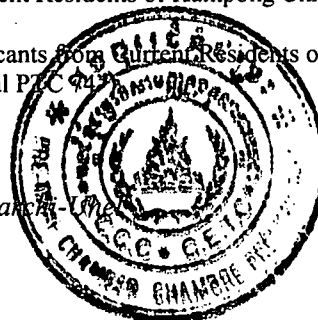
Civil Party Applicants 08-VU-02115 (D22/1901), 09-VU-03477 (D22/3180), 09-VU-03480 (D22/3183), 08-VU-02119 (D22/2057), 09-VU-01700 (D22/2154), 08-VU-02114 (D22/0438), 09-VU-03476 (D22/3179), 09-VU-03479 (D22/3182), 09-VU-01671 (D22/0816), 09-VU-03474 (D22/3177), 09-VU-01703 (D22/2157), 09-VU-03478 (D22/3181), 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 Loeang Markets on the Tonle Sap River bordering Prey Veng and Kandal Provinces.<sup>667</sup> They argue that the

<sup>664</sup> Application inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D416, para.23 and Annex 3).

<sup>665</sup> Order on the Admissibility of Civil Party Applicants from Current Residents of Kampong Chhnang Province, 13 September 2010, D417 ("Impugned Order D417").

<sup>666</sup> 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").

<sup>667</sup> Appeal PTC 74, Fifth Ground of 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)

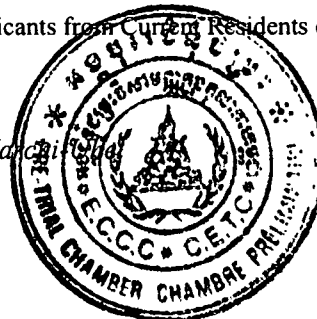
investigations conducted by the Co-Investigating Judges through interviews of two Vietnamese Civil Party Applicants residing in Kampong Chhnang uncovered the fact that forced deportation by boat down the Tonle Sap River to Vietnam necessarily entails transiting through Prey Veng Province.<sup>668</sup> They further argue that Applicants D22/2135 and D22/2136 were admitted as civil parties simply because they mentioned this fact.<sup>669</sup>

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 Leang 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,

<sup>668</sup> Appeal PTC 74, para. 95.

<sup>669</sup> Appeal Against Order on the Admissibility of Civil Party Applicants from Current Residents of Kampong Chhnang Province, D417, 27 September 2010, paras 93, 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)

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,<sup>670</sup> 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'".<sup>671</sup> 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,<sup>672</sup> 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

<sup>670</sup> Appeal PTC 74, para. 139.

<sup>671</sup> Appeal PTC 74, para. 140.

<sup>672</sup> Appeal PTC 74, paras 147 onwards.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 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 143<sup>673</sup>

Civil Party Applicant 07-VU-00290 (D22/0030).<sup>674</sup> In light of the information provided by the Applicant, including a booklet prepared by DC-Cam on the story of the Applicant<sup>675</sup>, 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.<sup>676</sup> 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).<sup>677</sup> 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

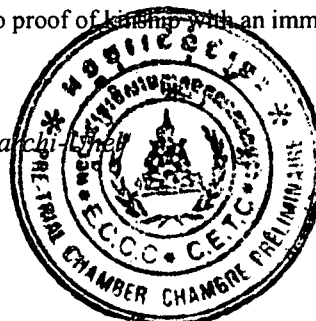
<sup>673</sup> *Mémoire d'appel contre l'ordonnance sur la recevabilité de constitution de parties civiles résidant en Province de Kampong Chhnang (D417)*, 23 September 2010, D417/3/1 ("Appeal PTC 143").

<sup>674</sup> Application declared inadmissible on the ground that the Applicant provided no proof of identification (Impugned Order D417, para. 20, and Annex 3).

<sup>675</sup> Report on Civil Party Application D22/30.4.

<sup>676</sup> Indictment, paras 1426-1429.

<sup>677</sup> 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).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 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).<sup>678</sup> 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).<sup>679</sup> 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).<sup>680</sup> 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

<sup>678</sup> 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).

<sup>679</sup> 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).

<sup>680</sup> 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).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 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).<sup>681</sup> 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).<sup>682</sup> 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).<sup>683</sup> 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

<sup>681</sup> 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).

<sup>682</sup> 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).

<sup>683</sup> 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).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 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).<sup>684</sup> 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).<sup>685</sup> 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).<sup>686</sup> 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.

<sup>684</sup> 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).

<sup>685</sup> 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).

<sup>686</sup> 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).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 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).<sup>687</sup> 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.

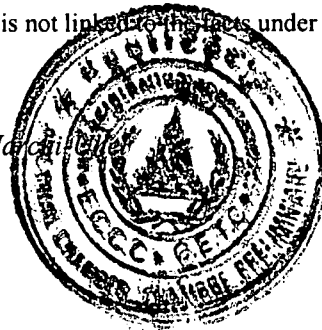
Civil Party Applicant 07-VU-00389 (D22/2622).<sup>688</sup> Srah Chineang Village, Ruessei Krang Sub-District, Moung Ruessei District, Battambang Province from where the Applicant's uncle, a former Lon Nol soldier, and Ruessei Krang Village, where he was sent for "reeducation" do not correspond to one 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).<sup>689</sup> 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.

<sup>687</sup> 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).

<sup>688</sup> 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).

<sup>689</sup> 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).





002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 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).<sup>690</sup> 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).<sup>691</sup> 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).<sup>692</sup> 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.

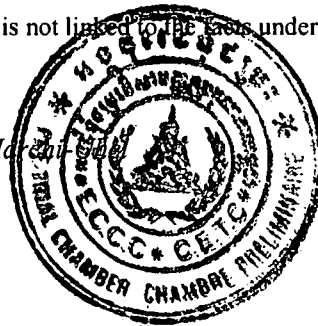
Civil Party Applicant 09-VU-00739 (D22/1475).<sup>693</sup> It is not alleged that the places where the Applicant and members of her family were forced to work under inhuman conditions form part of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted.

<sup>690</sup> 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).

<sup>691</sup> 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).

<sup>692</sup> 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).

<sup>693</sup> 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).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 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).<sup>694</sup> 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).<sup>695</sup> 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).<sup>696</sup> 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.

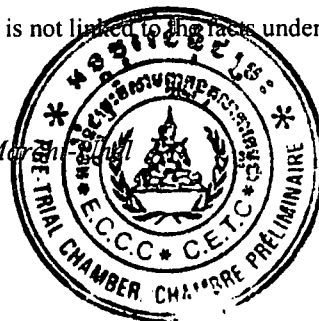
Civil Party Applicant 09-VU-01208 (D22/716).<sup>697</sup> It is not alleged that the places where the Applicant and members of her family were forced to work under inhuman conditions form part of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted.

<sup>694</sup> 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).

<sup>695</sup> 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).

<sup>696</sup> 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).

<sup>697</sup> 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).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 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).<sup>698</sup> 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).<sup>699</sup> 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).<sup>700</sup> 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.

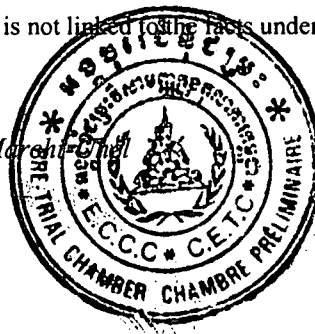
Civil Party Applicant 09-VU-01793 (D22/2789).<sup>701</sup> It is not alleged that the places where the Applicant and members of her family were forced to work under inhuman conditions form part of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted.

<sup>698</sup> 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).

<sup>699</sup> 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).

<sup>700</sup> 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).

<sup>701</sup> 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).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 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).<sup>702</sup> 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).<sup>703</sup> 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).<sup>704</sup> 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).<sup>705</sup> 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.

<sup>702</sup> 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).

<sup>703</sup> 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).

<sup>704</sup> 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).

<sup>705</sup> 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).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 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-01798 (D22/2794).<sup>706</sup> 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).<sup>707</sup> 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.

<sup>706</sup> 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).

<sup>707</sup> 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).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 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 144<sup>708</sup>

Civil Party Applicant 09-VU-04307 (D22/3671).<sup>709</sup> 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.<sup>710</sup> 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,<sup>711</sup> 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.<sup>712</sup> 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).<sup>713</sup> The Co-Lawyers allege that the Applicant is an indirect victim of the forced marriages imposed on members of his community.<sup>714</sup> The Applicant stated in his Supplementary Information that he is aware that people were forced to

<sup>708</sup> *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").

<sup>709</sup> 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).

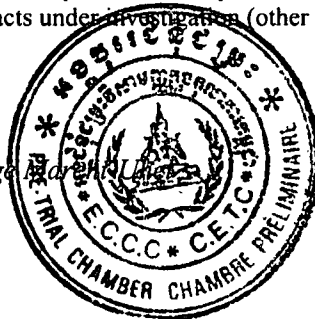
<sup>710</sup> Appeal PTC 144, para. 74.

<sup>711</sup> Report on Civil Party Application D22/3671/1 and Summary of supplementary information D22/3671b.

<sup>712</sup> Appeal PTC 144, para. 74.

<sup>713</sup> 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).

<sup>714</sup> 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.<sup>715</sup> 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).<sup>716</sup> 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.<sup>717</sup> 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,<sup>718</sup> 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 Prey 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).<sup>719</sup> 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

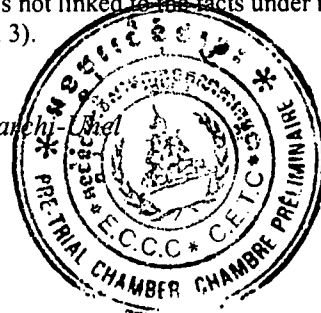
<sup>715</sup> Supplementary Information D22/3017a and b.

<sup>716</sup> 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).

<sup>717</sup> Appeal PTC 144, para. 77.

<sup>718</sup> Report on Applicant Civil Party Applicant D22/2722/1.

<sup>719</sup> 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).



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

evacuated from Phnom Penh.<sup>720</sup> 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,<sup>721</sup> 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 conditions<sup>722</sup> 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 1 ) 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).<sup>723</sup> 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.<sup>724</sup> 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

<sup>720</sup> Appeal PTC 144, para. 77.

<sup>721</sup> Report on Civil Party Application D22/3487/1.

<sup>722</sup> Report on Civil Party Application D22/3487/1.

<sup>723</sup> 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).

<sup>724</sup> Appeal PTC 144, para. 79.





002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 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 148<sup>725</sup>**

Civil Party Applicant 09-VU-00231 (D22/1861).<sup>726</sup> 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 155<sup>727</sup>**

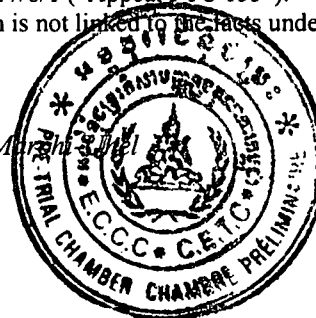
Civil Party Applicant 09-VU-00228 (D22/1231).<sup>728</sup> The evacuation of the Appellant's mother in 1975 from Trapeang Po Village, Khon Rang Commune, Baribour District, Kampong Chhnang Province to Pech Changvar Village, Baribour District, Kampong Chhnang Province does not form part of any of the three phases of movements of the population for which the

<sup>725</sup> 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").

<sup>726</sup> 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)

<sup>727</sup> 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").

<sup>728</sup> 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).

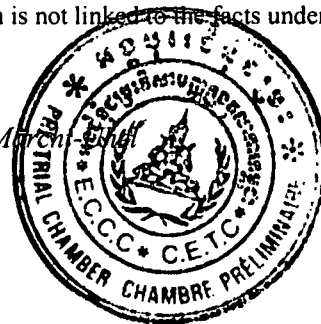


002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 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).<sup>729</sup> 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.

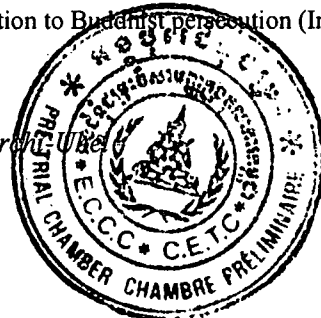
<sup>729</sup> Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D417, para. 25 and Annex 3).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 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).<sup>730</sup> 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.

<sup>730</sup> 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).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 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)<sup>731</sup>**

#### **Appeal PTC 141<sup>732</sup>**

Civil Party Applicant 09-VU-00096 (D22/0405).<sup>733</sup> 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,<sup>734</sup> and the Co-Lawyers raise no other argument to prove that it is.

Civil Party Applicant 10-VU-00065 (D22/2528).<sup>735</sup> 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

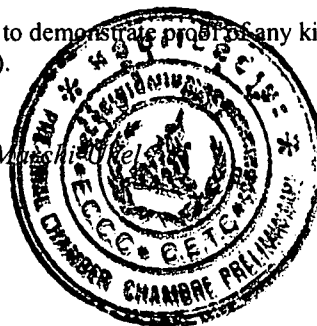
<sup>731</sup> Order on the Admissibility of Civil Party Applicants from Current Residents of Kampong Thom Province, issued on 26 August 2010 and filed on 14 September 2010, D418 ("Impugned Order D418").

<sup>732</sup> *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.

<sup>733</sup> 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).

<sup>734</sup> Supplementary information (KH) D22/405a.

<sup>735</sup> 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, 170, 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).<sup>736</sup> 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.<sup>737</sup> 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.<sup>738</sup>

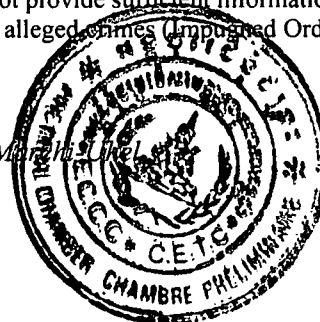
Civil Party Applicants 10-VU-00100 (D22/3711), 10-VU-00894 (D22/3904), 09-VU-04268 (D22/3650), 10-VU-00060 (D22/2525) and 10-VU-00928 (D22/3936).<sup>739</sup> The Co-Co-Lawyers allege that *purges in the North Zone* in 1976 and 1977 and the *purges in the East zone* amount to crimes falling under the 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;

<sup>736</sup> 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).

<sup>737</sup> Supplementary information (KH) D22/3946a.

<sup>738</sup> Indictment, paras 1429 and 1430.

<sup>739</sup> 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).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 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,<sup>740</sup> 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.<sup>741</sup> 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

<sup>740</sup> Report on Civil Party Application D22/3711/1 and Summary of supplementary information D22/3711b.

<sup>741</sup> 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).<sup>742</sup> 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).<sup>743</sup> 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).<sup>744</sup> 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.

<sup>742</sup> 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).

<sup>743</sup> 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).

<sup>744</sup> 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).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 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 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).<sup>745</sup> 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)

<sup>745</sup> 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).





002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 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).<sup>746</sup> 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 23*bis* (1) and (4) in relation to the alleged crimes.

Civil Party Applicant 09-VU-00585 (D22/1512).<sup>747</sup> 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 1975<sup>748</sup> 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).<sup>749</sup> 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.<sup>750</sup> 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.

<sup>746</sup> Application declared inadmissible on the ground that it did not provide sufficient information to verify compliance with Internal Rule 23*bis* (1) and (4) in relation to the alleged crimes (Impugned Order D418, para. 26 and its Annex 3).

<sup>747</sup> 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).

<sup>748</sup> Report on Civil Party Application D22/1512/1.

<sup>749</sup> 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).

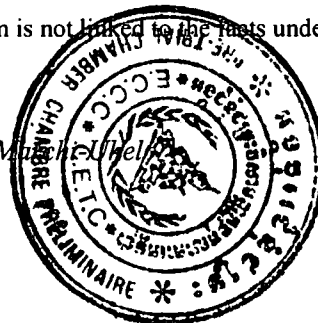
<sup>750</sup> Indictment, para. 1391.



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).<sup>751</sup> 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

<sup>751</sup> 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).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 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).<sup>752</sup> 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).<sup>753</sup> In reference to the Co-Prosecutors' Supplementary Submission Regarding Genocide of the Cham,<sup>754</sup> 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, Sambaur 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".<sup>755</sup> 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

<sup>752</sup> 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).

<sup>753</sup> 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).

<sup>754</sup> D196.

<sup>755</sup> Indictment, paras 776 to 783.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 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,<sup>756</sup> 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.<sup>757</sup> I observe that neither the Appeal nor the Appellant in his application<sup>758</sup> 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).<sup>759</sup> 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

<sup>756</sup> Indictment, paras 777 and 779.

<sup>757</sup> Indictment, paras 779 to 783.

<sup>758</sup> Report on Civil Party Application D22/2514/1.

<sup>759</sup> 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).

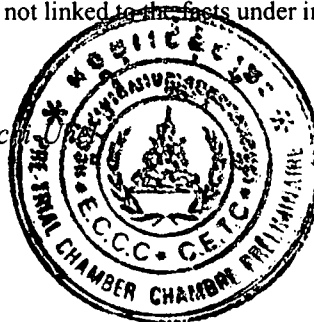


002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139,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

(D22/3125) 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).<sup>760</sup> 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

<sup>760</sup> 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).

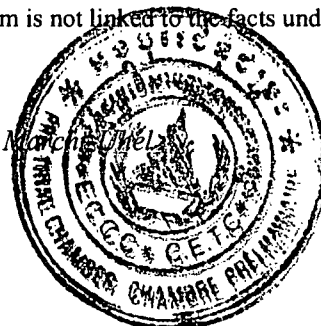


002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 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).<sup>761</sup> 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

<sup>761</sup> 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).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 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.<sup>762</sup>

Civil Party Applicant 10-VU-00921 (D22/3929).<sup>763</sup> 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.<sup>764</sup> 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.

<sup>762</sup> Indictment, paras. 644 to 666.

<sup>763</sup> 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).

<sup>764</sup> Indictment, para. 1335.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 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).<sup>765</sup> 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.

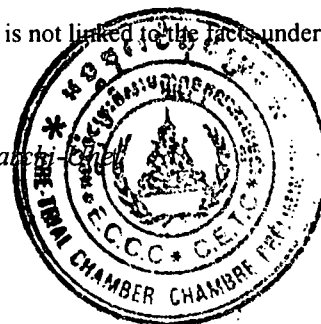
Civil Party Applicants 08-VU-02167 (D22/1805), 08-VU-02168 (D22/1806), 08-VU-02171 (D22/1809), 08-VU-02214 (D22/1811), 09-VU-03898 (D22/3548) and 09-VU-04276 (D22/3657).<sup>766</sup> The Co-Lawyers submit that they reported moral injury as a consequence of the forced labour, inhumane living and working 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).<sup>767</sup> I note that the Co-Lawyers fail to raise any arguments specifically in relation to these Appellants. Based on the general arguments raised

<sup>765</sup> 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).

<sup>766</sup> 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).

<sup>767</sup> 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).





002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 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 156<sup>768</sup>**

Civil Party Applicant 08-VU-02360 (D22/0771).<sup>769</sup> 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).<sup>770</sup> 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.

<sup>768</sup> 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").

<sup>769</sup> Application rejected on the ground that the harm is not linked to the facts under investigation (Impugned Order D418, para. 24 and Annex 3).

<sup>770</sup> Application rejected on the ground that the harm is 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)

Civil Party Applicant 10-VU-00918 (D22/3926).<sup>771</sup> 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).<sup>772</sup> 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) <sup>773</sup>**

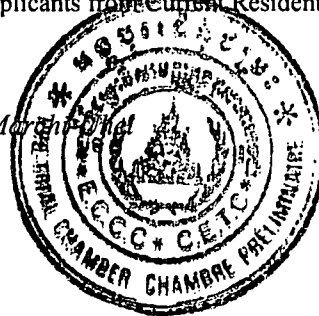
#### **Appeal PTC 120<sup>774</sup>**

<sup>771</sup> Application rejected on the ground that the harm is not linked to the facts under investigation (Impugned Order D418, para. 24 and Annex 3).

<sup>772</sup> Application rejected on the ground that the harm is not linked to the facts under investigation (Impugned Order D418, para. 24 and Annex 3).

<sup>773</sup> Order on the Admissibility of Civil Party Applicants from Current Residents of Pursat Province, 15 September 2010, D423 ("Impugned Order D423").

<sup>774</sup> 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").



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 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).<sup>775</sup> 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).<sup>776</sup> 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).<sup>777</sup> 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

<sup>775</sup> 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).

<sup>776</sup> 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).

<sup>777</sup> 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)

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).<sup>778</sup> 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).<sup>779</sup> 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.

<sup>778</sup> 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).

<sup>779</sup> 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-00110 (D22/1183).<sup>780</sup> 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.

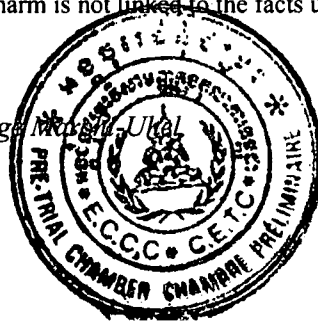
Civil Party Applicant 09-VU-00221 (D22/1074).<sup>781</sup> It is not alleged that the worksite where the Applicant was forced to work under inhumane conditions, and where two of her children were arrested while visiting her and tortured, is among the six worksites and cooperatives retained in the Indictment 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).<sup>782</sup> 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

<sup>780</sup> 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).

<sup>781</sup> 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).

<sup>782</sup> 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/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)

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).<sup>783</sup> 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.

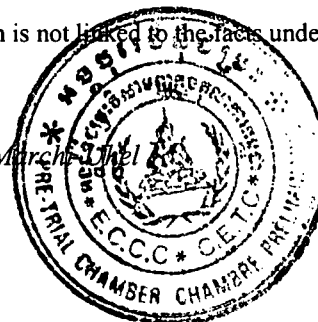
Civil Party Applicant 09-VU-03488 (D22/3191).<sup>784</sup> The forced transfer of the family of the Applicant within Pursat Province does not form part of any of the three phases of forced evacuations for which the Accused are indicted. It is not alleged that the location where several members of his 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).<sup>785</sup> 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.

<sup>783</sup> 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).

<sup>784</sup> 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)).

<sup>785</sup> 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 09-VU-01064 (D22/1690).<sup>786</sup> 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.

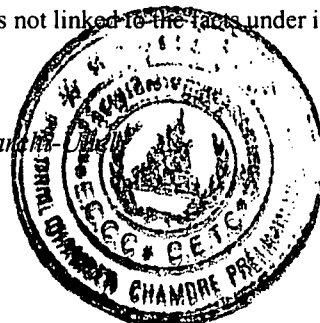
Civil Party Applicant 09-VU-03570 (D22/3264).<sup>787</sup> The forced transfer of the Applicant and her family by the Khmer Rouge within Pursat Province in 1976 does not form part of any of the three phases of forced movements of population for which the Accused are indicted. Say Luong where the Applicant's 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).<sup>788</sup> 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

<sup>786</sup> 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).

<sup>787</sup> 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).

<sup>788</sup> 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)

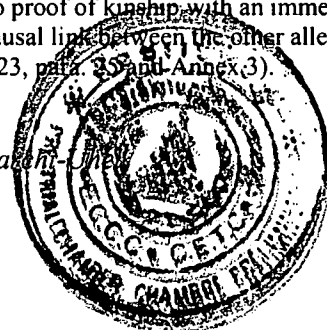
aunt by the Khmer Rouge occurred in one of the sites or events listed in the Indictment underlying the crimes of murder or extermination for which the Accused are indicted.

Civil Party Applicant 09-VU-01968 (D22/2186).<sup>789</sup> 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).<sup>790</sup> 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.

<sup>789</sup> 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).

<sup>790</sup> 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. 35 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-01113 (D22/0688).<sup>791</sup> 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.

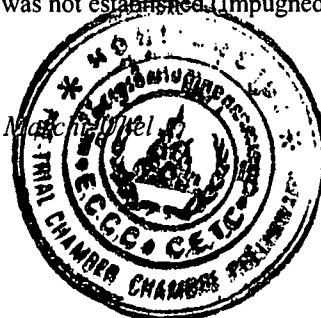
Civil Party Applicant 09-VU-00676 (D22/1961).<sup>792</sup> The forced transfer of the Applicant to Ou Rumceck in 1976 does not form part of any of the three phases of forcible evacuation of population for which the Accused are indicted. Dal prison where the Applicant, a Khmer Rouge cadre, was detained 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).<sup>793</sup> 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

<sup>791</sup> 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).

<sup>792</sup> 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).

<sup>793</sup> 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).<sup>794</sup> 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).<sup>795</sup> 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.

<sup>794</sup> 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).

<sup>795</sup> 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).<sup>796</sup> 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).<sup>797</sup> 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.<sup>798</sup> 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.

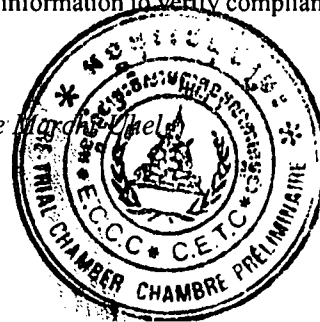
Civil Party Applicant 09-VU-00533 (D22/0610).<sup>799</sup> The information provided by the Applicant in relation to the disappearance of his disabled aunt in 1975 and to the death from starvation of his sister in 1976 in Pursat Province does not allow me to conclude that it is plausible that it forms 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

<sup>796</sup> 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).

<sup>797</sup> 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).

<sup>798</sup> See Indictment, para. 1422.

<sup>799</sup> 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)

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).<sup>800</sup> 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 requested<sup>801</sup> 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).<sup>802</sup> 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).<sup>803</sup> 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.

<sup>800</sup> 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).

<sup>801</sup> Request made on 4 March 2011.

<sup>802</sup> 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).

<sup>803</sup> 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).<sup>804</sup> 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).<sup>805</sup> 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.<sup>806</sup> 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.<sup>807</sup> 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

<sup>804</sup> 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).

<sup>805</sup> 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).

<sup>806</sup> Appeal PTC 120, para. 25; Report on Civil Party Application D22/3482/1 and Supplementary Information D22/3482b.

<sup>807</sup> 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 121<sup>808</sup>

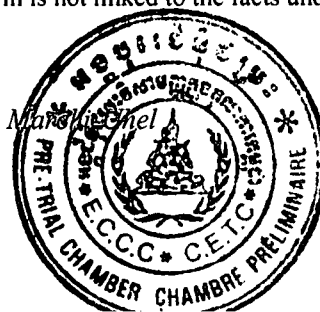
Civil Party Applicant 09-VU-03784 (D22/3435).<sup>809</sup> Kra Koh prison, where it is reported that the Applicant, a senior military officer stationed in Pailing in 1977, was detained and tortured is not among the security centres listed in the Indictment underlying the crimes of imprisonment, torture 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).<sup>810</sup> 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 1 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

<sup>808</sup> 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").

<sup>809</sup> 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).

<sup>810</sup> 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. 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.

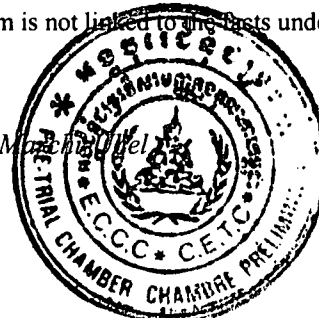
Civil Party Applicant 09-VU-03832 (D22/3483).<sup>811</sup> The forced transfer of the Applicant in 1975 from Pursat to Battambang Provinces and then back to Pursat is outside the geographical scope of Phases 1 and 2 of the evacuation of population for which the Accused are indicted. The Co-Lawyers do 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 Krom<sup>812</sup> 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).<sup>813</sup> 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

<sup>811</sup> 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).

<sup>812</sup> 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.

<sup>813</sup> 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.<sup>814</sup> 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.

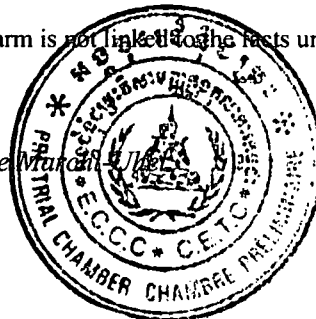
Civil Party Applicant 09-VU-01977 (D22/2960).<sup>815</sup> The forced transfer of the Applicant and his family on 17 April 1975 from their Village in Pursat Province to the forest and then from one place to another in Pursat is outside the geographical scope of Phase 1 of the evacuation of population 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).<sup>816</sup> 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

<sup>814</sup> See Indictment, paras 740-743.

<sup>815</sup> 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).

<sup>816</sup> 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).



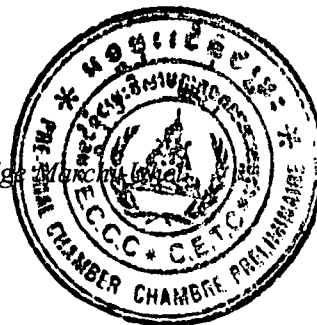


002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139,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

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).<sup>817</sup> 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.

<sup>817</sup> 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).



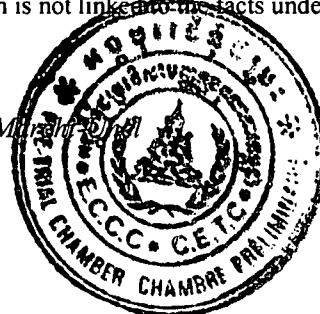
002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 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 09-VU-00129 (D22/2071).<sup>818</sup> 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).<sup>819</sup> 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

<sup>818</sup> 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).

<sup>819</sup> 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).<sup>820</sup> 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).<sup>821</sup> 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

<sup>820</sup> 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).

<sup>821</sup> 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)

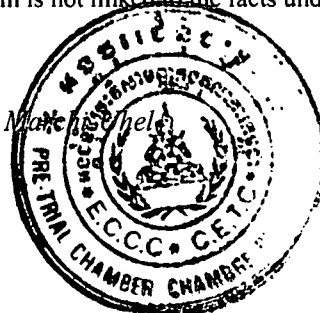
one of the sites listed in the Indictment underlying the crimes of enslavement, murder, extermination and persecution on political grounds for which the Accused are indicted. The information provided by the Applicant about the circumstances of the death of his two uncles does not allow me to conclude that these deaths result from crimes for which the Accused are indicted.

Civil Party Applicant 09-VU-00226 (D22/1227).<sup>822</sup> 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).<sup>823</sup> 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,

<sup>822</sup> 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).

<sup>823</sup> 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)

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).<sup>824</sup> I note that the Applicant was born in 1973 and thus explains that she could only remember limited events.<sup>825</sup> 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.

<sup>824</sup> 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).

<sup>825</sup> 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).<sup>826</sup> The forcible transfer of the Applicant and his<sup>827</sup> 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).<sup>828</sup> 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. Krol Krabei where they where forced to work under inhumane conditions as a result of which she saw

<sup>826</sup> 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).

<sup>827</sup> According to his application and contrary to the appeal, the Applicant is a male.

<sup>828</sup> 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).

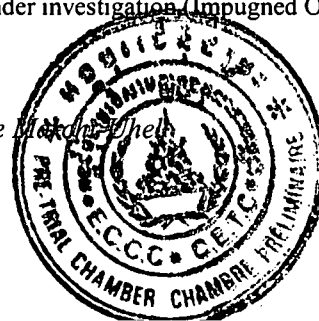


002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 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).<sup>829</sup> 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.

<sup>829</sup> 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).



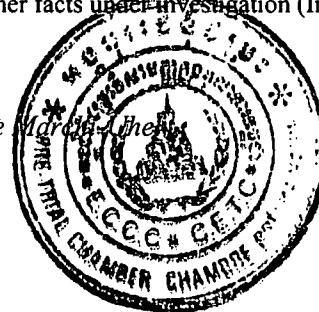
002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 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).<sup>830</sup> 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).<sup>831</sup> 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.

<sup>830</sup> 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).

<sup>831</sup> 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).





002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 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).<sup>832</sup> 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).<sup>833</sup> 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.

<sup>832</sup> 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).

<sup>833</sup> 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).<sup>834</sup> 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).<sup>835</sup> 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

<sup>834</sup> 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).

<sup>835</sup> 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)

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.

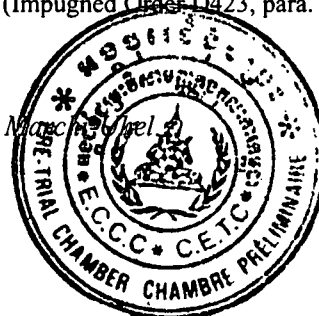
Civil Party Applicant 09-VU-01971 (D22/2954).<sup>836</sup> The forcible transfers of the Applicant, a former Lon Nol soldier, and members of his family in 1975 within Pursat Province fall within the temporal scope of Phases I and II of the evacuation of population for which the Accused are indicted, 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).<sup>837</sup> 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.<sup>838</sup> She adds in her supplementary information that her family was not forcibly transferred by the Khmer Rouge

<sup>836</sup> 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).

<sup>837</sup> 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).

<sup>838</sup> Report on Civil Party Application D22/1495/1.



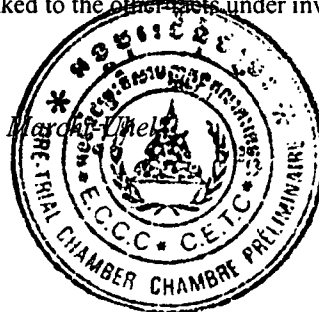
002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139,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

and remained in Pursat Province.<sup>839</sup> 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).<sup>840</sup> 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.

<sup>839</sup> Supplementary Information D22/1495b.

<sup>840</sup> 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).



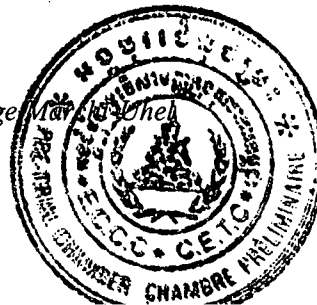
002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 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).<sup>841</sup> 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).<sup>842</sup> 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.

<sup>841</sup> 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).

<sup>842</sup> 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).



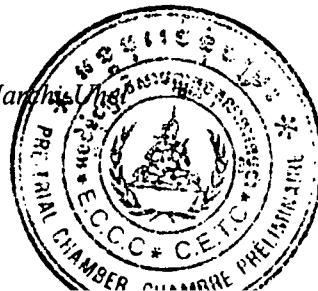
002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 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 09-VU-01125 (D22/0682).<sup>843</sup> 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).<sup>844</sup> 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

<sup>843</sup> 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).

<sup>844</sup> 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 122<sup>845</sup>

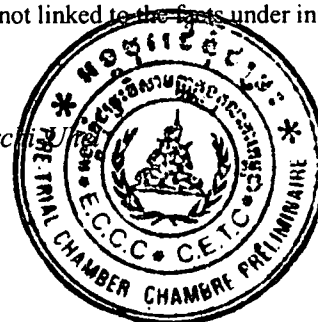
Civil Party Applicant 08-VU-00077 (D22/1357).<sup>846</sup> The Co-lawyers argue that the Applicant was victim of torture because her father was a former Lon Nol soldier. They further argue that her father and uncle were detained and executed, for the same reason and that she personally witnessed their 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).<sup>847</sup> 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

<sup>845</sup> *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”).*

<sup>846</sup> 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).

<sup>847</sup> 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)

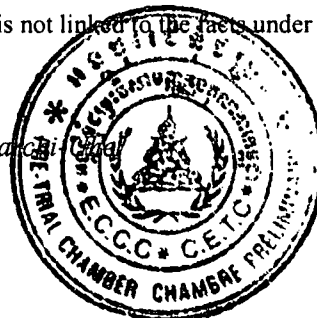
once detained with a view to being executed at the prison of sector 32. They additionally argue that his father, a former Village chief under the Nol Lon regime, was considered an enemy arrested as such and executed. Trang cooperative, Pursat Province and the other locations where the Applicant was forced 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).<sup>848</sup> 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).<sup>849</sup> 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

<sup>848</sup> 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).

<sup>849</sup> 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.<sup>850</sup> 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).<sup>851</sup> 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).<sup>852</sup> The Co-Lawyers argue that the Applicant's brother was arrested and executed<sup>853</sup> 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).<sup>854</sup> 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

<sup>850</sup> Indictment, para. 1422.

<sup>851</sup> 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).

<sup>852</sup> 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).

<sup>853</sup> Actually, the English summary of the application refers to the execution of the Applicant's two sisters.

<sup>854</sup> 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).<sup>855</sup> 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.<sup>856</sup> 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.<sup>857</sup> 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.<sup>858</sup> While the Applicant having been forced to serve as a Khmer Rouge soldier<sup>859</sup> could fall within the category of persons who where 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

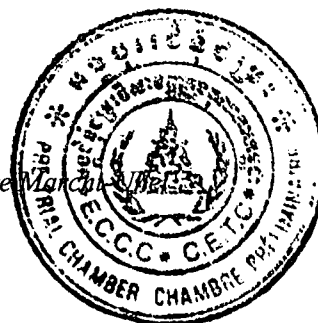
<sup>855</sup> Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D423, para. 25 and Annex 3).

<sup>856</sup> Indictment, para. 400.

<sup>857</sup> Indictment, para. 401.

<sup>858</sup> Indictment, para. 403.

<sup>859</sup> 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).<sup>860</sup> 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.

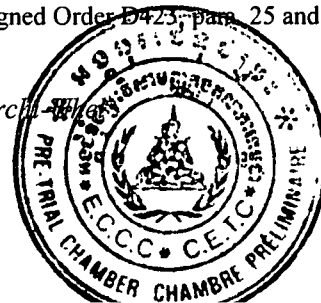
Civil Party Applicant 10-VU-0859 (D22/3872).<sup>861</sup> The Co-Lawyers failed to provide arguments related to the Applicant but I nonetheless reviewed the application. It is plausible that the targeting of several members of the Applicant family, including his mother and all his relatives on his mother 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).<sup>862</sup> 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

<sup>860</sup> Application declared inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D423, para. 25 and Annex 3).

<sup>861</sup> 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).

<sup>862</sup> 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, 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.<sup>863</sup> 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).<sup>864</sup> 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).<sup>865</sup> 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.<sup>866</sup> The Co-Lawyers have been requested to submit further particulars from the Applicant in this respect but have failed to do so.

<sup>863</sup> Indictment, para. 1422.

<sup>864</sup> 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).

<sup>865</sup> 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).

<sup>866</sup> Indictment, para. 698.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 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)

### Appeal PTC 123<sup>867</sup>

Civil Party Applicant 09-VU-00106 (D22/1085).<sup>868</sup> 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).<sup>869</sup> 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

<sup>867</sup> *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").

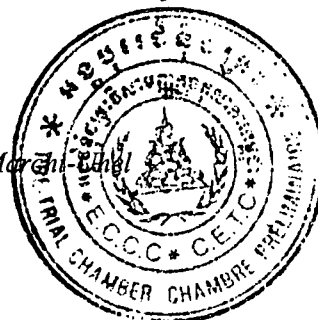
<sup>868</sup> Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D423, para. 25 and Annex 3).

<sup>869</sup> 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 Damnak 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.



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

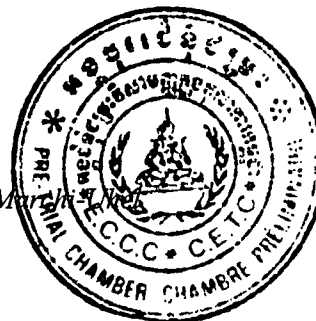
Civil Party Applicant 09-VU-01981 (D22/2964).<sup>870</sup> The Co-Lawyers argue that the Co-Investigating Judges failed to take into account the harm suffered by the Applicant in relation to the execution at Pao Loh mountain of Khmer Krom from Svay Rieng. They stress that the Applicant had a close relationship 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 were 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.<sup>871</sup> 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 were immediate victims of phase III of the evacuation of population for which the Accused are indicted.<sup>872</sup> 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*".<sup>873</sup> 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

<sup>870</sup> 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).

<sup>871</sup> Indictment, para. 1373.

<sup>872</sup> Indictment, paras 283-285.

<sup>873</sup> 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 151<sup>874</sup>**

Civil Party Applicant 09-VU-00639 (D22/128).<sup>875</sup> 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 Province<sup>876</sup> 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).<sup>877</sup> The forcible transfer of the Applicant and her family, on 17 April 1975, from Pursat provincial town to Bakan District of Pursat

<sup>874</sup> 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”).

<sup>875</sup> 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).

<sup>876</sup> Appeal PTC 151, para. 10.

<sup>877</sup> 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).





002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 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,<sup>878</sup> 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,<sup>879</sup> 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,<sup>880</sup> 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).<sup>881</sup> 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.<sup>882</sup>

Civil Party Applicant 09-VU-01686 (D22/2144).<sup>883</sup> 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.

<sup>878</sup> Appeal PTC 151, para. 13.

<sup>879</sup> Appeal PTC 151, para. 14.

<sup>880</sup> Appeal PTC 151, para. 14.

<sup>881</sup> 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).

<sup>882</sup> 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.

<sup>883</sup> 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).<sup>884</sup> 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.<sup>885</sup> 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.<sup>886</sup>

Civil Party Applicant 09-VU-01689 (D22/2147).<sup>887</sup> 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.<sup>888</sup> 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,<sup>889</sup> 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,

<sup>884</sup> 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).

<sup>885</sup> Indictment, para. 1391.

<sup>886</sup> 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.

<sup>887</sup> 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).

<sup>888</sup> Indictment, para. 1391.

<sup>889</sup> Appeal PTC 151, 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)

when they arrived in Pursat, or the reason for their being killed.<sup>890</sup> 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).<sup>891</sup> 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)<sup>892</sup>**

#### **Appeal PTC 105<sup>893</sup>**

Civil Party Applicant 08-VU-00005 (D22/1314).<sup>894</sup> The Co-lawyers argue that the Applicant suffered harm as a result of her forced labour, starvation and lack of medical treatment in Siem

<sup>890</sup> Civil party application D22/2147 (original Khmer application).

<sup>891</sup> 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).

<sup>892</sup> Order on Admissibility of Applicant Civil Party Applicants from Current Residents of Siem Reap Province, 15 September 2010, D424 ("Impugned Order D424").

<sup>893</sup> 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").

<sup>894</sup> 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).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 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.<sup>895</sup> 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)<sup>896</sup> 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,<sup>897</sup> 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).<sup>898</sup> The forced movement of the Applicant and her family in 1975 within Kralanh District in Siem Reap Province,<sup>899</sup> 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,<sup>900</sup> and where she witnessed prisoners being taken to be killed and being raped prior

<sup>895</sup> Appeal PTC105, paras.60 and 165.

<sup>896</sup> 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

<sup>897</sup> Report on Civil Party Application D22/1313/1.

<sup>898</sup> Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

<sup>899</sup> Summary of supplementary information D22/1018b., Appeal PTC105, para. 61.

<sup>900</sup> Appeal PTC105, para. 61.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 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,<sup>901</sup> 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).<sup>902</sup> 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,<sup>903</sup> 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).<sup>904</sup> 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,<sup>905</sup> 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,<sup>906</sup> the arrest, detention and torture of the Applicant's husband for three months in 1977 at a security

<sup>901</sup> Additional information D424/3/4.4.

<sup>902</sup> Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

<sup>903</sup> Report on Civil Party Application D22/431 (KH).

<sup>904</sup> Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

<sup>905</sup> Summary of supplementary information D22/1021b.

<sup>906</sup> 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,<sup>907</sup> 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).<sup>908</sup> 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.<sup>909</sup> In addition, two of the Applicant's elder brothers disappeared in 1977<sup>910</sup> and her brother-in-law, who was a former Lon Nol soldier, disappeared after attending a study course in 1975.<sup>911</sup> 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).<sup>912</sup> The information about the forced transfer of the Applicant's father from within Siem Reap Province in 1975<sup>913</sup> 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 Province<sup>914</sup> after being asked by a militia about his education<sup>915</sup>

<sup>907</sup> Appeal PTC 105, para. 62.

<sup>908</sup> Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

<sup>909</sup> Summary of supplementary information D22/1022b; Appeal PTC105, para. 63.

<sup>910</sup> Appeal PTC105, para. 63.

<sup>911</sup> Appeal PTC105, para. 63.

<sup>912</sup> Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

<sup>913</sup> Appeal PTC 105, para. 64, Summary of supplementary information D22/436b.

<sup>914</sup> 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).<sup>916</sup> The forced movement of the Applicant in 1975 from within Siem Reap Province,<sup>917</sup> 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,<sup>918</sup> as well as the murder of her sister on the allegation that she did not respect Angkar.<sup>919</sup> 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).<sup>920</sup> The information about the arrest and later disappearance of the Applicant's two brothers, who were Khmer Rouge soldiers,<sup>921</sup> 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.

<sup>915</sup> D22/436/1; Summary of supplementary information D22/436b.

<sup>916</sup> Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

<sup>917</sup> Appeal PTC 105, para. 65.

<sup>918</sup> Appeal PTC 105, para. 65.

<sup>919</sup> Appeal PTC 105, para. 65.

<sup>920</sup> 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).

<sup>921</sup> 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).<sup>922</sup> 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,<sup>923</sup> 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).<sup>924</sup> 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,<sup>925</sup> 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).<sup>926</sup> 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 Province<sup>927</sup> 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.<sup>928</sup> This information does not allow me to conclude that these events form part of the crimes for which

<sup>922</sup> Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

<sup>923</sup> Appeal PTC 105, para 66; D22/411/1.

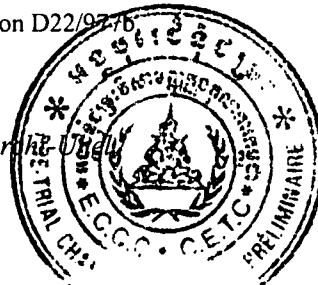
<sup>924</sup> Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

<sup>925</sup> Report on Civil Party Application D22/1394/1; Appeal PTC 105, para. 67.

<sup>926</sup> Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

<sup>927</sup> Appeal PTC105, para 68; Summary of Supplementary Information D22/0977/1.

<sup>928</sup> 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).<sup>929</sup> 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 enough<sup>930</sup> 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).<sup>931</sup> The forced labour of the Applicant, with inadequate food, in Ampil Village, Siem Reap Province,<sup>932</sup> 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),<sup>933</sup> while according to the Applicant's initial and supplementary information, his sister and family were

<sup>929</sup> Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

<sup>930</sup> Report on Civil Party Application D22/978/1; Appeal PTC105, para 69.

<sup>931</sup> Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

<sup>932</sup> Report on Civil Party Application D22/597/1; Appeal PTC105, para 70.

<sup>933</sup> 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,<sup>934</sup> and disappeared after being sent to be re-educated.<sup>935</sup> 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).<sup>936</sup> 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,<sup>937</sup> and his witnessing of the arrest, detention and murder of two men and women in 1976,<sup>938</sup> 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).<sup>939</sup> The information about the forced labour and inhumane living conditions suffered by the Applicant and her family,<sup>940</sup> the murder of her husband in Puok District, Siem Reap Province<sup>941</sup> and the rape and murder of her sister in 1976 by Khmer Rouge soldiers in the same District<sup>942</sup> 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

<sup>934</sup> Report on Civil Party Application D22/597 (KH) and D22/597/1(EN); Summary of supplementary information D22/597b.

<sup>935</sup> Report on Civil Party Application D22/597/1; Appeal PTC105, para. 70.

<sup>936</sup> Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

<sup>937</sup> Report on Civil Party Application D22/596/1; Summary of supplementary information D22/596b; Appeal PTC105, para. 71.

<sup>938</sup> Report on Civil Party Application D22/596/1; Summary of supplementary information D22/596b; Appeal PTC105, para. 71.

<sup>939</sup> Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

<sup>940</sup> Summary of supplementary information D22/983b; Appeal PTC105, para. 72.

<sup>941</sup> Summary of supplementary information D22/983b; Appeal PTC105, para. 72.

<sup>942</sup> 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).<sup>943</sup> The information about the arrest, torture and murder of the Applicant's husband in 1977 at Anlong Sar Reservoir in Siem Reap Province<sup>944</sup> 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).<sup>945</sup> The information about the arrest of the Applicant's son, who was a former Lon Nol soldier in 1976, his re-education and later disappearance<sup>946</sup> and the arrest, torture and murder of her husband in 1975 on the accusation of being a bandit<sup>947</sup> 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).<sup>948</sup> The information about the Applicant's work in a children's unit,<sup>949</sup> 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

<sup>943</sup> 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).

<sup>944</sup> Report on Civil Party Application D22/984/1 and Appeal PTC105, para. 73.

<sup>945</sup> Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

<sup>946</sup> Summary of supplementary information D22/936b; Appeal PTC105, para. 74.

<sup>947</sup> Report on Civil Party Application D22/936/1; Summary of supplementary information D22/936b; Appeal PTC105, para. 74.

<sup>948</sup> 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).

<sup>949</sup> Summary of supplementary information D22/938b.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 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 Province<sup>950</sup> 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).<sup>951</sup> The information about the Applicant's forced labour in a mobile unit,<sup>952</sup> 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,<sup>953</sup> the disappearance of her brother in Siem Reap Province, and the death of her parents from starvation,<sup>954</sup> 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).<sup>955</sup> The information about the forced evacuation of the Applicant and her family from their home town in 1976<sup>956</sup> and their transfer from one place to another in Siem Reap Province after the death of her husband<sup>957</sup> 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 Province<sup>958</sup> does not allow me to conclude that it is plausible that these events occurred at one

<sup>950</sup> Report on Civil Party Application D22/938/1; Appeal PTC105, para.75.

<sup>951</sup> 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).

<sup>952</sup> Summary of supplementary information D22/939b.

<sup>953</sup> Report on Civil Party Application D22/939/1; Appeal PTC105, para. 128.

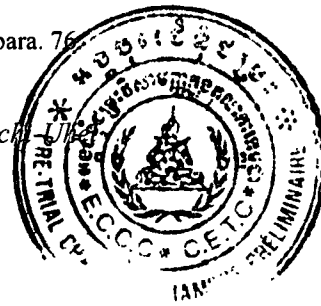
<sup>954</sup> Summary of supplementary information D22/939b; Appeal, PTC105, para. 128.

<sup>955</sup> Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

<sup>956</sup> Report on Civil Party Application D22/1758/1; Appeal PTC105, para. 76.

<sup>957</sup> Appeal PTC105, para. 76.

<sup>958</sup> 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).<sup>959</sup> 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,<sup>960</sup> 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,<sup>961</sup> 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).<sup>962</sup> The forced movement of the Applicant and her family within Siem Reap Province between 1975 and 1977<sup>963</sup> 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,<sup>964</sup> and the Applicant's witnessing of people being sent to be killed, including the arrest of her husband and two children,<sup>965</sup> 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

<sup>959</sup> Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

<sup>960</sup> Report on Civil Party Application D22/1777/1; Summary of supplementary information D22/1777b; Appeal, PTC105, para. 77.

<sup>961</sup> Report on Civil Party Application D22/1777/1; Appeal PTC105, para. 77.

<sup>962</sup> Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

<sup>963</sup> Report on Civil Party Application D22/1728/1.

<sup>964</sup> Report on Civil Party Application D22/1728/1; Appeal PTC105, para. 78.

<sup>965</sup> Report on Civil Party Application D22/1728/1; Appeal PTC105, para. 78.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 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).<sup>966</sup> The forced movement of the Applicant and her family within Siem Reap Province in 1975<sup>967</sup> 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,<sup>968</sup> 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.<sup>969</sup> 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).<sup>970</sup> The forced movement of the Applicant and her family within Siem Reap Province in 1975<sup>971</sup> 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.<sup>972</sup> This information does not allow me to consider it plausible that these events occurred at one of the limited number of security

<sup>966</sup> Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

<sup>967</sup> Appeal PTC105, para. 79.

<sup>968</sup> Summary of supplementary information D22/1771b.

<sup>969</sup> Summary of supplementary information D22/1771b; Report on Civil Party Application D22/1771/1; Appeal PTC105, para. 79.

<sup>970</sup> Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

<sup>971</sup> Report on Civil Party Application D22/1770/1; Appeal PTC105, para. 80.

<sup>972</sup> Report on Civil Party Application D22/1770/1; Summary of supplementary information D22/1770b; Appeal PTC105, para. 80.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 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).<sup>973</sup> 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,<sup>974</sup> on the pretext of having to carry dirt and get re-educated,<sup>975</sup> 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).<sup>976</sup> 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,<sup>977</sup> 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.<sup>978</sup> 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

<sup>973</sup> Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

<sup>974</sup> Report on Civil Party Application D22/1751/1; Appeal PTC105, para. 81.

<sup>975</sup> Summary of supplementary information D22/1751b.

<sup>976</sup> Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

<sup>977</sup> Report on Civil Party Application D22/1741/1; Appeal PTC105, para. 83.

<sup>978</sup> Summary of supplementary information D22/1741b; Appeal PTC105, 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)

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).<sup>979</sup> 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,<sup>980</sup> "because he was a medical staff in the Village,"<sup>981</sup> 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).<sup>982</sup> The forced movement of the Applicant and her family within Siem Reap Province in 1975, where they were forced to work,<sup>983</sup> 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,<sup>984</sup> 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.

<sup>979</sup> Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

<sup>980</sup> Report on Civil Party Application D22/1742/1; Appeal, PTC105, para.84.

<sup>981</sup> Summary of supplementary information D22/1742b.

<sup>982</sup> Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

<sup>983</sup> Report on Civil Party Application D22/1740/1; Summary of supplementary information D22/1740b and Appeal PTC105, para. 129.

<sup>984</sup> 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).<sup>985</sup> The forced movement of the Applicant and her family in 1975 to Trei Nhoar Village, Puok District, Siem Reap Province<sup>986</sup> and her forced labour in a women's mobile unit in Samraong Yea Sub District, Siem Reap Province,<sup>987</sup> 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,<sup>988</sup> 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).<sup>989</sup> 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,<sup>990</sup> 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

<sup>985</sup> 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).

<sup>986</sup> Summary of supplementary information D22/382b; Appeal PTC105, para. 130.

<sup>987</sup> Summary of supplementary information D22/382b; Appeal PTC105, para. 130.

<sup>988</sup> Summary of supplementary information D22/382b; Appeal PTC105, para. 130.

<sup>989</sup> Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

<sup>990</sup> 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.<sup>991</sup> 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,<sup>992</sup> this centre was located in Keng Prasat Village, Sambo Sub District, Sambo District, Kratie Province<sup>993</sup> not in Pursat Province where the Applicant alleges he was imprisoned.

Civil Party Applicant 08-VU-01815 (D22/1166).<sup>994</sup> The forced movement of the Applicant and his family from within Siem Reap Province in 1975<sup>995</sup> 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.<sup>996</sup> 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.<sup>997</sup> 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.

<sup>991</sup> Report on Civil Party Application D22/935/1; Summary of supplementary information D22/935b, Appeal PTC105, para. 131.

<sup>992</sup> Indictment, para. 670.

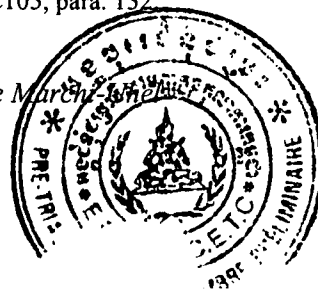
<sup>993</sup> Indictment, paras 667-685

<sup>994</sup> Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

<sup>995</sup> Report on Civil Party Application D22/1166/1; Appeal PTC105, para. 132.

<sup>996</sup> Report on Civil Party Application D22/1166/1; Appeal PTC105, para. 132.

<sup>997</sup> 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).<sup>998</sup> The forcible transfer of the Applicant and her family in 1975 within Siem Reap Province, where they were forced to work with insufficient food<sup>999</sup> 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,<sup>1000</sup> do not form part of the crimes for which the Accused are indicted.

Civil Party Applicant 08-VU-02329 (D22/1465).<sup>1001</sup> 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,<sup>1002</sup> 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,<sup>1003</sup> does not allow me to consider it plausible that these events occurred at one of the limited number of security

<sup>998</sup> Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

<sup>999</sup> Report on Civil Party Application D22/A394/1; Appeal PTC105, para. 85.

<sup>1000</sup> Report on Civil Party Application D22/394/1; Summary of supplementary information D22/394b; Appeal PTC105, para. 85.

<sup>1001</sup> Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

<sup>1002</sup> Appeal PTC105, para. 133.

<sup>1003</sup> 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).<sup>1004</sup> 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 beaten<sup>1005</sup> 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,<sup>1006</sup> 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).<sup>1007</sup> The forcible movement of the Applicant and her family within Siem Reap Province, where they were forced to work with insufficient food,<sup>1008</sup> 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

<sup>1004</sup> Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

<sup>1005</sup> Report on Civil Party Application D22/1159/1; Appeal PTC105, para. 88.

<sup>1006</sup> Report on Civil Party Application D22/1159/1; Appeal PTC105, para. 88.

<sup>1007</sup> Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

<sup>1008</sup> 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, 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,<sup>1009</sup> 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).<sup>1010</sup> 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 food<sup>1011</sup> 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.<sup>1012</sup> 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,<sup>1013</sup> and again in 1976, witnessed many people being detained and taken to be killed by the Khmer Rouge on accusation of being Vietnamese.<sup>1014</sup> 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,<sup>1015</sup> the dates and locations of the events the Applicant witnessed do not align with those specified in the Indictment, which states:

<sup>1009</sup> Report on Civil Party Application D22/1458/1; Summary of supplementary information D22/1458b; Appeal PTC105, para. 92.

<sup>1010</sup> Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

<sup>1011</sup> Report on Civil Party Application D22/1457/1; Appeal PTC105, para. 93.

<sup>1012</sup> Appeal PTC105, para. 93.

<sup>1013</sup> Report on Civil Party Application D22/1457/1; Appeal PTC105, para. 93.

<sup>1014</sup> Appeal PTC105, para. 93.

<sup>1015</sup> Indictment, para. 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)

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.<sup>1016</sup>

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).<sup>1017</sup> The forced labour of the Applicant in a mobile unit in Tuek Lich Village, Soutr Nikcom District in Siem Reap Province in 1975<sup>1018</sup> 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,<sup>1019</sup> 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).<sup>1020</sup> The forced movement of the Applicant and her family in 1975 within Siem Reap Province<sup>1021</sup> 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

<sup>1016</sup> Indictment, para. 802.

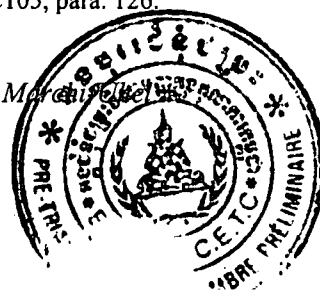
<sup>1017</sup> Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

<sup>1018</sup> Report on Civil Party Application D22/1436/1; Appeal PTC105, para. 125.

<sup>1019</sup> Report on Civil Party Application D22/1436/1; Appeal PTC105, para. 125.

<sup>1020</sup> Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

<sup>1021</sup> 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, 170, 171)

made to dig a canal in May 1975,<sup>1022</sup> 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,<sup>1023</sup> 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).<sup>1024</sup> The forced movement of the Applicant within Siem Reap Province in 1975,<sup>1025</sup> her forced labour throughout Siem Reap Province,<sup>1026</sup> 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 Ankar<sup>1027</sup> 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.

<sup>1022</sup> Report on Civil Party Application D22/1412/1; Appeal PTC105, para. 126.

<sup>1023</sup> Appeal PTC105, para. 126.

<sup>1024</sup> Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

<sup>1025</sup> Report on Civil Party Application D22./1612/1; Summary of supplementary information D22/1612b; Appeal PTC105, para. 111.

<sup>1026</sup> Report on Civil Party Application D22./1612/1; Summary of supplementary information D22/1612b; Appeal PTC105, para. 111.

<sup>1027</sup> 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).<sup>1028</sup> The forced movement of the Applicant in 1975 within Siem Reap Province<sup>1029</sup> 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,<sup>1030</sup> 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,<sup>1031</sup> 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).<sup>1032</sup> Watt Ta Yaek, Sotr Nikom District, Siem Reap Province, where the Applicant's two older brothers, who were working in a mobile unit,<sup>1033</sup> were detained and later disappeared from, on the accusation that they were KGB agents,<sup>1034</sup> 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

<sup>1028</sup> Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

<sup>1029</sup> Report on Civil Party Application D22/1519/1.

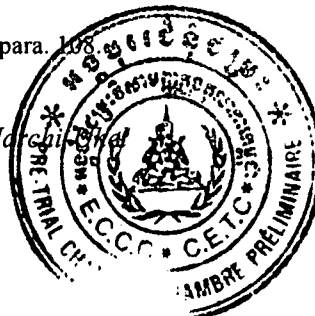
<sup>1030</sup> Report on Civil Party Application D22/1519/1; Appeal PTC105, para. 127.

<sup>1031</sup> Report on Civil Party Application D22/1519/1; Appeal PTC105, para. 127.

<sup>1032</sup> Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

<sup>1033</sup> Summary of supplementary information D22/1735b.

<sup>1034</sup> 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).<sup>1035</sup> The forced movement of the Applicant and her family in 1975 within Siem Reap Province<sup>1036</sup> 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,<sup>1037</sup> 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).<sup>1038</sup> The forced movement of the Applicant and his family within Siem Reap Province<sup>1039</sup> 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,<sup>1040</sup> and the murder of his father and uncles in 1976 and 1977, on the accusation of being enemies, in Puok District, Siem Reap Province,<sup>1041</sup> 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.

<sup>1035</sup> Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

<sup>1036</sup> Report on Civil Party Application D1737/1; Appeal PTC105, para. 140.

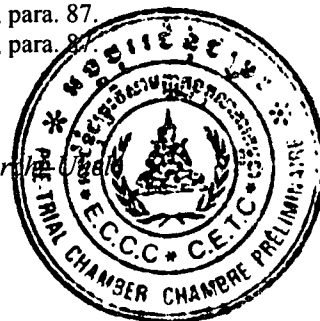
<sup>1037</sup> Report on Civil Party Application D1737/1; Appeal PTC105, para. 140.

<sup>1038</sup> 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).

<sup>1039</sup> Report on Civil Party Application D22/1766/1; Appeal PTC105, para. 87.

<sup>1040</sup> Report on Civil Party Application D22/1766/1; Appeal PTC105, para. 87.

<sup>1041</sup> Appeal PTC105, para. 87



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 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).<sup>1042</sup> The forced movement of the Applicant and her family in 1976 within Siem Reap Province<sup>1043</sup> 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,<sup>1044</sup> 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).<sup>1045</sup> The forcible movement of the Applicant and his family within Siem Reap in 1976<sup>1046</sup> 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,<sup>1047</sup> 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,<sup>1048</sup> 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).<sup>1049</sup> The forced movement of the Applicant within Siem Reap Province in 1975<sup>1050</sup> does not form part of the forced movements of

<sup>1042</sup> Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

<sup>1043</sup> Report on Civil Party Application D22/1780/1; Appeal PTC105, para. 109.

<sup>1044</sup> Report on Civil Party Application D22/1780/1; Appeal PTC105, para. 109.

<sup>1045</sup> Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

<sup>1046</sup> Appeal PTC105, para. 110.

<sup>1047</sup> Report on Civil Party Application D22/1779/ 1; Appeal PTC105, para. 110.

<sup>1048</sup> Report on Civil Party Application D22/1779/ 1; Appeal PTC105, para. 110.

<sup>1049</sup> 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,<sup>1051</sup> 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).<sup>1052</sup> 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,<sup>1053</sup> 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,<sup>1054</sup> and where the Applicant's cousin and uncle disappeared and were allegedly killed after being Accused of being enemies of Angkar,<sup>1055</sup> 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.

<sup>1050</sup> Report on Civil Party Application D22/1748/1; Appeal PTC105, para. 106.

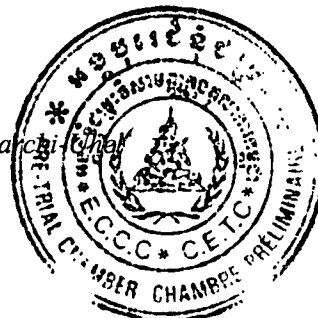
<sup>1051</sup> Report on Civil Party Application D22/1748/1; Appeal PTC105, para. 106.

<sup>1052</sup> Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

<sup>1053</sup> Appeal PTC105, para. 112.

<sup>1054</sup> Appeal PTC105, para. 112.

<sup>1055</sup> Appeal PTC105, para. 112.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 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).<sup>1056</sup> 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.<sup>1057</sup> The Co-lawyers also allege that that the Applicant was forced to work with insufficient food and under inhumane living conditions throughout the regime,<sup>1058</sup> including building Dam 78 in Yeang Tes Village, Soutr Nikom District, Siem Reap Province, where he lived after April 1977.<sup>1059</sup> 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).<sup>1060</sup> 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,<sup>1061</sup> 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,<sup>1062</sup> 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.

<sup>1056</sup> Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

<sup>1057</sup> Report on Civil Party Application D22/1477/1; Summary of supplementary information D22/1477b; Appeal PTC105, para. 95.

<sup>1058</sup> Appeal PTC105, para. 113.

<sup>1059</sup> Report on Civil Party Application D22/1477/1; Summary of supplementary information D22/1477b.

<sup>1060</sup> Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

<sup>1061</sup> Report on Civil Party Application D22/1617/1; Appeal PTC105, para. 95.

<sup>1062</sup> 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).<sup>1063</sup> 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,<sup>1064</sup> 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).<sup>1065</sup> The information about the Applicant's forced movement within Siem Reap Province in 1975<sup>1066</sup> 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,<sup>1067</sup> 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).<sup>1068</sup> The information about the Applicant's forced labour in a mobile unit in 1975,<sup>1069</sup> the murder of her aunt in a forest in 1977 on the

<sup>1063</sup> Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

<sup>1064</sup> Appeal PTC105, para. 114.

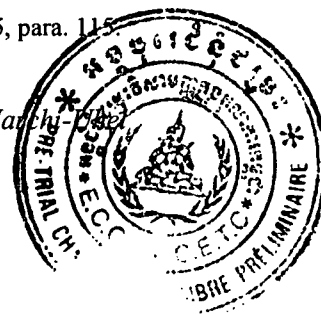
<sup>1065</sup> Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

<sup>1066</sup> Report on Civil Party Application D22/1598/1; Appeal PTC105, para. 122.

<sup>1067</sup> Report on Civil Party Application D22/1598/1; Appeal PTC105, para. 122.

<sup>1068</sup> Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

<sup>1069</sup> 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 Angkar<sup>1070</sup> and the arrest and torture of her uncle in 1976, who was a Khmer Rouge cooperative chief,<sup>1071</sup> 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).<sup>1072</sup> The Applicant's forced labour, with insufficient food and medicine in Chi Kraeng District, Siem Reap Province in 1975,<sup>1073</sup> 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,<sup>1074</sup> 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).<sup>1075</sup> 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 be killed at Wat Kampong Kdei, Chi Kraeng District, Siem Reap Province, on the accusation of being new people,<sup>1076</sup> 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

<sup>1070</sup> Report on Civil Party Application D22/559/1; Appeal PTC105, para. 115.

<sup>1071</sup> Appeal PTC105, para. 115.

<sup>1072</sup> Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

<sup>1073</sup> Report on Civil Party Application D22/1585/1; Appeal PTC105, para. 94.

<sup>1074</sup> Report on Civil Party Application D22/1585/1; Appeal PTC105, para. 94.

<sup>1075</sup> Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

<sup>1076</sup> Report on Civil Party Application D22/1588/1; Appeal PTC105, para. 138.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 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,<sup>1077</sup> 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).<sup>1078</sup> The forced movement of the Applicant and his family within Siem Reap Province in 1975<sup>1079</sup> 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,<sup>1080</sup> and the murder of his younger sister and disappearance of his father, who were both Accused of being CIA agents,<sup>1081</sup> 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.

<sup>1077</sup> Summary of supplementary information D22/1586b; Appeal PTC105, para. 138.

<sup>1078</sup> Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

<sup>1079</sup> Report on Civil Party Application D22/1586/1; Appeal PTC 105, para. 97.

<sup>1080</sup> Summary of supplementary information D22/1586b; Appeal PTC 105, para. 97.

<sup>1081</sup> 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).<sup>1082</sup> The forced movement of the Applicant and her family within Siem Reap Province in 1975<sup>1083</sup> 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,<sup>1084</sup> the imprisonment and torture of her father at Kampong Kdei security centre<sup>1085</sup> and the death of her mother, after being forced to work with insufficient food,<sup>1086</sup> 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).<sup>1087</sup> The forced movements of the Applicant and her family to locations within Siem Reap Province in 1975<sup>1088</sup> 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 army<sup>1089</sup> 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

<sup>1082</sup> Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

<sup>1083</sup> Report on Civil Party Application D22/1591/1; Summary of supplementary information D22/1591b; Appeal PTC105, para. 96.

<sup>1084</sup> Report on Civil Party Application D22/1591/1; Summary of supplementary information D22/1591b; Appeal PTC105, para. 96.

<sup>1085</sup> Summary of supplementary information D22/1591b; Appeal PTC 105, para. 96.

<sup>1086</sup> Report on Civil Party Application D22/1591/1; Summary of supplementary information D22/1591b; Appeal PTC105, para. 96.

<sup>1087</sup> Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

<sup>1088</sup> Summary of supplementary information D22/1451b; Appeal PTC 105, para.118.

<sup>1089</sup> Summary of supplementary information D22/1451b; Appeal PTC 105, para.118.





002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 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).<sup>1090</sup> 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 Province<sup>1091</sup> 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,<sup>1092</sup> 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,<sup>1093</sup> and he constantly heard people yelling for help from the pagoda.<sup>1094</sup> 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,<sup>1095</sup> but no additional information is provided to ascertain how or why the Applicant's adopted child was killed.

<sup>1090</sup> 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).

<sup>1091</sup> Report on Civil Party Application D22/929/1; Appeal PTC 105, para. 99.

<sup>1092</sup> Report on Civil Party Application D22/929/1; Appeal PTC 105, para. 99.

<sup>1093</sup> Appeal PTC 105, para. 99

<sup>1094</sup> Summary of supplementary information D22/929b; Appeal PTC 105, para. 99

<sup>1095</sup> 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,<sup>1096</sup> 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,<sup>1097</sup> 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.<sup>1098</sup> 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).<sup>1099</sup> 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 enemies<sup>1100</sup> 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).<sup>1101</sup> The Applicant’s forced movement from Rumdeng Village, Siem Reap Province in 1975 to Preak Phnov Sub-District in Kandal Province<sup>1102</sup> and the Applicants movement in 1978 to fight against the Vietnamese army in

<sup>1096</sup> Indictment, para. 1415.

<sup>1097</sup> Indictment, para. 802.

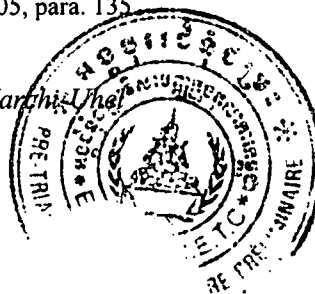
<sup>1098</sup> Indictment, para. 802.

<sup>1099</sup> 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).

<sup>1100</sup> Report on Civil Party Application D22/1707/1; Appeal PTC 105, para. 98.

<sup>1101</sup> 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).

<sup>1102</sup> Report on Civil Party Application D22/1693/1; Appeal PTC 105, para. 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, 171)

Takeo Province before being sent to Memot of Kampong Cham<sup>1103</sup> 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,<sup>1104</sup> and at a dam site to the West of Preaek Phnov Sub-District in 1977<sup>1105</sup> 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.<sup>1106</sup> Although S-21 Security Centre is one of the execution sites retained in the Indictment,<sup>1107</sup> 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).<sup>1108</sup> The forced movement of the Applicant, who was a squad leader in Battalion 911, from locations within Siem Reap Province in 1975,<sup>1109</sup> 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,<sup>1110</sup> and his two uncles were murdered at Wat Ta Yaek, Ta Yaek Sub

<sup>1103</sup> Appeal PTC 105, para. 135.

<sup>1104</sup> Report on Civil Party Application D22/1693/1; Appeal PTC 105, para. 135.

<sup>1105</sup> Summary of supplementary information D22/1693b.

<sup>1106</sup> Report on Civil Party Application D22/1693/1; Appeal PTC 105, para. 135.

<sup>1107</sup> Indictment, paras 415-475.

<sup>1108</sup> Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

<sup>1109</sup> Report on Civil Party Application D22/1422/1; Summary of supplementary information D22/1422b; Appeal PTC105, para. 103.

<sup>1110</sup> 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.<sup>1111</sup> 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).<sup>1112</sup> The information about the Applicant's forced labour in Bak Phka, Chi Kraeng District, Siem Reap Province in 1975, with insufficient food,<sup>1113</sup> 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,<sup>1114</sup> 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).<sup>1115</sup> 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

<sup>1111</sup> Summary of supplementary information D22/1422b; Appeal PTC105, para. 103.

<sup>1112</sup> Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

<sup>1113</sup> Appeal PTC105, para 120.

<sup>1114</sup> Appeal PTC105, para 120.

<sup>1115</sup> 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,<sup>1116</sup> falls within the geographic scope of the forced population movements of the East Zone during Phase 2.<sup>1117</sup> However, it is outside is 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.<sup>1118</sup> In addition, the information about the Applicant's forced labour in Battambang Province,<sup>1119</sup> 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,<sup>1120</sup> 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).<sup>1121</sup> 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,<sup>1122</sup> and his forced labour in October 1976,<sup>1123</sup> does not allow me to conclude that these movements forms 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 soldiers, on the accusation that they were against the revolution.<sup>1124</sup> In particular, the

<sup>1116</sup> Report on Civil Party Application D22/1451/1.

<sup>1117</sup> Indictment, paras 262-3.

<sup>1118</sup> Indictment, para 265.

<sup>1119</sup> Report on Civil Party Application D22/1451/1; Appeal PTC105, para 117.

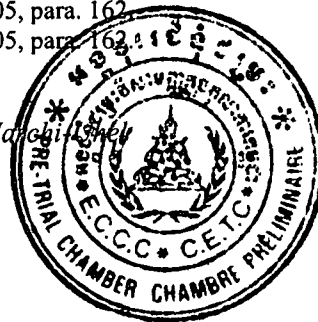
<sup>1120</sup> Appeal PTC105, para 117.

<sup>1121</sup> Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

<sup>1122</sup> Report on Civil Party Application D22/1696/1; Appeal PTC105, para. 162.

<sup>1123</sup> Report on Civil Party Application D22/1696/1; Appeal PTC105, para. 162.

<sup>1124</sup> Report on Civil Party Application D22/1696/1; Appeal PTC105, para. 162.



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)

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).<sup>1125</sup> The Applicant's forced labour with insufficient food in 1975,<sup>1126</sup> 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,<sup>1127</sup> 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).<sup>1128</sup> 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 medicine<sup>1129</sup> 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

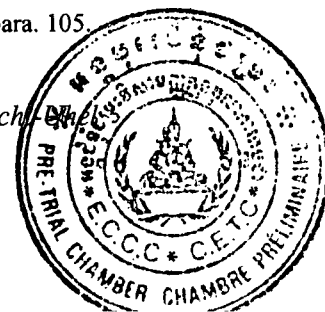
<sup>1125</sup> Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

<sup>1126</sup> Summary of supplementary information D22/1699b.

<sup>1127</sup> Report on Civil Party Application D22/1699/1; Appeal PTC105, para. 119.

<sup>1128</sup> Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

<sup>1129</sup> 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, 170, 171)

family members who were former Lon Nol soldiers and teachers,<sup>1130</sup> 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).<sup>1131</sup> The Applicant's detention in Kien Sangkae Security Centre, in Siem Reap Province in 1975, where he was forced to work with insufficient food,<sup>1132</sup> 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,<sup>1133</sup> 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,<sup>1134</sup> 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).<sup>1135</sup> 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,<sup>1136</sup> 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

<sup>1130</sup> D22/650b; Report on Civil Party Application D22/650/1; Appeal PTC105, para. 105.

<sup>1131</sup> Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

<sup>1132</sup> Report on Civil Party Application D22/842/1; Summary of supplementary information D22/842b; Appeal PTC105, para. 123.

<sup>1133</sup> Summary of supplementary information D22/842b.

<sup>1134</sup> Indictment, para. 802.

<sup>1135</sup> Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

<sup>1136</sup> 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,<sup>1137</sup> 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,<sup>1138</sup> 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).<sup>1139</sup> The forced movement of the Applicant and his family from locations within Siem Reap Province in 1975<sup>1140</sup> 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,<sup>1141</sup> 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,<sup>1142</sup> 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

<sup>1137</sup> Report on Civil Party Application D22/651/1; Appeal PTC105, para. 121.

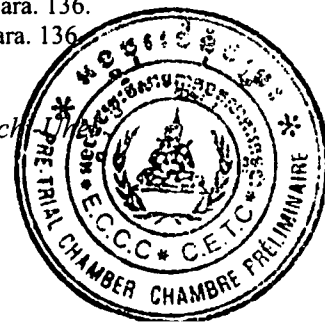
<sup>1138</sup> Summary of supplementary information D22/651b; Report on Civil Party Application D22/651/1; Appeal PTC105, para. 121.

<sup>1139</sup> Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

<sup>1140</sup> Report on Civil Party Application D22/7881/1; Appeal PTC105, para. 136.

<sup>1141</sup> Report on Civil Party Application D22/788/1; Appeal PTC105, para. 136.

<sup>1142</sup> 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,<sup>1143</sup> 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).<sup>1144</sup> 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,<sup>1145</sup> 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,<sup>1146</sup> and the murder of two of the Applicant's brothers, on the accusation that they were Lon Nol supporters,<sup>1147</sup> 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.

<sup>1143</sup> Summary of supplementary information D22/788b; Report on Civil Party Application D22788/1; Appeal PTC105, para. 136.

<sup>1144</sup> Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

<sup>1145</sup> Summary of supplementary information D22/784b; Report on Civil Party Application D22/784/1; Appeal PTC105, para. 89.

<sup>1146</sup> Appeal PTC105, para. 89.

<sup>1147</sup> Summary of supplementary information D22/784b; Appeal PTC105, para. 89.



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-01508 (D22/0795).<sup>1148</sup> 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,<sup>1149</sup> 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,<sup>1150</sup> 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.<sup>1151</sup> 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."<sup>1152</sup> However, there is insufficient information about the Applicant's personal religious beliefs and practice, and how these actions affected him, for me

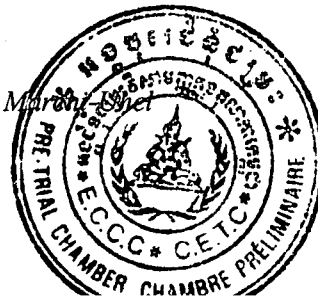
<sup>1148</sup> Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

<sup>1149</sup> Report on Civil Party Application D22/795/1; Appeal PTC105, para. 137.

<sup>1150</sup> Report on Civil Party Application D22/795/1; Appeal PTC105, para. 137.

<sup>1151</sup> Report on Civil Party Application D22/795/1; Appeal PTC105, para. 137.

<sup>1152</sup> 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).<sup>1153</sup> 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 separation<sup>1154</sup> 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,<sup>1155</sup> and the torture, deprivation of food, and murder of his father in 1978 at Prey Roneam on the north of Trach Kroal dam worksite,<sup>1156</sup> 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).<sup>1157</sup> The forced movement of the Applicant and his family in 1975 from locations within Siem Reap Province<sup>1158</sup> does not form part of the

<sup>1153</sup> Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

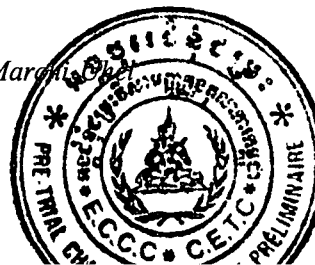
<sup>1154</sup> Report on Civil Party Application D22/780/1; Summary of supplementary information D22/780b; Appeal PTC105, para. 91.

<sup>1155</sup> Summary of supplementary information D22/780b; Appeal PTC105, para. 91.

<sup>1156</sup> Appeal PTC105, para. 91.

<sup>1157</sup> Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

<sup>1158</sup> 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,<sup>1159</sup> 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,<sup>1160</sup> 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).<sup>1161</sup> The forcible movement of the Applicant from locations within Siem Reap Province in 1975<sup>1162</sup> 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,<sup>1163</sup> 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).<sup>1164</sup> 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

<sup>1159</sup> Summary of supplementary information D22/2918b; Report on Civil Party Application D22/2918/1; Appeal PTC105, para. 139.

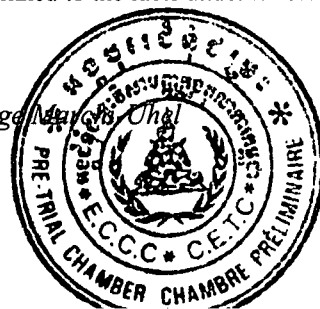
<sup>1160</sup> Summary of supplementary information D22/2918b; Appeal PTC105, para. 139.

<sup>1161</sup> Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

<sup>1162</sup> Report on Civil Party Application D22/2920/1; Appeal PTC105, para. 141.

<sup>1163</sup> Appeal PTC105, para. 141.

<sup>1164</sup> 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,<sup>1165</sup> 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,<sup>1166</sup> her witnessing of the torture of mobile unit members who were Accused of not complying with Angkar's work plan in 1976,<sup>1167</sup> 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,<sup>1168</sup> 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).<sup>1169</sup> 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,<sup>1170</sup> 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,<sup>1171</sup> 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

<sup>1165</sup> Report on Civil Party Application D22/2924/1; Appeal PTC105, para. 142.

<sup>1166</sup> Report on Civil Party Application D22/2942/1; Appeal PTC105, para. 142.

<sup>1167</sup> PTC105, para. 142.

<sup>1168</sup> Report on Civil Party Application D22/2942/1; Appeal PTC105, para. 142.

<sup>1169</sup> Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

<sup>1170</sup> Report on Civil Party Application D22/2233/1; Appeal PTC105, para. 107.

<sup>1171</sup> 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).<sup>1172</sup> 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,<sup>1173</sup> 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,<sup>1174</sup> 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).<sup>1175</sup> 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,<sup>1176</sup> 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

<sup>1172</sup> Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

<sup>1173</sup> Report on Civil Party Application D22/2236/1; Appeal PTC105, para. 144.

<sup>1174</sup> Appeal PTC105, para. 144.

<sup>1175</sup> Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

<sup>1176</sup> 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,<sup>1177</sup> 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,<sup>1178</sup> 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).<sup>1179</sup> 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 food<sup>1180</sup> 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,<sup>1181</sup> and the rape of her sister in 1977 in Nokor Pheas mobile work unit,<sup>1182</sup> 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

<sup>1177</sup> Summary of supplementary information D22/2241b; Appeal PTC105, para. 146.

<sup>1178</sup> Summary of supplementary information D22/2241b.

<sup>1179</sup> Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

<sup>1180</sup> Report on Civil Party Application D22/2242/1; Appeal PTC105, para. 147.

<sup>1181</sup> Summary of supplementary information D22/2242b; Appeal PTC105, para. 147.

<sup>1182</sup> 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,<sup>1183</sup> 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.”<sup>1184</sup> 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).<sup>1185</sup> 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 District<sup>1186</sup>, and the disappearance of her father after being taken from Mean Chey Village to be re-educated in 1975,<sup>1187</sup> 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).<sup>1188</sup> 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 surveillance<sup>1189</sup> 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

<sup>1183</sup> Indictment, paras 572-588.

<sup>1184</sup> Report on Civil Party Application D424/3/4.3

<sup>1185</sup> Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

<sup>1186</sup> Summary of supplementary information D22/2244b; Appeal PTC105, para. 148

<sup>1187</sup> Report on Civil Party Application D22/2244/1.

<sup>1188</sup> Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

<sup>1189</sup> 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,<sup>1190</sup> 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.

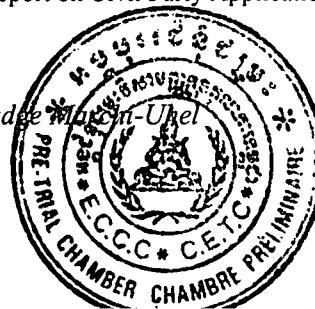
Civil Party Applicant 09-VU-02524 (D22/3137).<sup>1191</sup> The information about the acts of forced labour of the Applicant and her family in 1975, with insufficient food and medicine in Khchas Village, Khchas Sub District, Sotr Nikom District of Siem Reap Province,<sup>1192</sup> does not allow me 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,<sup>1193</sup> 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.

<sup>1190</sup> Report on Civil Party Application D22/2245/1; Appeal PTC105, para. 149

<sup>1191</sup> Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

<sup>1192</sup> Appeal PTC105, para. 150.

<sup>1193</sup> Summary of supplementary information D22/3137b; Report on Civil Party Application D22/3137/1; Appeal PTC105, para. 150.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 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).<sup>1194</sup> The information about the forced labour of the Applicant in Kouk Trach Village, Khnat Sub District, Puok District, Siem Reap Province in 1975,<sup>1195</sup> 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,<sup>1196</sup> 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,<sup>1197</sup> 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).<sup>1198</sup> 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 bandit<sup>1199</sup> and the arrest of her uncle and aunt who were taken to be killed in 1975,<sup>1200</sup> 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.

<sup>1194</sup> Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

<sup>1195</sup> Report on Civil Party Application D22/3153/1; Appeal PTC105, para. 151.

<sup>1196</sup> Report on Civil Party Application D22/3153/1; Appeal PTC105, para. 151.

<sup>1197</sup> Summary of supplementary information D22/3153b; Appeal PTC105, para. 151.

<sup>1198</sup> 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).

<sup>1199</sup> Report on Civil Party Application D22/2428/1; Appeal PTC105, para. 152

<sup>1200</sup> 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).<sup>1201</sup> The information about the forced movement of the Applicant and her family to locations within Siem Reap Province in 1975,<sup>1202</sup> where her family were classified as having ties with Lon Nol soldiers<sup>1203</sup> and forced to work with insufficient food,<sup>1204</sup> 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,<sup>1205</sup> 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,<sup>1206</sup> 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).<sup>1207</sup> 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 transfer<sup>1208</sup> 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

<sup>1201</sup> Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

<sup>1202</sup> Summary of supplementary information D22/2429b; Appeal PTC105, para. 153.

<sup>1203</sup> Report on Civil Party Application D22/2429/1; Appeal PTC105, para. 153.

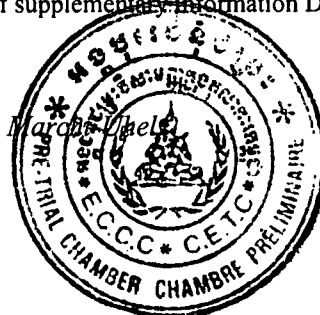
<sup>1204</sup> Report on Civil Party Application D22/2429/1.

<sup>1205</sup> Appeal PTC105, para. 153.

<sup>1206</sup> Summary of supplementary information D22/2429b; Appeal PTC105, para. 153.

<sup>1207</sup> Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

<sup>1208</sup> 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,<sup>1209</sup> 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.

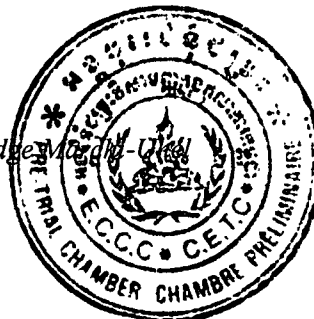
Civil Party Applicant 09-VU-03449 (D22/2434).<sup>1210</sup> The forced movement within Siem Reap Province in 1976<sup>1211</sup> does not form part of the forced population movements for which the Accused are indicted. The information about the forced labour of the Applicant and his family at Kouk Pou 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,<sup>1212</sup> 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

<sup>1209</sup> Summary of supplementary information D22/2433b; Appeal PTC105, para. 154.

<sup>1210</sup> Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

<sup>1211</sup> Summary of supplementary information D22/2434b.

<sup>1212</sup> 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, 170, 171)

Civil Party Applicant 10-VU-00549 (D22/2598).<sup>1213</sup> 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,<sup>1214</sup> 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).<sup>1215</sup> Phnum Trong Bat Security Centre, Kralanh District, Siem Reap Province,<sup>1216</sup> where the Applicant was arrested and forced to work on the accusation that he was aligned with the former Lon Nol Regime,<sup>1217</sup> 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,<sup>1218</sup> and the death of his uncles who were teachers during the Lon Nol Regime at Treung District of Kampong Cham in 1978,<sup>1219</sup> 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.

<sup>1213</sup> Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

<sup>1214</sup> Report on Civil Party Application D22/2598/1; Appeal PTC105, para. 157.

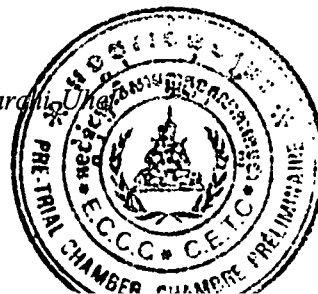
<sup>1215</sup> Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

<sup>1216</sup> Summary of supplementary information D22/2599b.

<sup>1217</sup> Additional information D424/3/4.5.

<sup>1218</sup> Summary of supplementary information D22/2599b; Appeal PTC105, para. 158.

<sup>1219</sup> 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).<sup>1220</sup> 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.<sup>1221</sup> 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”<sup>1222</sup>. As such, the forced movement in question falls within the geographical scope of the second Phase of forced population movements of the East Zone.<sup>1223</sup> However, 30 April 1975 falls outside its temporal scope, starting around September 1975.<sup>1224</sup> 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

<sup>1220</sup> 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).

<sup>1221</sup> Report on Civil Party Application D22/1698/1; Summary of supplementary information D22/1698b; PTC105, para. 102.

<sup>1222</sup> Summary of supplementary information D22/1437b.

<sup>1223</sup> Indictment, paras 262-263.

<sup>1224</sup> 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).<sup>1225</sup> 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 Province<sup>1226</sup> falls within the geographical scope of forced population movements of the East Zone during Phase 2,<sup>1227</sup> and the position the Applicant occupied during the Lon Nol Regime<sup>1228</sup> makes it plausible that he was among the class of persons which the Indictment alleges to have been moved during that Phase.<sup>1229</sup> However, 17 April 1975 is outside its temporal scope, starting around September 1975.<sup>1230</sup> 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.

<sup>1225</sup> Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

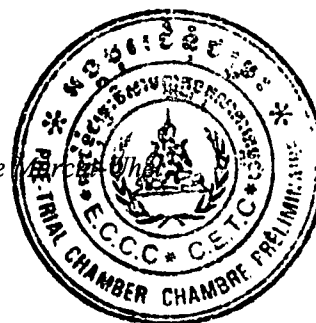
<sup>1226</sup> Report on Civil Party Application D22/782/1; Appeal PTC105, para. 160.

<sup>1227</sup> Indictment, paras 262-3.

<sup>1228</sup> Summary of supplementary information D22/782b.

<sup>1229</sup> Indictment, para 265.

<sup>1230</sup> 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)

### Appeal PTC 106<sup>1231</sup>

Civil Party Applicant 08-VU-00109 (D22/1396).<sup>1232</sup> 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).<sup>1233</sup> 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.<sup>1234</sup> 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".<sup>1235</sup> 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."<sup>1236</sup>

Civil Party Applicant 08-VU-00106 (D22/1379).<sup>1237</sup> Tauch Yum security center where the Applicant's brother and father were killed<sup>1238</sup> is not among the limited number of security

<sup>1231</sup> *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").*

<sup>1232</sup> 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).

<sup>1233</sup> 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).

<sup>1234</sup> Appeal PTC 106, paras 11-12; D22/217/1.

<sup>1235</sup> Case File 001/18-07-2007-ECCC/TC, Judgment, 26 July 2010, E188, p. 223.

<sup>1236</sup> Case File 001/18-07-2007-ECCC/TC, Judgment, 26 July 2010, E188, p. 223.

<sup>1237</sup> 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, 170, 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).<sup>1239</sup> Kampong Kdei Sub-District, Chi Kraeng District, Siem Reap Province, where the Applicant's brother (a former soldier under Sihanouk) disappeared,<sup>1240</sup> 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,<sup>1241</sup> 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).<sup>1242</sup> 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 disappeared<sup>1243</sup> 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.

<sup>1238</sup> Report on Civil Party Application D22/1379/1; Summary of supplementary information D22/1379b.

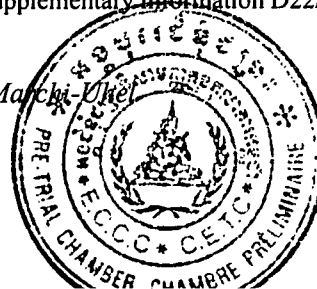
<sup>1239</sup> Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

<sup>1240</sup> Report on Civil Party Application D22/1301/1; Summary of supplementary information D22/1301b.

<sup>1241</sup> Appeal PTC 106, para. 22.

<sup>1242</sup> 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).

<sup>1243</sup> 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).<sup>1244</sup> 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 killed<sup>1245</sup> 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).<sup>1246</sup> 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.

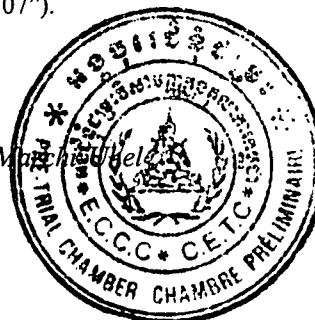
### Appeal PTC 107<sup>1247</sup>

<sup>1244</sup> 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).

<sup>1245</sup> Report on Civil Party Application D22/980/1.

<sup>1246</sup> 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.

<sup>1247</sup> 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/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 09-VU-01505 (D22/0783).<sup>1248</sup> 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.<sup>1249</sup> 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.<sup>1250</sup> 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.<sup>1251</sup> 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).<sup>1252</sup> The Co-lawyers argue that the Applicant suffered harm as a result of the persecution of his father,<sup>1253</sup> 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.<sup>1254</sup> 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

<sup>1248</sup> Application declared inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

<sup>1249</sup> Appeal PTC 107, para. 14 and Report on Civil Party Application D22/783/1.

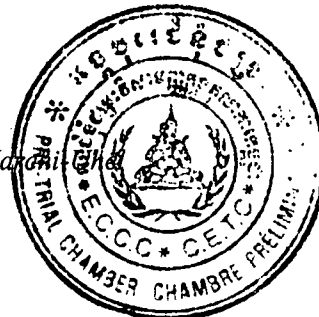
<sup>1250</sup> Appeal PTC 107, para. 14.

<sup>1251</sup> Report on Civil Party Application D22/783/1.

<sup>1252</sup> Application declared inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

<sup>1253</sup> Appeal PTC 107, paras 16-17.

<sup>1254</sup> 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, 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).<sup>1255</sup> 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 1975<sup>1256</sup> 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 from<sup>1257</sup> 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).<sup>1258</sup> 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.<sup>1259</sup> 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,<sup>1260</sup> is not one of the limited number of security centers, execution sites, worksites or cooperatives retained in the Indictment underlying the crimes of imprisonment,

<sup>1255</sup> Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

<sup>1256</sup> Appeal PTC 107, para. 18.

<sup>1257</sup> Appeal PTC 107, para. 18.

<sup>1258</sup> 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).

<sup>1259</sup> Appeal PTC 107, paras 20-2.

<sup>1260</sup> Appeal PTC 107, para. 20.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 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).<sup>1261</sup> 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.<sup>1262</sup> The Applicant also states that her father disappeared after being arrested by the Khmer Rouge in 1978.<sup>1263</sup> 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).<sup>1264</sup> 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.<sup>1265</sup> 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

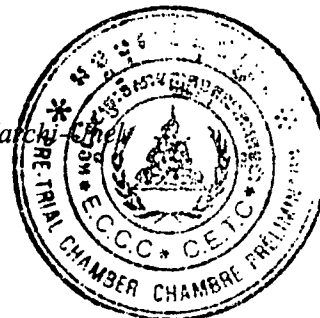
<sup>1261</sup> Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

<sup>1262</sup> Appeal PTC 107, para. 23 and Report on Civil Party Application D22/838/1.

<sup>1263</sup> Appeal PTC 107, para. 23.

<sup>1264</sup> Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

<sup>1265</sup> Appeal PTC 107, paras 25-27.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 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,<sup>1266</sup> 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 treatment<sup>1267</sup> 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).<sup>1268</sup> 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.<sup>1269</sup> 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,<sup>1270</sup> 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,<sup>1271</sup> 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.

<sup>1266</sup> Appeal PTC 107, para. 25 and Report on Civil Party Application D22/1463/1.

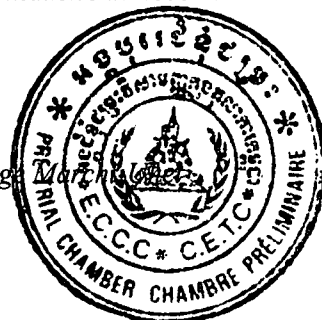
<sup>1267</sup> Appeal PTC 107, para. 25.

<sup>1268</sup> Application declared inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

<sup>1269</sup> Appeal PTC 107, paras 29-30.

<sup>1270</sup> Appeal PTC 107, para. 29 and Report on Civil Party Application D22/1553/1.

<sup>1271</sup> 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).<sup>1272</sup> 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 Thlork Commune, Chi Kreng District, Siem Reap Province.<sup>1273</sup> They were forced to live separately and to work day and night without sufficient food and medicine.<sup>1274</sup> 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,<sup>1275</sup> 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).<sup>1276</sup> 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,<sup>1277</sup> 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,<sup>1278</sup> does not allow me to conclude that it is plausible that these events occurred at one of the limited number of

<sup>1272</sup> Application declared inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

<sup>1273</sup> Appeal PTC 107, para. 31 and Report on Civil Party Application D22/1589/1.

<sup>1274</sup> Appeal PTC 107, para. 31.

<sup>1275</sup> Appeal PTC 107, para. 31.

<sup>1276</sup> Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

<sup>1277</sup> Appeal PTC 107, para. 44 and Report on Civil Party Application D22/1774/1.

<sup>1278</sup> Appeal PTC 107, para. 44.



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)

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).<sup>1279</sup> 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 starved<sup>1280</sup> 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 border<sup>1281</sup> 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).<sup>1282</sup> Kork Snoul 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,<sup>1283</sup> 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 Rouge<sup>1284</sup> in any of the sites retained in the

<sup>1279</sup> 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).

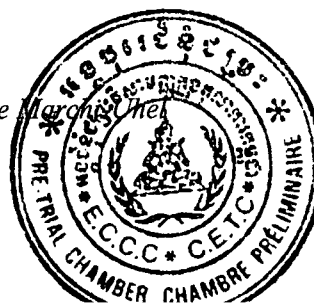
<sup>1280</sup> Appeal, PTC 107, paras 46-47 and Report on Civil Party Application D22/1778/1.

<sup>1281</sup> Appeal, PTC 107, para. 46.

<sup>1282</sup> 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).

<sup>1283</sup> Appeal PTC 107, para 35 and Report on Civil Party Application D22/1755/1.

<sup>1284</sup> Appeal PTC 107, paras 35-36.





002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 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 imprisonment, torture, murder and extermination for which the Accused are indicted.

Civil Party Applicant 09-VU-01932 (D22/2919).<sup>1285</sup> Chi Kreng District of Siem Reap Province where the Applicant and her family were forced to work<sup>1286</sup> as well as the dam site in Makak Village, Kork Thlork 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 working<sup>1287</sup> 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 Zone<sup>1288</sup> and that his father and other siblings were also killed during the regime.<sup>1289</sup> 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).<sup>1290</sup> 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.<sup>1291</sup> The Applicant also witnessed the Khmer Rouge torturing and executing a group of people who attempted to run away<sup>1292</sup> and in 1978 she was forced to work at Mkak dam Site in Mkak, Kork Thlork 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.<sup>1293</sup> This information does not allow me to conclude that these events

<sup>1285</sup> Application declared inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

<sup>1286</sup> Appeal PTC 107, para. 38 and Report on Civil Party Application D22/2919/1.

<sup>1287</sup> Appeal PTC 107, para. 38.

<sup>1288</sup> Appeal PTC 107, para. 38.

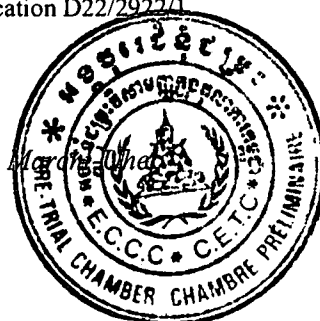
<sup>1289</sup> Appeal PTC 107, para. 39.

<sup>1290</sup> Application declared inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

<sup>1291</sup> Appeal PTC 107, para. 41 and Report on Civil Party Application D22/2922/1.

<sup>1292</sup> Appeal PTC 107, para. 41.

<sup>1293</sup> Appeal PTC 107, 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, 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).<sup>1294</sup> 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.<sup>1295</sup> 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.<sup>1296</sup> 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).<sup>1297</sup> 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.<sup>1298</sup> 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.<sup>1299</sup> 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

<sup>1294</sup> Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

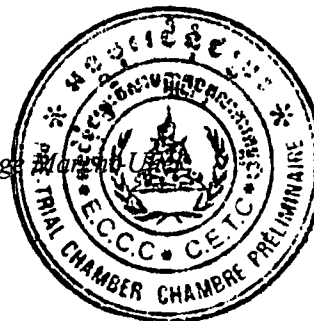
<sup>1295</sup> Appeal PTC 107, para. 48 and Report on Civil Party Application D22/3614/1.

<sup>1296</sup> Appeal PTC 107, para. 48.

<sup>1297</sup> Application inadmissible on the ground that harm is not linked to the facts under investigation (Impugned Order D424, para. 27 and Annex 3).

<sup>1298</sup> Appeal PTC 107, para. 50.

<sup>1299</sup> 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, 170, 171)

and executed because they “found out that he was a former soldier during the Lon Nol Regime.”<sup>1300</sup> 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)<sup>1301</sup>**

#### **Appeal PTC 109<sup>1302</sup>**

Civil Party Applicant 09-VU-02187 (D22/3099).<sup>1303</sup> The Co-Lawyers submit that the Co-Investigating judges erred in finding that the Applicant did not submit sufficient particulars.<sup>1304</sup> 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.<sup>1305</sup> 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).<sup>1306</sup> 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.

<sup>1300</sup> Appeal PTC 107, para. 50.

<sup>1301</sup> Order on the Admissibility of Civil Party Applicants from Current Residents of kampong Cham Province, 15 September 2010, D426 (“Impugned Order D426”).

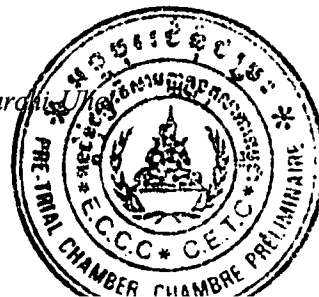
<sup>1302</sup> Appeal Against Order on the Admissibility of Civil Party Applicants from Current Residents of Kampong Cham Province, 26 September 2010, D426/2/1 (“Appeal PTC 109”).

<sup>1303</sup> 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).

<sup>1304</sup> Appeal PTC 109, para. 18.

<sup>1305</sup> Appeal PTC 109, para. 19.

<sup>1306</sup> 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).<sup>1307</sup> The Co-Lawyers submit that the Applicant provided adequate information to show the crimes committed against her and to establish injury.<sup>1308</sup> 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.<sup>1309</sup> 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).<sup>1310</sup> 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.<sup>1311</sup> Further, insufficient information is provide as to the arrest and killing of

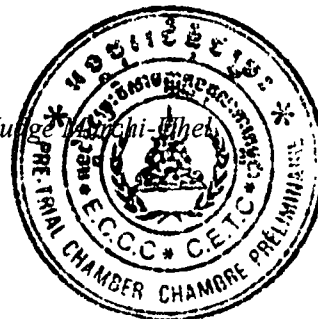
<sup>1307</sup> Application declared inadmissible on the ground that it did not provide sufficient information to verify compliance with Rules 23 *bis* (1) and (4) in relation to the alleged crimes (Impugned Order D426, para. 26 and Annex 3).

<sup>1308</sup> Appeal PTC 109, para. 43.

<sup>1309</sup> Appeal PTC 109, para. 44.

<sup>1310</sup> 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).

<sup>1311</sup> Indictment, para. 1391.



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)

her father by the Khmer Rouge<sup>1312</sup> to ascertain whether it corresponds with any of the crimes for which the Accused are indicted.

Civil Party Applicant 09-VU-03567 (D22/3261).<sup>1313</sup> 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.<sup>1314</sup> 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).<sup>1315</sup> 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,<sup>1316</sup> 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

<sup>1312</sup> Appeal PTC 109, para. 47.

<sup>1313</sup> 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).

<sup>1314</sup> Appeal PTC 109, para. 59.

<sup>1315</sup> 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).

<sup>1316</sup> Appeal PTC 109I, para. 11.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 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.<sup>1317</sup> 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).<sup>1318</sup> 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).<sup>1319</sup> 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.<sup>1320</sup> 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".<sup>1321</sup> It is not alleged that the Applicant himself was subjected to forced labour. Regarding the deaths of the

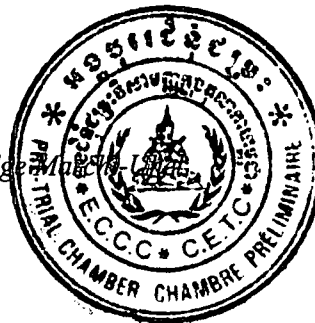
<sup>1317</sup> Appeal PTC 109, para. 11.

<sup>1318</sup> Application declared inadmissible on the basis that harm is not linked to the facts under investigation (Impugned Order D424, para. 25 and Annex 3).

<sup>1319</sup> 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).

<sup>1320</sup> Appeal PTC 109, para. 32.

<sup>1321</sup> 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, 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).<sup>1322</sup> 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.<sup>1323</sup> 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).<sup>1324</sup> 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.<sup>1325</sup> They further submit that she suffered as a result of her father Voeun Sovan being executed by the Khmer Rouge.<sup>1326</sup> 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.

<sup>1322</sup> 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).

<sup>1323</sup> Appeal PTC 109, para. 36.

<sup>1324</sup> 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).

<sup>1325</sup> Appeal PTC 109, para. 41.

<sup>1326</sup> 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).<sup>1327</sup> 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.<sup>1328</sup> 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.<sup>1329</sup> 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).<sup>1330</sup> 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.<sup>1331</sup> 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.

<sup>1327</sup> 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).

<sup>1328</sup> Appeal PTC 109, para. 50.

<sup>1329</sup> Report on Civil Party Application, D22/3253/1.

<sup>1330</sup> 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).

<sup>1331</sup> 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).<sup>1332</sup> 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.<sup>1333</sup> 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 110**<sup>1334</sup>

Civil Party Applicant 08-VU-01251 (D22/0965).<sup>1335</sup> 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).<sup>1336</sup> 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.

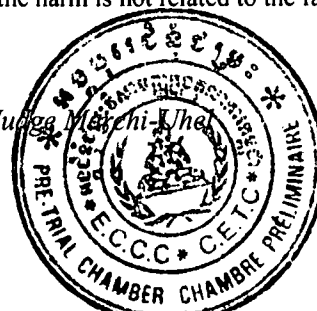
<sup>1332</sup> Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D424, para. 25 and Annex 3).

<sup>1333</sup> Appeal PTC 109, para. 56.

<sup>1334</sup> 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").

<sup>1335</sup> 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).

<sup>1336</sup> 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).<sup>1337</sup> 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).<sup>1338</sup> Contrary to what the Co-Lawyers argue, the Applicant did not report having been forced to marry during a mass wedding of 20 persons,<sup>1339</sup> 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).<sup>1340</sup> 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 card<sup>1341</sup> that allows me to consider that the requirement provided for in Rule 23bis(1)(a) is now met. However, the Co-Lawyers provide no

<sup>1337</sup> 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).

<sup>1338</sup> 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).

<sup>1339</sup> Appeal PTC 110, para. 109.

<sup>1340</sup> Application declared inadmissible on the ground that there is no proof of identification provided (Impugned Order D426, para. 20 and Annex 3).

<sup>1341</sup> "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)

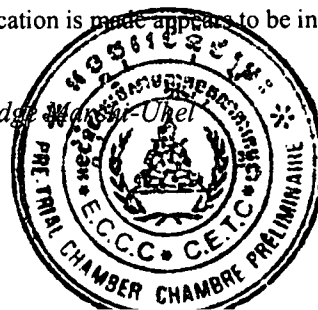
argument on the substance of the application and a review of said application leads me to the conclusion that there is no link between the alleged harm and the crimes charged in the Indictment. In particular, the killing of the Applicant's mother and her 10 siblings in Svay Teab Village, Svay Teab Sub-District, 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,<sup>1342</sup> as there is no indication that the Applicant is a Cham.

Civil Party Applicant 09-VU-03739 (D22/3392).<sup>1343</sup> The Co-Lawyers provide no argument in respect of the Applicant,<sup>1344</sup> 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,

<sup>1342</sup> Indictment, para. 266.

<sup>1343</sup> Application declared inadmissible on the ground that there is no proof of identification provided (Impugned Order D426, para. 20 and Annex 3).

<sup>1344</sup> Paragraph 8 of the Appeal where reference to this application is made appears to be incomplete.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 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)

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).<sup>1345</sup> 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 card<sup>1346</sup> 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,<sup>1347</sup> 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.

<sup>1345</sup> Application declared inadmissible on the ground that there is no proof of identification provided (Impugned Order D426, para. 20 and Annex 3).

<sup>1346</sup> Identity Card no. 060132441, D426/3/1.2.

<sup>1347</sup> 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).<sup>1348</sup> Vihear Village, Vihear Thum Sub-District, Kampong Siem District, Kampong Cham Province, from where the Applicant's husband disappeared in 1977<sup>1349</sup> 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).<sup>1350</sup> Trapeang Chrey Village, Krala Sub-District, Kampong Siem District, Kampong Thom Province from where the Applicant's siblings disappeared<sup>1351</sup> 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).<sup>1352</sup> 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 1976<sup>1353</sup> 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).<sup>1354</sup> The Applicant's forced transfer from Ream Commune, Kampong Som city to Takeo Province<sup>1355</sup> does not correspond to one of the three phases of movements of population underlying the crime of other inhuman act through

<sup>1348</sup> 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).

<sup>1349</sup> Appeal PTC 110, para. 10; Report on Civil Party Application D22/883/1.

<sup>1350</sup> 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).

<sup>1351</sup> Appeal, PTC 110, para. 11; Report on Civil Party Application D22/924/1.

<sup>1352</sup> 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).

<sup>1353</sup> Appeal PTC 110, para. 12.

<sup>1354</sup> 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).

<sup>1355</sup> Appeal PTC 110, para. 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)

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).<sup>1356</sup> 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,<sup>1357</sup> 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.

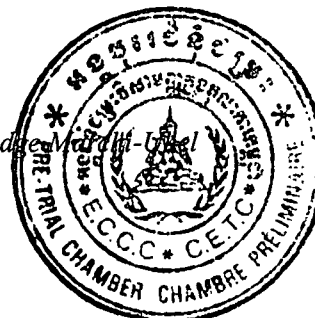
Civil Party Applicant 09-VU-03699 (D22/3364).<sup>1358</sup> Trean Village, Trean Sub-District, Kampong Siem District, Kampong Cham Province, where the Applicant's father was killed<sup>1359</sup> does not correspond to one of the limited number of security centers or execution sites retained in the 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.

<sup>1356</sup> 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).

<sup>1357</sup> Appeal PTC 110, para. 15.

<sup>1358</sup> 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).

<sup>1359</sup> 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).<sup>1360</sup> Andoung Pou Village, Krala Sub-District, Kampong Siem District, Kampong Cham Province where the Applicant was forced to work under inhuman conditions<sup>1361</sup> 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).<sup>1362</sup> The Applicant's forced transfer from Ampil Chrum Village, Krala Sub-District, Siem District, Kampong Cham Province to Chamkar Leu District in Kampong Cham Province<sup>1363</sup> 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,<sup>1364</sup> as there is no indication that the Applicant is a Cham.

Civil Party Applicant 10-VU-00124 (D22/3717).<sup>1365</sup> 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 Province<sup>1366</sup> 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

<sup>1360</sup> 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).

<sup>1361</sup> Appeal PTC 110, para. 17; Report on Civil Party Application D22/3388/1.

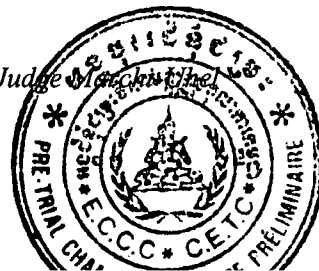
<sup>1362</sup> Application declared inadmissible on the ground that there is insufficient information to verify compliance with Internal Rule 23bis (1) and (4) (Impugned Order D426, para. 26 and Annex 3).

<sup>1363</sup> Appeal PTC 110, para. 18; Report on Civil Party Application D22/3400/1.

<sup>1364</sup> Indictment, para. 266.

<sup>1365</sup> 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).

<sup>1366</sup> 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,<sup>1367</sup> 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).<sup>1368</sup> The Applicant's forced transfer from Kampong Siem District to Chamkar Leu District in Kampong Cham Province<sup>1369</sup> 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,<sup>1370</sup> 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 conditions<sup>1371</sup> 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).<sup>1372</sup> The Japanese factory in Chirou Kraom Ti Pir Sub-District, Tboung Khmum District, Kampong Cham Province, where the Applicant's son was killed,<sup>1373</sup> 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.

<sup>1367</sup> 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).

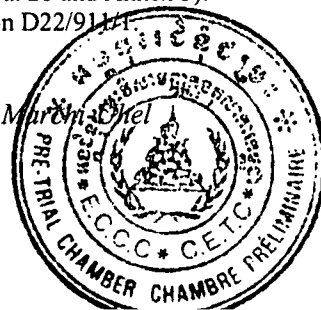
<sup>1369</sup> Appeal PTC 110, para. 20; Report on Civil Party Application D22/3722/1.

<sup>1370</sup> Indictment, para. 266.

<sup>1371</sup> Appeal PTC 110, para. 20; Report on Civil Party Application D22/3722/1.

<sup>1372</sup> 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).

<sup>1373</sup> Appeal PTC 110, para. 21; Report on Civil Party Application D22/911/1.





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 08-VU-01249 (D22/1863).<sup>1374</sup> Hanchey Village, Hanchey Sub-District (probably in Kampong Siem District), Kampong Cham Province where the Applicant's sister was arrested and killed in 1977<sup>1375</sup> 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).<sup>1376</sup> 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 disappeared<sup>1377</sup> 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).<sup>1378</sup> There is insufficient information about the location where the Applicant's three sons were taken to be reeducated and then killed<sup>1379</sup> 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.

<sup>1374</sup> 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).

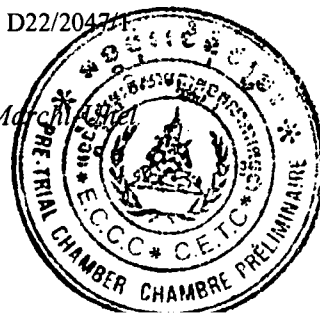
<sup>1375</sup> Appeal PTC 110, para. 30; Report on Civil Party Application D22/1863/1.

<sup>1376</sup> 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).

<sup>1377</sup> Appeal PTC 110, para. 32; Report on Civil Party Application D22/599/1.

<sup>1378</sup> 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)..

<sup>1379</sup> Appeal PTC 110, para. 33; Report on Civil Party Application D22/2047/1.



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 08-VU-01904 (D22/0181).<sup>1380</sup> 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 disappeared<sup>1381</sup> 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).<sup>1382</sup> 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 executed<sup>1383</sup> 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).<sup>1384</sup> 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 enemies<sup>1385</sup> 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.<sup>1386</sup> The Accused, however, are not indicted for attempted forced marriage.

<sup>1380</sup> 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).

<sup>1381</sup> Appeal PTC 110, para. 34; Report on Civil Party Application D22/181/1.

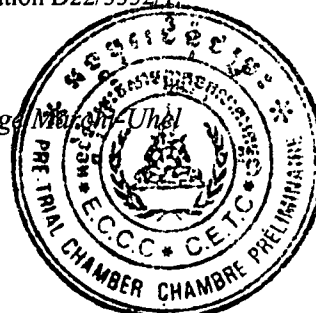
<sup>1382</sup> Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

<sup>1383</sup> Appeal PTC 110, para. 35; Report on Civil Party Application D22/3303/1.

<sup>1384</sup> 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).

<sup>1385</sup> Appeal PTC 110, para. 36; Report on Civil Party Application D22/3332/1.

<sup>1386</sup> Additional information D426/3/1.22.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 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).<sup>1387</sup> Krouch Kor Sub-District, Prey Chhor District, Kampong Cham Province where the Applicant's father was sent to be reeducated and never returned<sup>1388</sup> 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).<sup>1389</sup> Krouch Kor Village in Krouch Sub-District, Prey Chhor District, Kampong Cham Province where the Applicant was detained and tortured<sup>1390</sup> 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).<sup>1391</sup> The killing of the Applicant's husband by the Khmer Rouge in 1973 in Spueu Village in Spueu Sub-District, Chamkar Leu District,

<sup>1387</sup> 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).

<sup>1388</sup> Appeal PTC 110, para. 37; Report on Civil Party Application D22/3333/1; Additional information D426/3/1.16.

<sup>1389</sup> 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).

<sup>1390</sup> Appeal PTC 110, para. 38; Report on Civil Party Application D22/3335/1.

<sup>1391</sup> 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<sup>1392</sup> 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).<sup>1393</sup> Phnom Bros Phnom Srei, probably in Krala Sub-District, Kampong Siem District where some of the Applicant's relatives were executed<sup>1394</sup> 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).<sup>1395</sup> Kroch Kor prison where the Applicant was imprisoned from late 1974 until an unspecified date<sup>1396</sup> 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).<sup>1397</sup> Ou Dar Village, Svay Teab Sub-District, Chamkar Leu District, Kampong Cham Province where the Applicant was forced to work under inhuman conditions<sup>1398</sup> does not correspond to one of the limited number of cooperatives or worksites retained in the Indictment underlying the crimes of enslavement and other

<sup>1392</sup> Appeal PTC 110, para. 39; Report on Civil Party Application D22/3337/1.

<sup>1393</sup> 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).

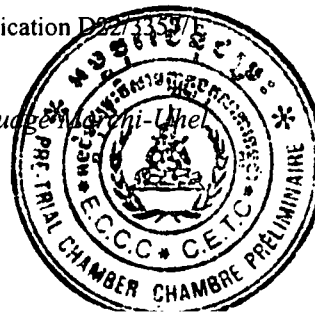
<sup>1394</sup> Appeal PTC 110, para. 40; Report on Civil Party Application D22/3340/1.

<sup>1395</sup> 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).

<sup>1396</sup> Appeal PTC 110, para. 41; Report on Civil Party Application D22/3343/1.

<sup>1397</sup> 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).

<sup>1398</sup> Appeal PTC 110, para. 42; Report on Civil Party Application D22/3357/1.



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)

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).<sup>1399</sup> 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 disappeared<sup>1400</sup> 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).<sup>1401</sup> Tuol Beng security office, where the Applicant's uncle was killed on accusation of having betrayed the Angkar,<sup>1402</sup> 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).<sup>1403</sup> The forced transfers of the Applicant's relatives from Kampong Cham Province to Kratie Province and than back to Kampong Cham Province<sup>1404</sup> do not form part of one of the three movements of population underlying the

<sup>1399</sup> 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).

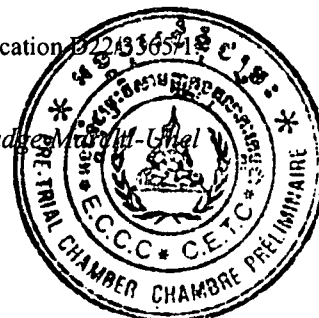
<sup>1400</sup> Appeal PTC 110, para. 43; Report on Civil Party Application D22/3358/1.

<sup>1401</sup> 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).

<sup>1402</sup> 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.

<sup>1403</sup> 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).

<sup>1404</sup> Appeal PTC 110, para. 46; Report on Civil Party Application D22/3365/1.



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)

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).<sup>1405</sup> Thmei Krom Village where the Applicant's father was executed<sup>1406</sup> 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.

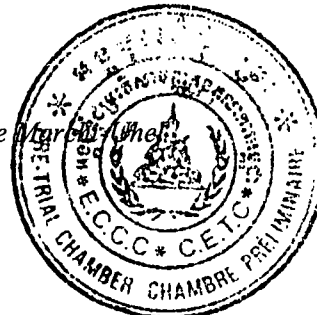
Civil Party Applicant 09-VU-03708 (D22/2438).<sup>1407</sup> Pongro Village, Ro'ang Sub-District, Kampong Siem District where the Applicant's father died of an injection by the Khmer Rouge medical staff<sup>1408</sup> does not correspond to one of the limited number of security centers or execution sites retained in the Indictment underlying the crimes of murder or execution for which the Accused are indicted.

<sup>1405</sup> 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).

<sup>1406</sup> Appeal PTC 110, para. 47; Report on Civil Party Application D22/3368/1; Summary of supplementary information D22/3368a and b.

<sup>1407</sup> 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).

<sup>1408</sup> 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).<sup>1409</sup> 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 disappeared<sup>1410</sup> 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).<sup>1411</sup> 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 exhaustion<sup>1412</sup> 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).<sup>1413</sup> Andoung Pou Village, Krala Sub-District, Kampong Siem District, Kampong Cham Province where the Applicant's wife was forced to work and died of starvation<sup>1414</sup> 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.

<sup>1409</sup> 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).

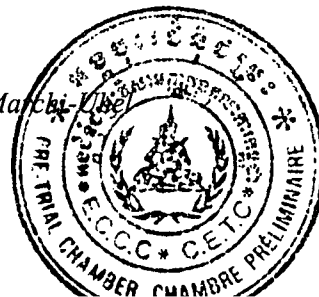
<sup>1410</sup> Appeal PTC 110, para. 49; Report on Civil Party Application D22/2439/1; Summary of supplementary information D426/3/1.4.

<sup>1411</sup> Summary of supplementary information

<sup>1412</sup> Appeal PTC 110, para. 50; Report on Civil Party Application D22/3994/1 and Summary of supplementary information D22/3994b.

<sup>1413</sup> 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).

<sup>1414</sup> Appeal PTC 110, para. 51; Report on Civil Party Application D22/3374/1 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).<sup>1415</sup> Ou Dar Village, Svay Teab Sub-District, Chamkar Leu District, Kampong Cham Province where the Applicant and her husband were forced to work<sup>1416</sup> 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).<sup>1417</sup> Angkuonh Dey, Krala Sub-District, Kampong Siem District, Kampong Cham Province and Andaung Po Village, where the Applicant's father and husband were killed<sup>1418</sup> 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).<sup>1419</sup> 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 Pou<sup>1420</sup> 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.

<sup>1415</sup> 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).

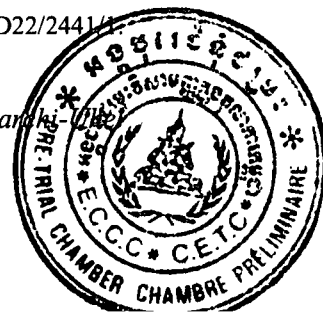
<sup>1416</sup> Appeal PTC 110, para. 52; Report on Civil Party Application D22/3375/1.

<sup>1417</sup> 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).

<sup>1418</sup> Appeal PTC 110, para. 53; Report on Civil Party Application D22/2440/1 and Summary of supplementary information D22/2440 a and b.

<sup>1419</sup> 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).

<sup>1420</sup> 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).<sup>1421</sup> 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 executed<sup>1422</sup> 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).<sup>1423</sup> 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 Por<sup>1424</sup> 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).<sup>1425</sup> 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 killed<sup>1426</sup> 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.

<sup>1421</sup> 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).

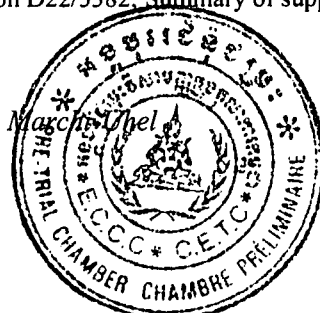
<sup>1422</sup> Appeal PTC 110, para. 55; Report on Civil Party Application D22/2442; Summary of supplementary information D22/2442 a and b.

<sup>1423</sup> 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).

<sup>1424</sup> Appeal PTC 110, para. 56; Report on Civil Party Application D22/3380; Summary of supplementary information D22/3380 a and b.

<sup>1425</sup> 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).

<sup>1426</sup> Appeal PTC 110, para. 57; Report on Civil Party Application D22/3382; Summary of supplementary information D22/3382 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)

Civil Party Applicant 09-VU-03728 (D22/3383).<sup>1427</sup> There is insufficient information about the circumstances surrounding the killing of the Applicant's uncle in 1977 and the death of his aunt<sup>1428</sup> 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).<sup>1429</sup> The Co-Lawyers allege that the Applicant was sent to a rubber plantation at Boen Kê where he was prepared to be killed but managed to escape.<sup>1430</sup> 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).<sup>1431</sup> Angkuonh Dei prison, in Krala Sub-District, Kampong Siem District, Kampong Cham Province where the Applicant's son was executed<sup>1432</sup> 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).<sup>1433</sup> The forced transfer of the Applicant and her family from Ou Chhleung Village, Kach Roka Sub-District, Kampong Siem District,

<sup>1427</sup> 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).

<sup>1428</sup> Appeal PTC 110, para. 58; Report on Civil Party Application D22/3383/1.

<sup>1429</sup> 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).

<sup>1430</sup> 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.

<sup>1431</sup> 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).

<sup>1432</sup> Appeal PTC 110, para. 60; Report on Civil Party Application D22/3386/1.

<sup>1433</sup> 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 Province<sup>1434</sup> 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).<sup>1435</sup> Praek Koy Village, Ou Svay Sub-District, Kamong Siem District, Kampong Cham Province where the Applicant's father disappeared and never return<sup>1436</sup> 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).<sup>1437</sup> 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 Province<sup>1438</sup> – 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).<sup>1439</sup> 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 Vietnamese<sup>1440</sup> does not correspond to any location

<sup>1434</sup> Appeal PTC 110, para. 61; Report on Civil Party Application D22/3387/1.

<sup>1435</sup> 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).

<sup>1436</sup> Report on Civil Party Application D22/3389/1.

<sup>1437</sup> 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).

<sup>1438</sup> Appeal PTC 110, para. 63; Report on Civil Party Application D22/3391/1.

<sup>1439</sup> 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).

<sup>1440</sup> 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).<sup>1441</sup> Krala Village, Kampong Cham Province where the Applicant's older brother, a former Lon Nol soldier, was executed<sup>1442</sup> 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).<sup>1443</sup> The Applicant's forced transfers to various locations within Kampong Siem District, Kampong Cham Province<sup>1444</sup> 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).<sup>1445</sup> The Co-Lawyers argue that the Applicant shall be admitted a victim of the execution of her husband.<sup>1446</sup> However, there is no indication in the application and the supplementary information submitted by the Applicant that her

<sup>1441</sup> 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).

<sup>1442</sup> Appeal PTC 110, para. 65; Report on Civil Party Application D22/3610/1; Additional information D426/3/1.10 and D426/3/1.31.

<sup>1443</sup> 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).

<sup>1444</sup> Appeal PTC 110, para. 66; Report on Civil Party Application D22/2545/1.

<sup>1445</sup> 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).

<sup>1446</sup> 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.<sup>1447</sup> 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).<sup>1448</sup> The Co-Lawyers merely state that the “Applicant was a child during the Democratic Kampuchea regime”,<sup>1449</sup> 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).<sup>1450</sup> 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”.<sup>1451</sup> 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.

<sup>1447</sup> Report on Civil Party Application D22/2546/1; Summary of supplementary information D22/2546 a and b.

<sup>1448</sup> 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).

<sup>1449</sup> Appeal PTC 110, para. 68; Report on Civil Party Application D22/3716/1.

<sup>1450</sup> 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).

<sup>1451</sup> Appeal PTC 110, para. 69; Report on Civil Party Application D22/2549/1; Summary of supplementary information D22/2549 a 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)

Civil Party Applicant 10-VU-00127 (D22/3719).<sup>1452</sup> Anlong Snouk Village, Ou Svay Sub-District, Kampong Siem District, Kampong Cham Province where the Applicant's son was executed for having stolen food<sup>1453</sup> 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).<sup>1454</sup> Dam Chruoy Chek or Dam Kè Brè, probably in Trean Sub-District, Kampong Siem District, Kampong Cham Province where the Applicant's father was executed<sup>1455</sup> 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).<sup>1456</sup> Kouk Kream Village, Vihear Thum Sub-District, Kampong Siem District, Kampong Cham Province where the Applicant was forced to work<sup>1457</sup> 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).<sup>1458</sup> The Co-Lawyers allege *inter alia* that the Applicant was "listed in list of people to be executed".<sup>1459</sup> These material facts are not among those underlying the crimes for which the Accused are indicted. The various locations where

<sup>1452</sup> 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).

<sup>1453</sup> Appeal PTC 110, para. 70; Report on Civil Party Application D22/3719/1.

<sup>1454</sup> 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).

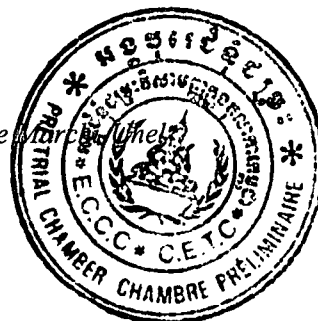
<sup>1455</sup> Appeal PTC 110, para. 71; Report on Civil Party Application D22/2551/1.

<sup>1456</sup> 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).

<sup>1457</sup> Appeal PTC 110, para. 72; Report on Civil Party Application D22/3720/1.

<sup>1458</sup> 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).

<sup>1459</sup> Appeal PTC 110, para. 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)

the Applicant was forced to work, in Kampong Siem District, Kampong Cham Province<sup>1460</sup> 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).<sup>1461</sup> Ou Romiet Village, Ta Ong Sub-District, Chankar Leu District, Kampong Cham Province where the Applicant was forced to work<sup>1462</sup> 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).<sup>1463</sup> Raung Damrei forest where the Applicant's brother was executed<sup>1464</sup> 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).<sup>1465</sup> Andoung Svay Village, Vihear thum Sub-District, Kampong Siem District, Kampong Cham Province where the Applicant and her

<sup>1460</sup> Appeal PTC 110, para. 73; Report on Civil Party Application D22/3721/1.

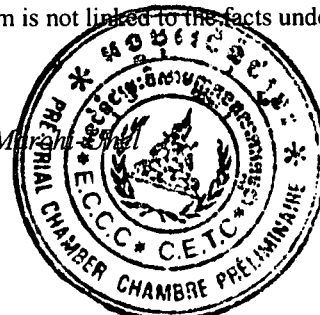
<sup>1461</sup> Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

<sup>1462</sup> Appeal PTC 110, para. 74; Report on Civil Party Application D22/2554/1; Additional information D426/3/1.20.

<sup>1463</sup> 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).

<sup>1464</sup> Appeal PTC 110, para. 75; Report on Civil Party Application D22/3723/1.

<sup>1465</sup> 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)

husband were forced to work<sup>1466</sup> 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).<sup>1467</sup> Ampil Takeak in Vihear Thum Sub-District, Kampong Siem District, Kampon Cham Province where the Applicant's elder brother was executed<sup>1468</sup> 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).<sup>1469</sup> 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.<sup>1470</sup> 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.

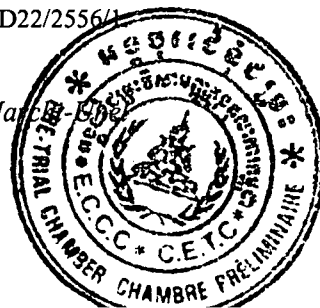
<sup>1466</sup> Appeal PTC 110, para. 76; Report on Civil Party Application D22/3724/1; Additional information D426/3/1.19.

<sup>1467</sup> 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).

<sup>1468</sup> Appeal PTC 110, para. 77; Report on Civil Party Application D22/2555/1; Summary of supplementary information D/22/2555 a and b.

<sup>1469</sup> 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).

<sup>1470</sup> 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).<sup>1471</sup> Kdei Boeng worksite where the Applicant was forced to work<sup>1472</sup> 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).<sup>1473</sup> 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,<sup>1474</sup> 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).<sup>1475</sup> Kouk Kream Village, in Vihear Sub-District, Kampong Siem District, Kampong Cham Province where the Applicant's husband was arrested and then disappeared<sup>1476</sup> 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).<sup>1477</sup> Kong Moha Village, Vihear Thum Sub-District, Kampong Siem District, Kampong Cham Province where the Applicant was forced to work and beaten<sup>1478</sup> does not correspond to one of the limited number cooperatives and

<sup>1471</sup> 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).

<sup>1472</sup> Appeal PTC 110, para. 79; Report on Civil Party Application D22/2557/1.

<sup>1473</sup> 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).

<sup>1474</sup> Appeal PTC 110, para. 80; Report on Civil Party Application D22/2558/1.

<sup>1475</sup> 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).

<sup>1476</sup> Appeal PTC 110, para. 81; Report on Civil Party Application D22/2559/1.

<sup>1477</sup> 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).

<sup>1478</sup> 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).<sup>1479</sup> 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 1976<sup>1480</sup> 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).<sup>1481</sup> 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 work<sup>1482</sup> 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).<sup>1483</sup> There is no indication that the locations where the applicant and her cousin were forced to work<sup>1484</sup> 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.

<sup>1479</sup> 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).

<sup>1480</sup> Appeal PTC 110, para. 83; Report on Civil Party Application D22/2563 and D22/2563/1.

<sup>1481</sup> 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).

<sup>1482</sup> Appeal PTC 110, para. 84; Report on Civil Party Application D22/3727/1; Additional information D426/3/1.15.

<sup>1483</sup> 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).

<sup>1484</sup> 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).<sup>1485</sup> 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 conditions<sup>1486</sup> 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).<sup>1487</sup> 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 conditions<sup>1488</sup> 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).<sup>1489</sup> Kaoh Roka Village, Kaoh Roka Sub-District, Kampong Siem District, Kampong Cham Province where the Applicant was forced to work under inhuman conditions<sup>1490</sup> 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.

<sup>1485</sup> 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).

<sup>1486</sup> Appeal PTC 110, para. 86; Report on Civil Party Application D22/3728/1.

<sup>1487</sup> 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).

<sup>1488</sup> Appeal PTC 110, para. 87; Report on Civil Party Application D22/3729/1; Additional information D426/3/1.29.

<sup>1489</sup> 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).

<sup>1490</sup> Appeal PTC 110, para. 88; Report on Civil Party Application D22/2567/1; Additional information D426/8/1.12.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 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).<sup>1491</sup> 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 birth<sup>1492</sup> 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).<sup>1493</sup> There is insufficient information about the location where the Applicant's brothers were killed<sup>1494</sup> 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).<sup>1495</sup> Kaoh Roka Village, Kaoh Roka Sub-District, Kampong Siem District, Kampong Cham Province where the Applicant was forced to work under inhuman conditions<sup>1496</sup> 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

<sup>1491</sup> 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).

<sup>1492</sup> Appeal PTC 110, para. 89; Report on Civil Party Application D22/2569/1.

<sup>1493</sup> 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).

<sup>1494</sup> Appeal PTC 110, para. 90; Report on Civil Party Application D22/3730/1.

<sup>1495</sup> 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).

<sup>1496</sup> Appeal PTC 110, para. 91; Report on Civil Party Application D22/2571/1.



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)

executed,<sup>1497</sup> 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).<sup>1498</sup> 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 conditions<sup>1499</sup> 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).<sup>1500</sup> Ta Man Dam, in Krakor Village, Kampong Siem District, Kampong Cham Province where the Applicant was forced to work under inhuman conditions<sup>1501</sup> 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.

<sup>1497</sup> Additional information D426/3/1.21.

<sup>1498</sup> 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).

<sup>1499</sup> Appeal PTC 110, para. 92; Report on Civil Party Application D22/2572/1.

<sup>1500</sup> 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).

<sup>1501</sup> 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).<sup>1502</sup> Bos Khnaor Sub-District, Chamkar Leu District, Kampong Cham Province where the Applicant was forced to work under inhuman conditions<sup>1503</sup> 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).<sup>1504</sup> Trapean Thma Village, Krala Sub-District, Kampong Siem District, Kampong Cham Province where the Applicant's younger brother and father were executed<sup>1505</sup> 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).<sup>1506</sup> Chhmè Village, said to be located in Prey Chhor District, Kampong Cham Province, where the Applicant was forced to work under inhuman conditions<sup>1507</sup> 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).<sup>1508</sup> 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,<sup>1509</sup> 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

<sup>1502</sup> 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).

<sup>1503</sup> Appeal PTC 110, para. 94; Report on Civil Party Application D22/2574/1.

<sup>1504</sup> 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).

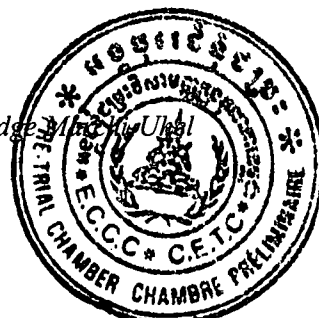
<sup>1505</sup> Appeal PTC 110, para. 95; Report on Civil Party Application D22/3731/1.

<sup>1506</sup> 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).

<sup>1507</sup> Appeal PTC 110, para. 96; Report on Civil Party Application D22/2575/1.

<sup>1508</sup> 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).

<sup>1509</sup> Appeal PTC 110, 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)

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).<sup>1510</sup> The various locations where the Applicant was forced to work under inhuman conditions, in Kampong Siem and Prey Chhor Districts, Kampong Cham Province<sup>1511</sup> 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).<sup>1512</sup> 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 food<sup>1513</sup> 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).<sup>1514</sup> 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 food<sup>1515</sup> does not correspond to one of the

<sup>1510</sup> 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).

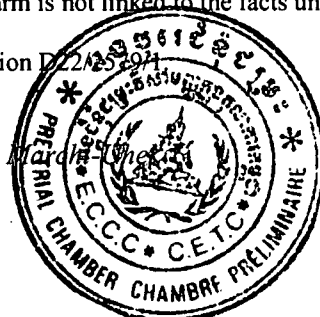
<sup>1511</sup> Appeal PTC 110, para. 98; Report on Civil Party Application D22/3732/1; Additional information D426/3/1.27.

<sup>1512</sup> 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).

<sup>1513</sup> Appeal PTC 110, para. 99; Report on Civil Party Application D22/3735/1.

<sup>1514</sup> 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).

<sup>1515</sup> Appeal PTC 110, para. 100; Report on Civil Party Application D22/2579/1.



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)

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).<sup>1516</sup> There is insufficient information about the circumstances surrounding the disappearance of the Applicant's uncles<sup>1517</sup> 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).<sup>1518</sup> Prey Phdau Village, Vihear Thum Sub-District, Kampong Siem District, Kampong Cham Province where the Applicant's was forced to work under inhumane conditions<sup>1519</sup> 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).<sup>1520</sup> Preaek Ouv Chueng Village, Preaek Rumeng Sub-District, Srei Santhor District, Kampong Cham Province where the Applicant's was forced to work under inhumane conditions<sup>1521</sup> 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

<sup>1516</sup> 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).

<sup>1517</sup> Appeal PTC 110, para. 101; Report on Civil Party Application D22/2580/1.

<sup>1518</sup> 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).

<sup>1519</sup> Appeal PTC 110, para. 102; Report on Civil Party Application 22/3736/1.

<sup>1520</sup> 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).

<sup>1521</sup> Appeal PTC 110, para. 103; Report on Civil Party Application D22/2582/1; Additional information D426/3/1.28.





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)

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).<sup>1522</sup> There is insufficient information about the circumstances surrounding the disappearance of the Applicant's uncle, a former soldier under Lon Nol,<sup>1523</sup> 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).<sup>1524</sup> 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 conditions<sup>1525</sup> 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).<sup>1526</sup> 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.<sup>1527</sup> 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

<sup>1522</sup> 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).

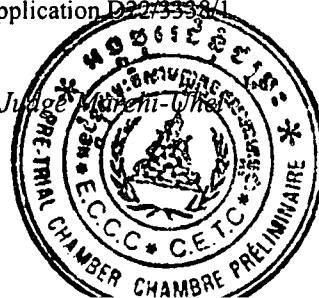
<sup>1523</sup> Appeal PTC 110, para. 104; Report on Civil Party Application D/22/2583/1; Additional information D426/3/1.32 and D426/3/1.8.

<sup>1524</sup> 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).

<sup>1525</sup> Appeal PTC 110, para. 104; Report on Civil Party Application D22/3775/1; Additional information D426/3/1.28.

<sup>1526</sup> 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).

<sup>1527</sup> Appeal PTC 110, para. 108; Report on Civil Party Application D22/3338/1



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)

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).<sup>1528</sup> Trapeang Tras Village, Krala Sub-District, Kampong Siem District, Kampong Cham Province where the Applicant was forced to work under inhumane conditions<sup>1529</sup> 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 killed<sup>1530</sup> 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).<sup>1531</sup> Tropoang Chrey Village, Krala Sub-District, Kampong Siem District, Kampong Cham Province where the Applicant was forced to work under inhuman conditions<sup>1532</sup> 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.<sup>1533</sup> 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

<sup>1528</sup> 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).

<sup>1529</sup> Appeal PTC 110, para. 110; Report on Civil Party Application D22/3366/1.

<sup>1530</sup> Appeal PTC 110, para. 110; Summary of supplementary information D22/3366 a and b.

<sup>1531</sup> 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).

<sup>1532</sup> Appeal PTC 110, para. 111; Report on Civil Party Application D22/3367/1.

<sup>1533</sup> Summary of supplementary information D22/3367 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)

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).<sup>1534</sup> The forced transfer of the Applicant and her family from Kampong Cham to Kratie Province<sup>1535</sup> 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.

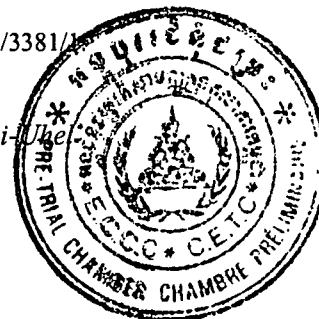
Civil Party Applicant 09-VU-03726 (D22/3381).<sup>1536</sup> Andoung Pou Village, Krala Sub-District, Kampong Siem District, Kampong Cham Province where the Applicant was forced to work<sup>1537</sup> does not correspond to one of the limited number cooperatives and worksites underlying the crimes of 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

<sup>1534</sup> 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).

<sup>1535</sup> Appeal PTC 110, para. 112; Report on Civil Party Application D22/3370/1.

<sup>1536</sup> 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).

<sup>1537</sup> Appeal PTC 110, para. 113; Report on Civil Party Application D22/3381/1.



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)

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).<sup>1538</sup> O Trakuon Office, in Kang Meas District, Kampong Cham Province where the Applicant's sister was executed<sup>1539</sup> 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.

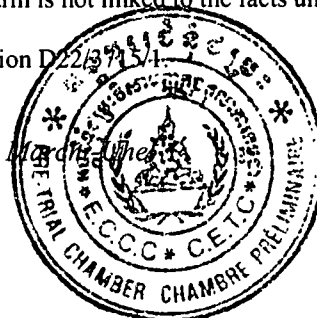
Civil Party Applicant 10-VU-00120 (D22/3715).<sup>1540</sup> Andoung Svay Village, Vihear Thum Sub-District, Kampong Siem District, Kampong Cham Province where the Applicant's children and brother were arrested and then disappeared<sup>1541</sup> does not correspond to one of the locations retained in 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.

<sup>1538</sup> 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).

<sup>1539</sup> Appeal PTC 110, para. 114; Report on Civil Party Application D22/3385/1.

<sup>1540</sup> 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).

<sup>1541</sup> 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 111<sup>1542</sup>

Civil party application 08-VU-01341 (D22/1635).<sup>1543</sup> 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).<sup>1544</sup> 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).<sup>1545</sup> 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.<sup>1546</sup> 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

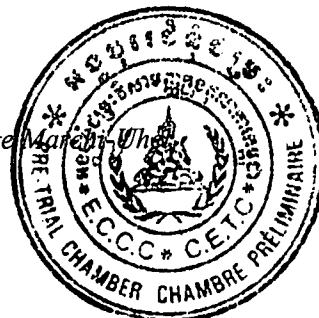
<sup>1542</sup> *Requête d'appel d'ordonnance sur la recevabilité des constitutions de parties civiles résidant dans la Province de Kampong Cham*, 27 September 2010, D426/4/1. A corrected version of the Appeal was filed on 29 November 2010 ("Appeal PTC 111").

<sup>1543</sup> 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).

<sup>1544</sup> 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).

<sup>1545</sup> 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).

<sup>1546</sup> Report on Civil Party Application D22/948/1.



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 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).<sup>1547</sup> 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).<sup>1548</sup> The Co-Lawyers argue that the application is admissible on the basis that as fervent Buddhist the Applicant was victims and

<sup>1547</sup> 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).

<sup>1548</sup> 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).<sup>1549</sup> 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.<sup>1550</sup> 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.<sup>1551</sup> 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.

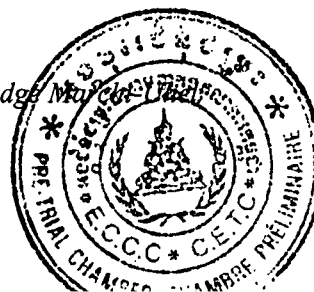
Civil Party Applicant 08-VU-01200 (D22/1431).<sup>1552</sup> It is not alleged that the rape of which the Applicant’s sister was a victim occurred in the context of a forced marriage. Since the only

<sup>1549</sup> 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).

<sup>1550</sup> Indictment, para. 1429.

<sup>1551</sup> Indictment, para. 1432.

<sup>1552</sup> 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, 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).<sup>1553</sup> 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).<sup>1554</sup> 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).<sup>1555</sup> 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

<sup>1553</sup> 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).

<sup>1554</sup> 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).

<sup>1555</sup> 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, 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),<sup>1556</sup> 09-VU-00765 (D22/1544),<sup>1557</sup> 09-VU-00820 (D22/1453),<sup>1558</sup> 09-VU-00825 (D22/1483),<sup>1559</sup> 09-VU-00826 (D22/1647),<sup>1560</sup> 09-VU-00828 (D22/0547),<sup>1561</sup> 09-VU-03613 (D22/3305),<sup>1562</sup> 09-VU-00315 (D22/1472)<sup>1563</sup> and 09-VU-00821 (D22/1452).<sup>1564</sup> 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

<sup>1556</sup> 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).

<sup>1557</sup> 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).

<sup>1558</sup> 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).

<sup>1559</sup> 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).

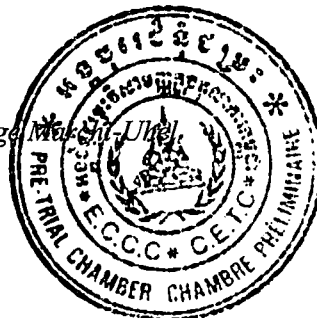
<sup>1560</sup> Application declared inadmissible on the ground that the harm is not linked to the crime under investigation (Impugned Order D426, para. 26 and Annex 3).

<sup>1561</sup> 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).

<sup>1562</sup> 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).

<sup>1563</sup> 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).

<sup>1564</sup> Purges, Annex 3.

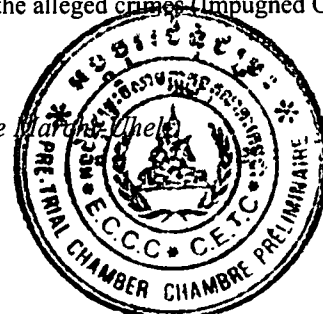


002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 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).<sup>1565</sup> 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

<sup>1565</sup> 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).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 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.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 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).<sup>1566</sup> 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),<sup>1567</sup> 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).<sup>1568</sup> 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

<sup>1566</sup> 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).

<sup>1567</sup> Treatment of the Cham minority at the O Trakuon security centre and the other alleged crimes, (Annex 3).

<sup>1568</sup> 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).



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 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 158<sup>1569</sup>**

Civil Party Applicant 08-VU-1242 (D22/1405).<sup>1570</sup> The Co-Lawyers submit as Attachment 7 to the Appeal the National Identification Card of the Applicant.<sup>1571</sup> 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.<sup>1572</sup> 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

<sup>1569</sup> 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").

<sup>1570</sup> Application declared inadmissible on the ground that the Applicant did not provide proof of identification (Impugned Order D426, para. 20 and Annex 3).

<sup>1571</sup> National Identification Card of Applicant Civil Party Applicant 08-VU-1242 (D22/1405), D426/6/1.1.7.

<sup>1572</sup> Summary of Supplementary Information, D22/1405b.



002/19-09-2007-ECCC/OCIJ (PTC 73, 74, 77 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 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)

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).<sup>1573</sup> The Applicant is deceased and his relatives do not intend to pursue proceedings.

Civil Party Applicant 08-VU-00236 (D22/1393).<sup>1574</sup> 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.<sup>1575</sup> 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.”<sup>1576</sup> 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.<sup>1577</sup> While the Indictment notes that some persons transferred were sent directly to execution sites,<sup>1578</sup> 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

<sup>1573</sup> Application declared inadmissible on the ground that the Applicant did not provide proof of identification (Impugned Order D426, para. 20 and Annex 3).

<sup>1574</sup> 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).

<sup>1575</sup> Report on Civil Party Application, D22/1393.

<sup>1576</sup> Indictment, para. 1377.

<sup>1577</sup> Indictment, para. 283.

<sup>1578</sup> 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.<sup>1579</sup> 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).<sup>1580</sup> Kouk Kream Village in Kampong Cham Province, where it is reported that the Applicant and his family were subjected to forced labour,<sup>1581</sup> 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.<sup>1582</sup> 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-<sup>1583</sup> 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.<sup>1584</sup>

Civil Party Applicant 08-VU-01322 (D22/0912).<sup>1585</sup> The Co-Lawyers indicate that the place of the Applicant's brother's murder by the Khmer Rouge in 1978 is unknown.<sup>1586</sup> 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.

<sup>1579</sup> Report on Civil Party Application, D22/1393/1.

<sup>1580</sup> 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).

<sup>1581</sup> Report on Civil Party Application, D22/735/1.

<sup>1582</sup> Indictment, para. 1391.

<sup>1583</sup> Appeal PTC 158, para. 97.

<sup>1584</sup> Indictment, para. 1373.

<sup>1585</sup> 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).

<sup>1586</sup> 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).<sup>1587</sup> 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.<sup>1588</sup>

Civil Party Applicant 08-VU-01243 (D22/1389).<sup>1589</sup> 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.<sup>1590</sup> 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

<sup>1587</sup> 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).

<sup>1588</sup> Indictment, para. 1391.

<sup>1589</sup> 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).

<sup>1590</sup> 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.<sup>1591</sup> 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).<sup>1592</sup> Chrak Sdau Village in Kampong Cham Province, where the Applicant is reported to have been subjected to forced labour,<sup>1593</sup> 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).<sup>1594</sup> 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).<sup>1595</sup> 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.

<sup>1591</sup> Indictment, paras 265-266.

<sup>1592</sup> 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).

<sup>1593</sup> Summary of Supplementary Information, D22/1377b.

<sup>1594</sup> 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).

<sup>1595</sup> 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)

Civil Party Applicant 08-VU-01897 (D22/0179).<sup>1596</sup> The Co-Lawyers submit that in 1978, the father and older brother of the Applicant disappeared following a meeting with the Khmer Rouge,<sup>1597</sup> and that this act fulfills the requirements of the crime of unlawful killing.<sup>1598</sup> 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).<sup>1599</sup> 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).<sup>1600</sup> 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.<sup>1601</sup> 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.

<sup>1596</sup> 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).

<sup>1597</sup> Appeal PTC 158, para. 111.

<sup>1598</sup> Appeal PTC 158, para. 111.

<sup>1599</sup> 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).

<sup>1600</sup> 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).

<sup>1601</sup> 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).<sup>1602</sup> The Applicant's brother is reported to have been killed at Wat Borivath in 1977 for being a former soldier.<sup>1603</sup> 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,<sup>1604</sup> 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).<sup>1605</sup> 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).<sup>1606</sup> 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.

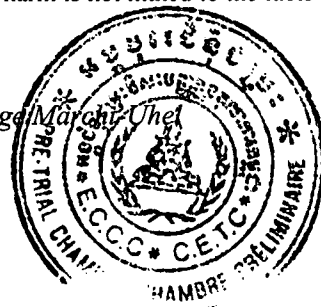
<sup>1602</sup> Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D426, para. 25 and Annex 3).

<sup>1603</sup> Supplementary information D22/1266b.

<sup>1604</sup> Supplementary information D22/1266b.

<sup>1605</sup> 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).

<sup>1606</sup> 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, 171)

Civil Party Applicant 08-VU-01239 (D22/1403).<sup>1607</sup> 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.<sup>1608</sup> 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).<sup>1609</sup> 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.<sup>1610</sup> 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).<sup>1611</sup> It is not alleged where the Applicant was subjected to forced labour, nor where her child was killed.<sup>1612</sup> 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.

<sup>1607</sup> 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).

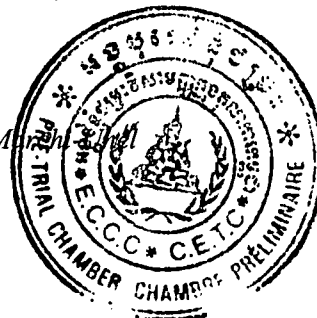
<sup>1608</sup> Report on Civil Party Application D22/1403/1 and Summary of supplementary information D22/1403b.

<sup>1609</sup> 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).

<sup>1610</sup> Appeal PTC 158, para. 105.

<sup>1611</sup> 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).

<sup>1612</sup> 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).<sup>1613</sup> 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).<sup>1614</sup> 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,<sup>1615</sup> 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.

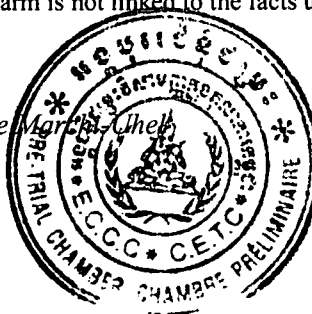
Civil Party Applicant 08-VU-01353 (D22/0918).<sup>1616</sup> It is not alleged where the Applicant was forcibly transferred from, nor where his older sister was killed. As such, it is not possible to determine whether these events correspond with the specific instances of crimes for which the Accused 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.

<sup>1613</sup> 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).

<sup>1614</sup> 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).

<sup>1615</sup> Appeal PTC 158, para. 110.

<sup>1616</sup> 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).<sup>1617</sup> 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,<sup>1618</sup> 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.<sup>1619</sup> 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).<sup>1620</sup> 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).<sup>1621</sup> 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,<sup>1622</sup> or for that of other inhumane acts through enforced disappearances.<sup>1623</sup>

<sup>1617</sup> 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).

<sup>1618</sup> Report on Civil Party Application D22/867/1.

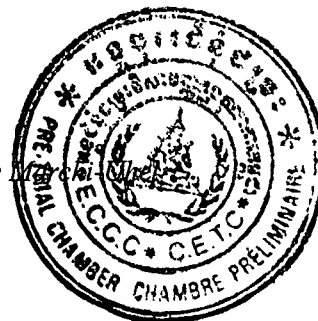
<sup>1619</sup> Indictment, para. 284.

<sup>1620</sup> 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).

<sup>1621</sup> 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).

<sup>1622</sup> Indictment, para. 1402.

<sup>1623</sup> Indictment, para. 1470.



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Civil Party Applicant 09-VU-00343 (D22/1820).<sup>1624</sup> Wat Ta Meas, where it is reported that the Applicant's father and older brother were unlawfully detained and killed by the Khmer Rouge,<sup>1625</sup> 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).<sup>1626</sup> The killings of the Applicant's husband, father-in-law and three younger siblings who were Accused of being "white Khmer",<sup>1627</sup> is reported to have taken place at Tual Ta Beng security centre.<sup>1628</sup> 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).<sup>1629</sup> 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,<sup>1630</sup> 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, Brantasy Village, where it is reported that the Applicant and her husband were detained and interrogated,<sup>1631</sup> 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.<sup>1632</sup> Without this information, it is not

<sup>1624</sup> 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).

<sup>1625</sup> Appeal PTC 158, para. 118.

<sup>1626</sup> 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).

<sup>1627</sup> Appeal PTC 158, para. 119.

<sup>1628</sup> Supplementary Information D22/1813b.

<sup>1629</sup> 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).

<sup>1630</sup> Report on Civil Party Application D22/548/1.

<sup>1631</sup> Report on Civil Party Application D22/548/1.

<sup>1632</sup> Appeal PTC 158, para. 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)

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).<sup>1633</sup> 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,<sup>1634</sup> 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).<sup>1635</sup> 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.<sup>1636</sup>

Civil Party Applicant 09-VU-03589 (D22/3283).<sup>1637</sup> 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.<sup>1638</sup> Without this information, it is not possible to verify whether this act corresponds with an indicted crime.

<sup>1633</sup> 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).

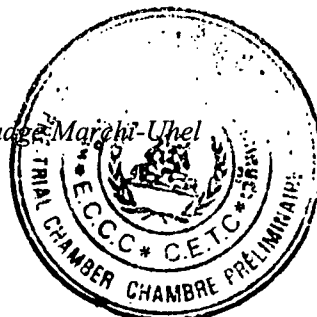
<sup>1634</sup> Report on Civil Party Application D22/2276/1.

<sup>1635</sup> 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).

<sup>1636</sup> Indictment, para. 1470.

<sup>1637</sup> 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).

<sup>1638</sup> Appeal PTC 158, para. 123.





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Civil Party Applicant 09-VU-03596 (D22/3289).<sup>1639</sup> While the reported forced transfer of the Applicant, from Romeas Village in Kampong Cham Province in April 1975,<sup>1640</sup> 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,<sup>1641</sup> 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).<sup>1642</sup> 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,<sup>1643</sup> 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.<sup>1644</sup> 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.<sup>1645</sup> However, the exact location of these killings is not alleged. The location of one the Applicant's sibling's killing is similarly not indicated. As such, it is not possible to

<sup>1639</sup> 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).

<sup>1640</sup> Summary of supplementary information D22/3289b.

<sup>1641</sup> Report on Civil Party Application D22/3289/1.

<sup>1642</sup> 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).

<sup>1643</sup> Appeal PTC 158, para. 89.

<sup>1644</sup> Indictment, para. 283.

<sup>1645</sup> See Indictment, para. 200.



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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).<sup>1646</sup> 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).<sup>1647</sup> Trapeang Tras Village in Kampong Cham Province, where it is reported that the Applicant's father was killed by the Khmer Rouge in 1977,<sup>1648</sup> 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.

<sup>1646</sup> 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).

<sup>1647</sup> 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).

<sup>1648</sup> Report on Civil Party Application D22/3812/1.

