

២០១៨/No: D404/2/4.3

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

**ANNEX CONCERNING CIVIL PARTY APPLICANTS WHOSE APPLICATIONS ARE, IN THE VIEW MAJORITY, INADMISSIBLE**

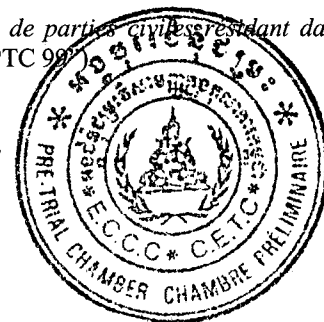
**Appeals against Impugned Order D401 (Preah Sihanouk Province)<sup>1</sup>**

**Appeal PTC 99<sup>2</sup>**

Civil Party Applicant 10-VU-00369 (D22/3791). The Applicant has made some generalised statements concerning the Khmer Rouge, which he does not relate to his own circumstances or experiences during the period 1975 to 1979. He refers to an unidentified person having been killed by Khmer Rouge soldiers, but does not provide any details about whether he witnessed such killing or whether it was a relative or a person with whom he had a special bond who was killed. The facts provided by the Applicant do not relate to any implementation of a policy of the Khmer Rouge, any other like findings in the Closing Order, or any matter in respect of which the Accused are indicted, which would permit the admission of the Applicant to be joined as a civil party. Whilst there may be further facts available to the Applicant, unfortunately they have not been put before the Pre-Trial Chamber, which is only permitted to act upon the actual substance of the matters put before it. For these reasons the appeal is declined insofar as this Applicant is concerned. The Applicant shall remain classified as a complainant.

<sup>1</sup> Order on the Admissibility of Civil Party Applicants from Current Residents of Preah Sihanouk Province, 2 September 2010, D401 (“Impugned Order D401”).

<sup>2</sup> *Requête d’appel d’ordonnance sur la recevabilité des constitutions de parties civiles résidant dans la Province de Preah Sihanouk*, 12 September 2010, D401/5/1 (“Appeal PTC 99”).



០០៧/No: D404/2/4.3

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

### Appeals against Impugned Order D403 (Kandal Province)<sup>3</sup>

#### Appeal PTC127<sup>4</sup>

Civil Party Applicant 09-VU-02020 (D22/2987). The Applicant has described how her two sons became soldiers in the army under Democratic Kampuchea and that they did not return home. Whilst it is clearly recognised that the deaths of children who go on to become soldiers is a very sad and traumatizing event for a parent, the facts provided by the Applicant do not relate to any implementation of a policy of the Khmer Rouge, or any other like findings in the Closing Order, or in respect of which the Accused are indicted, which would permit the admission of the Applicant to be joined as a civil party. Whilst there may be further facts available to the Applicant, unfortunately they have not been put before the Pre-Trial Chamber, which is only permitted to act upon the actual substance of the matters put before it. For these reasons the appeal is declined insofar as this Applicant is concerned. The Applicant shall remain classified as a complainant.

Civil Party Applicant 09-VU-03546 (D22/3243). The Applicant alleges that he “lost a lot of relatives, property and his commanders”. He fails to provide details in respect of the loss of his relatives or the loss of property. The Applicant provides the names of his “commanders” who died, but does not provide any details of a particular bond, relationship or link to them which would permit the Majority of the Pre-Trial Chamber to consider him to be a victim in respect of their deaths, although it is apparent that they were victims of a purge. The Applicant further recalls that he witnessed a monk being killed and Wat Veal Lbang being destroyed. He does not related the precise circumstances of the death of the monk, assert that he was distressed as a consequence of the death of the monk, or that he was unable to practice his religion as a consequence of this death or the destruction of the Wat. Without more information the Majority of the

<sup>3</sup> Order on the Admissibility of Civil Party Applicants from Current Residents of Kandal Province, 6 September 2010, D403 (“Impugned Order D403”).

<sup>4</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 PTC 127”).

*Civil party applications inadmissible in the view of the Majority*



2/11

1018/No: D404/2/4.3

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

Pre-Trial Chamber is unable to admit the Applicant as a civil party. Whilst there may be further facts available to the Applicant, unfortunately they have not been put before the Pre-Trial Chamber, which is only permitted to act upon the actual substance of the matters before it. For these reasons the appeal is declined insofar as this Applicant is concerned. The Applicant shall remain classified as a complainant.

### **Appeals against Impugned Order D404 (Outside the Kingdom of Cambodia)<sup>5</sup>**

#### **Appeal PTC 116<sup>6</sup>**

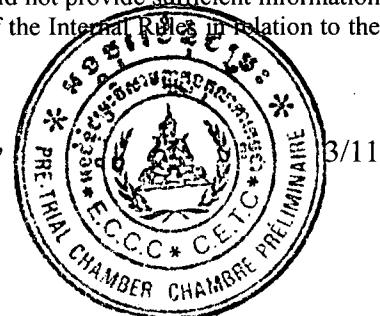
Civil Party Applicant 10-VU-00580 (D22/3838).<sup>7</sup> The Applicant states that his wife and child visited him in France from May to June 1974, but they then returned to Cambodia, and he has not seen them since. Whilst it is clearly recognised that the disappearance of the Applicant's wife and child is a sad and traumatising event, the facts provided by the Applicant do not relate to any implementation of a policy of the Khmer Rouge, any other like findings in the Closing Order, or any matter in respect of which the Accused are indicted, which would permit the admission of the Applicant to be joined as a civil party. Whilst there may be further facts available to the Applicant, unfortunately they have not been put before the Pre-Trial Chamber, which is only permitted to act upon the actual substance of the matters put before it. For these reasons the appeal is declined insofar as this Applicant is concerned. The Applicant shall remain classified as a complainant

<sup>5</sup> Order on the Admissibility of Civil Party Applicants residing outside the Kingdom of Cambodia, 7 September 2010, D404 ("Impugned Order D404").

<sup>6</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>7</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).

*Civil party applications inadmissible in the view of the Majority*



០០៧៨/No: D404/2/4.3

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

### Appeal PTC 117<sup>8</sup>

Civil Party Applicant 09-VU-03621 (D22/3310). The Applicant alleges that he was a Khmer Rouge cadre from 1970 to 1973, and joined the Lon Nol army in 1974, where he was an intelligence officer until after the fall of Phnom Penh. The Applicant also mentions the killing of Lon Nol soldiers in April 1975 but it is not clear whether he witnessed the events, or is simply recounting events of which he had been made aware. The Applicant also attaches two articles to his Application, that he has written part of his work with the 'Association pour un Cambodge Libre', which discuss the Khmer Rouge regime and the trials of Khmer Rouge Leaders. These articles do not provide any additional information about the Applicant's personal experience during the regime, to allow the Pre-Trial Chamber to admit the Applicant as a Civil Party. Whilst there may be further facts available to the Applicant, unfortunately they have not been put before the Pre-Trial Chamber, which is only permitted to act upon the actual substance of the matters put before it. For these reasons the appeal is declined insofar as this Applicant is concerned. The Applicant shall remain classified as a complainant.

### Appeal PTC 118<sup>9</sup>

Civil party application 09-VU-00517 (D22/2680). The Applicant alleges that she is a direct victim of the evacuation of Phnom Penh in April 1975. According to the Co-Lawyers, the Co-Investigating Judges erred in declaring the Application inadmissible on the ground that she provided no proof of identification. Establishing one's identity is a necessary requirement inherent in any civil action, whether or not specified in the procedural rules. However, the Majority notes that, as submitted by the Co-Lawyers, when the Applicant submitted his Application, Internal Rule 23 *bis* (1)(a) requiring as a specific condition of admissibility that the Civil Party Applicant shall be clearly

<sup>8</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, D404/5/1 ("Appeal PTC 117").

<sup>9</sup> Appeal against Order on the admissibility of Civil Party Applicants residing outside the Kingdom of Cambodia, 17 September 2010, D404/5/1 ("Appeal PTC 118").

*Civil party applications inadmissible in the view of the Majority*



4/11

២០១៨/No: D404/2/4.3

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

identified, had not yet been adopted. This notwithstanding, the Victim Information Form then included a section 11 entitled “Which of the following proof of identity do you have? Please indicate the number,” containing 10 possible responses one of which was chosen by the Applicant being “None”.<sup>10</sup> In light of these circumstances, it was not obvious for the Applicant that failing to provide some proof of her identity could render the application inadmissible. Therefore, on 20 April 2011, the Pre-Trial Chamber invited the Co-Lawyers to submit a copy of their clients’ identification document. They responded by letter that they could not reach their client and were therefore unable to provide a proof of identity.<sup>11</sup> The Pre-Trial Chamber made a further attempt on the 6 June 2011, to ask the Co-Lawyers to provide a proof of identification for their client, but they failed to do so in the set deadline. As a consequence, the Application shall be rejected.

Civil Party Applicant 08-VU-02396 (D22/2664). The Applicant states that in November 1978, her parents, her brothers and her sister were killed in Svay Chanthy Village, Kampong Siem District in Kampong Cham Province. The Co-lawyers also state that the Applicant “heard about the death of some of her friends.” Whilst it is clearly recognised that the death of so many of the Applicant’s family members is distressing and traumatising, the facts provided by the Applicant do not relate to any implementation of a policy of the Khmer Rouge, any other like findings in the Closing Order, or any matter in respect of which the Accused are indicted, which would permit the admission of the Applicant to be joined as a civil party. Whilst there may be further facts available to the Applicant, unfortunately they have not been put before the Pre-Trial Chamber, which is only permitted to act upon the actual substance of the matters put before it. For these reasons the appeal is declined insofar as this Applicant is concerned. The Applicant shall remain classified as a complainant.

<sup>10</sup> In a more recent version of the form, applicants are requested to attach a copy of the identification document.

<sup>11</sup> D404/6/1.2.

*Civil party applications inadmissible in the view of the Majority*



5/11

័័័័/No: D404/2/4.3

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

Civil Party Applicant 08-VU-02399 (D22/2666). The Applicant states that in 1978 his parents, brothers and sister were killed in Svay Teab (Kampong Cham Province). Whilst it is clearly recognised that the death of so many of the Applicant's family members is a sad and traumatising event, the facts provided by the Applicant do not relate to any implementation of a policy of the Khmer Rouge, any other like findings in the Closing Order, or any matter in respect of which the Accused are indicted, which would permit the admission of the Applicant to be joined as a civil party. Whilst there may be further facts available to the Applicant, unfortunately they have not been put before Pre-Trial Chamber, which is only permitted to act upon the actual substance of the matters put before it. For these reasons the appeal is declined insofar as this Applicant is concerned. The Applicant shall remain classified as a complainant.

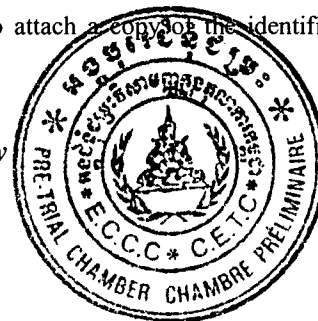
### Appeal PTC 119<sup>12</sup>

Civil Party Applicant 08-VU-2258 (D22/0039). The Applicant alleges being a direct victim of the evacuation of Phnom Penh in April 1975. According to the Co-Lawyers, the Co-Investigating Judges erred in declaring the Application inadmissible on the ground that they provided no proof of identification. Establishing one's identity is a necessary requirement inherent in any civil action, whether or not specified in the procedural rules. However, the Majority notes that, as submitted by the Co-Lawyers, when the Applicant submitted his Application, Internal Rule 23 *bis* (1)(a) requiring as a specific condition of admissibility that the Civil Party Applicant shall be clearly identified, had not yet been adopted. This notwithstanding, the Victim Information Form then included a section 11 entitled "Which of the following proof of identity do you have? Please indicate the number," containing 10 possible responses one of which chosen by the Applicants being "None".<sup>13</sup> In light of these circumstances, it was not obvious for the Applicant that failing

<sup>12</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").

<sup>13</sup> In a more recent version of the form, applicants are requested to attach a copy of the identification document.

*Civil party applications inadmissible in the view of the Majority*



6/11

1018/No: D404/2/4.3

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

to provide some proof of their identity could render the application inadmissible. Therefore, on 21 January 2011, the Pre-Trial Chamber has invited the Co-Lawyers to submit a copy of their clients' identification document. The Chamber sent a further request on the 6 June 2011. As the Pre-Trial Chamber received no response, the Application is rejected.

Civil Party Applicant 09-VU-03492 (D22/3195). The Applicant is in a similar situation as the previous Applicant.

#### **Appeals against Impugned Order D406 (Phnom Penh Province)<sup>14</sup>**

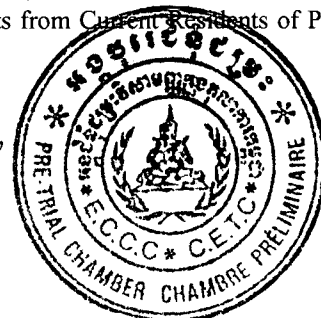
##### **Appeal PTC 134<sup>15</sup>**

Civil Party Applicant 10-VU-00956 (D22/3955). The Applicant alleges having been forcibly transferred from Phnom Penh to Kampong Cham Province. This transfer falls within the temporal and geographical scope of Phase One of the evacuation of population for which the accused are indicted. However, the Application was declared inadmissible on the basis that the Applicant did not provide a proof of identity. The Co-Lawyers merely indicate that she completed all the information required in the Victim Information Form. Pre-Trial Chamber has requested the Co-Lawyers to provide such proof of identity on two occasions. As the Pre-Trial Chamber received no response, the Application is rejected.

<sup>14</sup> Order on the Admissibility of Civil Party Applicants from Current Residents of Phnom Penh, 6 September 2010, D406 ("Impugned Order D406").

<sup>15</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").

*Civil party applications inadmissible in the view of the Majority*



7/11

១១២/No: D404/2/4.3

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

### Appeals against Impugned Order D414 (Kratie Province)<sup>16</sup>

#### Appeal PTC139<sup>17</sup>

Civil Party Applicant 09-VU-04207 (D22/3600). The Applicant stated that during the Khmer Rouge regime, her father and her brother were killed by unknown people at Chhok Seng Village. Whilst it is clearly recognised that the death of the Applicant's father and brother, is a very sad and traumatising event, the facts provided by the Applicant do not relate to any implementation of a policy of the Khmer Rouge, any other like findings in the Closing Order, or any matter in respect of which the Accused are indicted, which would permit the admission of the Applicant to be joined as a civil party. Whilst there may be further facts available to the Applicant, unfortunately they have not been put before the Pre-Trial Chamber, which is only permitted to act upon the actual substance of the matters put before it. For these reasons the appeal is declined insofar as this Applicant is concerned. The Applicant shall remain classified as a complainant.

### Appeals against Impugned Order D424 (Siem Reap Province)<sup>18</sup>

#### Appeal PTC105<sup>19</sup>

Civil Party Applicant 08-VU-00694 (D22/0432). The Applicant states that her young brothers were killed in 1977, and the Co-lawyers state in the Appeal that the Applicant had two brothers who had served in the Khmer Rouge Army during the fighting with the Lon Nol government, who disappeared after 1977, during the time when people in cooperatives arrested people and leaders were changed. Although the disappearance of the Applicant's brothers is clearly sad and traumatising, the facts provided by the

<sup>16</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").

<sup>17</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>18</sup> Order on Admissibility of Civil Party Applicants from Current Residents of Siem Reap Province, 15 September 2010, D424 ("Impugned Order D424").

<sup>19</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").

*Civil party applications inadmissible in the view of the Majority*





លេខ/No: D404/2/4.3

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

Applicant do not relate to any implementation of a policy of the Khmer Rouge, any other like findings in the Closing Order, or any matter in respect of which the Accused are indicted, which would permit the admission of the Applicant to be joined as a civil party. Whilst there may be further facts available to the Applicant, unfortunately they have not been put before the Pre-Trial Chamber, which is only permitted to act upon the actual substance of the matters put before it. For these reasons the appeal is declined insofar as this Applicant is concerned. The Applicant shall remain classified as a complainant.

Civil Party Applicant 08-VU-01379 (D22/0984). The Applicant states that her husband was imprisoned, tortured and murdered at Anlong Sar reservoir, Siem Reap Province. Although the death of the Applicant's husband is clearly sad and traumatising, the facts provided by the Applicant do not relate to any implementation of a policy of the Khmer Rouge, any other like findings in the Closing Order, or any matter in respect of which the Accused are indicted, which would permit the admission of the Applicant to be joined as a civil party. Whilst there may be further facts available to the Applicant, unfortunately they have not been put before the Pre-Trial Chamber, which is only permitted to act upon the actual substance of the matters put before it. For these reasons the appeal is declined insofar as this Applicant is concerned. The Applicant shall remain classified as a complainant.

### **Appeals against Impugned Order D426 (Kampong Cham Province)<sup>20</sup>**

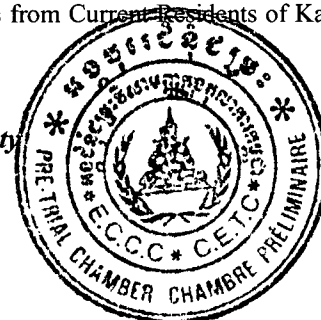
#### **Appeal PTC110<sup>21</sup>**

Civil Party Applicant 08-VU-00703 (D22/883). The Applicant alleges that her husband disappeared in 1977, after having been called to a meeting in Vihear Village, Vihear Thum Sub-District, Kampong Siem District, Kampong Cham Province. Although the

<sup>20</sup> Order on the Admissibility of Civil Party Applicants from Current Residents of kampong Cham Province, 15 September 2010, D426 ("Impugned Order D426").

<sup>21</sup> Appeal Brief Order on the Admissibility of Civil Party Applicants from Current Residents of Kampong Cham, filed on 27 September 2010, D426/3/1 ("Appeal PTC 110").

*Civil party applications inadmissible in the view of the Majority*



9/11

០០៨/No: D404/2/4.3

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

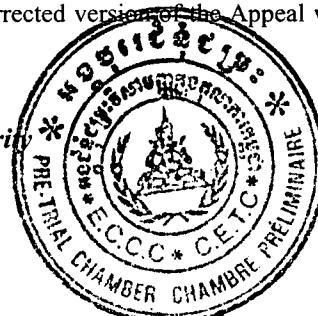
disappearance of the Applicant's husband is clearly sad and traumatising, the facts provided by the Applicant do not relate to any implementation of a policy of the Khmer Rouge, any other like findings in the Closing Order, or any matter in respect of which the Accused are indicted, which would permit the admission of the Applicant to be joined as a civil party. Whilst there may be further facts available to the Applicant, unfortunately they have not been put before the Pre-Trial Chamber, which is only permitted to act upon the actual substance of the matters put before it. For these reasons the appeal is declined insofar as this Applicant is concerned. The Applicant shall remain classified as a complainant.

Civil Party Applicant 08-VU-01317 (D22/1428). The Applicant states that three of his older siblings and two younger siblings were killed by Pol Pot's guards in Srè Siem village, Tbaung Khmom district, Sector 21, in the East Zone on 20 May 1976. Although the death of the Applicant's siblings is clearly sad and traumatising, the facts provided by the Applicant do not relate to any implementation of a policy of the Khmer Rouge, any other like findings in the Closing Order, or any matter in respect of which the Accused are indicted, which would permit the admission of the Applicant to be joined as a civil party. Whilst there may be further facts available to the Applicant, unfortunately they have not been put before the Pre-Trial Chamber, which is only permitted to act upon the actual substance of the matters put before it. For these reasons the appeal is declined insofar as this Applicant is concerned. The Applicant shall remain classified as a complainant.

### **Appeal PTC 111<sup>22</sup>**

Civil Party Applicant 09-VU-03608 (D22/3300). The Applicant states that he lived in a Lon Nol area in Trapeang Chrey Village in Kampong Cham Province, but later lived in

<sup>22</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").



័័័័/No: D404/2/4.3

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

an area 'liberated' by the Khmer Rouge in Cheyyou Sub-District in Kampong Cham Province, where he was provided with insufficient food and his wife and children got sick and were not provided with medical care. The Applicant notes that the Khmer Rouge monitored those who had moved from the 'enemy area' to live in the 'liberated area'. The Applicant states that he lost 7 relatives, including his father, who were killed in 1977 in Phnum Bros, Phnum Srei, Kampong Cham Province. Although the inhumane living conditions faced by the Applicant and his wife and the death of his relatives is clearly sad and traumatising, the information provided by the Applicant is insufficient and does not relate to or provide any basis for an inference to be drawn that the events recorded were related to the implementation of a policy of the Khmer Rouge, any other like findings in the Closing Order, or any matter in respect of which the Accused are indicted, which would permit the admission of the Applicant to be joined as a civil party. Whilst there may be further facts available to the Applicant, unfortunately they have not been put before the Pre-Trial Chamber, which is only permitted to act upon the actual substance of the matters put before it. For these reasons the appeal is declined insofar as this Applicant is concerned. The Applicant shall remain classified as a complainant.

### Appeal PTC 158<sup>23</sup>

Civil Party Applicant 08-VU-02246 (D22/2660). The Applicant is deceased and his relatives do not intend to pursue proceedings. As such, the appeal is considered as being discontinued insofar as this Applicant is concerned. *u*



<sup>23</sup> Re-Filing of Appeal against Order on the Inadmissibility of Civil Party Applicants from Current Residents of Kampong Cham Province, 27 October 2010, D426/6/1 ("Appeal PTC 158").