

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

ANNEX CONCERNING CIVIL PARTY APPLICANTS WHOSE APPLICATIONS ARE, IN
THE VIEW OF JUDGE MARCHI-UHEL, INADMISSIBLE¹

Appeals against Impugned Order D411 (Kampong Speu Province)²

Appeal PTC 76³

Civil Party Applicant 09-VU-02428 (D22/2208).⁴ The forced transfer of the Applicant's family in 1975 from Angk Village, Rung Roeang Sub-District, Thpong District, Kampong Speu Province to sector No 99, Kampong Speu Province; the Applicant's siblings' evacuation from Sector 99 in 1975; and the Applicant's evacuation to Koh Kong Province in late 1976 do not form part of any of the three phases of movements of the population where the Indictment alleges the crime of other inhumane acts through forced transfer for which the Accused are indicted. None of the locations where the Applicant and his family were forced to work under inhuman conditions form part of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted. There is insufficient information about the circumstances surrounding the execution of the Applicant's relatives to consider it plausible that it took place in one of the limited number of security centers, execution sites or even worksites or cooperatives retained in the Indictment underlying the crimes of extermination, murder, persecution and other inhumane acts through enforced disappearances for which the Accused are indicted.

¹ This Annex includes the applicants for whom I concur with the Majority that their application to become a civil party in Case File 002 shall be declared inadmissible, but, in most cases, for different reasons.

² Order on the Admissibility of Applicant Civil Party Applicant Applicant Civil Party Applicant Applicant Applicant Civil Party Applicant Applicant Civil Party Applicants from Current Residents of Kampong Speu Province, 9 September 2010, D411 ("Impugned Order D411").

³ Appeal against Order on the Inadmissibility of Applicant Civil Party Applicant Applicant Civil Party Applicant Applicant Applicant Civil Party Applicant Applicant Civil Party Applicants from Current Residents of Kampong Speu Province (D411), 20 September 2010, D411/8/3 ("Appeal PTC 76").

⁴ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).



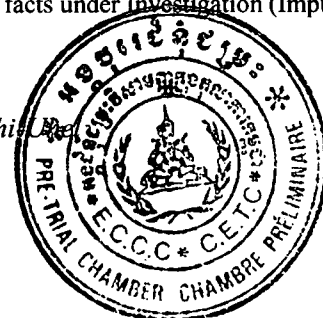
002/19-09-2007-ECCC/OCIJ (PTC 76, 112, 113, 114, 115, 142, 157, 164, 165 and 172)

Civil Party Applicant 09-VU-02519 (D22/2291).⁵ The forced transfer of the Applicant's family within Kampong Speu Province does not form part of any of the three phases of forced movements of population for which the Accused are indicted. It is not alleged that the execution of the Applicant's husband, Accused of being a Lon Nol soldier, in 1977, took place in one of the limited number of security centres, execution sites, worksites or cooperatives retained in the Indictment underlying the crimes of extermination, murder, persecution and other inhumane acts through enforced disappearance for which the Accused are indicted. The forced labour and deprivation of food to which the Applicant and her family were subjected in Kruos pagoda, Mohasang Commune, Samroang Torng District, Kampong Speu Province did not take place in one of the worksites or cooperatives retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted.

Civil Party Applicant 09-VU-02520 (D22/2292).⁶ There is insufficient information about the location from where the Applicant was evacuated to Trapeang Chek Village to consider it plausible that they form part of any of the three phases of forced movement of population for which the Accused are indicted. The forced transfer of the Applicant and her three younger sisters/brothers from Toek Chroeu District (Dam Bae District) to Oral forest, Kampong Speu Province in 1977 does not form part of any of the three phases of forced movements of population for which the Accused are indicted. The information about the following acts does not allow me to conclude that it is plausible that they occurred in one of the limited number of security centres, execution sites, worksites or cooperatives retained in the Indictment underlying the crimes of imprisonment, torture, extermination, murder, persecution and other inhumane acts through enforced disappearance for which the Accused are indicted: imprisonment and torture of the Applicant and the subsequent execution of her older brother upon accusation of being CIA agents; imprisonment and execution through lethal injection of the Applicant's mother in Sector 21 because she was Accused of being a capitalist; execution of her older

⁵ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

⁶ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).



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

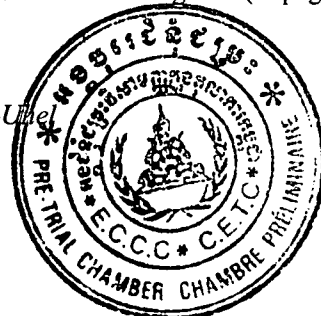
brother, Bot Son for betraying the collectivity; reeducation and execution of her older brother, Bot Sut, in Srah Bopea, Toek Chroeu District.

Civil Party Application 09-VU-03462 (D22/3171).⁷ There is insufficient information about the prison where the Applicant's father-in-law was detained, beaten and interrogated in 1977 to consider it plausible that it corresponds to one of the limited number of security centres, or even worksites or cooperatives retained in the Indictment underlying the crimes of imprisonment and torture for which the Accused are indicted. Tama pagoda, where the Applicant's father-in-law was sent subsequent to this detention and became sick and eventually died as a result of receiving insufficient food, is not among the six cooperatives and worksites retained in the Indictment underlying the crime of other inhumane acts through attacks against human dignity for which the Accused are indicted. The evacuation of the Applicant's older brother from Ang Village in Rong Roeung Commune, Thpung District, Kampong Speu Province to Phnom Penh in 1976; the subsequent evacuation of the Appellant's older brother to the Vietnamese border in the west and; the evacuation of the Applicant's other older brother, Sroeun Heng from Phnom Penh to Dang Raek mountain in 1977 or 1978 do not form part of any of the three phases of forced movements of population for which the Accused are indicted.

Civil Party Application 09-VU-04176 (D22/2467).⁸ The information provided does not allow me to consider that the killing of the Applicant's husband, who was accused of being a CIA spy, took place in one of the limited number of security centres, execution sites, worksites or cooperatives retained in the Indictment underlying the crimes of extermination, murder, persecution or other inhumane acts through enforced disappearance for which the Accused are indicted. There is further insufficient information about the circumstances surrounding the forced labour and separation from her children to which the Applicant was subjected to consider it plausible that it took place in one of the six cooperatives or worksites retained in the Indictment underlying the

⁷ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

⁸ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).



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

crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted.

Civil Party Application 09-VU-04184 (D22/3579).⁹ The killing of the Applicant's husband and two older brothers, who were Accused of being traitors, did not take place in one of the limited number of security centres, execution sites, worksites or cooperatives retained in the Indictment underlying the crimes of extermination, murder, persecution and other inhumane acts through enforced disappearances for which the Accused are indicted. There is also insufficient evidence of the circumstances of the disappearances of the Applicant's older brothers where they were sent by the Khmer Rouge to go fishing in Kampong Som to consider it plausible that it took place in one of the locations retained in the Indictment underlying the crime of other inhumane acts through enforced disappearances for which the Accused are indicted.

Civil Party Applicant 08-VU-00227 (D22/1298).¹⁰ It is not alleged that the forced transfer the Applicant and members of his family have been victims of forms part of any of the three phases of forced transfer of population for which the Accused are indicted. It is not alleged either that the places where the Applicant and members of his family were forced to work correspond to one of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted. The information provided by the Applicant in relation to the loss of his relatives (killing of his younger brother while building a dike and starvation to death of other relatives including siblings) does not allow me to conclude that these events form part of the crimes for which the Accused are indicted. Further, it is not alleged that the execution of his younger sister and her husband in Svay Rieng Province in 1976 as his brother-in-law was a former Lon Nol soldier took place in one of the limited number of security centers, execution sites or even worksites or cooperatives retained in the Indictment underlying the crimes of

⁹ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

¹⁰ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).



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

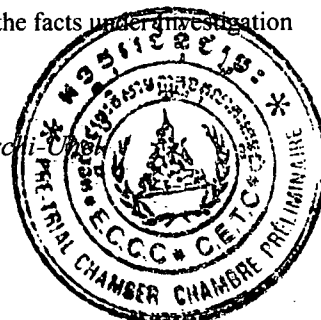
extermination, murder, persecution and other inhumane acts through enforced disappearances for which the Accused are indicted.

Civil Party Applicant (08-VU-00248 D22/1375).¹¹ It is not alleged that the forced transfer the Applicant and members of his family have been victims of forms part of any of the three phases of forced transfer of population for which the Accused are indicted. It is not alleged either that the location where the Applicant and members of his family were forced to work correspond to one of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted. Finally, it is not alleged that the killing of the Applicant's husband took place in one of the limited number of security centers, execution sites or even worksites or cooperatives retained in the Indictment underlying the crime of murder for which the Accused are indicted.

Civil Party Applicant 08-VU-00666 (D22/363).¹² The forced transfer of the Applicant and his family in 1975 from Bakan Village, Trapeang Chornng Sub-District, Bakan District, Pursat to live in another Village in Bakan District, Pursat Province does not form part of any of the three phases of forced movement of population for which the Accused are indicted. It is not alleged that the facts of forced labour of which the Applicant was a victim took place in one of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement, and other inhumane acts through attacks against human dignity for which the Accused are indicted. There is insufficient information surrounding the circumstances of the deaths resulting from malnutrition of the Applicant's parents, two sisters and one brother to consider that it is plausible that it took place in one of the locations where the Indictment alleges that the crime of other inhumane acts through attacks against human dignity for which the Accused are indicted. None of these sites are located in Svay Doun Kaev Sub-District, Bakan District, Pursat Province, where, in 1978, one of the Applicant's sister died of malnutrition.

¹¹ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

¹² Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).



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

Civil Party Applicant 08-VU-01178 (D22/0387).¹³ It is not alleged that the forced transfer of the Applicant and her family forms part of the three movements of population for which the Accused are indicted. There is insufficient information to consider it plausible that any of the various locations where the Applicant and members of her family were forced to work under inhuman conditions and where some passed away correspond to one of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement, and other inhumane acts through attacks against human dignity for which the Accused are indicted.

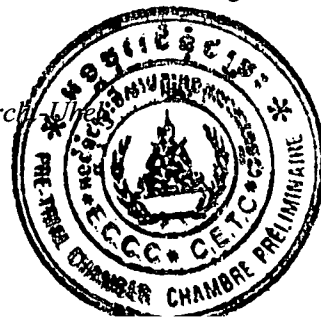
Civil Party Applicant 08-VU-01295 (D22/373).¹⁴ There is insufficient information about the forced labour of the Applicant's older brother to consider it plausible that it took place in one of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement, and other inhumane acts through attacks against human dignity for which the Accused are indicted. There is also insufficient information about the deaths of the Applicant's older brother, his wife and son to consider it plausible that it took place in one of the limited number of security centres, execution sites or even worksites or cooperatives retained in the Indictment underlying the crimes of extermination, murder, persecution and other inhumane acts through enforced disappearance for which the Accused are indicted.

Civil Party Applicant 08-VU-01298 (D22/1012).¹⁵ The location where the Applicant's husband was forced to work and killed (around Svay Char pagoda) is not among the limited number of security centers, execution sites or even worksites or cooperatives retained in the Indictment underlying the crimes of enslavement, other inhumane acts through attacks against human dignity, extermination and murder for which the Accused are indicted.

¹³ Application declared inadmissible on the ground that there was insufficient information to verify compliance with Rule 23 *bis* (1) and (4) (Impugned Order D411, para. 28 and Annex 3)

¹⁴ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

¹⁵ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).



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

Civil Party Applicant 08-VU-01303 (D22/0428).¹⁶ The “13th Security Center in Trapeang Charp in Amleang Sub-District, Thpong District, Kampong Speu Province”, where the imprisonment, torture and killing of the Applicant’s husband and father in 1976 on the basis that they were considered as being “enemies” or “CIA” took place, is not among the limited number of security centers, execution sites or even worksites or cooperatives retained in the Indictment underlying the crimes of imprisonment, torture, enslavement, extermination, murder, persecution and other inhumane acts through enforced disappearances for which the Accused are indicted. Similarly, the Security Center in Phnom Basedth, Kampong Speu Province and the 99th Security Center, where the siblings of the Applicant were detained, are not among the limited number of security centers retained in the Indictment underlying the crime of imprisonment.

Civil Party Applicant 08-VU-01342 (D22/0914).¹⁷ It is not alleged that the location where the Applicant was forced to work under inhuman conditions (Thpong District, Kampong Speu Province) formed part of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement, and other inhumane acts through attacks against human dignity for which the Accused are indicted. Indeed, none of these are located in the area where the Applicant was forced to work.

Civil Party Applicant 08-VU-01457 (D22/1768).¹⁸ Phnom Preah Sith prison, where the Applicant and her children were imprisoned, is not among the limited number of security centers retained in the Indictment underlying the crime of imprisonment. The location where the Applicant’s husband was sent to forcibly work under inhumane conditions until his death (Region 99 in Thpong District) is not among the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement, and other inhumane acts through attacks against human dignity for which the Accused are indicted.

¹⁶ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

¹⁷ Application declared inadmissible on the ground that there was insufficient information to verify compliance with Rule 23 *bis* (1) and (4) (Impugned Order D411, para. 28 and Annex 3)

¹⁸ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).



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

Civil Party Applicant 08-VU-01485 (D22/1731).¹⁹ Detention Office 99, where the Applicant's husband was imprisoned, torture and forced to work under inhumane conditions is not among the limited number of security centers retained in the Indictment underlying the crimes of imprisonment, torture, enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted.

Civil Party Applicant 08-VU-01486 (D22/1730).²⁰ Detention Office 99, where the Applicant's husband, who was Accused to be a "traitor", was imprisoned and tortured in 1976, is not among the limited number of security centers retained in the Indictment underlying the crimes of imprisonment, torture and persecution for which the Accused are indicted.

Civil Party Applicant 08-VU-01514 (D22/0768).²¹ Detention Office 99, where the Applicant's husband, who was Accused to be "CIA agent", was imprisoned, tortured and forced to work under inhuman conditions in January 1976, is not among the limited number of security centers retained in the Indictment underlying the crimes of imprisonment, torture, enslavement, other inhumane acts through attacks against human dignity, enforced disappearance and persecution for which the Accused are indicted. Furthermore, it is not alleged that the forced transfer the Applicant and members of his family have been victims of form part of any of the three phases of forced movements of population for which the Accused are indicted.

Civil Party Applicant 08-VU-01533 (D22/0408).²² The forced transfer of the Applicant and her family from one Village to another in Kampong Speu Province is not part of any of the three movements of population for which the Accused are indicted. There is insufficient information about the circumstances surrounding the death of the Applicant's relative by starvation or murder to consider that it is plausible that it occurred in one of

¹⁹ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

²⁰ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

²¹ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

²² Application declared inadmissible on the ground that there was insufficient information to verify compliance with Rule 23 bis (1) and (4) (Impugned Order D411, para. 28 and Annex 3).



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

the limited number of security center, execution sites, cooperatives or worksites retained in the Indictment underlying the crimes of other inhumane acts through attacks against human dignity and murder for which the Accused are indicted. The lack of information about the enforced disappearance of her brother and his family does not allow me to consider that it forms part of the crime of other inhumane acts through enforced disappearances for which the Accused are indicted.

Civil Party Applicant 08-VU-02024 (D22/0372).²³ It is not alleged that the killings of the Applicant's siblings and parents as a result of them being Accused of being connected to the CIA or Vietnam took place in one of the limited number of security centres, execution sites or even worksites or cooperatives retained in the Indictment underlying the crimes of extermination, murder, persecution and other inhumane acts through enforced disappearances for which the Accused are indicted. Further, the forced transfer of the Applicant and his family from Kampong Speu to Kampong Chhnang Provinces does not form part of one of the three phases of forced movements of population for which the Accused are indicted.

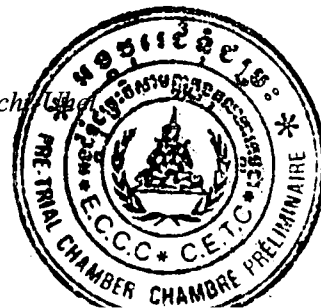
Civil Party Applicant 08-VU-02026 (D22/1025).²⁴ It is not alleged that the killing of the Applicant's husband, who was a Khmer Rouge cadre and was later Accused of being a "CIA agent", in 1976 took place in one of the limited number of security centers, execution sites or even worksites or cooperatives retained in the Indictment underlying the crimes of extermination, murder, persecution and other inhumane acts through enforced disappearance for which the Accused are indicted.

Civil Party Applicant 08-VU-02037 (D22/0361).²⁵ It is not alleged that the torture inflicted upon the Applicant, who was Accused of being a "CIA agent", in 1976 took place in one of the limited number of security centers retained in the Indictment underlying the crimes of torture and persecution for which the Accused are indicted. The

²³ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

²⁴ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

²⁵ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).



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

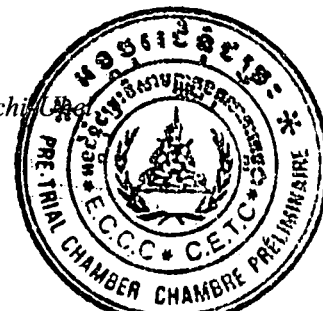
lack of information about the circumstances surrounding the killing of the Applicant's parents and 22 siblings does not allow me to consider that it took place in on of the limited number of security centers, execution sites, or even cooperatives or worksites retained in the Indictment underlying the crimes of extermination, murder, persecution and other inhumane acts through enforced disappearance for which the Accused are indicted.

Civil Party Applicant 08-VU-02051 (D22/360).²⁶ There is insufficient information about the circumstances of the disappearance of the brother of the Applicant to consider that it is plausible that it took place in one of the locations where the Indictment alleges that the crimes of other inhumane acts through enforced disappearances for which the Accused are indicted did.

Civil Party Applicant 08-VU-02335 (D22/0474).²⁷ The forced transfer of the Applicant and his family from Kampong Speu provincial town to the countryside does not form of the three movements of population for which the Accused are indicted. It is not alleged that the locations where the Applicant and his family members were forced to work, and where some of them died of starvation, form part of one of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement, and other inhumane acts through attacks against human dignity for which the Accused are indicted. The lack of information about the killing of the Applicant's brother-in-law does not allow me to consider that it took place in one of the limited number of security centers, execution sites, or even cooperatives or worksites retained in the Indictment underlying the crime of extermination, murder and other inhumane acts through enforced disappearance for which the Accused are indicted. Furthermore, it is not alleged that the execution of his father, on the accusation that he was a former Lon Nol soldier, in early 1978 took place in one of the limited number of security centers, execution sites or even worksites or cooperatives retained in the Indictment underlying the crimes of

²⁶ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

²⁷ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).



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

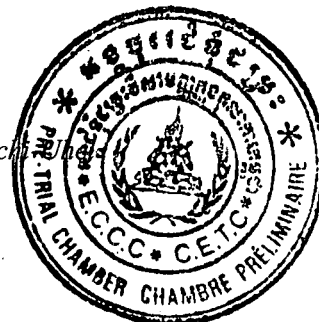
extermination, murder, persecution and other inhumane acts through enforced disappearance for which the Accused are indicted.

Civil Party Applicant 08-VU-02340 (D22/386).²⁸ The forced transfer of the Applicant's family in 1975 from Prey Kampoung Village, Kahaeng Sub-District, Samraong Tong District, Kampong Speu Province to Trapeang Trayueng Village, Prey Kmeng Sub-District, Phnum Sruoch District (District 51) does not form part of any of the three phases of forced movements of population for which the Accused are indicted. Further, the labour that she was forced to perform did not take place in one of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement, and other inhumane acts through attacks against human dignity for which the Accused are indicted. There is further insufficient evidence on the circumstances surrounding the killing of the Appellant's younger sister and husband in 1978 to consider it plausible that it took place in one of the limited number of security centres, execution sites or even worksites or cooperatives retained in the Indictment underlying the crimes of extermination, murder, persecution and other inhumane acts through enforced disappearance for which the Accused are indicted.

Civil Party Applicant 08-VU-02341 (D22/0407).²⁹ The forced transfer of the Applicant and his family within Kampong Speu Province is not among the three movements of population for which the Accused are indicted. The various locations where the Applicant and members of his family were forced to work under inhuman conditions and where some died of starvation or lack of medical care do not form part of one of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement, and other inhumane acts through attacks against human dignity for which the Accused are indicted.

²⁸ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

²⁹ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).



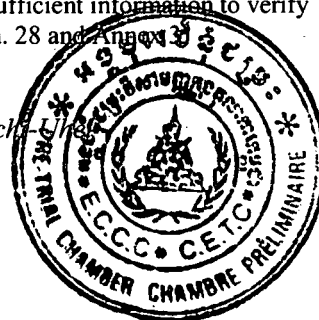
002/19-09-2007-ECCC/OCIJ (PTC 76, 112, 113, 114, 115, 142, 157, 164, 165 and 172)

Civil Party Applicant 08-VU-02345 (D22/1141).³⁰ The forced transfer of the Applicant and his family within Kampong Speu Province does not form part of the three movements of population for which the Accused are indicted. The various locations where the Applicant and some members of her family were forced to work under inhuman conditions do not formed part of one of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement, and other inhumane acts through attacks against human dignity for which the Accused are indicted. Furthermore, it is not alleged that the execution of his father, on the accusation that he was a former Lon Nol soldier, in early 1978 took place in one of the limited number of security centers, execution sites or even worksites or cooperatives retained in the Indictment underlying the crimes of extermination, murder, persecution and other inhumane acts through enforced disappearance for which the Accused are indicted.

Civil Party Applicant 08-VU-02347 (D22/0413).³¹ The forced transfer of the Applicant and her family from Kampong Speu to Kampot Province is not part of any of the three movements of population for which the Accused are indicted. It is not alleged that the locations where the Applicant was forced to work under inhuman conditions formed part of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement, and other inhumane acts through attacks against human dignity for which the Accused are indicted. The lack of information about the circumstances and the locations where the Applicant's relatives died of starvation does not allow me to consider that it forms part of the crimes for which the Accused are indicted. Furthermore, it is not alleged that the killing of the Applicant's husband in March 1977 upon the accusation that he was a "spy" took place in one of the limited number of security centers, execution sites or even worksites or cooperatives retained in the Indictment underlying the crimes of extermination, murder, persecution and other inhumane acts through enforced disappearances for which the Accused are indicted.

³⁰ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

³¹ Application declared inadmissible on the ground that there was insufficient information to verify compliance with Rule 23 bis (1) and (4) (Impugned Order D411, para. 28 and Annex 3).



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

Civil Party Applicant 08-VU-02348 (D22/1142).³² The forced transfer of the Applicant and his family from a soldier camp in Kandal Province to Kampong Speu Province does not form part of the three movements of population for which the Accused are indicted. The cooperative located in Pong Village, Tummoda Ar Sub-District, Samraoing Tong District, Kampong Speu Province, where the Applicant and her family were forced to work under inhuman conditions and some died of starvation, does not formed part of one of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement, and other inhumane acts through attacks against human dignity for which the Accused are indicted.

Civil Party Applicant 09-VU-00014 (D22/0473).³³ The forced transfer of the Applicant and her family within Kampong Speu Province does not form part of the three movements of population for which the Accused are indicted. It is not alleged that the locations where the Applicant and some members of her family where forced to work under inhuman conditions and some died of diseases form part of one of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement, and other inhumane acts through attacks against human dignity for which the Accused are indicted.

Civil Party Applicant 09-VU-00016 (D22/1176).³⁴ The forced transfer of the Applicant and her family from Kampong Speu town to a Village in the Province does not form part of the three movements of population for which the Accused are indicted. It is not alleged that the locations where the Applicant and some members of her family where forced to work under inhuman conditions and some died of diseases or starvation form part of one of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement, and other inhumane acts through attacks against human dignity for which the Accused are indicted. Furthermore, K'ek Pong mountain where the Applicant's father was killed is not among the limited number of security centers, execution sites or even

³² Application declared inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

³³ Application declared inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

³⁴ Application declared inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).



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

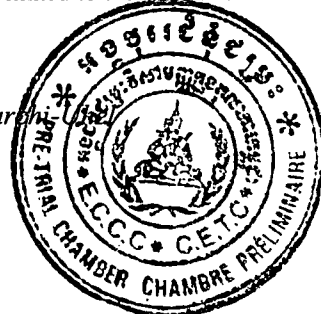
worksites or cooperatives retained in the Indictment underlying the crimes of extermination, murder, persecution and other inhumane acts through enforced disappearance for which the Accused are indicted.

Civil Party Applicant 09-VU-00017 (D22/0499).³⁵ The forced transfer of the Applicant and his family within Kampong Speu Province does not form part of the three movements of population for which the Accused are indicted. It is not alleged that any of the locations where the Applicant and some members of her family were forced to work under inhuman conditions and some died of diseases or starvation form part of one of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement, and other inhumane acts through attacks against human dignity for which the Accused are indicted. In addition, the lack of information about the circumstances surrounding the killing of the Applicant's relatives does not allow to consider that it took place in on of the limited number of security centers, execution sites, or even cooperatives or worksites retained in the Indictment underlying the crime of extermination, murder, persecution and other inhumane acts through enforced disappearance for which the Accused are indicted.

Civil Party Applicant 09-VU-00162 (D22/0617).³⁶ It is not alleged that the disappearance of the Applicant's grandfather in 1976, when he was teaching in Pou Mreal Village, Basedth District, Kampong Speu Province, correspond to any of the locations listed in the Indictment underlying the crime of other inhumane acts through enforced disappearances for which the Accused are indicted. Furthermore, the lack of information about the circumstances surrounding the killing of the Applicant's uncle does not allow to consider that it took place in on of the limited number of security centers, execution sites, or even cooperatives or worksites retained in the Indictment underlying the crime of extermination, murder, persecution and other inhumane acts through enforced disappearance for which the Accused are indicted.

³⁵ Application declared inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

³⁶ Application declared inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).



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

Civil Party Applicant 09-VU-01048 (D22/1688).³⁷ The forced transfer of the Applicant and his family from Kampong Speu town to the countryside in 1975 does not form part of the three movements of population for which the Accused are indicted. It is not alleged that any of the locations where the Applicant and some members of her family were forced to work under inhumane conditions and some died of diseases or starvation form part of one of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement, and other inhumane acts through attacks against human dignity for which the Accused are indicted. Krang Chek Sub-District, Oudoug District, Kampong Speu Province where the Applicant's father was killed does not correspond to the location where any of the limited number of security centers, execution sites or even worksites or cooperatives retained in the Indictment underlying the crimes of extermination, murder, persecution and other inhumane acts through enforced disappearance for which the Accused are indicted are located. Furthermore, the lack of information about the circumstances surrounding the killing of the Applicant's relatives does not allow to consider that it took place in on of the limited number of security centers, execution sites, or even cooperatives or worksites retained in the Indictment underlying the crime of extermination, murder, persecution and other inhumane acts through enforced disappearance for which the Accused are indicted.

Civil Party Applicant 09-VU-01051 (D22/1547).³⁸ The forced transfer of the Applicant and his family within Kampong Speu Province does not form part of the three movements of population for which the Accused are indicted. It is not alleged that any of the locations where the Applicant was forced to work under inhumane conditions form part of one of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement, and other inhumane acts through attacks against human dignity for which the Accused are indicted. Furthermore, Ta Ai Center where the execution of his grandfather and his son, on the basis that he was a "feudalist" or because his son was a former governor of Siem Reap Province, at Ta Ai Center, in Basedth District, Kampong Speu Province took place is not among the limited number of security centers, execution

³⁷ Application declared inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

³⁸ Application declared inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).



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

sites or even worksites or cooperatives retained in the Indictment underlying the crimes of extermination, murder, persecution and other inhumane acts through enforced disappearance for which the Accused are indicted. The same hold true for the disappearance of the Applicant's uncle, who was a former governor of Siem Reap Province.

Civil Party Applicant 09-VU-01054 (D22/1548).³⁹ The forced transfer of the Applicant and his family within Kampong Speu Province does not form part of the three movements of population for which the Accused are indicted. It is not alleged that any of the locations where the Applicant and members of his family were forced to work under inhumane conditions and tortured form part of one of the six cooperatives and worksites, or even security center retained in the Indictment underlying the crimes of enslavement, other inhumane acts through attacks against human dignity and torture for which the Accused are indicted. Furthermore, it is not alleged that the execution of the Applicant's family members who were former soldier under Lon Nol took place in one of the limited number of security centers, execution sites or even worksites or cooperatives retained in the Indictment underlying the crimes of extermination, murder, persecution and other inhumane acts through enforced disappearance for which the Accused are indicted.

Civil Party Applicant 09-VU-01055 (D22/1550).⁴⁰ The forced transfer of the Applicant and his family within Kampong Speu Province does not form part of the three movements of population for which the Accused are indicted. It is not alleged that the location where the Applicant was forced to work under inhumane conditions and where his daughter died of illness form part of one of the six cooperatives and worksites, or even security centre retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted. The locations where the Applicant's father and uncle were killed do not form part of the limited number of security centers, execution sites or even worksites or cooperatives retained in the Indictment underlying the crimes of extermination, murder,

³⁹ Application declared inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

⁴⁰ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).



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

persecution and other inhumane acts through enforced disappearance for which the Accused are indicted.

Civil Party Applicant 09-VU-01057 (D22/1551).⁴¹ The forced transfer of the Applicant and his family within Kampong Speu Province does not form part of the three movements of population for which the Accused are indicted. It is not alleged that the location where the Applicant and members of his family were forced to work under inhumane conditions and where some died from part of one of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted. Furthermore, it is not alleged that the execution of the Applicant's uncle, a former soldier under Lon Nol, and members of his family in 1975 took place in one of the limited number of security centers, execution sites or even worksites or cooperatives retained in the Indictment underlying the crimes of extermination, murder, persecution and other inhumane acts through enforced disappearances for which the Accused are indicted.

Civil Party Applicant 09-VU-01059 (D22/2087).⁴² The forced transfer of the Applicant and her family from Kampong Speu to Takeo Province does not form part of the three movements of population for which the Accused are indicted. It is not alleged that the cooperatives where the Applicant and some members of her family were forced to work under inhumane conditions, and where her father died, form part of one of the six cooperatives and worksites, or even security centers retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted. The locations where the Applicant's father and brother were killed do not form part of the limited number of security centers, execution sites or even worksites or cooperatives retained in the Indictment underlying the crimes of extermination, murder, persecution and other inhumane acts through enforced disappearance for which the Accused are indicted. Furthermore, it is not alleged that the execution of the Applicant's other brother, a former soldier under Lon Nol, took place in

⁴¹ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

⁴² Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).



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

one of the limited number of security centers, execution sites or even worksites or cooperatives retained in the Indictment underlying the crimes of extermination, murder, persecution and other inhumane acts through enforced disappearance for which the Accused are indicted.

Civil Party Applicant 09-VU-01060 (D22/1430).⁴³ The forced transfer of the Applicant and his family within Kampong Speu Province does not form part of any of the three movements of population for which the Accused are indicted. It is not alleged that any of the locations where the Applicant and members of his family were forced to work under inhumane conditions and were some died form part of one of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted.

Civil Party Applicant 09-VU-01411 (D22/1849).⁴⁴ The forced transfer of the Applicant and his family within Kampong Speu Province does not form part of any of the three movements of population for which the Accused are indicted. It is not alleged that the location where the Applicant and members of his family were forced to work under inhumane conditions and where some died form part of one of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted.e

Civil Party Applicant 09-VU-01413 (D22/1848).⁴⁵ The forced transfer of the Applicant and his family within Kampot Province does not form part of any of the three movements of population for which the Accused are indicted. It is not alleged that the location where the Applicant and members of his family were forced to work under inhumane conditions form part of one of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against

⁴³ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

⁴⁴ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

⁴⁵ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).



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

human dignity for which the Accused are indicted. The locations where the Applicant's father, a former teacher under Lon Nol, was executed and where the Applicant witnessed the killing of 17 persons are not among the limited number of security centers, execution sites, worksites, cooperatives nor does it correspond to one of the movements of population retained in the Indictment underlying the crimes of extermination, murder, persecution and other inhumane acts through enforced disappearance for which the Accused are indicted.

Civil Party Applicant 09-VU-01910 (D22/2897).⁴⁶ The forced transfer of the Applicant and his family within Kampong Speu Province does not form part of any of the three movements of population for which the Accused are indicted. It is not alleged that any of the location where the Applicant and members of his family were forced to work under inhumane conditions form part of one of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted. Furthermore, Prek Kmeng, Kampong Speu Province where it is alleged that the disappearance and execution of his father, a chief of Sub-District during King Sihanouk's Regime, took place in 1975, does not correspond to one of the limited number of security centers, execution sites or even worksites or cooperatives retained in the Indictment underlying the crimes of imprisonment, extermination, murder, persecution and other inhumane acts through enforced disappearances for which the Accused are indicted. The same holds true for the killing of the Applicant's grandfather and aunt, as there is insufficient information about the location where they were killed to consider that it forms part of the crimes of extermination, murder, persecution and other inhumane acts through enforced disappearance for which the Accused are indicted.

Civil Party Applicant 09-VU-01911 (D22/2898).⁴⁷ It is not alleged that the forced transfer of the Applicant and her family forms part of one of the three phases of forced transfer of population for which the Accused are indicted. It is not alleged that any of the

⁴⁶ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

⁴⁷ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).



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

various locations where the Applicant and her family were forced to work under inhumane conditions is one of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted. Furthermore, Tumnuv Kâp Chhkè Dam Village, Prey Kmeng Sub-District, Kampong Speu Province where the execution of her uncle, a former Lon Nol soldier, and his family took place in 1977 is not one of the limited number of security centers, execution sites or even worksites or cooperatives retained in the Indictment underlying the crimes of extermination, murder, persecution and other inhumane acts through enforced disappearances for which the Accused are indicted.

Civil Party Applicant 09-VU-01912 (D22/2899).⁴⁸ It is not alleged that the forced transfer of the Applicant and his family forms part of one of the three phases of forced movements of population for which the Accused are indicted. It is not alleged either that any of the locations where the Applicant was forced to work under inhumane conditions formed part of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted. Furthermore, it is not alleged that the execution of the husband of the Applicant's cousin, a former Lon Nol soldier, and other members of her family in 1977 took place in one of the limited number of security centers, execution sites or even worksites or cooperatives retained in the Indictment underlying the crimes of extermination, murder, persecution and other inhumane acts through enforced disappearances for which the Accused are indicted.

Civil Party Applicant 09-VU-01915 (D22/2902).⁴⁹ It is not alleged that the forced transfer of the Applicant and her family forms part of one of the three phases of forced movements of population for which the Accused are indicted. It is not alleged either that any of the locations where the Applicant and members of her family were forced to work under inhumane conditions, and where the Applicant's father died of starvation, formed

⁴⁸ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

⁴⁹ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).



part of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement, and other inhumane acts through attacks against human dignity for which the Accused are indicted.

Civil Party Applicant 09-VU-01916 (D22/2903).⁵⁰ It is not alleged that any of the locations where the Applicant's family members died *inter alia* of starvation or were executed formed part of the six cooperatives and worksites retained in the Indictment underlying the crimes of extermination, murder or other inhumane acts through attacks against human dignity for which the Accused are indicted. There is insufficient information about the circumstances of the disappearance of her nephew to consider that it is plausible that it took place in one of the locations where the Indictment alleges that the crimes of other inhumane acts through enforced disappearances for which the Accused are indicted did.

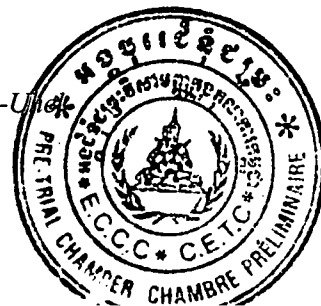
Civil Party Applicant 09-VU-01917 (D22/2904).⁵¹ It is not alleged that the forced transfer of the Applicant and her family forms part of one of the three phases of forced movements of population for which the Accused are indicted. It is not alleged that any of the locations where the Applicant's family members died of starvation formed part of the six cooperatives and worksites retained in the Indictment underlying the crime of other inhumane acts through attacks against human dignity for which the Accused are indicted. It is not alleged that the location where the Applicant's older brother has been executed forms part of the limited number of sites or during events retained in the Indictment underlying the crimes of extermination, murder and other inhumane acts through enforced disappearances for which the Accused are indicted.

Civil Party Applicant 09-VU-01918 (D22/2905).⁵² It is not alleged that the forced transfer of the Applicant and her family forms part of one of the three phases of forced transfer of population for which the Accused are indicted. It is not alleged that any of the

⁵⁰ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

⁵¹ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

⁵² Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).



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

locations where the Applicant's family members died of starvation formed part of the six cooperatives and worksites retained in the Indictment underlying the crime of other inhumane acts through attacks against human dignity for which the Accused are indicted. Furthermore, it is not alleged that the execution of the Applicant's father, a former Lon Nol soldier, and other members of her family in 1977 took place in one of the limited number of security centers, execution sites or even worksites or cooperatives retained in the Indictment underlying the crimes of extermination, murder, persecution and other inhumane acts through enforced disappearances for which the Accused are indicted.

Civil Party Applicant 09-VU-01919 (D22/2906).⁵³ It is not alleged that the forced transfer of the Applicant and her family forms part of one of the three phases of forced movements of population for which the Accused are indicted. It is not alleged that any of the locations where the Applicant and her family were forced to work under inhumane conditions and where the Applicant's parents and older brother died of starvation formed part of the six cooperatives and worksites retained in the Indictment underlying the crime of enslavement or other inhumane acts through attacks against human dignity for which the Accused are indicted.

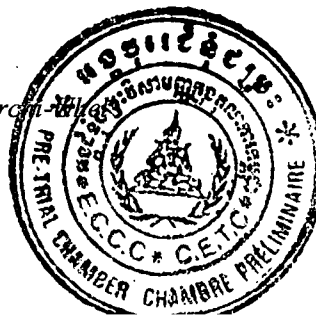
Civil Party Applicant 09-VU-02427 (D22/2207).⁵⁴ The forced transfer of the Applicant's older brother's family from Kampong Speu to Kampong Chhnang Province is not part of any of the three movements of population for which the Accused are indicted. It is not alleged that their killing took place in one of the limited number of security centers, execution sites or even worksites or cooperatives retained in the Indictment underlying the crimes of extermination, murder and other inhumane acts through enforced disappearances for which the Accused are indicted.

Civil Party Applicant 09-VU-02430 (D22/2209).⁵⁵ The forced transfer of the Applicant from Kampong Speu to Kampong Chhnang Province does not form part of one of the

⁵³ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

⁵⁴ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

⁵⁵ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).



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

three phases of forced movements of population for which the Accused are indicted. It is not alleged that any of the locations where the Applicant and his family were forced to work under inhumane conditions and where the Applicant's mother and sister and older brother died of starvation formed part of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement or other inhumane acts through attacks against human dignity for which the Accused are indicted. Furthermore, it is not alleged that the execution of the Applicant's father-in-law, on the basis that he was a "feudalist", in Tbaeng Village took place in one of the limited number of security centers, execution sites or even worksites or cooperatives retained in the Indictment underlying the crimes of extermination, murder, persecution and other inhumane acts through enforced disappearances for which the Accused are indicted.

Civil Party Applicant 09-VU-02431 (D22/2210).⁵⁶ The forced transfer of the Applicant's father within Kampong Speu Province does not form part of one of the three phases of forced movements of population for which the Accused are indicted. It is not alleged that any of the locations where the Applicant and his father were forced to work under inhumane conditions and where the Applicant's father died formed part of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement or other inhumane acts through attacks against human dignity for which the Accused are indicted.

Civil Party Applicant 09-VU-02432 (D22/2211).⁵⁷ It is not alleged that the execution of the Applicant's husband on the basis that he was considered to be a "traitor" took place in one of the limited number of security centers, execution sites or even worksites or cooperatives retained in the Indictment underlying the crimes of extermination, murder, persecution and other inhumane acts through enforced disappearances for which the Accused are indicted. The prison in Tuek L'ak area, where the Applicant was imprisoned and torture, does not form part of the limited number of security center, or even worksites or cooperatives retained in the Indictment underlying the crimes of imprisonment or

⁵⁶ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

⁵⁷ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).



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

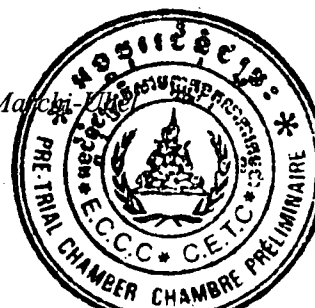
torture for which the Accused are indicted. The location where the Applicant was forced to work under inhuman conditions (Boeng Kak Village, Ta Ches Sub-District, Kampong Tralach District, Kampong Chhnang Province) does not form part of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement or other inhumane acts through attacks against human dignity for which the Accused are indicted.

Civil Party Applicant 09-VU-02433 (D22/2212).⁵⁸ It is not alleged that the execution of the Applicant's sons after they deserted took place in one of the limited number of security centers, execution sites or even worksites or cooperatives retained in the Indictment underlying the crimes of extermination, murder, persecution and other inhumane acts through enforced disappearances for which the Accused are indicted. It is not alleged that the location where the Applicant and her husband were forced to work under inhuman conditions and where the Applicant's husband died formed part of any of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement or other inhumane acts through attacks against human dignity for which the Accused are indicted.

Civil Party Applicant 09-VU-02434 (D22/2213).⁵⁹ The forced transfer of the Applicant and his family, together with the Applicant's brother-in-law's family, within Kampong Speu Province and then to Kampong Chhnang Province does not form part of one of the three phases of forced transfer of population for which the Accused are indicted. It is not alleged that the location where the Applicant and his family were forced to work under inhuman conditions, and where members of the Applicant's brother-in-law's family died of illness or starvation, formed part of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted.

⁵⁸ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

⁵⁹ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).



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

Civil Party Applicant 09-VU-02435 (D22/2214).⁶⁰ Along Phlieng, in Pou Mreal Sub-District, Basedth District, Kampong Speu Province, where the Applicant was imprisoned, forced to work and beaten, is not among the limited number of security centers, or even worksites or cooperatives retained in the Indictment underlying the crimes of imprisonment, torture, enslavement or other inhumane acts through attacks against human dignity for which the Accused are indicted.

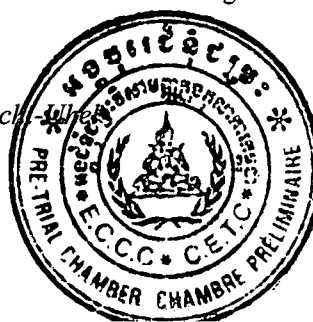
Civil Party Applicant 09-VU-02514 (D22/2286).⁶¹ It is not alleged that the execution of the Applicant's husband upon allegation that he was a "capitalist" in Trapeang Chour Village, Trapeang Chour Sub-District, Aoral District, Kampong Speu Province took place in one of the limited number of security centers, execution sites or even worksites or cooperatives retained in the Indictment underlying the crimes of extermination, murder, persecution and other inhumane acts through enforced disappearances for which the Accused are indicted. The same holds true for the Applicant's two siblings, who appear to have been killed in the same area.

Civil Party Applicant 09-VU-02518 (D22/2290).⁶² It is not alleged that the forced transfer of the Applicant and her family forms part of one of the three phases of forced movements of population for which the Accused are indicted. It is not alleged that any of the locations where the Applicant and her family were forced to work under inhuman conditions and where the Applicant's father and one sibling died of starvation and exhaustion formed part of any of the six cooperatives and worksites retained in the Indictment underlying the crime of enslavement or other inhumane acts through attacks against human dignity for which the Accused are indicted. Furthermore, it is not alleged that the execution of the Applicant's uncle upon allegation that he was a "CIA agent" in Trapeang Sangkae Village took place in one of the limited number of security centers, execution sites or even worksites or cooperatives retained in the Indictment underlying

⁶⁰ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

⁶¹ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

⁶² Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).



the crimes of extermination, murder, persecution and other inhumane acts through enforced disappearances for which the Accused are indicted.

Civil Party Applicant 09-VU-03323 (D22/2331).⁶³ Anlong Phleang worksite, in Pou Mreal Sub-District, Basedth District, Kampong Speu Province, where the Applicant's children were forced to work under inhuman conditions, does not form part of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted.

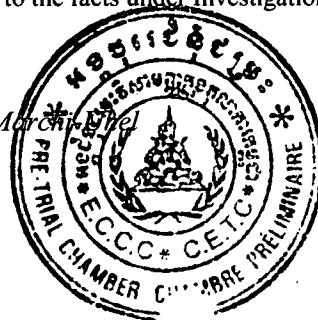
Civil Party Applicant 09-VU-03316 (D22/2325).⁶⁴ Ou Kaun Trom Dam, in Phnum Sruoch District, Kampong Speu Province, where the Applicant's husband was forced to work under inhuman conditions and died of overwork and starvation is not among the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted. There is insufficient information about the circumstances of the disappearance of her sibling-in-law to consider that it is plausible that it took place in one of the locations where the Indictment alleges that the crimes of other inhumane acts through enforced disappearances for which the Accused are indicted did.

Civil Party Applicant 09-VU-03319 (D22/2328).⁶⁵ The forced transfer of the Applicant's daughter from Kampong Speu to Takeo Province does not form part of one of the three phases of forced movements of population for which the Accused are indicted. It is not alleged that the children's unit in Takeo Province where the Applicant's daughter was forced to work under inhuman conditions and from where she disappeared forms part of the six cooperatives and worksites, or even the limited number of security centers retained in the Indictment underlying the crimes of enslavement, other inhumane acts

⁶³ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

⁶⁴ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

⁶⁵ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).



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

through attacks against human dignity or enforced disappearance for which the Accused are indicted.

Civil Party Applicant 09-VU-03321 (D22/2329).⁶⁶ The mass grave north of Srâng Market, near Wat Kak Kâ in Kong Pisei District, Kampong Speu Province, where the Applicant's husband and siblings were killed, does not form part of the limited number of security centers, execution sites or even worksites or cooperatives retained in the Indictment underlying the crimes of extermination, murder, persecution and other inhumane acts through enforced disappearances for which the Accused are indicted.

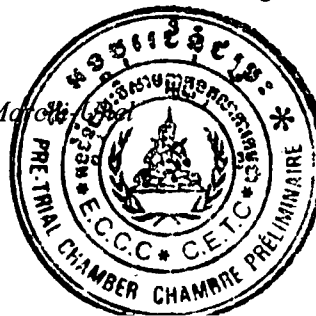
Civil Party Application 09-VU-03324 (D22/2332).⁶⁷ There is insufficient about the circumstances surrounding the arrest and torture of the Applicant's father in 1978 to consider it plausible that it took place in one of the limited number of security centres, or even worksites or cooperatives retained in the Indictment underlying the crimes of imprisonment and torture for which the Accused are indicted. There is insufficient information to consider it plausible that the imprisonment of the Applicant where he was Accused of being an American spy and was not fed, in Chrey Hau Pnov in Kong Pisei District, Kampong Speu Province, took place in one of the limited number of security centres, or even worksites or cooperatives retained in the Indictment underlying the crimes of imprisonment and other inhumane acts through 'attacks against human dignity' for which the Accused are indicted.

Civil Party Application 09-VU-03326 (D22/2334).⁶⁸ There is insufficient information about the circumstances surrounding the arrest and torture of the Applicant in 1976 in a military centre in Prey Kabbas District, Takeo Province, where the Applicant was Accused of hiding guns, to consider it plausible that it took place in one of the limited number of security centres, execution sites, worksites or cooperatives retained in the

⁶⁶ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

⁶⁷ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

⁶⁸ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).



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

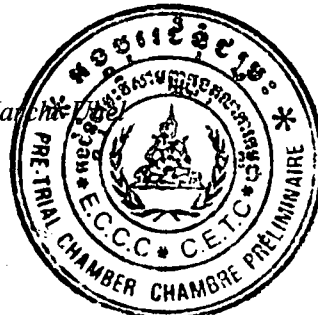
Indictment underlying the crimes of imprisonment and torture for which the Accused are indicted.

Civil Party Application 09-VU-03328 (D22/2335).⁶⁹ There is insufficient information about the circumstances surrounding the arrest and torture of the Applicant's husband as a result of his refusal to hand over his properties to Angkar to consider it plausible that it took place in one of the limited number of security centres, or even worksites or cooperatives retained in the Indictment underlying the crimes of imprisonment and torture for which the Accused are indicted. There is insufficient information to consider it plausible that the imprisonment and subsequent killing of the Appellant's younger sister-in-law, who was Accused of being an enemy, took place in one of the limited number of security centres, execution sites, worksites or cooperatives retained in the Indictment underlying the crime of extermination, murder, persecution or other inhumane acts through enforced disappearances for which the Accused are indicted.

Civil Party Application 09-VU-03330 (D22/3140).⁷⁰ The forcible transfer of the '17 April' people from Phnom Penh to Kouk Pnov Village, Prey Nheat Sub-District, Kong Pisei District, Kampong Speu Province in 1976 or the subsequent transfer of the '17 April' people along with the Appellant and his wife to Ta Ai security centre, Kampong Speu Province in 1976 do not form part of any of the three phases of forced movements of population for which the Accused are indicted. There is insufficient information to consider it plausible that the evacuation and subsequent killing of the Appellant's wife where she was Accused of being a capitalist and being associated with enemies of the Angkar took place in one of the limited number of security centres, execution sites, worksites or cooperatives retained in the Indictment underlying the crime of extermination, murder, persecution or other inhumane acts through enforced disappearances of which the Accused are indicted.

⁶⁹ Application inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

⁷⁰ Application declared inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).



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

Civil Party Application 09-VU-03339 (D22/2343).⁷¹ There is insufficient information about the location where the Appellant's husband was assigned to collect palm juice in 1976 to consider it plausible that it took place in one of the limited number of cooperatives, worksites or security centres retained in the Indictment underlying the crime of enslavement for which the Accused are Indictment. Pheap Security Centre, Phong Commune, Basedth District, Kampong Speu Province, where it is alleged that the killing of the Appellant's husband Accused of forming part of the network of the enemy took place, is not among the limited number of security centres, execution sites, or even worksites or cooperatives retained in the Indictment underlying the crime of extermination, murder, persecution or other inhumane acts through enforced disappearances for which the Accused are indicted.

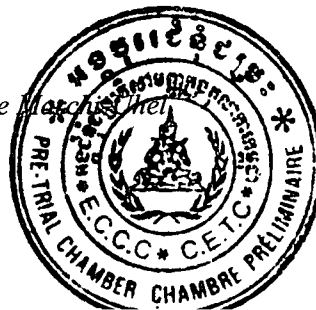
Civil Party Application 09-VU-03341 (D22/D2345).⁷² The arrest, imprisonment, torture and subsequent killing of the Appellant's mother in 1977 by Khmer Rouge cadres at the Srae Hau Pnao security centre in Kong Pisei District, Kampong Speu Province did not occur at one of the limited number of security centres, execution sites, worksites or cooperatives retained in the Indictment underlying the crimes of extermination, murder, persecution, other inhumane acts through enforced disappearances, imprisonment and torture for which the Accused are indicted.

Civil Party Application 09-VU-03344 (D22/2348).⁷³ There is insufficient information to consider that the killing of the Appellant's older brother in 1976 by Khmer Rouge cadres because he was Accused of being a traitor took place in one of the limited number of security centres, execution sites, worksites or cooperatives retained in the Indictment underlying the crime of extermination, murder, persecution or other inhumane acts through enforced disappearances for which the Accused are indicted.

⁷¹ Application declared inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

⁷² Application declared inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

⁷³ Application declared inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).



Civil Party Application 09-VU-03345 (D22/2349).⁷⁴ The forced labour of the Applicant in Thnal Dach Village, Preah Khae Sub-District, Basedth District, Kampong Speu Province did not occur at one of the six worksites or cooperatives retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted.

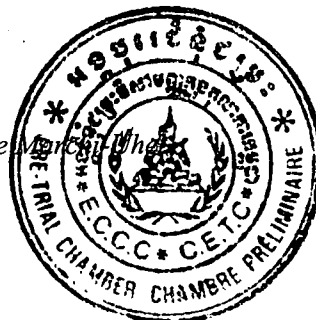
Civil Party Application 09-VU-03347 (D22/2351).⁷⁵ The forced transfer of the Appellant's husband in 1976 to A Pheap security centre in Phong Sub-District, Basedth District, Kampong Speu Province; and from this location to Thnal Village, Preah Khae Sub-District, Basedth District, Kampong Speu Province five months later do not form part of any of the three phases of forced movements of population for which the Accused are indicted. A Pheap security centre in Phong Sub-District, Basedth District, Kampong Speu Province where the Appellant's husband was arrested, detained, tortured and killed in 1977 is not among the limited number of security centres, execution sites, worksites or cooperatives retained in the Indictment underlying the crimes of torture, extermination, murder, persecution, other inhumane acts through enforced disappearances and imprisonment for which the Accused are indicted.

Civil Party Application 09-VU-03348 (D22/2352).⁷⁶ There is insufficient information about the circumstances surrounding the torture and killing of the Appellant's older brother in 1976 upon accusation of being an intellectual to consider it plausible that it took place in one of the limited number of security centres, execution sites, worksites or cooperatives retained in the Indictment underlying the crimes of extermination, murder, persecution, other inhumane acts through enforced disappearances and torture for which the Accused are indicted.

⁷⁴ Application declared inadmissible on the basis that there was insufficient information to verify compliance with Rule 23 *bis* (1) and (4) Impugned Order D411, para. 28 and Annex 3).

⁷⁵ Application declared inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

⁷⁶ Application declared inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).



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

Civil Party Application 09-VU-03351 (D22/2355).⁷⁷ The arrest, detention, torture and killing of the Appellant's father in 1976 at A Pheap security centre in Phong Sub-District, Basedth District, Kampong Speu Province; the arrest, detention, forced labour and killing of the Appellant's mother in 1977 at Chrai Haur Pnao security centre in Kong Pisei District, Kampong Speu Province and; the forced labour of the Appellant herself at Chrai Haur Pnao security centre did not occur at one of the limited number of security centres, execution sites, worksites or cooperatives retained in the Indictment underlying the crimes of extermination, murder, persecution, torture, imprisonment and other inhumane acts through attacks against human dignity and enforced disappearances for which the Accused are indicted.

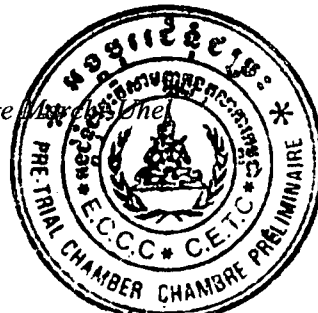
Civil Party Application 09-VU-03352 (D22/2356).⁷⁸ Ta Ai security centre, Our Svay Phiem, Chaoam Sangkae Sub-District, Phnum Sruoch District, Kampong Speu Province where the Applicant's husband was detained and killed is not among the limited number of security centres, execution sites, worksites or cooperatives retained in the Indictment underlying the crimes of imprisonment, extermination, murder, persecution or other inhumane acts through enforced disappearances for which the Accused are indicted.

Civil Party Application 09-VU-03353 (D22/2357).⁷⁹ The forced transfer of the Appellant's husband from Trapeang Veang Village, Preah Khae Sub-District, Basedth District, Kampong Speu Province to Boeng Village, Preah Khae Sub-District, Basedth District, Kampong Speu Province does not form part of any of the three phases of forced movements of population for which the Accused are indicted. The location where the Applicant's husband was killed (north of Boeng Village, Preah Khae Sub-District) does not correspond to an area where any of the limited number of security centres, execution sites, worksites or cooperatives retained in the Indictment underlying the crime of extermination, murder, persecution or other inhumane acts through enforced disappearances for which the Accused are indicted were located.

⁷⁷ Application declared inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

⁷⁸ Application declared inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

⁷⁹ Application declared inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).



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

Civil Party Application 09-VU-03354 (D22/2358).⁸⁰ A Pheap security centre in Phong Sub-District, Basedth District, Kampong Speu Province where the killing of the Appellant's father because he was Accused of being a hidden enemy took place is not among the limited number of security centres, execution sites, worksites or cooperatives retained in the Indictment underlying the crimes of extermination, murder, persecution or other inhumane acts through enforced disappearances of which the Accused are indicted. The same hold true for the imprisonment, forced labour and torture of the Appellant's father at the same security center.

Civil Party Application 09-VU-03356 (D22/2360).⁸¹ The arrest, imprisonment and killing of the Appellant's older brother by Khmer Rouge cadres in 1977 at Our Svay Phiem in Choam Sangkae Sub-District, Phnum Sruoch District, Kampong Speu Province because he was Accused of having conducted an immoral act did not take place in one of the limited number of security centres, execution sites, worksites or cooperatives retained in the Indictment underlying the crimes of extermination, murder, persecution, other inhumane acts through enforced disappearances and imprisonment for which the Accused are indicted.

Civil Party Application 09-VU-03394 (D22/2396).⁸² There is insufficient information about the circumstances surrounding the death of the Appellant's child in 1975 as a result of nobody taking care of her to consider it plausible that it took place in one of the limited number of cooperatives, worksites or during phases 1 or 2 of the population movements retained in the Indictment underlying the crime of other inhumane acts through attacks against human dignity for which the Accused are indicted. The arrest of the Appellant's husband in Chambak Run Khang Cheung Village, Pou Mreal Sub-District, Basedth District, Kampong Speu Province because he was Accused of stealing a bicycle as well as the detention and killing of the Appellant's husband at Ta Ai security centre did not occur at one of the limited number of execution sites, security centres, worksites or

⁸⁰ Application declared inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

⁸¹ Application declared inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

⁸² Application declared inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).



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

cooperatives retained in the Indictment underlying the crimes of imprisonment, extermination, murder, persecution or other inhumane acts through enforced disappearances of which the Accused are indicted.

Civil Party Application 09-VU-03397 (D22/3146).⁸³ Phnom Chrey Ho Pnov, Kong Pesei District, Kampong Speu Province where the Applicant's husband was arrested, detained and interrogated is not among the limited number of security centres, worksites or cooperatives retained in the Indictment underlying the crimes of imprisonment, extermination, murder, persecution or other inhumane acts through enforced disappearances for which the Accused are indicted. Phnom Chrey Ho Pnov where the killing of the Appellant's husband, Accused of being an accomplice of the Yuon, took place is not one of the limited number of security centres, execution sites, worksites or cooperatives retained in the Indictment underlying the crime of extermination, murder, persecution or other inhumane acts through enforced disappearances for which the Accused are indicted.

Civil Party Application 09-VU-03430 (D22/2425).⁸⁴ There is insufficient information about the circumstances surrounding the arrest and chaining of the Appellant's father at the house of a Khmer Rouge chief for seven days in 1977 because he took two bunches of rice to consider it plausible that it took place at one of limited number of security centres, worksites or cooperatives retained in the Indictment underlying the crime of imprisonment for which the Accused are indicted. Further, there is insufficient evidence of the circumstances where the Appellant's father was called to be on standby to carry injured people but never returned to consider it plausible that that it took place in one of the locations where the Indictment alleges that the crimes of other inhumane acts through enforced disappearances for which the Accused are indicted did.

⁸³ Application declared inadmissible on the basis that there was insufficient information to verify compliance with Rule 23 *bis* (1) and (4) Impugned Order D411, para. 28 and Annex 3).

⁸⁴ Application declared inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).



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

Civil Party Application 09-VU-03431 (D22/2426).⁸⁵ Au Svay Ph'em Prison in Choam Sangkae Sub-District, Phnum Sruoch District, Kampong Speu Province, where the applicant's husband was detained, interrogated and beaten up everyday because he was Accused of being a Yuon spy, is not one of the limited number of security centres, worksites or cooperatives retained in the Indictment underlying the crimes of imprisonment and torture for which the Accused are indicted.

Civil Party Application 09-VU-03433 (D22/2427).⁸⁶ Au Svay Ph'em Prison in Choam Sangkae Sub-District, Phnum Sruoch District, Kampong Speu Province, where the detention and forced labour of the Appellant without sufficient food in 1977 because she had been Accused of being a Yuon enemy took place, is not one of the limited number of security centres, worksites or cooperatives retained in the Indictment underlying the crimes of imprisonment and other inhumane acts through attacks against human dignity for which the Accused are indicted.

Civil Party Application 09-VU-03453 (D22/3162).⁸⁷ There is insufficient information about the circumstances surrounding the forced labour of the Appellant's older brother without sufficient food in 1977 to consider it plausible that it took place in one of the limited number of security centres, worksites or cooperatives retained in the Indictment underlying the crimes of imprisonment, enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted. Anlong Chrey, Kampong Speu Province where the Appellant's older brother was shot dead for being a Yuon spy is not one of the limited number of execution sites, security centres, worksites or cooperatives retained in the Indictment underlying the crime of extermination, murder, persecution or other inhumane acts through enforced disappearances of which the Accused are indicted.

⁸⁵ Application declared inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

⁸⁶ Application declared inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

⁸⁷ Application declared inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).



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

Civil Party Application 09-VU-03454 (D22/3163).⁸⁸ 99 security centre in Hpong District, Kampong Speu Province, where the Applicant's older brother was forced to work, is not one of the limited number of worksites, cooperatives or even security centres retained in the Indictment underlying the crime of enslavement for which the Accused are indicted. There is insufficient information about the circumstances surrounding the disappearance of the Appellant's older brother to consider it plausible that it took place in one of the limited number of security centres, execution sites, or even worksites or cooperatives retained in the Indictment underlying the crime of other inhumane acts through enforced disappearances of which the Accused are indicted.

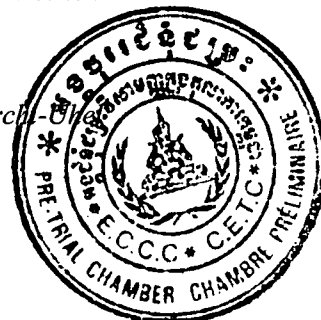
Civil Party Application 09-VU-03457 (D22/3166).⁸⁹ Svay Kamprok security centre in sector 99 in Kampong Speu Province, where the Appellant's husband was detained upon his arrest and forced to work in 1975 because he was Accused of betraying Angkar for taking meat from a dead ox to eat and from where he subsequently disappeared is not among the limited number of security centres, worksites or cooperatives retained in the Indictment underlying the crimes of imprisonment, enslavement and other inhumane acts through attacks against human dignity and other inhumane acts through enforced disappearances for which the Accused are indicted. Damrei Kach Roteh where the Appellant and her four children were detained after their arrest does not correspond to any of the limited number of security centres, worksites or cooperatives retained in the Indictment underlying the crimes of imprisonment and other inhumane acts through attacks against human dignity for which the Accused are indicted.

Civil Party Application 09-VU-03458 (D22/3167).⁹⁰ There is insufficient information about the arrest of the Applicant's father in 1976 and his killing in Takeo Province in 1978 because he was a former Lon Nol soldier; the killing of the Appellant's older brother and sister because they were Accused of being CIA spies and were supposedly sent to attend a study session to conclude that it took place in one of the limited number

⁸⁸ Application declared inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

⁸⁹ Application declared inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

⁹⁰ Application declared inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).



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

of security centres, execution sites or worksites retained in the Indictment underlying the crime of extermination, murder, persecution or other inhumane acts through enforced disappearances for which the Accused are indicted.

Civil Party Application 09-VU-03826 (D22/3477).⁹¹ The evacuation of the Appellant and her family members from Kampong Speu Province to the countryside in 1975 does not form part of any of the three phases of forced movements of population for which the Accused are indicted. Angkor Village, Angkor Borei District, Takeo Province where the Appellant's father, husband, children and sisters died of forced labour and starvation between 1976 and 1978 does not correspond to any of the location where the limited number of worksites, cooperatives or security centres retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity of which the Accused are indicted are situated.

Civil Party Application 09-VU-04153 (D22/3560).⁹² Pheap Office, Trapeang Peuk Village, Preah Khae Sub-District, Basedth District, Kampong Speu Province where the Applicant's younger brother was tortured and starved to death upon accusation of being an American spy is not among the limited number of security centres, worksites or cooperatives retained in the Indictment underlying the crime of torture, enslavement or other inhumane acts through attacks against human dignity for which the Accused are indicted.

Civil Party Applicant 09-VU-04174 (D22/2465).⁹³ The prisons at Svay Rumpea Sub-District, Basedth District and Wat Svay Teach, Phnum Kropeu Sub-District, Kong Piseil District, both located in Kampong Speu Province, where the Applicant was arrested and tortured on the ground that he was a "CIA spy" in 1976, are not among of the limited number of security centers, execution sites or even worksites or cooperatives retained in

⁹¹ Application declared inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

⁹² Application declared inadmissible on the ground that there is no proof of kinship with an immediate victim of forced transfer Phase 1 and harm is not linked to the facts under investigation (Impugned Order D411, paras 24 and 27 and Annex 3).

⁹³ Application declared inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).



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

the Indictment underlying the crimes of imprisonment, torture persecution or other inhumane acts through attacks against human dignity for which the Accused are indicted.

Civil Party Applicant 09-VU-04183 (D22/3578).⁹⁴ Kong Pisei District, Kampong Speu Province where the Applicant's brother, a medic, was killed does not correspond to the location where the limited number of security centers, execution sites or even worksites or cooperatives retained in the Indictment underlying the crimes of extermination, murder, persecution and other inhumane acts through enforced disappearances for which the Accused are indicted are situated.

Civil Party Applicant 09-VU-04186 (D22/3581).⁹⁵ Svay Ampear (or Svay Rumpea) Sub-District, Basedth District, Kampong Speu Province where the Applicant's younger brother, a member of the militia, was killed is not among the limited number of security centers, execution sites or even worksites or cooperatives retained in the Indictment underlying the crimes of extermination, murder, persecution or other inhumane acts through enforced disappearances for which the Accused are indicted.

Civil Party Application 09-VU-00348 (D22/3773).⁹⁶ None of the locations where two of the Applicant's siblings Accused of being enemies were arrested and killed in 1975 and 1977 (Prey Roneang Village, Svay Rompea Commune, Korng Pisey District, Kampong Speu Province; Prey Khlei Village, Bâ-sêth Commune, Bâ-sêth District, Kampong Speu Province) is among the limited number of sites retained in the Indictment underlying the crimes of murder, extermination, persecution and other inhumane acts through enforced disappearances for which the Accused are indicted. Further, the arrest, detention and forced labour of the Applicant for three or four days where he was forced to carry unearthed soil because he was Accused of being the 'third force' did not occur in one of limited number of security centres, cooperatives or worksites retained in the Indictment

⁹⁴ Application declared inadmissible on the basis that there was insufficient information to verify compliance with Rule 23 *bis* (1) and (4) (Impugned Order D411, para. 28 and Annex 3).

⁹⁵ Application declared inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

⁹⁶ Application declared inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).



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

underlying the crimes of enslavement, imprisonment and other inhumane acts through attacks against human dignity for which the Accused are indicted.

Civil Party Application 09-VU-00469 (D22/3827).⁹⁷ There is insufficient information about the killing of the Appellant's father because he was a former first secretary in 1975 to consider it plausible that it took place in one of the limited number of security centres, execution sites or worksites retained in the Indictment underlying the crime of extermination, murder, persecution or other inhumane acts through enforced disappearances for which the Accused are indicted. Further, it is not alleged that the arrest and imprisonment of the Appellant and his mother at Chrey Hou Pnov security centre in Kong Pisei District, Kampong Speu Province; the Appellant's forced labour and consequent beating if he did not achieve the plan of the Khmer Rouge; and the mistreatment of the Appellant's older mother where she eventually fell ill took place in one of the limited number of security centres, cooperatives or worksites retained in the Indictment underlying the crimes of imprisonment, enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted.

Civil party applicant 09-VU-03312 (D22/2321). Anlong Phleang worksite, in Basedth district, Kampong Speu province, where the applicant and her children were forced to work does not correspond to one of the limited number of cooperatives or worksites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted.

Appeal PTC 142⁹⁸

Civil Party Applicant 08-VU-01230 (D22/2046).⁹⁹ It is not alleged that the place where the Applicant was forced to work under inhumane conditions formed part of any of the

⁹⁷ Application declared inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

⁹⁸ Appeal Brief against the Order on the Admissibility of Applicant Civil Party Applicant Applicant Civil Party Applicant Applicant Applicant Civil Party Applicant Applicant Civil Party Applicant from current Residents of Kampong Speu Province (D411), 19 September 2010, D411/4/1 ("Appeal PTC 139").

⁹⁹ Application declared inadmissible on the ground that there was insufficient information to verify compliance with Rule 23 *bis* (1) and (4) (Impugned Order D411, para. 28 and Annex 2).



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

six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement, and other inhumane acts through attacks against human dignity for which the Accused are indicted. There is insufficient information about the circumstances of the disappearance and killing of her husband to consider that it is plausible that it took place in one of the locations where the Indictment alleges that the crimes of other inhumane acts through enforced disappearances and murder for which the Accused are indicted did.

Civil Party Applicant 08-VU-01228 (D22/1400).¹⁰⁰ It is not alleged that the “Central Security center in Phong Sub-District, Basedth Distrist, Kampong Speu Province” where the Applicant said her father was sent to work and later killed is part of the limited number of six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted, nor of the limited number of execution sites or other sites or formed part of the events retained in the Indictment underlying the crime of murder. Similarly, there is insufficient information about the location where the younger sister and mother of the Applicant were “reeducated” and subsequently killed to consider that it is plausible that it took place in one of the limited number of cooperatives, worksites, execution sites or security centers retained in the Indictment underlying the crimes of murder.

Civil Party Applicant 08-VU-01229 (D22/1409).¹⁰¹ It is not alleged that the killing of the Applicant’s mother took place in any of the execution sites or other sites or formed part of the events retained in the Indictment. There is also insufficient information about the location where the older brother/sister of the Applicant was killed to consider that it is plausible that it took place in one of the locations where the Indictment alleges that the crime of murder for which the Accused are indicted did.

¹⁰⁰ Application declared inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

¹⁰¹ Application declared inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).



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

Civil Party Applicant 08-VU-01231 (D22/1404).¹⁰² Ou Svay Prem and Basedth prisons where the Applicant was detained, interrogated, beaten and tortured are not amongst the limited number of security centers retained in the Indictment underlying the crimes of imprisonment, torture and other inhumane acts through attacks against human dignity for which the Accused are indicted.

Civil Party Applicant 08-VU-01293 (D22/0437).¹⁰³ The Applicant does not mention a specific cooperative or worksite where her parents were sent to forcibly work and starved. None of the six cooperatives or worksites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted are located in the area mentioned by the Applicant (Basedth District, Kampong Speu Province). Apheap security center where the Applicant's parents Accused to be an "enemy" or a member of the CIA were later sent to be killed is not one of the limited number of security centers or execution sites retained in the Indictment underlying the crime of murder for which the Accused are indicted.

Civil Party Applicant 08-VU-01300 (D22/1658).¹⁰⁴ It is not alleged that the Applicant's father was forced to work in one of the six cooperatives and worksites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted. It is not alleged that the killing of the Applicant's father, who had been Accused of having an immoral conduct with a woman, took place in one of the limited number of security centers or execution sites retained in the Indictment underlying the crime of murder for which the Accused are indicted.

Civil Party Applicant 08-VU-01443 (D22/1798).¹⁰⁵ The prison in Phnum Prasert where the Applicant's father, considered an alleged "enemy" and "CIA agent", was detained,

¹⁰² Application declared inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

¹⁰³ Application declared inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

¹⁰⁴ Application declared inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

¹⁰⁵ Application declared inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).



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

tortured and starved until death is not among the limited number of security centers retained in the Indictment underlying the crimes of imprisonment, torture, murder and other inhumane acts through attacks against human dignity for which the Accused are indicted. The same applies for the Applicant's mother, who was also detained, "shackled, starved and overworked until death" at the same prison.

Civil Party Applicant 08-VU-01550 (D22/1045).¹⁰⁶ It is not alleged that the arrest in 1975 and subsequent killing of the Applicant's uncle took place in one of the limited number of security centers, execution site or even worksites or cooperatives retained in the Indictment underlying the crimes of imprisonment, extermination, murder, persecution and other inhumane acts through enforced disappearances for which the Accused are indicted. Furthermore, there is insufficient information about the location where the Applicant's father was sent for "reeducation" and subsequently killed to consider that it is plausible that it took place in one of the limiter number of cooperatives, worksites, execution sites or security centers retained in the Indictment underlying the crimes of murder or other inhumane acts through enforced disappearances for which the Accused are indicted. Finally, it is not alleged that the forced transfer of the Applicant as described in his application forms part of one of the three phases of forced transfer of population for which the Accused are indicted.

Civil Party Applicant 08-VU-02052 (D22/0946).¹⁰⁷ Pou Village, Pou Mreal Sub-District, Basedth District, Kampong Speu Province, where the brother/sister, brother/sister-in-law and niece/nephew of the Applicant were killed, does not correspond to any of the limited number of cooperatives, worksites, execution sites or security centers retained in the Indictment underlying the crime of murder for which the Accused are indicted.

Appeals against Impugned Order D419 (Kampot Province)¹⁰⁸

Appeal PTC 112¹⁰⁹

¹⁰⁶ Application declared inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

¹⁰⁷ Application declared inadmissible on the ground that harm is not linked to the facts under Investigation (Impugned Order D411, para. 26 and Annex 3).

¹⁰⁸ Order on the Admissibility of Civil Party Applicants from Current Residents of Kampot Province, 14 September 2010, D419 ("Impugned Order D419").



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

The Appeal relates to 209 Civil Party Applicants whose applications were declared inadmissible by the Impugned Order. The Appeal raises general arguments related to all of the Applicants which I have addressed in my dissenting opinion, along with none of which warrant reversing the rejection of individual Civil Party Applicants. I therefore limit the present further reasons to my opinion to the 10 of the 13 Civil Party Applicants for which the Co-Lawyers have raised specific arguments and whose application in my view cannot be admitted.

Civil Party Applicant 09-VU-00777 (D22/0552).¹¹⁰ The Co-Lawyers stress that the father of the Applicant, Accused of being Vietnamese, was killed in Kampot Province in 1978 and that his/her brother and nephews were killed in Sihanouk town under the same accusation. The application was dismissed *inter alia* on the ground that the harm is not linked to the facts under investigation, as it occurred outside the geographical scope of the persecutions of the Vietnamese.¹¹¹ As for the 21 other Applicants who reported crimes concerning the treatment of the Vietnamese in Kampot Province, the Co-Investigating Judges specified that they were only authorised by the Co-Prosecutors to investigate crimes in Prey Veng and Svay Rieng Provinces which are described in paragraphs 69 to 70 of the Introductory Submission. The Co-Lawyers emphasize that the crimes of persecution against the Vietnamese are not necessarily limited to specified areas and that the Khmer Rouge targeted the Applicant based on the perception that they were Vietnamese or that they had Vietnamese physical traits. According to the Co-Lawyers, the accounts of these crimes constitute evidence of genocide and crimes against humanity committed against the Vietnamese, as described in the Introductory Submission. This argument is countered by the unambiguous wording of the Introductory Submission, which limits the facts under investigation to those forming part of the policy of eliminating the entire Vietnamese population of the Provinces of Prey Veng and Svay Rieng (paragraph 69) and Vietnamese who were encountered during incursions into

¹⁰⁹ *Appel des Co-avocats de parties civiles, Groupe Avocats Sans Frontières France, de l'ordonnance D419 sur la recevabilité des constitutions de parties civiles résidant dans la Province de Kampot, 27 September 2010, D419/2/1 ("Appeal PTC 112")*.

¹¹⁰ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (outside geographical scope/Vietnamese persecution); and the harm is not linked to the facts under investigation in relation to the other crimes (Impugned Order D419, para. 26 and Annex 3).

¹¹¹ Impugned Order D419, para. 26 and Annex 3.



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

Vietnamese territory (paragraph 70). The facts reported by the Applicant, as echoed by the Co-Lawyers, are situated in Kampot Province, they are not within the geographical purview of the Introductory Submission nor of the Indictment. Therefore, I find that the error alleged by the Co-Lawyers is not established.

Civil Party Applicant 09-VU-03380 (D22/2393).¹¹² In support of the same arguments as those raised in favour of Civil Party Applicant 09-VU-00777 (D232/0552), the Co-Lawyers stress that the father of the Applicant was killed in Kampong Speu, Accused of being a CIA agent and a Vietnamese. As for Civil Party Applicant 09-VU-00777 (D232/0552), the facts reported by the Applicant are not within the geographical purview of the Introductory Submission. Therefore, I find that the error alleged by the Co-Lawyers is not established.

Civil Party Applicant 08-VU-02364 (D22/0466).¹¹³ In support of the same arguments as those raised in favour of Civil Party Applicant 09-VU-00777 (D232/0552), the Co-Lawyers stress that the young brother of the Applicant as well as 20 to 25 other persons Accused of being enemies because they had a Khmer body but a Vietnamese head. As for Civil Party Applicant 09-VU-00777 (D232/0552), the facts reported by the Applicant are alleged to have taken place in Kampot Province¹¹⁴ and thus are not within the geographical purview of the Introductory Submission. Therefore, I find that the error alleged by the Co-Lawyers is not established.

Civil Applicant 09-VU-00505 (D22/0960).¹¹⁵ The Co-Lawyers stress that the husband of the Applicant was arrested because the Chief of his Village knew that he was Lon Nol military and that he disappeared. It is not alleged that these events form part of any of the phases of forcible evacuation or that they occurred in one of any of the worksites and

¹¹² Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (in relation to Buddhist persecution at Wat Damnak Trayeung; the harm is not linked to the facts under investigation (outside geographical scope/Vietnamese persecution); and the harm is not linked to the facts under investigation in relation to the other crimes (Impugned Order D419, para. 26 and Annex 3).

¹¹³ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (outside geographical scope/Vietnamese persecution); and the harm is not linked to the facts under investigation in relation to the other crimes (Impugned Order D419, para. 26 and Annex 3).

¹¹⁴ Report on Civil Party Application D22/0466/1.

¹¹⁵ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D419, para. 26 and Annex 3).



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

cooperatives, security centres or execution sites in relation to which the charge of persecution on political ground is retained.

Civil Applicant 09-VU-01460 (D22/2713).¹¹⁶ The Co-Lawyers stress that the uncle of the Applicant, Accused of being a Lon Nol soldier and an enemy, was killed. It is not alleged that these events form part of any of the phases of forcible evacuation or that they occurred in any of the worksites and cooperatives, security centres or execution sites in relation to which the charge of persecution on political ground is retained.

Civil Applicant 09-VU-01750 (D22/2164).¹¹⁷ The Co-Lawyers stress that the husband of the Applicant, a former Lon Nol soldier responsible for radio communication, was killed during the Pol Pot regime. It is not alleged that these events form part of any of the phases of forcible evacuation or that they occurred in one of any of the worksites and cooperatives, security centres or execution sites in relation to which the charge of persecution on political ground is retained.

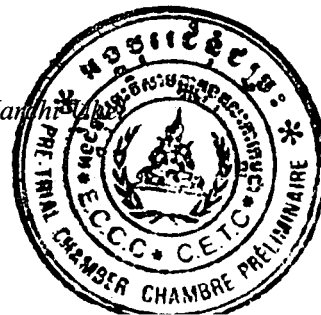
Civil Applicant 09-VU-00772 (D22/0555).¹¹⁸ The Co-Lawyers stress that the elder brother of the Applicant, Accused of being a former Lon Nol soldier was killed. It is not alleged that these events form part of any of the phases of forcible evacuation or that they occurred in one of any of the worksites and cooperatives, security centres or execution sites in relation to which the charge of persecution on political ground is retained.

Civil Applicant 09-VU00774 (D22/114). The Co-Lawyers stress that the father of the Applicant, a Colonel under Lon Nol Regime, was attached, deprived of food and later killed in May 1975. It is not alleged that these events form part of any of the phases of forcible evacuation or that they occurred in one of any of the worksites and cooperatives, security centres or execution sites in relation to which the charge of persecution on political ground is retained.

¹¹⁶ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D419, para. 26 and Annex 3).

¹¹⁷ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D419, para. 26 and Annex 3).

¹¹⁸ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D419, para. 26 and Annex 3).



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

Civil Applicant 09-VU-03305 (D22/2314).¹¹⁹ The Co-Lawyers stress that the Applicant's brother was killed for being a former Lon Nol soldier. It is not alleged that these events form part of any of the phases of forcible evacuation or that they occurred in one of any of the worksites and cooperatives, security centres or execution sites in relation to which the charge of persecution on political ground is retained.

Civil Applicant 09-VU-03308 (D22/02317).¹²⁰ The Co-Lawyers stress that the Applicant's nephew, a doctor in the Lon Nol army, and his/her uncle, a soldier in the same army, were killed on that ground. It is not alleged that these events form part of any of the phases of forcible evacuation or that they occurred in one of any of the worksites and cooperatives, security centres or execution sites in relation to which the charge of persecution on political ground is retained. Again, the error alleged on appeal is not established.

Appeal PTC 113¹²¹

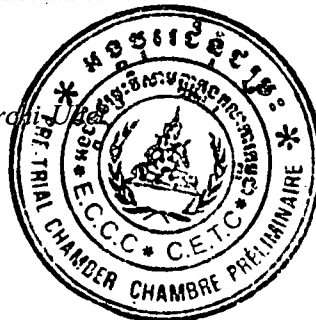
Civil Party Applicant 08-VU-02365 (D22/0465).¹²² The evacuation of the Applicant on 17 April 1975 falls outside the geographical scope of the first phase of forced transfers of population for which the Accused are indicted and which is limited to the evacuation of the population from Phnom Penh. The various locations where the Applicant was forced to work under inhumane conditions is not one of the six worksites and cooperatives listed in the Indictment underlying the crimes of enslavement and other inhumane acts through inhumane living conditions for which the Accused are indicted. Finally, the information provided about the killing of the Applicant's younger brother and aunts by the Khmer Rouge in 1978 does not allow me to conclude that these killings form part of the factual basis of the crimes of murder and extermination. In particular, the killing site of Koh Sla is not among the execution sites listed in the Indictment underlying these crimes.

¹¹⁹ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D419, para. 26 and Annex 3).

¹²⁰ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D419, para. 26 and Annex 3).

¹²¹ Appeal Against Order on the Admissibility of Civil Party Applicants from Current Residents of Kampot Province, filed on 24 September 2010, D419/5/1 ("Appeal PTC 113").

¹²² Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D419, para. 26 and Annex 3).



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

Civil Party Applicant 09-VU-00216 (D22/1262).¹²³ The evacuation of the Applicant on 17 April 1975 falls outside the geographical scope of the first phase of forced transfers of population for which the Accused are indicted and which is limited to the evacuation of the population from Phnom Penh. His further evacuation within Koh Kong Province in 1977 does not fall within the scope any of the phases of forced transfers of population for which the Accused are indicted. The Village where he was then forced to work under inhumane conditions including starvation as a result of which his son and daughter died, is not among the six worksites and cooperatives listed in the Indictment underlying the crimes of enslavement, extermination and other inhumane acts through inhumane living conditions for which the Accused are indicted. The information he provides about the killings he witnessed in June 1978 does not allow me to conclude that these killings form part of the factual basis of the crimes of murder and extermination for which the Accused are indicted. As to the instances of forced marriage witnessed by the Applicant, she does not allege a specific bond of affection or dependence with the persons in question.

Civil Party Applicant 09-VU-01451 (D22/2120).¹²⁴ The forced evacuation of the Applicant in July 1976 in Kampot Province does not fall within the scope of any of the three phases of forced transfer of population for which the Accused are indicted. The location where she was forced to work under inhumane conditions is not among the six worksites and cooperatives listed in the Indictment underlying the crimes of enslavement and other inhumane acts through inhumane living conditions for which the Accused are indicted. Ta Teaen Village where the Applicant's father, uncles and aunt were killed by the Khmer Rouge is not among the sites listed in the Indictment underlying the crimes of murder and extermination for which the Accused are indicted.

Civil Party Applicant 08-VU-01561 (D22/1064).¹²⁵ The forced evacuation of the application on 17 April 1975 does not form part of Phase 1 of the forced movement of population for which the Accused are indicted which is limited to the forcible transfer of

¹²³ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D419, para. 26 and Annex 3).

¹²⁴ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D419, para. 26 and Annex 3).

¹²⁵ Application declared inadmissible on the ground that the harm is not linked with facts under investigation (Impugned Order D419, para. 26 and Annex 3).



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

people from Phnom Penh. The facts of forced labour alleged by the Applicant did not occur in one of the cooperatives, worksite or any other site retained in the Indictment in relation to the crime of enslavement. The site mentioned by the Applicant in relation to the execution of his brother is not one of the sites retained in the Indictment where killings are alleged to have taken place and underlying the crimes of murder, extermination or persecution on political grounds for which the Accused are indicted.

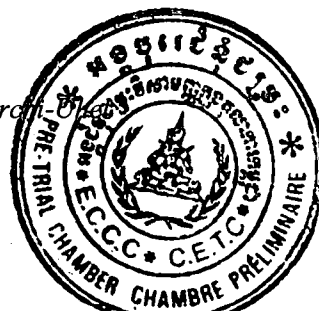
Civil Party Applicant 08-VU-01790 (D22/1143).¹²⁶ The forced evacuation of the Applicant on 17 April 1975 does not form part of Phase 1 of the forced movement of population for which the Accused are indicted which is limited to the forcible transfer of people from Phnom Penh. The Indictment has limited the instances of rape for which the Accused are indicted to those having taken place in the context of forced marriage.¹²⁷ The Applicant does not allege that he was forced to work in one of the cooperatives, worksite or any other site retained in the Indictment in relation to the crime of enslavement. The information provided by the Applicant in relation to the murder of the above victim of rape and the murder of his mother, younger brother and his two aunts does not allow me to conclude that they occurred in one of the sites retained in the Indictments where killings are alleged to have taken place and underlie the crimes of murder or extermination for which the Accused are indicted.

Civil Party Applicant 09-VU-00069 (D22/2671).¹²⁸ The forced evacuation of the Applicant in 1975 does not form part of Phase 1 of the forced movement of population for which the Accused are indicted which is limited to the forcible transfer of people from Phnom Penh. The information she provided does not allow me to consider that her further forcible transfer forms part of any of the two other phases of forcible transfer for which the Accused are indicted. The Applicant does not allege that she was forced to work in one of the cooperatives, worksite or any other site retained in the Indictment in relation to the crimes of enslavement and other inhumane acts through attacks against human dignity. The information provided by the Applicant in relation to the

¹²⁶ Application declared inadmissible on the ground that the harm is not linked with facts under investigation (Impugned Order D419, para. 26 and Annex 3).

¹²⁷ Indictment, para. 1429.

¹²⁸ Application declared inadmissible on the ground that the harm is not linked with facts under investigation (Impugned Order D419, para. 26 and Annex 3).



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

disappearance of three of her cousins does not allow to conclude that they occurred in one of the sites retained in the Indictment underlying the crime of other inhumane acts through enforced disappearances for which Accused are indicted. The Co-lawyers do not allege that there existed family link or a sufficient bond of affection between the Applicant and the immediate victims of forced marriage she reports about and do not adduce any evidence making it plausible that the Applicant suffered psychological harm as a result witnessing such events.

Civil Party Applicant 09-VU-00254 (D22/1039).¹²⁹ The forced evacuation of the Applicant on 17 April 1975 does not form part of Phase 1 of the forced population movement for which the Accused are indicted which is limited to the forcible transfer of people from Phnom Penh. The information provided by the Applicant in relation to the death of her elder sister and uncle from hunger in July 1977 at Touch Village does not allow me to conclude that they occurred in one of the sites retained in the Indictment in relation to any of the crimes for which the Accused are indicted. The Applicant does not allege that she was forced to work in one of the cooperatives, worksite or any other site retained in the Indictment in relation to the crimes of enslavement and other inhumane acts through attacks against human dignity.

Civil Party Applicant 09-VU-00547 (D22/1133).¹³⁰ The Applicant does not allege that he was forced to work in one of the cooperatives, worksite or any other site retained in the Indictment in relation to the crimes of enslavement and other inhumane acts through attacks against human dignity. Trapeang Sangkae, Kampot District and Province, where the Applicant's brother-in-law and aunt respectively was executed and died from hunger is not listed as one of the locations where it is alleged that any of the relevant crimes for which the Accused are indicted occurred. Finally the information provided by the Applicant in relation to her successive forcible relocation do not allow to conclude that it formed part of any of the three phases of movement of population for which the Accused are indicted of other inhumane acts through forced transfer.

¹²⁹ Application declared inadmissible on the ground that the harm is not linked with facts under investigation (Impugned Order D419, para. 26 and Annex 3).

¹³⁰ Application declared inadmissible on the ground that the harm is not linked with facts under investigation (Impugned Order D419, para. 26 and Annex 3).



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

Civil Party Applicant 09-VU-00549 (D22/1223).¹³¹ The forced evacuation of the Applicant and her family on 17 April 1975 does not form part of Phase 1 of the forced population movement for which the Accused are indicted which is limited to the forcible transfer of people from Phnom Penh. She does not allege that she was forced to work in one of the cooperatives, worksite or any other site retained in the Indictment in relation to the crimes of enslavement and other inhumane acts through attacks against human dignity. Mlou Moutain in Kampot Province where her elder male cousins were executed is not listed as one of the locations where it is alleged that any of the relevant executions for which the Accused are indicted occurred. The information she provided about the violent and shocking event she witnessed in October 1975 does not allow me to conclude that it formed part of the crimes for which the Accused are indicted.

Civil Party Applicant 09-VU-00721 (D22/0832).¹³² The forced evacuation of the Applicant on 17 April 1975 does not form part of Phase 1 of the forced population movement for which the Accused are indicted which is limited to the forcible transfer of people from Phnom Penh. He does not allege that the Village where he was forced to work under inhumane conditions is one of the cooperatives, worksite or any other site retained in the Indictment in relation to the crimes of enslavement and other inhumane acts through attacks against human dignity. Lve Village where his uncle and grand father were executed on the allegation of being enemies as well as Trapeang Bong Village where he reports that another of his uncles was also killed by the Khmer Rouge, are not listed as one of the locations where it is alleged that any of the relevant executions for which the Accused are indicted occurred.

Civil Party Applicant 09-VU-00802 (D22/1448).¹³³ The Applicant does not allege that the locations where he was forced to work and received inhumane treatments are one of the cooperatives, worksite or any other site retained in the Indictment in relation to the crimes of enslavement and other inhumane acts through attacks against human dignity.

¹³¹ Application declared inadmissible on the ground that the harm is not linked with facts under investigation (Impugned Order D419, para. 26 and Annex 3).

¹³² Application declared inadmissible on the ground that the harm is not linked with facts under investigation (Impugned Order D419, para. 26 and Annex 3).

¹³³ Application declared inadmissible on the ground that the harm is not linked with facts under investigation (Impugned Order D419, para. 26 and Annex 3).



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

The information he provides about the circumstances of the executions of his father and elder sister do not allow me to conclude that these executions form part of the executions for which the Accused are indicted.

Civil Party Applicant 09-VU-00805 (D22/2085).¹³⁴ The forced evacuation of the Applicant and his family on 17 April 1975 does not form part of Phase 1 of the forced population movement for which the Accused are indicted which is limited to the forcible transfer of people from Phnom Penh. He does not allege that the Village where he was forced to work under inhumane conditions is one of the cooperatives, worksite or any other site retained in the Indictment in relation to the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted. The Village of Prey Peay, Kampot Province where three of his siblings were executed in March 1978 is not listed as one of the locations where it is alleged that any of the relevant executions for which the Accused are indicted occurred. He does not allege any family link, special bond of affection with the persons he witnessed being the immediate victims of forced marriage and the Co-Lawyers do not adduce any evidence making it plausible that the Applicant suffered psychological harm as a result witnessing such events.

Civil Party Applicant 09-VU-01185 (D22/2093).¹³⁵ The information provided by the Applicant in relation to the execution of her son near Kampong Trach District, Kampot Province does not allow me to consider that it formed part of the executions for which the Accused are indicted. The information she provided about the forced labour and inhumane conditions imposed on her is also insufficient to conclude that these facts occurred in one of the cooperatives, worksites or any other site retained in the Indictment in relation to the crimes of enslavement and other inhumane acts through attacks against human dignity.

¹³⁴ Application declared inadmissible on the ground that the harm is not linked with facts under investigation (Impugned Order D419, para. 26 and Annex 3).

¹³⁵ Application declared inadmissible on the ground that they did not provide sufficient information to verify compliance with Rules 23 *bis* (1) and (4) in relation to the alleged crimes (Impugned Order D419, para. 29 and Annex) 3.



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

Civil Party Applicant 09-VU-01308 (D22/0662).¹³⁶ The Applicant does not allege that the facts of forced labour and inhumane conditions imposed on her occurred in one of the cooperatives, worksites or any other site retained in the Indictment in relation to the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted. Further, the information she provides in relation to the execution of her niece and nephews does not allow me to conclude that it formed part of the executions for which the Accused are indicted.

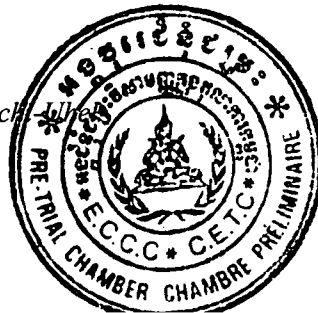
Civil Party Applicant 09-VU-01316 (D22/0635).¹³⁷ The Applicant does not allege that the facts of forced labour and inhumane conditions as well as of evacuation imposed on her occurred in one of the cooperatives, worksites or in relation to any other site or phase of forced movements of population retained in the Indictment in relation to the crimes of enslavement, other inhumane acts through attacks against human dignity and forced transfer for which the Accused are indicted. The Village where her mother and father died from hunger and lack of medicine in February 1976 is not listed as one of the locations where it is alleged that any of the relevant crimes for which the Accused are indicted occurred.

Civil Party Applicant 09-VU-0174 (D22/2172).¹³⁸ The Commune of Lbaeuk, Chhuk District, Kampot Province, where the Applicant indicates that his father was executed in June 1975, is not listed as one of the locations where it is alleged that any of the relevant executions for which the Accused are indicted occurred. The same goes for the site of Sen Han Mountain where the Applicant's brother was executed. The information he provides in relation to the facts of forced labour, inhumane conditions and forced evacuation imposed on him do not allow me to conclude that they occurred in one of the cooperatives, worksites or in relation to any other site or phase of forced movements of population retained in the Indictment in relation to the crimes of enslavement, other

¹³⁶ Application declared inadmissible on the ground that the harm is not linked with facts under investigation (Impugned Order D419, para. 26 and Annex 3).

¹³⁷ Application declared inadmissible on the ground that the harm is not linked with facts under investigation (Impugned Order D419, para. 26 and Annex 3).

¹³⁸ Application declared inadmissible on the ground that the harm is not linked with facts under investigation (Impugned Order D419, para. 26 and Annex 3).



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

inhumane acts through attacks against human dignity and forced transfer for which the Accused are indicted.

Civil Party Applicant 09-VU-01337 (D22/1883).¹³⁹ While the Applicant states that any activities related to religion were prohibited, she does not specify whether she herself was practicing one religion prior to the events and if so which one. The information provided by the Applicant in relation to her forcible evacuation in April 1976 and the facts of forced labour imposed on her does not allow me to conclude that these facts form part of any of the phases of forced movements of population, or correspond to any of the cooperatives or worksites for which the Accused are indicted for crimes against humanity of enslavement and other inhumane acts through forced transfer. Further, the information she provides in relation to the execution of her cousins and elder brother-in-law for unknown reasons and in relation to the execution of her elder male cousins under the allegation of being enemies associated with Vietnamese does not allow me to conclude that these executions formed part of the executions, including persecutions, for which the Accused are indicted. In her supplementary information, the Applicant is stressing that she suffered from being unable to pray, conduct funerals for her deceased and organized wedding ceremonies for her loved ones. However, she does not give any indication as to the religion she was practicing.

Civil Party Applicant 08-VU-02203 (D22/0420).¹⁴⁰ The information provided by the Applicant in relation to her forcible evacuation in April 1975 and the facts of forced labour and inhumane conditions imposed on her does not allow me to conclude that these facts form part of Phase 1 of forced movements of population concerning the evacuation of the population of Phnom Penh, or correspond to any of the cooperatives or worksites for which the Accused are indicted for crimes against humanity of enslavement and other inhumane acts through forced transfer. Furthermore, the information provided by the Applicant in relation to the execution of her father, mother, grand parents, aunt and one of her younger sister on the allegation of being the undercover agents of Vietnam does

¹³⁹ Application declared inadmissible on the ground that the harm is not linked with facts under investigation (Impugned Order D419, para. 26 and Annex 3).

¹⁴⁰ Application declared inadmissible on the ground that the harm is not linked with facts under investigation (Impugned Order D419, para. 26 and Annex 3).



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

not allow me to conclude that these executions formed part of the executions or persecution on political grounds for which the Accused are indicted.

Civil Party Applicant 10-VU-00833 (D22/3851).¹⁴¹ The forced evacuation of the Applicant on 18 April 1975 does not form part of Phase 1 of the forced movements of population for which the Accused are indicted which is limited to the forcible transfer of people from Phnom Penh. The Applicant does not allege that the location where he was forced to work under inhumane condition is one of the cooperatives or worksites retained in the Indictment in relation to the crimes of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted. The information he provides in relation to the violent and shocking event he witnessed of killings of persons Accused of betraying Angkar or rebelling against it does not allow me to conclude that the executions in question form part of those for which the Accused are indicted. The incident forming part of the purges witnessed by the Applicant in 1978 do not form part of the specific instances of execution for which the Accused are indicted (i.e. alleged to have been committed during specific movements of population or at specific sites).

Civil party Applicant 09-VU-01432 (D22/0760).¹⁴² The information provided by the Applicant in relation to her forcible evacuation in October 1977, the facts of forced labour and inhumane conditions imposed on her and resulting in the death of her daughters and one of her sons does not allow me to conclude that these facts form part of any of the three phases of forced movements of population, or correspond to any of the cooperatives or worksites for which the Accused are indicted for crimes against humanity of enslavement, extermination and other inhumane acts through forced transfer.

¹⁴¹ Application declared inadmissible on the ground that the harm is not linked with facts under investigation (Impugned Order D419, para. 26 and Annex 3).

¹⁴² Application declared inadmissible on the ground that the harm is not linked with facts under investigation (Impugned Order D419, para. 26 and Annex 3).



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

Civil Party Applicant 09-VU-01333 (D22/1885).¹⁴³ The forced evacuation of the Applicant on 17 April 1975 does not form part of Phase 1 of the forced population movement for which the Accused are indicted, which is limited to the forcible transfer of people from Phnom Penh. The information the Applicant provides in relation to the facts of forced labour and inhumane working conditions imposed on her does not allow me to conclude that these facts took place in any of the cooperatives or worksites for which the Accused are indicted for crimes against humanity of enslavement and other inhumane acts through attacks against human dignity.¹⁴⁴ The killing of the Applicant's cousins under the suspicion of being undercover agents serving Vietnam does not form part of the specific instances of execution for which the Accused are indicted. I note in this respect that Prey Totueng is not one of the sites listed in the Indictment.

Civil party Applicant 09-VU-01309 (D22/0661).¹⁴⁵ The information provided by the Applicant in relation to her forcible evacuations in December 1976 and thereafter, as well as the facts of forced labour and inhumane conditions imposed on her does not allow me to conclude that these facts form part of any of any the phases of forced movements of population, or correspond to any of the cooperatives or worksites for which the Accused are indicted for crimes against humanity of enslavement and other inhumane acts through forced transfer. The circumstances of the death of the Applicant's younger sibling while escaping the cooperative do not either allow me to conclude that these facts form part of the facts underlying the crimes for which the Accused are indicted.

Civil Party Applicant 08-VU-01556 (D22/1006).¹⁴⁶ The forced evacuation of the Applicant on 17 April 1975 does not form part of Phase 1 of the forced movements of population for which the Accused are indicted which is limited to the forcible transfer of people from Phnom Penh. The facts of forced labour alleged by the Applicant did not

¹⁴³ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (outside geographic scope in relation to persecution against Vietnamese) and that is not linked to the facts under investigation in relation to other alleged crimes (Impugned Order D419, para. 26 and Annex 3).

¹⁴⁴ Indictment, para. 1391.

¹⁴⁵ Application declared inadmissible on the ground that the harm is not linked with facts under investigation (Impugned Order D419, para. 26 and Annex 3).

¹⁴⁶ Application declared inadmissible on the ground that the harm is not linked with facts under investigation (Impugned Order D419, para. 26 and Annex 3).



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

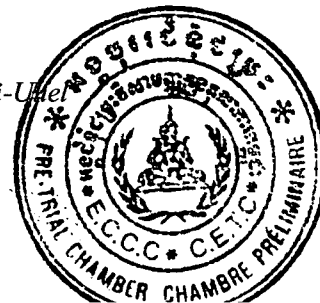
occur in one of the cooperatives, worksite or any other site retained in the Indictment in relation to the crime of enslavement. Furthermore, the information provided by the Applicant in relation to the shocking event he witnessed (the violent arrest of a couple Accused of immoral offence) does not allow me to conclude that it forms part of the facts underlying the crimes for which the Accused are indicted. The same goes with the facts related to the arrest and execution of his parents and siblings on the accusation of having served the enemy during Lon Nol's regime. The Co-Lawyers do not allege that these events occurred in any of the sites listed in the Indictment as places where executions for which the Accused are indicted occurred.

Civil Party Applicant 09-VU-00788 (D22/1584).¹⁴⁷ The forced evacuation of which the Applicant was a victim on 17 April 1975 does not form part of Phase 1 of the forced population movement for which the Accused are indicted which is limited to the forcible transfer of people from Phnom Penh. The facts of forced labour alleged by the Applicant did not occur in one of the cooperatives, worksite or any other site retained in the Indictment in relation to the crime of enslavement. The information she provides in relation to the execution of her father in June 1978 under the accusation of being an enemy and of being lazy as well as in relation to the death of her uncle as a result of illness and lack of medication does not allow me to conclude that these events form part of the factual basis of the crimes for which the Accused are indicted.

Civil Party Applicant 09-VU-00789 (D22/1593).¹⁴⁸ The Applicant does not allege that the facts of forced labour and inhumane conditions she was a victim of from August 1977 occurred in one of the cooperatives, worksite or any other site retained in the Indictment underlying crime of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted. Touch Village, Krang Snay Commune, Chhuk District, Kampot Province, where the Applicants' two sons were killed without apparent reason is not one of the sites where it is alleged that any of the relevant executions for which the Accused are indicted occurred. The information she provided in

¹⁴⁷ Application declared inadmissible on the ground that the harm is not linked with facts under investigation (Impugned Order D419, para. 26 and Annex 3).

¹⁴⁸ Application declared inadmissible on the ground that they did not provide sufficient information to verify compliance with Rules 23 *bis* (1) and (4) in relation to the alleged crimes (Impugned Order D419, para. 29 and Annex) 3.



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

relation to the execution of her daughter does not either allow me to conclude that it is plausible that her execution forms part of the factual basis of the crimes for which the Accused are indicted. The same goes in relation to the information provided by the Applicant in relation to the evacuation she witnessed in November 1978 of about 150 persons, amongst which her two nephews, who were sent by the Khmer Rouge to La'ng Mountain, La'ng Commune, Dang Tong District, Kampot Province and from where they disappeared.

Civil Party Applicant 08-VU-02368 (D22/0470).¹⁴⁹ The forced evacuation of the Applicant on 17 April 1975 does not form part of Phase 1 of the forced movements of population for which the Accused are indicted which is limited to the forcible transfer of people from Phnom Penh. The information provided by the Applicant about his further forcible evacuations from place to place do not allow me to conclude that it formed part of any of the three phases of forced movements of population for which the Accused are indicted. The facts of forced labour alleged by the Applicant did not occur in one of the cooperatives, worksite or any other site retained in the Indictment in relation to the crime of enslavement. The Village of Ta Tean, Chres Commune, Chum Kiri District, Kampot Province, where his father and younger brother were executed in July 1977 under the accusation of being enemies, is not one of the sites where it is alleged that any of the relevant executions for which the Accused are indicted occurred.

Civil Party Applicant 09-VU-01521 (D22/0791).¹⁵⁰ The facts of forced labour and inhumane conditions of which the Applicant was a victim and as a result of which two of her children died did not occur in one of the cooperatives, worksite or any other site retained in the Indictment in relation to the crime of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted. The information the Applicant provides in relation to the torture and deprivation of food as a

¹⁴⁹ Application declared inadmissible on the ground that the harm is not linked with facts under investigation (Impugned Order D419, para. 26 and Annex 3).

¹⁵⁰ Application declared inadmissible on the ground that there was no proof of kinship with an immediate victim in relation of the Forced Transfer from Phnom Penh (Phase I) and that the harm is not linked to the facts under investigation, in relation to the other alleged crimes (Impugned Order D419, para. 28 and Annex 3).



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

result of which her husband died does not allow me to conclude that these events form part of the factual basis of the crimes for which the Accused are indicted.

Civil Party Applicant 09-VU-00758 (D22/1488). The places where the applicant was forced to work, in Chhuk district, Kampot province, does not correspond to any of the limited number of cooperatives and worksites retained in the Indictment underlying the crimes of enslavement and other inhumane acts through attacks against human dignity for which the accused are indicted. Similarly, Phnom Mlou village, in Kampot province, where the applicant's grand uncle and cousins were executed upon accusation of being enemies, does not correspond to any of the limited number of security centers or execution sites retained in the Indictment underlying the crimes of murder, extermination and persecution on political grounds for which the accused are indicted.

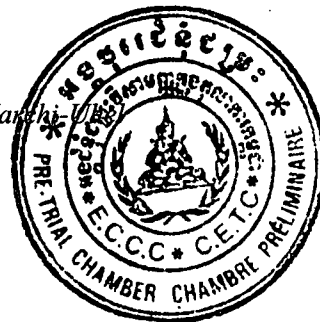
Appeal PTC 114¹⁵¹

Civil Party Applicant 09-VU-04252 (D22/3638).¹⁵² The Co-Lawyers submit that the Co-Investigating Judges erred in finding that the applications of the 52 Applicants in this appeal are inadmissible because they concern the treatment of the Cham minority in Kampot Province. While I am ready to accept the Co-Lawyer's statement that the Applicant is Cham, which is not mentioned in the application, I find that there is insufficient information provided in the application to conclude that the Applicant has suffered from one of the facts for which the Accused are indicted in relation to the crime of persecution against the Cham. The mere statement by the Applicant that "all religious places were destroyed, and religion was prohibited",¹⁵³ without any indication that the Applicant was a practicing Muslim or that she has suffered from the prohibition to practice her religion, is insufficient to conclude that she has suffered as a result of crime of persecution on religious ground against the Cham for which the Accused are indicted.

¹⁵¹ *Requête d'appel d'ordonnance sur la recevabilité des constitutions de parties civiles résident dans la Province de Kampot (52 requérants) – Liste des sources*, 27 September 201, D419/7/1.

¹⁵² Application declared inadmissible on the ground that there is no proof of kinship with an immediate victim in relation to forced marriage and the harm is not linked to the facts under investigation, in relation to the other alleged crimes and outside geographic scope / Cham persecution (Impugned Order D419, para. 26 and Annex 3).

¹⁵³ Supplementary information D22/3638b.



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

Civil Party Applicant 09-VU-00620 (D22/901).¹⁵⁴ The Co-Lawyers submit that the Co-Investigating Judges erred in finding that the applications of the 52 Applicants in this appeal are inadmissible because they concern the treatment of the Cham minority in Kampot Province. The Applicant, who alleges being Cham, solely makes reference in her application to Wat Kampot being destroyed and to the forcible disrobing of the monks.¹⁵⁵ This information, which relates to the persecution of Buddhists, does not allow me to conclude that the Applicant has suffered from one of the facts for which the Accused are indicted in relation to the crime of persecution against the Cham.

Appeal PTC 115¹⁵⁶

Civil Party Applicants 08-VU-02199 (D22/1131)¹⁵⁷, 09-VU-03795 (D22/3446)¹⁵⁸, 09-VU-03869 (D22/3520)¹⁵⁹, 09-VU-04251 (D22/3637)¹⁶⁰, 09-VU-03792 (D22/3443)¹⁶¹, 08-VU-0827 (D22/1027)¹⁶² (see also additional reasoning below for some of the Applicants). The Co-Lawyers submit that fourteen of the twenty-three Civil Party Applicants in Appeal PTC 115 allege injury as a result of crimes of persecution stemming from the treatment of the Cham and aimed at banning the practice of Islam, of which they were victims. According to the Co-Lawyers, these Applicants describe the prohibition to practice their religion including prayers; some of the victims also witnessed the murder of a man who defied the ban; the obligation to eat pork under surveillance; the obligation to

¹⁵⁴ Application declared inadmissible on the ground that there is no proof of kinship with an immediate victim in relation to forced marriage and the harm is not linked to the facts under investigation, in relation to the other alleged crimes and outside geographic scope / Cham persecution (Impugned Order D419, para. 26 and Annex 3).

¹⁵⁵ Supplementary information D22/901b.

¹⁵⁶ Appeal against the Order on the Admissibility of Civil Party Applicants from Current Residents of Kampot Province (23 Applicants), 27 September 2010, D419/8/1 ("Appeal PTC 115").

¹⁵⁷ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D419, para. 26 and Annex 3).

¹⁵⁸ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D419, para. 26 and Annex 3).

¹⁵⁹ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D419, para. 26 and Annex 3).

¹⁶⁰ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D419, para. 26 and Annex 3).

¹⁶¹ Application declared inadmissible on the ground that there is no proof of kinship with an immediate victim in relation to forced marriage and the harm is not linked to the facts under investigation, in relation to other alleged crimes (Impugned Order D419, para. 28 and Annex 3).

¹⁶² Application rejected on the ground that there is insufficient information to verify compliance with Rule 23 bis (1) and (4) of the Internal Rules (Impugned Order D419, para. 29 and Annex 3).



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

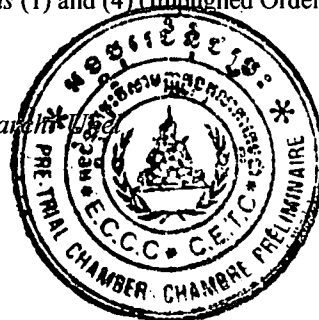
marry a non-Muslim; the obligation to witness the destruction of mosques and/or their conversion into pig pens; not being able to observe religious ceremonies, including funeral ceremonies. The applications of the concerned Civil Party Applicants were declared inadmissible mainly on the ground that they failed to establish a link between the harm suffered and the facts under investigation. I find that, contrary to the Co-Lawyers' assertion, the six Cham Civil Party Applicants listed above do not allege psychological harm linked to the acts of persecution against their community. The Applicants 08-VU-02199 (D22/1131), 09-VU-03795 (D22/3446), 09-VU-03869 (D22/3520), 09-VU-04251 (D22/3637), 09-VU-03792 (D22/3443), 08-VU-0827 (D22/1027)¹⁶³ make no reference to the facts listed by the Co-Lawyers.¹⁶⁴ I further note that while some of the said Applicants also alleged acts of persecution as a result of their forced transfer, none of these transfers fall within the geographical scope set out in the Supplementary Submission and the Indictment.

Civil Party Applicant 08-VU-0827 (D22/1027).¹⁶⁵ In addition to what I have said above in relation to this Applicant, I note that according to the Co-Lawyers, the finding that the Applicant did not provide sufficient information to verify compliance with Rule 23 *bis* (1) and (4) is inconsistent with the Co-Investigating Judges' acknowledgement that "the specific context and scope of Case 002/19-09-2007-ECCC-OCIJ makes it difficult and, in some cases, impossible to expect that Victims will be able to fully substantiate their claims based on documentary evidence." In any case, the Co-Lawyers submit that the information provided by the Applicant in support of her application is sufficiently substantiated. According to them, she alleges that she was a victim of forced labour in Preah Sihanouk Province from 1975 which caused her to be exhausted and ill; the arrest of her husband in 1977 at the cooperative where he was living by soldiers who Accused him and five others at the cooperative of betraying Angkar; and the death of their child from starvation a few weeks later. The information provided by the Applicant does not allow me to conclude that the cooperative where it is alleged that the crimes occurred is

¹⁶³ Report on Civil Party Application D22/1027.

¹⁶⁴ Report on Civil Party Applications D22/1131, D22/3446, D22/3520, D22/3637, D22/3443 (the same is true of the Applicant's supplementary information D22/3443a).

¹⁶⁵ Application declared inadmissible on the ground that the Applicant did not provide sufficient information to verify compliance of his application with Rule 23 *bis* (1) and (4) (Impugned Order D419, para. 29 and Annex 3).



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

among the limited number of cooperatives and worksites listed in the Indictment underlying crimes for which the Accused are indicted for enslavement, extermination and other inhumane acts through attacks against human dignity.

Civil Party Applicant 09-VU-03792 (D22/3443).¹⁶⁶ In addition to what I have said above in relation to this Applicant, I note that the Co-Lawyers submit that the Applicant was under severe distress as a result of the forced marriage of a relative. I find however that this allegation is not substantiated by the Applicant's statements. She reported having witnessed the forced marriage of 15 to 20 couples in Phnum Kraol Krobei, but does not specify any kinship with any of the persons involved or any harm she would have personally suffered as a result of witnessing the forced marriages.¹⁶⁷

Civil Party Applicant 08-VU-00830 (D22/993).¹⁶⁸ The Co-Lawyers stress that the Applicant belongs to the Khmer-Muslim community and that he saw the mosque in Preaek Sangkae having been turned into a prison where he saw five persons shackled while he was looking after his cattle. This information alone, does not alone allow me to conclude that it is plausible that the Applicant suffered psychological harm as a result of persecution on religious grounds.¹⁶⁹

Civil Party Applicant 08-VU-01829 (D22/393).¹⁷⁰ The Co-lawyers argue that the Applicant witnessed many people from Phnom Penh being forcibly transferred into his Village on 17 April 1975. They stress that he perfectly remembers these families, which lived in his house or nearby. According to the Co-Lawyers, seeing these persons leaving and disappearing could not have left the Applicant unaffected. I note that while the Applicant reports that five families forcibly transferred from Phnom Penh lived in his

¹⁶⁶ Application declared inadmissible on the ground that there is no proof of kinship with an immediate victim in relation to forced marriage and the harm is not linked to the facts under investigation, in relation to other alleged crimes (Impugned Order D419, para. 28 and Annex 3).

¹⁶⁷ Summary of supplementary information D22/3443a.

¹⁶⁸ Application declared inadmissible on the ground that the harm is not linked to facts under investigation (Impugned Order D419, para. 26 and Annex 3).

¹⁶⁹ Summary of supplementary information, D22/993b.

¹⁷⁰ Application declared inadmissible on the grounds that there is no proof of kinship with an immediate victim in relation to forced transfer from Phnom Penh (Phase 1) and the harm is not linked to the facts under investigation, (Impugned Order D419, paras 26 and 28 and Annex 3).



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

house with his own family, he does not claim that he suffered harm as a result of their forcible transfer and does not report their further killing or disappearance.

Civil Party Applicant 09-VU-01428 (D22/1917).¹⁷¹ I note that the Applicant did report witnessing the forced transfer of people from Phnom Penh to her Village after 17 April 1975. However, she does not, contrary to what the Co-Lawyers submit, allege having suffered from this fact, but “from the loss of two relatives and the hard labour she performed during the regime”. Considering the absence details regarding the circumstances of the forced transfer witnessed by the Applicant,¹⁷² I do not find that the Co-Investigating Judges erred by dismissing the application on this ground.

Civil Party Applicant 09-VU-01429 (D22/1918).¹⁷³ The Applicant attributes the psychological harm she suffered to the loss of two of her relatives and the hard labour of which she was a victim, and not, as the Co-Lawyers claim, to the forcible evacuation of Phnom Penh, which she describes without providing any details that establish an error committed by the Co-Investigating Judges.

Civil Party Applicants 09-VU-00626 (D22/1443)¹⁷⁴ and 09-VU-04251 (D22/3637)¹⁷⁵. The Co-Lawyers cite the atmosphere of terror in which the Applicant lived but fail to identify the specific crime(s) for which the Accused are indicted as a result of which the Applicant suffered harm.

Civil Party Applicant 09-VU-03869 (D22/3520).¹⁷⁶ In addition to what I have said above in relation to this Applicant, I note that the information provided does not allow me to

¹⁷¹ Application declared inadmissible on the ground that there is no proof of kinship with an immediate victim in relation to Forced Transfer (Phase I) and Buddhist persecution (Impugned Order D419, para. 26 and Annex 3).

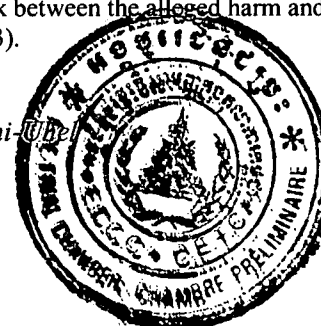
¹⁷² Report on Civil Party Application D22/1917 and Supplementary Information D22/1917b.

¹⁷³ Application declared inadmissible on the ground that there is no proof of kinship with an immediate victim in relation to Forced Transfer Phase I and harm not linked to other crimes under investigation (Impugned Order D419, para. 26 and Annex 3)

¹⁷⁴ Application declared inadmissible on the ground that there is no link between the alleged harm and the facts under investigation (Impugned Order D419, para. 26 and Annex 3).

¹⁷⁵ Application declared inadmissible on the ground that there is no link between the alleged harm and the facts under investigation (Impugned Order D419, para. 26 and Annex 3).

¹⁷⁶ Application declared inadmissible on the ground that there is no link between the alleged harm and the facts under investigation (Impugned Order D419, para. 26 and Annex 3).



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

conclude that the execution of the Applicant's maternal grandfather and sister are among the crimes for which the Accused are indicted.

Civil Party Applicant 09-VU-03795 (D22/3446).¹⁷⁷ In addition to what I have said above in relation to this Applicant, I note that the information provided does not allow me to conclude that the execution of the Applicant's father is among the crimes for which the Accused are indicted.

Civil Party Applicant 08-VU-02199 (D22/1131).¹⁷⁸ In addition to what I have said above in relation to this Applicant, I note that the information provided does not allow me to conclude that the execution of the Applicant's brothers and sisters are among the crimes for which the Accused are indicted.

Appeal PTC 157¹⁷⁹

Civil Party Applicant 08-VU-02155 (D22/1799).¹⁸⁰ Phnom La'ang, where the Applicant's father was called upon to work, after having been beaten and from where he disappeared, is not one of the six cooperatives or worksites listed in the Indictment in relation to the crime of enslavement and other inhumane acts through attacks against human dignity for which the Accused are indicted.

Civil Party Applicant 09-VU-00328 (D22/1814).¹⁸¹ The execution of the Applicant's husband and older brother on the ground that they were former Lon Nol's soldiers did not occur in one of the limited number of sites retained in the Indictment underlying the crimes of murder and persecution on political grounds for which the Accused are indicted. For the same reasons, the reprisals of which the Applicant and her children were

¹⁷⁷ Application declared inadmissible on the ground that there is no link between the alleged harm and the facts under investigation (Impugned Order D419, para. 26 and Annex 3).

¹⁷⁸ Application declared inadmissible on the ground that there is no link between the alleged harm and the facts under investigation (Impugned Order D419, para. 26 and Annex 3).

¹⁷⁹ Appeal Against Order on the Inadmissibility of Civil Party Applicants from Current Residents of Kampot Province (D419), 27 October 2010, D419/10/1 ("Appeal PTC 157").

¹⁸⁰ Application declared inadmissible on the ground that there is no link between the alleged harm and the facts under investigation (Impugned Order D419, para. 26 and Annex 3).

¹⁸¹ Application declared inadmissible on the ground there is no link between the alleged harm and the facts under investigation (Impugned Order D419, para. 26 and Annex 3).



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

victim, including the murder of some of her children, do not form part of the factual basis of the crimes for which the Accused are indicted.

Civil Party Applicant 09-VU-00347 (D22/1797).¹⁸² It is not alleged that the detention and killing of the Applicant's sibling on the accusation of being an enemy took place in any of the sites retained in the Indictment underlying the crimes of murder and persecution on political grounds for which the Accused are indicted. It is not either alleged that the Applicant's father disappeared from any of the sites or during events where the Indictment alleges that enforced disappearances for which the Accused are indicted took place.

Civil Party Applicant 09-VU-00322 (D22/1795).¹⁸³ It is not alleged that the acts of torture and killing of the Applicant's husband, the work she was forced to perform and the killing of her younger siblings, nephews and nieces in 1976 took place in any of the locations where crimes of murder and enslavement for which the Accused are indicted are alleged to have been committed.

¹⁸² Application declared inadmissible on the ground that the harm he alleged in relation to the treatment of the Vietnamese in Kampot Province is not linked to the facts under investigation because the Co-investigating Judges were only authorized to investigate these crimes in Prey Veng and Svay Rieng Provinces, as described in paragraphs 67-70 of the Introductory Submission (Impugned Order D419, para. 26) and the harm is not linked to the facts under investigation, in so far as the other alleged crimes are concerned (Annex 3).

¹⁸³ Application declared inadmissible on the ground that the harm is not linked to the facts under investigation (Impugned Order D419, para. 26 and Annex 3).

