

០១៨/No: D411/3/6.3

002/19-09-2007-ECCC/OCIJ (PTC 76, 112, 113, 114, 115,
142, 157, 164, 165 and 172)**ANNEX CONCERNING CIVIL PARTY APPLICANT WHOSE APPLICATION
IS, IN THE VIEW OF THE MAJORITY, INADMISSIBLE****Appeals against Impugned Order D411 (Kampong Speu Province)¹****Appeal PTC 76²**

Civil Party Applicant 08-VU-02051 (D22/0360). The Applicant has described how her brother became a soldier in the army under Democratic Kampuchea for two years from 1975 and that he was wounded, returned home for a few days and was then summoned to the East Zone, from which he did not return. Whilst it is clearly recognised that the death of a loved one who is a soldier is a very sad and traumatising event for a sister, the facts provided by the Applicant do not relate to the implementation of a policy of the Khmer Rouge, any other like findings in the Closing Order, or any matter in respect of which the Accused are indicted, which would permit the admission of the Applicant to be joined as a civil party. Whilst there may be further facts available to the Applicant, unfortunately they have not been put before the Pre-Trial Chamber, which is only permitted to act upon the actual substance of the matters put before it. For these reasons the appeal is declined insofar as this Applicant is concerned. The Applicant shall remain classified as a complainant. *CR*

¹ Order on the Admissibility of Civil Party Applicants from Current Residents of Kampong Speu Province; 9 September 2010, D411 ("Impugned Order D411").

² Appeal against Order on the Inadmissibility of Civil Party Applicants from Current Residents of Kampong Speu Province (D411), 20 September 2010, D411/8/3 ("Appeal PTC 76").

Civil party applications inadmissible in the view of the Majority

