

ANNEXANALYSIS OF RELEVANT CIVIL PARTY APPLICATIONS RELATED TO GROUND 1 OF
THE CO-LAWYERS APPEAL

No.	Civil Party Application	Reasoning of the International Judges regarding Alleged International Co-Investigating Judge's Error	Considerations on the Admissibility of Application
1.	14-VSS-00014 D11/383 HENG Navy	<p>In the Victim Information Form (VIF) dated 2009, the Applicant stated that her father and her grandparents died due to starvation in Kampot in 1976; and that her aunts, uncles and cousins were murdered in Kampot Province in 1977 and 1978. However, in the Supplementary Information dated 2013, the Applicant stated that her grandfather, father, her cousins, aunt and uncle were taken to be killed at Chamkar Thuren Security Center in Prey Nob District, Kampong Som Province, in 1978.</p> <p>Given the serious inconsistencies noted between the VIF and Supplementary Information, including different locations (a different province), dates and reasons for the death of her father, grandfather and cousins, the International Judges find that the Applicant does not establish that it is more likely than not to be true that she suffered as a consequence of one of the crimes charged. Consequently, the International Co-Investigating Judge did not err by rejecting this Civil Party Application.</p>	<p>The application is inadmissible. The International Co-Investigating Judge's decision is affirmed.</p>
2.	11-VSS-00301 D11/86 KONG Sâmngang	<p>The Applicant described being forcibly transferred with his family from Kampuchea Krom to Kirivong District, Takeo Province, in 1978; being forced into hard labour; starved and provided with inadequate medical care in Kirivong District from 1978 until 1979; the death of his mother and grandfather due to overwork, starvation and illness in 1978 in Kirivong District; the murder of his uncle in Angkor Chey District, Kampot Province, on the accusation of being Vietnamese in late 1978; and the forcible transfer of another uncle's</p>	<p>The application is admitted. The International Co-Investigating Judge's decision is overturned.</p>



		<p>family (accused of being a LON Nol soldier) to Veal Renh, Prey Nob district, Kampong Som Province, and their subsequent execution in 1977 at Bokor Mountain, Kampot Province, after his background was uncovered.</p> <p>The Applicant's uncle and his family were transferred to Veal Renh, Kampong Som Province where it is more likely than not to be true that they suffered as a consequence of the crimes charged. Therefore, the International Co-Investigating Judge erred by rejecting this Civil Party Application as these events fall within the scope of the case.</p>	
3.	<p>14-VSS-00017 D11/385 PRUM Samon</p>	<p>In her 2009 VIF, the Applicant described forced labour and inhumane living conditions from 1975; the murder of the Applicant's four brothers in Kampot Province in 1976; the death of the Applicant's brothers, sister, father and grandfather due to illness in Kampot Province in 1977; and the drowning and death of another of the Applicant's brothers in Kampot Province in 1977. But in the Supplementary Information dated 2013, she stated that three of her elder brothers, her father, grandfather, three uncles and an aunt were sent to the Durian Plantation and disappeared from there. In addition, she refers to having been evacuated to and enslaved in Ream, Prey Nob District.</p> <p>Given the serious inconsistencies noted between her VIF and Supplementary Information, the Applicant does not establish that it is more likely than not to be true that she suffered as a consequence of one of the crimes charged. Therefore, the International Co-Investigating Judge did not err by rejecting this Civil Party Application.</p>	<p>The application is inadmissible. The International Co-Investigating Judge's decision is affirmed.</p>
4.	<p>14-VSS-00012 D11/391 MAO Sophâl</p>	<p>The Applicant described in her VIF forced evacuation within Kampot Province, forced labour and inhumane living conditions. She stated that her uncles were murdered in Kampot Province in 1977, while in the Supplementary Information dated 2013, she alleged that her uncles were murdered at the Durian Plantation in Kampong Som Province in 1978. She also reveals her forced marriage in Kampot Province in 1978 in the Supplementary Information (she was 12 years old at that time according to her identification information).</p>	<p>The application is inadmissible. The International Co-Investigating Judge's decision is affirmed.</p>



		Given the serious inconsistency concerning the location of her uncles' murders, the International Co-Investigating Judge's decision to reject this application on the basis that the Applicant did not establish that it was more likely than not to be true that she suffered as a consequence of one of the crimes charged was not unreasonable.	
5.	14-VSS-00016 D11/384 OUCH Sakom	<p>The Applicant described the following in her Application: enslavement of and other inhumane acts against the Applicant and her family in Kampot Province in 1975-1976 and in Veal Renh, Kampong Som Province in 1977; and the murder of Applicant's husband and four siblings in Bet Trang Work Site at Prey Nob District, Kampong Som Province in 1978.</p> <p>There is a minor inconsistency concerning one of her older brothers, OUCH Seong: after mentioning that he was present in Veal Renh in 1977 with the other members of her family, she stated that one of her relatives who survived the regime told her in 1979 that OUCH Seong was killed in Takeo Province in 1975. This inconsistency does not affect the relevance and the reliability of the other facts described by the Applicant in relation to the experience she and other family members went through.</p> <p>The International Judges thus find that it is more likely than not to be true that she and her family suffered harm which was within the scope of the present case. Therefore, the International Co-Investigating Judge erred by rejecting this Civil Party Application.</p>	<p>The application is admitted.</p> <p>The International Co-Investigating Judge's decision is overturned.</p>
6.	17-VSS-00043 D11/646 ON Daravuth	<p>The Applicant described his enslavement and other inhumane acts in Prey Nob District, Kampong Som Province in 1975 and in Kampong Chhnang Province from 1976 until 1979; the enslavement of Applicant's mother and grandfather in 1975 in Prey Nob; deaths of Applicant's mother, sister and grandfather due to starvation in 1975-1976; and the disappearance of Applicant's father (former LON Nol soldier) in 1975.</p> <p>In application of the causal link requirement described in the present decision, the crimes committed against the Applicant and his family in Kampong Som fall within the scope of</p>	<p>The application is admitted.</p> <p>The International Co-Investigating Judge's decision is overturned.</p>



		the case. Therefore, the International Co-Investigating Judge erred by rejecting this Civil Party Application.	
7.	11-VSS-00138 D11/256 LONG Rân	<p>The Applicant described her enslavement with her family in Kampong Cham Province throughout the DK Regime; the murder of her older brother and his pregnant wife by a Khmer Rouge soldier on the accusation of being disloyal to Angkar in Kampong Cham in 1975; and the arrest, imprisonment and murder of her younger brother, SAM Chhoeun, in Tuol Sleng Prison in 1977. According to documentation submitted in her Supplementary Information, SAM Chhoeun was a Secretary in Division 310.</p> <p>Although they observe minor inconsistencies in the Applicant's VIF and Supplementary Information (Applicant referred to her brother as LONG or SAM Chhoeun and as her younger or older brother), the International Judges note that these inconsistencies do not affect the relevance and the reliability of the other facts described by the Applicant in relation to the experience she and other family members went through.</p> <p>The International Judges thus find that it is more likely than not that the events described in relation to the Applicant's brother were committed as part of the purge of Division 310 and fall within the scope of the case. Therefore, the International Co-Investigating Judge erred by rejecting this Civil Party Application.</p>	<p>The application is admitted.</p> <p>The International Co-Investigating Judge's decision is overturned.</p>
8.	11-VSS-00293 D11/95 VUONG (or VONG) Kim Snguon	<p>The Applicant, a former LON Nol soldier, described his forcible transfer from Phnom Penh to Kdei Ta Koy, Kien Svay District, Kandal Province; his enslavement in Phnom Penh in 1975; his enslavement in Kampong Som in 1975; his enslavement and starvation in Chhaeb District, Preah Vihear Province in June 1975; the forcible transfer and killing of one cousin and his family in Kampong Speu Province in 1975; the forcible transfer and disappearance of two other cousins and their families (unspecified location) in 1975; and his enslavement in Sa Em (unclear location) in 1978.</p> <p>The Applicant was forced to work as a driver in 1975, during which time he was ordered to transport food from Phnom Penh to Kampong Som where he stayed for two months. Thus,</p>	<p>The application is admitted.</p> <p>The International Co-Investigating Judge's decision is overturned.</p>



		the International Co-Investigating Judge erred by rejecting this Civil Party Application on the basis that the events described did not fall within the scope of the Case.	
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