

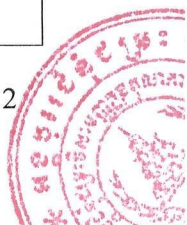
ANNEX 1

Considerations on Civil Party Annex D (Central Zone)

VSS Reference Number	Full Name of Civil Party Applicant	The Reasoning of the International Judges Regarding Alleged International Co-Investigating Judge's Error	Consideration on Admissibility of Application
16-VSS-00070	BAY Sophany	The applicant described the death of her three children outside of the Central Zone and the death of numerous other family members at unspecified times and locations. As indicated by the International Co-Investigating Judge, these facts fall outside of the scope of the case file.	The application is inadmissible . The International Co-Investigating Judge's decision is affirmed .
13-VSS-00316	DÂN Nat	The International Co-Investigating Judge committed an error. While some of the facts described are outside the scope of the case file, including the applicant's forced marriage in Kampong Cham Province in 1975, the applicant described enslavement and other inhumane acts in Chamkar Leu District, Kampong Cham Province from 1976 to 1978. These events are within the scope of the case file.	The International Co-Investigating Judge erred. The Civil Party application (D5/1336) is admitted .
12-VSS-00518	HAU Kunthea	The applicant described forced enslavement and other inhumane acts committed against her mother in late 1976 and the killing of her mother in Wat Chroy Ampil Security Center in Chrouy Ampil Village, Chambak Sub-District, Preaek Prasab District, Kratie Province in 1977. The International Co-Investigating Judge erred in rejecting the Civil Party application. Preaek Prasab District was located in Sector 42 in the Central Zone and the events fall within the temporal scope of the case file.	The International Co-Investigating Judge erred. The Civil Party application (D5/376) is admitted .
13-VSS-00103	KEO Ratheara	The applicant described crimes committed outside of the territorial scope of the case file, including enslavement in Battambang Province. The applicant also described the murder of her brothers and cousins at Wat Baray Chan	The application is inadmissible . The International Co-Investigating



		Dek, Baray District, Kampong Thom Province in 1976. However, the applicant does not provide further specification as to the timing of the killings in 1976. The International Co-Investigating Judge's determination that the facts described fall outside of the scope of the case file was not unreasonable.	Judge's decision is affirmed .
16-VSS-00052	KHEAV Tol	The applicant described crimes in 1975 and 1976 in Kampong Svay District, Kampong Thom Province but does not specify the timeframe any further. As indicated by the International Co-Investigating Judge, the dates of the alleged crimes are too vague to establish whether they occurred within the temporal scope of the case file.	The application is inadmissible . The International Co-Investigating Judge's decision is affirmed .
11-VSS-00024	KHI Leat	As the International Co-Investigating Judge explains, the events described, including the forced marriage of the applicant's sister in 1975 in Kampong Siem District, are outside of the temporal scope of the case file.	The application is inadmissible . The International Co-Investigating Judge's decision is affirmed .
13-VSS-00631	MAO Seu Les	<p>It was not unreasonable for the International Co-Investigating Judge to find the application inadmissible but his reasoning for doing so is incorrect.</p> <p>While the International Co-Investigating Judge correctly states that the facts fall outside the territorial scope, he erred in expressing that the applicant falls outside the temporal scope also (because the applicant described incidents, including around 1976 through 1978).</p> <p>It was not unreasonable for the International Co-Investigating Judge to find the applicant inadmissible because the applicant's alleged injury relates to crimes falling outside the territorial scope of the case file (in Tboung Khmum District of Kampong Cham Province), outside the Central Zone. This geography is further acknowledged by the Civil Party Lawyers' submission that the applicant was harmed within the Southwest Zone.</p>	The application is inadmissible . The International Co-Investigating Judge's decision is affirmed .



16-VSS-00059	MEAS Yon	The applicant described harm which relates to events that occurred in 1975 and mid-1976. As indicated by the International Co-Investigating Judge, these events fall outside of the temporal scope of the case file.	The application is inadmissible . The International Co-Investigating Judge's decision is affirmed .
13-VSS-00395	NEANG Sakhân	As indicated by the International Co-Investigating Judge, the facts described, including the applicant's forced transfer from Phnom Penh and deaths of family members in Prey Veng Province, fall outside of the scope of the case file.	The application is inadmissible . The International Co-Investigating Judge's decision is affirmed .
11-VSS-00059	NHEM Khan	The applicant described events that occurred in Kampong Thom Province in 1976 and at unspecified dates. The timeframe of these events was not sufficiently specific and it was unclear whether they occurred within the temporal scope of the case file. However, in the Supplementary Information, the applicant described that she was forced to work at various worksites, including at Kampong Thma Worksite in Kampong Thom Province towards the end of 1976. The event described falls within the temporal and territorial scope of the case file. The International Co-Investigating Judge erred in rejecting the application.	The International Co-Investigating Judge erred. The Civil Party application (D5/211) is admitted .
12-VSS-00672	NHIM Kol	The International Co-Investigating Judge's decision to declare the application of NHIM Kol as inadmissible on the grounds that he was a Khmer Rouge cadre was in error. Previously in Case 002, a number of former Khmer Rouge cadres were admitted as Civil Parties, including Civil Party CHHUN Samorn (D22/2479) and Civil Party 2-TCCP-235, both former Khmer Rouge soldiers. In terms of crimes within the temporal and territorial scope of the case file, NHIM Kol describes several arrests and murders of his family relatives, including the murder of his uncle (NHIM Chey, a former Lon Nol	The International Co-Investigating Judge erred. The Civil Party application (D5/676) is admitted .



	<p>soldier) and his family at Phnom Pros Phnom Srey in 1977 (<i>see</i> D5/676, at ERN 01541039; the torture and subsequent murder of his uncle (CHHUON Sim) at Wat Angkuonh Dei Pagoda, probably in 1977 or 1978 (<i>see</i> D219/171, A25); and the arrest of his uncle (PHAN Sim, former commune chairman and member of Prey Chhor District Committee) at the Sector Security Office at Wat Ta Meak as part of the purge of incumbent cadres after the Southwest Zone group arrived in the Central Zone (<i>see</i> D219/171, A11, A16).</p> <p>From June 1977 until 1979, NHIM Kol was in charge of the commerce unit of Krala Commune and was responsible for distributing rice and salt at the commune level, taking notes at commune and district meetings, keeping records and statistics of people and production, and selecting people to work in the plantations in Chamkar Leu District, Sector 42. The fact that the applicant witnessed the torture of one of his uncles (CHHUON Sim) while he was a Khmer Rouge cadre does not preclude him from Civil Party status. Although NHIM Kol was “standing there” at his uncle’s interrogation, a Khmer Rouge military commander (Phon) was conducting the interrogation and there is no indication that NHIM Kol participated in or perpetrated the torture. Indeed, the evidence suggests that NHIM Kol was powerless to stop the torture (<i>see</i> D219/171, A26: “I still have a painful feeling whenever I remember his words asking me to take care of his children.”; Q: “Was that interrogation the idea of Phon or PRAK Yut?” A29: “I think they did it on their own initiative...”). In fact, NHIM Kol was informed later that his uncle had been “taken to be killed”, suggesting that he was not present for the killing.</p> <p>Importantly, in any event, there is no indication in the evidence that NHIM Kol was a perpetrator or contributed to the arrests and deaths of his other family relatives, including his two other uncles (described above), nor did the International Co-</p>	
--	---	--



		Investigating Judge make such a finding in his reasoning.	
13-VSS-00697	PENG Nhorn	<p>As indicated by the International Co-Investigating Judge, most of the events described fall outside the temporal scope of the case file or the timing of the event is not specific enough to determine whether the event occurred within the scope of the case file.</p> <p>However, the applicant also described enslavement and other inhumane acts from 1975-1979 in various locations. She described that she was sent to cut vines in Preah Vihear Province in 1976 and forced to work without rest. After that, she was sent to Kampong Cham Market to carry cement and salt and was ordered to carry ammunition at night. Considering that Kampong Cham Market is the last location described by the applicant and that the forced labour continued until 1979, these events appear to have been within the temporal and territorial scope of the case file. Consequently, the International Co-Investigating Judge erred in rejecting the application.</p>	The International Co-Investigating Judge erred. The Civil Party application (D5/1429) is admitted .
16-VSS-00020	PHAN Sophat	<p>According to her narrative, the applicant and her family have suffered harm as a consequence of various crimes committed against herself and her family in 1976 at Prey Chhor and Kampong Siem Districts in Kampong Cham Province in the Central Zone. While it is unclear whether most of these crimes were committed in late 1976 or beyond, it was unreasonable for the International Co-Investigating Judge to conclude that the forced labour and other inhumane acts described are more likely to have fallen outside the temporal scope of the case file, in light of the continuing nature of the forced labour and other inhumane acts over the course of the Khmer Rouge regime as described by the applicant.</p>	The International Co-Investigating Judge erred. The Civil Party application (D5/1863) is admitted .



15-VSS-00113	POR Doeun	As indicated by the International Co-Investigating Judge, the applicant described events that fall outside of the territorial and/or temporal scope of the case file, including enslavement in Kampong Siem District in 1975 and the murder of relatives in Takeo Province.	The application is inadmissible . The International Co-Investigating Judge's decision is affirmed .
11-VSS-00068	POURK Chheam	The applicant described the killings of her sibling(s) in Kampong Svay District, Kampong Thom Province in 1976 and forced labour/starvation. The timeframe is not specified further and it cannot be concluded that these events occurred within the temporal scope of the case file. Accordingly, it was not unreasonable for the International Co-Investigating Judge to conclude that the events are outside of the scope of the case file.	The application is inadmissible . The International Co-Investigating Judge's decision is affirmed .
11-VSS-00346	PUT Eng	The applicant described the killings of her family members around 1976 in Kampong Siem District, Kampong Cham Province. The applicant does not provide sufficient detail to determine whether the event occurred within the temporal scope of the case file. Moreover, the account is inconsistent. The applicant initially alleges that the crimes occurred around 1977 while later indicating that these events transpired around 1976. Accordingly, it was not unreasonable for the International Co-Investigating Judge to conclude that the events occurred outside of the temporal scope of the case file.	The application is inadmissible . The International Co-Investigating Judge's decision is affirmed .
15-VSS-00116	SANG Vanny	The applicant described enslavement, forced labour, killings and starvation of his family members in Koh Kong. This is outside of the territorial scope of the case file. The applicant described the killings of his uncle and family members in Kampong Svay District, Kampong Thom Province but he does not provide dates or timeframes. Accordingly, the International Co-Investigating Judge's decision to reject this application was not unreasonable.	The application is inadmissible . The International Co-Investigating Judge's decision is affirmed .



13-VSS-00394	SAO Nimith	The applicant described events which included the killings of family members in Stueng Trang District, Kampong Cham Province, Sambour, Kracheh, and Snoul Districts in Kratie Province, along with detailing other events in Mondulhiri Province. The killings in Stueng Trang District (while occurring within the Central Zone) transpired in 1975 and are outside of the temporal scope of the case file. The other locations are outside of the Central Zone and as indicated by the International Co-Investigating Judge fall outside of the scope of the case file.	The application is inadmissible . The International Co-Investigating Judge's decision is affirmed .
13-VSS-000397	SAOM Eun	The applicant described events, including the deaths of family members, in Chhlaung District, Kratie Province. This district is not part of the Central Zone and, as the International Co-Investigating Judge indicated, falls outside of the territorial scope of the case file.	The application is inadmissible . The International Co-Investigating Judge's decision is affirmed .
15-VSS-00152	SAR Leat	The applicant described forced marriage, enslavement, other inhumane acts and killings of his siblings and other family members in Kampong Cham Province in late 1978. Most of the events appear to have occurred in Tbong Khmon District which is outside of the Central Zone. The applicant states that some of his siblings were killed in other locations in Kampong Cham Province. However, he does not provide additional information that could elucidate whether these events occurred within the territorial scope of the case file. The International Co-Investigating Judge's determination that the facts fall outside of the scope of the case file was not unreasonable.	The application is inadmissible . The International Co-Investigating Judge's decision is affirmed .
15-VSS-00118	SAUV Sary	The International Co-Investigating Judge did not err. As indicated, the events described are outside of the scope of the case file. In addition, there are material inconsistencies between the applicant's Civil Party application and the supplementary information provided.	The application is inadmissible . The International Co-Investigating Judge's decision is affirmed .



11-VSS-00140	SEANG Yâ	<p>The applicant described, <i>inter alia</i>, the killing of her brothers at Phnom Pros in Kampong Siem District, Kampong Cham Province. The applicant initially indicates that the crimes occurred in 1977. However, when further detailing the events, the applicant described that “[m]y older brother, SEANG Chaem [...] was taken away to be executed at Phnum Pros Phnum Srei probably in 1976” and “[a]round two or three days later, another older brother of mine, named SEANG Chhoeun, was called by the same militiamen to leave the village as well. He was also sent to Phnum Pros Phnum Srei.”</p> <p>The applicant does not provide sufficient detail to establish the date of these killings and consequently it was not unreasonable for the International Co-Investigating Judge to conclude 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”.</p>	<p>The application is inadmissible. The International Co-Investigating Judge’s decision is affirmed.</p>
11-VSS-00319	SO Kelvin Leng alias SO Khong Leng	<p>The applicant described events that occurred outside of the Central Zone, including forced labour and inhumane treatment. In addition, the applicant states that his brother was killed but does not specify the circumstances or timeframe. Consequently, the International Co-Investigating Judge’s decision to reject this application on the basis that “the facts described are outside of the case file” was not unreasonable.</p>	<p>The application is inadmissible. The International Co-Investigating Judge’s decision is affirmed.</p>
13-VSS-00567	SO Sary	<p>As indicated by the International Co-Investigating Judge, the applicant’s account is inconsistent. Initially, the applicant described the murder of her husband in 1975 stating that his throat was slit in front of her. Later, the applicant described that her husband was killed in 1978 along with her father and finally she indicated that he was killed in 1975 and was shot in front of her. Taking into account these inconsistencies, it was not unreasonable for the International Co-Investigating Judge to determine “it is</p>	<p>The application is inadmissible. The International Co-Investigating Judge’s decision is affirmed.</p>



		impossible from these inconsistencies to conclude that it is more likely than not to be true that she suffered as a consequence of one of the crimes charged”.	
11-VSS-00032	SOEM Roern	<p>The applicant described the killing of her husband at Phnom Pros Phnom Srei, Kampong Cham Province and her forced marriage in Kampong Siem District. In her initial application, she does not provide sufficient detail to determine whether these events are within the scope of the case file, merely indicating that the killing and forced marriage occurred in 1976.</p> <p>However, in the supplementary information, the applicant indicates that the forced marriage occurred at the end of 1976. This alleged crime falls within the temporal and territorial scope of the case file. Accordingly, it was unreasonable for the International Co-Investigating Judge to conclude that the alleged events fall outside of the scope of the case file.</p>	The International Co-Investigating Judge erred. The Civil Party application (D5/219) is admitted .
11-VSS-00028	SUM Thol	The applicant described forced labour in Kampong Siem District in 1975 and forced marriage and the killing of his sibling in 1976. These events fall outside of the temporal scope of the case file or are not sufficiently detailed to determine the timeframe.	The application is inadmissible . The International Co-Investigating Judge’s decision is affirmed .
12-VSS-00577	TEM Vât	The applicant described the killing of his brother at Phnom Pros Phnom Srey in Kampong Cham Province at an unspecified date and the killing of a second brother at an unknown date and location. It was not unreasonable for the International Co-Investigating Judge to conclude that the dates of the alleged crimes are not specific enough to establish whether the events occurred within the temporal and/or territorial scope of the case file.	The application is inadmissible . The International Co-Investigating Judge’s decision is affirmed .
14-VSS-00090	THORNG Neang	The applicant described enslavement and other inhumane acts in Kang Meas District, Kampong Cham Province in 1975 and the killing of family members at Wat Ou	The application is inadmissible . The International



		Trakuon but does not provide a detailed timeframe. Accordingly, it was not unreasonable for the International Co-Investigating Judge to conclude that the timeframe was insufficient to establish that it is more likely than not to be true that the applicant suffered as a consequence of the crimes charged.	Co-Investigating Judge's decision is affirmed .
--	--	--	--

