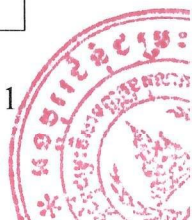


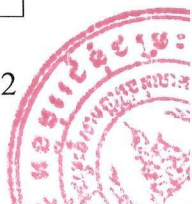
ANNEX 2

Considerations on Civil Party Annexes H(1) and H(2)

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-00048	HAV Chou	<p>The International Co-Investigating Judge appears to have relied on an incorrect English translation. In the Khmer original document, the applicant wrote: “My mother CHHAY Sam never had enough food to eat and lost many relatives. Worked very hard to complete the assigned tasks”, suggesting that the applicant’s mother and not the applicant herself performed the hard labour described. Thus, her identification stating that she was born in July 1979 is not improper identification.</p> <p>Moreover, the fact that the applicant was born after the DK period does not preclude her from Civil Party status at this stage. As the International Co-Investigating Judge noted, Civil Party applicants may plead the issue of transgenerational harm—and whether this satisfies the requirement of causality—in more detail at the trial stage. <i>See</i> Order on Civil Parties (International) (D362), para. 33, footnote 48.</p>	The International Co-Investigating Judge erred. The Civil Party application (D5/1891) is admitted .
15-VSS-00038	CHHIM Noeun	The International Co-Investigating Judge committed an error. The facts described by the applicant are within the temporal and territorial scope of the case file. The crimes described by the applicant occurred “[a]fter 1976” in Stoung District, Kampong Thom Province. In particular, the applicant suffered harm from forced evacuation and the murder of her father who was accused as a “traitor”.	The International Co-Investigating Judge erred. The Civil Party application (D5/1754) is admitted .
16-VSS-00042	CHIN Suong	The International Co-Investigating Judge committed an error. The applicant described the arrest and murder of his uncles in Kampong Thom Province, “at the end of 1976”. This crime is within the temporal and	The International Co-Investigating Judge erred.



		<p>territorial scope of the case file. The applicant thus should have been admissible.</p> <p>The other crimes described by the applicant, including forced transfer and enslavement of the applicant in Kampong Thom Province in 1975, death of his parents in 1975, and murder of his uncle in 1975, fall outside of the temporal scope of the case file.</p>	The Civil Party application (D5/1885) is admitted .
16-VSS-00044	CHUON Oeurn	<p>The applicant described crimes against herself and her husband occurring in Kampong Thom Province in 1975. The applicant also described the murder of her brother-in-law in 1976, without further specification.</p> <p>Considering the above, the applicant has not established that this falls within the temporal scope of the case file. It was not unreasonable for the International Co-Investigating Judge to conclude that the victim did not establish that it is more likely than not to be true that she suffered as a consequence of the crimes charged.</p>	The application is inadmissible . The International Co-Investigating Judge's decision is affirmed .
12-VSS-00432	KRY Loeng	As the International Co-Investigating Judge explains, the applicant described events committed in Kampong Speu Province, which are outside the territorial scope of the case file.	The application is inadmissible . The International Co-Investigating Judge's decision is affirmed .
16-VSS-00014	LY Srorn	<p>The applicant has provided inconsistent facts regarding the evacuation of herself and her family. In the Victim Information Form, the applicant stated that in 1975 her family was evacuated from Andoung Pou Village to Ampil Khanhanh Village (in Kampong Siem District, Kampong Cham Province) and was forced by the Khmer Rouge to work 10 days after she gave birth. The applicant asserted that she worked until 1979.</p> <p>The supplementary information from the applicant, however, provides a different</p>	The application is inadmissible . The International Co-Investigating Judge's decision is affirmed .



		<p>account. Herein, the applicant stated that she and her husband lived in Phnom Penh in 1975 and, after 17 April 1975, the Khmer Rouge evacuated the applicant, her husband, and their 7-month old child from Phnom Penh to Amlang, Kampong Speu Province, where she was ordered to work. The applicant also described events in Trapeang Chour Commune, Kampong Speu Province. In light of the inconsistency between the locations (Kampong Speu and Kampong Cham) over the same time period, it cannot be established that the crime described falls within the territorial scope of the case file.</p> <p>The applicant also described the murder of several of her siblings, probably around 1976, in Kampong Siem District. In respect of these crimes, it was not unreasonable for the International Co-Investigating Judge to conclude that the information provided is not sufficiently specific to establish that the crimes fall within the temporal scope of the case file.</p>	
16-VSS-00015	MAN Sles	<p>Although many of the crimes described by the applicant occurred in late 1975 and would fall outside the temporal scope of the case file, the International Co-Investigating Judge erred by failing to consider events continuing after 1975 as further described by the applicant in his Case 002 trial testimony (D219/792.1.4).</p> <p>In particular, the applicant described being forcibly evacuated in late 1975 from Krouch Chhmar District to Stueng Trang District, Kampong Cham Province with his wife and infant. There, the applicant was subjected to forced labour and starvation. He was only allowed to visit his wife “once or two times a year”. These facts fall within the temporal and territorial scope of the case file.</p>	The International Co-Investigating Judge erred. The Civil Party application (D5/1858) is admitted .
12-VSS-00583	MAO Ra	In respect of the disappearance of the applicant’s brother in 1975, as the International Co-Investigating Judge explains, this falls outside the temporal scope of the case file. In respect of the crimes described committed in Svay Rieng Province	The application is inadmissible . The International Co-



		and Kandal Province, these fall outside the territorial scope of the case file.	Investigating Judge's decision is affirmed .
16-VSS-00071	NEOU Sarem	The applicant described crimes committed outside the territorial scope of the case file, in Phnom Penh, Kandal Province, Pursat Province, and Battambang Province. In addition, as the International Co-Investigating Judge explains, for some of the crimes where the dates are specified, the 1975 to mid-1976 timeframe would appear to also fall outside the temporal scope of the case file.	The application is inadmissible . The International Co-Investigating Judge's decision is affirmed .
16-VSS-00020	PHÂN Sopath	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.	The International Co-Investigating Judge erred. The Civil Party application (D5/1863) is admitted .
12-VSS-00498	PIN Hei	The applicant described the disappearance of her husband in Preak Prasab District, Kratie Province, sometime "after 17 April 1975". The timeframe of the crime described by the applicant is not specific enough to establish that the application should be admitted. Accordingly, it was not unreasonable for the International Co-Investigating Judge to conclude that the facts fall outside the temporal 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	The application is inadmissible . The

		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.	International Co-Investigating Judge's decision is affirmed .
12-VSS-00440	SO Yen	As the International Co-Investigating Judge explains, the applicant described crimes committed in Kampong Speu Province, which are outside the territorial scope of the case file. In addition, as the International Co-Investigating Judge also notes, it cannot be established that the crimes, which are described as occurring in 1976, fall within the temporal scope of the case file.	The application is inadmissible . The International Co-Investigating Judge's decision is affirmed .
11-VSS-00032	SOEM Roern	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. 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.	The International Co-Investigating Judge erred. The Civil Party application (D5/219) is admitted .
12-VSS-00560	SVAY Mon	The applicant described crimes committed in Kampong Speu Province in 1978. Although the International Co-Investigating Judge incorrectly asserts that the application falls outside the temporal scope of the case file, the application is nevertheless inadmissible because the facts described fall beyond the	The application is inadmissible . The International Co-Investigating



		territorial scope of the case file, being outside the Central Zone.	Judge's decision is affirmed .
11-VSS-00337	TUON Pronh	<p>As the International Co-Investigating Judge explains, the application falls outside the scope of the case file.</p> <p>In respect of the murder of the applicant's cousins described as taking place in 1975 in Kampong Siem District, Kampong Cham Province, that is outside the temporal scope of the case file.</p> <p>In respect of the murder of the applicant's brother described as taking place in late 1978 in Banteay Meanchey Province, that is outside the territorial scope of the case file.</p>	<p>The application is inadmissible. The International Co-Investigating Judge's decision is affirmed.</p>
11-VSS-00178	YAN San	<p>The applicant described various crimes committed in Mondulhiri Province, which fall outside the territorial scope of the case file.</p> <p>In addition, as the International Co-Investigating Judge explains, the crimes described against the applicant's husband and son occurring in 1973 and 1974, respectively, fall outside the temporal scope of the case file.</p>	<p>The application is inadmissible. The International Co-Investigating Judge's decision is affirmed.</p>
11-VSS-00100	AM Nai Oun	<p>As the International Co-Investigating Judge explains, the timeframe for the crimes described (here, the murders of the applicant's uncles during the DK period in Kampong Cham Province) is left unspecified.</p> <p>The timeframe of the crimes is not specific enough to establish the temporal scope of the events. It was not unreasonable for the International Co-Investigating Judge to conclude that the victim did not establish that it is more likely than not to be true that she suffered as a consequence of the crimes charged.</p>	<p>The application is inadmissible. The International Co-Investigating Judge's decision is affirmed.</p>
12-VSS-00624	DORK Sokin	<p>The applicant described various crimes against herself and family members taking place in Kampong Speu, Takeo, Pursat, and</p>	<p>The application is inadmissible. The</p>



		<p>Battambang Provinces. These crimes all fall outside the territorial scope of the case file.</p> <p>In addition, some of the crimes, described as occurring in 1975 and mid-1976, are outside the temporal scope of the case file.</p>	<p>International Co-Investigating Judge's decision is affirmed.</p>
16-VSS-00052	KHEAV Tol	<p>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.</p>	<p>The application is inadmissible. The International Co-Investigating Judge's decision is affirmed.</p>
11-VSS-00024	KHI Leat	<p>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.</p>	<p>The application is inadmissible. The International Co-Investigating Judge's decision is affirmed.</p>
11-VSS-00033	KIM Sean	<p>The applicant described the following crimes: enslavement and inadequate medical treatment occurring in 1975 in Kampong Siem District, Kampong Cham Province and the arrest of the applicant's neighbour's cousins in 1977 in Memot District, Kampong Cham Province (East Zone). The former fact falls outside the temporal scope of the case file, while the latter falls outside the territorial scope because the crime location is outside the Central Zone.</p> <p>It was not wrong for the International Co-Investigating Judge to find the application inadmissible, but his reasons for doing so are incorrect. The issue with the application is not insufficient timeframes and locations as asserted by the International Co-Investigating Judge, but that the described crimes are beyond the temporal and territorial scopes of the case file.</p>	<p>The application is inadmissible. The International Co-Investigating Judge's decision is affirmed.</p>



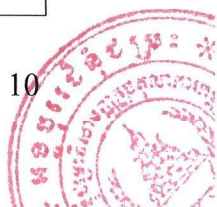
15-VSS-00159	KONG Phearin	<p>The applicant stated that he suffered from forced labour and starvation in 1975 in Prey Veng Province. The applicant also described the murder of his father and uncles during May 1978 in Ou Reang Ov District, Kampong Cham Province (East Zone). Both locations are outside the Central Zone and beyond the territorial scope of the case file.</p> <p>In respect of the murder of the applicant’s father-in-law at Wat Au Trakoun, the applicant does not specify the timeframe of this crime and it cannot be established that this falls within the temporal scope of the case file. It was not unreasonable for the International Co-Investigating Judge to conclude that the victim did not establish that it is more likely than not to be true that he suffered as a consequence of the crimes charged.</p>	<p>The application is inadmissible. The International Co-Investigating Judge’s decision is affirmed.</p>
16-VSS-00016	MAT Keu	<p>The applicant described various crimes committed against himself and family members and persecution of the Cham. The applicant did not give precise timeframes for the crimes, but from the context, it appears that he was mostly describing crimes committed in mid-late 1975. Thus, as the International Co-Investigating Judge explains, the information is not sufficient to determine that the application is within the temporal scope of the case.</p> <p>In addition, the locations of the crimes described are outside the Central Zone—in various villages of Krouch Chmar District, Kampong Cham Province (East Zone)—and thus outside the territorial scope of the case file.</p>	<p>The application is inadmissible. The International Co-Investigating Judge’s decision is affirmed.</p>
11-VSS-00058	MEAS Sorth	<p>The applicant described being subjected to forced labour in Kampong Thom Province in 1975 “until the liberation day”, despite her leg becoming disabled due to overwork. She also described other events in 1978. In respect of the disappearance of the applicant’s brother, the time and location were unspecified.</p>	<p>The International Co-Investigating Judge erred. The Civil Party application (D5/19) is admitted.</p>



		While the applicant could have provided more details, there is sufficient information to ascertain that at least some of the crimes fall within the temporal and territorial scope of the case file. The application should have been admitted.	
12-VSS-00484	OU Sâh	The applicant described crimes committed against herself and her family at various locations in Pursat Province and in Kampong Chhnang Province. Some of the locations were unclear but appear to be located in Kampong Chhnang Province. It was thus not unreasonable for the International Co-Investigating Judge to conclude that the victim did not establish that it is more likely than not to be true that she suffered as a consequence of the crimes charged; in particular, the facts described fall outside the territorial scope of the case file.	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 .
12-VSS-00445	SAO Nâm	As the International Co-Investigating Judge explains, the applicant described crimes committed in Kampong Speu Province, which are outside the territorial scope of the case file. In addition, as the International Co-Investigating Judge also notes, it cannot be established that the crimes, which are described as occurring "one day" in 1976, fall within the temporal scope of the case file.	The application is inadmissible . The International Co-Investigating Judge's decision is affirmed .
15-VSS-00018	SAUT Han	The applicant stated that her brothers were evacuated to Battambang Province and they were killed there (unspecified date). The timeframe of the murder is not specified and, importantly, the crime location is outside the territorial scope of the case file.	The application is inadmissible . The International Co-Investigating



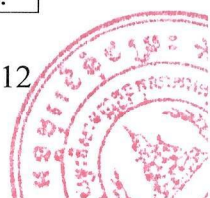
			Judge's decision is affirmed .
16-VSS-00028	SEANG Oeurn	<p>The applicant's descriptions are imprecise as to time and/or place, and also appear to be inconsistent.</p> <p>In her victim information form, the applicant first describes the death of her relatives while being ordered to carry bombs for the Khmer Rouge. According to the applicant, these relatives included her brothers Soeun, Roeun, and Sâm At, and the applicant's husband in Ta Ong Village or Chamraeun Phal Village in Kampong Siem District, Kampong Cham Province. In 1975, the applicant asserts she was subjected to forced labour in Andoung Pou Village, Kampong Siem District, Kampong Cham Province.</p> <p>In her supplementary information, the applicant describes her elder brother Roeun's murder by Khmer Rouge soldiers. The timeframe and location are not specified.</p> <p>The applicant also describes her elder brother Soeun's imprisonment at Wat Angkuonh Dey and potential murder in Tuol Beng. The timeframe is unspecified.</p> <p>The applicant next describes her husband's death in Speu Hospital due to overwork and illness. The timeframe is unspecified.</p> <p>The applicant lastly describes her younger brother Sâm At's death while he was in the Khmer Rouge military in Chamkar Leu District, Kampong Cham Province. The timeframe is unspecified.</p> <p>The information given in the two accounts differ in material respects—for example, the same individual is said to have died from forced labour in a certain location on the one hand, but also said to have been murdered in another location on the other hand. In addition and importantly, given the vague timeframes, the applicant has not established that the facts fall within the temporal scope of</p>	<p>The application is inadmissible. The International Co-Investigating Judge's decision is affirmed.</p>



		the case file. It was not unreasonable for the International Co-Investigating Judge to conclude that the victim did not establish that it is more likely than not to be true that she suffered as a consequence of the crimes charged.	
12-VSS-00577	TÈM 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 .
12-VSS-00486	TIM Yin	The applicant described the death of his four children in late 1976, early 1977, mid-1977, and during the 1977 rice transplanting season, respectively, from starvation in Bakan District, Pursat Province. The location is outside the territorial scope of the case file. It was not wrong for the International Co-Investigating Judge to find the application inadmissible, but his reasons for doing so are incorrect. The issue with the application is not unclear timeframes as asserted by the International Co-Investigating Judge, but that the described crimes are beyond the territorial scope of the case file.	The application is inadmissible . The International Co-Investigating Judge's decision is affirmed .
11-VSS-00065	BRACH Sornng	There is an inconsistency in the information provided by the applicant regarding the death of the applicant's father and younger brother. The applicant initially stated that she witnessed her younger brother being murdered in 1977 in Lveang Village, Sambuor Commune, Treang District, Takeo Province, and that her father was murdered in 1977 in Prey Rum Village, Takeo Province. However, in her supplementary information, the applicant stated that her younger brother was murdered in Poug Village, Takeo Province, and that her father died from starvation and disease.	The application is inadmissible . The International Co-Investigating Judge's decision is affirmed .



		Notwithstanding the inconsistency as noted by the International Co-Investigating Judge, the application is inadmissible because the crime location is outside the territorial scope of the case file.	
11-VSS-00129	KIM Seng	<p>The crimes described by the applicant which include forced marriage of the applicant's sister, the murder of his other sister, enslavement, starvation, and the death of the applicant's son during the DK period in various locations of Kampong Speu Province fall outside the territorial scope of the case file.</p> <p>In addition, as the International Co-Investigating Judge notes, the applicant's claim that in late 1975 he was evacuated from Kampong Speu Province to Pursat Province and later to Battambang Province appears to be inconsistent with his claim that he was subjected to forced labour in Kampong Speu Province in 1975-1976.</p>	The application is inadmissible . The International Co-Investigating Judge's decision is affirmed .
15-VSS-00066	KONG Koem Sean	The applicant described various crimes committed in Kracheh District, Kratie Province, which are outside the territorial scope of the case file, as noted by the International Co-Investigating Judge.	The application is inadmissible . The International Co-Investigating Judge's decision is affirmed .
12-VSS-00415	KIEV Him	The applicant described crimes committed in Kampong Speu Province, which are outside the territorial scope of the case file.	The application is inadmissible . The International Co-Investigating Judge's decision is affirmed .
13-VSS-00176	CHHOEURM Chhuon	The International Co-Investigating Judge may conclude that inconsistencies surrounding the applicant's identification fail	The application is inadmissible .



		<p>to demonstrate that it is more likely than not that the identity of the applicant is established (Victim Information Form stating a date of birth of 1977 whereas the applicant describes herself as 15 years old in 1975, <i>e.g.</i> date of birth of 1960, in the Supplemental Information).</p> <p>While the flexible approach is appropriate in assessing identity under Rule 23<i>bis</i>, identity must be demonstrated. As the Co-Lawyer acknowledges in the Annex H(2) submission, there are no documents enclosed for the Court to clarify the identity.</p> <p>Thus, the Impugned Order did not err in finding that the applicant failed to sufficiently identify herself.</p>	The International Co-Investigating Judge's decision is affirmed
13-VSS-00307	KHEAM Sorn, <i>alias</i> KHIEM Saon	<p>As acknowledged by the Civil Party Lawyer in Annex H(2), the applicant alleged, <i>inter alia</i>, forced marriage in Battambang Province (Northwest Zone) which falls outside the territorial scope of the case file.</p> <p>Moreover, the Civil Party Lawyer's argument that the applicant should be admitted "within the framework of Joint Criminal Enterprise" must be rejected. As in Ground 1(a) <i>supra</i>, the applicant must demonstrate a nexus connecting the alleged injury to the crimes alleged against AO An in the Central Zone. The applicant's injury may be the consequence of a national JCE (<i>e.g.</i> in the Northwest Zone) but fails to satisfy the nexus to the crimes charged in this Case, as required by Internal Rule 23<i>bis</i>(1)(b).</p>	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>	The application is inadmissible . The International Co-Investigating Judge's decision is affirmed .



		<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>	
11-VSS-00191	SAN Sophum	<p>As acknowledged by the Civil Party Lawyer in the submission in Annex H(2), the applicant “stayed” in the Southwest Zone. As the incidents alleged transpired in Battambang and Prey Veng Province (Northwest and East Zones), the International Co-Investigating Judge did not err in his inadmissibility finding.</p>	<p>The application is inadmissible. The International Co-Investigating Judge’s decision is affirmed.</p>
12-VSS-00843	TEM Chronn	<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>As acknowledged by the Civil Party Lawyer’s submission in Annex H(2), the applicant “stayed in the Southwest Zone” and “never stayed in the Central Zone.” While the International Co-Investigating Judge expressed that the application fell outside of the temporal scope, his reasoning describes incidents around 1978-1979 which transpired in Kampot or Takeo Province—outside the Central Zone.</p> <p>It was not unreasonable for the International Co-Investigating Judge to find the applicant inadmissible because the events fall outside of the territorial scope in any case.</p>	<p>The application is inadmissible. The International Co-Investigating Judge’s decision is affirmed.</p>
13-VSS-00429	SDEUNG Mach	<p>Due to the insufficient detail on certain allegations and that other incidents which were adequately detailed fall outside of the territorial scope, the International Co-Investigating Judge did not err. It was</p>	<p>The application is inadmissible. The International</p>



		<p>reasonable to conclude that it was not more likely than not to be true that the applicant suffered as a consequence of the charged crimes.</p> <p>The Co-Lawyer’s argument that the applicant is admissible because he was the direct victim of enslavement and other inhuman acts “within the framework of Joint Criminal Enterprise” must be rejected. While the applicant may have been injured due to a national JCE (<i>e.g.</i> in the Northwest Zone), the application fails to demonstrate connection of his injury to the alleged crimes in the Central Zone. <i>See</i> Ground 1(a) <i>supra</i> elaborating on the nexus requirement between the injury suffered and the crimes alleged, under Internal Rule 23<i>bis</i>(1)(b).</p>	<p>Co- Investigating Judge’s decision is affirmed.</p>
13-VSS-00026	VINH SaMinh	<p>It was not unreasonable for the International Co-Investigating Judge to find the application inadmissible as the crimes alleged fall outside the territorial and temporal scope of the case file.</p> <p>The Co-Lawyer’s argument that the applicant should be admitted within the framework of JCE must be rejected because the alleged incidents (even in relation to the national JCE) fall outside the Central Zone (this includes, <i>inter alia</i>, Banteay Meanchey, Battambang and Northwest Zone). <i>See supra</i> Ground 1(a), discussing the nexus requirement connecting the injury and the alleged crimes, under Internal Rule 23<i>bis</i>(1)(b)).</p>	<p>The application is inadmissible. The International Co-Investigating Judge’s decision is affirmed.</p>
13-VSS-00073	CHEN Savey	<p>The applicant stated that she carried out hard labour in 1975 but, as noted by the International Co-Investigating Judge, her identification document provided alongside her application (and as also confirmed in the identification section of her victim information form) states that she was born in 1974. The International Co-Investigating Judge did not err in concluding that the applicant would have been an infant in 1975 and it was, accordingly, impossible to deduce that it is more likely than not to be true that</p>	<p>The application is inadmissible. The International Co-Investigating Judge’s decision is affirmed.</p>



		<p>she suffered as a consequence of one of the crimes charged.</p> <p>Importantly, even if it turns out that the applicant’s year of birth on her identity card is the result of an error by the authorities as now submitted, the application falls outside the territorial scope of the case file. According to the applicant, the crimes were committed in various locations in Banteay Meanchey Province.</p>	
11-VSS-00300	KEO Kân	<p>In the submission in Annex H(2), the Co-Lawyer merely acknowledged an inconsistency in the applicant’s date of birth (1965 in the identity section versus 1982 on the identity card).</p> <p>Given the inconsistency in the dates of birth, it was reasonable for the International Co-Investigating Judge to find that this ambiguity as to identity “cannot be reconciled” and that this inconsistency prevents the application from meeting the essential identity requirement under Internal Rule 23<i>bis</i>(1)(a).</p>	<p>The application is inadmissible. The International Co-Investigating Judge’s decision is affirmed.</p>
13-VSS-00164	PHON Phar	<p>While the Co-Lawyer points out that the Impugned Order incorrectly states that the applicant recounted being the direct victim of forced marriage, this does not affect the ultimately finding of inadmissibility, which was based on territorial scope.</p> <p>The International Co-Investigating Judge did not err in concluding that the facts described by the applicant fell outside the territorial scope of the case file (as the multiple alleged incidents which the applicant suffered directly and indirectly involved, <i>inter alia</i>, forcible transfer, enslavement, starvation, murder within Banteay Meanchey Province)—not within the Central Zone.</p>	<p>The application is inadmissible. The International Co-Investigating Judge’s decision is affirmed.</p>
11-VSS-00297	YEM Khonny	<p>The Impugned Order did not err in finding that the inconsistencies between the Victim Information Form, Supplementary Information and the testimony of the applicant fail to establish that it is more likely than not to be true that she suffered because of one of the crimes charged. The</p>	<p>The application is inadmissible. The International Co-Investigating</p>



		<p>inconsistencies include, <i>inter alia</i>, contradictions concerning the dates, locations of her transfer to Cambodia, reason for her transfer and when her parents were killed.</p> <p>In the Victim Information Form (D5/82), the applicant asserted that on 17 April 1975, she lived in Kaul Village, in Vietnam, and that, in February 1976, she and others were transported to Cambodia. In mid-1977, eight members of her family (including her parents) were taken away by vehicle and disappeared.</p> <p>In contrast, in the Supplementary Information Form (D5/82.1), the applicant stated that on 17 April 1975, her parents were forcibly transferred from Phnom Penh to Den Mountain in Takeo Province and then were killed by the Khmer Rouge half a month later. The time periods and potentially even the locations for the murder of her parents is contradictory. Moreover, the applicant also describes how, in mid-1976, the Vietnamese transferred her due to the exchange policy between the Vietnamese and Cambodian, to Prey Ta Khab Village (Takeo).</p> <p>In the applicant's in-court testimony, she describes that on 17 April 1975, she had been transferred from Kampuchea Krom to Prey Khab (Takeo) and that her mother asked her to move to upper Cambodia Prey Khab because there was abundant of food. This contradicts the exchange policy reason she described otherwise.</p>	<p>Judge's decision is affirmed.</p>
13-VSS-00512	SIN Im	<p>The International Co-Investigating Judge did not err in finding that inconsistency as to the applicant's date of birth rendered the Application inadmissible. Even if identity was not at issue, the alleged incidents fall outside the territorial scope of the case file.</p> <p>The applicant's identity card showed a date of birth of 1973 which conflicted with her account of the murder of her parents-in-law in 1978, when the applicant would have been five-years old.</p>	<p>The application is inadmissible. The International Co-Investigating Judge's decision is affirmed.</p>



		The applicant described incidents including <i>inter alia</i> , forcible transfer from Svay Antor District (Prey Veng Province) to Bakan District (Pursat Province) and the murder of family at Veal Village, Ta Lou Commune, Bakan District (Pursat Province)—locations which fall outside the territorial scope of the case file.	
12-VSS-00672	NHIM Kol	<p>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.</p> <p>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 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</p>	The International Co- Investigating Judge erred. The Civil Party application (D5/676) is admitted .



		<p>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-Investigating Judge make such a finding in his reasoning.</p>	
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