

EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA
BEFORE THE Trial Chamber

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NOTICE OF APPEAL OF CO-LAWYERS FOR CIVIL PARTIES (GROUP 2)

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Co-Lawyers for Civil Parties-Group 2 herewith give notice of appeal, in accordance with Internal Rule (“IR”) 105(3) (Rev.3). The Appeal is submitted on behalf of Civil Party Applicants Ms. NAM Mon (E2/32), Ms. CHHAY Kan alias LEANG Kan (E2/35), Ms. HONG Savath (E2/83), Mr. CHHOEM Sitha (E2/22) and Ms. NHEB Kimsrea (E2/64) and is limited to the rejection of their applications. Pursuant to IR 105(3) and IR 105(2)(a) and (c) the grounds of appeal have to be specified in the notice of appeal.

The written authorization to file the Appeal is attached.

A. SUMMARY OF APPEAL GROUNDS

I. First Ground

The Rejection of Civil Party Applicants E2/32, E2/35, E2/83, E2/22 and E2/64 is based on an error on a question of law/Internal Rules invalidating the judgment by violating Internal Rules 21(1), 21(1)(a), 21(1)(c), 23(4), 83(1) and 100.

1. The Court should overturn the Civil Party rejections because the TC committed an error of law/Internal Rules when it decided the admissibility of the Civil Parties within the Judgment in a two-step decision process¹ because the Internal Rules and International Jurisprudence provide no basis for this.

II. Second Ground

The Rejection of Civil Party Applicants E2/32, E2/35, E2/83 is based on an error on a question of law/Internal Rules invalidating the judgment and violates Internal Rules 23(5) (Rev.3) by applying a wrong standard of proof.

2. The TC applied an erroneous standard of proof that resulted in the rejection of Civil Party Applicants² who had in fact met the standard of proof outlined in Rule 23(5) and in ICC jurisprudence through their statements and their identification of family members in photographs at the Tuol Sleng Museum. This misapplication of the standard of proof is an error of law that invalidates the judgment regarding the

¹ Judgment, paras 635, 636, 637.

² Judgment, paras 636, 646, 648.

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rejections.

III. Third Ground

The Rejection of Civil Party Applicant E2/83 is based on an error of fact which has occasioned a miscarriage of justice by ignoring the fact that a photograph of the direct Victim as detainee was submitted

3. The TC made an error of fact when it overlooked or disregarded the photograph taken at Tuol Sleng of LOEK Sreng, the deceased uncle of rejected Civil Party Applicant Ms. HONG Savath. The TC concluded that Ms. HONG Savath did not submit anything beyond her statement³, when in fact the photograph was submitted.

IV. Fourth Ground

The Rejection of Civil Party Applicants E2/64, E2/22 and E2/83 is based on an error on a question of law/Internal Rules invalidating the judgment by violating IR 23(2) through demanding the requirement of 'special bond of affection'.

4. The TC committed a further error of law in its finding that a “special bond of affection” did not exist between Civil Party Applicants E2/83, E2/22 and E2/64 and their respective deceased persons.⁴ This is an error of law because it is a misinterpretation of Internal Rule 23(2), in which there is no requirement or even mention of a “special bond of affection.” This error of law invalidates the rejections, and the Supreme Court should therefore overturn the rejections of these three Civil Party Applicants.

V. Conclusion

5. Co-Lawyers for Civil Parties will submit within sixty days of notification of this brief the substantive grounds of Appeal.

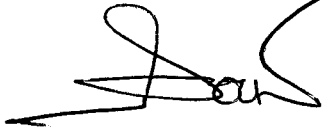
- Co-Lawyers for Civil Parties will request
- To declare the Appeal admissible;
- To accept additional supporting documents;
- To overturn the rejection order against the Civil Party

³ Judgment, para 648.

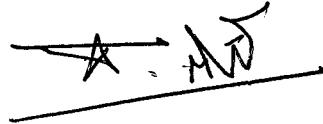
⁴ Judgment, paras 643, 648.

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Applicants Ms. NAM Mon (E2/32), Ms. CHHAY Kan
alias LEANG Kan (E2/35), Ms. HONG Savath (E2/83),
Mr. CHHOEM Sitha (E2/22) and Ms. NHEB Kimsrea
(E2/64) and to admit them as Civil Parties in case 001.



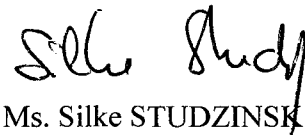
Mr. HONG Kimsuon



Mr. KONG Pisey



Mr. YUNG Phanit



Ms. Silke STUDZINSKY

Signed in Phnom Penh, Kingdom of Cambodia on 24 August 2010.