



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

Extraordinary Chambers in the Courts of Cambodia
Chambres extraordinaires au sein des Tribunaux cambodgiens

ព្រះរាជាណាចក្រកម្ពុជា

ជាតិ សាសនា ព្រះមហាក្សត្រ

Kingdom of Cambodia
Nation Religion King

Royaume du Cambodge
Nation Religion Roi

ការិយាល័យសហចៅក្រមស៊ើបអង្កេត

Office of the Co-Investigating Judges
Bureau des co-juges d’instruction

Case File No.: 003/07-09-2009/ECCC/OCIJ

Before: The Co-Investigating Judges
Date: 28 November 2018
Original Language: Khmer
Classification: Confidential

ឯកសារបកប្រែ
TRANSLATION/TRADUCTION
ថ្ងៃ ខែ ឆ្នាំ (Date): 31-Jan-2019, 11:26
CMS/CFO: Ly Bunloug

ORDER ON THE CIVIL PARTY APPLICAITONS

Distribution:

Co-Prosecutors

CHEA Leang
Nicholas KOUMJIAN

MEAS Muth Defence

ANG Udom
Michael G. KARNAVAS

Civil Party Lawyers

CHET Vanly
HONG Kimsuon
KIM Mengkhy

LOR Chunthy
SAM Sokong
SIN Soworn
TY Srinna
VEN Pov

Laure DESFORGES
Isabelle DURAND
Martine JACQUIN
Daniel MCLAUGHLIN
Yiqiang LIU
Lyma NGUYEN
Nushin SARKARATI

I. Procedural History

1. The disagreement between the Co-Investigating Judges (“CIJs”) in Case 003 was registered on 7 February 2013, 22 February 2013, 17 July 2014 and 16 January 2017.
2. On 29 April 2011, CIJs YOU Bunleng and Siegfried BLUNK concluded the judicial investigation in Case 003.
3. From the open day of the judicial investigation in Case 003 to 14 May 2011 which was the deadline for Civil Party Applications, four people filed Civil Party Applications in Case 003.
4. On 29 April 2011, 27 July 2011 and 9 September 2011, in the light of the documents filed before the conclusion of the judicial investigation, the CIJs declared the abovementioned four Civil Party Applicants: SENG Chantheary, Robert Hamill, CHUM Neou and Timothy Scott Deeds inadmissible.¹ Those applicants appealed against this order.²
5. On 24 October 2011, 28 February 2012 and 13 and 14 February 2013, the Pre-Trial Chamber could not attain the required majority of the affirmative vote in order to reach a decision on the Appeals of the four Civil Party Applicants.³
6. On 15 November 2011, SENG Chantheary withdrew her application from Case 003.⁴ The greffier of the Office of the CIJs acknowledged the withdrawal of the application through a letter dated 29 May 2014.⁵

¹ Case 003, D11/1/3, *Order on the Admissibility of the Civil Party Application of SENG Chan Theory*, 29 April 2011; Case 003, D11/2/3, *Order on the Admissibility of the Civil Party Application of Rob Hamill*, 29 April 2011; Case 003, D11/3/3, *Order on the Admissibility of the Civil Party Application of CHUM Neou*, 9 September 2011 [7 July 2011].

² Case 003, D11/1/4/1, *Appeal Against Order on the Admissibility of Civil Party Application of SENG Chan Theory*, 18 May 2011; Case 003, D11/2/4/2, *Appeal against Order on the Admissibility of Civil Party Applicant Mr Robert Hamill*, 23 May 2011; Case 003, D11/4/4/1, *Appeal against Order on the Admissibility of Civil Party Applicant Mr Timothy Scott DEEDS*, 3 October 2011.

³ Case 003, D11/2/4/4, *Considerations of the Pre-Trial Chamber regarding the Appeal against Order on the Admissibility of Civil Party Applicant Robert Hamill*, 14 February 2011 [24 October 2011]; Case 003, D11/1/4/2, *Considerations of the Pre-Trial Chamber regarding the Appeal against Order on the Admissibility of Civil Party Applicant SENG Chantheary*, 28 February 2012; Case 003, D11/3/4/2, *Considerations of the Pre-Trial Chamber regarding the Appeal against Order on the Admissibility of Civil Party Applicant CHUM Neou*, 13 February 2013; Case 003, D11/4/4/2, *Considerations of the Pre-Trial Chamber regarding the Appeal against Order on the Admissibility of Civil Party Applicant Timothy Scott DEEDS*, 14 February 2013.

⁴ Case 003, D11/1/5, *Request to Withdraw Ms SENG Chantheary’s Civil Party Application 11-VSS-00001*, 3 March 2014.

7. From 14 May 2011 to the date of this order issued, other 642 Civil Party applications were submitted to the International Co-Investigating Judge.

II. Discussion

8. Rule 23 *bis* of the Internal Rules states that, “*A victim who wishes to be joined as a Civil Party shall submit such application in writing no later than fifteen (15) days after the Co-Investigating Judges notify the parties of the conclusion of the judicial investigation pursuant IR 66(1).*”
9. Pursuant to Rule 23 *bis* above, as both CIJs concluded the judicial investigation into Case 003 on 29 April 2011, therefore the day of 14 May 2011 was the deadline for Civil Party applications before CIJs YOU Bunleng and Siegfried BLUNK. For this reason, applications submitted after 14 May 2011 would not be considered due to procedural defects as mentioned in the Order dismissing the case against MEAS Muth, paragraph 18.⁶
10. The four Civil Party applications filed earlier during the course of the judicial investigation until 14 May 2011 were finally rejected. Therefore, 642 applications which were filed after 14 May 2011 would not be considered.

For the forgoing reasons, we hereby:

11. **DISMISS** all the Civil Party applications filed after 14 May 2011.

Phnom Penh, 28 November 2018

YOU Bunleng

National Co-Investigating Judge

⁵ Case 003, D11/1/6, *Letter of the Greffier of the Office of the Co-Investigating Judges to Mr Choung Chou-Ngy*, 29 May 2014; Case 003, D11/1/7, *Letter of the Greffier of the Office of the Co-Investigating Judges to Mr Sam Sokong*, 29 May 2014; Case 003, D11/1/8, *Letter of the Greffier of the Office of the Co-Investigating Judges to Lawyer Emmanuel Jacomy*, 29 May 2014.

⁶ Case 003, D266, *Order Dismissing the Case against MEAS Muth*, 28 November 2018.