

14 June 2011



Secretary-General

SG/SM/13642

United Nations

Department of Public Information • News and Media Division • New York

United Nations Rejects 'Media Speculation' that Judges Received Instructions to Dismiss Case before Extraordinary Chambers in Courts of Cambodia

The following statement was issued today by the Spokesperson for UN Secretary-General Ban Ki-moon:

Support for the independence of the judiciary is a fundamental principle that the United Nations upholds in Cambodia as elsewhere. The judges and prosecutors at the Extraordinary Chambers in the Courts of Cambodia (ECCC) must be allowed to function free from external interference by the Royal Government of Cambodia, the United Nations, donor States and civil society.

It follows that the United Nations categorically rejects media speculation that we have instructed the Co-Investigating Judges to dismiss Case 003. It similarly follows that the United Nations will not comment on issues which remain the subject of judicial consideration, nor speculate on actions that should or should not be taken by the judges or prosecutors in any case. As is normal practice, the United Nations will also not comment on internal United Nations administrative or staffing processes related to the ECCC. The United Nations will ensure that the international component of the ECCC, including the Office of the Co-Investigating Judges, has sufficient resources to undertake its work.

The announcement made by the Co-Investigating Judges on 29 April 2011 that they have decided to conclude their investigation in Case 003, is an interim procedural step. Issues related to that decision will be the subject of further consideration by the Co-Investigating Judges, the Co-Prosecutors and the Pretrial Chamber. Any other proceedings that may be initiated by the Co-Investigating Judges will also be subject to the independent judicial process.

The Co-Investigating Judges are not under an obligation to provide reasons for their actions at this stage of the investigation in Case 003. Consistent with the civil law system of the Kingdom of Cambodia, judicial investigations at the ECCC are not conducted in public, and all persons participating in a judicial investigation must generally maintain confidentiality.

The Co-Investigating Judges must ultimately issue a Closing Order in Case 003 which, in relation to each suspect, either sends him or her to trial, or dismisses the case against him or her. The Closing Order must include reasons, which will appropriately be available for public scrutiny. Speculating on the content of the Closing Order at this stage does not assist the

independent judicial process.

The United Nations, working closely with donor States, will continue to strongly support the work of the ECCC. The ECCC is currently preparing to commence the trial in Case 002 on 27 June 2011. The accused in Case 002 are the four remaining leaders of the Khmer Rouge, including Khieu Samphan, the former Head of State; and Nuon Chea, "Brother Number Two" to Pol Pot. Their trial will be of true international significance and deserves the ongoing, strong support of the international community.

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