

PRESS RELEASE

Lawyers for Suspect in Case 004

We, Mom Luch and Richard Rogers, have been chosen by a Suspect in Case 004 to act as his Co-Lawyers before the ECCC. We have now taken detailed instructions from our client.

With all the controversy that surrounds Case 004, it is important not to lose sight of some basic legal principles. Firstly, although the Suspect is under judicial investigation, he has not yet been charged with any offence. Secondly, he is protected by a number of procedural and due process rights: Notably, he has the right to be presumed innocent; he has the right to give evidence to the Co-Investigating Judges or to remain silent; and he has the right to be defended by counsel of his choice. The Co-Investigating Judge informed the Suspect of these rights and we will endeavor to ensure that they are respected.

Any suspect under judicial investigation who is facing allegations of mass atrocities must have recourse to a judicial body that can guarantee a fair process unimpeded by unreasonable or excessive delays. Due to the differing approaches taken by the judges over the last months, the investigation has reached an impasse. In the current circumstances, it is difficult to see how the ECCC can provide the Suspect with a meaningful opportunity to clear his name.

The Suspect states: "I have instructed my lawyers to take the necessary action to have the investigation against me dismissed."

Mr Mom Luch and Mr Richard J. Rogers
Lawyers for Suspect in Case 004

22 May 2012