



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

9 May 2011

PRESS RELEASE

**STATEMENT BY THE INTERNATIONAL CO-PROSECUTOR
REGARDING CASE FILE 003**

The International Co-Prosecutor, Andrew Cayley, makes this public statement pursuant to ECCC Internal Rule 54, to ensure that the public is duly informed about ongoing ECCC proceedings, and in particular with regard to the International Co-Prosecutor’s Introductory Submission in Case File 003. In providing this information the interests of victims and witnesses, the rights of suspects, and the requirements of the investigation have been taken into account, as required under the Rules.

Following directions given by the Pre-Trial Chamber, on 7 September 2009, the International Co-Prosecutor submitted to the Co-Investigating Judges two Introductory Submissions opening judicial investigations into various crimes in Cases 003 and 004. These submissions named a total of five (5) suspects who the Co-Prosecutor believes are responsible for the alleged crimes and fall within the jurisdiction of the ECCC. Under the ECCC Internal Rules, the Co-Investigating Judges are required to investigate the criminal allegations contained in these submissions.

The Case 003 Introductory Submission addresses alleged crimes of murder, extermination, torture, unlawful imprisonment, enslavement, persecution and other inhumane acts. If proven, these acts would constitute crimes against humanity, grave breaches of the Geneva Conventions and violations of the 1956 Cambodian Penal Code.

Crimes required to be judicially investigated as part of Case 003 took place at several crime sites and criminal episodes covered by Case 002, including the S-21 Security Centre, the Kampong Chhnang Airport Construction Site, purges of the East, Central and New North Zones, and incursions into Vietnam, as well as the following new crime sites and criminal episodes:

- (1) S-22 Security Centre in the Phnom Penh area;
- (2) Wat Eng Tea Nhien Security Centre in Kampong Som Province;
- (3) Stung Hav Rock Quarry forced labour site in Kampong Som Province;
- (4) Capture of foreign nationals off the coast of Cambodia and their unlawful imprisonment, transfer to S-21 or murder; and
- (5) Security centres operated in Rattanakiri Province.

On 29 April 2011, the Office of the Co-Prosecutors received notification that the Co-Investigating Judges considered the investigation in Case 003 to be concluded. Having carefully reviewed the Case File, the International Co-Prosecutor intends to request further investigative actions regarding the alleged crimes, within the 15 day period specified in ECCC Internal Rule 66 (1). Among other things, the International Co-Prosecutor will request the Co-Investigating Judges to:

- 1. Summon and question the suspects named in the Case File 003 Introductory Submission, and notify them that they are under investigation;
- 2. Interview additional individuals who have been identified as potential witnesses thus far;

3. Interview or re-interview witnesses identified in Case File 002, focusing on the specific allegations contained in the Case File 003 Introductory Submission;
4. Examine further the crime sites (including by searching for mass grave locations);
5. Place additional evidence on the Case File, including by transferring further evidence from Case File 002 to Case File 003; and
6. Further investigate the involvement of the Case 003 suspects in the crimes, including the transfer of prisoners under their control to S-21, their receipt of “confessions” taken from prisoners murdered at S-21, and their involvement in further arrests.

The International Co-Prosecutor will request these actions as he is of the view that the crimes alleged in the Introductory Submission have not been fully investigated. He has a legal obligation under the Internal Rules and the Law of the ECCC to identify and request all reasonable investigative actions which should be taken by the Co-Investigating Judges before a decision is made as to the whether or not any individuals should be indicted and sent for trial.

Notification to Potential Civil Parties in Case File 003

Pursuant to Internal Rule 23*bis*, individuals who wish to apply to become Civil Parties in Case File 003 must submit applications no later than 15 days from the date on which the Co-Investigating Judges notified the Co-Prosecutors that they consider the investigation to be concluded. Applying the relevant legal provisions, the International Co-Prosecutor is of the view that the deadline for Civil Party applications now falls on Wednesday, 18 May 2011 at 4 pm.

Considering that the crime sites under investigation have not previously been made public, the International Co-Prosecutor will request the Co-Investigating Judges to extend the deadline for a further six weeks in order to allow reasonable time for victims to submit Civil Party applications. However, at present, the only guarantee that a Civil Party application will be considered by the Co-Investigating Judges is by having it filed by 18 May 2011 at 4.00pm. In the event that the Co-Investigating Judges extend the deadline the public will be notified.

Under Internal Rule 23*bis* (1) and Article 3.2 of the Practice Direction on Victim Participation, a victim is defined as a natural person or legal entity that has suffered physical, material or psychological injury as a direct consequence of at least one of the alleged crimes.

Victims wishing to apply should contact the ECCC Victims Support Section, fill out and file a Victim Information Form this week. The office is open Monday to Friday except on public holidays. The address is:

Victims Support Section, Extraordinary Chambers in the Courts of Cambodia

National Road 4

Chaom Chau, Dangkao

PO Box 71

Phnom Penh, Cambodia

Town office:

House No. 6A

Street 21, Sangkat Tonle Basac I, Khan Chamcarmon

Phnom Penh, Cambodia.

Phone: 023 214 291; or 097 742 4218 (helpline)

Notification to Potential Complainants in Case File 003

Individuals in possession of information regarding the crimes under investigation may submit that information to the Co-Prosecutors. Under Rule 49 (2), complaints or information may be lodged with the Co-Prosecutors by any person, organisation or other source who witnessed or was a victim of the alleged crimes, or who has knowledge of the alleged crimes.

Rule 49 places on the Co-Prosecutors an ongoing duty to evaluate complaints or information alleging commission of crimes within the jurisdiction of the ECCC. Where the Co-Prosecutors receive complaints or information relevant to an ongoing judicial investigation, they may forward such complaints or information to the Co-Investigating Judges to be placed on the case file as evidence. Complaints or information may be submitted through the Victims Support Section, or to the Office of the Co-Prosecutors directly. While there is no specified deadline for the filing of complaints, the International Co-Prosecutor encourages victims or witnesses who wish to make a complaint about the crimes described in Case File 003 to do so as soon as possible.
