

ECCC PRESS RELEASE BY THE OFFICE OF THE CO-PROSECUTORS

18 July 2008

Today the Co-Prosecutors have filed their Final Submission in the case of Kaing Guek Eav alias DUCH. With almost two hundred pages of factual and legal arguments it should greatly assist the Co-Investigating Judges in their drafting of the Closing Order, which will stand as the indictment against DUCH before the Trial Chamber.

On 18 July 2007 the Co-Prosecutors filed their first Introductory Submission, requesting the opening of a judicial investigation into 25 identified crime locations and requesting the arrest and detention of five individuals suspected of crimes ranging from Murder to Genocide. Included was Tuol Sleng, in Phnom Penh, site of Democratic Kampuchea's security office S-21, and its Secretary, DUCH. On 31 July 2007, DUCH was arrested and detained by order of the Co-Investigating Judges, which order was upheld by the first decision of the Pre-Trial Chamber.

On 19 September 2007 the Co-Investigative Judges ordered that S-21 and DUCH be investigated separately from the four other Charged Persons. On 15 May 2008 they declared the judicial investigation against DUCH closed, forwarding the case file on 23 June 2008 to the Co-Prosecutors for their Final Submission. Under the Internal Rules of the ECCC, the deadline for filing this document is 7 August 2008. Recognizing that time is of the essence, the Office of the Co-Prosecutors has marshaled its limited resources and is able to file their Final Submission almost three weeks ahead of this deadline.

By referring to almost 900 individual pieces of evidence and drawing from established national and international legal precedents, the Final Submission represents a comprehensive overview of what the Co-Prosecutors deem to be the relevant evidence contained in the case file. The Co-Prosecutors advance legal arguments in support of charges of crimes against humanity, grave breaches of the Geneva Conventions and the crimes of torture and homicide under the Cambodian Penal Code of 1956 on which they submit DUCH should stand trial. In accordance with the law the Co-Investigative Judges are not bound by the Submission. Mindful of this and considering that it is the Co-Prosecutors who will have to prove beyond a reasonable doubt the case which is indeed forwarded to the Trial Chamber, the Co-Prosecutors have submitted what they hope will be a helpful and persuasive document.

DUCH and his subordinates at S-21 meticulously documented their crimes. Thousands of pages of original documents were left behind when the Khmer Rouge were driven from power on 7 January 1979. The extant documents were preserved by the Tuol Sleng Museum and by the Documentation Centre of Cambodia. Some of these original documents form part of the Case File. Furthermore since his arrest DUCH has accepted to be interviewed 21 times by the Co Investigative Judges and has participated in two Reconstructions where he was confronted by victims and former S-21 staff. He has provided statements in writing and answered questions put to him by the Co-Prosecutors and the Civil Parties.

Critically more than 63 witnesses were interviewed by the Co-Investigative Judges including surviving victims, former guards and context witnesses.

They have provided a harrowing depiction of the crimes committed at S-21.

That evidence brought forth at the trial will stand as a public and permanent testimony of the brutality of the regime and the criminality of those who functioned within it.