

5 January 2009

STATEMENT OF THE CO-PROSECUTORS

On 29 December 2008, the National Co-Prosecutor filed her Response with the Pre-Trial Chamber to the International Co-Prosecutor's Statement of Disagreement, which was filed on 1 December 2008. The disagreement concerns the appropriateness of opening new judicial investigations against certain additional suspects for crimes committed under the Khmer Rouge. The Statement of Disagreement and the Response contain reasons justifying the two Co-Prosecutors' positions in favor of charging or not charging these suspects.

The International Co-Prosecutor has proposed the filing of two new Introductory Submissions and one Supplementary Submission as, according to him, there are reasons to believe that (1) the crimes described in those submissions were committed, (2) these crimes are within the jurisdiction of this Court, and (3) they should be investigated by the Co-Investigating Judges. He believes that this last set of cases to be prosecuted by this Court would lead to a more comprehensive accounting of the crimes that were committed under the Democratic Kampuchea regime during 1975-79. He does not believe that such prosecutions would endanger Cambodia's peace and stability.

The National Co-Prosecutor believes that these investigations should not proceed on account of (1) Cambodia's past instability and the continued need for national reconciliation, (2) the spirit of the agreement between the United Nations and the Government of Cambodia ("Agreement") and the spirit of the law that established this Court ("ECCC Law"), and (3) the limited duration and budget of this Court. She feels that this Court should instead prioritize the trials of the five suspects already detained, especially when, according to her, the Agreement and the ECCC Law envisioned only a small number of trials. She maintains that this Court's mandate can be adequately fulfilled by the prosecution of the suspects already detained.

The Co-Prosecutors are issuing this statement pursuant to Internal Rule 54 to ensure that the public is duly informed of ongoing ECCC proceedings. They now await the determination of this disagreement by the Pre-Trial Chamber. This adjudicatory process is, by law, confidential. Notwithstanding this disagreement, the Co-Prosecutors have been and shall continue to work together, in all their cases, to ensure that justice is rendered to the victims of the Khmer Rouge. - End -