



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

14 June 2011

PRESS RELEASE
STATEMENT BY THE INTERNATIONAL CO-PROSECUTOR

On Friday 10 June 2011, the International Co-Prosecutor, Andrew Cayley, resubmitted three investigative requests and a request for an extension of the deadline for filing Civil Party Applications in Case 003 to the Office of the Co-Investigating Judges.

The resubmissions follow the Co-Prosecutors' decision, on Friday 10 June 2011, to record four Disagreements pursuant to Rule 71 (1) of the Internal Rules of the court. The Disagreements were made in response to the Co-Investigating Judges' holding that the Internal Rules leave no room for solitary action and therefore require either a delegation of power under Internal Rule 13 (3) or a record of Disagreement under Internal Rule 71 (1).

Although the International Co-Prosecutor has complied with the Co-Investigating Judges' requirement, and registered four Disagreements, he is still appealing the Co-Investigating Judges' decision of 7 June 2011. He does not accept the Co-Investigating Judges' interpretation of the law so pursuant to Internal Rules 74 (2) and 75 (1) a Notice of Appeal was filed on Friday 10 June 2011.

With respect to the resubmission of the four requests the International Co-Prosecutor respectfully requested that the Co-Investigating Judges use their discretion pursuant to Internal Rule 39 (4) (b) and accept the resubmissions out of time. Internal Rule 39 (4) (b) allows the Co-Investigating Judges to recognize the validity of any action executed after the expiration of a time limit. The Co-Investigating Judges have previously relied on Internal Rule 39 (4) (b) to extend the deadline for the filing of Civil Party Applications in Case 003.¹

The Co-Investigating Judges have an obligation under Internal Rule 55 and the Law of the ECCC to conduct their investigation impartially and to take investigative action conducive to ascertaining the truth. The Fundamental Principles on which this court rests, and on which the Co-Investigating Judges have already relied,² are contained in Internal Rule 21. This Rule speaks to fairness, legal certainty and the safeguarding of the interests of victims as well as all parties to the proceedings. The Pre-Trial Chamber has held that when considering whether to grant Investigate Requests it is the "obligation" of both the Co-Investigating Judges and the Pre-

¹ OCIJ press release concerning Statement from the Co-Investigating Judges related to Case 003 requests from the International Co-Prosecutor of 7 June 2011.

² Document No. D20/3, Decision on Time Extension Request and Investigative Requests by the International Co-Prosecutor Regarding Case 003, 7 June 2011, ERN 00702797-00702802, para 11.

Trial Chamber to take into consideration the fundamental principles laid out in Rule 21 of the Internal Rules of the court.³

³ Document No. D365/2/17, Decision on Reconsideration of Co-Prosecutors' Appeal Against the Co-Investigating Judges Order on Request to Place Additional Evidentiary Material on the Case File Which Assists in Proving the Charged Persons' Knowledge of the Crimes, 27 September 2010, ERN 00597907-00597951, para. 47.