



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

Office of the Co-Investigating Judges

30 August 2010

STATEMENT FROM THE CO-INVESTIGATING JUDGES

**THE CO-INVESTIGATING JUDGES RELEASE THE FIRST DECISIONS
 ON ADMISSIBILITY OF CIVIL PARTIES IN CASE No. 002**

The ECCC Co-Investigating Judges, You Bunleng and Marcel Lemonde, have started issuing admissibility decisions in respect of the **3988** applications to join Case No. 002 as Civil Parties.

Before issuing their Orders, the Co-Investigating Judges conducted a careful assessment of each Civil Party application and more than **2500** elements of supplementary information containing numerous pages of precise descriptions of the alleged offences, filed by the applicants before the [extended] 30 June 2010 deadline.

The Extraordinary Chambers in the Courts of Cambodia (ECCC) is the first international or internationalized court to provide an active role for victims as Civil Parties to criminal proceedings. In order to take account of the large number of victims in Case No. 002, the Internal Rules were revised and now provide that decisions on the admissibility of Civil Party applications must be made during the judicial investigation and, at the latest, by the time of the Closing Order. Accordingly, the Co-Investigating Judges had only an extremely limited period to conduct a detailed, individual analysis of a very large number of documents. They have been careful to adapt to the Cambodian context, in particular since some victims have difficulty in providing material evidence of the harm they have suffered.

In consideration of the need for coordination of outreach and legal representation for Civil Parties and complainants, the Co-Investigating Judges have decided to issue admissibility orders based upon the current residence of applicants, as indicated on their application forms. Therefore, they will issue Civil Party orders in respect of each of the 24 Cambodian provinces and an additional Order in respect of Civil Party applicants living abroad. Given the number of Civil Party applicants, these orders will be issued progressively.

Mindful of the importance of legal representation for the victims, with the assistance of the Victims Support Section and in cooperation with the lawyers themselves, the Co-Investigating Judges have also organized common legal representation, so as to ensure that each Civil Party has a lawyer and may exercise their appellate rights effectively.

The Co-Investigating Judges consider that the participation of the victims in the judicial proceedings is central to the ECCC. They must recall, however, that they are bound by the applicable legal rules. And that, to be admissible as Civil Parties, Victims must show that they have suffered personal injury directly connected to one of the specific facts that the Co-Prosecutors have sent for investigation in their introductory and supplementary submissions (see Press Release of 5 November 2009). Accordingly, they have been required to declare some applications inadmissible, which should in no

way bring into question the recognition that the applicants are victims. Thus, all of the information contained in these applications will be kept on the case file in the form of complaints, along with the more than 4,000 other complaints filed directly with the Co-Prosecutors, and will be available to the parties, who may take them into account should the case go to trial.

The Co-Investigating Judges' decisions are open to appeal to the Pre-Trial Chamber, within 10 days following the date of notification of the Order in question, all appellants being able to receive assistance from their lawyers.

The Co-Investigating Judges wish to recall, on the one hand, that Civil Parties cannot receive monetary reparations and, on the other hand, that the final decision in Case 002 will, of course, take account of what happened to all of the victims, whether they joined the proceedings as Civil Parties or not, and whether they were declared admissible or not. They hope that the particular nature of the procedure applicable before the ECCC is well understood by all Cambodians.