



**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

16 August 2010

**STATEMENT OF THE CO-PROSECUTORS**

Today the Co-Prosecutors filed their Final Submission in Case 002 with the Co-Investigating Judges. Under Sub-Rule 66(5) of the ECCC Internal Rules, once the Co-Prosecutors consider that the investigation has concluded, the Co-Prosecutors are required to issue a written, reasoned final submission within 45 days of receiving the Case File from the Co-Investigating Judges. In order to expedite the judicial process, the Co-Prosecutors have filed their Submission well in advance of the deadline mandated by the Rules.

In this Submission, the Co-Prosecutors request that the Charged Persons - **Nuon Chea, Ieng Sary, Khieu Samphan** and **Ieng Thirith** - be indicted and sent for trial for the crimes of Genocide, Crimes Against Humanity, Grave Breaches of the Geneva Conventions and violations of the 1956 Cambodian Penal Code. The Co-Prosecutors believe that the evidence collected in the judicial investigation demonstrates that the Charged Persons committed these crimes through a joint criminal enterprise, the purpose of which was to enforce a political revolution in Cambodia and systematically destroy any opposition to the CPK’s rule. Through this joint criminal enterprise, the Charged Persons enslaved the Cambodian population, deprived them of their fundamental human rights and freedoms and orchestrated mass killings of individuals that the Charged Persons and other CPK leaders perceived to be real or potential enemies of the CPK.

The filing provides an extensive summary (931 pages) of the relevant facts in support of the Co-Prosecutors’ allegations, which are legally characterised by both the type of crimes committed and the nature of the Charged Persons’ participation in those crimes. The Co-Prosecutors’ recommended charges are supported by over 2,800 evidentiary documents which include statements from witnesses, Charged Persons and experts, as well as contemporaneous DK and CPK documents. Many of these documents were archived and catalogued by the Documentation Centre of Cambodia. Civil Party applications and victim complaints have also been relied upon in the Submission.

The Co-Investigating Judges separated the case against **Kaing Guek Eav alias Duch** on 19 September 2007 by ordering a separate investigation into his responsibility for “facts committed inside the framework of S-21” (Case 001). As **Duch** is also charged in Case 002 the Co-Prosecutors have requested that the charges against him be dismissed. It is the Co-Prosecutors view that indicting him for crimes committed outside of S-21 Security Office would not be in the interests of justice. In making this request, the Co-Prosecutors are mindful of the fact that a lengthy criminal process has already been concluded against **Duch** with his recent conviction in Case 001. The Co-Prosecutors believe that the removal of Duch from Case 002 would assist in securing the fair and expeditious trial of **Nuon Chea, Ieng Sary, Khieu Samphan** and **Ieng Thirith**, whose criminal responsibility for crimes in DK is yet to be determined.

Recognising the historic importance of this case and the need to ensure that the public is duly informed of the ongoing proceedings before the ECCC, the Co-Prosecutors will soon provide the public with an objective summary of its Submission, in accordance with Rule 54 of the Rules.

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