



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

Phnom Penh, 20 May 2021

ការិយាល័យសហចៅក្រមស៊ើបអង្កេត

**OFFICE OF THE CO-INVESTIGATING JUDGES
BUREAU DES CO-JUGES D'INSTRUCTION**

**PRESS RELEASE
CO-INVESTIGATING JUDGES DENY
INTERNATIONAL CO-PROSECUTOR'S REQUEST
TO FORWARD CASE FILE 003 TO THE TRIAL CHAMBER**

Case No. 003/07-09-2009-ECCC/OCIJ

Today, the Co-Investigating Judges (“CIJs”) jointly denied the International Co-Prosecutor’s (“ICP”) Request to forward the case file to the Trial Chamber, following the Pre-Trial Chamber’s (“PTC”) Considerations of 7 April 2021.

In particular, the CIJs rejected the ICP’s argument that all five PTC judges had agreed that the indictment issued by the International Co-Investigating Judge was valid and that there was thus unanimity, meaning that the case should go to trial. The PTC’s national judges had clearly expressed a diametrically opposed opinion by ordering the case file to be archived, hence merely relying on the terminology used by them took their words out of context.

The CIJs, while having exercised the utmost judicial restraint after the PTC’s considerations in case 004/2 which had been issued on 19 December 2019, repudiated the PTC’s repeated libellous accusation that they may have acted out of improper motives when issuing two opposed closing orders and engaged in judicial malpractice.

They also refuted in detail the allegation that by not seising the PTC of their disagreement on personal jurisdiction they had tried to circumvent the PTC’s disagreement mechanism and violated the legal framework of the ECCC.

Finally, they expressed their concern that even after the exceptional intervention of the Supreme Court Chamber – who, when terminating case 004/2 on 10 August 2020, found that the PTC should have provided a final ruling itself – case 003 was now at equal risk of remaining in limbo, thus causing a violation of the Defence’s right to a speedy and final determination of the case against Meas Muth.

The full text of the decision can be found here:

https://eccc.gov.kh/sites/default/files/documents/courtdoc/%5Bdate-in-tz%5D/D270_7_EN.PDF