

18 July 2007

Statement of the Co-Prosecutors

Today, the Co-Prosecutors filed the first Introductory Submission of the Extraordinary Chambers in the Courts of Cambodia (ECCC) in the Office of the Co-Investigating Judges. An Introductory Submission contains facts that may constitute crimes, identifies persons suspected to be responsible for those crimes and requests the Co-Investigating Judges to investigate those crimes and suspects.

An Introductory Submission, by law, is a confidential document. Recognizing, however, the extraordinary nature of this court and the need to ensure that the public is duly informed of the ongoing proceedings, the Internal Rules of the ECCC allow the Co-Prosecutors to publish a summary of the Introductory Submission while protecting the integrity of the investigation, identity of victims and witnesses and the presumption of innocence of the suspects. Therefore, in consideration of the rightful expectations of the Cambodian people and the international community, the Co-Prosecutors have decided to issue this statement.

This first Introductory Submission represents the results of preliminary investigations conducted by the Office of the Co-Prosecutors with the assistance of the Cambodian national police during the past few months. Based on those investigations, the Co-Prosecutors believe that serious and extensive violations of international humanitarian law and Cambodian law occurred in this country during the period of Democratic Kampuchea from 17 April 1975 to 6 January 1979. These violations amount to crimes within the jurisdiction of the ECCC.

These crimes were committed as part of a common criminal plan constituting a systematic and unlawful denial of basic rights of the Cambodian population and the targeted persecution of specific groups. The purported motive of this common criminal plan was to effect a radical change of Cambodian society along ideological lines. Those responsible for these crimes and policies included senior leaders of the Democratic Kampuchea regime.

Pursuant to their preliminary investigations, the Co-Prosecutors have identified and submitted for investigation twenty-five distinct factual situations of murder, torture, forcible transfer, unlawful detention, forced labor and religious, political and ethnic persecution as evidence of the crimes committed in the execution of this common criminal plan.

The factual allegations in this Introductory Submission constitute crimes against humanity, genocide, grave breaches of the Geneva Conventions, homicide, torture and religious persecution. The Co-Prosecutors, therefore, have requested the Co-Investigating Judges to charge those responsible for these crimes.

The preliminary investigation has resulted in the identification of five suspects who committed, aided, abetted and/or bore superior responsibility for those crimes. The Co-Prosecutors are satisfied that these suspects were senior leaders of Democratic Kampuchea and/or those most responsible for the crimes committed within the jurisdiction of the ECCC. The Co-Prosecutors

have provided their identities to the Co-Investigating Judges and have requested that they act in accordance to the law.

In support of their factual submissions, the Co-Prosecutors have transmitted more than 1,000 documents constituting over 14,000 pages, including third party statements and/or written record of over 350 witnesses, a list of 40 other potential witnesses, thousands of pages of Democratic Kampuchea-era documentation and the locations of over 40 undisturbed mass graves. These documents have all been digitalized and indexed in a database. Both electronic and hard copies of these documents have been provided to the Office of the Co-Investigating Judges. A significant part of the evidence was gathered with the assistance of the Documentation Centre of Cambodia.

The Co-Prosecutors shall now continue to carry out their investigative mandate while also participating in the Co-Investigating Judges' judicial investigation of the criminal acts identified in this Introductory Submission.

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Extraordinary Chambers in the Courts of Cambodia