

ករណី: ០១ 146/4

BEFORE CO-INVESTIGATING JUDGES
EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA

FILING DETAILS

Case No: 002/19-09-2007-ECCC/OCIJ Party Filing: Office of the Co-Prosecutors

Filed to: Co-Investigating Judges

Original language: ENGLISH

Date of document: 5 November 2009

CLASSIFICATION

Classification of the document suggested by the filing party: CONFIDENTIAL

Classification by the Office of the Investigating Judges:

Classification Status:

Review of Interim Classification:

Records Officer Name:

Signature:

ឯកសារដើម	
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL	
ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Date de reception):	05 / 11 / 2009
ពេលវេលា (Time/Heure):	12:00
អ្នកទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé du dossier:	Ratanak

FURTHER AUTHORISATION PURSUANT TO CO-PROSECUTORS' 30 APRIL 2009 RESPONSE TO THE FORWARDING ORDER OF THE CO-INVESTIGATING JUDGES AND SUPPLEMENTARY SUBMISSION

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CERTIFIED COPY/COPIE CERTIFIÉE CONFORME	
ថ្ងៃ ខែ ឆ្នាំ បញ្ជាក់ (Certified Date/Date de certification):	18 / 11 / 2009
អ្នកទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé du dossier:	Uch Arun

1. On 17 March 2009, the Co-Prosecutors received a Forwarding Order from the Co-Investigating Judges (“CIJs” or “OCIJ”) that (a) requested advice on the admissibility of certain civil party applications that contained allegations of forced marriage, non-consensual sexual relations and threats of death if the persons refused to have sexual relations and (b) stated that if the Co-Prosecutors determined it was appropriate for these matters to be investigated, a supplementary submission should be issued “seizing [the Co-Investigating Judges] of such factual circumstances” (D146).

2. On 30 April 2009, the Co-Prosecutors filed a Response to the Forwarding Order of the Co-Investigating Judges and Supplementary Submission (hereafter the “30 April 2009 Response”), which authorized the CIJs to investigate the complaints of certain civil parties and civil party applicants that they were forced to marry and have sexual relations in Kampot and Takeo provinces (D146/3, para. 2). The Co-Prosecutors also authorized the CIJs to investigate “any other facts (*as stated in the Introductory Submission dated 18 July 2007*) provided that those facts assist in determining either (a) the jurisdictional elements necessary to establish whether the factual matters referenced in paragraph 2 constitute crimes within the jurisdiction of the ECCC or (b) the mode of liability of NUON Chea, IENG Sary, KHIEU Samphan or IENG Thirith with respect to such matters” (D146/3, para. 6).

3. The Co-Prosecutors hereby authorize that the Co-Investigating Judges, where they determine it appropriate, consider and investigate further alleged incidents of forced marriage and sexual relations other than those identified in paragraph 2 of the 30 April 2009 Response.

Respectfully submitted,

Date	Name	Place	Signature
5 November 2009	CHEA Leang Co-Prosecutor	Phnom Penh	
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