



ព្រះរាជាណាចក្រកម្ពុជា

ជាតិ សាសនា ព្រះមហាក្សត្រ

Kingdom of Cambodia
Nation Religion King

អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

Royaume du Cambodge
Nation Religion Roi

Extraordinary Chambers in the Courts of Cambodia
Chambres extraordinaires au sein des Tribunaux cambodgiens

ការិយាល័យសហចៅក្រមស៊ើបអង្កេត
Office of the Co-Investigating Judges
Bureau des co-juges d'instruction

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Case File No: 004/07-09-2009-ECCC-OCIJ

Before: The Co-Investigating Judges

Date: 5 September 2017

Language(s): Khmer & English

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**SECOND NOTICE OF CONCLUSION OF JUDICIAL INVESTIGATION
AGAINST YIM TITH**

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I. PROCEDURAL HISTORY

1. Disagreements between the Co-Investigating Judges (“CIJs”) in this case were registered on 22 February 2013, 5 April 2013, 21 October 2015, and 16 January 2017.
2. On 13 June 2017, we notified the parties of the conclusion of the judicial investigation against Yim Tith and notified them that they had 15 days from that notification to request further investigations.¹
3. On 16 June 2017, the Yim Tith Defence (“Defence”) filed a request seeking an extension of the 15-day investigative period of at least six months (“Extension Request”).²
4. [REDACTED]

5. On 5 July 2017, we issued a decision on the Extension Request in which we denied the request for a six-month extension and instead granted the parties an additional 30 days, that is, until 28 July 2017, to request further investigations (“Extension Decision”).⁴ On the same day, the Defence filed a Notice of Appeal against the Extension Decision.⁵
6. On 10 July 2017, the Defence filed a request to suspend the deadline for the parties to request further investigations in light of their appeal of the Extension Decision.⁶
7. On 19 July 2017, the Pre-Trial Chamber (“PTC”) issued a decision denying the Defence’s request to suspend the deadline.⁷
8. [REDACTED]

9. [REDACTED]

¹ Case File No. 004-D358, *Notice of Conclusion of Judicial Investigation Against Yim Tith*, 13 June 2017.

² [REDACTED]

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10. [REDACTED]

11. [REDACTED]

12. On 26 July 2017, the Defence filed their appeal against the Extension Decision.¹² As at the date of this notice, the PTC remains seised of this appeal.

13. [REDACTED]

14. [REDACTED]

15. [REDACTED]

16. [REDACTED]

17. [REDACTED]

¹⁰ [REDACTED]

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18. [REDACTED]

19. [REDACTED]

20. [REDACTED]

II. DISCUSSION

21. Internal Rule 66(1) mandates that upon the issuance of a notice of conclusion, the parties shall have 15 days to request further investigative action. The Internal Rules do not give parties the right to request further investigative action following investigations conducted by the OCIJ pursuant to requests filed during the 15 days' period. The granting of additional time after the filing of this second notice of conclusion is an exceptional measure falling under the discretion of the CIJs which mainly depends on the quantity and quality of the evidence gathered after the first notice of conclusion.²²

22. [REDACTED]

23. [REDACTED]

24. [REDACTED]

¹⁹ [REDACTED]

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25. [REDACTED]

26. On this basis, we do not consider that there are exceptional circumstances requiring reopening the investigation after the filing of this second notice of conclusion.

FOR THE FOREGOING REASONS, WE:²⁶

27. **NOTIFY** the parties that we consider the investigation against Yim Tith to have been concluded; and

28. **INFORM** the parties that no period for further investigative action is required under the Internal Rules and hence none is granted.

Dated 5 September 2017, Phnom Penh

សហចៅក្រមស៊ើបអង្កេត
 Co-Investigating Judges
 Co-Judges d'instruction

YOU Bunleng **Michael BOHLANDER**

²⁶ While the CIJs are issuing this notice jointly, the National CIJ notes, for the record, that documents placed on Case File 004 should be numbered sequentially from the last documents placed before the resignation of Judge Siegfried Blunk, without including in the count orders and decisions issued by Reserve CIJ Laurent Kasper-Ansermet.