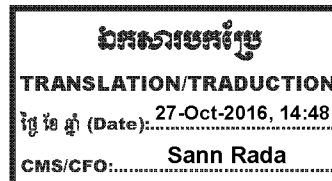


BEFORE THE OFFICE OF THE CO-INVESTIGATING JUDGES
EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIAFILING DETAILS

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FINAL SUBMISSION
CONCERNING IM CHAEM PURSUANT TO INTERNAL RULE 66

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1. Introduction

1. On 27 July 2016, the Co-Investigating Judges (CIJs) forwarded the case file, pursuant to the Internal Rules¹ (IR), to the Co-Prosecutors for the purpose of their final submission. Pursuant to IR 66(5), the Co-Prosecutors shall issue a written, reasoned final submission and return the case file to the CIJs.

2. Procedural History

a. Co-Prosecutors Disagreement

2. On 18 November 2008, the National and International Co-Prosecutors discussed a disagreement on additional prosecutions and suspects so as to forward them to the CIJs to open investigations. The International Co-Prosecutor (ICP) indicated during the discussion that he wished to submit [two new Introductory Submissions] to open investigations against additional suspects for Case File Nos. 003 and 004, while the National Co-Prosecutor (NCP) disagreed to the investigations against additional suspects beyond those described in Case File Nos. 001 and 002.²
3. The ICP decided to bring the disagreement before the Pre-Trial Chamber (PTC) through his Written Statement of Facts and Reasons dated 20 November 2008,³ which he forwarded to the Office of Administration of the ECCC. On 3 December 2008, the Office of Administration sent a copy of this Statement to the NCP pursuant to IR 71(2).⁴
4. On 29 December 2008, the NCP filed a response to the ICP's Written Statement of Facts and Reasons for Disagreement⁵ to the PTC, pursuant to Article 20 new of the Law of the Establishment of the ECCC and pursuant to IR 71(2) after the PTC granted the request for extension of time to file responses. In her Response, the NCP sets out the reasons as to why she did not agree with the ICP's new and Supplementary Submissions (Case File Nos. 003 and 004).

¹ Case File No. 004/1, D304, Co-Investigating Judges' Forwarding Order pursuant to Internal Rule 66(4), 27 July 2016.

² Minutes of the Meeting on Disagreement between the National and International Co-Prosecutors on Additional Prosecutions and Suspects dated 18 November 2008.

³ International Co-Prosecutor's Written Statement of Facts and Reasons for Disagreement pursuant to Rule 71(2).

⁴ Internal Rule 71(2).

⁵ National Co-Prosecutor's Response to the International Co-Prosecutor's Written Statement of Facts and Reasons for Disagreement pursuant to Rule 71(2) dated 29 December 2008.

5. On 6 February 2009, the PTC invited the Co-Prosecutors to file further submissions, if any, in respect of these disagreement proceedings.⁶
6. On 19 February 2009, the ICP informed the PTC that “he does not have any further observations beyond those described in the present submissions filed on 1 December 2008.”⁷ The NCP submitted a set of documents that are related to the debates in the National Assembly of the Kingdom of Cambodia and discussions between the Royal Government of Cambodia and the United Nations about the establishment of the ECCC.
7. On 24 April 2009, the PTC issued directions to provide further particulars and scheduling order to both Co-Prosecutors, attaching its observations and a number of questions it wishes the Co-Prosecutors to answer.⁸
8. The NCP filed a response to the PTC’s direction to provide further particulars and her additional observations on 22 May 2009⁹ in which the NCP held the stance that there was no personal jurisdiction in regards to those named in the new and Supplementary Submissions. This means those named in the two Submissions abovementioned were neither “senior leaders” nor “those most responsible”.
9. The PTC did not receive the affirmative vote of at least four judges required to have a decision on the Disagreement.¹⁰
10. The PTC concluded that as it has not reached a decision on the disagreement brought before it, pursuant to IR 71(4), the ICP shall, pursuant to IR 53(1), forward the New Introductory Submission to open judicial investigations.¹¹
11. In accordance with PTC’s considerations regarding the disagreement of 18 August 2009 between the Co-Prosecutors pursuant to IR 71,¹² on 7 September 2009, the

⁶ Pre-Trial Chamber’s Invitation to the Co-Prosecutors to Submit Further Submissions dated 6 February 2009.

⁷ International Co-Prosecutor’s Response to the Pre-Trial Chamber’s Invitation to File Further Submissions dated 19 February 2009.

⁸ Pre-Trial Chamber’s Directions to Provide Further Particulars and Scheduling Order dated 24 April 2009.

⁹ National Co-Prosecutor’s Response to the Pre-Trial Chamber’s Direction to Provide Further Particulars, dated 24 April 2009, and National Co-Prosecutor’s Additional Observations dated 22 May 2009 (D17).

¹⁰ Pre-Trial Chamber’s D1/1.1 and D1/1.3 dated 18 August 2009.

Acting ICP forwarded to the CIJs the Introductory Submissions regarding Cases 003 and 004 to open judicial investigations of the two Cases.¹³

b. Charges In Absentia

12. On 3 March 2015, the International Co-Investigating Judge charged **Im Chaem** *in absentia*¹⁴ for the crimes:
- Violations of the 1956 Penal Code as stated in articles 501 and 506 (Murder). The violations of the 1956 Penal Code are set forth in the article 3 new and punishable under Article 39 of the ECCC Law (via co-perpetration).¹⁵
 - Crimes against humanity: Murder, Extermination, Enslavement, Imprisonment, Persecution on political ground and other inhumane acts¹⁶ (via participation in a joint criminal enterprise).¹⁷

c. Changes of Investigating Judge during the Investigation

13. The investigation against **Im Chaem** commenced under International Co-Investigating Judge Marcel Lemonde and National Co-Investigating Judge You Bunleng.¹⁸ International Co-Investigating Judge Lemonde resigned in November 2010¹⁹ and was succeeded by Siegfried Blunk. On 9 October 2011, Judge Blunk resigned.²⁰ The Reserve International Co-Investigating Judge Kasper-Ansermet, though sworn in as such before a plenary assembly of the ECCC on 21 February 2011, never had his nomination confirmed by the Council of Magistracy.²¹ Reserve

¹¹ Pre-Trial Chamber's D1/1.1 dated 18 August 2009.

¹² D1/1.3, Considerations of the Pre-Trial Chamber regarding the Disagreement between the Co-Prosecutors pursuant to Internal Rule 71, 18 August 2009.

¹³ D1/1, Acting International Co-Prosecutor's Notice of Filing of the Second and Third Introductory Submissions, 7 September 2009.

¹⁴ Case 004/1 **D239** Decision to charge Im Chaem In Absentia, 3 March 2015 and D239.1 Annex: ICJ Notification of Charges against Im Chaem, 3 March 2015.

¹⁵ **D239.1** Annex: Notification of charges against Im Chaem, 3 March 2015, paras 4-5, 10.

¹⁶ **D239.1** Annex: Notification of charges against Im Chaem, 3 March 2015, paras 7-8.

¹⁷ **D239.1** Annex: Notification of charges against Im Chaem, 3 March 2015, paras. 6-9 and 11.

¹⁸ **D1** Co-Prosecutors' Third Introductory Submission, 20 November 2008.

¹⁹ **D114** Note of the International Reserve Co-Investigating Judge to the parties on the egregious dysfunction within the ECCC impeding the proper conduct of investigation in cases 003 and 004, 21 March 2012, para. 10 and 17.

²⁰ ECCC Press Release, 'Statement from the International Co-Investigating Judge', 10 October 2011.

²¹ **D114** Note of the International Reserve Co-Investigating Judge to the parties on the egregious dysfunction within the ECCC impeding the proper conduct of investigation in cases 003 and 004, 21 March 2012, para. 10; **D114.1** International Memorandum National Co-Investigating Judge You Bunleng to International Reserve Co-Investigating Judge Laurent Kasper-Ansermet, December 2011.

Judge Kasper-Ansermet subsequently tendered his resignation in March 2012.²² On 26 October 2012, Mark Harmon was sworn in as the International Co-Investigating Judge.²³ On 31 July 2015, Judge Harmon announced his resignation and was replaced by current International Co-Investigating Judge, Michael Bohlander.²⁴

d. 'Senior and Most Responsible' Submissions

14. On 24 July 2015, Co-Investigating Judges You Bunleng and Mark Harmon requested submissions from the parties on whether **Im Chaem** should be considered a “senior leader of Democratic Kampuchea” or among “those who were most responsible for the crimes and serious violations of Cambodian laws related to crimes, international humanitarian law and custom, and international conventions recognized by Cambodia, that were committed during the period from 17 April 1975 to 6 January 1979”.²⁵
15. On 13 August 2015, the Co-Prosecutors requested a one-week extension of time to file a response to the CIJs’ request for submissions.²⁶ Meanwhile, the Co-Lawyers for IM Chaem (the Defence) requested an additional four weeks to provide their submissions and to file in one language.²⁷
16. On 1 September 2015, the CIJs issued the Decision on Requests for Extension of Time and Leave to File in One Language, allowing all parties to file their submissions until 21 September 2015 and to file in English, with a Khmer translation to follow.²⁸
17. On 21 September 2015, all parties submitted their observations to the CIJs. In particular, the NCP submitted the observations, holding the stance that the suspects

²² ECCC Press Release, ‘Press Release from the International Reserve Co-Investigating Judge’, 19 March 2012.

²³ **D217.1.4** Urgent Motion Requesting order for access to the Case File, 14 December 2012, para .4.; ECCC Press Release, ‘Mark Harmon sworn in as International Co-Investigating Judge’, 26 October 2012.

²⁴ **D262** Notice from the international Co-Investigating Judge to the parties regarding re-issue of decisions taken by Judge Harmon on or after 31 July 2015, 8 September 2015, para. 1.

²⁵ Case File No. 004/1 **D251** OCIJ Request for Submissions on Whether Im Chaem Should Be Considered A “Senior Leader” Or Among “Those Who Were Most Responsible”, 24 July 2015.

²⁶ Case File No. 004/1-D251/1, Request for Extension of Time and to File in One Language to Respond to the Co-Investigating Judges’ Request for Submission on the ECCC’s Personal Jurisdiction in regards to IM Chaem, 13 August 2015.

²⁷ Case File No. 004/1-D251/2, IM Chaem’s Response to the Co-Prosecutors’ Request for Extension of Time in relation to the Co-Investigating Judges’ Request for Submissions on the ECCC Personal Jurisdiction, 17 August 2015.

²⁸ Case File No. 004/1-D251/3, Co-Investigating Judges’ Decision on Requests for Extension of Time and Leave to File in One Language, 1 September 2015.

named in the new Introductory Submissions and the Supplementary Submission, including IM Chaem, were neither *senior leaders* nor *those who were most responsible for the crimes and serious violations of Cambodian laws related to crimes, international humanitarian law and custom, and international conventions recognized by Cambodia, that were committed during the period from 17 April 1975 to 6 January 1979, thus not falling under the ECCC jurisdiction.*²⁹

18. The ICP submitted that IM Chaem was not a “senior leader” of the DK regime within the meaning of the ECCC Law and Agreement. She was not a member of the CPK Standing or Central Committees. Her highest positions were that of a District Secretary and Member of the Committees for Sector 13 and Sector 15, including Deputy Secretary of Sector 5.³⁰ However, the ICP submits that IM Chaem was among those “most responsible” for the crimes committed during the DK regime within the meaning of the ECCC Law and Agreement.³¹
19. The Defence requested that the CIJs decided that IM Chaem was neither a “senior leader” nor among “those who were most responsible” for crimes under the Court’s subject-matter jurisdiction and dismissed the allegations against IM Chaem.³²

e. Closure of Investigation and Severance of Case File 004/01

20. On 18 December 2015, the CIJs notified the parties of the conclusion of the judicial investigation against IM Chaem and informed the parties that they may request further investigative action (Notice of Conclusion of Judicial Investigation).³³ On the same day, the CIJs also notified the parties of their intent to dismiss the charges against IM Chaem and the conclusion of the proceedings against her (Notice of Intent to Dismiss the Charges).³⁴

²⁹ Case File No. 004/1-D251/6, National Co-Prosecutor’s Observations relating to CIJs’ Exercise of Discretion over the Case of IM Chaem regarding D251, 21 September 2015.

³⁰ Case File No. 004/1-D251/5, International Co-Prosecutor’s Submission on Whether IM Chaem Should Be Considered a “Senior Leader” or Among “Those Who Were Most Responsible” for the Crimes Committed in Democratic Kampuchea, 21 September 2015.

³¹ *Ibid.*, Case 004/1-D251/5.

³² Case File No. 004/1-D251/4, IM Chaem’s Observations on Whether She Should Be Considered a “Senior Leader” or Among “Those Who Were Most Responsible” filed by IM Chaem Defence on 21 September 2015.

³³ Case File No. 004/1-D285, Co-Investigating Judges’ Notice of Conclusion of Judicial Investigation against IM Chaem, 18 December 2015.

³⁴ Case File No. 004/1-D286, Co-Investigating Judges’ Notice of Intent to Dismiss the Charges against IM Chaem and to Sever the Proceedings against Her, 18 December 2015

21. Due to a discrepancy between the English and Khmer versions (both as original languages) of the Notice of Intent to Dismiss the Charges, on 30 December 2015, the Co-Prosecutors filed a request to the CIJs for clarification on whether the CIJs' intent was to **sever** the proceedings or **terminate** the proceedings against IM Chaem.³⁵ Thereafter, the CIJs clarified that they intended to sever the proceedings against IM Chaem.³⁶
22. On 8 January 2016, the Defence made submissions in support of the severance of the proceedings against IM Chaem from Case 004.³⁷ On 15 January 2016, the Co-Prosecutors filed submissions on the severance of the proceedings against IM Chaem, notifying that they did not object to severing the proceedings against IM Chaem. However, the NCP and ICP maintained their respective positions on the question as to whether IM Chaem fell within the category of persons over whom the ECCC had personal jurisdiction.³⁸
23. The Co-Prosecutors suggested, in their submission, that parties be invited to file any written final submissions no more than three months from the transfer of case file to the Office of the Co-Prosecutors, with no responses or replies.³⁹ However, the Defence filed a response to this submission, requesting the CIJs to allow [the Defence] to respond to the Co-Prosecutors' submission.⁴⁰
24. On 22 January 2016, the Office of the Co-Prosecutors replied that the filing of simultaneous submissions would not put any party at a disadvantage and would also expedite proceedings.⁴¹ However, the CIJs granted the Defence's request to respond to the Co-Prosecutors' final submissions pursuant to IR 66(5).⁴²

³⁵ Case File No. 004/1-D286/1, 30 December 2015, Co-Prosecutors' Request for Clarification on Submissions Sought by the Co-Investigating Judges in their Notice of Intent dated 18 December 2015.

³⁶ Case File No. 004/1-D286/1/1 dated 8 January 2016, Co-Investigating Judges' Response to Co-Prosecutors' Request for Clarification on Submissions Sought by the Co-Investigating Judges in their Notice of Intent dated 18 December 2015.

³⁷ Case File No. 004/1-D286/2 dated 8 January 2016 filed by the Co-Lawyers for IM Chaem.

³⁸ Case File No. 004/1-D286/3, Co-Prosecutors' Submission on the Severance of the Proceedings against IM Chaem dated 15 January 2016.

³⁹ *Ibid.*, Case 004/1-D286/3.

⁴⁰ Case File No. 004/1-D286/3/1 dated 18 January 2016 filed by the Co-Lawyers for IM Chaem.

⁴¹ Case File No. 004/1-D286/3/2 dated 22 January 2016 filed by the Co-Prosecutors.

⁴² Case File No. 004/1-D286/6, Co-Investigating Judges' Decision on IM Chaem's Requests in relation to the Conclusion of the Investigation dated 1 February 2016.

25. On 5 February 2016, the CIJs issued an Order for Severance of IM Chaem from Case 004 (Order for Severance).⁴³ In this Order, the CIJs considered that the investigation on the allegations against IM Chaem had been concluded, while the investigation against other charged persons in Case 004 continued.⁴⁴ Meanwhile, the CIJs have created a new Case File, numbered 004/1, for the Charged Person IM Chaem and informed the parties that they may request further investigative action if they intended to.⁴⁵

3. Applicable Laws

26. The ECCC Law requires the Court *to bring to trial senior leaders of Democratic Kampuchea and those who were most responsible for the crimes and serious violations of Cambodian laws related to crimes, international humanitarian law and custom, and international conventions recognized by Cambodia, that were committed during the period from 17 April to 6 January 1979.*⁴⁶

4. Submissions

27. The NCP hereby holds the stance that the suspects named in Case 004 were neither *senior leaders* nor *those who were most responsible for the crimes and serious violations of Cambodian criminal laws related to crimes, international humanitarian law and custom, and international conventions recognized by Cambodia, that were committed during the period from 17 April 1975 to 6 January 1979*, thus not falling under the ECCC jurisdiction.⁴⁷ The NCP therefore wishes to maintain the documents submitted as mentioned in the National Co-Prosecutor's Responses dated 29 December 2008 and 22 May 2009.⁴⁸

⁴³ Case File No. 004/1-D286/7, the Co-Investigating Judges' Order for Severance of IM Chaem from Case 004 dated 5 February 2016.

⁴⁴ *Ibid.*, Case 004/1-D286/7.

⁴⁵ *Ibid.*, Case 004/1-D286/7, paras, 8 and 9.

⁴⁶ Articles 1 and 2 (New) of the ECCC Law and Article 1 of the Agreement between the United Nations and the Royal Government of Cambodia.

⁴⁷ As described in Doc. No. 7, National Co-Prosecutor's Response to the International Co-Prosecutor's Written Statement of Facts and Reasons for Disagreement pursuant to Rule 71(2), 29 December 2008 and Doc. No. 17, National Co-Prosecutor's Response to the Pre-Trial Chamber's Direction to Provide Further Particulars, dated 24 April 2009, and National Co-Prosecutor's Additional Observations, 22 May 2009.

⁴⁸ *Ibid.*, Doc. No. 7, 29 December 2008 and Doc. No. 17, 22 May 2009.

28. The ECCC Law⁴⁹ and Agreement between the Royal Government of Cambodia and the United Nations (Agreement)⁵⁰ have clearly defined the purpose of this court, that is, to bring to trial only “senior leaders of Democratic Kampuchea” and “those who were most responsible” for the crimes falling under the ECCC jurisdiction.
29. The ECCC Law and Agreement have specified the positions of suspects to be brought to trial. There are only two categories of the positions that have been specified above. The positions of the charged persons named in this case were neither senior leaders of Democratic Kampuchea nor those who were most responsible to be brought to trial at the ECCC.
30. It should be noticed that both Co-Prosecutors have concurred and agreed to select 5 suspects⁵¹ for prosecution and referred their cases to the CIJs on the basis that the Co-Prosecutors considered them “senior leaders of Democratic Kampuchea”⁵² and “those who were most responsible” for crimes falling under the ECCC jurisdiction.
31. The 5 suspects above had been determined as the NCP considers that:
- NUON Chea** was the party's deputy secretary of the Community Party of Kampuchea (CPK) and the chairman of the People's Representative Assembly of the Democratic Kampuchea regime and held other positions.⁵³
- IENG Sary** was a permanent member of CPK, a deputy prime minister and a minister of Foreign Affairs and held other positions.⁵⁴
- KHIEU Samphan** was the head of state and a member of the Central Committee of CPK and held other positions.⁵⁵
- IENG Thirith** was a member of the Party Centre of CPK and the minister of Social Affairs of Democratic Kampuchea government and held other positions.⁵⁶
- KAING Guek Eav** alias **Duch** was the chairman of S-21 Security Office with the most special characteristics and held other functions.⁵⁷

⁴⁹ Article 1 of the ECCC Law.

⁵⁰ Article 1 of the Agreement between the United Nations and the Royal Government of Cambodia.

⁵¹ NUON Chea, KHIEU Samphan, IENG Sary, IENG Thirith and KAING Guek Eav, *alias* Duch.

⁵² As indicated in Doc. No. 17, National Co-Prosecutor's Response to the Pre-Trial Chamber's Direction to Provide Further Particulars, dated 24 April 2009, and National Co-Prosecutor's Additional Observations, 22 May 2009, Para. 52, ERN 00329333 (Khmer).

⁵³ As indicated in Doc. No. 17, National Co-Prosecutor's Response to the Pre-Trial Chamber's Direction to Provide Further Particulars, dated 24 April 2009, and National Co-Prosecutor's Additional Observations, Para. 40, ERN 00329360 (Khmer).

⁵⁴ Doc. No. 17, *Ibid.*, Para. 40, ERN 00329360-61 (Khmer).

⁵⁵ Doc. No. 17, *Ibid.*, Para. 40, ERN 00329361-62 (Khmer).

32. The NCP considers that IM Chaem who has been named in this case was neither “senior leaders” nor among “those who were most responsible” for the crimes falling under the ECCC jurisdiction.⁵⁸
33. According to a general principle of criminal law, prosecution action applies to individuals. The ECCC Law and Agreement depart from this general principle of law in that they require prosecution of only two categories of persons⁵⁹ who have committed crimes falling under the ECCC jurisdiction. This means that the ECCC Law and Agreement aim to both bring prosecutions against such persons and achieve national reconciliation and unification and in particular to leave a legacy for the next generations to be able to understand the brutal and heinous regime of Democratic Kampuchea.
34. Crimes such as those that are within the jurisdiction of ECCC were also committed during the Khmer Republic regime under the leadership of Marshal Lon Nol. During this regime, extensive bombing caused deaths, disabilities and serious damage to houses and properties in many areas.⁶⁰ Therefore, the provisions of the ECCC Law and Agreement do not fulfil the principle of criminal law.
35. The NCP therefore holds the stance that there is a need to commit to the preamble to Agreement that requires the Co-Prosecutors to recognize the pursuit of national reconciliation, stability, peace and security before making any prosecution.⁶¹ Furthermore, the NCP maintains the stance contained in the Responses of the National Co-Prosecutor dated 29 December 2008 and 22 May 2009, especially the fulfilment of the principles of justice, national reconciliation⁶², the purpose of the ECCC Law and Agreement⁶³, practice procedure⁶⁴, preliminary investigation⁶⁵ and selective prosecutions⁶⁶ which are the jurisprudence from a number of international criminal courts.⁶⁷

⁵⁶ Doc. No. 17, *Ibid.*, Para. 40, ERN 00329362-65 (Khmer).

⁵⁷ Doc. No. 17, *Ibid.*, Para. 40, ERN 00329365-66 (Khmer).

⁵⁸ Doc. No. 17, *Ibid.*, Para. 40, ERN 00329366 (Khmer).

⁵⁹ senior leaders of Democratic Kampuchea and those who were most responsible for the crimes committed during the period from 17 April to 6 January 1979.

⁶⁰ Searching for the Truth, No. 3, June 2000, P. 9.

⁶¹ Para. 2 of the Preamble to the Agreement between the United Nations and the Royal Government of Cambodia.

⁶² Doc. No. 7, 29 December 2008, Paras. 8, 9, 10, 11, 14, 15, ERN 00267949-53 (Khmer).

⁶³ Doc. No. 7, 29 December 2008, Paras. 8, 9, 10, 11, 14, 15, ERN ERN 00267963-66 (Khmer).

⁶⁴ Doc. No. 7, 29 December 2008, Paras. 42-49, ERN 00267966-68 (Khmer).

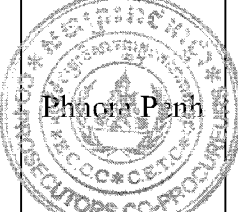

⁶⁵ Doc. No. 7, 29 May 2009, Paras. 18, 19, 20, 21, 22, , 32, ERN 00329352-57 (Khmer).

⁶⁶ Doc. No. 17, 22 May 2009, Paras. 18, 19, 20, 21, 22, 32, ERN 00329323-00329324.

36. Having observed the results of the preliminary investigation carried out by the ICP and the conclusion of the investigation by the CIJs, the NCP finds that the charged person named in Case 004/01 is not under the jurisdiction of the ECCC since this person was neither a **senior leader** nor among **those who were most responsible** for crimes committed during the period from 17 April 1975 to 6 January 1979 as stated in the ECCC Law.⁶⁸ At the same time, The CIJs also notified the parties that they had the intent to dismiss allegations against IM Chaem due to lack of personal jurisdiction.⁶⁹
37. Even though there were not enough affirmative votes during the pre-trial stage on the disagreement between the Co-Prosecutors over the New Introductory and Supplementary Submissions which caused a continuation of the investigation until today, the NCP is still of the view that the charged persons named in this case are not under the personal jurisdiction of the ECCC. At the same time, the CIJS also wished to dismiss allegations against IM Chaem due to lack of personal jurisdiction.⁷⁰

5. Request

38. For the reasons stated herein, The NCP submits the CIJs the Case 004/01 and requests the CIJs to dismiss allegations against IM Chaem pursuant to Rule 67(3)(a).

Date	Name	Place	Signature
27 October 2016	CHEA Leang National Co-Prosecutor	Phnom Penh 	

⁶⁷ Doc. No. 7, 29 December 2008, Paras. 24-41, ERN 00267956-63(Khmer).

⁶⁸ As indicated in Doc. No. 7, *Ibid.*, 29 December 2008 and Doc. No. 17, 22 May 2009.

⁶⁹ Case File No. 004/1-D286, Co-Investigating Judges' Notice of Intent to Dismiss the Charges against IM Chaem and to Sever the Proceedings against Her, 18 December 2015.

⁷⁰ Case File No. 004/1-D286, Co-Investigating Judges' Notice of Intent to Dismiss the Charges against IM Chaem and to Sever the Proceedings against Her, 18 December 2015, Para. 7.