



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, 28 December 2021

PRESS RELEASE
ECCC SUPREME COURT CHAMBER DISMISSES
REQUEST TO SEND CASE 004 TO TRIAL

Today, the Supreme Court Chamber of the Extraordinary Chambers in the Courts of Cambodia (ECCC) dismissed the International Co-Prosecutor’s request to send Case 004 against YIM Tith to trial.

By unanimity, the Chamber determined that the “International Co-Prosecutor’s Appeal of the Pre-Trial Chamber’s failure to send Case 004 to trial as required by the ECCC legal framework” was admissible in the interests of justice. The application was considered by the majority of the Chamber which provided “legal clarity and certainty and:

1. Rejected the International Co-Prosecutor’s view that Case 004 be sent to trial, noting that the Co-Investigating Judges and the Pre-Trial Chamber did not issue an Indictment in compliance with Internal Rule 79(1) against YIM Tith;
2. Confirmed that the Pre-Trial Chamber concluded Case 004 when it issued its Considerations; and
3. Clarified that Case 004 is terminated in the absence of a definitive and enforceable indictment.

In her dissenting opinion, Judge Maureen Harding Clark concluded that “the Pre-Trial Chamber’s decision has no validity and ought be quashed for its irrationality [...]” and proceedings against YIM Tith should be terminated.

The decision is available on the ECCC website:

https://eccc.gov.kh/sites/default/files/documents/courtdoc/%5Bdate-in-tz%5D/2_1_1_1_EN.PDF

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