



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

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

ឯកសារដើម	
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL	
ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/date de reception):	
..... 18 / 12 / 2015	
ម៉ោង (Time/Heure) :	
..... 14 : 25	
មន្ត្រីទទួលបន្ទុកសំណុំរឿង : Case File Officer/L'agent chargé	
du dossier: SANN RADA	

Before: **The Co-Investigating Judges**
Date: **18 December 2015**
Language(s): **English and Khmer**
Classification: **PUBLIC**

**NOTICE OF CONCLUSION OF JUDICIAL INVESTIGATION
AGAINST IM CHAEM**

Distribution:

Co-Prosecutors
CHEA Leang
Nicholas KOUMJIAN

Civil Party Lawyers:
CHET Vanly
HONG Kimsuon
KIM Mengkhy
LOR Chunthy
SAM Sokong
SIN Soworn
TY Srinna
VEN Pov
Linda BEHNKE
Laure DESFORGES
Herve DIAKIESE

Ferdinand DJAMMEN-
NZEPA
Nicole DUMAS
Isabelle DURAND
Françoise GAUTRY
Emmanuel JACOMY
Martine JACQUIN
Christine MARTINEAU
Barnabe NEKUI
Lyma NGUYEN
Beini YE

Ao An Defence
MOM Luch
Richard ROGERS
Göran SLUITER

Im Chaem Defence
BIT Seanglim
John R.W.D. Jones

Yim Tith Defence
SO Mosseny
Suzana TOMANOVIC



I. PROCEDURAL HISTORY

1. On 7 September 2009, the International Co-Prosecutor (“ICP”) filed an Introductory Submission opening a judicial investigation against Im Chaem and proposing various charges against her.¹ The ICP subsequently filed four Supplementary Submissions alleging that Im Chaem bears criminal responsibility for further crimes.²
2. On 3 March 2015, after signing a disagreement with the National Co-Investigating Judge (“CIJ”), former International CIJ Mark Harmon charged Im Chaem *in absentia* with violations of Articles 501 and 506 of the 1956 Penal Code (homicide) and the crimes against humanity of murder, extermination, enslavement, imprisonment, persecution on political grounds, and other inhumane acts.³ The Im Chaem Defence (“Defence”) filed an appeal to the Pre-Trial Chamber,⁴ which is pending.
3. On 24 July 2015, the CIJs 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*” and noted that the establishment of Im Chaem’s role in relation to the crimes alleged by the ICP was nearing completion.⁵ The Defence, the ICP, and the National Co-Prosecutor made submissions.⁶

II. DISCUSSION

4. Internal Rule 66(1) mandates that, when the CIJs consider that an investigation has been concluded, they shall notify the parties and their lawyers. The parties shall then have 15 days to request further investigative action, although they may waive such period.

¹ Case 004-D1, *Co-Prosecutors’ Third Introductory submission dated 20-11-2008*, 20 November 2008, para. 119; Case File 004-D1/1, *Acting International Co-Prosecutor’s Notice on Filing of the Third Introductory Submission*, 7 September 2009.

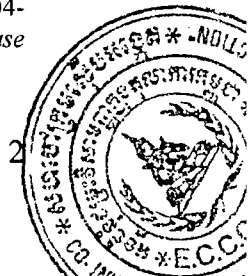
² Case 004-D65, *Co-prosecutors’ supplementary submission regarding Sector 1 crime sites and persecution of Khmer Krom*, 18 July 2011, para. 23; Case 004-D191, *Co-Prosecutors’ Supplementary Submission Regarding Forced Marriage and Sexual or Gender-Based Violence*, 24 April 2014, para. 14; Case 004-D254/1, *Response to Forwarding Order and Supplementary Submission regarding Wat Ta Meak*, 4 August 2015, para. 8; Case 004-D272/1 *Response to Forwarding Order Dated 5 November 2015 and Supplementary Submission regarding the Scope of Investigation into Forced Marriage in Sectors 1 and 4*, 20 November 2015, para. 14.

³ Case 004-D239, *Decision to charge IM Chaem in absentia*, 3 March 2015; Case 004-D239.1, *Annex: Notification of charges against IM Chaem*, 3 March 2015.

⁴ Case 004-D239/1/2, *IM Chaem’s Appeal against International Co-Investigating Judge Harmon’s Decision to Charge Her in Absentia*, 2 April 2015.

⁵ Case 004-D251, *Request for Submissions on Whether IM Chaem Should Be Considered A “Senior Leader” or among “Those Who Were Most Responsible”*, 24 July 2015.

⁶ Case 004-D251/4, *Im Chaem’s observations on whether she should be considered a “senior leader” or among “those who were most responsible”*, 21 September 2015; Case 004-D251/5, *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; Case 004-D251/6, *National co-prosecutor’s observations relating to OCIJs’ exercise of discretion over the case of Im Chaem regarding D251*, 21 September 2015.



5. We consider that the judicial investigation against Im Chaem has been concluded.

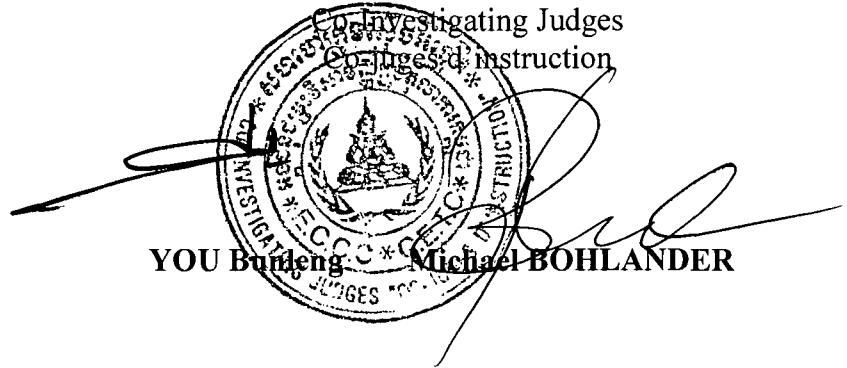
FOR THE FOREGOING REASONS, WE:⁷

- 6. **NOTIFY** the parties and their lawyers that we consider that the investigation against Im Chaem has been concluded; and
- 7. **INFORM** the parties that they may request further investigative action within 15 days, although they may waive such period.

Dated 18 December 2015, Phnom Penh

សហចៅក្រមស៊ើបអង្កេត

Co-Investigating Judges
Co-Judges d' instruction



YOU Bunteang Michael BOHLANDER

⁷ While the Co-Investigating Judges are issuing this notice jointly, the National Co-Investigating Judge 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 Judge Laurent Kasper-Ansermet.