

# AMNESTY INTERNATIONAL

## PUBLIC STATEMENT

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### **Cambodia: Khmer Rouge Court lets victims down yet again**

Amnesty International expresses its deep disappointment at the decision by the Pre-Trial Chamber of the hybrid Extraordinary Chambers in the Courts of Cambodia (ECCC) to reject an appeal by a victim, Robert Hamill to be recognized as a civil party in Cases 003 and 004. The appeal was rejected by the Chamber's three Cambodian Judges, and the absence of a 4-1 majority meant, under ECCC rules, that the appeal was rejected by default. The decision cannot be appealed further.

In their minority opinion, the two international Pre-Trial Judges revealed a litany of errors; inconsistencies with former investigations; denial of victims' rights and those of suspects; and highly suspect manipulation of documents. For instance, the Co-Investigating Judges denied victims' access to crucial information about proceedings and to case-files, preventing them from launching effective appeals against the Co-Investigating Judges' decision to close investigations, and suspects were not informed of charges being considered against them.

Moreover, according to the international judges, Hamill's application to be recognised as a civil party was placed in the case-file a full week after being received on 22 April 2011 and 30 minutes before it was rejected. Further, the Co-Investigating Judges' initial Order dated 29 April 2011 to dismiss Hamill's application was later changed substantially, with the changed version put on the case-file on 7 July 2011 then backdated to the date of the original Order.

The new International Co-Investigating Judge Laurent Kasper-Ansermet, preferably in collaboration with his Cambodian counterpart, must be empowered to undertake investigations into Cases 003 and 004 properly, thoroughly, in an inclusive manner and with due regard to the rights of victims as well as of suspects. There must be no prejudice to new applications to become civil parties. The Co-Investigating Judges must be allowed to work independently and impartially, in particular without being subjected to any political pressure. They must be given the backing to repair at least some of the damage done and restore confidence in the Tribunal.

ENDS/

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International Secretariat, Amnesty International, 1 Easton St., London WC1X 0DW, UK  
[www.amnesty.org](http://www.amnesty.org)

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