



**មជ្ឈមណ្ឌលសិទ្ធិមនុស្សកម្ពុជា**  
**Cambodian Center for Human Rights**

**CCHR Media Comment – Phnom Penh, 1 September 2011**

**CCHR calls on ECCC to address underlying causes of leaking of confidential information**

The Office of the Co-Investigating Judges (the “OCIJ”) at Cambodia's United Nations backed war crimes court – the Extraordinary Chambers in the Courts of Cambodia (the “ECCC”) – stated in a press release on the 31 August 2011 that it had started contempt of court proceedings against Voice of America (“VOA”) Khmer for revealing confidential information about a case currently under investigation. In a two sentence press release, the OCIJ announced that as VOA on 10 August 2011 quoted verbatim from a confidential ECCC document relating to “Case 004” and showed that document in a video report, the OCIJ had initiated contempt of court proceedings against them.

While it remains unclear what form any proceedings against VOA will take, this marks the first time the OCIJ has followed through on warnings to launch contempt proceedings. In June, the OCIJ warned of contempt of court proceedings after confidential court documents were quoted and even published by media outlets. *The Phnom Penh Post* reported on 13 May 2011 that the OCIJ were considering contempt of court proceedings against international co-prosecutor Andrew Cayley after he issued a statement requesting that the OCIJ perform a series of additional – and seemingly basic – investigative steps in Case 003.

While contempt of court proceedings are important in ensuring the sanctity of an ongoing investigation – the statement of 31 August comes amid allegations that the OCIJ is bowing to political pressure in relation to the investigation into Cases 003 and 004. Equally, contempt of court proceedings are important as a means of protecting the interests of the individuals under investigation – such as their right to a presumption of innocence – and yet court documents suggest that the OCIJ has, to date, refused to acknowledge any lawyer appointed to represent the interests of the unnamed suspects in Cases 003 and 004.

**Commenting on the OCIJ decision to initiate contempt of court proceedings against VOA Ou Virak, President of [the Cambodian Center for Human Rights](http://www.cchrcambodia.org), a non-aligned, independent, non-governmental organization that works to promote and protect democracy and respect for human rights throughout Cambodia, said:**

*“The importance of contempt of court proceedings should not be underestimated. In this case however, the evidence suggests that these threats by the OCIJ are less motivated by a desire to ensure the sanctity of their investigations and the rights of the individuals under investigation than they are with a desire to gag the media and others who look at the court with a critical eye. The reality is that observers of the court and the general public are becoming increasingly convinced that the OCIJ is actively seeking to ensure the closure of the court with the end of Case 002. Against this background, it is unsurprising that the media should seek to get hold of and publish information relating to investigations which are widely believed to have stalled for political reasons. If the OCIJ truly wants to prevent information being leaked to the media relating to Cases 003 and 004 it must start by regaining the public’s confidence. This it can only do through full and frank investigations into Cases 003 and 004 and by keeping the public adequately informed in this regard to the extent that does not undermine the investigations and the rights of those subject to investigation”.*

**For more information, please contact,**

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