



ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ
Kingdom of Cambodia
Nation Religion King

អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា
Extraordinary Chambers in the
Courts of Cambodia

ការិយាល័យសហចៅក្រមស៊ើបអង្កេត
Office of the Co-Investigating Judges
Bureau des Co-juges d’instruction

សំណុំរឿងព្រហ្មទណ្ឌ

Criminal Case File /Dossier pénal

លេខ/No: 002/14-08-2006

លេខស៊ើបអង្កេត/Investigation/Instruction

លេខ/No: 001/18-07-2007-ECCC-OCIJ

ដីកាសម្រេចលើពាក្យសុំកិច្ចស៊ើបអង្កេត

Ordonnance sur demandes d’actes d’instruction

Order concerning Requests for Investigative Actions

We, **You Bunleng (ឃុំ ប៊ុនឡុង)** and **Marcel Lemonde**, Co-Investigating Judges of the Extraordinary Chambers,

Noting the Law on the establishment of the Extraordinary Chambers, dated 27 October 2004,

Noting Rule 55(10) of the Internal Rules of the Extraordinary Chambers,

Noting the continuing judicial investigation against **Kaing Guek Eav (កាំង ហ្គេកអ៊ាវ)** alias **Duch (ឌុច)**, male, born on 17 November 1942,

Charged with **Crimes against humanity** and **Grave Breaches of the Geneva Conventions of 12 August 1949**, offences defined and punishable under Articles 5, 6, 29 (New) and 39 (New) of the Law on the establishment of the Extraordinary Chambers, dated 27 October 2004,

Noting the Request by the Co-Lawyers for the Civil Parties, **A...** and **B...**, dated 2 June 2008, to interview the Charged Person concerning details of the fate of their relatives who were killed at S21 (Mr **C...** on the one hand, and Msrs **D...**, **E...** and his wife Mrs **F...**, on the other).

REASONS FOR THE DECISION

Considering that the request by the Civil Parties is evidently legitimate and that means must be found for it to be satisfied.

Considering, however: that the Co-Investigating Judges are bound to do everything possible to avoid delaying trial of the case in question, in the interests of good administration of justice and in the interests of the Civil Parties themselves; and that the primary consequence of re-opening the investigation at this stage, given its procedural repercussions, would be to bring into doubt the provisional timing which has been established with difficulty in view of commencing trial at the last trimester of 2008, since this timing absolutely requires forwarding of the case file to the Co-Prosecutors for their final submissions, as required by ECCC Internal Rule 66(4), this week at the latest.

Considering that the Civil Parties will have the ability, as the case may be, to request that all the questions which appear important to them be put to the Accused at trial; that, in addition, the Co-Lawyers for Duch have made it known that they intend immediately to forward the Civil Parties' request to their client so that Duch may prepare a written response to each of the points raised therein; and finally, that Mme A... and Mr B... have both indicated that they intend to become Civil Parties in the second case file, currently under judicial investigation, which will allow any supplementary investigation which may be necessary;

FOR THESE REASONS

Decide that it is not necessary to accomplish the investigative action requested.

Phnom Penh, 4 June 2008

សហចៅក្រមស៊ើបអង្កេត

Co- Investigating Judges

Co-juges d'instruction