



**អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា**  
**Extraordinary Chambers in the**  
**Courts of Cambodia**

**ព្រះរាជាណាចក្រកម្ពុជា**  
**ជាតិ សាសនា ព្រះមហាក្សត្រ**  
**Kingdom of Cambodia**  
**Nation Religion King**

**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 (ឃ្មុំ 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 ហ្គេកក្សីវ)** 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-Prosecutors, dated 2 June 2008, that **Kaing Guek Eav (កាំង ហ្គេកក្សីវ)** alias **Duch (ឌុច)** be charged with Homicide (Articles 501-503-504-505-506-507 and 508 of the 1956 Penal Code) and Torture (Article 500 of the 1956 Penal Code), offences defined under Article 3 of the Law on the establishment of the Extraordinary Chambers, dated 27 October 2004.

**REASONS FOR THE DECISION**

Considering that, as the Co-Prosecutors indicate in their request (para. 7), the facts relating to the acts of homicide and torture under Article 3 of the ECCC Law have been investigated as part of the judicial

investigation against KAING Guek Eav alias DUCH for Crimes Against Humanity and Grave Breaches of the Geneva Conventions;

Considering that the Closing Order must determine the exact legal definition to be retained in order to characterize any crimes committed at S21 for which the Charged Person is being prosecuted; and that, in the absence of any new elements, it is not, thus, necessary at this stage to re-open the investigation in order to lay any supplementary charges;

**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**

**YOU Bunleng Marcel Lemonde**