



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: 002/19-09-2007-ECCC-OCIJ

ដីកាសម្រេចអំពីការបន្តចេរ:វេលាដីកា
ការបន្តបណ្តោះអាសន្ន
Order on Extension of Provisional Detention
Ordonnance de prolongation de la détention provisoire

We, **You Bunleng** and **Marcel LEMONDE**, Co-Investigating Judges of the Extraordinary Chambers in the Courts of Cambodia,

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

NOTING sub-Rule 63(7) of the Internal Rules of the Extraordinary Chambers,

NOTING the judicial investigation against **Nuon Chea and others**, 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 our Provisional Detention Order, dated 19 September 2007,

NOTING the Pre-Trial Chamber Decision, dated 20 March 2008,

NOTING that on 21 August 2008 we formally notified the Charged Person and his lawyers that we were seeking to extend his provisional detention – the duration of which is due to expire on 19 September 2008 - and that they had 15 days to submit their observations,

NOTING the objections raised by the Charged Person, dated 9 September 2008,

CONSIDERING that the objections submitted on behalf of the Charged Person concern, essentially, the condition set out in Rule 63(3)(a) of the Internal Rules. The Co-Investigating Judges found, in their Provisional Detention Order dated 19 September 2007, that there were well founded reasons to believe that Nuon Chea had committed the crimes as charged. On appeal, the Pre-Trial Chamber considered, in its decision of 20 March 2008, the evidence on the case-file at that stage of the proceedings (see, in particular, paragraphs 43-58 thereof) sufficient to demonstrate the same well founded belief. Since then, the judicial investigations against all Charged Persons have continued. The Co-Investigating Judges have taken note of the additional evidence thereby gathered and placed on the present case-file including, in particular, the 23 additional statements of the Charged Person Kaing Guek Eav to the Co-Investigating Judges concerning the context and operation of S-21 as well as the role played by the Charged Person, Nuon Chea, in those and other related respects. The Co-Investigating Judges therefore consider that the condition set out in Article 63(3)(a) of the Internal Rules remains satisfied.

FURTHER CONSIDERING that the conditions set out under Article 63(3)(b) of the Internal Rules are also still met, the reasons of the Pre-Trial Chamber in its Decision of 20 March 2008 remaining valid,

FOR THESE REASONS,

ORDER the extension of provisional detention of Nuon Chea for a maximum duration of one year, pursuant to sub-Rule 63(6)(a) of the Internal Rules.

Done in Phnom Penh, on 16 September 2008

សហចៅក្រមស៊ើបអង្កេត

Co- Investigating Judges

Co-juges d'instruction