



ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

Extraordinary Chambers in the Courts of Cambodia
Chambres Extraordinaires au sein des Tribunaux Cambodgiens

Kingdom of Cambodia
Nation Religion King
Royaume du Cambodge
Nation Religion Roi

អង្គជំនុំជម្រះសាលាដំបូង

Trial Chamber
Chambre de première instance

សំណុំរឿងលេខ: ០០១/១៨ កក្កដា ២០០៧/អវតក/អជសដ

Case File/Dossier No. 001/18-07-2007/ECCC/TC

Before: Judge NIL Nonn, President
Judge Silvia CARTWRIGHT
Judge YA Sokhan
Judge Jean-Marc LAVERGNE
Judge THOU Mony

Date: 24 April 2009

Classification: PUBLIC

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DECISION TO EXTEND TIME-LIMIT TO DECIDE ON REQUEST FOR RELEASE

Co-Prosecutors

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KAING Guek Eav alias "DUCH"

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The **TRIAL CHAMBER** of the Extraordinary Chambers in the Courts of Cambodia (“ECCC”);

BEING SEISED of Case File No. 001/18-07-2007-ECCC/TC pursuant to the “Decision on Appeal Against the Closing Order Indicting Kaing Guek Eav Alias Duch”, rendered orally by the Pre-Trial Chamber on 5 December 2008 and filed in Khmer on 9 December 2008 (“Decision”)¹;

HAVING HEARD the oral request for conditional release by the Defence made on 1 April 2009²;

NOTING the written observations filed by the Defence on 10 April 2009³;

HAVING RECEIVED a copy of the file of the case against the Accused at the Military Court;

PURSUANT to Rule 82(3) of the Internal Rules;

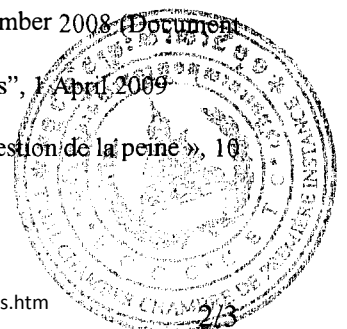
HEREBY DECIDES:

1. The Trial Chamber refers to the oral request for release made by the Defence on 1 April 2009.
2. In accordance with Rule 82(3) of the Internal Rules, the Chamber “shall decide as soon as possible and in any event no later than 30 (thirty) days after receiving the oral request or application, unless circumstances justify a greater period”.
3. The Chamber notes that the request is based inter alia on the allegation that the detention of the Accused is unduly prolonged, and that the detention at the ECCC is a continuation of the detention by the Military Court. In order to assess these claims, the Trial Chamber considers that it needs to consult the case file of the Military Court.
4. On 26 March 2009, the Chamber requested, through the Office of the Administration, the Military Court to provide it with the case file relating to the detention of the Accused by the Military Court. On 10 April 2009, the President of the Chamber received a copy of the case file of

¹“Decision on Appeal Against the Closing Order Indicting Kaing Guek Eav Alias Duch”, 5 December 2008 (Document D99/3/42).

²“Written Record of Proceedings”, 1 April 2009 (Document E1/7) and “Transcript of Proceedings”, 1 April 2009 (Document E1/7.1), p.20, line 1 to p.32, line 19 in the English version.

³« Arguments supplémentaires de la Défense venant au soutien de ses demandes relatives à la question de la peine », 10 April 2009 (Document E39/3)



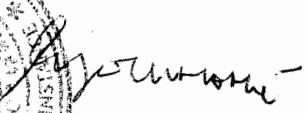
the Military Court from the Office of the Administration. The case file is entirely in Khmer, and has been sent for translation into English and French.

5. The Translation Pool has informed the Chamber that the translation of the file into English and French will be ready on 15 May 2009.
6. In addition, the Chamber notes that written submissions in support of their request, were filed by the Defence, in Khmer and French, on 10 April 2009, that is 10 days after the initial request.
7. Finally, the Chamber notes the 1 week recess from 13 to 17 April 2009, as well as the upcoming recess from 1 to 15 May 2009.
8. Following receipt of the translations of the Military Court file, the parties will have 10 days to comment.
9. In order to allow adequate time for the parties to respond, and for the Chamber to make a reasoned and well informed decision, it considers that circumstances exist justifying an extension of the time-limit for a decision on the request for release.

ACCORDINGLY, THE CHAMBER DECIDES THE FOLLOWING:

- (i). To add 45 days in additon to the period stated in the rule 82(3).
- (ii). That the Chamber will issue its decision on the request for release by 15 June 2009. *gt.*

Phnom Penh, 24 April 2009
of the Trial Chamber

President

None

