

Declassified to Public  
06 September 2012

EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA  
BEFORE THE PRE-TRIAL CHAMBER

Criminal Case File No. : 002/14-08-2006-ECCC-OCP 74-012  
Investigation No. : 001/18-07-2007  
Case Name : Introductory Submission dated 18 July 2007  
Filed to : Pre-Trial Chamber  
Date of Filing : 12 November 2007  
Party Filing : Office of the Co-Prosecutors  
Original Language : English  
Type of Document : PUBLIC

---

CO-PROSECUTORS' RESPONSE TO AMICI CURIAE BRIEFS RELATING TO THE  
DEFENCE APPEAL OF THE CO-INVESTIGATING JUDGES' ORDER OF THE  
PROVISIONAL DETENTION OF KANG KECK IEV alias DUCH ON 31 JULY 2007

---

Filed by:

Co-Prosecutors:  
Ms. CHEA Leang  
Mr. Robert PETIT

បានថតចម្លងត្រឹមត្រូវតាមច្បាប់ដើម  
Certified Copy/Copie Conforme  
ថ្ងៃទី(On/Le) 12 ខែ (Month/Mois) NOV  
ឆ្នាំ (Year/Année) 2007  
ប្រធានបញ្ជី/ Greffier NUP SOTHUN VICHET

Distributed to:

The Pre-Trial Chamber  
Judges:

Mr PRAK Kimsan  
Mr PEN Pichsaly  
Mr HUOT Vuthy  
Ms Katinka LAHUIS  
Mr Rowan DOWNING

Co-Investigating Judges:

Mr. YOU Bunleng  
Mr. Marcel LEMONDE

Defence Counsel:

Mr KAR Savuth  
Mr François ROUX

ORIGINAL DOCUMENTS  
RECEIVED ON 12/11/2007  
AT 16:16' BY  
NUP SOTHUN VICHET  
VICHET  
ACTING CASE FILE OFFICER

### Procedural History

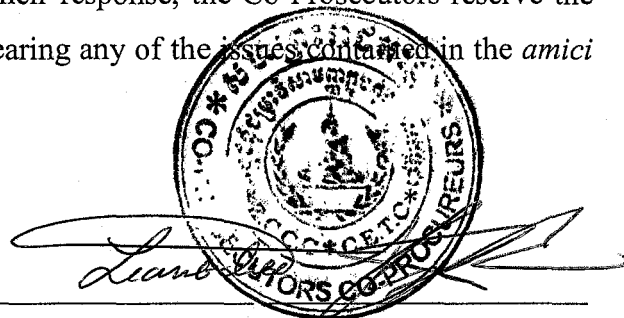
1. On 31 July 2007 following an adversarial hearing, the Co-Investigating Judges of the Extraordinary Chambers in the Courts of Cambodia (the "ECCC") ordered that KANG Keck Iev ("The Charged Person") be provisionally detained for one year during the judicial investigation against him.
2. The Charged Person has appealed the order by written pleadings dated 23 August and 5 September 2007 ("The Defence Appeal"). The Co-Prosecutors filed a response dated 3 October 2007 ("The Co-Prosecutors' Response"). A Directions Hearing is scheduled for 15 November 2007 with a public hearing taking place before the Pre-Trial Chamber on 20 and 21 November 2007.
3. The President of the Pre-Trial Chamber issued a Public Notice on 4 September 2007 inviting all interested parties to submit written *amicus curiae* briefs. The Pre-Trial Chamber has given the parties until 12 November 2007 to respond to these *amici curiae* briefs. This document forms the basis of the Co-Prosecutors' response to the *amici curiae* briefs.
4. The Co-Prosecutors have seen and read six *amicus curiae* briefs ("the *amici* briefs") as follows:
  - (i) Stan STARYGIN, professor of law and international relations, dated 27 September 2007 ("the Starygin brief");
  - (ii) Jeffrey KAHAN, Legal and Development Advisor of the Cambodian Defenders' Project, dated 2 October 2007 ("the Kahan brief");
  - (iii) Cambodian Human Rights Action Committee, dated 2 October 2007, ("the CHRAC brief").
  - (iv) Centre for Social Development / The Asian International Justice Initiative, dated 3 October 2007, ("the CSD/AJII brief");

Criminal Case File No. 002/14-08-2006-ECCC-OCF

- (v) Anne HEINDEL, legal advisor to the Documentation Centre of Cambodia, brief submitted in her personal capacity, dated 4 October 2007, (“the Heindel brief”);
- (vi) David SCHEFFER, professor of law and former US Ambassador-at-Large for War Crimes Issues, undated (“the Scheffer brief”).

5. The Co-Prosecutors received the *amici* briefs on Friday 26 October 2007. Considering the short period of time given in which to file their response, the Co-Prosecutors reserve the right to raise or further develop at the oral hearing any of the issues contained in the *amici* briefs.

Respectfully submitted,

A circular official seal of the Co-Prosecutors is stamped over the signature. The seal features a central emblem and text in Khmer and English. The English text around the perimeter includes "CO-PROSECUTORS" and "CO-PROSECUTORS".

CHEA Leang

Robert PETIT

Signed in Phnom Penh, Kingdom of Cambodia on this twelfth day of November 2007.