



**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

E138/112/1

**អង្គជំនុំជម្រះតុលាការកំពូល**

Supreme Court Chamber  
Chambre de la Cour suprême

សំណុំរឿងលេខ: ០០២/១៩-០៩-២០០៧-អ.វ.ត.ក/ អ.ជ.ស.ដ/អ.ជ.ត.ក(៩)

Case File/Dossier N°. 002/19-09-2007-ECCC-TC/SC(09)

**Before: Judge KONG Srim, President**

**Date: 19 November 2011**

**Language(s): Khmer/English**

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Ratanak

**DECISION ON CO-PROSECUTORS' REQUEST FOR STAY OF RELEASE ORDER**

**Co-Prosecutors**

CHEA Leang  
Andrew CAYLEY

**Accused**

IENG Thirith  
NUON Chea  
IENG Sary  
KHIEU Samphan

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**THE PRESIDENT OF THE SUPREME COURT CHAMBER** of the Extraordinary Chambers in the Courts of Cambodia:

**NOTING** the Trial Chamber's decision of 17 November 2011 ordering the release of the Accused, IENG Thirith, from the ECCC Detention Facility ("Release Order");<sup>1</sup>

**BEING SEISED** of a request lodged by the Co-Prosecutors under Internal Rule 82(6) (Rev. 8) to stay such Release Order ("Request"),<sup>2</sup> together with a copy of the Co-Prosecutors' appeal against such Release Order filed with the Greffier of the Trial Chamber ("Appeal");<sup>3</sup>

**CONSIDERING** the seriousness of the crimes for which IENG Thirith is indicted, the disagreement between the judges of the Trial Chamber on the issue of conditions upon release, and that the Co-Prosecutors' Appeal is not manifestly unfounded;

**PURSUANT** to Internal Rule 82(6);

**HEREBY:**

**GRANTS** the Co-Prosecutors' Request;

**ORDERS** that the Trial Chamber's Release Order is stayed; and

**ORDERS** that the Accused shall remain in detention until the Supreme Court Chamber has handed down its decision on the Co-Prosecutors' Appeal.

Phnom Penh, 19 November 2011



Kong Srim

<sup>1</sup> Decision on IENG Thirith's Fitness to Stand Trial, E138.

<sup>2</sup> Co-Prosecutors' Request for Stay of Release of Accused IENG Thirith, E138/1/2, 18 November 2011.

<sup>3</sup> Immediate Appeal Against Trial Chamber Decision to Order the Release of Accused IENG Thirith, E138/1/1, 18 November 2011.