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Extraordinary Chambers in the Courts of Cambodia

Chambres Extraordinaires au sein des Tribunaux Cambodgiens

5 May 2009

PRESS RELEASE

PRE-TRIAL CHAMBER DISMISSES APPEAL AGAINST THE EXTENSION OF PROVISIONAL DETENTION OF NUON CHEA

In a Decision rendered on 4 May 2009, the Pre-Trial Chamber dismissed the Appeal against an Order extending the provisional detention of Nuon Chea, and rejected a request for conditional release. Following the Decision of the Pre-Trial Chamber, Nuon Chea may be held in provisional detention until 19 September 2009.

Nuon Chea, who held the position as Deputy Secretary of the Communist Party of Kampuchea and was a member of the CPK Central and Standing Committees, is charged with Crimes against Humanity and Grave Breaches of the Geneva Conventions of 1949 (the case is still under investigation). Nuon Chea was placed in provisional detention on 19 September 2007, initially for one year, by an order of the Co-Investigating Judges. On 16 September 2008 the Co-Investigating Judges ordered an extension of the provisional detention for a maximum duration of one year (until 19 September 2009).

In the Appeal against the Order extending the provisional detention, the Co-Lawyers representing Nuon Chea submitted that a continued detention is neither factually nor legally justified, and requested provisional release of Nuon Chea subject to conditions.

In its Decision dismissing the Appeal, the Pre-Trial Chamber finds that provisional detention still remains a necessary measure to prevent the Charged Person from exerting pressure on witnesses or destroying evidence. Furthermore, the Pre-Trial Chamber deems detention necessary in order to ensure the presence of the Charged Person during the proceedings, in order to ensure his security and to preserve public order.

The Decision from the Pre-Trial Chamber can be accessed at

http://www.eccc.gov.kh/english/cabinet/courtDoc/304/C9_4_6_EN.pdf (English)

http://www.eccc.gov.kh/khmer/cabinet/courtDoc/274/C9_4_6_KH.pdf (Khmer)

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