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Extraordinary Chambers in the Courts of Cambodia

Chambres Extraordinaires au sein des Tribunaux Cambodgiens

15 June 2009

PRESS RELEASE

**TRIAL CHAMBER REJECTS A REQUEST FOR RELEASE
OF KAING GUEK EAV (ALIAS DUCH)**

In a decision rendered on 15 June 2009 the Trial Chamber rejected a request for the release of Kaing Guek Eav alias Duch from provisional detention. Mr. Kaing Guek Eav is currently on trial accused of crimes against humanity, war crimes and violation of certain articles of the Cambodian penal code of 1956. The substantive part of his trial commenced on 30 March 2009, and his Defence Lawyers submitted an oral request for his conditional release for the duration of the trial on 1 April 2009.

The Accused has been held in provisional detention by the Extraordinary Chambers in the Courts of Cambodia (ECCC) since 31 July 2007. Prior to being transferred to ECCC detention, the Accused was held in detention by the Cambodian Military Court since 10 May 1999.

In its decision the Trial Chamber finds that the detention of the Accused by the Military Court was unlawful and that he is entitled to seek remedies for the violation of his rights under both Cambodian and international law. The Trial Chamber further finds that the violation of the rights of the Accused by the Military Court cannot be attributed to the ECCC, and that the ECCC proceedings are not a continuation of the proceedings before the Military Court.

The Trial Chamber deems provisional detention necessary in order to ensure the presence of the Accused Person during the proceedings and for the protection of his security and the preservation of public order. Based on these reasons the Trial Chamber orders that the Accused shall remain in provisional detention for the duration of his trial.

In the event of conviction before the ECCC, the Accused will be credited for the time spent in provisional detention both before the ECCC and before the Military Court.

The Decision from the Trial Chamber can be accessed at
http://www.eccc.gov.kh/english/cabinet/courtDoc/353/E39_5_EN.pdf

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