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Extraordinary Chambers in the Courts of Cambodia

Chambres Extraordinaires au sein des Tribunaux Cambodgiens

27 April 2009

PRESS RELEASE

TRIAL CHAMBER POSTPONES DECISION ON REQUEST FOR THE CONDITIONAL RELEASE OF KAING GUEK EAV (ALIAS DUCH)

The Trial Chamber decided on 24 April 2009 to extend the time-limit to decide on the request for the release of Kaing Guek Eav alias Duch by 45 days until 15 June 2009.

Kaing Guek Eav has been held in provisional detention by the Extraordinary Chambers in the Courts of Cambodia (ECCC) since 31 July 2007. The substantive part of his trial commenced on 30 March 2009, and on 1 April 2009 his Defence Lawyers submitted an oral request for his conditional release for the duration of the trial.

The Trial Chamber shall according to rule 82(3) of the Internal Rules of the ECCC decide on a request for release “*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*”.

The Trial Chamber notes that the request for release is based inter alia on the allegation that the detention of Kaing Guek Eav is unduly prolonged, and that the detention at the ECCC is a continuation of the detention by the Military Court where he was held since 10 May 1999. In order to assess these claims the Trial Chamber considers it necessary to consult the case file at the Military Court.

The case file from the Military Court, which was received by the ECCC on 10 April 2009, is entirely in Khmer and needs to be translated into English and French. Considering the time required for translation, and in order to allow adequate time for the parties to respond, and for the Trial Chamber to make a reasoned and well informed decision, the Trial Chamber finds that circumstances exist justifying an extension of the time-limit for a decision on the request for release.

The Decision from the Trial Chamber can be accessed at http://www.eccc.gov.kh/english/cabinet/courtDoc/299/E39_4_EN.pdf

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