



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា
 Extraordinary Chambers in the Courts of Cambodia
 Chambres extraordinaires au sein des tribunaux cambodgiens

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

Kingdom of Cambodia
 Nation Religion King
 Royaume du Cambodge
 Nation Religion Roi

30 April 2010

PRESS RELEASE

PRE-TRIAL CHAMBER DISMISSED APPEALS FROM IENG SARY, KHIEU SAMPHAN AND IENG THIRITH AGAINST EXTENSION OF PROVISIONAL DETENTION

In three decisions rendered on 30 April 2010, the Pre-Trial Chamber of the Extraordinary Chambers in the Courts of Cambodia (ECCC) dismissed appeals lodged by the charged persons Ieng Sary, Khieu Samphan and Ieng Thirith against three orders extending the periods of their respective provisional detention.

IENG SARY:

Ieng Sary, who held the position of Minister of Foreign Affairs during the Democratic Kampuchea regime, is charged with genocide, crimes against humanity and war crimes; and murder, torture and religious persecution under the 1956 Cambodian Penal Code (the case is still under investigation). He was arrested on 12 November 2007 and was initially placed in Provisional Detention for one year. The period of Provisional Detention has subsequently been extended twice, by orders from the Co-Investigating Judges issued on 10 November 2008 and 10 November 2009 respectively.

In its Decision dismissing the Appeal against the extension of the Provisional Detention, the Pre-Trial Chamber found that Provisional Detention still remains a necessary measure to prevent the Charged Person from fleeing. Furthermore, the Pre-Trial Chamber deemed Provisional Detention necessary in order to protect the security of the Charged Person and to preserve public order. The dismissal of the Appeal means that Ieng Sary may be held in Provisional Detention until 12 November 2010, unless a Closing Order is issued by the Co-Investigating Judges prior to this date.

A summary of the Decision was read out by the President of the Pre-Trial Chamber H.E Prak Kimsan during a public hearing today. The written Decision will be published at http://www.eccc.gov.kh/english/court_doc.list.aspx?courtDocCat=ptc_docs

KHIEU SAMPHAN:

Khieu Samphan, who held the position of Head of State (Chairman of the State Presidium) during the Democratic Kampuchea regime, is charged with genocide, crimes against humanity and war crimes; and murder, torture and religious persecution under the 1956 Cambodian Penal Code (the case is still under investigation). He was arrested on 19 November 2007 and initially placed in Provisional Detention for one year. The period of Provisional Detention has subsequently been extended twice, by orders from the Co-Investigating Judges issued on 18 November 2008 and 18 November 2009 respectively. The dismissal of the Appeal means that Khieu Samphan may be held in Provisional Detention until 19 November 2010, unless a Closing Order is issued by the Co-Investigating Judges prior to this date.

In its Decision dismissing the Appeal, the Pre-Trial Chamber found that Provisional Detention still remains a necessary measure to protect the security of the Charged Person and to preserve public order.

A summary of the Decision was read out by the President of the Pre-Trial Chamber H.E Prak Kimsan during a public hearing today. The written Decision will be published at http://www.eccc.gov.kh/english/court_doc.list.aspx?courtDocCat=ptc_docs

IENG THIRITH:

Ieng Thirith, who held the position of Minister of Social Action during the Democratic Kampuchea regime, is charged with genocide, crimes against humanity and war crimes; and murder, torture and religious persecution under the 1956 Cambodian Penal Code (the case is still under investigation). She was arrested on 12 November 2007 and initially placed in Provisional Detention for one year. The period of Provisional Detention has subsequently been extended twice, by orders from the Co-Investigating Judges issued on 10 November 2008 and 10 November 2009 respectively. The dismissal of the Appeal means that Ieng Thirith may be held in Provisional Detention until 12 November 2010, unless a Closing Order is issued by the Co-Investigating Judges prior to this date.

In its Decision dismissing the Appeal against the extension of the Provisional Detention, the Pre-Trial Chamber found 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 deemed detention necessary in order to prevent the Charged Person from fleeing and to preserve public order.

A summary of the Decision was read out by the President of the Pre-Trial Chamber H.E Prak Kimsan during a public hearing today. The written Decision will be published at http://www.eccc.gov.kh/english/court_doc.list.aspx?courtDocCat=ptc_docs

EFFECT OF A CLOSING ORDER

If the Co-Investigating Judges issue a Closing Order prior to the end date for the respective detention periods referred to above, it will bring the current detention periods to an end. If the Closing Order includes an indictment against the Charged Persons, and the Co-Investigating Judges consider that the conditions for ordering Provisional Detention under ECCC Internal Rule 63 still are met, they may order the indicted persons to remain in Provisional Detention until they are brought before the Trial Chamber. In such a case, unless the indicted persons are brought before the Trial Chamber within four months from the date of the Closing Order, the Provisional Detention will cease to have any effect.

For further information, please contact:

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