



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

អង្គជំនុំជម្រះសាលាដំបូង

Trial Chamber  
Chambre de Première instance

សំណុំរឿងលេខ: ០០១/១៨ កក្កដា ២០០៧/អវតក/អជសដ

Case File/Dossier No. 001/18-07-2007/ECCC/TC

Before: Judge NIL Nonn, President  
Judge Silvia CARTWRIGHT  
Judge YA Sokhan  
Judge Jean-Marc LAVERGNE  
Judge THOU Mony

Date: 19 January 2009

Classification: PUBLIC

**ឯកសារដើម**  
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**ឯកសារច្បាប់ចម្លងត្រឹមត្រូវតាមច្បាប់ដើម**  
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ORDER SETTING THE DATE OF THE INITIAL HEARING

Co-Prosecutors

CHEA Leang  
Robert PETIT

Accused

KAING Guek Eav alias "DUCH"

Lawyers for the Civil Parties

KONG Pisey  
HONG Kimsuon  
YOUNG Panith  
KIM Mengkhy  
MOCH Sovannary  
Silke STUDZINSKY  
Martine JACQUIN  
Philippe CANNONE  
TY Srinna  
Pierre Olivier SUR

Lawyers for the Defence

KAR Savuth  
François ROUX



**I, Judge NIL Nonn**, President of the Trial Chamber of the Extraordinary Chambers in the Courts of Cambodia (“ECCC”);

**PURSUANT TO** the provisions of Rules 79, 80 and 80*bis* of the Internal Rules (“Rules”);

**BEING SEISED** of Case File No. 001/18-07-2007-ECCC/TC pursuant to the “Decision on Appeal Against the Closing Order Indicting Kaing Guek Eav Alias Duch,” rendered orally by the Pre-Trial Chamber on 5 December 2008 and filed in Khmer on 9 December 2008 (“Decision”);

**NOTING** that the said Decision indicts **KAING Guek Eav** alias **DUCH**, male, Khmer, born on 17 November 1942 at Peou Veuy Village, Peam Bang Sub-district, Stong District, Kampong Thom Province, sending him for trial before the Trial Chamber of the ECCC for:

“having through his acts or omissions in Phnom Penh and within the territory of Cambodia, between 17 April 1975 and 6 January 1979, as Deputy Secretary or Secretary of S21, planned, instigated, ordered, committed, or aided and abetted, or is responsible by virtue of superior responsibility for the following crimes:

#### **1. CRIMES AGAINST HUMANITY**

- Murder
- Extermination
- Enslavement
- Imprisonment
- Torture
- Rape
- Persecutions on political grounds
- Other inhumane acts

Offences defined and punishable under Articles 5, 29(New) and 39(New) of the Law on the Establishment of the Extraordinary Chambers in the Courts of Cambodia for the Prosecution of Crimes Committed during the Period of Democratic Kampuchea.

#### **2. GRAVE BREACHES OF THE GENEVA CONVENTIONS OF 1949**

- Willful killing
- Torture or inhumane treatment
- Willfully causing great suffering or serious injury to body or health



- Willfully depriving a prisoner of war or civilian the rights of fair and regular trial
- Unlawful confinement of a civilian

Offences defined and punishable under Articles 6, 29(New) and 39(New) of the Law on the Establishment of the Extraordinary Chambers in the Courts of Cambodia for the Prosecution of Crimes Committed during the Period of Democratic Kampuchea.

### 3. VIOLATIONS OF THE 1956 PENAL CODE

- Premeditated Murder (Articles 501 and 506)
- Torture (Article 500)

Offences defined and punishable under Articles 3(New), 29(New) and 39(New) of the Law on the Establishment of the Extraordinary Chambers in the Courts of Cambodia for the Prosecution of Crimes Committed during the Period of Democratic Kampuchea.”

**NOTING FURTHER** the views expressed by the parties during the Trial Management Meeting held on 15 and 16 January 2009;

**MINDFUL** that, pursuant to the provisions of Article 33 New of the ECCC Law, the Trial Chamber shall ensure that trials are fair and expeditious and are conducted in accordance with existing procedures in force, with full respect for the rights of the accused and for the protection of victims and witnesses;

### HEREBY DECIDE

1. **TO ORDER** that the Initial Hearing in the Case N° 001/18-07-2007/ECCC/TC concerning the accused **KAING Guek Eav** alias **DUCH** will begin on Tuesday, 17 February 2009 at 9.00 hours in the main Courtroom of the ECCC and continue on the following days,
2. **TO RECALL** that, in accordance with Rule 23(4) of the Rules, Civil Party applications must be filed within the Victims Unit at least 10 (ten) working days before the Initial Hearing, that is to say no later than Monday, 2 February 2009 at 16.00 hours;
3. **TO RECALL** that, in accordance with Rule 80(4) of the Rules, notification of the present Order shall be deemed valid summons;



4. **TO FURTHER ORDER** that the present decision shall be notified to the parties and to the Victims Unit in accordance with the Rules 46 and 47 of the Rules and shall be published on the ECCC's official website.

*NWR - ET*

**Phnom Penh, 19 January 2009**

**President of the Trial Chamber**



**Nil Nonn**