



ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ
Royaume du Cambodge
Nation Religion Roi

អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា
Chambres Extraordinaires au sein
des Tribunaux Cambodgiens

ការិយាល័យសហចៅក្រមស៊ើបអង្កេត
Office of the Co-Investigating Judges
Bureau des Co-juges d’instruction
សំណុំរឿងព្រហ្មទណ្ឌ
Criminal Case File /Dossier pénal
លេខ/No: 002/14-08-2006

សេចក្តីសម្រេចយាត់ទុក
Police Custody Decision
Décision de placement en Garde à Vue

លេខស៊ើបអង្កេត/Investigation/Instruction
លេខ/No: 002/19-09-2007-ECCC/OCIJ

We, **You Bunleng** and **Marcel Lemonde**, the Co-Investigating Judges of the Extraordinary Chambers in the Courts of Cambodia,

Noting the Law on the establishment of the Extraordinary Chambers, dated 27 October 2004,

Noting Rules 2, 21, 45, 51, 57 and 63 of the Internal Rules of the Extraordinary Chambers,

Noting the judicial investigation opened against:

Last Name: **IENG**

First Name: **Sary**

Born on 24 October 1925 in the village of LOEUNG VA, in LOEUNG VA Commune, TRAVINH District, TRAVINH (Kampuchea Krom)

Name of Father: KEM RIEM (deceased); Name of Mother: TRAM THOLAI (deceased)

Name of spouse : IENG THIRITH (living)

Considering that Mr IENG Sary was placed under judicial investigation and charged today; that his lawyer has requested the adjournment of the adversarial hearing preceding a decision on Provisional Detention, so as to have a reasonable period in order to prepare his client's defence;

Considering that this request appears legitimate in view of the provisions of Rule 63(1) of the Internal Rules, under which, *"The Charged Person has the right to a reasonable period in order to prepare his or her defence."*; yet that the ECCC Internal Rules do not provide for the eventuality of deferring the adversarial hearing;

Considering that, by virtue of Rule 2 of the ECCC Internal Rules, if in the course of proceedings before the ECCC a question arises which is not addressed by the Rules, the Co-Investigating Judges may decide *"having particular attention to the fundamental principles set out in Rule 21 and the applicable criminal procedural laws. In such a case, a proposal for amendment of these IRs shall be submitted to the Rules and Procedure Committee as soon as possible."*

Considering that a proposal for the amendment of the Rules has been submitted to the Rules and Procedure Committee in order to allow deferral of the adversarial hearing; that while awaiting the decision of the Plenary Session, and so as to respect defence rights fully, it is appropriate to apply Rule 2, taking inspiration from the provisions of Rule 45(4) of the ECCC Internal Rules, and order the placement of Mr IENG Sary in Police Custody for a maximum of 48 hours;

On these grounds, we hereby

- order the placement of Mr IENG Sary in immediate police custody in the ECCC detention facility, for a maximum period of 48 (forty eight) hours, in accordance with the provisions of Rule 51 of the ECCC Internal Rules;
- declare that the adversarial hearing will take place on 14 November, in accordance with Rules 57 and 63 of the ECCC Internal Rules;

Dated the 12th day of November 2007 in Phnom Penh at 15 hours 30

សហចៅក្រមបណ្តឹងបណ្តុះបណ្តាល
Co-Investigating Judges
Co-juges d'instruction

We,....., have given this order to the below-mentioned persons on
.....