



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

សេចក្តីសម្រេចយាត់ទុក  
Police Custody Decision  
Décision de placement en Garde à Vue

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**

Firs name: **Thirith**

Alias: *Phea*

Female, Born in 1932 in the province of Battambang

Married; Name of spouse: **IENG Sary** (living)

Residing at No. 47B, Street 21, Tonlé Bassac Commune, Chamkamorn District, Phnom Penh;

អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា មានទីតាំងស្ថិតនៅ ផ្លូវជាតិលេខ៤ សង្កាត់ ចោមចៅ ខណ្ឌ ដង្កោ ក្រុង ភ្នំពេញ។

Extraordinary Chambers in the Courts of Cambodia National Road 4 ,Chaom Chau , Dangkao Phnom Penh  
Mail Po Box 71 ,Phnom Penh Tel:+855(0)23 218914 Fax:023 218941  
Chambres extraordinaires au sein des tribunaux cambodgiens, Route nationale 4, Chaom CHau, Damgkao, Phnom Penh  
Boite postale 71, Phnom Penh. Tel : Tel:+855(0)23 218914 Fax:023 218941

Considering that Mrs IENG Thirith was placed under judicial investigation and charged today; that her 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 Mrs IENG Thirith in Police Custody for a maximum of 48 hours;

**On these grounds, we hereby**

- order the placement of Mrs IENG Thirith 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 17 hours 20

**សហចៅក្រមបណ្តឹងបណ្តុះបណ្តាល**  
**Co-Investigating Judges**  
**Co-juges d'instruction**

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