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BEFORE THE CO-INVESTIGATING JUDGES
EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA

FILING DETAILS

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CO-PROSECUTORS' REQUEST FOR NOTIFICATION OF CHARGES TO
KAING GUEK EAV ALIAS DUCH

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REQUEST

1. The Co-Investigating Judges “may not indict a person for facts in relation to which he or she has not first been charged.”¹ In addition, the Co-Investigating Judges have held that “prior to the conclusion of the judicial investigation, the Charged Persons will be summoned for clarification of the charges for which they may be indicted.”²
2. Pursuant to the Introductory Submission of 18 July 2007 and the Separation Order of 19 September 2007, KAING Guek Eav alias DUCH is under investigation in Case File 002/19-09-2007 along with four other charged persons.³
3. The Co-Investigating Judges have recently held interviews with Co-Charged Persons NUON Chea,⁴ IENG Sary,⁵ IENG Thirith⁶ and KHIEU Samphan and have informed them of the charges for which they may be indicted in the Closing Order.⁷ No such interview was, however, held with DUCH, nor were the charges against him notified in another manner.
4. The Co-Prosecutors, therefore, request that the Co-Investigating Judges rectify this disparity and similarly notify DUCH of the charges against him.
5. In addition, DUCH’s detention in Case No. 002 may also be extended pursuant to Rule 63(7) on the basis of reasons contained in the Introductory Submission and the Trial Chamber’s order of 15 June 2009.⁸

¹ Order Concerning the Co-Prosecutors’ Request for Clarification of Charges, 11 December 2009, ERN 00412009 – 00412014, para. 10.

² *Ibid*, para. 11.

³ Separation Order, 19 September 2007, ERN 00147589 – 00147590.

⁴ Written Record of Interview of Charged Person, 15 December 2009, ERN 00414545 – 00414550.

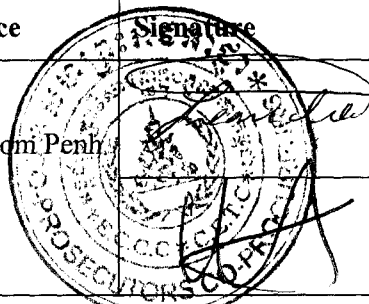
⁵ Written Record of Interview of Charged Person, 21 December 2009, ERN 00417104 – 00417108.

⁶ Written Record of Interview of Charged Person, 22 December 2009, ERN 00418007 – 00418012.

⁷ Written Record of Interview of Charged Person 22 December 2009, ERN 00417984 – 00417989.

⁸ Decision on Request for Release, Case File No. 001, 15 June 2009, ERN 00338832 – 00338846, available at http://www.eccc.gov.kh/english/cabinet/courtDoc/353/E39_5_EN.pdf (accessed 19 January 2010)..

Respectfully submitted,

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