



**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

**អង្គជំនុំជម្រះតុលាការកំពូល**

Supreme Court Chamber  
Chambre de la Cour suprême

សំណុំរឿងលេខ: ០០២/១៩-កញ្ញា-២០០៧-អ.វ.ត.ក/អ.ជ.ត.ក

Case File/Dossier N°. 002/19-09-2007-ECCC/SC

**ឯកសារដើម**  
**ORIGINAL/ORIGINAL**  
ថ្ងៃ ខែ ឆ្នាំ (Date): 22-Dec-2022, 13:22  
CMS/CFO: Sann Rada

**Before:** Judge KONG Srim, President  
Judge Chandra Nihal JAYASINGHE  
Judge SOM Sereyvuth  
Judge Florence Ndepele Mwachande MUMBA  
Judge MONG Monichariya  
Judge Phillip RAPOZA  
Judge YA Narin

**Date:** 22 December 2022  
**Language(s):** English  
**Classification:** Public

**DECISION ON KHIEU SAMPHÂN’S REQUEST FOR INFORMATION FROM THE CO-PROSECUTORS ON PLANNED DETENTION CONDITIONS**

**Co-Prosecutors**

CHEA Leang  
Fergal GAYNOR

**Accused**

KHIEU Samphân

**Civil Party Lead Co-Lawyers**

PICH Ang  
Falguni DEBNATH

**Co-Lawyers for NUON Chea**

KONG Sam Onn  
Anta GUISSÉ

**THE SUPREME COURT CHAMBER** of the Extraordinary Chambers in the Courts of Cambodia for the Prosecution of Crimes Committed during the Period of Democratic Kampuchea (“DK period”) between 17 April 1975 and 6 January 1979 (respectively “Chamber” and “ECCC”) is seised of KHIEU Samphân’s request to order the Co-Prosecutors to provide information regarding the planned conditions of his detention in a national prison, following this Chamber’s issuance of the full written reasons in Case 002/02 Appeal Judgment.<sup>1</sup>

## 1 PROCEDURAL HISTORY

1. On 7 August 2014, the Trial Chamber issued its Judgment in Case 002/01, in which it convicted KHIEU Samphân of numerous crimes against humanity committed throughout and in the immediate aftermath of the forced population movements throughout Democratic Kampuchea and sentenced him to life imprisonment.<sup>2</sup> The Supreme Court Chamber upheld, reversed, and entered insofar as certain of the convictions were affirmed and it ordered KHIEU Samphân and NUON Chea to remain in custody pending their transfer to national authorities.<sup>3</sup>

2. On 16 November 2018, the Trial Chamber issued its Judgment in Case 002/02, in which it convicted KHIEU Samphân of crimes against humanity, grave breaches of the Geneva Conventions and genocide, and sentenced him to a further term of life imprisonment, which was ordered to be merged with the life sentence imposed in Case 002/01.<sup>4</sup>

3. On 22 September 2022, the Supreme Court Chamber issued its summary of the Appeal Judgment in Case 002/02, upholding the majority of the convictions against KHIEU Samphân and affirming a life sentence in Case 002/02, which shall run concurrently with the life sentence imposed by the Trial Chamber in Case 002/01.<sup>5</sup> This Chamber ordered “that KHIEU Samphân remain in the custody of the ECCC pending the issuance of the full written Appeal Judgment and the finalisation of arrangements for his transfer, in accordance with the law, to the prison where he will continue to serve his sentence.”<sup>6</sup>

<sup>1</sup> KHIEU Samphân’s Request for information from the Co-Prosecutors on the planned conditions of detention of KHIEU Samphân following the complete statement of the reasons for the judgment in the second trial in Case No.002, F77, 20 October 2022 (“KHIEU Samphân’s Request (F77)”).

<sup>2</sup> Case 002/01, Trial Judgement, 7 August 2014, E313, para. 1107 & Disposition.

<sup>3</sup> Case 002/01, Appeal Judgement, 23 November 2016, F36, para. 1121 & Disposition.

<sup>4</sup> Case 002/02, Trial Judgement, 16 November 2018, E465, Disposition, pp. 2231-2232.

<sup>5</sup> Case 002/02, Summary of the Appeal Judgment in Case 002/02, 22 September 2022, F76.1 (“Case 002/02 Summary of Appeal Judgment (F76.1)”).

<sup>6</sup> Case 002/02 Summary of Appeal Judgment (F76.1), Disposition, p. 34.

4. On 20 October 2022, KHIEU Samphân filed the present motion (“KHIEU Samphân’s Request”), requesting that the Supreme Court Chamber order the Co-Prosecutors to provide information regarding the planned conditions of his detention in a national prison, following this Chamber’s issuance of the full written reasoned Appeal Judgment in Case 002/02, in order to ensure that such conditions comply with applicable laws protecting the humane treatment of prisoners and adequately take into consideration his advanced age and medical needs.<sup>7</sup>

5. On 28 October 2022, the Co-Prosecutors responded to the Request (“Co-Prosecutors’ Response”) by providing information obtained to date through the General Department of Prisons of the Ministry of Interior (“General Department of Prisons”) regarding KHIEU Samphân’s possible detention conditions and requesting the Supreme Court Chamber to establish a formal process to supervise the enforcement of sentences, and monitor the treatment of convicted persons pursuant to the Addendum to the Agreement between the United Nations and the Royal Government of Cambodia (“Addendum to the UN-RGC Agreement”).<sup>8</sup>

## 2 SUBMISSIONS

### *KHIEU Samphân’s Request*

6. In his motion, KHIEU Samphân expresses concern about his impending detention conditions and requests that the Supreme Court Chamber order the Co-Prosecutors to provide information about the arrangements made for his transfer to a national prison and the conditions under which he will continue to serve his sentence, as part of their obligations under Internal Rule 113, which requires them to initiate and implement the sentence.<sup>9</sup> KHIEU Samphân’s Request is centred on his advanced age and fragile state of health, which he submits necessitate special detention arrangements in order to comply with national and international instruments guaranteeing the humane treatment of prisoners.<sup>10</sup>

7. To assist the Co-Prosecutors in providing relevant information, KHIEU Samphân’s Request lists questions concerning which detention facility has been selected, the medical and caretaking facilities available, hospital accessibility, whether his cell will have the equipment

<sup>7</sup> See, e.g., KHIEU Samphân’s Request (F77), para. 2.

<sup>8</sup> Co-Prosecutors’ Response to Khieu Samphan’s Request for information regarding Conditions of Detention, F77/1, 28 October 2022, referring to Addendum to Agreement between the United Nations and the Royal Government of Cambodia concerning the prosecution under Cambodian law of crimes committed during the period of Democratic Kampuchea on the Transitional Arrangements and Completion of Work of the Extraordinary Chambers, *entered into force* 12 January 2022, A/RES/75/257/B (“Addendum to UN-RGC Agreement”).

<sup>9</sup> KHIEU Samphân’s Request (F77), paras 2, 24.

<sup>10</sup> KHIEU Samphân’s Request, (F77) paras 5-10, 15-18, 21.

necessary to accommodate his poor mobility, whether arrangements will be made to facilitate family visits to supplement his diet and assist with other needs, and the facilities and processes available for him to contact his legal counsel.<sup>11</sup> KHIEU Samphân's Request also details his health conditions, which include, *inter alia*, a recent stroke, heart problems, hypertension and diabetes, and which necessitate access to medical monitoring.<sup>12</sup> He further states that his visual and hearing impairments have intensified in recent months, and that he requires special assistance to perform daily tasks.<sup>13</sup> In terms of his mobility, KHIEU Samphân submits that he is unable to move without the assistance of a walker and wheelchair, and requires "a support and monitoring ramp" to prevent falls while using the shower or toilet.<sup>14</sup>

8. KHIEU Samphân submits that the Addendum to the UN-RGC Agreement includes the functions of supervising the enforcement of sentences and monitoring the treatment of convicted prisoners, but does not specify how these functions will operate in practice, including how KHIEU Samphân would invoke the mechanism if issues with his detention conditions arose.<sup>15</sup> Both KHIEU Samphân's Co-Counsel have agreed to continue representing him following his transfer to a national prison, and they have expressed concern regarding the lack of information available on how they will maintain contact with their client and engage the mechanism if issues relating to his health needs and detention conditions arise.<sup>16</sup>

#### *Co-Prosecutors' Response*

9. The Co-Prosecutors agree with KHIEU Samphân that his detention conditions must comply with applicable laws and adequately take into consideration his advanced age and frail health.<sup>17</sup> They contend, however, that the responsibility for supervising KHIEU Samphân's detention conditions rests with ECCC as a whole, rather than the Co-Prosecutors, and that the ECCC's obligation under the Addendum to the UN-RGC Agreement to "supervise the enforcement of sentences" and "monitor the treatment of convicted persons" throughout its residual phase "can best be discharged through a formal process," either by "engaging a credible, independent organisation with experience in monitoring prison conditions to carry out monitoring and make recommendations or *via* a formal procedure using ECCC officials or staff."<sup>18</sup> The Co-Prosecutors

<sup>11</sup> KHIEU Samphân's Request (F77), para. 22.

<sup>12</sup> KHIEU Samphân's Request (F77), para. 17.

<sup>13</sup> KHIEU Samphân's Request (F77), para. 17.

<sup>14</sup> KHIEU Samphân's Request (F77), para. 17.

<sup>15</sup> See KHIEU Samphân's Request (F77), paras 11-13.

<sup>16</sup> See KHIEU Samphân's Request (F77), paras 14, 23.

<sup>17</sup> Co-Prosecutors' Response (F77/1), para. 2.

<sup>18</sup> See Co-Prosecutors' Response (F77/1), paras 2, 11-12.

thus request the Supreme Court Chamber to “make arrangements to obtain definitive, final, and reliable information regarding possible detention locations, required modifications and progress in implementing them, and medical facilities and care.”<sup>19</sup>

10. In response to the information sought in the request, the Co-Prosecutors submit that while they “do not possess definitive answers [...] they have no objection to sharing what information they do have regarding the plans for KHIEU Samphân’s eventual permanent detention”.<sup>20</sup> They report, however, that while they have had “successful and productive courtesy meetings with [General Department of Prisons] officials and have attempted to gather information regarding [KHIEU Samphân’s] possible future detention conditions, none of the information provided to the Co-Prosecutors has been part of a formal process of binding commitments.”<sup>21</sup>

### 3 APPLICABLE LAW

11. Internal Rule 113 provides that:

- (1) The enforcement of a sentence shall be made at the initiative of the Co-Prosecutors. [...]
- (2) The Co-Prosecutors shall implement the sentence as soon as a decision of the Chambers becomes final [...].
- (3) The Co-Prosecutors may seek the assistance of the law enforcement authorities to ensure the execution of sentences.

12. The Addendum to the UN-RGC Agreement states that, “[u]pon completion of the proceedings under Article 1 of the Agreement, including any appeals related thereto before the Supreme Court Chamber, the Extraordinary Chambers shall continue to carry out the following functions for an initial period of three years,” which include “supervis[ing] the enforcement of sentences as well as monitor[ing] the treatment of convicted prisoners”.<sup>22</sup>

13. The 2011 Cambodian Law on Prisons provides for the “safe and secure custody, good health and humane treatment of prisoners in accordance with the international principles and the United Nations Rules for the Protection of Juveniles Deprived of Liberty”.<sup>23</sup> Article 38 specifies that:

Any ill prisoner shall receive proper health care from the prison medical officer on [a] daily basis. Any seriously ill prisoner requiring treatment outside of the prison as requested by the prison medical officer shall be authorized by the relevant royal prosecutor. In case of emergency, the Prison Chief shall transfer the prisoner immediately upon request from the

<sup>19</sup> Co-Prosecutors’ Response (F77/1), para. 9.

<sup>20</sup> Co-Prosecutors’ Response (F77/1), para. 2.

<sup>21</sup> Co-Prosecutors’ Response (F77/1), para. 8.

<sup>22</sup> Addendum to the UN-RGC Agreement, Art. 2.

<sup>23</sup> Cambodian Law on Prisons, 2011, Art. 2(b).

prison medical officer to the hospital, and shall promptly notify the General Department of Prisons, the Board of Provincial/Municipal Governors, the concerned royal prosecutor, and the relatives or closest friends as requested by the prisoner. Upon positive treatment certified by the treating hospital, the prisoner shall be transferred back to prison. Prisoners with mental illness, physical disability, or under the influence of drugs shall receive specific health care.

14. Article 10(1) of the International Covenant on Civil and Political Rights, which was ratified by Cambodia in 1992, provides that “[a]ll persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.”<sup>24</sup>

15. The U.N. Standard Minimum Rules for the Treatment of Prisoners provide, *inter alia*, that:

All prisoners shall be treated with respect due to their inherent dignity and value as human beings. No prisoner shall be subjected to, and all prisoners shall be protected from, torture and other cruel, inhuman or degrading treatment or punishment, for which no circumstances whatsoever may be invoked as a justification. The safety and security of prisoners, staff, service providers and visitors shall be ensured at all times.[...]

In order for the principle of non-discrimination to be put into practice, prison administrations shall take into account the individual needs of prisoners, in particular the most vulnerable categories in prison settings. Measures to protect and promote the rights of prisoners with special needs are required and shall not be regarded as discriminatory.<sup>25</sup>

#### 4 DELIBERATIONS

16. No party disputes that KHIEU Samphân should serve his sentence in a national prison whose conditions of imprisonment comply with international standards on the treatment of prisoners, including the provision of special logistical or medical accommodations in light of his advanced age and frail health. It is further agreed that the Royal Government of Cambodia, as the State under which the sentence will be served, is obligated under national and international law to provide such conditions of detention that comply with basic human rights standards, including a heightened obligation for vulnerable prisoners with special health, mobility and age-related needs like those of KHIEU Samphân.<sup>26</sup>

17. The point of contention in these submissions is who is responsible for enforcing KHIEU Samphân’s sentence in conformity with his detention rights as a vulnerable prisoner, and the

<sup>24</sup> International Covenant on Civil and Political Rights, *entered into force* 23 March 1976, 999 U.N.T.S. 171 and 1057 U.N.T.S. 407 (“ICCPR”), Art. 10(1).

<sup>25</sup> U.N. General Assembly, United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), U.N. Doc. A/RES/70.175, 8 January 2016, Rules 1 & 2(2).

<sup>26</sup> See *supra* Section 3 (“Applicable Law”, referring to Art. 38 of the 2011 Cambodian Law on Prisoners, UN Standard Minimum Rules for the Treatment of Prisoners and Article 10 of the ICCPR).

subsequent supervision of that enforcement, including the monitoring of his detention conditions throughout his life sentence. Both parties also highlight the lack of detail provided in the Addendum to the UN-RGC Agreement to sufficiently explain how the mechanism will undertake its stated residual functions to “supervise the enforcement of sentences as well as monitor the treatment of convicted persons”, and how they can seek further information on this issue.

### *Enforcement of sentences at the ECCC*

18. ECCC sentences are enforced in accordance with Internal Rule 113, which requires the Co-Prosecutors, as the prosecuting party, to initiate and implement the enforcement of sentences in cooperation with the national authorities.<sup>27</sup> The prison where KHIEU Samphân will serve his sentence will be run by the General Department of Prisons, and as part of its duty to discharge its obligation under Internal Rule 113, the Co-Prosecutors may cooperate with the General Department of Prisons’ officials to identify an appropriate detention facility that can accommodate any special needs of the convicted person.

19. It is recalled that from April to May 2022, the Co-Prosecutors took steps to commence the enforcement of KHIEU Samphân’s life sentence in Case 002/01 by requesting specific information and documents from the Office of Administration to inform their discussions with the Cambodian national authorities, in order “[t]o ensure an efficient and timely transfer [of KHIEU Samphân] to a national prison whose conditions of imprisonment comply with international standards on the treatment of prisoners, including the provisions of any special logistical or medical accommodation”.<sup>28</sup> In their correspondence, the Co-Prosecutors observed that in light of the final appeal judgment in Case 002/01, which sentenced KHIEU Samphân to life imprisonment, that irrespective of the outcome of Case 002/02 Appeal Judgment, KHIEU Samphân would be transferred to a national prison to serve his life sentence after the issuance of the Supreme Court Chamber’s Case 002/02 Appeal Judgment.<sup>29</sup> The Co-Prosecutors sought information and documents from the ECCC Detention Facility officials through the Office of Administration,

<sup>27</sup> See Internal Rules of the Extraordinary Chambers in the Courts of Cambodia (Rev.9), as revised 16 January 2015 (“Internal Rules”), Rule 113.

<sup>28</sup> Interoffice Memorandum from the Office of the Co-Prosecutors to the Office of Administration, entitled “OCP Enforcement of Sentence of Khieu Samphan”, dated 21 April 2022 (“OCP Memo on Enforcement of Sentence”), para. 2. See also Interoffice Memorandum from the Office of Administration to the President of the Supreme Court Chamber, entitled “OCP memorandum entitled ‘OCP Enforcement of Sentence of Khieu Samphan’ dated 21 April 2022”, dated 22 April 2022 (“OS Memo to the President of the SCC”); Interoffice Memorandum from the President of the Supreme Court Chamber to the Office of Administration, entitled, “Response to the Office of Administration’s Memorandum concerning the OCP Memorandum entitled ‘OCP Enforcement of Khieu Samphan’ dated 21 April 2022”, dated 29 April 2022 (“SCC President’s Memo”); Interoffice Memorandum from OCP to SCC Greffier entitled “OCP Enforcement of Sentence of KHIEU Samphân”, requesting certified copies of relevant portions of Case 002/01 Trial and Appeal Judgments, dated 20 May 2022 (“OCP memo to SCC Greffier”).

<sup>29</sup> OCP Memo on Enforcement of Sentence, para. 1.

raising a variety of queries regarding, *inter alia*, KHIEU Samphân's special needs, Covid restrictions in place to facilitate visitation, visitation rights and health restrictions on visitation, availability of full time medical personnel and their titles, provisions for emergency medical care, and standard operating procedures or regulations which would directly answer the Co-Prosecutors' questions.<sup>30</sup> The Co-Prosecutors also requested specific information from the medical personnel at the ECCC Detention Facility, such as whether 24-hour medical assistance and personnel would be required, and whether there was a specific hospital to which KHIEU Samphân should be transferred for emergency medical assistance if needed.<sup>31</sup>

20. On 23 May 2022, the Supreme Court Chamber's Greffier provided the Co-Prosecutors with certified copies of the relevant portions of the Case 002/01 Trial and Appeal Judgments to facilitate the process of preparing the transfer arrangements in cooperation with the national authorities.<sup>32</sup> Consequently, the Co-Prosecutors commenced working with the national authorities to finalise the arrangements for KHIEU Samphân's transfer prior to the issuance of the final appeal judgment in Case 002/02.

21. While it is apparent that the Co-Prosecutors met with officials from the General Department of Prisons and obtained some preliminary information regarding the location of the prison and the "possible future" conditions under which KHIEU Samphân will serve his sentence, their response indicates that the process of finalising the arrangements for his transfer is incomplete with no "final" or "definitive" information being obtained on a number of important issues.<sup>33</sup> Nonetheless, the Co-Prosecutors have previously initiated and successfully enforced KAING Guek Eav *alias* Duch's sentence in Case 001 in collaboration with the national authorities.

22. The Supreme Court Chamber recalls that in Case 001, the Co-Prosecutors' staff visited Kandal Provincial Prison twice to inspect the accommodation proposed for KAING Guek Eav *alias* Duch before reaching the conclusion that such accommodation protected his interests.<sup>34</sup> Following that, the Co-Prosecutors formally requested KAING Guek Eav *alias* Duch be transferred to Kandal prison, while also seeking a formal undertaking from the General Department of Prisons that the place and conditions of his detention would not be varied to his detriment during the term

<sup>30</sup> OCP Memo on Enforcement of Sentence, para. 3.

<sup>31</sup> OCP Memo on Enforcement of Sentence, para. 4.

<sup>32</sup> Transmitted via email from Supreme Court Chamber Greffier dated 23 May 2023.

<sup>33</sup> Co-Prosecutors' Response (F77/1), para. 8.

<sup>34</sup> Press Statement by the Office of the Co-Prosecutors concerning Kaing Guek Eav's transfer from the ECCC detention unit to the national prison system, 6 June 2013, <https://www.eccc.gov.kh/fr/node/26519> ("June 2013 Co-Prosecutors' Press Statement").



of his imprisonment.<sup>35</sup> The Co-Prosecutors also observed that the International Committee for the Red Cross (“ICRC”) conducts regular prison inspections of prisons throughout Cambodia, including Kandal Provincial Prison.<sup>36</sup>

23. In the present case however, the Co-Prosecutors now seek to improperly relinquish this obligation by requesting the Supreme Court Chamber to assume their role and “make arrangements to obtain definitive, final, and reliable information regarding possible detention locations, required modifications and progress in implementing them, and medical facilities and care.”<sup>37</sup> Should such arrangements, which guarantee adequate detention conditions for KHIEU Samphân, remain outstanding by the time of the notification of the full written reasoned Appeal Judgment in Case 002/02, KHIEU Samphân shall not be transferred until proper arrangements are made by the Co-Prosecutors.

24. The Supreme Court Chamber reminds the Co-Prosecutors that in the present case, this Chamber does not enforce sentences but only affirms them. Having done so on 22 September 2022, at the pronouncement of the Appeal Judgment in Case 002/02, this Chamber unequivocally disposed, and iterates that, in its summary pronouncing the Case 002/02 Appeal Judgment, this Chamber ordered “that KHIEU Samphân remain in the custody of the ECCC pending the issuance of the full written Appeal Judgment and the *finalisation of arrangements for his transfer*, in accordance with the law, to the prison where he will continue to serve his sentence”.<sup>38</sup>

25. Moreover, in this Chamber’s view, the information sought by KHIEU Samphân, including location of imprisonment, medical facilities, and modification of his cell to accommodate his mobility needs, is reasonable and directly impacts his right to adequate and humane detention conditions. This Chamber further reiterates that the collaborative process with the national authorities to finalise arrangements for his transfer to a national prison fall squarely within the Co-Prosecutors’ obligation under Internal Rule 113 to enforce sentences in cooperation with the national authorities.

26. The Co-Prosecutors do not elaborate on the reasons as to why they are unable to obtain definitive answers from the national authorities during their “successful and productive” meetings, particularly when they successfully performed the same function upon delivery of the Case 001 Appeal Judgment against KAING Guek Eav *alias* Duch, who was also transferred to the same

<sup>35</sup> June 2013 Co-Prosecutors’ Press Statement.

<sup>36</sup> June 2013 Co-Prosecutors’ Press Statement.

<sup>37</sup> Co-Prosecutors’ Response (F77/1), para. 9.

<sup>38</sup> Case 002/02 Summary of Appeal Judgment (F76.1), p. 34 (emphasis added).

prison as is identified for KHIEU Samphân. If the Co-Prosecutors require any further assistance in their cooperation with the national authorities to finalise the arrangements for KHIEU Samphân's transfer, the Office of Administration can assist.

*Enforcement of sentences and monitoring of ECCC convicted prisoners*

27. The Co-Prosecutors are hereby directed to fully discharge their duty to enforce the sentence of KHIEU Samphân in collaboration with the national authorities in accordance Internal Rule 113.

28. As provided for in Article 2 of the Addendum to the UN-RGC Agreement, as part of the ECCC's residual functions, the "Extraordinary Chambers shall continue to carry out", *inter alia*, the supervision of the enforcement of sentences as well as monitoring of the treatment of convicted prisoners for an initial period of three years.<sup>39</sup> While the Addendum to the UN-RGC Agreement lacks specific information detailing how such functions are to be carried out in practice, it is observed that no additional information, other than confirming that these two functions fall within the remit of the ECCC's residual mechanism, is provided in the Addendum. From a plain reading of the five-page Addendum, it is clear that its purpose is to stipulate the residual functions of the mechanism, as opposed to setting out a detailed framework as to how each of the residual functions should be implemented in practice.

29. This Chamber therefore requests the Office of Administration to provide to the Chamber and parties any information available regarding the adoption of a framework detailing how the residual mechanism will implement in practice its residual function to supervise the enforcement of the concurrent sentences imposed on KHIEU Samphân as well as monitor his treatment while serving those sentences.

## 5 DISPOSITION

30. For the foregoing reasons, the Supreme Court Chamber:

**GRANTS** KHIEU Samphân's Request and orders the Co-Prosecutors to fully discharge their duty under Internal Rule 113 to initiate and implement the enforcement of sentence in cooperation with the national authorities, which includes the finalisation of arrangements for KHIEU Samphân's transfer to a national prison;

<sup>39</sup> Addendum to the UN-RGC Agreement, Art. 2(1).

**REQUESTS** the Office of Administration to provide to the Chamber and parties any information available regarding the adoption of a framework detailing how the residual mechanism will implement in practice its residual function to supervise the enforcement of the concurrent sentences imposed on KHIEU Samphân as well as monitor his treatment while serving those sentences.

**Phnom Penh, 22 December 2022**

**President of the Supreme Court Chamber**



**KONG Srim**