



**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

អយ្យការនៃអង្គជំនុំជម្រះវិសាមញ្ញក្នុង តុលាការកម្ពុជា

Office of the Co-Prosecutors of the Extraordinary Chambers in the Courts of Cambodia
Parquet auprès des Chambres Extraordinaires au sein des Tribunaux Cambodgiens

សំណុំរឿងលេខ: ០០២/១៩-០៩-២០០៧-អ.វ.ត.ក /អ.ជ.ត.ក

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Request for Enforcement of Sentence

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Distribute to:

**Director-General of the General Department of
Prisons of the Ministry of Interior**

Convicted Person
KHIEU Samphan

**Lawyers for the
Convicted Person**
KONG Sam Onn
Anta GUISSÉ

We, the Co-Prosecutors of the Extraordinary Chambers in the Courts of Cambodia;

NOTING the Supreme Court Chamber’s (“SCC”) issuance of the Case 002/01 Appeal Judgment against KHIEU Samphan delivered on 23 November 2016,¹ in which the SCC affirmed a sentence of life imprisonment against KHIEU Samphan;²

NOTING the SCC’s issuance of the Summary of the Appeal Judgment in Case 002/02³ (the “Case 002/02 Summary”), including Disposition, delivered at the pronouncement of the final judgment on the appeals by KHIEU Samphan and the Co-Prosecutors on 22 September 2022, in which the SCC affirmed the further sentence of life imprisonment imposed on KHIEU Samphan, which shall run concurrently with the life sentence imposed in Case 002/01;⁴

NOTING the certified copy of the Case 002/01 Appeal Judgment, by which the Case 002/01 Appeal Judgment became final on 23 November 2016;⁵

NOTING the SCC’s issuance of the Appeal Judgment in Case 002/02 on 23 December 2022, in which the SCC affirmed the further sentence of life imprisonment imposed on KHIEU Samphan, which shall run concurrently with the life sentence imposed in Case 002/01, and ordered that KHIEU Samphan remain in the custody of the ECCC until the finalisation of arrangements for his transfer to national authorities;⁶

NOTING the certified copy of the Case 002/02 Appeal Judgment, by which the Case 002/02 Appeal Judgment became final on 23 December 2022;⁷

NOTING Rule 113(1) of the Internal Rules (“Rules”)⁸, which states in relevant part that “[t]he enforcement of a sentence shall be made at the initiative of the Co-Prosecutors”, and Rule 113(2) of the Rules, which states in relevant part that “[t]he Co-Prosecutors shall implement the sentence as soon as a decision of the Chambers becomes final”;

NOTING the obligation of the Royal Government of Cambodia under both domestic and international law to provide conditions of detention that comply with basic human rights standards, including a heightened obligation with respect to vulnerable prisoners, including those with health issues such as Khieu Samphan;⁹

NOTING the SCC’s Decision on Khieu Samphan’s Request for Information from the Co-Prosecutors on Planned Detention Conditions in which the SCC held that “[s]hould [...] arrangements which guarantee adequate detention conditions for KHIEU Samphan remain

¹ **F36** Appeal Judgment, 23 November 2016 (“Case 002/01 Appeal Judgment”).

² **F36** Case 002/01 Appeal Judgment, para. 1121, Disposition; **E313** Judgment, para. 1107, Disposition.

³ **F76.1** Summary of the Appeal Judgment in Case 002/02, 22 September 2012 (“Case 002/02 Summary”).

⁴ **F76.1** Case 002/02 Summary, para. 104, Disposition; **E465** Case 002/02 Judgment, 16 November 2018, paras 4359-4360, 4402, Disposition.

⁵ Attached as **Annex I**.

⁶ **F76** Appeal Judgment, 23 December 2022 (“Case 002/02 Appeal Judgment”), Disposition pp. 825-26.

⁷ Attached as **Annex II**.


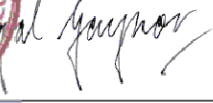
⁸ Extraordinary Chambers in the Courts of Cambodia, Internal Rules (Rev. 9) as revised on 16 January 2015.

⁹ **F177/1/1** Decision on Khieu Samphan’s Request for Information from the Co-Prosecutors on Planned Detention Conditions, 22 December 2022, para. 16; Law on Prisons of 2011, promulgated by Royal Kram NS/rkm/1211/021, art. 2(b) & 38; UN General Assembly, International Covenant on Civil and Political Rights, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171, art. 7 & 10; United Nations Standard Minimum Rules for the Treatment of Prisoners, General Assembly resolution 70/175, annex, adopted on 17 December 2015, Rules 1-3, 15-16, 18, 24-27, 30, 58.

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” in cooperation with national authorities;¹⁰

REQUEST the Director-General of the General Department of Prisons of the Ministry of Interior to identify an appropriate facility for KHIEU Samphan to serve the remainder of his sentence, and to guarantee adequate detention conditions for KHIEU Samphan including (i) all necessary physical modifications to his cell to accommodate his mobility needs, and (ii) the continuation of KHIEU Samphan’s medical care and daily caretaking in detention; and

FURTHER REQUEST that KHIEU Samphan continue to be held at the Detention Facility at the ECCC until the Co-Prosecutors and the Director-General of the General Department of Prisons of the Ministry of Interior agree on an appropriate prison to hold KHIEU Samphan for the remainder of his sentence.

Date	Name	Place	Signature
12 January 2023	CHEA Leang Co-Prosecutor	Phnom Penh	
	Fergal GAYNOR (Reserve)		

¹⁰ F177/1/1 Decision on Khieu Samphan’s Request for Information from the Co-Prosecutors on Planned Detention Conditions, 22 December 2022, para. 23.