



**អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា**

Extraordinary Chambers in the Courts of Cambodia  
Chambres Extraordinaires au sein des Tribunaux Cambodgiens

**Request for Correction**

**Case :** 002/19-09-2007-ECCC/SC

To Document No(s):	ERN(s):	Request Date:	Correction Type:
E275/2/3	00945637-0094569	29-08-13	<input checked="" type="checkbox"/> Change to Original <input type="checkbox"/> Change to Translation <input type="checkbox"/> Reclassification

<b>Reason for changes:</b> mistake in footnote 3
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<b>Details:</b> Change from C26/7/12 to C26/9/12
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**Approved by Greffier (for originals):** Theoun

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1. **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 between 17 April 1975 and 6 January 1979 (“Supreme Court Chamber” and “ECCC”, respectively) is seized of the “*Appel de la décision relative à la demande de mise en liberté immédiate avec placement sous contrôle judiciaire présentée par M. KHIEU Samphân*” filed by the Defence for KHIEU Samphân (“Defence”) on 16 May 2013 (“Appeal”).<sup>1</sup>

## I. INTRODUCTION

2. The Appeal concerns a decision of the Trial Chamber issued on 26 April 2013 rejecting an application filed by the Defence on 29 March 2013 for KHIEU Samphân’s immediate release on bail (“Impugned Decision” and “Application”, respectively).<sup>2</sup>

### a. Background

3. KHIEU Samphân was placed in provisional detention on 19 November 2007 by order of the Co-Investigating Judges.<sup>3</sup> On 15 September 2010, the Co-Investigating Judges issued the Closing Order in Case No. 002/19-09-2007/ECCC (“Case 002”), in which they indicted KHIEU Samphân for genocide, crimes against humanity, grave breaches of the Geneva Conventions of 12 August 1949, and violations of the Cambodian Penal Code of 1956.<sup>4</sup> The Co-Investigating Judges further ordered that KHIEU Samphân remain in provisional detention until brought before the Trial Chamber.<sup>5</sup> The Pre-Trial Chamber thereafter confirmed the continued provisional detention of KHIEU Samphân.<sup>6</sup>

4. On 16 February 2011, the Trial Chamber rejected an application for the immediate release of KHIEU Samphân.<sup>7</sup> On appeal, the Supreme Court Chamber found that the Trial Chamber had failed to provide sufficient reasoning to find KHIEU Samphân to be a flight risk and order

<sup>1</sup> E275/2/1.

<sup>2</sup> Decision on KHIEU Samphan’s Application for Immediate Release, 26 April 2013, E275/1; *Demande de mise en liberté immédiate avec placement sous contrôle judiciaire de M. KHIEU Samphân*, 29 March 2013, E275.

<sup>3</sup> See Provisional Detention Order, 19 November 2007, C26. See also Order refusing the request for release, 23 June 2008, C36/III; Order on Extension of Provisional Detention, 23 December 2008, C26/4; Decision on KHIEU Samphan’s Supplemental Application for Release, 24 December 2008, C26/5/5; Decision on KHIEU Samphan’s Appeals against Order Refusing Request for Release and Extension of Provisional Detention, 3 July 2009, C26/5/26; Order on Extension of Provisional Detention, 18 November 2009, C26/8; Decision on KHIEU Samphan’s Appeal against Order on Provisional Detention, 30 April 2010, C26/9/12.

<sup>4</sup> Closing Order, 15 September 2010, D427 (“Closing Order”).

<sup>5</sup> Closing Order, paras. 1622-1624.

<sup>6</sup> Decision on KHIEU Samphan’s Appeal against the Closing Order, 21 January 2011, D427/4/15.

<sup>7</sup> Decision on the Urgent Applications for Immediate Release of NUON Chea, KHIEU Shamphan and IENG Thirith, 16 February 2011, E50 (“First TC Decision on Immediate Release”).

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