

**BEFORE THE PRE- TRIAL CHAMBER
EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA**

FILING DETAILS

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**CO-PROSECUTORS' RESPONSE TO KHIEU SAMPHAN'S APPEAL AGAINST THE ORDER
EXTENDING HIS PROVISIONAL DETENTION**

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I. INTRODUCTION

1. The Co-Prosecutors respond to a Defence Appeal (the “Appeal”),¹ that seeks a reversal of the order of the Co-Investigating Judges (the “CIJs”) extending the provisional detention of the Charged Person KHIEU Samphan (“Charged Person” or the “Appellant”) for a further period not exceeding one year (the “Second Extension Order”).²
2. The Defence contend that the Charged Person should be released because: (1) the CIJs’ interpretation of Rule 63(7) is erroneous as the Second Extension Order has not “set out the reasons for such extension” and is “content with recalling the Pre-Trial Chamber decision of 3 July 2009”;³ (2) the condition set out in Rule 63(3)(a) is not satisfied as there are no “well-founded reasons” to believe that the Charged Person may have committed the crimes specified in the Introductory Submission;⁴ (3) the release of the Charged Person poses no risk to the ongoing judicial proceedings as envisaged under Rule 63(3)(b)(i),(ii) and (iii);⁵ (4) the Second Extension Order does not provide any evidence to support the conclusion that the Charged Person’s safety would be at risk if released⁶; (5) it cannot be said that the release of the Charged Person would actually and necessarily cause a disruption of public order;⁷ and (6) the release of the Charged Person is the only justifiable measure owing to the lack of due diligence on the part of the CIJs in conducting their investigations,⁸ and due to the serious doubts regarding the impartiality of the judicial investigation.⁹
3. The Co-Prosecutors request that the Pre-Trial Chamber (the “PTC”) dismiss the Appeal on the following grounds:
 - (a) The Second Extension Order is sufficiently and adequately reasoned contrary to the Appellant’s contention regarding the CIJ’s erroneous interpretation of Rule 63(7). The CIJs have set out the legal grounds and facts that they took into account in

¹ *Case of KHIEU Samphan, Appeal Against the Order on Extension of Provisional Detention*, 17 December 2009, **C26/9/1**, ERN 00420912-21(ENG), notified to the parties on 28 December 2009 (hereinafter “Appeal”).

² *Case of KHIEU Samphan, Order on Extension of Provisional Detention*, 18 November 2009, **C26/8**, ERN 00404681-00404693 (ENG) (hereinafter “Second Extension Order”).

³ Appeal, paras. 7, 8 and 9.

⁴ Appeal, paras 10, 11, 12, and 13.

⁵ Appeal, paras. 14 and 15

⁶ Appeal, paras. 16, 17, 18 and 19.

⁷ Appeal, paras. 23 and 25.

⁸ Appeal, para. 27.

⁹ Appeal, para. 33.

reaching their decision. In any event, the CIJs have no obligation to either indicate all the reasons for such an extension or to elucidate a view on all the factors raised by the Appeal.

- (b) The Appellant has failed to demonstrate any material change in the circumstances since he was originally detained by the CIJs on 19 November 2007 (“Detention Order”)¹⁰ or, thereafter, since the PTC’s confirmation of his provisional detention on 3 July 2009 (“PTC Detention Appeal Decision”).¹¹ In that decision, which evaluated all evidence on the Case File up to date, the PTC held that the requirements of Rules 63(3)(a) and 63(3)(b)(iv) and (v) were met and provisional detention was still a necessary measure to protect the security of the Charged Person and to preserve public order.¹² The Case File, at this final stage of investigation, contains sufficient evidence capable of satisfying an objective observer that the Appellant may have committed the crimes specified in the Introductory Submission. Further, two of the five disjunctive conditions necessitating detention, namely 63(3)(b)(iv) and (v), continue to be satisfied to justify the Appellant’s provisional detention.
- (c) The Defence contention that the CIJs have systematically violated the Appellant’s right of presumption of innocence is incorrect as the length of time of the provisional detention is not unreasonable and there has been no lack of due diligence on the part of the CIJs in the conduct of their judicial investigation. In fact, as a result of an evaluation of the evidence added to the Case File after 27 February 2009, and evidence that has been placed on the Case File after the issuance of the Second Extension Order, the CIJs have notified the Appellant that, [REDACTED]
[REDACTED]
[REDACTED]¹³
- (d) The Defence contention of being subjected to a “patently systematic bias” is a challenge to the operations of the Office of the CIJs, none of which have been found

¹⁰ *Case of KHIEU Samphan*, Provisional Detention Order, 19 November 2007, C26, ERN 00152991-96 (FRE), 00156700-05 (ENG) and 00152973-78 (KHM) (hereinafter “Detention Order”).

¹¹ *Case of KHIEU Samphan*, Decision on Khieu Samphan’s Appeals Against Order Refusing Request for Release and Extension of Provisional Detention Order, 3 July 2009, C26/5/36, ERN 00346164-204 (ENG) (hereinafter “PTC Detention Appeal Decision”).

¹² PTC Detention Appeal Decision, para. 140.

¹³ *Case of KHIEU Samphan*, Written Record of Interview of Charged Person, 18 December 2009, D285, ERN 00417984-89 (ENG).

to be valid by the PTC. Moreover, these appellate proceedings are an inappropriate forum to raise the Appellant's contentions regarding the impartiality of the CIJs. These contentions have been dismissed in separate PTC proceedings. In any event, the same has no impact on the question of provisional detention of the Appellant.

- (e) The PTC has already settled the issue relating to the translation rights and obligations of the parties. Therefore, the Appellant's contention that he is without effective access to evidence contained in the Case File is repetitive and bared by *res judicata*.

II. THE LAW

Conditions Necessitating Detention

- 4. Under Rule 63(3), the CIJs may order provisional detention where:
 - (a) there is well-founded reason to believe that the Charged Person may have committed the crimes specified in the Introductory Submission; and
 - (b) they consider provisional detention to be a necessary measure to:
 - (i) prevent the Charged Person from exerting pressure on any witnesses or victims, or prevent any collusion between the Charged Person and his accomplices;
 - (ii) preserve evidence or prevent its destruction;
 - (iii) ensure the presence of the Charged Person during the proceedings;
 - (iv) protect the security of the Charged Person; or
 - (v) preserve public order.
- 5. The five grounds of detention under Rule 63(3)(b) are disjunctive.¹⁴ There is no requirement that the CIJs find that every ground is satisfied before they consider that detention is a necessary measure or that its extension is warranted. On the contrary, should they consider that any one of these five grounds exist, the test for detention is met.

¹⁴ *Case of IENG Sary*, Decision on Appeal Against Provisional Detention Order of Ieng Sary, Case No. 002/19-09-2007-ECCC-CIJ (PTC 03), 17 October 2008, C 22/I/74, ERN 00232976-004 (ENG), para. 121 (hereinafter "IENG Sary Detention Appeal Decision").

This approach is also followed before other criminal tribunals dealing with similarly serious international crimes.¹⁵

Duty to Give Reasons in Detention Orders

6. Rule 63(7) requires the CIJs to “set out the reasons” for an extension of detention. These reasons have to be given after considering the Case File and the objections of the detainee.¹⁶ Citing settled international jurisprudence, the PTC has found that all decisions of judicial bodies, including the CIJs, have to be reasoned to meet international standards.¹⁷
7. The PTC has determined that the obligation to state reasons only requires that the CIJs set out the legal grounds and facts taken into account before coming to a decision. The CIJs can discharge this obligation “by referring to the Case File in general and other circumstances,” as the CIJs are not obliged to indicate a view on all the factors.¹⁸

Nature and Scope of the PTC Review

8. The principal issue in the determination of an appeal against an order extending provisional detention is whether the conditions set out in Rule 63(3) are still met. In the case of a defect in an impugned order, the PTC has the discretion to “undertake its own analysis, applying the standard set out in Rule 63(3)”¹⁹ and cure the defect by substituting its own reasons.²⁰ In any event, as stated in its successive decisions on appeals against

¹⁵ *Prosecutor v Sainovic and Odjanic*, Decision Refusing Ojdanic Leave to Appeal, Case No. IT-99-37-AR65.2, ICTY Appeals Chamber, 27 June 2003, p. 3, ERN 00154039-42) and has been adopted by the ECCC PTC: *Case of KAING Guek Eav alias “DUCH”*, Decision on Appeal Against Provisional Detention Order of Kaing Guek Eav alias “Duch”, 3 December 2007, Case No. 001/18-07-2007-ECCC-CIJ (PTC01), **C5/45**, ERN 00154284-302 (ENG), para. 59 (hereinafter “Duch Detention Appeal Decision”).

¹⁶ Pursuant to Rule 63(7), the extension proceedings take place solely between the CIJs and the Charged Person as, before extending a provisional detention, the CIJs hear only the Charged Person’s objections. No other party is heard or is involved in this process. The process of extension under Rule 63(7) is, therefore, markedly different from the process of initial detention under Rule 63(3), which includes an adversarial hearing before the CIJs.

¹⁷ *Case of NUON Chea*, Decision on Nuon Chea’s Appeal against Order Refusing Request for Annulment dated 28 August 2008, Case No. 002/19-09-2007-ECCC-CIJ (PTC 06), **D55/I/8**, ERN 001219322-33 (ENG), para. 21.

¹⁸ IENG Sary Detention Appeal Decision paras. 64-66; *see also* ICTY case law: *Prosecutor v. Popovic*, Decision on Defence’s Interlocutory Appeal of Trial Chamber’s Decision Denying Ljubomir Borovcanin Provisional Release, Case No. IT-05-88-AR65.2, Appeals Chamber, 1 March 2007, para. 13; *Prosecutor v. Haradinaj*, Decision on Lahi Brahimaj’s Motion for Provisional Release, Case No. IT-04-84-PT, ICTY Trial Chamber, 3 May 2006, para. 16.

¹⁹ IENG Thirith’s Detention Appeal Decision, **C20/I/26**, ERN 00201588-604 (ENG), at ERN 00201592, para. 18.

²⁰ The PTC stated in paragraph 42 of its IENG Thirith’s Detention Appeal Decision (**C20/I/26**, at ERN 00201598), that “the PTC further observes that any concern expressed by the Co-Lawyers as to whether the

orders on provisional detention, the PTC considers the whole Case File up to the date of the hearing,²¹ including any new evidence filed since the appeal. The Co-Prosecutors submit that, in the present Appeal, the PTC should, therefore, take into account not only new evidence filed since the PTC Detention Appeal Decision, but also the fact that the Charged Person was notified of [REDACTED]

Exercise of Discretion in Considering Detention

9. A judicial authority may exercise discretion in determining whether provisional detention is a necessary measure or its extension is warranted. Such discretion is usually exercised by taking into account all documents on the Case File and all relevant facts of the case, including the gravity of the charges, the cogency of the evidence, the past and present character and behaviour of the Charged Person, the interests of witnesses, and the interests of justice as a whole.²² This accepted practice in international criminal tribunals has also been adopted by this Court.²³

III. ARGUMENT

A. Issue of Burden of Proof

10. The Defence has argued that, "Rule 63(7) casts the burden of proof on the Co-Investigating Judges".²⁴ This argument is erroneous. The CIJs only have an obligation to re-assess whether the criteria for continued detention remain satisfied, taking into account all the evidence on the Case File and any observations of the Defence. The Rules do not place any burden of proof on the CIJs in this respect. The Second Extension Order was reasoned and duly considered all the conditions.

B. Well Founded Reasons Exist to Believe that the Appellant may have Committed the Charged Crimes - Rule 63(3)(a)

Co-Investigating Judges disregarded the presumption of innocence is resolved by the analysis that this Chamber has undertaken".

²¹ For example, IENG Thirith's Detention Appeal Decision, C20/I/26, ERN 00201588-604 (ENG) at ERN 00201592, para. 20.

²² *Prosecutor v Ljube Baskoski and Johan Tarculovski*, Decision on Johan Tarculovski's Interlocutory Appeal on Provisional Release, Case No. IT-04-82-AR65.4, ICTY Appeals Chamber, 27 July 2007, para. 4.

²³ Duch Detention Appeal Decision, para.27.

²⁴ Appeal, para. 7.

11. The role of the CIJs under Rule 63(3)(a) is to weigh the totality of the evidence gathered up to the date of their Order and determine whether there are well-founded reasons to believe that the Charged Person may have committed the crimes specified in the Introductory Submission and any Supplementary Submission. The Defence misinterprets this test by arguing that, as the CIJs have themselves identified some potentially exculpatory evidence with respect to the Charged Person,²⁵ well-founded reasons do not, therefore, exist to believe that he may have committed the crimes for which he is currently under investigation.
12. This is a self defeating argument, as it highlights the fact that the CIJs have taken into consideration the exculpatory evidence on the Case File and have “nevertheless...[not] consider[ed] that this evidence is sufficient to invalidate the basis for the well founded reasons to believe” that the conditions set out in Rule 63(3)(a) are satisfied.²⁶
13. In addition, complying with the directions of the PTC Detention Appeal Decision “that it would have been preferable for the [CIJs] to give more details about the evidence they have gathered which supports their conclusions”,²⁷ the CIJs have expressly referred to over thirty new witness statements that they have relied upon in reaching their conclusion.²⁸ Therefore, the decision of the CIJs is reasoned and detailed; and the Case File contains evidence capable of satisfying an objective observer, at this stage of the investigation, that the Appellant may have committed the crimes for which he is currently under investigation.

D. Provisional Detention Remains a Necessary Measure to Ensure the Appellant’s Security

14. The PTC determined on 3 July 2009 that provisional detention was necessary under Rule 63(3)(b)(iv) and that the release of the Appellant might result into violence against him on the basis of the reactions displayed by the victims and as anticipated by the psychiatrists.²⁹ The rationale outlined in the PTC Decision remains applicable on the facts

²⁵ Appeal, para. 11.

²⁶ Second Extension Order, para. 20.

²⁷ PTC Detention Appeal Decision, para. 137.

²⁸ Second Extension Order, para 18(a) to (k). These new statements reinforce the vast inculpatory evidence that has been gathered by the CIJs since November 2007. The Co-Prosecutors incorporate this by reference to the submissions contained at paragraphs 29 to 37 of their “Response to Khieu Samphan’s Appeal Against the Order on Extension of Provisional Detention Order dated 18 November 2008” filed on 9 January 2009.

²⁹ PTC Detention Appeal Decision, para. 57.

and evidence as they stand today, and the Appellant has provided no evidence to show that the CIJs' finding on this issue was erroneous.

15. The Defence has argued that there is no concrete and present risk to the Appellant, "as he himself has no concern about his safety".³⁰ It is submitted, first, that it is not for the Appellant to make that determination. Second, certain victim sentiments that were expressed at the recently concluded trial of Duch confirm the findings that large numbers of victims have violent feelings towards the Appellant and that these could easily transform into violent reactions towards him if he is released. In particular, statements reproduced below show beyond doubt that the risk is present and concrete:

*"Duch, I acknowledge you for pleading guilty. I am angry beyond words with you and what you did, but I acknowledge and respect your guilty plea. Your acknowledgment is a small but significant contribution to addressing the harm that you caused. **Those that have not pleaded guilty and do not accept the harm they have caused are doubly worth all their hate and ridicule.**"*³¹

*"Duch, at times I've wanted to smash you—to use your words—in the same way that you smashed so many others. At times, I've imagined you shackled, starved, whipped and clubbed viciously. I have imagined your scrotum electrified, being forced to eat your own faeces, being nearly drowned, and having your throat cut. I have wanted that to be your experience, your reality. I have wanted you to suffer the way you made Kerry and so many others."*³²

*"So I would like to tell this to Duch; that **Duch did not beat me personally, directly, otherwise he would not have the day to see the sunlight. I just would like to be frank.**"*³³

16. The Appellant is presumed innocent until proven guilty, and is entitled to mount a vigorous defence, as he has done in these proceedings. Nevertheless, the above sentiments reflect the strong perception on the part of numerous victims of the Khmer Rouge regime that persons who have not "pleaded guilty" are "doubly worthy of all their hate." Added to the previous incidents directed specifically at the Appellant and/or his Counsel, these sentiments support the finding that, should the Appellant be released, his security would be seriously jeopardised. Given the large number of potential victims and the very wide scope of persons from whom violence directed at the Appellant may

³⁰ Appeal, para. 17.

³¹ Transcript of Trial Proceeding Kaing Guek Eav "Duch", 17 August 2009, E1/63.1 p. 93, ERN 00365783-5905 (ENG).

³² Transcript of Trial Proceeding Kaing Guek Eav "Duch", 17 August 2009, E1/63.1 p. 104 and 105, ERN 00365783-5905 (ENG).

³³ Transcript of Trial Proceeding Kaing Guek Eav "Duch", 30 June 2009, E1/40.1, p. 12, ERN 00346456-6552 (ENG).

originate, no measure other than his continued detention can adequately safeguard against such a risk.

17. Moreover, regarding the risk posed by victims to the security of the Appellant, reference is also made to the incidents and strong statements detailed in paragraph 40 of the Co-Prosecutors' "Response to Khieu Samphan's Appeal Against the Order on Extension of Provisional Detention Order dated 18 November 2008" filed on 9 January 2009.

E. Provisional Detention Remains a Necessary Measure to Preserve Public Order

18. The PTC determined on 3 July 2009 that provisional detention was necessary under Rule 63(3)(b)(v) as the Appellant's release could actually disturb public order.³⁴ The CIJs have not found any change in the material circumstances since the PTC Decision to lead them to a different conclusion.³⁵ In this regard, the Appellant has argued that the fragility of the Cambodian society is far from established and it cannot be said that his release would actually and necessarily disrupt public order.³⁶ However, the Appellant has not provided any new evidence that may convince the PTC to reverse the finding. The Co-Prosecutors, therefore, submit that the rationale outlined in the Second Extension Order and the PTC Detention Appeal Decision remains valid.

19. The Co-Prosecutors also refer to the expert testimony of Dr. CHHIM Sotheara during the trial of Duch on 25 August 2009. This psychiatric expert discussed post-traumatic stress disorder ("PTSD") and, more broadly, the psychological impact on the victims of the trauma they have suffered.³⁷ He opined that many traumatized victims are subject to depression, anger, alcoholism and domestic violence.³⁸ He stressed that the psychological healing of the victims is dependent upon the honesty that the former leaders of the Khmer Rouge show or express or acknowledge; that the absence/denial of responsibility is an extra burden placed upon the victims and the Cambodian people as a whole; and that the victims are not happy and feel furious as a result of such denials.³⁹ The expert stated that the trial proceedings before the ECCC have led to re-traumatisation of some of the

³⁴ PTC Detention Appeal Decision, para. 62.

³⁵ Second Extension Order, para. 27.

³⁶ Appeal, para. 23.

³⁷ Transcript of Trial Proceeding Kaing Guek Eav "Duch", 25 August 2009, E1/68.1, ERN 00370950-1055 (ENG).

³⁸ Transcript of Trial Proceeding Kaing Guek Eav "Duch", 25 August 2009, E1/68.1, pp. 15-16, 42, ERN 00370967-68/94 (ENG).

³⁹ Transcript of Trial Proceeding Kaing Guek Eav "Duch", 25 August 2009, E1/68.1, p. 38, ERN 00370990 (ENG).

victims.⁴⁰ Furthermore, “some 30% of Cambodia’s nearly 14 million people reportedly suffer from a debilitating mental condition—from anxiety and chronic unexplained physical pain to unpredictable mood swings or sudden eruptions of rage”⁴¹ and a high number of victims transmit their trauma from generation to generation.⁴² At this stage of the proceedings, where the judicial investigation is coming to an end, release of the Appellant would clearly aggravate the victims’ conditions and, as a result, present a significant risk to public order.

F. Passage of Time, Bias and Corruption

20. The Defence has argued that the CIJs have not conducted their investigation with reasonable diligence.⁴³ The length of time in detention has been considered by international tribunals as a relevant factor in determining the legitimacy of detention.⁴⁴ The Co-Prosecutors consider that the CIJs have significantly progressed in their investigation, which is evidenced in part by their recent notification to the Appellant that

[REDACTED]

⁴⁰ Transcript of Trial Proceeding Kaing Guek Eav “Duch”, 25 August 2009, E1/68.1, pp. 18 and 59, ERN 00370970 and 00371011 (ENG). See also *Pour une meilleure justice, il faut aussi un soutien psychologique aux victimes*, *Cambodge soir*, Chheang Bopha, 29 septembre 2006, accessible at http://www.cambodgesoir.info/index.php?option=com_content&view=article&catid=43%3Aarchives&id=20365%3Apour-une-meilleure-justice-il-faut-aussi-un-soutien-psychologique-aux-victimes&Itemid=46; Now Prozac Battles Dark Dreams That Khmer Rouge Left, *The New York Times*, Phnom Penh Journal, 16 February 2006, accessible at http://www.nytimes.com/2006/02/16/international/asia/16cambodia.html?_r=1&pagewanted=print, where Chhim Sotheara “said his concerns were “re-traumatization” of survivors who will come face to face with the past; new trauma on young people who did not experience the Khmer Rouge era; and renewed anger and hostility among victims”.

⁴¹ *Cambodia’s long look backwards; doctors struggle to heal troubled country*, AFP, 3 September 2007, <http://afp.google.com/article/ALeqM5idAIOjK3ixMBq5JqFvuqDOZaRtcg?index=0>.

⁴² *Des psychiatres au secours des victimes enfermées dans leurs cauchemars*, *Cambodge Soir*, 11 mars 2005, accessible at http://www.cambodgesoir.info/index.php?view=article&catid=43:archives&id=16087:des-psychiatres-au-secours-des-victimes-enfermees-dans-leurs-cauchemars&format=pdf&option=com_content.

⁴³ Appeal, para. 27.

⁴⁴ *Prosecutor v. Tihomir Blaskic*, Order Denying a Motion for Provisional Release, Case No. IT-94-14- Trial Chamber, 20 December 1996: The ICTY has established in that decision that in order to establish the reasonable nature of the length of provisional detention, it is necessary to evaluate the circumstances of each case in light of the following criteria: (a) The effective length of the detention; (b) The length of the detention in relation to the nature of the crimes; (c) The physical and psychological consequences of the detention on the detainee; (d) The complexity of the case and the investigations; and (e) The conduct of the entire proceedings. Situation in the Democratic Republic of the Congo in the Case of *The Prosecutor v Germain Katanga and Mathieu Ngudjolo Chui*, Review of the Decision on the Application for the Interim Release of Mathieu Ngudjolo Chui, Case No. 01/04-01/07, Pre-Trial Chamber of the ICC, 23 July 2008, p. 12.

21. Given the gravity of the crimes charged, the complexity of the case, and the extent of the ongoing investigations, the length of provisional detention of the Appellant is reasonable. The safeguards contained in the Rules limiting the duration of provisional detention and providing a system for periodic review allay any concerns that the duration of provisional detention would violate the rights of the Appellant.
22. The Defence has also argued that corruption allegations have cast a cloud over the proceedings and the investigation has not been conducted with the requisite transparency.⁴⁵ This Appeal is not the appropriate forum to raise such issues which have already been rejected by the PTC. This argument is, as such, barred by *res judicata*.
23. *Res judicata* also applies to the argument that the international Co-lawyer of the Defence is without effective access to the evidence contained in the Case File.⁴⁶ This argument, which has been raised on numerous occasions and dismissed,⁴⁷ amounts to a waste of the Court's time and should be dismissed without further consideration.

G. Alternatives to Detention are Outweighed by the Need for Provisional Detention

24. The PTC determined on 3 July 2009 that detention at the ECCC Detention Facility was necessary under Rule 63(3) and that the alternatives to detention were outweighed by the need for provisional detention.⁴⁸ Since, as argued above, the need for provisional detention has not diminished, the alternatives to detention continue to be outweighed. The Appellant has provided no evidence that may convince the PTC otherwise. Moreover, since no change of circumstances existed which would affect the plausibility of alternatives to detention, the Co-Prosecutors submit that the CIJs did not abuse their discretion or fail in their responsibilities under Rules 21(1) and (2).
25. The Co-Prosecutors, therefore, invite the PTC to hold that conditions of detention at the ECCC Detention Facility are, and continue to be, satisfied, thereby justifying an extension of the Appellant's detention to the exclusion of any alternatives.

⁴⁵ Appeal, para. 33.

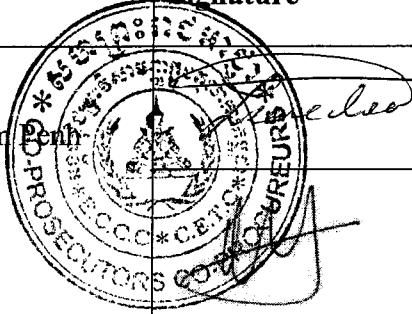
⁴⁶ Appeal, para. 33.

⁴⁷ *Case of KHIEU Samphan*, Decision on KHIEU Samphan's Appeal Against the Order on Translation Rights and Obligations of the Parties, Pre Trial Chamber, 20 February 2009, A190/I/20, ERN 00283249-62.

⁴⁸ PTC Extension Appeal Decision, para. 92.

IV. CONCLUSION

26. The Co-Prosecutors request that the PTC dismiss the Appeal.

Date	Name	Place	Signature
11 January 2010	CHEA Leang Co-Prosecutor	Phnom Penh	
	William SMITH Deputy Co-Prosecutor		