



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

Request for Transfer of Convicted Person KHIEU Samphân

ការិយាល័យសហព្រះរាជអាជ្ញានៃអង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

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

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

FILING DETAILS

Case No: 002/19-09-2007-ECCC/SC

Filed to: Ministry of the Interior

Date of document: 18 January 2023



CLASSIFICATION

**Classification of the document
suggested by the filing party:**

PUBLIC

**Classification by
the Chamber:**

សាធារណៈ/Public

Classification Status:

Review of Interim Classification:

Records Officer Name:

Signature:

Request for Transfer of Convicted Person KHIEU Samphân

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Distribute to:

Minister of Interior

Convicted Person
KHIEU Samphân

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Convicted Person**
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1. We, the Co-Prosecutors of the Extraordinary Chambers in the Courts of Cambodia respectfully advise the Minister of Interior that the Supreme Court Chamber of the ECCC has sentenced convicted person KHIEU Samphân to life imprisonment in its Judgment No. F36, dated 23 November 2016, and its Judgment No. F76, dated 23 December 2022.¹
2. On 12 January 2023, the Co-Prosecutors submitted a request to the General Director of the General Department of Prisons of the Ministry of Interior for the execution of the sentence imposed upon convicted person KHIEU Samphân, through his continued detention at the Detention Facility of the ECCC until preparations could be completed to accommodate KHIEU Samphân in detention conditions appropriate for his state of health and mobility.²
3. Also on 12 January 2023, the Co-Prosecutors filed their Observations on Conditions of Service of Sentence in which they stated that they “will be able to authorize transfer in accordance with Internal Rule 113 as soon as they have received an assurance from the Office of Administration that the following two recommendations will be implemented:
 1. The continuation of the arrangement with the Khmer Soviet Friendship Hospital to treat KHIEU Samphân to ensure that he receives medication both his regular medication and any additional medication he may need regular check ups and treatment as necessary.
 2. The continuation of the employment of the care givers that have been looking after KHIEU Samphân at the detention facility at the ECCC so that they can continue to care for KHIEU Samphân at the location where he will be detained within Kandal Provincial Prison.”³
4. On 13 January 2023, the Office of Administration of the ECCC filed its Response to Co-Prosecutors’ Observations on the Conditions of Service of Sentence in which it acknowledged the two conditions above and stated, “The Office of Administration confirms that the provision of required medications to KHIEU Samphân check ups necessary treatments and care services will continue uninterrupted upon his transfer to Kandal Provincial Prison in line with the Co Prosecutors’ request.”⁴
5. The Co-Prosecutors therefore consider that the continued detention of the convicted person KHIEU Samphân in the Detention Facility of the ECCC is no longer required.
6. The Co-Prosecutors have held discussions with the General Department of Prisons of the Ministry of Interior and the Prison Director of Kandal Provincial Prison, and inspected these facilities. The Co-Prosecutors have determined that, in light of these inspections and the assurances received from the Office of Administration, the conditions of detention at

¹ **F36** Appeal Judgment, 23 November 2016, Disposition; **F76** Appeal Judgment, 23 December 2022, Disposition.

² **F80** Request for Enforcement of Sentence, 12 January 2023.

³ **F81** Co-Prosecutors’ Observations on Conditions of Service of Sentence, 12 January 2023, para. 30.

⁴ **F81/1** Office of Administration’s Response to Co-Prosecutors’ Observations on the Conditions of Service of Sentence, 13 January 2023, para. 2.

the Kandal Provincial Prison are appropriate for detaining the convicted person KHIEU Samphân for the duration of his sentence.

REQUEST

7. For these reasons, the Co-Prosecutors respectfully request the Minister to:
- a. **authorise** the transfer of the convicted person KHIEU Samphân from the Detention Facility of the ECCC to the Kandal Provincial Prison and the jurisdiction of the Kandal Provincial Court; and
 - b. **confirm** that the convicted person KHIEU Samphân will not be transferred from Kandal Provincial Prison to any other prison or other detention facility without prior notification to the Co-Prosecutors or the authority exercising the residual functions of the Co-Prosecutors following the dissolution of the ECCC pursuant to Article 47 of the Law on the Establishment of the ECCC of 27 October 2004.

Respectfully submitted,

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