

CASE INFORMATION SHEET



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Extraordinary Chambers in the Courts of Cambodia

Chambres Extraordinaires au sein des Tribunaux Cambodgiens

NUON CHEA



Last name: NUON

First name: Chea

Case File N° 002/19-09-2007/ECCC-PTC

Next Public Hearing: None scheduled as of 3 Feb 2010

Born on 7 July 1926 in the village of Voat Kor in the province of Battambang

Detained by Order of Provisional Detention, 19 September 2007

Defence Counsel: Son Arun (National), Michael Pestman (International – the Netherlands) & Victor Koppe (International – the Netherlands)

Status

Charged with **Crimes against Humanity, Grave Breaches of the Geneva Conventions of 1949, Genocide, Homicide and Torture and Religious Persecution** pursuant to the 1956 Penal Code: offences which are defined and punishable under Articles 3 (New), 4,5, 6, 29 (New) and 39 (New) of the Law on the Establishment of the Extraordinary Chambers as amended 27 October 2004. The case is still in the investigative phase.

Position in Democratic Kampuchea Regime

Deputy Secretary of the Communist Party of Kampuchea, a member of the CPK Central and Standing Committees, the Chairman of the Democratic Kampuchea People's Assembly, the acting prime minister and the Vice Chairman of the CPK Centre Military Committee

Key Allegations

The Co-Investigating Judges, in their Provisional Detention Order, summarized the following bases for the charges against Nuon Chea. From 17 April 1975 to 6 January 1979, Nuon Chea was the Deputy Secretary of the Central Committee of the Communist Party of Kampuchea (CPK), a member of the CPK Central and Standing Committees, the Chairman of the Democratic Kampuchea People's Assembly, the acting Prime Minister and the Vice Chairman of the CPK Centre Military Committee. He is alleged to have planned, instigated, ordered, directed or otherwise aided and abetted in the commission of crimes against humanity (murder, torture, imprisonment, persecution, extermination, deportation, forcible transfer, enslavement and other inhumane acts) and grave breaches of the Geneva Conventions of 1949 (wilful killing, torture, inhumane acts, wilfully causing great suffering or serious injury to body or health, wilful deprivation of rights to a fair trial, unlawful confinement and unlawful deportation or transfer).

He allegedly exercised authority and effective control over the internal security apparatus of Democratic Kampuchea (detention centres) and directed, implemented and enforced CPK policy, which was allegedly characterized by forcible transfers of the population, enslavement, forced labour and other inhumane acts. These actions were allegedly part of a widespread or systematic policy targeting a civilian population, which allegedly took place in the context of a state of international armed conflict between Democratic Kampuchea and the Socialist Republic of Vietnam during all or part of this period.

Nuon Chea disputes the charges against him and, notwithstanding his position in the government of Democratic Kampuchea, he argues that he had no direct contact with the bases and was not aware of what was happening there.

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Personal Background

Nuon Chea (his name at birth was Long Bunruot) studied law at Bangkok's prestigious Thammasat University, where he became a member of the Thai Communist Party. Appointed Deputy Secretary of the CPK in 1960, he retained this position and his membership in the CPK's Standing Committee throughout. He remained with the Khmer Rouge until reaching a deal with the Cambodian government in December 1998 that allowed him to live near the Thai border.

Select Key Public ECCC Decisions & Orders

- 19 Sept. 07 – Provisional Detention Order, Co-Investigating Judges
- 24 Jan. 08 – Order Refusing a Request for Annulment of Initial Appearance, Co-Investigating Judges
- 4 Feb. 08 – Decision on Co-Lawyers' Urgent Application for Disqualification of Judge Ney Thol, Pre-Trial Chamber (*Finding the Application inadmissible in part and rejecting the Application*)
- 20 Mar. 08 – Decision on Appeal Against Provisional Detention Order, Pre-Trial Chamber (*Affirming the Co-Investigating Judges' Provisional Detention Order of 19 Sept. 2007*)
- 20 Jun. 08 – Order Concerning Translation Rights and Obligations of the Parties, Co-Investigating Judges, Co-Investigating Judges
- 26 Aug. 08 – Decision on Appeal Against Order Refusing Request for Annulment, Pre-Trial Chamber (*Appeal denied*)
- 16 Sept. 08 – Provisional Detention Extension Order, Co-Investigating Judges
- 26 Sept. 08 – Decision on Appeal Concerning Provisional Detention Conditions, Pre-Trial Chamber (*Setting aside Co-Investigating Judges' Order limiting contact.*)
- 22 Oct. 08 – Decision on Appeal Regarding Appointment of an Expert, Pre-Trial Chamber (*Admitting the Appeal, but denying the need to appoint an expert*)
- 4 May 09 – Decision on Appeal Against Order on Extension of Provisional Detention, Pre-Trial Chamber (*Affirming the Co-Investigating Judges' Order on Extension of Provisional Detention of 16 Sept. 2008*)
- 18 Aug. 09 – Decision on Appeal against the Co-Investigating Judges' Order on the Charged Person's Eleventh Request for Investigative Action (*Finding the appeal inadmissible*)
- 15 Sept. 09 – Order on extension of Provisional Detention of Nuon Chea (*Orders the extension of the Provisional Detention of Nuon Chea for a maximum of one year*)
- 18 Nov. 09 – Decision on the Appeal from the Order on the Request to Seek Exculpatory Evidence in the Shared Material Drive (*Finding the Appeal admissible, appeal is dismissed*)

- These and other Decisions and Orders are available at: http://www.eccc.gov.kh/english/court_doc.list.aspx

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Case Information Sheets are prepared by the Public Affairs Section to assist public understanding of the cases before the ECCC. While every effort is made to ensure the accuracy of information, they are not official documents with any legal standing.

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