



The Extraordinary Chambers in the Courts of Cambodia AT A GLANCE

May 2011

TIMELINE

17 Apr 1975	The Khmer Rouge, led by Pol Pot, seizes power. More than 1.7 million people are believed to have died before the regime is toppled on 7 Jan 1979.
15 Aug 1979	The People's Revolutionary Tribunal tries Ieng Sary and Pol Pot, found guilty of genocide. This tribunal is not recognized by the international community as it fails to meet international fair trial standards.
21 June 1997	Royal Government of Cambodia (RGC) requests the United Nations (UN) for international assistance in organizing the process for the Khmer Rouge trials.
15 Mar 1999	UN expert group proposes an international ad-hoc tribunal outside of Cambodia modelled after other tribunals. RGC rejects the proposal, resulting in a long period of negotiations.
10 Aug 2001	The Law on the Establishment of the Extraordinary Chambers in the Courts of Cambodia for the Prosecution of Crimes Committed during the Period of Democratic Kampuchea ("ECCC Law") is promulgated. However, the RGC and the UN have not reached agreement.
08 Feb 2002	UN announces its withdrawal from negotiations with Cambodia regarding the Khmer Rouge trials.
06 June 2003	Agreement between the UN and the RGC Concerning the Prosecution under Cambodian Law of Crimes Committed during the Period of Democratic Kampuchea ("Agreement") is signed in Phnom Penh.
27 Oct 2004	Amended ECCC Law reflected on the Agreement is promulgated. It becomes the foundation of the court.
18 Jan 2006	RGC hands over the premises located in the Royal Cambodian Armed Forces headquarters to the ECCC.
08 Feb 2006	The first staff members are deployed at the ECCC offices.
03 July 2006	National and international judges and prosecutors are sworn in.
12 June 2007	The ECCC adopts its Internal Rules, making the court fully operational.

ECCC Overview

The Extraordinary Chambers in the Courts of Cambodia has been set up to bring to trial senior leaders and those most responsible for crimes committed during Democratic Kampuchea, known as the Khmer Rouge regime, from 17 April 1975 to 6 January 1979. During that period, at least 1.7 million people are believed to have died from starvation, torture, execution and forced labour. This court, known as the Khmer Rouge tribunal, is expected to help bring closure to the dark chapter of Cambodia's history.

The ECCC is a **Cambodian court with international participation and assistance**, established by domestic law. A 2003 agreement between the Royal Government of Cambodia and the United Nations provides the framework for international participation and assistance to the court.

Jurisdiction

This 'hybrid' court is designed to provide fair trials in conformity with international standards, and may apply both national and international law.

The court's **temporal jurisdiction** is specified as:

- During Democratic Kampuchea, from 17 April 1975 to 6 January 1979

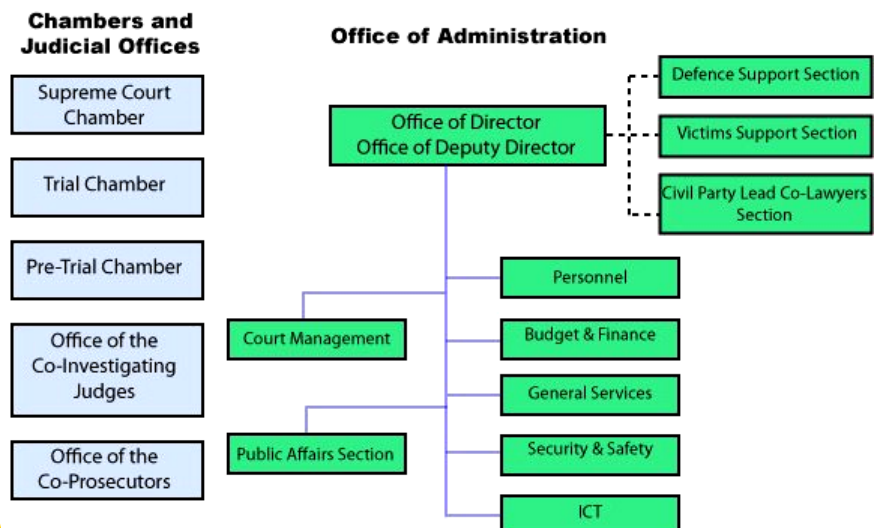
The court's **personal jurisdiction** is limited to:

- Senior leaders of Democratic Kampuchea
- Those who are most responsible for crimes committed during Democratic Kampuchea

The **subject matter jurisdiction** of the court includes:

- Torture, murder and religious persecution under the 1956 Cambodian Penal Code
- Genocide
- Crimes against humanity
- Grave breaches of the 1949 Geneva conventions
- Destruction of cultural property during an armed conflict
- Crimes against internationally protected people under the 1961 Vienna Convention on diplomatic relations

Organizational Structure





The ECCC — AT A GLANCE

Basic Judicial Process

Prosecution before the Extraordinary Chambers in the Courts of Cambodia follows the steps listed below, in accordance with ECCC Law, Agreement and Internal Rules within the framework of the Civil Law system:

INTRODUCTORY SUBMISSION

This is a written submission from the Co-Prosecutors requesting the Co-Investigating Judges to open an investigation and to propose charges.

JUDICIAL INVESTIGATION

The Co-Investigating Judges investigate only facts set out in the above submission (and supplementary submission if applicable) and may charge any person therein.

PRE-TRIAL CHAMBER HEARINGS

Parties may appeal against decisions of the Co-Investigating Judges, apply to annul investigative action or request a sanction against persons allegedly interfering with the administration of justice.

FINAL SUBMISSION

This is written by Co-Prosecutors requesting the Co-Investigating Judges to indict or dismiss the case.

CLOSING ORDER

This is made by the Co-Investigating Judges at the end of the judicial investigation; Decision whether to indict or dismiss charges; Decision on all remaining Civil Party applications. This order is also subject to appeal to the Pre-Trial Chamber.

TRIAL

Co-Prosecutors, Civil Parties, Defence Co-Lawyers and the Accused put forward and examine evidence and witnesses before the Trial Chamber in order to ascertain the truth.

JUDGMENT

The Trial Chamber renders a decision on the guilt of the Accused. If found guilty, the Trial Chamber orders a specific sentence and, if appropriate, collective reparations to victims.

APPEAL TO THE SUPREME COURT CHAMBER

Co-Prosecutors, Defence and Civil Parties may appeal the decision of the Trial Chamber. The Supreme Court Chamber's decision is final.

ECCC Caseload

The ECCC is currently handling 4 cases and has so far detained and indicted five persons in the first two cases.

Case 001

It concerns **Kaing Guek Eav alias Duch**, former Chairman of Phnom Penh's security prison S-21 (Tuol Sleng). He was tried and convicted for **Crimes against Humanity** and **Grave Breaches of the Geneva Conventions** of 1949, and sentenced to 35 years of imprisonment on 26 July 2010. Both Defence and Prosecution appealed against the judgment. Some Civil Parties also appealed. The Supreme Court Chamber appeal hearing took place on 28-30 March 2011.



Kaing Guek Eav alias Duch

Case 002

Charged persons are **Nuon Chea**, **Khieu Samphan**, **Ieng Thirith** and **Ieng Sary**, believed to be the most senior leaders still alive. The four are now indicted for the following charges:

- **Crimes against Humanity:** murder, extermination, enslavement, deportation, imprisonment, torture, persecution
- **Grave Breaches of the Geneva Conventions** of 1949: willful killing, torture, inhumane treatment, unlawful confinement
- **Genocide:** of the Cham and the Vietnamese.
- Offenses under the **1956 Penal Code of Cambodia:** homicide, torture and religious persecution

The initial hearing will take place on 27 June 2011.



Left to right: Nuon Chea (former Deputy Secretary of the Communist Party), Khieu Samphan (former Head of State), Ieng Sary (former Minister of Foreign Affairs) and Ieng Thirith (former Minister of Social Affairs)

Cases 003 and 004

The international Co-Prosecutor filed two introductory submissions to the Co-Investigating Judges on 7 Sep 2009, requesting investigation into crimes related to an additional 5 suspects. The Co-Investigating Judges notified the conclusion of the judicial investigation in Case 003 on 29 April 2011. For Case 004, the Co-Investigating Judges continue to carry out their judicial investigation.



The ECCC — AT A GLANCE

Staffing

The Extraordinary Chambers in the Courts of Cambodia features both national and international judicial officials and staff.

The ECCC's revised budget for 2011 authorizes 479 positions.

Two-thirds of the staff are Cambodian contracted by the Royal Government of Cambodia, and the rest are UN employees.

Finance

The ECCC is financed through voluntary contributions from donors. Both the Cambodian government and the United Nations are responsible for managing the cost of operations.

	Cambodia	United Nations	Total
Expenditure 2006-2010	\$24.1 million	\$85.0 million	\$109.2 million
Budget 2011	\$9.9 million	\$30.8 million	\$40.7 million

Major Donors

In addition to the Royal Government of Cambodia, Japan, Australia, France, Germany, the United Kingdom, the United States of America and the European Union are major financiers.

Public Support and Participation

The ECCC has enjoyed wide public participation in the judicial process, taking advantage of being a court inside the country where the crimes in question took place.

- More than 31,300 visitors, including 3,640 media representatives, observed the public hearings in the court's first case in 2009
- A total of 34,500 people visited the court in 2010 through various outreach initiatives, including
 - KRT Study Tours: 29,291 participants in 80 tours from 24 provinces
 - Public hearings: 2,376 people in 4 Pre-Trial Chamber hearings and 950 people in the first case judgment hearing
 - Group visits: 1,780 people in 69 groups
 - VIP visits: 23 delegations with 151 VIPs
- Each year, thousands of students have been briefed on the mandate and developments of the work of the court

Victims Participation

The ECCC is the first internationalized tribunal using the Civil Law system and has maintained victims' active participation in the judicial proceedings as Complainants and Civil Parties. While Complainants are those who inform the Co-Prosecutors about crimes they believe have been committed, Civil Parties are those who have suffered harm directly from the crimes investigated by the court and wish to seek "moral and collective" reparations.

Case 001	Figures	
Applications Submitted	94	
Applicants participating in Case 001 trial	90 (3 withdrawn and 1 rejected)	
Application Status After Trial Judgment	Accepted by Trial Chamber	Rejected by Trial Chamber
	66	24

Case 002	Figures		
Applications Submitted	4,100		
Remaining Applications	3,985 (11 withdrawn and 104 had their status changed from Civil Party to Complainant status)		
Application Status after Co-Investigating Judges' Decision	Accepted	Rejected	Deceased
	2,122	1,845	18

Cases 003 and 004	Total	Case 003 only	Case 004 Only	Both
Applications submitted by 18 May 2011	318*	140	0	178

* Please note that all but 4 were the same applicants as in Case 001 and/or Case 002. The 4 were also complainants in Case 002. No applications from new applicants were submitted.

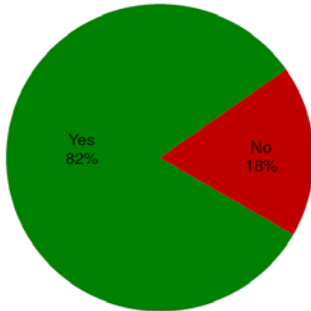
Source: ECCC Victim Support Section



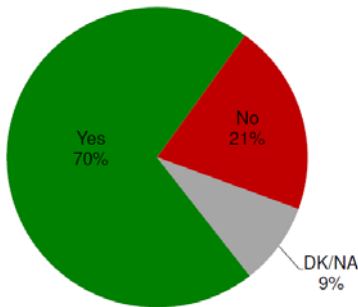
The ECCC — AT A GLANCE

Public Opinion

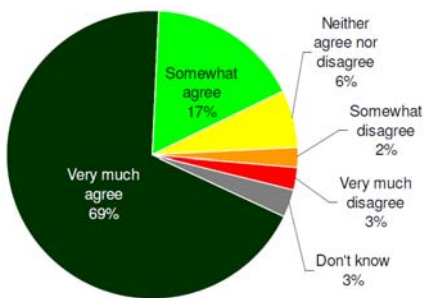
Are you aware of the trial of Khmer Rouge leaders?



Is the trial of the Khmer Rouge leaders providing justice?



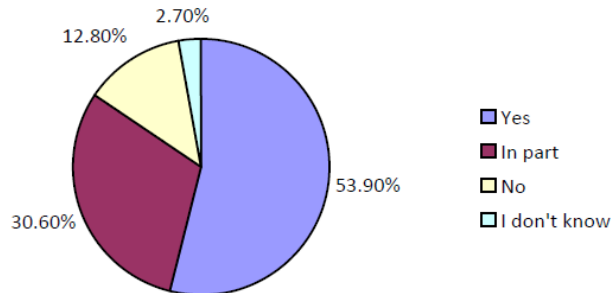
Do you agree or disagree with trying the top Khmer Rouge leaders?



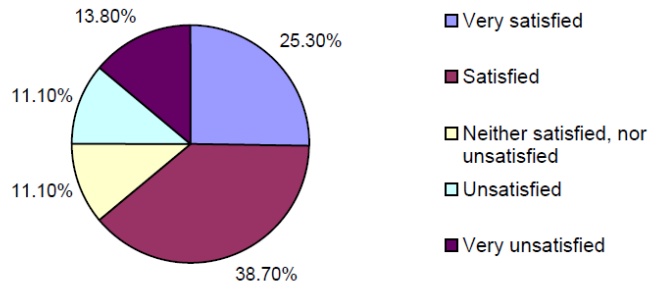
Source: IRI Survey of Cambodian Public Opinion July 2009

Victims' Opinion

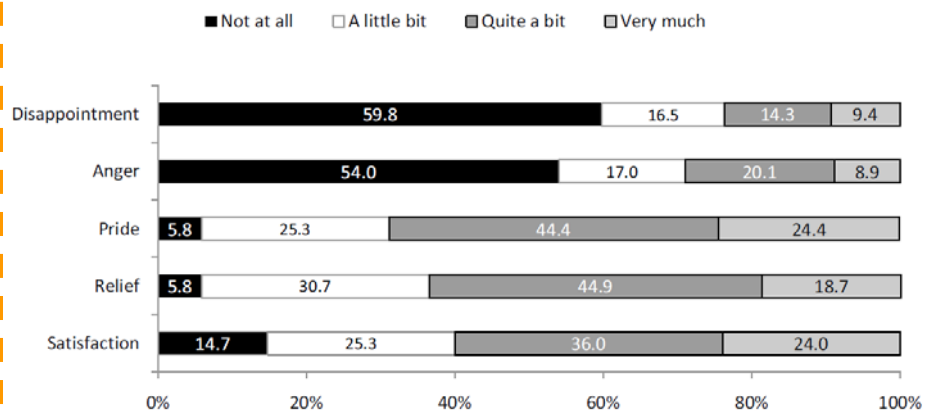
Do you think the ECCC will contribute to reconciliation in Cambodia?



How satisfied are you with the sentence against Duch?



What did you feel when you heard that Duch was sentenced to serve 19 more years in prison?



Source: "The Survivors' Voices: Attitudes on the ECCC, the Former Khmer Rouge and Experiences with Civil Party Participation" by the Berlin-based Centre for the Treatment of Torture Victims (bzfo) in collaboration with the Transcultural Psychosocial Organization (TPO) Cambodia (www.bzfo.de/images/stories/pdf/bzfo_cambodia_report_2010.pdf)

✉ National Road 4
Chaom Chau, Dangkoa
PO Box 71
Phnom Penh, Cambodia

☎ General

Tel: +855 (0)23 219 814
Fax: +855 (0)23 219 841

Press Contacts

Tel: +855 (0)12 483 283
Tel: +855 (0)12 488 023

Information Centre

Street 21, House 6a
(near Psar Kap Ko)
Phnom Penh, Cambodia

Information Centre

Tel: +855 (0)23 214 291
+855 (0)23 214 293

Court Visit

Tel: +855 (0)12 488 029

@ e-CCC on the Web

ECCC
UNAKRT
Twitter
Flickr
Facebook

Youtube

Email

www.eccc.gov.kh
www.unakrt-online.org
twitter.com/KRTribunal
www.flickr.com/ktribunal
www.facebook.com/ktribunal
www.youtube.com/ktribunal
info@eccc.gov.kh