

CASE INFORMATION SHEET



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Extraordinary Chambers in the Courts of Cambodia

Chambres Extraordinaires au sein des Tribunaux Cambodgiens

KAING GUEK EAV, alias DUCH



Last name: KAING	First name: Guek Eav
Case File N° 001/18-07-2007/ECCC-SC	
Born on 17 November 1942 in the village of Poevveuy in the province of Kompong Thom	
Transferred from Military Detention to the ECCC Detention Centre on 31 July 2007	
Defence Counsel: Kar Savuth (National) & Kang Ritheary (National)	

Status	<p>After an Initial Hearing on 17 and 18 February 2009, the substantive part of the trial commenced on 30 March 2009. Duch’s trial concluded 27 November 2009. During the 77 days of trial, 9 expert witnesses, 17 fact witnesses, 7 character witnesses and 22 Civil Parties were heard before the Trial Chamber. More than 31,000 people followed the proceedings at the court building.</p> <p>On 26 July 2010, the Trial Chamber convicted Kaing Guek Eav and sentenced him to 35 years imprisonment. His sentence was reduced by five years as a remedy for his illegal detention by the Cambodian Military Court between 10 May 1999 and 30 July 2007. He also received credit for time already spent in detention under the authority of both the Cambodian Military Court and the ECCC.</p> <p>The Accused and the Co-Prosecutors have appealed the Trial Chamber verdict to the Supreme Court Chamber. A number of Civil Parties has also filed appeals against the Trial Chamber’s decision on reparations and admissibility of Civil Party Applicants.</p> <p>The Supreme Court Chamber held oral hearings in the appeals against the Trial Chamber's judgment in Case 001 on 28-30 March 2011.</p>
Position in Democratic Kampuchea Regime	Deputy then Chairman of S-21 (the security centre widely known as Tuol Sleng)
Key Allegations	<p>In the Judgment issued on 26 July 2010, the Trial Chamber found Kaing Guek Eav guilty pursuant to Articles 5, 6 and 29 (new) of the ECCC Law of the following crimes committed in Phnom Penh and within the territory of Cambodia between 17 April 1975 and 6 January 1979:</p> <ul style="list-style-type: none"> • Crimes against humanity (persecution on political grounds) (subsuming the crimes against

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	<p>humanity of extermination [encompassing murder], enslavement, imprisonment, torture [including one instance of rape], and other inhumane acts).</p> <ul style="list-style-type: none"> • Grave breaches of the Geneva Conventions of 1949, namely: <ul style="list-style-type: none"> - willful killing, - torture and inhumane treatment, - willfully causing great suffering or serious injury to body or health, - willfully depriving a prisoner of war or civilian of the rights of fair and regular trial, and - unlawful confinement of a civilian 	
Personal Background	<p>In 1965 Duch became a mathematics teacher, and was allegedly drawn toward communism. He was arrested in 1968 by Sihanouk’s police, and then set free when Sihanouk was overthrown in 1970. From July 1971 until January 1975, Duch was allegedly the Chairman of Office 13 or M13 (another Communist Party security office north of Phnom Penh). He allegedly remained with the Khmer Rouge until he returned to teaching in the early 1990s. After the death of his wife in a burglary in 1995, he converted to Christianity and moved to the sub-district Samlaut where he lived until being discovered by a journalist in 1999. He was then arrested by the Cambodian military authorities.</p>	
Case History		
	31 Jul 2007	Kaing Guek Eav is transferred from military detention and placed in provisional detention for a period of maximum one year by Order of Provisional Detention issued by the Co-Investigating Judges.
	5 Sep 2007	Kaing Guek Eav files an appeal to the Pre-Trial Chamber against the Order of Provisional Detention.
	3 Dec 2007	The Pre-Trial Chamber dismisses the appeal against the Provisional Detention Order.
	28 Jul 2008	The Co-Investigating Judges issue the Order on Extension of Provisional Detention, extending the provisional detention of Kaing Guek Eav for a period of maximum one year.
	8 Aug 2008	The Co-Investigating Judges issue a Closing Order with an indictment of Kaing Guek Eav and order the case to be sent for trial.
	5 Sep 2008	The Co-Prosecutors file an appeal to the Pre-Trial Chamber against the Closing Order, requesting the Pre-Trial Chamber to amend the indictment.
	5 Dec 2008	The Pre-Trial Chamber partially grants the request from the Co-Prosecutors to amend the indictment.
	17 -18 Feb 2009	Kaing Guek Eav appears before the Trial Chamber in an initial hearing.
	30 Mar 2009	The substantive hearing before the Trial Chamber commences.
	15 June 2009	The Trial-Chamber dismisses the defence team’s appeal to the continued detainment of Kaing Guek Eav.

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23-27 Nov 2009	Closing statements are presented by the parties before the Trial Chamber.
26 Jul 2010	The Trial Chamber issues its Judgement convicting Kaing Eav for crimes against humanity and grave breaches of the Geneva Conventions of 1949 and sentences him to 35 years of imprisonment. The prison sentence is reduced by 5 years as a remedy for the unlawful detention by the Cambodian Military Court
16 Aug 2010	The Co-Prosecutors file a formal notice to the Trial Chamber and Supreme Court Chamber that they would be filing an appeal against the Trial Chamber Judgement issued on 26 July 2010.
24 Aug 2010	Kaing Guek Eav, through his lawyers, files a formal notice to the Trial Chamber and Supreme Court Chamber that he would be filing an appeal against the Trial Chamber Judgement issued on 26 July 2010.
13 Oct 2010	The Co-Prosecutors submit their appeal brief against the Trial Chamber Judgement issued on 26 July 2010.
18 Nov 2010	Kaing Guek Eav, through his lawyers, submits his appeal brief against the Trial Chamber Judgement issued on 26 July 2010.
28-30 Mar 2011	Kaing Guek Eav appears before the Supreme Court Chamber for the appeal hearings.
3 Feb 2012	Supreme Court Chamber pronounces its final judgment on the appeal.

*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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