

CASE INFORMATION SHEET



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Extraordinary Chambers in the Courts of Cambodia

Chambres Extraordinaires au sein des Tribunaux Cambodgiens

IENG SARY, *alias* VAN



Last name: **IENG**

First name: **Sary**

Case File N° 002/19-09-2007/ECCC-TC

Born on 24 October 1925 in the village of Loeung Va in Tra Vinh Province (now part of southern Vietnam)

Arrested on 12 November 2007

Defence Counsel: ANG Udom (National) & Michael G. KARNAVAS (International – USA)

Status

Currently indicted and sent to trial for **Crimes against Humanity, Grave Breaches of the Geneva Conventions** of 1949; **Genocide** of the Cham and the Vietnamese; and offences which are defined and punishable under Articles 4, 5, 6, 29 (New) and 39 (New) of the Law on the Establishment of the Extraordinary Chambers as amended 27 October 2004.

The Initial Hearing of Case 002 began on 27 June 2011.

Opening statements in Case 002 are set for 21-24 November 2011, followed by the substantive hearing from 28 November 2011.

Position in Democratic Kampuchea Regime

Deputy Prime Minister for Foreign Affairs. Member of the Standing Committee and Central Committee of the Communist Party of Kampuchea.

Key Allegations

Ieng Sary is alleged to be responsible, through his acts or omissions (committed via a joint criminal enterprise), for having planned, instigated, ordered, or aided and abetted, or being responsible by virtue of superior responsibility, for the following crimes committed between 17 April 1975 and 6 January 1979:

- Crimes against humanity (murder, extermination, enslavement, deportation imprisonment, torture, persecution on political, racial, and religious grounds and other inhumane acts)
- Genocide, by killing members of the groups of Vietnamese and Cham
- Grave breaches of the Geneva Conventions of 1949 (willful killing, torture or inhumane treatment, willfully causing great suffering or serious injury to body or health, willfully depriving a prisoner of war or civilian the rights of fair and regular trial, unlawful deportation or unlawful confinement of a civilian)

Ieng Sary disputes the charges against him.

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Personal Background

Ieng Sary was a student at Lycee Sisowath in Phnom Penh. He received a scholarship to study in France at the Lycée Condorcet and at the Institut d'Études Politiques de Paris, and became a member of the French Communist Party in 1951. He is believed to have founded the Cercle marxiste des étudiants Khmers à Paris (Marxist Circle of Khmer students in Paris). Returning to Cambodia in 1957, Ieng Sary became a history professor at Lycee Sisowath and an active member of the CPK. He allegedly joined the Khmer Rouge in 1963. During the civil war of 1971–5, he participated in the Royal Government of the National Union of Kampuchea and was the special envoy of the National United Front of Kampuchea.

When the Khmer Rouge took control in 1975, Ieng Sary became Deputy Prime Minister for Foreign Affairs. He fled to Thailand when the regime fell in 1979, and was then convicted of genocide and sentenced to death *in absentia* by the People's Revolutionary Tribunal of Phnom Penh. He continued to assume his official functions within the government in exile, but transferred his title of Minister of Foreign Affairs to Khieu Samphan after the creation of the Coalition Government of Democratic Kampuchea in 1982. Ieng Sary left the Khmer Rouge with thousands of his followers in August 1996 in exchange for King Norodom Sihanouk granting him a royal pardon for his 1979 conviction and royal amnesty from prosecution under a 1994 law outlawing the Khmer Rouge.

Case History

12 Nov 2007	Arrested and placed in police custody.
14 Nov 2007	Provisional Detention Order issued by Co-Investigating Judges, ordering Ieng Sary to be placed in provisional detention for a period of maximum one year.
15 Jan 2008	Ieng Sary filed an appeal against the Provisional Detention Order.
17 Oct 2008	The Pre-Trial Chamber dismissed the appeal against the Provisional Detention Order.
10 Nov 2008	The Co-Investigating Judges issued Order on Extension of Provisional Detention, extending the provisional detention of Ieng Sary for a period of maximum one year.
10 Dec 2008	Ieng Sary filed an appeal against the Order on Extension of Provisional Detention.
26 June 2009	The Pre-Trial Chamber dismissed the appeal against the Order on Extension of Provisional Detention.
10 Nov 2009	The Co-Investigating Judges issued Order on Extension of Provisional Detention, extending the provisional detention of Ieng Sary for a period of maximum one year.
7 Dec 2009	Ieng Sary filed an appeal against Order on Extension of Provisional Detention.

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14 Jan 2010	The Co-Investigative Judges issued Notice of Conclusion of Judicial Investigation, notifying Ieng Sary that they considered the investigation to be concluded.
30 Apr 2010	The Pre-Trial Chamber dismissed the appeal against the Order on Extension of Provisional Detention.
19 Jul 2010	The Co-Investigating Judges forwarded the case file to the Co-Prosecutors for them to prepare their Final Submission.
16 Aug 2010	The Co-Prosecutors filed their Final Submission and requested the Co-Investigating Judges indict Ieng Sary and send the case for trial.
15 Sep 2010	The Co-Investigating Judges issued a Closing Order indicting Ieng Sary and ordering the case to be sent for trial. Ieng Sary was ordered to remain in provisional detention until he was brought before the Trial Chamber.
22 Oct 2010	Ieng Sary filed an appeal against jurisdictional issues in the Closing Order and an appeal against the extension of his provisional detention.
13 Jan 2011	The Pre-Trial Chamber confirmed and partially amended the indictment against Ieng Sary and ordered the case to be sent for trial. His appeal against the extension of his provisional detention was dismissed. Ieng Sary was ordered to remain in provisional detention until he was brought before the Trial Chamber.
4 May 2011	Trial Chamber held a hearing related to Ieng Sary's provisional detention.
12 May 2011	Trial Chamber rejected Ieng Sary's request for release.
27-30 June 2011	Initial hearing in Case 002. Ieng Sary was brought to trial before the Trial Chamber.
22 Sep 2011	The Trial Chamber issued a Severance Order to split the Case 002 trial into a series of mini trials.
22 Sep 2011	The Trial Chamber ruled out charges under the 1956 Penal Code of Cambodia from the Case 002 indictment.
21-24 Nov 2011	The Trial Chamber is to hear Opening Statements in Case 002 from Co-Prosecutors and responses by the Accused or their lawyers.
5 Dec 2011	Hearing on the substance in Case 002 is to begin.

Decisions and Orders are available at: <http://www.eccc.gov.kh/en/document/court>

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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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