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**An Introduction to the**  
**Khmer Rouge Trials**

**4<sup>th</sup>**  
Edition

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# PREFACE



**By Samdech Akka Moha  
Sena Padei Techo Hun Sen**  
*Prime Minister of the Royal  
Government of Cambodia*

## **Brothers and Sisters, People of Cambodia,**

Not a single one of our people has been spared from the ravages brought upon our country during the three years, eight months and twenty days that Pol Pot's Khmer Rouge held power under the regime known as Democratic Kampuchea.

During that time, over three million of our people lost their lives. They were our parents, our children, our relatives, our colleagues and our friends. Those of us who survived have lived for a quarter of a century bearing pain and grief for those we lost and being haunted by the nightmare of our own experiences.

Even those of you born after 1979, who did not directly experience these crimes, still bear a heavy burden. You see your parents and older brothers and sisters still suffering. You also share in the difficulties of rebuilding our society from Year Zero without the benefit of the wisdom and experience of those who were lost. It continues to be a long, hard struggle and we all know that Cambodia today lags far behind our neighbours in health, education and economic infrastructure.

Now the time has come for those responsible for planning and directing this horror to be held accountable for their crimes. After years of negotiation with the United Nations, we have established a new Cambodian court that includes international judges and staff. Its official name is the Extraordinary Chambers in the Courts of Cambodia for the Prosecution of Crimes Committed During the Period of Democratic Kampuchea. This is the first court in the world of its kind.

These crimes of the Khmer Rouge period were committed not just against the people of Cambodia but against all humanity. It is therefore fitting that Cambodians work together with the international community in trying those most responsible and, in so doing, help to build a culture that will prevent the recurrence of such crimes anywhere. We hope that our new court will be a successful model for Cambodia, but will also make a wider contribution to international justice.

I am sure you join me in trusting that these trials take place in a calm and dignified manner. When the judges have delivered their verdicts, we hope that Cambodians and all who support us will feel a load lifted from our backs as we finally bring justice in the name of the victims.

A blue ink signature of Samdech Akka Moha Sena Padei Techo Hun Sen, written in a stylized, cursive script.

**Prime Minister**

# INTRODUCTION



**By His Excellency Sok An**

*Deputy Prime Minister and Chairman of the Royal Government of Cambodia Task Force for Cooperation with Foreign Legal Experts and Preparation of the Proceedings for the Trial of Senior Khmer Rouge Leaders.*

The Khmer Rouge regime took power on 17 April 1975 and was overthrown on 7 January 1979. More than three million people perished. The end of the Khmer Rouge period was followed by a civil war. That war finally ended in 1998, when the Khmer Rouge political and military structures were dismantled.

In 1997, the government requested that the United Nations (UN) assist in establishing a trial to prosecute the senior leaders of the Khmer Rouge.

In 2001, the Cambodian National Assembly passed a law to create a court to try serious crimes committed during the Khmer Rouge regime 1975-1979. This court is called the Extraordinary Chambers in the Courts of Cambodia for the Prosecution of Crimes Committed during the Period of Democratic Kampuchea (ECCC).

The government of Cambodia insisted that, for the sake of the Cambodian people, the trials must be held in Cambodia using Cambodian staff and judges together with international personnel. Cambodia invited international participation due to the weakness of the Cambodian legal system and the international nature of the crimes, and to help in meeting international standards of justice. An agreement with the UN was ultimately reached in June 2003 detailing how the international community would assist and participate in the Extraordinary Chambers.

This special new court was created by the government and the UN but is independent of them. It is a Cambodian court with international participation that is applying international standards. It will provide a new role model for court operations in Cambodia.

This booklet is to introduce you to the Extraordinary Chambers and answer some of the questions people commonly ask about the trials. Now that the Extraordinary Chambers (ECCC) has been established, a special Public Affairs Section can provide additional information to the public and the media.

A stylized, handwritten signature in black ink, appearing to read 'Sok An'.

**Deputy Prime Minister**

# MESSAGE



Photo: UN/Mark Garten

**By Ban Ki-moon**  
United Nations Secretary-General

The Extraordinary Chambers in the Courts of Cambodia were established to bring justice to the people of Cambodia for the shocking crimes that took place in the country in the 1970s. Since beginning work in January 2006, the Extraordinary Chambers have made impressive progress. The verdict in case one against the head of the notorious S-21 detention centre demonstrated their ability to conduct complex trials in accordance with international standards, and the indictment in case two of four former leaders of the Khmer Rouge regime reaffirmed the principle that no-one is above the law.

Working in partnership with the Royal Government of Cambodia, the United Nations fully supports and respects the Extraordinary Chambers' independent judicial processes. By striving to end impunity for the atrocities of the Khmer Rouge regime, they are helping to strengthen the rule of law and judicial capacity in Cambodia while advancing the cause of international criminal justice. Most importantly, I hope the Extraordinary Chambers are enabling the Cambodian people, who have been waiting for justice for so long, to bring a sense of closure to the darkest chapter in their history.

Q1

Why has it taken so long to bring to trial those alleged to be responsible for the crimes committed in the Khmer Rouge period?

History shows that it is very difficult to put people on trial while a war is still in progress. Cambodia first approached the UN for assistance to conduct a trial in 1997. Since the civil war ended in 1998, the Royal Government and the UN have worked together towards implementing a new type of mixed national-international tribunal. It took some time to work out the details for this new type of court.

In 1999, the Cambodian Government appointed a Task Force to prepare for the trials and negotiate with the UN. The negotiations with the UN were long and complicated but both sides agreed in 2003 on the details of international participation.

This new hybrid court is called the Extraordinary Chambers in the Courts of Cambodia (ECCC) and it became fully operational in June 2007.



Khmer Rouge troops enter Phnom Penh on 17 April 1975

Source: The Documentation Centre of Cambodia



Photo: ECCC

Cambodian Buddhist monks look at photos of victims at the Tuol Sleng Genocide Museum

Q2

Why are we having trials now?  
How will the Khmer Rouge Trials benefit the people of Cambodia?

For over a quarter of a century, the Cambodian people have waited for justice. Finally, the time has now come for the senior leaders of the Khmer Rouge and those most responsible for serious crimes to be held accountable for their crimes.

The ECCC is designed to provide fair public trials in conformity with international standards. The chief goal is to provide justice to the Cambodian people, those who died and those who survived. It is hoped that fair trials will ease the burden that weighs on the survivors.

The trials are also for the new generation — to educate Cambodia's youth about the darkest chapter in our country's history.

By judging the accused in fair and open trials and by punishing those most responsible, the trials will strengthen the rule of law and set an example for people who disobey the law in Cambodia and for cruel regimes worldwide. If criminals know that they will be held accountable, they may be deterred. By supporting and learning about justice, we can all contribute to the reconstruction of our society.

Q3

### Who will be put on trial?

In the spirit of achieving justice, truth and national reconciliation, the Cambodian government and the UN decided that the court should limit its jurisdiction to the senior leaders of Democratic Kampuchea (the name of the state established by the Khmer Rouge) who are alleged to have planned crimes or given orders to commit crimes, as well as those alleged to be most responsible for committing serious crimes. It is expected that only a small number of people will fall within this definition and be tried by the ECCC.

Over the years, tens of thousands of ordinary Khmer Rouge soldiers have defected to the government. They have nothing to fear from this court. The policy of national reconciliation is still in place. Please remember that only the most culpable people will be tried under the law governing the ECCC.

The court will have the responsibility to decide exactly who was a 'senior leader' and who was 'most responsible' for the crimes committed

by the Khmer Rouge. The court will seek out only those people, not every former member of the Khmer Rouge or every person in the villages of Cambodia who may have committed crimes during the Khmer Rouge period.

- Low level and middle-ranking Khmer Rouge members who are not most responsible for serious crimes will not be prosecuted. Many are now re-integrated into our society. Hopefully, these people will live peaceful lives and assist in the development of our country.
- Children or other family members or associates of Khmer Rouge leaders will not be responsible for their parents' or associates' crimes. Nobody will be responsible for another person's actions just because they are related to or associated with that person.
- Only people who are still alive will be tried. There will be no posthumous trials.



Tom Fawthrop

*Khmer Rouge Soldiers after disarming and joining the Government forces*



Kaing Guek Eav, alias Duch



Nuon Chea



Ieng Sary



Ieng Thirith



Khieu Samphan

The court has currently detained and charged five persons.

### Case 001

**Kaing Guek Eav, alias Duch** (former Chairman of S-21) was convicted of crimes against humanity and grave breaches of the 1949 Geneva conventions by the Trial Chamber on 26 July 2010. He was sentenced to 35 years of imprisonment, which was subsequently reduced to 30 as a remedy for his unlawful detention by the Cambodian military court. The Accused, the Co-Prosecutors and Civil Parties have appealed the judgment to the Supreme Court Chamber. A decision on the appeals is expected in 2011.

### Case 002

**Nuon Chea** (former Chairman of the Democratic Kampuchea National Assembly and Deputy Secretary of the Communist Party of Kampuchea) charged with genocide, crimes against humanity, grave breaches of the 1949 Geneva conventions and murder, torture and religious persecution under Cambodian law.

**Ieng Sary** (former Minister of Foreign Affairs of Democratic Kampuchea) charged with genocide, crimes against humanity, grave breaches of the 1949 Geneva conventions and murder, torture and religious persecution under Cambodian law.

**Ieng Thirith** (former Minister of Social Action of Democratic Kampuchea) charged with genocide, crimes against humanity, grave breaches of the 1949 Geneva conventions and murder, torture and religious persecution under Cambodian law.

**Khieu Samphan** (former head of state of Democratic Kampuchea) charged with genocide, crimes against humanity, grave breaches of the 1949 Geneva conventions and murder, torture and religious persecution under Cambodian law.

The international co-prosecutor has also requested that the co-investigating judges investigate new crimes related to five additional suspects. The investigation began in 2010, and no suspect has been charged or arrested so far.



**Q4****What punishment will the suspects receive if convicted?**

The maximum sentence is life in prison, and the minimum sentence is five years in prison. The death penalty is unconstitutional in Cambodia. In addition, the court may order the confiscation of property or money that a defendant has acquired unlawfully or by criminal conduct. Any confiscated property will be turned over to the State.

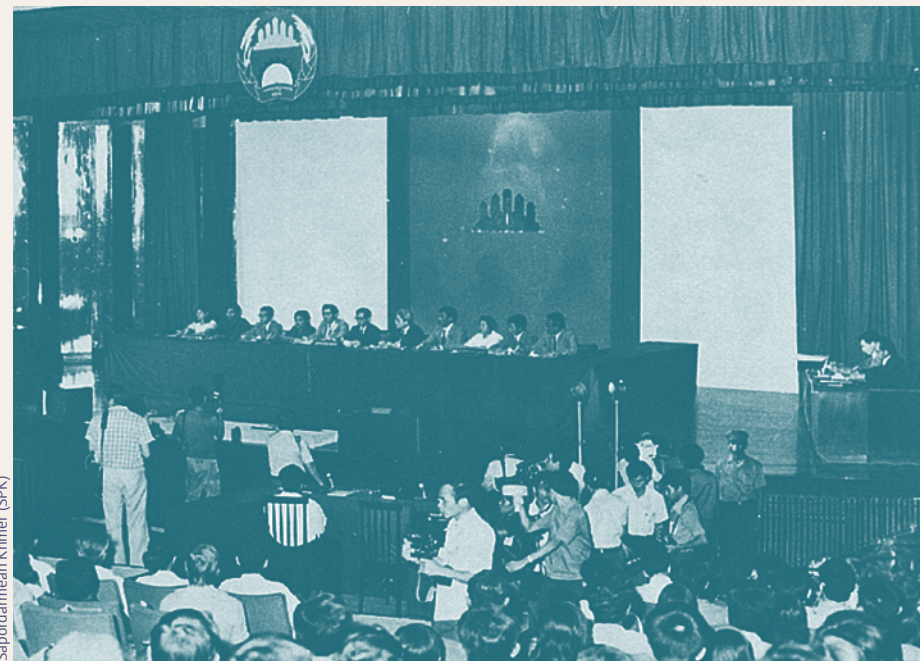
**Q5****Will there be amnesties and pardons?**

The Royal Government of Cambodia has stated that it will not request an amnesty or pardon for any person who may be investigated or convicted in these trials.

**Q6****Have any of the Khmer Rouge senior leaders been tried before?**

In 1979, there was a genocide trial in Phnom Penh known as the People's Revolutionary Tribunal. That tribunal tried Ieng Sary and Pol Pot and found both guilty of the crime of genocide, but neither of them appeared in court nor served any sentence.

In 1996, the King granted a pardon to Ieng Sary for the sentence imposed when the People's Revolutionary Tribunal tried him for genocide. It will be up to the judges to decide on the scope of this pardon. In addition, other charges may be brought against him on the evidence available. In 1997, the Khmer Rouge themselves tried Pol Pot for crimes allegedly committed within the organisation after 1979. Pol Pot died in 1998, so he will not be tried in this court.



Sapordamean Khmer (SPK)

*Opening session of People's Revolutionary Tribunal, 15 August 1979*

**Q7**

What about the foreign countries that supported or were involved with Democratic Kampuchea, or countries that may have committed war crimes in Cambodia before 1975 - will they go on trial?

No, this court can only try individuals for crimes that they committed during the Khmer Rouge period. It cannot try countries or organisations.

**Q8**

What about crimes alleged to have been committed by senior leaders of the Khmer Rouge or others after 1979?

No, this court can try only crimes committed in Cambodia between 17 April 1975 and 6 January 1979.

However, the existing Cambodian courts have the power to try these crimes. For example, the trial of Khmer Rouge officers responsible for ambushing the Phnom Penh-Kampot train in 1994, killing 11 Cambodians and executing three western hostages, took place in the normal Cambodian courts. In that case, former Khmer Rouge Generals Sam Bith and Nuon Paet and Colonel Chhouk Rin were found guilty and sent to prison for their crimes.

**Q9**

What is the schedule for the trials?

The first trial against Kaing Guek Eav alias Duch started on 30 March 2009 and ended on 27 November 2009. During the 77-day trial,

9 expert witnesses, 17 fact witnesses, 7 character witnesses and 22 Civil Parties gave testimony. A judgment was announced on 26 July 2010. The judgment has been appealed by the Accused, by the Co-Prosecutors and by Civil Parties. The Supreme Court Chamber is expected to decide on the appeals in 2011.

In September 2010, the co-investigating judges concluded the investigation in Case 002 and sent the case for trial. The indicted persons in this case are Nuon Chea, Khieu Samphan, Ieng Sary and Ieng Thirith. The trial in this case is expected to begin in the first half of 2011.

It is not clear at this point whether the request submitted by the international co-prosecutor for investigation of additional five suspects will lead to more trials.

Judicial officers and court staff are aware of the urgency of these trials and are working hard to complete the mission of the ECCC as quickly as possible, while meeting international standards.

**Q10**

How long will the trials take?

The duration will depend on how long investigators need to collect evidence, how many people are put on trial, how many witnesses are called and how many appeals are made. When all trials and appeals are completed, the ECCC will be dissolved.



The courthouse of the ECCC

**Q11** Where are the trials taking place?

The trials take place in a large courtroom on the outskirts of Phnom Penh on National Road 4, Chaom Chau commune, Dangkaeo district.

**Q12** How does the court work?

There are two levels of court at the trial stage: the Trial Chamber and the Supreme Court Chamber. The Trial Chamber has 5 judges - 3 Cambodian and 2 international. At the Supreme Court Chamber there are 7 judges – 4 Cambodian and 3 international.

The Supreme Court Chamber decides on appeals. Its decisions are final and cannot be appealed.

**SUPREME COURT CHAMBER: 7 JUDGES**

4 Cambodian + 3 International



Appeals will go from the Trial Chamber to the Supreme Court, which is the highest level.

**TRIAL CHAMBER: 5 JUDGES**

3 Cambodian + 2 International

**PRE-TRIAL CHAMBER: 5 JUDGES**

3 Cambodian + 2 International

deals with appeals in the pre-trial phase of proceedings, such as ruling against an order for provisional detention. It also will settle disagreements described in Question 18 below.

## Q13 Who can attend the trials?

These trials are for the people of Cambodia. Anyone over the age of 18 can come to watch the trials, including foreigners. There is no admission fee, and hundreds of seats are reserved for the general public.

All trials will be open to the public at all times, except in special circumstances when the judges decide that the public must be excluded to protect the identity of witnesses or victims.

The court provides free bus transportation for groups of Cambodians who want to visit the court. Please contact the Public Affairs Section by phone 023 219 814 or email [pas@eccc.gov.kh](mailto:pas@eccc.gov.kh) for more information.



People line up at the entrance of the ECCC's premises to attend public hearings.

Photo: ECCC

## Q14 If we cannot attend, how will we know what is happening inside the court?

Many people from all over the world want to know what is happening during the trials. You can follow the trials via national and international radio, TV, and print media.

The ECCC distributes information about the court throughout Cambodia in the form of posters, stickers and other outreach material. Many NGOs also have outreach programmes aimed at helping Cambodian people understand the ECCC process (see Resources pages).

Northwestern University in the United States has uploaded video footage from the court hearings as webcasts onto its website: [www.cambodiatribunal.org](http://www.cambodiatribunal.org)

## Q15 How were the judges appointed?

The UN Secretary-General nominated a number of international judges. On 4 May 2006, the Cambodian Supreme Council of the Magistracy selected 12 international judges and prosecutors from 10 different countries as well as 17 Cambodian judges and prosecutors. These 29 judges and prosecutors were appointed by royal decree on 3 July 2006 and took their oaths at the Silver Pagoda in Phnom Penh. When there is a need to appoint new judges, the same procedure is followed.

In order to be selected, both Cambodian and international judges have to be persons of high moral character qualified to be judges in their

own countries. They must be honest and independent, and they must not accept instructions from any person, government or other source. All judges receive specific training about Cambodian and international law and procedure relevant to the ECCC.

## Q16 How will the judges reach decisions?

The judges will try to reach unanimous agreement on any decision made. If they cannot all agree, then a decision requires what is called a 'super-majority'. In the Trial Chamber, 4 out of the 5 judges must vote for a conviction and, in the Supreme Court Chamber, 5 of the 7 judges must vote for an appeal decision.

Every decision must therefore have the support of both Cambodian and international judges. Because of this formula, if the super-majority cannot be reached, the defendant will be released. This follows the fundamental legal principle that everyone must be considered innocent until they are found guilty of a crime.

## Q17 Who decides who will be put on trial? And who decides what they will be charged with?

Two co-prosecutors (1 Cambodian and 1 international) collect preliminary evidence of alleged crimes committed and draft a list of suspects. The co-prosecutors pass on this information to the two co-investigating judges (1 Cambodian and 1 international).

The co-investigating judges scrutinise the information they have received from the co-prosecutors and carry out independent, impartial investigations before finally deciding on charges.

If an investigation reveals enough evidence, the case will proceed to trial.



Photo: ECCC

*Trial Chamber judges take seats on 27 November 2009, the last day of trial hearings in Case 001.*

## Q18 What if the co-prosecutors or co-investigating judges disagree on whether to take a case to trial?

They will try to reach agreement, but if they cannot, then the five judges in the Pre-Trial Chamber will meet to make a decision whether to take the case to trial. No Cambodian or international judge, co-prosecutor or co-investigating judge can act alone to block a case from going to trial.

## Q19

### What do the trial judges do?

The trial judges hear the evidence presented by the prosecution and defence, and by victims who are civil parties; they then consider both sides of the case, discuss among themselves and decide whether the accused person is guilty or not guilty. The trial judges must issue a written judgment explaining the reasons for their decision. If any judges disagree with the decision, they must also explain their reasons for voting differently from the majority. All the judgments will be made public.



*A Cambodian court in the Angkor period administering justice is the basis for the emblem of the ECCC. From a mural in the former Appeals Court in the Ministry of Justice.*



#### OFFICIAL EMBLEM FOR THE EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA

The emblem represents the ECCC by combining a depiction of the administration of Cambodian justice during the ancient period of Angkor with the United Nations' wreath of olive branches symbolising peace. The official colour is dark blue.

The figure is seated on a dais and is holding a sword to symbolise the authority of the court. This is the central figure in the mural in the former Appeals Court in the Ministry of Justice in Phnom Penh, where he is flanked by two assistants referring to the law as inscribed on palm-leaf manuscripts.

## Q20 What evidence will be used at the trials?

Evidence will be presented by the trial chamber judges, by the prosecution, by the defence and by the lawyers representing the civil parties. Examples of evidence:

- documents;
- physical evidence, such as mass graves or former prisons; and
- statements and testimony by victims, perpetrators, witnesses and defendants.

Thousands of documents have been collected and hundreds of mass graves, prisons and memorials have been mapped by the Research Committee of the Salvation Front (Renakse), the Documentation Center of Cambodia (DC-Cam) and the Cambodian Genocide Program. These are being made available to the court. In Cambodian courts, all legally obtained evidence can be considered. It is up to the court to decide upon the importance of each piece of evidence.

## Q21 What crimes will be tried? Will the trials use Cambodian law or international law?

At least 1.7 million people reportedly died from torture, execution or starvation and untreated illness between 1975 and 1979. The judges will need to decide whether crimes were committed and by whom. The challenge for the prosecution will be to marshal enough evidence to prove individual guilt for particular crimes.

Both international and Cambodian crimes can be charged at the ECCC. The specific crimes are listed below.

### Crimes under Cambodian law:

- murder
- torture
- religious persecution

### Crimes under international law:

- **genocide**  
mass killing or causing serious mental or physical harm intended to destroy all or part of a national, ethnic, racial or religious group
- **crimes against humanity**  
such as mass murder, extermination, enslavement, deportation, torture, imprisonment, persecution on political, racial and religious grounds, rape and other crimes of sexual violence
- **grave breaches of the 1949 Geneva conventions**  
such as unlawful treatment of civilians or prisoners of war, attacks on civilian targets, destruction of educational, religious institutions
- **destruction of cultural property**  
such as theft or damage of historical buildings, archaeological sites, museums, art, and important book collections
- **crimes against internationally protected persons** (diplomats)

## Q22

### What rights will the defendants have?

Defendants (charged persons and accused) have many legal rights under Cambodian and international law. These include the right to:

- a fair and public hearing;
- be presumed innocent until proven guilty;
- engage legal counsel of his or her choice, both Cambodian and international;
- have adequate time and facilities to prepare his or her defence;
- have legal counsel provided by the court if he or she does not have enough money to pay for it; and
- have the opportunity to examine the witnesses against him or her.

#### Fair Trial Rights

International Covenant on Civil and Political Rights (ICCPR) governs cases before the ECCC. The ICCPR lays out, among others, the fair trial rights such as the right to a fair and impartial trial free from political interference and the right to be presumed innocent until proved guilty by the court.

## Q23

### Who can be a witness?

A witness is a person who can give a firsthand or factual account relevant to investigations and trials falling within the mandate of the court. Such a person could be a victim or another person who has relevant information. This factual account amounts to “evidence”.



*The ECCC has the largest public gallery among UN-supported criminal courts in the world. The court's 500 seats*





Photo: ECCC

*have been filled up with people from all over Cambodia and overseas every hearing day.*

Evidence given by a witness during investigations becomes part of the case-file. If given during the trial, it becomes part of the formal record of the hearing. Anyone considered important in establishing the truth during the investigations and trials could be asked to give such evidence, including experts.

## Q24 Do I have to give information to the court?

If a prosecutor or investigating judge wants to interview you, you must tell the truth. However, you have the right to remain silent if you think the answers may incriminate you. Everyone has the right to call a lawyer to advise them and to be present during all questioning (see Resources pages).

## Q25 What if I want to give information about someone who I believe committed serious crimes during the Khmer Rouge period?

If you have information that you think may help the prosecution or the defence, you can contact them at the ECCC directly or through intermediary organizations (see Resources pages). Victims and others who might have relevant information may want to send this information to the court. To do so, a Victim Information Form should be completed and submitted to the Victims Support Section (see Q27 for more information).

**Q26**

What support will be given to witnesses and victims giving testimony, and to people who may be distressed by hearing the testimony?

Because it can be emotionally distressing to testify at the trials about the Khmer Rouge time, the court arranges psychological support for witnesses. Persons not testifying but nonetheless in need of counselling and support should contact their provincial office of the Mental Health Committee of the Ministry of Health or specialist NGOs that have clinics and doctors available in different provinces, such as TPO and SSC (see Resources pages).



Photo: ECCC

Survivors Vann Nath (right) and Chum Mey (left) hold copies of the Trial Judgment in Case 001 against former security prison chief Kaing Guek Eav alias Duch.

**Q27**

How can victims participate in the trial?

Victims may want to file a complaint to the Office of the Co-Prosecutors informing them about crimes they believe have been committed.

Victims who have suffered physical, psychological and material harm as a result of a crime investigated by the court may apply to become civil parties. Civil parties have the right to choose a lawyer. If needed, the ECCC helps them organise common legal representation. Civil parties can also organise their civil party action by becoming members of an association of victims. Once a case goes to trial, two Civil Party Lead Co-Lawyers (1 Cambodian, 1 international) will coordinate the representation of the consolidated civil party interests.

Victims who wish to participate in proceedings, as complainants or as civil parties, should complete the Victims Information Form and submit it to the Victims Support Section. Please note that the deadline to submit an application to become a civil party in Case 002 closed on 29 January 2010. However, it is still possible to file complaints at any time.

Forms can be requested from the Victims Support Section. The form is also available on the ECCC website at [www.eccc.gov.kh](http://www.eccc.gov.kh) and through partner organisations (see Resources pages).

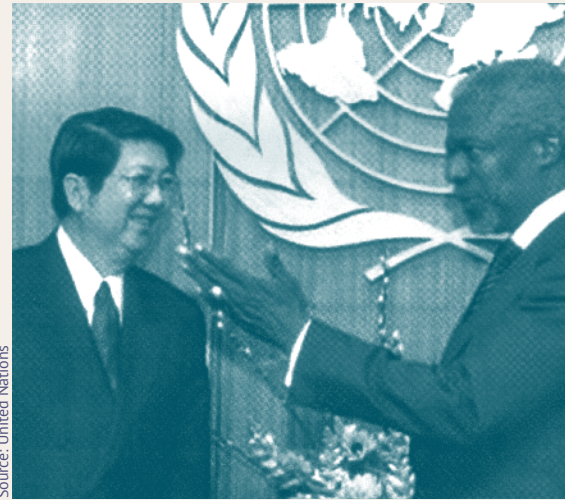
#### **Victims Support Section**

No. 6A, Street 21, Tonle Bassac I, Chamkar Mon, Phnom Penh (near Psar Kap Ko)  
 Tel: +855 (0)23 214 291  
 or National Road 4, Chaom Chau, Dangkao, Phnom Penh  
 Tel: +855 (0)23 219 814

## Victims Participation

The Victims Support Section (VSS) has been established to assist victims who wish to participate in the proceedings of the ECCC. The VSS is the central contact point between the ECCC and victims or their representatives. It informs victims of their rights relating to participation and reparations and enables them to file complaints and civil party applications to the ECCC. The VSS supports the work of the co-prosecutors and the co-investigating judges by processing complaints and civil party applications.

In addition, the VSS maintains contact with victims and their lawyers regarding the status of their complaints and applications and keeps them updated regarding developments in individual cases. Staff also assist victims with obtaining legal advice and legal representation as well as psychosocial support.



Source: United Nations

*Then senior minister Sok An meets then UN Secretary-General Kofi Annan in January 2003 to discuss the establishment of the Khmer Rouge trials*

Q28

Will victims be entitled to compensation?

If an accused person is convicted by the ECCC, victims may ask the court to make an order of reparations. Under Cambodian law, civil parties may claim compensation in criminal cases for damages they suffered from the crimes being tried. The judges have decided that individual financial compensation will not be possible in the ECCC. However, the judges may award collective and moral reparations such as an order to publish the judgment in appropriate media outlets at the convicted person's expense or an order to fund any non-profit activity or service that is intended for the benefit of victims.

Q29

Why is the United Nations involved?

In June 1997, the then co-prime ministers, Prince Norodom Ranariddh and Samdech Hun Sen, wrote to the then Secretary-General of the UN, Kofi Annan, requesting UN assistance in prosecuting the crimes of the Khmer Rouge. They asked for support because the Cambodian judiciary lacked sufficient resources and expertise to undertake such a complex task, especially given the magnitude of the crimes.

The UN is providing technical support and assistance to the ECCC through the deployment of international judicial officials and professional staff through the United Nations Assistance to the Khmer Rouge Trials (UNAKRT).

Q30

Why are the Khmer Rouge leaders not on trial at the International Criminal Court (ICC) in The Hague or the International Court of Justice (ICJ)?

The International Criminal Court was established in The Hague in the Netherlands in 2002. Cambodia is a founding member of the International Criminal Court, but this court can only hear cases about crimes that took place after its creation. The International Court of Justice only hears cases between states.

Q31

Is the ECCC a Cambodian or an international court?

The Khmer Rouge tribunal is part of the Cambodian court system but is nevertheless considered a 'hybrid' tribunal because of certain special features. There are both Cambodian and international judges, prosecutors, and defence lawyers, with the majority of the staff being Cambodian. In the course of their work, they apply Cambodian and international law.

Q32

Are there any other courts in the world like the ECCC?

Hybrid tribunals have recently been used in other countries including Sierra Leone, East Timor, Kosovo and Bosnia, but each has its own characteristics.

Q33

Why was this model chosen for the ECCC?

The hybrid tribunal model is seen as a way to provide full national involvement in the trials while at the same time ensuring that international standards are met. Unlike tribunals for Rwanda or the former Yugoslavia, these trials are not removed from the place where the crimes occurred. They are held in Cambodia, conducted mainly in Khmer, open to participation by Cambodian people and reported via local television, radio and newspapers.



More than 1,000 students at an NGO-run high school in Phnom Penh listen to briefings about the development of the ECCC.

Photo courtesy: Heng Smith

## Q34 How much will the trials cost?

The cost of the ECCC from 2006 until the end of December 2009 amounted to US\$ 78.4 million. The budgets for 2010 and 2011 are US\$ 45.5 million and US\$ 46.8 million, respectively. The court's budget is similar to the one used to run the Special Court for Sierra Leone and much lower than those for the International Criminal Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda (each now spends around US\$ 150 million per year).

## Q35 How is the court financed?

More than 35 countries have joined the Cambodian government in funding the court. Donations earmarked for the ECCC are kept separate from other donor funds committed to development assistance in Cambodia. Japan has donated almost 50 percent of all international contributions to the court, with other major donations coming from France, Germany, the United Kingdom, Australia and the United States of America.

Japan and the European Union are the major donors to the Cambodian side of the budget. Their contributions supplement the more than US\$ 5 million left over from UNTAC, which the original donors agreed to contribute to the ECCC.

The Cambodian government has contributed US\$ 4.8 million in cash in addition to supporting in-kind contributions, such as providing the premises and paying for detention. There is still an urgent need for funding in order to continue the work of the court. We are hoping to receive ongoing funding from donor countries as well as concerned organisations, companies, foundations and individuals.

## Q36 How can I find out more information about the Khmer Rouge and the trials?

The ECCC's Public Affairs Section is the first point of contact for public information about the court. Please contact PAS by email: [pas@eccc.gov.kh](mailto:pas@eccc.gov.kh), by phone: +855 (0)23 219 814, or by fax: +855 (0)23 219 841, or visit the ECCC website at: [www.eccc.gov.kh](http://www.eccc.gov.kh).

Various media and NGOs also provide information on the Khmer Rouge tribunal (see Resources pages).



Photo: ECCC

*Both national and international media regularly report on the proceedings in the Khmer Rouge tribunal.*



ECCC on the TV: Officials of the court and parties in Case 001 appear in a national TV debate shortly before the delivery of judgment.

Photo: ECCC

Q37

What role do NGOs play?

Many local and international NGOs take an active interest in the Khmer Rouge trials. Their support ranges from offering witnesses and victims psychological counselling to providing information or legal advice and representation (see Resources pages).

Q38

Where can I find support services?

The ECCC's Victim Support Section and Witness/Expert Support Unit provide a range of assistance to victims and witnesses. While the Government and some NGOs provide mental health services, other NGOs and associations offer legal assistance and information outreach services (see Resources pages).

# RESOURCES ON KHMER ROUGE TRIALS

## MEDIA

### Reading

All Cambodian newspapers provide regular coverage of the ECCC. The court also issues its online monthly newsletter *The Court Report* available on the ECCC website. ECCC publications, including the Case 001 Judgment books, are being made available at national libraries and local government offices across Cambodia. The Documentation Center of Cambodia (DC-Cam) in Phnom Penh has set up a public information room where people can read documents, watch videos and get other information. The center also reports on the trials in their magazine *Searching for the Truth*.

### Internet

You can find out the latest developments in the Khmer Rouge trials by visiting the website of the ECCC at [www.eccc.gov.kh](http://www.eccc.gov.kh).

Up-to-date text, picture and video on the court can be also found in social media:

Facebook: [www.facebook.com/krtribunal](http://www.facebook.com/krtribunal)

YouTube: [www.youtube.com/krtribunal](http://www.youtube.com/krtribunal)

Flickr: [www.flickr.com/krtribunal](http://www.flickr.com/krtribunal)

Twitter: [twitter.com/krtribunal](http://twitter.com/krtribunal)

For information regarding the United Nations assistance to the ECCC, visit the website of UNAKRT at [www.unakrt-online.org](http://www.unakrt-online.org).

Webcasts of the proceedings can be found at Cambodia Tribunal Monitor: [www.cambodiatribunal.org](http://www.cambodiatribunal.org)

### *Other relevant sites include:*

The Documentation Center of Cambodia: [www.dccam.org](http://www.dccam.org)

The Cambodian Genocide Programme at Yale University: [www.yale.edu/cgp](http://www.yale.edu/cgp)

Genocide Watch: [www.genocidewatch.org](http://www.genocidewatch.org)

## Radio

**Cambodian National Radio** (FM 96, FM 105.75 and AM 918) and all the private and NGO radio stations regularly report on the work of the ECCC. The following programmes may be of special interest:

**Women's Media Centre of Cambodia (WMC)** (FM 102 in Phnom Penh) weekly programme "The Truth" presents information about the Khmer Rouge and ECCC.

- Monday 16:00 – 17:00 (call-in show / debate)
- Tuesday 18:30 – 19:00 (re-broadcast)
- Thursday 13:30 – 14:00 (re-broadcast)
- Friday 10:50 – 11:50 (call-in show / recorded debate)
- Saturday 6:30 – 7:00 (re-broadcast)
- Sunday 13:00-13:30 (re-broadcast)

**Cambodian Defenders Project (CDP)** produces the monthly call-in show “Women and the Khmer Rouge Regime” broadcast on:

- FM 102 last Tuesday of the month 15:00 – 16:00
- FM 102 first Tuesday of the month 15:00 – 15:30 (re-broadcast)

**The Documentation Center of Cambodia (DC-Cam)** broadcasts a radio programme featuring readings of articles from *Searching for the Truth* magazines and others books published by DC-Cam:

- FM 93.25 Kampot daily 07:00 – 07:30 and 19:00 – 19:30
- The programme is expected to expand nationwide in January 2011

**Youth for Peace** produces the radio programme “You Also Have a Chance” broadcast on:

- AM 918 Saturday 14:00 – 15:00 (call-in show)
- FM 106.5 Sunday 10:00 – 11:00 (re-broadcast)

**Cambodian Human Rights and Development Association (ADHOC)** produces and airs the radio show Human Rights Programme every Wednesday from 7:30 to 8:30 am with news about the KRT. The programme is re-broadcast in other provinces.

- FM 90 / FM 105 Phnom Penh Wednesday 7:30 – 8:30 (call-in show)
- FM 90.25 Battambang Wednesday 7:30 – 8:30 (call-in show)
- FM 93.75 Kampot 1st Monday 12:00 – 13:00 (re-broadcast)
- FM 98.50 Pursat 1st Monday 6:00 – 7:00 (re-broadcast)
- FM 98.3 Kampong Thom 1st Wednesday 7:30 – 8:30 (re-broadcast)
- FM 103.75 Svay Rieng 2nd Sunday 13:00 – 14:00 (re-broadcast)
- FM 105.50 Siem Reap 2nd Sunday 8:00 – 9:00 (re-broadcast)

**Cambodia Human Rights Action Committee (CHRAC)**’s radio programme “KRT Watch” is broadcast on FM 102 every Wednesday from 17:30 to 18:30.

**The Transcultural Psychosocial Organisation (TPO)**’s radio call-in show programme “Past in the Present” is broadcast on FM 102 every 2nd and 4th week of the month:

- Thursday 6:30 – 07:00 (re-broadcast)
- Friday 15:00 – 16:00 (call-in show)
- Saturday 15:30 – 16:00 (re-broadcast)

**Radio Free Asia (RFA)** Khmer language broadcasts on:

- AM 13.865 KHz / 15.785 KHz daily 19:30 - 20:30
- AM 7.580 KHz / 13.740 KHz daily 05:30 – 06:30
- FM 105 daily 06:00 – 07:00 and 20:30 – 21:30
- FM 102 daily 07:00 – 08:00 and 22:30 – 23:30
- FM 93.5 daily 06:00 – 07:00 and 20:00 – 21:00



**Voice of America (VOA)** Khmer language broadcasts on:

- AM 1575 6060 7130 15340  
daily 05:00 – 05:30
- AM 1575 5955 71 55  
daily 20:30 – 21:30
- FM 105  
daily 07:00 – 07:30 and 21:30 - 22:30
- FM 93.5  
daily 05:30 – 06:00
- FM 102  
daily 6:00 – 6:30 and 20:30 – 21:30

**ABC Radio Australia** broadcasts in Khmer from 12:00 to 13:00 on:

- FM 102 Phnom Penh
- FM 96.5 Banteay Meanchey
- FM 101.5 Siem Reap
- FM 92.75 Battambang
- FM 98.5 Kratie

In English it broadcasts 24 hours a day on FM 101.5 in Phnom Penh and Siem Reap.

**Radio France International (RFI)** broadcasts in Khmer from 19:00 to 20:00 on:

- FM 92 Phnom Penh
- FM 92 Siem Reap
- FM 94.5 Battambang
- FM 94.5 Kampong Cham
- FM 94.5 Sihanoukville
- FM 102 Phnom Penh 21:30-22:30

With French broadcasts 24 hours a day on FM 92 in Phnom Penh

### Television

All Cambodian television stations include regular coverage of the progress of the ECCC in their news and public affairs programmes. The following three stations feature special programming:

**CTN** maintains a special van at the court for live transmission of the proceedings as they unfold; frequently covers the ECCC during morning shows and news broadcasts.

**TVK** frequently covers the ECCC in news broadcasts.

**Apsara TV** broadcasts 24 hours a day, including Khmer and French programmes transmitted at times targeted at viewers in Europe, Australia and North America.

International television stations, especially **BBC**, **Al Jazeera**, **CNN**, **NHK**, and **Channel News Asia**, also cover developments at the ECCC.

## INFORMATION SERVICES

### Bophana Audiovisual Resource Centre

64 Oknha Men Street 200, Sangkat Boeung Raing, Khan Daun Penh Phnom Penh 12211, Cambodia  
Tel: 023 992174

Email: [communication@bophana.org](mailto:communication@bophana.org),  
Website: [www.bophana.org](http://www.bophana.org)

### Cambodian Human Rights Action Committee (CHRAC)

No.9, Street 330, Boeung Keng Kong 3, Chamkar Mon, PO Box: 499, Phnom Penh  
Tel/Fax: 023 351 415,  
Email: [chrac@forum.org.kh](mailto:chrac@forum.org.kh)

**Cambodia Human Rights and Development Association (ADHOC)**

No. 3, Street 158, Boeung Raing  
Daun Penh, Phnom Penh  
Tel/Fax: 023 990 544  
Email: [adhoc@forum.org.kh](mailto:adhoc@forum.org.kh)

**Cambodia Justice Initiative/Open Society Justice Initiative (CJI/OSJI)**

2nd Floor, Room No. 222, Phnom Penh  
Center, Phnom Penh  
Tel/Fax: 023 221 793  
Email: [cji@online.com.kh](mailto:cji@online.com.kh)

**Documentation Center of Cambodia (DC-Cam)**

No.66 C, Preah Sihanouk Blvd, Phnom Penh  
Tel/Fax: 023 211 875/023 210 358  
Email: [dccam@online.com.kh](mailto:dccam@online.com.kh)  
Website: [dccam.org](http://dccam.org)

**International Centre for Conciliation (iCfC) Cambodia**

No. 96, Sothearos Blvd, Sankat Tonle Bassac  
Khan Chamkarmorn, Phnom Penh  
Tel: 023 695 65 12  
Email: [Cambodia@centerforconciliation.org](mailto:Cambodia@centerforconciliation.org)  
Website: [www.centerforconciliation.org](http://www.centerforconciliation.org)

**Khmer Institute for Democracy (KID)**

No.5, Street 57, Phnom Penh  
Tel/Fax: 023 214 928/023 216 206  
Email: [director.kid@online.com.kh](mailto:director.kid@online.com.kh)

**Women's Media Centre of Cambodia (WMC)**

No.30, Street 488/ 484, Phnom Penh  
Tel/Fax: 023 223 597  
Email: [fm102@wmc.org.kh](mailto:fm102@wmc.org.kh)  
Website: [www.wmc.org.kh](http://www.wmc.org.kh)

**Youth for Peace (YfP)**

No 4-6 G, St 513, Sangkat Beung Kak 1  
Khan Tuol Kork, Phnom Penh  
Tel/Fax: 023 881 346  
Email: [admin@yfpcambodia.org](mailto:admin@yfpcambodia.org)  
Website: [www.yfpcambodia.org](http://www.yfpcambodia.org)

**LEGAL ASSISTANCE**

**The Bar Association of the Kingdom of Cambodia**

No. 10-11 Croix Rouge Khmere (St. 180)  
Boeung Raing, Daun Penh  
PO Box: 1587 Phnom Penh  
Tel/Fax: 023 220 237/023 213 658

**Cambodian Defenders Project (CDP)**

No.80 F, Street 265, Tuek Laork 3  
Tuol Kork, Phnom Penh  
Tel/Fax: 023 880 907/023 880 931  
Email: [cdp@cdpcambodia.org](mailto:cdp@cdpcambodia.org)

**Cambodia Human Rights and Development Association (ADHOC)**

No. 3, Street 158, Boeung Raing  
Daun Penh, Phnom Penh  
Tel/Fax: 023 990 544  
Email: [adhoc@forum.org.kh](mailto:adhoc@forum.org.kh)

**Legal Aid of Cambodia (LAC)**

No.18, Street 604, Boeng Kok II, Tuol Kork  
PO Box: 1167, Phnom Penh  
Tel/Fax: 023 884 262/ 023 884 263  
Email: [lac@online.com.kh](mailto:lac@online.com.kh)

## NGO MENTAL HEALTH SERVICES

### Transcultural Psychosocial Organisation (TPO)

No. 2&4, Corner of Hanoi Street & Oknha Vaing Road, Phnom Penh Thmey Phnom Penh  
 Email: admin@tpocambodia.org  
 Tel.: 023 63 66 991/2 /3

### TPO - Battambang

Rumchek 4 village, Ratanak Commune Battambang Town  
 Tel.: 053 633 3611  
 Email: tpobtb@tpocambodia.org

### TPO - Siem Reap

No. 0138 Mondol 3 Village Slaw Cram Commune  
 Tel.: 053 633 3611  
 Email: tposr@tpocambodia.org

### TPO - Banteay Meanchey

No. 18, Street 4, Group 28 Sophy Village, Kampong Svang Commune, Serey Sophorn Town  
 Tel.: 054 6520 666  
 Email: tpobmc@tpocambodia.org

### TPO - Kampong Thom

No. 36, 4 Group, Prachea Teptay Rd, 7 village Kampong Thom Commune, Stung Sen Town  
 Tel: 062 961 375  
 Email: tpoktp@camintel.com

### Social Services of Cambodia (SSC) - Phnom Penh in the National Institute of Public Health

Lot 2, Street 289 (Kim Il Sung Blvd) PO Box: 1477  
 Tel: 023 881 432/023 881 532 012 811 825  
 Fax: 023 881 430  
 Email: ssc@online.com.kh

### SSC - Kampong Speu

National Road 4, Phnom Dey Village Chbar Morn Commune, Chbar Morn District (3 km west of Kampong Speu Market)  
 Mrs. Heng Srey: 012 803 533

### Jesuit Service Cambodia

No. 96, Street 592, Tuol Kork, Phnom Penh  
 Tel/Fax: 023 880 139/023 880 140  
 Email: jrscam@forum.org.kh

## GOVERNMENT MENTAL HEALTH SERVICES

### Banteay Meanchey: Mongkul Borei Hospital

#### Psychiatric Consultation Room

Koh Keo Village, Russey Krok  
 Dr. Van Luch: 012 600 321  
 Mr. Ho Serey Vitthyu (Hospital Director)

### Battambang: Referral Hospital

#### Outpatient Psychiatric Department

Prek Mahatep Village, Svay Po Commune  
 Dr. Oum Nhil: 012 889 897

### Kampong Cham: Referral Hospital

#### Outpatient Psychiatric Department

7th Village, Kampong Cham Commune  
 Mr. Sor Savuth: 012 892 092

### Kampong Speu: Oudong Referral Hospital Mental Health Clinic

Ponley Village, Veang Chas Commune  
 Mr. Kim Sophear: 012 910 062

**Kampong Thom: Referral Hospital**

**Psychiatric Consultation Ward**

Kampong Thom Commune

Stuoeng Sen District

Dr. Ort Bunky: 011 864 887

**Kampot: Referral Hospital**

**Outpatient Psychiatric Department**

Ms. Chap Socheata: 012 700 167

**Kandal: Chey Chumneas Hospital**

**Centre for Child Mental Health**

No.47, Street 198, Takhmao

Tel: 023 300 534, 983 348

Dr. Bhoomi Kumar: 012 482 854

**Phnom Pen: Mittapheap Khmer-Soviet  
Hospital**

**Outpatient Psychiatric Department**

Prof. Ka Sunbaunat: 012 865 440

Dr. Ang Sody: 012 622 487

**Preah Vihear: Referral Hospital**

**Outpatient Psychiatric Department**

Loraeth Village, Kampong Tranark

Commune, Tbaeng Meanchey District

Dr. Chou Polina: 012 968 328

**Pursat: Referral Hospital**

**Psychiatric Service**

Phtak Prey Commune

Sampov Meas District

Dr. Teng Hokly: 012 989 306

**Siem Reap: Referral Hospital**

**Outpatient Psychiatric Department**

Mondul I, Svay Dangkum

Mr. Mom Sovannara: 012 700 899

**Svay Rieng: Referral Hospital**

**Outpatient Psychiatric Department**

Srah Vong Village, Svay Rieng Commune

Svay Rieng District

Dr. So Boran: 011 638307

## VICTIMS ASSOCIATIONS

**Association of Khmer Rouge Victims  
in Cambodia**

Email: [president@akrvc.org](mailto:president@akrvc.org)

**Ksem Ksan**

Tel: 012 712 148

Email: [info@ksemksan.org](mailto:info@ksemksan.org)



*People throughout Cambodia learn about the work of the ECCC through its outreach efforts. More than 31,000 people attended the trial hearings in Case 001 against Kaing Guek Eav alias Duch. Another 32,000 people participated in the court's popular Khmer Rouge tribunal study tours in 2010 alone. Over 28,000 copies of the Duch judgment books have been distributed to all over the country.*





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[www.flickr.com/krtribunal](http://www.flickr.com/krtribunal)  
[www.youtube.com/krtribunal](http://www.youtube.com/krtribunal)  
[www.twitter.com/krtribunal](http://www.twitter.com/krtribunal)