

## CASE INFORMATION SHEET



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Extraordinary Chambers in the Courts of Cambodia

Chambres Extraordinaires au sein des Tribunaux Cambodgiens

### KHIEU SAMPHAN, alias HEM



Last name: **KHIEU**

First name: **Samphan**

Case File N° 002/19-09-2007/ECCC-TC

**Next Public Hearing:** 27 June 2011

Born on 27 July 1931

Arrested on 19 November 2007

Defence Counsel: Sa Sovan (National) & Jacques Vergès (France)

#### Status

Indicted and sent to trial for **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 initial Hearing will begin on 27 June 2011.

#### Position in Democratic Kampuchea Regime

Head of State (Chairman of the State Presidium) of Democratic Kampuchea.

#### Key Allegations

Khieu Samphan 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)
- Homicide, torture and religious persecution, as defined by the Cambodian Penal Code from 1956

Khieu Samphan disputes the charges against him.

## CASE INFORMATION SHEET

Khieu Samphan received a bursary to study in France in 1955 and published his doctoral dissertation “Cambodia's economy and industrial development”.

### Personal Background

Upon his return to Cambodia, Khieu Samphan became a professor before being appointed Secretary of State for Trade in Sihanouk’s regime in 1962. Under threat from Sihanouk’s security forces, he allegedly went into hiding in 1967 and re-emerged within the Khmer Rouge resistance in the early 1970s. In 1975 he was appointed Democratic Kampuchea’s Head of State. He succeeded Pol Pot after the latter retired as the official head of the Khmer Rouge in 1987, and represented Kampuchea at the 1989 International Conference on Cambodia in Paris. After pledging allegiance to the Cambodian government in 1998, he left the Khmer Rouge and lived in the north-western province of Pailin until being arrested and placed in provisional detention at the ECCC in November 2007.

### Case History

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| 19 Nov 2007 | Khieu Samphan was arrested and placed in provisional detention for a period of maximum one year by Provisional Detention Order issued by the Co-Investigating Judges on the same day.  |
| 21 Dec 2007 | Khieu Samphan filed an appeal against the Provisional Detention Order to the Pre-Trial Chamber.  |
| 13 Jun 2008 | Khieu Samphan filed a request for provisional release for health reasons.  |
| 23 Jun 2008 | The Co-Investigating Judges dismissed the request for provisional release.   |
| 08 Oct 2008 | The appeal against the provisional detention order was withdrawn by the Accused Person. On the same day Khieu Samphan filed an application for release to the Co-Investigating Judges. |
| 28 Oct 2008 | The Co-Investigating Judges dismissed the application for release.   |
| 18 Nov 2008 | The Co-Investigating Judges issued the Order on Extension of Provisional Detention, extending the provisional detention of Khieu Samphan for a maximum of one year.                    |
| 27 Nov 2008 | Khieu Samphan filed an appeal to the Pre-Trial Chamber against the Co-Investigating Judges decision to dismiss his application for release.  |
| 04 Dec 2008 | Khieu Samphan filed an urgent supplemental application for release to the Pre-Trial Chamber and an appeal against the Order on Extension of provisional Detention.                     |
| 24 Dec 2008 | The Pre-Trial Chamber found the urgent supplemental application for release inadmissible.  |
| 03 Jul 2009 | The Pre-Trial Chamber dismissed the appeal against the Order on Extension of Provisional Detention.  |
| 18 Nov 2009 | The Co-Investigating Judges issued the Order on Extension of Provisional Detention, extending the provisional detention of Khieu Samphan for a period of maximum one year.             |
| 22 Dec 2009 | Khieu Samphan filed an appeal against the Order on Extension of provisional Detention.   |

## CASE INFORMATION SHEET

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| 14 Jan 2010 | The Co-Investigative Judges issued Notice of Conclusion of Judicial Investigation, notifying Khieu Samphan that they consider that the investigation has been concluded.   |
| 30 Apr 2010 | The Pre-Trial Chamber dismissed the appeal against the Co-Investigating Judges' 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 Khieu Samphan and send the case for trial.  |
| 15 Sep 2010 | The Co-Investigating Judges issued a Closing Order indicting Khieu Samphan and ordering the case to be sent for trial. Khieu Samphan was ordered to remain in provisional detention until he was brought before the Trial Chamber.   |
| 18 Oct 2010 | Khieu Samphan filed an appeal against the Closing Order to the Pre-Trial Chamber.  |
| 13 Jan 2011 | The Pre-Trial Chamber found the appeal against the Closing Order inadmissible. The Pre-Trial Chamber confirmed and partially amended the indictment against Khieu Samphan and ordered the case to be sent for trial. Khieu Samphan was ordered to remain in provisional detention until he was brought before the Trial Chamber. |
| 18 Jan 2011 | Khieu Samphan filed an application for his release to the Trial Chamber.   |
| 16 Feb 2011 | The Trial Chamber rejected the application for release.  |

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

### Extraordinary Chambers in the Courts of Cambodia

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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