



Extraordinary Chambers in the Courts of Cambodia ECCC AT A GLANCE

April 2014

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 <i>in absentia</i> , and finds them guilty of genocide. This tribunal is not recognised by the international community as it fails to meet international fair trial standards.
21 June 1997	The Royal Government of Cambodia (RGC) requests the United Nations (UN) for international assistance in organising 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 an 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 reflecting 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 to 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 (ECCC) was set up in 2006 to bring to trial senior leaders and those most responsible for crimes committed during the time of Democratic Kampuchea, also known as the Khmer Rouge regime, which lasted 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.

The ECCC is an **ad hoc Cambodian court with international participation**. It was established by domestic law following a 2003 agreement between the Cambodian government and the United Nations. It is expected to bring justice to Cambodians, strengthen rule of law in the country and promote national reconciliation.

Jurisdiction

This 'hybrid' court is designed to provide fair trials in conformity with international standards of justice, 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

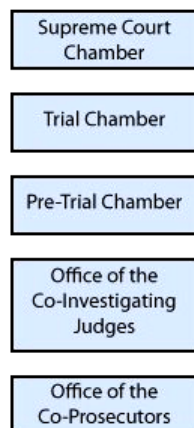
The court's **personal jurisdiction** is limited to:

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

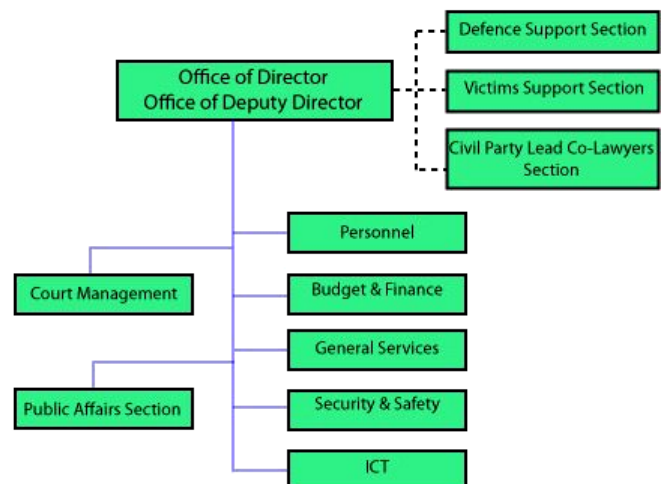
The **subject matter jurisdiction** of the court includes:

- 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

Chambers and Judicial Offices



Office of Administration





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 has been investigating four cases so far, one of which was completed with the conviction of an accused.

Case 001

The ECCC's first case 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. Following appeals by the Defence, Prosecution and some Civil Parties, the Supreme Court Chamber issued a final judgment on 3 February 2012. It upheld Duch's conviction, entered separate convictions for crimes against humanity and inhumane acts, and increased his sentence to **life imprisonment**. He is now serving his life sentence at the Kandal provincial prison.



Kaing Guek Eav alias Duch

Case 002



Nuon Chea



Khieu Samphan



Ieng Sary



Ieng Thirith

Two former Khmer Rouge leaders — former Deputy Secretary of the Communist Party **Nuon Chea** and former Head of State **Khieu Samphan** — are now on trial for the following charges:

- **Crimes against humanity:** murder, extermination, enslavement, deportation, imprisonment, torture, rape, persecution and other inhumane acts
- **Grave breaches of the 1949 Geneva Conventions:** willful killing, torture, inhumane treatment, unlawful confinement
- **Genocide:** of the Cham and the Vietnamese

The Trial Chamber held the initial hearing in June 2011. The first trial, focusing on forced evacuations and related crimes against humanity, began in November 2011 and concluded in October 2013, with its judgement expected in mid-2014. The second trial, covering alleged crimes of genocide, forced marriage and purges, among others, is anticipated to commence later in 2014.

The other two accused persons are no longer part of the trial. The proceedings against Ieng Sary, former Deputy Prime Minister for Foreign Affairs, were terminated in March 2013 following his death. The proceedings against his wife and former Social Action Minister, Ieng Thirith, have been stayed since November 2011 as she was found unfit to stand trial due to dementia.

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 relating to an additional 5 suspects. Cases 003 and 004 remain in the judicial investigation phase.



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Staffing

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

The ECCC budget for 2014 authorizes 341 positions — 182 for national staff under the Royal Government's contract and 159 for international staff employed by the United Nations. The ECCC plans to retain 317 posts in 2015.

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.

FINANCE	Cambodia	United Nations	Total
Expenditures 2006-2013	\$ 49.6 million	\$ 154.9 million	\$ 204.6 million
Budget 2014-2015	\$ 12.4 million	\$ 48.1 million*	\$ 60.5 million

* Inclusive of contingency fund (source: ECCC Budget and Finance Offices)

Major Donors

In addition to the Cambodian government, Japan, Australia, the United States of America, Germany, the United Kingdom, the European Union, France, Norway and Sweden are major financiers.

Public Support and Participation

The ECCC has received a wide range of public support and an unprecedented number of individuals participating in the court's activities. More than 390,000 people have so far had direct exposure to the ECCC through the court's robust outreach initiatives.

- Nearly 244,000 people, from rural farmers to foreign dignitaries, have visited the ECCC for public hearings, study tours and other visitor programmes as of 31 March 2014. The vast majority are Cambodians from provinces across the country.
- A total of 36,493 people observed the trial and appeal hearings in Case 001 concerning Duch. For the first trial in Case 002 involving multiple Khmer Rouge leaders, 103,724 people attended the 222-day trial hearings between November 2011 and October 2013.
- In addition, over 68,000 people in rural Cambodia have attended ECCC community video screenings. Additionally, nearly 78,000 Cambodian students have attended ECCC school lectures to learn more about the court proceedings.

	Public Hearings (people/days)	KRT Study Tours (participants/tours)	Court Visits (people/groups)	VIP Visits (people/delegations)	Video Screenings (viewers/screenings)	School Lectures (students/schools)	TOTAL (people)
2009	33,010/87	3,018/10	N/A	N/A	N/A	4,000/1	40,028
2010	3,326/5	29,291/80	1,780/69	151/23	31,118/71	16,100/5	81,766
2011	19,207/25	25,400/74	447/38	119/32	23,991/56	31,620/13	100,784
2012	60,492/133	10,147/31	949/46	90/18	10,696/23	14,100/20	96,474
2013	36,871/84	11,040/39	594/52	95/24	2,583/9	8,000/7	59,183
2014 (Jan-Mar)	457/1	7,168/24	251/18	4/2	-	3,950/3	11,830
TOTAL	153,363/335	86,064/258	4,021/223	459/99	68,388/159	77,770/49	390,065

Victim 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 trial	90 (3 withdrawn; 1 rejected)
Applicants admitted upon TC/SCC judgments	76 (14 rejected)

Case 002	Figures
Applications submitted to OCU	4,100
Current number of civil parties in Case 002	3,867 (2 admitted but withdrawn; 11 withdrawn; 99 rejected; 17 deceased; 104 changed to Complainant)

Cases 003 & 004	Total	Case 003	Case 004
Applications submitted to VSS	2,043	394	1,649
Applicants (As of 31 March 2014)	1,695	46	1,301
		348	

The ECCC has received thousands of applications for Civil Party from victims and their relatives. The tables above show the number of Civil Party applications by case. Please note that many individuals have submitted multiple applications to different cases. For example, **830 CP applicants out of 1,695** in Cases 003/004 are new while the rest are Civil Parties or Complainants in a previous case, either Case 001, Case 002, or both.

Source: ECCC Victims Support Section



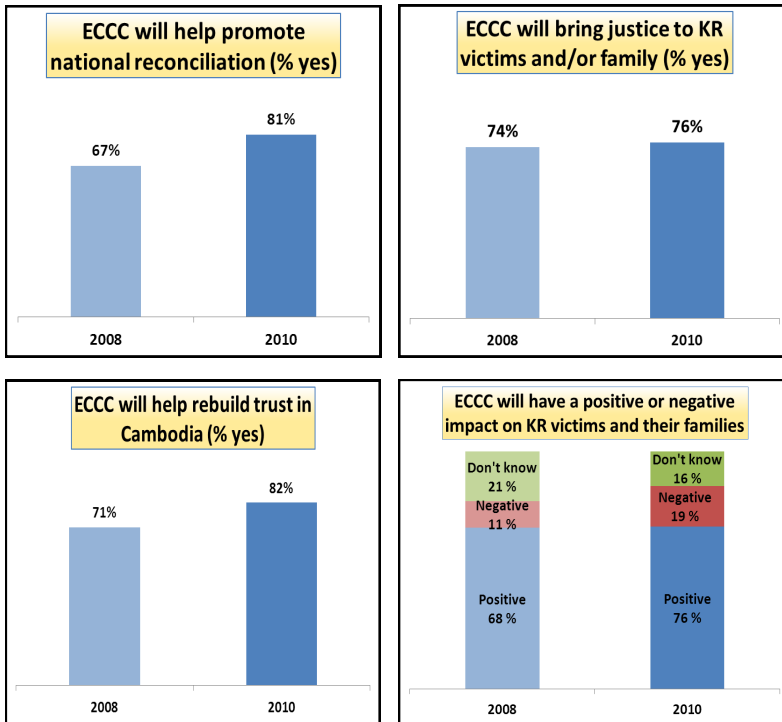
ECCC AT A GLANCE

Research institutes have conducted surveys with the general public and Civil Parties to examine their awareness of, attitudes toward, and expectations for the ECCC.

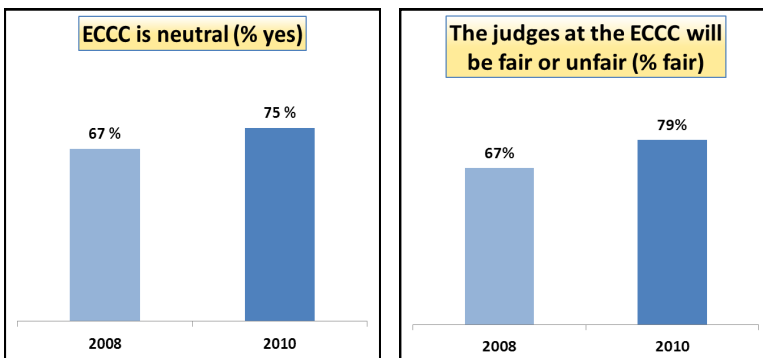
Public Opinion

The results below come from two population-based surveys on the ECCC conducted before the commencement of Case 001 trial and after the issuance of the trial judgment.

Expected Impact of the ECCC



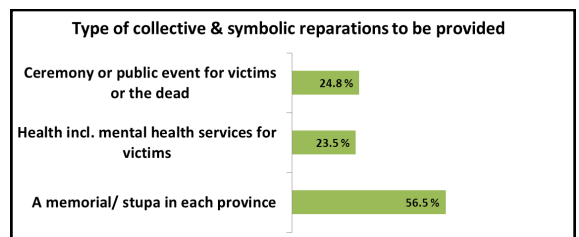
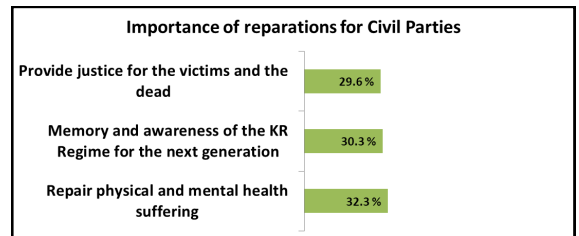
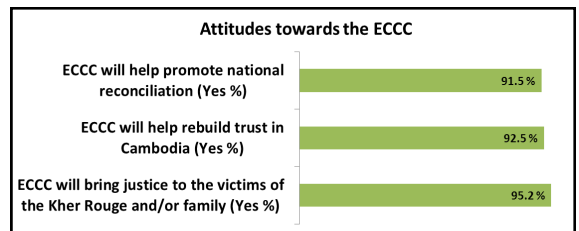
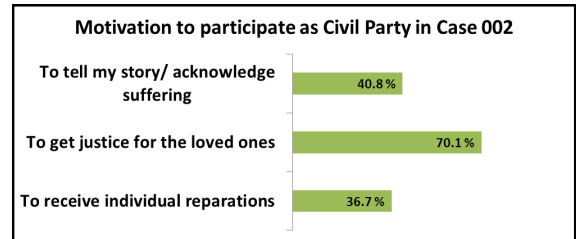
Perception of the ECCC



Source: "After the First Trial" by Human Rights Center, University of California—Berkeley <<http://hrc.berkeley.edu>>, June 2011.

Victims' Opinion

The results below are based on interviews with a random sample of 2,000 ADHOC-assisted Civil Parties participating in Case 002.



Source: "Victims Participation Before The Extraordinary Chambers in the Courts of Cambodia" by ADHOC, <<http://adhoc-cambodia.org/>>, January 2013

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