



Information for media

Case 002/01 Judgement 7 August 2014

Extraordinary Chambers in the Courts of Cambodia

Case 002/01 timeline:

- 7 August 2014:** Pronouncement of Trial Chamber Judgement
16-31 October 2013: Closing statements
23 July 2013: End of presentation of evidence
21 November 2011: Opening statements and start of evidence hearing
22 September 2011: The indictment in Case 002 is split into a series of at least two trials, the first trial being Case 002/01.

The Accused



NUON Chea

Date of Birth: 7 July 1926 (88 years)
Place of Birth: Voat Kor, Sangkae, Battambang
Position in Democratic Kampuchea: Deputy Secretary of the Communist Party of Kampuchea (CPK)
Date of Arrest: 19 September 2007

Nuon Chea (Lao Kim Lorn by birth) studied law at Bangkok's Thammasat University, where he became a member of the Thai Communist Party. Appointed Deputy Secretary of the Communist Party of Kampuchea in 1960, he retained this position and his membership in the party's Standing Committee throughout the period of Democratic Kampuchea. He remained with the Khmer Rouge until reaching a deal with the Cam-bodian government in December 1998 that allowed him to live near the Thai border.

More information about Nuon Chea:
www.eccc.gov.kh/en/indicted-person/nuon-chea



Khieu Samphan

Date of Birth: 27 July 1931 (83 years)
Place of Birth: Rom Chek, Rom Duol, Svay Rieng
Position in Democratic Kampuchea: Head of State (Chairman of the State Presidium)
Date of Arrest: 19 November 2007

Khieu Samphan studied in France in the 1950s and published his doctoral dissertation "Cambodia's economy and industrial development". 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 1976 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 Democratic 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 went to live in the northwestern province of Pailin.

More information about Khieu Samphan:
www.eccc.gov.kh/en/indicted-person/khieu-samphan

The first trial in Case 002, known as Case 002/01, began on 21 November 2011 with opening statements by prosecutors and lawyers for civil parties and accused, and concluded with closing statements in late October 2013 following 20 months of evidentiary hearings. A trial judgement will be pronounced on 7 August 2014.

The first trial focused on charges of crimes against humanity committed during the course of two population movements, from Phnom Penh and other regions, as well as alleged executions of soldiers of the Lon Nol regime (Khmer Republic) at Tuol Po Chrey in Pursat. The trial also considers the roles of the accused in the Democratic Kampuchea regime, including the establishment and implementation of the regime's policies, relevant to the charges set out in the indictment (Closing Order).

In the course of the trial, the Trial Chamber sat for 222 days, heard the live evidence of 92 individuals, including three experts, 53 fact witnesses, five character witnesses and 31 civil parties, and examined hundreds of thousands of pages of documents in relation to historical background, administrative and communication structures of the regime, Khmer Rouge military structure, forced evacuations and alleged executions of Lon Nol officials.



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Alleged crimes against humanity:

- Murder
- Extermination
- Political persecution
- Other inhumane acts through attacks on human dignity
- Other inhumane acts through forced transfer
- Enforced disappearances

Evacuation of Phnom Penh

www.eccc.gov.kh/en/case-002-01/hearings/movement-evacuation-population-phnom-penh-phase-1-april-1975

Second forced movement of population

www.eccc.gov.kh/en/case-002-01/hearings/charges/movement-population-phase-2

Alleged executions at Tuol Po Chrey

www.eccc.gov.kh/en/case-002-01/hearings/charges/tuol-po-chrey-execution-site

Parties' submissions

The Co-Prosecutors have submitted that the two Accused are guilty of all crimes they are charged with and they have requested the Trial Chamber to impose a sentence of life imprisonment, the maximum sentence available under the law. Both Khieu Samphan and Nuon Chea have submitted that they are not guilty, and has requested and acquittal.

Co-Prosecutors' final written submission:

www.eccc.gov.kh/en/document/court/co-prosecutors-final-trial-brief-case-00201

Khieu Samphan's final written submission (in French):

www.eccc.gov.kh/fr/document/court/conclusions-finales

Nuon Chea's final written submission:

www.eccc.gov.kh/en/document/court/nuon-cheas-closing-submissions-case-00201

Civil Parties's final written submission:

www.eccc.gov.kh/en/document/court/civil-parties-closing-brief-case-00201

Civil Parties' request for moral and collective reparation

Civil Parties are victims who have been admitted as parties to the case. They have submitted a claim for moral and collective reparations. The Trial Chamber can only award moral and collective reparations if the accused persons are convicted. The main rule is that the costs of reparation shall be borne by a convicted person. In the event a convicted person is found to be indigent, voluntary funding can be used to pay for reparations. Approximately US\$770,000 have been pledged in voluntary funding for the 13 reparation projects requested in Case 002/01. If any of the accused is convicted on 7 August 2014, the Trial Chamber will also rule on the following 13 reparation projects requested by the Civil Parties.

1. National Day of Remembrance	Project to create an official national day of remembrance honoring victims and survivors of the Khmer Rouge in Cambodia. Royal Government of Cambodia (RGC) has already expressed its principled agreement to create such a day.
2. Public Memorials Initiative	Project to develop a limited number (~6) of public memorial sites with related truth-telling and educational activities through a consultative process with civil parties, local communities and other stakeholders at sites distributed throughout Cambodia.
3. Memorial for Khmer Rouge Victims: "For Those Who Are No Longer Here"	Project to produce and stage a group of sculptural monuments on a raised triangular platform adjacent to the Embassy of France in Phnom Penh. The monuments will evoke events which affected the population of Phnom Penh in April 1975 when the city's inhabitants were forced by the Khmer Rouge to abandon their homes.



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4. Monument for Khmer Rouge Victims in France	<p>The construction of a monument for victims of the Khmer Rouge living in France at the Great Pagoda of Vincennes in Paris in order to provide a space where survivors and relatives of the victims can hold ceremonies and honor the memory of those lost.</p>
5. Testimonial Therapy	<p>Project provides approximately 200 civil parties the opportunity to participate in testimonial therapy, during which they are invited to talk about their traumatic experiences with the support and assistance of a mental health professional who helps them to prepare their testimony in the form of a written document. The civil party or their support person later reads portions of their story in a public ceremony held in accordance with the civil party's religious/spiritual beliefs and cultural practices.</p>
6. Self-Help Groups for Rehabilitation	<p>Project will create locally-based and professionally facilitated self-help groups, which are voluntary associations of people that meet to help themselves and each other increase their level of well-being, develop coping skills and overcome traumatic suffering.</p>
7. Permanent Exhibition on Forced Transfer & Tuol Po Chrey	<p>Permanent exhibitions on forced transfer and the executions at Tuol Po Chrey will be established in five Cambodian provincial museums at Battambang, Banteay Meanchey, Kampong Thom, Takeo, and Svay Rieng provinces. While the exhibition will initially be focused on forced transfer and Tuol Po Chrey, the specific topics may change over time to reflect other aspects of victims' and civil parties' experiences.</p>
8. Mobile Exhibition on Forced Transfer & Tuol Po Chrey	<p>The project is an interactive exhibition that educates Cambodians about Khmer Rouge History, the ECCC and personal experiences of civil parties, especially forced transfers, through a multimedia exhibition combining film and other audiovisual material with participatory activities that encourage visitors to expand their knowledge and deeply reflect on the issues presented, relating them to their personal lives and contemporary Cambodian society.</p>
9. New Chapter on Forced Transfer & Tuol Po Chrey in Teacher's Guidebook	<p>An additional chapter on forced transfer and the Tuol Po Chrey execution site will be included in the Teacher's Guidebook: The Teaching of A History of Democratic Kampuchea (1975–1979) which is used in all DC-Cam's genocide education programs, in collaboration with the Cambodian Ministry of Education, Youth and Sport. The chapter will be interactive and focused on student-centered learning methodologies for the purpose of cultivating critical thinking, independent learning activities, reflection, and engagement on the history of Democratic Kampuchea and the experiences of victims and civil parties.</p>
10. Community Peace Learning Center in Samrong Khnong	<p>A Community Peace Learning Center (CPLC) will be constructed and maintained in Samrong Khnong village, Battambang province—a historical sight where mass killings of the Khmer Rouge Regime occurred. The CPLC will consist of an information center, a museum and a dialogue room. The community will contribute human and financial resources to the development and maintenance of the CPLC which aims to transform the site's negative past into a positive future by engaging the local community and civil parties in transforming the site into a place of commemoration, remembrance, dialogue and education.</p>
11. Illustrated Civil Party Storybook	<p>The project will produce a second edition of CHRAC's book of civil party stories. The book project transforms civil parties into narrators, telling their stories both in written narratives and illustrative artworks. The book will allow those whose voices are normally perceived as powerless, and marginalized to be heard and a sense of justice delivered through recognition and acknowledgment.</p>
12. Publication & Distribution of Case 002/01 Judgment	<p>This project seeks to provide civil parties with the Case 002/01 judgment both in its full text as well as a summary version. The summary version will be the official ECCC summary and/or a specially developed summary text intended to be accessible and interesting to civil parties, their families and the general public. It will explain the judgment and civil party participation in the proceedings in layperson's terms. The text will be accompanied by informative and entertaining illustrations that will help to explain the main points of the text.</p>
13. Publication of Civil Party Names on ECCC Website	<p>Civil party names and basic identifying information will be published in the Trial Chamber's written judgment in Case 002/01 as well being published on the ECCC website as a means to recognize the harm suffered by civil parties and acknowledge their participation in the proceedings.</p>



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Extraordinary Chambers in the Courts of Cambodia

What is the composition of the Trial Chamber bench?

Three Cambodian judges and two international judges comprise the bench. A conviction requires the affirmative vote of four of five judges. The Judges are: Nil Nonn, President (Cambodia), Silvia Cartwright (New Zealand), You Ottara (Cambodia) Jean-Marc Lavergne (France) and Ya Sokhan (Cambodia). Reserve judges are Thou Mony (Cambodia) and Claudia Fenz (Austria).

More information about the judges: www.eccc.gov.kh/en/judicial-chamber?quicktabs_3=1#quicktabs-3

What are the sentencing options, and will sentencing also take place on 7 August 2014?

If any accused is found guilty, the Trial Chamber will also decide on sentencing in the same judgement. An accused found guilty of crimes before the Extraordinary Chambers in the Courts of Cambodia (ECCC) can be sentenced to minimum five years of imprisonment and maximum life imprisonment.

Is there a right of appeal?

The parties can file a notice of appeal to the Supreme Court Chamber, identifying the grounds of appeal within 30 days of the pronouncement of the judgment. They will then have a further 60 days to file their appeal brief. The Co-Prosecutors can not appeal an acquittal, and the Civil Parties can only file an appeal if the Co-Prosecutors are appealing the judgement.

Is the ECCC a national or international court?

The ECCC is a special national court, established by domestic law. An agreement between the Royal Government of Cambodia and the United Nations regulates the international participation and assistance to the court. We recommend the media to refer to the ECCC as a hybrid or UN-backed tribunal.

Will there be more trials?

Evidence hearings in a second trial against Khieu Samphan and Nuon Chea, Case 002/02, will commence in a few months. In addition, five suspects are still under investigation in Cases 003 and 004. Decisions on whether any of these suspects will be sent for trial is expected in 2015.

How much money has the tribunal spent, and who is funding it?

As of 31 December 2013, total expenditure amounted to US\$204.6 million. The court is funded through voluntary contributions, and the main donors are Japan, Australia, United States, Germany, United Kingdom and Cambodia.

A breakdown of donations is available at:

www.eccc.gov.kh/sites/default/files/Financial%20outlook%20May%202014.pdf

How many people have attended the trial hearings in Case 002/01?

An unprecedented total of 103,724 persons have attended the 222 days of trial.

Where can I find press photos from the pronouncement of the judgement?

A selection of high-resolution photos from inside the courtroom will be available free for use on [flickr.com/krtribunal](https://www.flickr.com/photos/krtribunal/). Please credit the photos "courtesy of the ECCC".

Tentative schedule for 7 August

- 09:00 The President of the Trial Chamber starts reading a summary of the judgement.
- 11:00 Conclusion of the hearing (estimate only, exact time will depend on the reading of the judgement summary).
- 11:45 Press conference with the parties in the public gallery of the ECCC courtroom. Live video and audio feed will be available in the mediaroom.

The entrance to the ECCC will be open from 07:00 and the media room will be open until 16:30. We recommend to calculate minimum 1 hour of travel time from central Phnom Penh to the ECCC.



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Extraordinary Chambers in the Courts of Cambodia

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All you need to know before the Case 002/01 judgement:

www.eccc.gov.kh/en/articles/all-you-need-know-case-00201-judgement

More information:

www.eccc.gov.com/en

youtube.com/krtribunal

facebook.com/krtribunal

twitter.com/krtribunal

flickr.com/krtribunal

Video highlights of Case 002/01 trial and closing statements:

www.eccc.gov.kh/en/articles/video-highlights-case-00201-closing-statements