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### Extraordinary Chambers in the Courts of Cambodia – residual functions

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### Report of the Secretary-General

#### I. Introduction

1. The General Assembly, in its resolution [75/257](#) B, approved the Addendum to the Agreement between the United Nations and the Royal Government of Cambodia concerning the prosecution under Cambodian law of crimes committed during the period of Democratic Kampuchea on the Transitional Arrangements and the Completion of Work of the Extraordinary Chambers, which was focused on the residual functions of the Extraordinary Chambers in the Courts of Cambodia. The Addendum was signed by the United Nations and the Government of Cambodia in August 2021 and entered into force in December 2021.
2. The General Assembly, in its resolution [77/299](#), encouraged the Secretary-General and the Government of Cambodia to take all the measures necessary to fully implement the Addendum and requested the Secretary-General to report thereon at its seventy-ninth session.
3. Under the Addendum, the initial period for the performance of the residual functions is three years. Following the completion of case 002/02 in December 2022, the Extraordinary Chambers commenced their residual functions on 1 January 2023. Under the provisions of the Addendum, the Extraordinary Chambers will carry out the following essential residual functions: review applications and conduct proceedings for revision of final judgments; provide for the protection of victims and witnesses; sanction or refer to the appropriate authorities any wilful interference with the administration of justice or provision of false testimony; supervise the enforcement of sentences and monitor the treatment of convicted prisoners; maintain, preserve and manage its archives, including the declassification of documents and materials; respond to requests for access to documents; disseminate information to the public regarding the Extraordinary Chambers; and monitor the enforcement of reparations awarded to civil parties.



4. As set out in article 2(2) of the Addendum, the United Nations and the Government of Cambodia will review the progress of the residual functions after the initial three-year period, in order to determine whether the Chambers will need to continue to perform these functions, or some part thereof, for a further period and if so, for how long.

5. In the present report, the Secretary-General provides an update to the General Assembly on the implementation of the Addendum and presents the outcome of the review of the progress of the residual functions by the United Nations and the Government of Cambodia.

## II. Background

6. The Extraordinary Chambers were established to bring to justice senior leaders of Democratic Kampuchea and those who were most responsible for the crimes and serious violations of Cambodian penal law, international humanitarian law and custom, and international conventions recognized by Cambodia, that were committed during the period from 17 April 1975 to 6 January 1979.<sup>1</sup>

7. By its first judgment in case 001 in 2010, the Extraordinary Chambers ended decades-long impunity for the atrocities committed in Democratic Kampuchea, convicting the former chairman of the S-21 security centre, Kaing Guek Eav, alias “Duch”, for crimes against humanity and grave breaches of the 1949 Geneva Conventions. Following appeal proceedings, which were completed in 2012, the Supreme Court Chamber imposed a sentence of life imprisonment, rendering those convictions final. On 2 September 2020, Kaing Guek Eav died while serving his life sentence.

8. The surviving leaders of Democratic Kampuchea, namely, the former President of the State Presidium (Head of State), Khieu Samphan, the Chairman of the People’s Representative Assembly, Nuon Chea, the Deputy Prime Minister and Minister for Foreign Affairs, Ieng Sary, and the Minister of Social Affairs, Ieng Thirith, were indicted for widespread atrocities committed across the entire territory of Democratic Kampuchea. Ieng Sary and Ieng Thirith died during trial proceedings in case 002.

9. Following historic trials, the Trial Chamber convicted Khieu Samphan and Nuon Chea for crimes of genocide, crimes against humanity and grave breaches of the Geneva Conventions of 1949, sentencing them to terms of life imprisonment. Nuon Chea died prior to the appeal judgment, and the Supreme Court Chamber upheld the convictions of Khieu Samphan, who is serving his life sentence in a Cambodian prison.

10. Charges against Im Chaem in case 004/01 were dismissed by the Pre-Trial Chamber based on a lack of personal jurisdiction, while the Supreme Court Chamber terminated cases 003, 004 and 004/02 due to the absence of an enforceable indictment after the issuance of conflicting closing orders by the co-investigating judges.

11. The Extraordinary Chambers sentenced a former Head of State for the crime of genocide. They were the first ad hoc tribunal to have victims standing as civil parties to criminal proceedings, entitling them to legal representation in court and empowering them to request reparations. The Extraordinary Chambers received over 10,000 applications for civil party status across all cases, in addition to some 11,000 statements filed with prosecutors.

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<sup>1</sup> Agreement between the United Nations and the Royal Government of Cambodia concerning the prosecution under Cambodian law of crimes committed during the period of Democratic Kampuchea, done on 6 June 2003 at Phnom Penh.

12. In their historic rulings, the Extraordinary Chambers advanced jurisprudence on pivotal matters of international law, including the non-applicability of amnesties and pardons for serious international crimes, joint liability of senior regime leaders acting in concert, the principle of legality, and fitness to be tried. Moreover, the Extraordinary Chambers delivered comprehensive assessments on the commission of genocide by senior leaders of a State through a joint criminal enterprise, and recognized that both females and males can be victims of forced marriage as a crime against humanity characterized as “other inhumane acts”.

13. Over the years of operation of the Extraordinary Chambers, nearly 250,000 people attended public hearings in person, with a further 500,000 individuals engaged through direct outreach efforts by the Chambers throughout Cambodia.

### **III. Implementation of residual functions**

#### **A. Enforcement of sentences and revision of final judgments**

14. In 2023, following the completion of case 002/02, the Extraordinary Chambers transferred Khieu Samphan to the custody of the Cambodian authorities, to serve the remainder of his life sentence. The Extraordinary Chambers continue to supervise the enforcement of his sentence and monitor his treatment, in accordance with the Addendum. The Extraordinary Chambers will need to continue to perform those functions, as well as ensure that his right to file for revision of final judgment is maintained, in accordance with the Addendum, during the remainder of his sentence.

#### **B. Witness protection**

15. The Extraordinary Chambers continue to monitor the effectiveness of ongoing protective measures, in accordance with the Addendum. In 2024, outreach commenced to the 196 witnesses who had testified at trial to take stock of protective measures and security or safety concerns, and to disseminate information about the finalization of related cases. To date, approximately 60 per cent of witnesses have been contacted, and this work will continue until completed.

#### **C. Reparations**

16. Pursuant to rule 23 *quinqüies* (3)(b) of the Internal Rules of the Extraordinary Chambers, a precondition for the judicial endorsement of collective and moral reparations is the confirmation of external funding for the implementation of such reparations. While funding had in many instances been secured at the time of the trial judgments, implementing partners have expressed difficulty in maintaining a public record of their initiatives going forward. In 2024, the Extraordinary Chambers took stock of all endorsed judicial reparations and memorialized them in mobile exhibitions, used during field outreach, and in its permanent exhibition at the Resource Centre in Phnom Penh.

#### **D. Archives and reclassification of documents**

17. Following their relocation in January 2023 to premises located in central Phnom Penh, the Extraordinary Chambers took steps to address environmental, structural and spatial requirements at the new premises to ensure the long-term preservation of the archives. Refurbishment and outfitting of a permanent archive repository was

completed in April 2024, and all case files were transferred to the secure and climate- and humidity-controlled repository.

18. During the reporting period, the Extraordinary Chambers have been engaging in the judicial reclassification of documents. In May 2023, the Supreme Court Chamber adopted a review methodology, which was subsequently adopted across all case files in order to ensure a consistent approach.

19. With respect to case 002, the Extraordinary Chambers have completed their review of more than 24,000 documents, comprising over 210,000 pages. The vast majority of these documents require redaction to protect sensitive information about victims and witnesses, many of whom reside in close proximity to former members of the Khmer Rouge, including known perpetrators beyond the jurisdictional reach of the Extraordinary Chambers. The reclassification order in case 002 has been fully implemented with regard to all electronic records, while updating of the paper collection will continue in 2025 until completed.

20. With respect to case 004/02, the Extraordinary Chambers continue to review documents for declassification pursuant to a request by the international co-prosecutor. On 22 August 2024, the Supreme Court Chamber issued an order to reclassify some 14,100 records, comprising over 220,200 pages. On 7 November 2024, an additional 5,374 records, comprising 125,577 pages, were released to the public.

21. On 30 August 2024, the Supreme Court Chamber invited the parties in case 003 to submit their observations on the possible review and reclassification of 24,447 records, comprising 388,954 pages, filed in that case. On 2 December 2024, the Chamber decided to adopt the standardized review methodology mentioned in paragraph 18 above.

22. On 17 December 2024, the Supreme Court Chamber commenced its review of materials containing the confidential records of disagreements between the co-investigating judges, and other written and audiovisual materials, for possible declassification. On 10 January 2025, the Chamber was further seized with a request from civil society organizations to declassify materials related to the reparations requested in cases 002/01 and 002/02. In addition, the Chamber continues to consider the request by the international co-prosecutor for the Chamber to formulate a long-term policy that would govern access to records that remain classified, after all requests for declassification have been addressed.

## **E. Dissemination and outreach activities**

23. The Extraordinary Chambers have undertaken steps to ensure that their records are as broadly accessible to the public as possible. Server upgrades have enabled critical software updates to the judicial database, unlocking accessibility features, including faster queries and an interface enabling the retrieval of documents directly from a new digital archive. These upgrades alleviate the need for manual uploading of documents, thereby significantly improving access to the public archives of the Extraordinary Chambers and streamlining operations.

24. Preparatory work undertaken since the commencement of the residual functions in January 2023 enabled the launch of a testing legacy website in 2024, incorporating key information about the establishment, operations and legal contributions of the Extraordinary Chambers.<sup>2</sup> The legacy website includes interactive features illustrating the findings of the Extraordinary Chambers, including: (a) a map of crime sites investigated in all cases; (b) a primer on the development of the Khmer Rouge regime;

<sup>2</sup> See <https://eccc.gov.kh/en>.

(c) the leadership structures of Democratic Kampuchea, the Communist Party of Kampuchea, the Revolutionary Army of Kampuchea and provincial leadership; (d) population displacements throughout the country, including genocidal policies and widespread mistreatment of groups targeted by the Khmer Rouge; and (e) reparations requested and endorsed by the Trial Chamber.

25. In addition, searchable databases enable users to navigate: (a) a lexicon of over 1,600 terms and subject matter phrases developed and refined by the Extraordinary Chambers in Khmer, English and French, with legal terms also available in Latin; (b) the records of over 18,000 prisoners from the S-21 security centre, which were tendered at trial; (c) the profiles and testimonial digests of the 334 witnesses, civil parties and experts who testified at the trials; (d) profiles and judicial findings related to the leaders of the Khmer Rouge regime; (e) a bibliography of publications; and (f) the principals of the Extraordinary Chambers. Furthermore, consolidated factual guides on the work<sup>3</sup> and jurisprudence<sup>4</sup> of the Extraordinary Chambers are available online for consultation.

26. In a joint venture with the Legal Documentation Centre of Cambodia, a Resource Centre was opened in 2024 at the site of the Extraordinary Chambers in Phnom Penh. The Resource Centre provides free public access to the archives of the Extraordinary Chambers and comprises a library; dedicated research and study spaces; a multifunction space for disseminating information and delivering presentations; consultation spaces for civil parties, their representatives, victims associations, civil society partners and non-governmental organizations working alongside the Extraordinary Chambers; and space for implementing partners to exhibit the reparations projects endorsed by the Trial Chamber. The Extraordinary Chambers will partner with implementing civil society organizations in 2025 to extend the visibility of reparations through nationwide outreach, in particular for those initiatives with creative and performing arts elements, in order to inform broader audiences. Such activities meet the declared desire of civil parties and civil society organizations to maintain, build upon and memorialize established initiatives during the phase of the residual functions of the Extraordinary Chambers, while also preserving them for future generations. In 2025, construction and outfitting of a permanent on-site exhibition will be completed to showcase the historic Cambodian accountability process to the public, including foreign visitors and dignitaries.

27. The Extraordinary Chambers continue to disseminate information to the public regarding its work. During the phase of residual functions, comprehensive guides to the operations and jurisprudence of the Extraordinary Chambers have been developed, as well as booklets for civil parties detailing judicial developments in cases 001 and 002, a guide introducing the Cambodian accountability process to young learners, flashcards for teachers, outreach booklets containing answers to frequently asked questions about the trials, a short video series about prevailing themes during the trials, a documentary series entitled “My Story” capturing and preserving the voices and court experiences of civil parties in their own words, and social media content. In 2025, efforts will be focused on consolidating the wealth of materials into a comprehensive educational package for university students and other individuals interested in a structured learning programme about the legal and non-legal contributions of the Extraordinary Chambers. This educational package will be tailored to the Cambodian context and developed with stand-alone and full semester options available on-site at the Extraordinary Chambers and in a hybrid setting. Once completed, the educational series will be presented to the Ministry of Education, Youth and Sport for endorsement and inclusion in the national curriculum.

<sup>3</sup> See <https://eccc.gov.kh/en/about/guide-to-eccc>.

<sup>4</sup> See <https://eccc.gov.kh/en/about/jurisprudence>.

28. In terms of dissemination efforts outside Phnom Penh, the Extraordinary Chambers commenced a nationwide provincial outreach campaign in early 2024. An intercity bus acts as a mobile extension of the Resource Centre and is outfitted with resources and digital facilities to provide direct access to the resources referred to in paragraphs 23, 24 and 27 above, to proactively disseminate information, and to engage with the public, including civil parties, witnesses, victims and the younger generation. In partnership with civil society organizations and non-government organizations, the Mobile Resource Centre engages local communities in intergenerational forums and public information sessions, actively advancing peace dialogue and post-conflict reconciliation. Such outreach directly addresses the preponderance of requests from victims and other stakeholders of the Extraordinary Chambers, as described in the advisory report on residual activities related to victims<sup>5</sup> and the subsequent report on the three-day stakeholder workshop on work related to victims during the residual phase.<sup>6</sup> Since commencing provincial outreach, the Mobile Resource Centre has visited all 25 provinces, engaging with more than 60,000 individuals in 88 locations throughout the country.

29. In 2025, the Mobile Resource Centre will broaden its reach by diversifying its visits to high schools, universities, pagodas, teaching institutions and other public entities, thereby further implementing the recommendations of the May 2022 workshop for broader engagement and cooperation outside Phnom Penh, intergenerational dialogue, reconciliation initiatives between perpetrators and targeted groups, institutional recognition of victimhood, and remembrance of victims' and transgenerational suffering. Such initiatives are aimed at safeguarding against denialism, misinformation and political revisionism with regard to the heinous crimes of the Khmer Rouge regime, in particular the genocide against the minority Vietnamese and Cham populations.

30. The individual notification of civil parties living in Cambodia and abroad commenced in 2024. To date, 92 per cent of civil parties have been reached and this work will continue until completed.

#### **IV. Extension of the residual period**

31. Under article 2 (2) of the Addendum, the United Nations and the Government of Cambodia shall review the progress of the residual functions after the initial three-year period, following which the Extraordinary Chambers will continue to perform these functions, or some part thereof, for a further period to be determined between the parties.

32. The United Nations and the Government of Cambodia commenced the envisaged review in 2024. In July 2024, the Under-Secretary-General for Legal Affairs, the United Nations Legal Counsel, travelled to Phnom Penh and met with the Prime Minister of Cambodia and other Cambodian officials to discuss the residual functions of the Extraordinary Chambers and the longer-term strategy. Those discussions continued throughout 2024 and the beginning of 2025.

33. During the discussions, the Government indicated that the trial processes at the Extraordinary Chambers have left a significant tangible and intangible legacy, which is extremely valuable for maintaining peace, national unity and justice at both the domestic and international levels. The Government therefore intends to establish a permanent public institution to, among other tasks, carry out certain legacy aspects

<sup>5</sup> See [www.eccc.gov.kh/sites/default/files/publications/EN-Advisory-Report-2022\\_web\\_0.pdf](http://www.eccc.gov.kh/sites/default/files/publications/EN-Advisory-Report-2022_web_0.pdf).

<sup>6</sup> See [www.eccc.gov.kh/sites/default/files/publications/ECCCVictimsWorkshopReport\\_CohenMattesYogendran\\_15July2022\\_withannexes.pdf](http://www.eccc.gov.kh/sites/default/files/publications/ECCCVictimsWorkshopReport_CohenMattesYogendran_15July2022_withannexes.pdf).

of the Extraordinary Chambers. It is envisaged that the existing premises of the Extraordinary Chambers, namely, its Resource Centre, will house the new institution once the closure of the Extraordinary Chambers is agreed between the parties.

34. The envisaged institution will preserve the legacy of the Extraordinary Chambers and serve as a research centre on the valuable contributions of the Extraordinary Chambers to the important work on accountability for atrocity crimes, as well as being the principal repository for the public to access information on the Cambodian accountability process in a free and readily accessible way. It is envisaged that the institution will store and provide access to the records of the Extraordinary Chambers for the Cambodian population and the public at large, subject to the final agreement between the United Nations and the Government on the permanent destination of the Court's archives following its closure, which will be discussed at the end of the period of residual functions. It is foreseen that the new institution will be established under Cambodian law and regulations, with its organization and core operations funded by the Government, while still being authorized to collaborate on complementary programmes with international stakeholders. To this end, the Government has established a task force for the implementation of the Chambers' residual functions, which is chaired by the Deputy Prime Minister and Minister in charge of the Office of the Council of Ministers. The task force held its inaugural meeting in July 2024 and intends to meet again in March 2025. Thereafter, the Government plans to invite the international community for a collaborative meeting in the second quarter of 2025 to share information about the planned new institution.

35. During the consultations, the parties discussed the statutory requirements for the Extraordinary Chambers to supervise the enforcement of the sentence of the convicted former Head of State, Khieu Samphan, who is currently serving his lifetime sentence in a Cambodian prison, and his right to file for revision of final judgment. It is important that these rights continue to be administered in accordance with international standards, and the parties have agreed that, at the current point in time, this is required to be done by the Extraordinary Chambers.

36. The parties also discussed the importance of the archives of the Extraordinary Chambers and their sustained and secure management in line with internationally recognized standards and of making the Court's documentation freely and widely accessible to the public.

37. While there has been significant progress in cases 001 and 002 in terms of documents being made public (63 per cent of the documents in case 001 and 59 per cent of those in case 002 are classified as public), a significantly lower percentage of documents in cases 003 and 004 are currently public (9 per cent and 7 per cent, respectively). As cases 003 and 004 were not forwarded for trial, a further possibility of declassification of information in these cases is important for public access and enhancing the permanent legacy of the Extraordinary Chambers.

38. In addition, the legacy website of the Extraordinary Chambers, launched at the end of 2024, has not been completed. There are ongoing consultations with its diverse users, from the Cambodian public to international academics, to ensure maximum usability. Feedback is indispensable to finalizing the development of a meaningful research and legacy tool. Upon receiving such feedback, the website will be optimized for mobile devices, which is essential for ensuring its lasting legacy value and accessibility in Cambodia, where a demographically young population relies predominantly on smartphones, laptops and interactive content for information. To ensure the information is available in the Khmer language, further proprietary development to optical character recognition in the judicial database will be required to make the complex script searchable for Cambodian students, scholars and practitioners.

39. In the light of the above, the parties agreed that it would be necessary for the Extraordinary Chambers to continue implementing their residual functions after 2025, except for monitoring the enforcement of reparations awarded to civil parties, which the parties agreed would be completed by the end of 2025.

40. Accordingly, the parties agreed that the Extraordinary Chambers will continue implementing residual functions for an additional period of two years between 1 January 2026 and 31 December 2027 and undertake similar consultation envisaged under article 2 (2) of the Addendum with respect to the period beyond 2027. It is noted that the Extraordinary Chambers would be financed in the same manner for this two-year period, namely, the United Nations will be responsible for financing the costs of the international component of the Extraordinary Chambers, to be borne by voluntary contributions, as decided by the General Assembly in its resolution [57/228](#) B,<sup>7</sup> and the Government of Cambodia will be responsible for defraying the costs of the national component. The parties further agreed that, in the event of the demise of the convicted person during this period, they would undertake additional consultations to assess the continued need for the remaining residual functions to be performed by the Extraordinary Chambers.

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<sup>7</sup> It is recalled that for the past several years, the international component has had to rely on a subvention from the General Assembly. See, most recently, [A/79/519](#).