



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា
 Extraordinary Chambers in the Courts of Cambodia
 Chambres extraordinaires au sein des tribunaux cambodgiens

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ
 Kingdom of Cambodia
 Nation Religion King
 Royaume du Cambodge
 Nation Religion Roi

Phnom Penh, 01 February 2023

**STATEMENT BY THE CO-PROSECUTORS
 ON THE TRANSFER OF KHIEU SAMPHAN TO KANDAL PROVINCE PRISON**

The Co-Prosecutors, Chea Leang and Fergal Gaynor, announce that Khieu Samphan was transferred on Monday, January 30, 2023, to Kandal Provincial Prison to continue to serve his two life sentences. The transfer was made pursuant to the Co-Prosecutors’ request to enforce the sentences in accordance with Rule 113 of the Internal Rules.

The ECCC is a national court within the domestic Cambodian legal system and the Cambodian authorities are ultimately responsible for the imprisonment of all those individuals convicted and sentenced at the ECCC to a term of imprisonment.

The Director General of Prisons of the Ministry of Interior of the Royal Cambodian Government has offered all assistance to the Co-Prosecutors. Mindful of Cambodia’s obligations under domestic and international law, the Co-Prosecutors, in cooperation with the General Department of Prisons, have taken steps to ensure that Khieu Samphan’s conditions of detention are appropriate for someone of his advanced age, limited mobility, and state of health. This process involved discussions with and assurances from the General Department of Prisons as well as multiple visits to Kandal Provincial Prison by the Co-Prosecutors. The Co-Prosecutors are also mindful of the fact that the International Committee of the Red Cross conducts regular prison inspections of prisons throughout Cambodia including Kandal Provincial Prison.

Khieu Samphan held a number of high-ranking positions in the Communist Party of Kampuchea (“CPK”), also known as the “Khmer Rouge”, and in the state of Democratic Kampuchea. Most prominently, he served as the head of state of Democratic Kampuchea.

Khieu Samphan was arrested on 19 November 2007 and detained under the authority of the Co-Investigating Judges for his alleged participation in crimes committed by the Khmer Rouge regime. After a full investigation, he was indicted and put on trial. Given the scale of the crimes that were committed and the advanced age of the Accused, the allegations against Nuon Chea and Khieu Samphan were split into two trials.

This first trial, in Case 002/01, started in November 2011 and finished in July 2013. The judgment was issued in August 2014. Nuon Chea and Khieu Samphan were convicted of the crimes against humanity of persecution, murder, and other inhumane acts which were committed during forced transfers of the civilian population from Phnom Penh and other urban centres. Both Accused were sentenced to life imprisonment for their roles in these crimes. On appeal, the life sentences were upheld by the Supreme Court Chamber in November 2016.

The second trial, in Case 002/02, started in November 2014 and finished in July 2017. The judgment was issued in November 2018. Nuon Chea and Khieu Samphan were convicted of genocide, crimes against humanity and grave breaches of the Geneva Conventions for acts including persecution, enslavement, imprisonment, inhumane acts, forced marriage, rape, torture, murder, extermination, and forced disappearances. They were both sentenced to a second term of life imprisonment. On 22 September 2022, the Supreme Court Chamber affirmed Khieu Samphan's second life sentence. (Nuon Chea passed away in August, 2019, terminating proceedings against him.)

The leaders of the Communist Party of Kampuchea, including Khieu Samphan, prohibited the practice of all religions, emptied Cambodia's cities and towns and enslaved its people, abolished money and markets, and forcibly collectivised the population. It attempted to break traditional family bonds, forcing strangers to marry and consummate their union under threat of reprisal. The regime summarily executed tens if not hundreds of thousands of innocent citizens. In a misguided effort to create an agrarian utopia, it put millions to work on ill-conceived rice-growing and irrigation projects. Most Cambodians were underfed and denied proper medical help and hundreds of thousands died from the inevitable malnutrition and exhaustion.

The two trials against Nuon Chea and Khieu Samphan resulted in a fair and detailed adjudication of their criminal responsibility for the suffering of millions of Cambodians. These trials combined encompassed more than 500 days of trial and appeal proceedings involving the testimony of 280 witnesses, civil parties, and experts. Many victims had an opportunity to confront both Accused during this process, and thousands were able to participate as civil parties and have their stories heard. Over 200,000 Cambodians attended the trial hearings in person and were able to see and hear the testimony of victims, perpetrators, and experts about the events which decimated the population of Cambodia.

The Case 002 trials represent the most significant mass atrocity prosecution since the trial of the Nazis leaders at Nuremberg (Germany) following the end of World War II. The proceedings brought a measure of justice to the millions of victims of the Khmer Rouge regime. The trials made an enormous contribution to the process of preserving evidence of atrocities committed by the Khmer Rouge leadership, and of understanding how that tragic period in Cambodian history came to pass.