

ECCC

At a Glance



Quick facts

- The Extraordinary Chambers in the Courts of Cambodia (ECCC) are a special Cambodian court which receives technical support and international assistance through the United Nations Assistance to the Khmer Rouge Trials (UNAKRT).
- The ECCC combines Cambodian and international judges, prosecutors and defence lawyers and applies both Cambodian and international law.
- The court’s jurisdiction is limited to Khmer Rouge senior leaders and those most responsible for the crimes committed during the period of Democratic Kampuchea from 17 April 1975 to 6 January 1979.
- At least 1.7 million* people are believed to have died from executions, torture, forced labour and starvation under the Democratic Kampuchea regime.

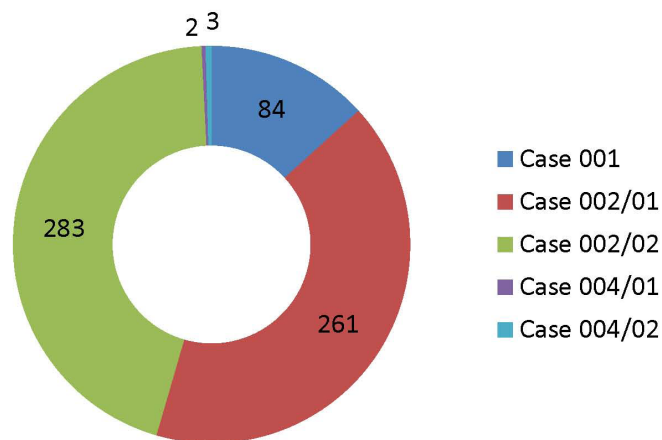
Timeline

1975 17 April	The Khmer Rouge, led by Pol Pot, seize power.
1979 7 January	The Khmer Rouge regime falls.
1979 15 August	The People’s Revolutionary Tribunal tries Pol Pot and Ieng Sary in absentia and finds them guilty of genocide (The Pre-Trial Chamber of the ECCC later found that the 1979 trial was not conducted impartially and independently with regard to due process requirements).
1997 21 June	The Royal Government of Cambodia (RGC) first approaches the United Nations for assistance to conduct a trial.
1999 15 March	A UN expert group proposes to set an international tribunal outside of the domestic Cambodian court system. As the RGC rejects the proposal, a long period of negotiations follows.
2003 6 June	An agreement between the UN and RGC is signed.
2004 27 October	The amended ECCC Law, which was first promulgated on 10 August 2001 by the RGC, reflecting the agreement with the UN comes into effect. It is the Cambodian domestic law governing the ECCC and forms the foundation of the court.
2005 29 April	The agreement between the UN and RGC enters into force.
2006 18 January	RGC hands over the premises of the court, located in the Royal Cambodian Army Headquarters, to the ECCC.
2006 3 July	National and international judges and co-prosecutors are sworn in.
2007 12 June	The ECCC adopts its Internal Rules, making the court fully operational.

* Submission of Co-Prosecutors following studies by Ben Kiernan: *The Pol Pot Regime*, page. 458 and Dr. Ewa Tabeau: *Khmer Rouge Victims in Cambodia, April 1975-January 1979*, p. 19.

Trial days

The ECCC’s chambers (including the Pre-Trial Chamber, Trial Chamber and Supreme Court Chamber) have held 633 days of hearings to date.



Witnesses and Civil Parties

Witnesses and civil parties are a key part of any trial. At the ECCC, the presence of witnesses is organized by the Witness and Expert Support Unit. These numbers, totalling 334, are as at July 2019, and include both witnesses and expert witnesses.

55

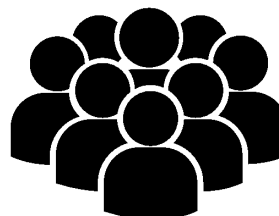
witnesses in Case 001

94

witnesses in Case 002/01

185

witnesses in Case 002/02



Judicial timeline

2007 18 July	Co-Prosecutors file Introductory Submission against Nuon Chea, Ieng Sary, Khieu Samphan, Ieng Thirith and Kaing Guek Eav (Duch).
2009 30 March	The trial of Kaing Guek Eav (Duch) for crimes against humanity and grave breaches of the Geneva Conventions of 1949 (Case 001) commences.
2009 7 September	The Co-Investigating Judges are requested to begin the investigation of five additional suspected persons. They are later divided into Case 003 (Meas Muth and Sou Met), Case 004 (Yim Tith), Case 004/01 (Im Chaem) and Case 004/02 (Ao An).
2010 26 July	Duch is convicted and sentenced by the Trial Chamber to 35 years' imprisonment. Both the Accused and the Co-Prosecutors appeal the judgment.
2011 June	Initial hearings in Case 002 against Nuon Chea, Khieu Samphan, Ieng Sary and Ieng Thirith begin. The case is severed into two trials: Case 002/01 and Case 002/02.
2011 November	Ieng Thirith is found unfit to stand trial due to dementia.
2012 3 February	The Supreme Court Chamber issues its judgment against the appeals in Case 001 and re-sentences Duch to a term of life imprisonment.
2013 March	Ieng Sary dies while in detention.
2013 June	Duch is transferred to Kandal Provincial Prison to serve the remainder of his life sentence.
2014 7 August	Nuon Chea and Khieu Samphan are found guilty of crimes against humanity and sentenced to life imprisonment by the Trial Chamber in Case 002/01. Both Accused and the Co-Prosecutors appeal the judgment.
2015 March to December	Meas Muth, Im Chaem, Ao An and Yim Tith are charged by the International Co-Investigating Judge.
2016 23 November	The Supreme Court Chamber issues its judgment against the appeals in Case 002/01 and confirms the sentences of life imprisonment against Nuon Chea and Khieu Samphan.
2017 22 February	The Co-Investigating Judges dismiss the case against Im Chaem in Case 004/01, findings that she is not subject to the personal jurisdiction of the ECCC. The International Co-Prosecutor appeals this decision.
2018 28 June	The Pre-Trial Chamber issues its considerations on the appeals in Case 004/01. As no supermajority is reached by the Pre-Trial Chamber judges, the Co-Investigating Judges' dismissal order stands.
2018 18 August	The National Co-Investigating Judge dismisses the case against Ao An in Case 004/02 for lack of personal jurisdiction. The International Co-Investigating Judge indicts Ao An as one of those most responsible for crimes committed during the Democratic Kampuchea period.
2018 16 November	The Trial Chamber sentences Nuon Chea and Khieu Samphan to life imprisonment for the crimes in Case 002/02.
2018 28 November	The National Co-Investigating Judge dismisses the case against Meas Muth in Case 003 for lack of personal jurisdiction. The International Co-Investigating Judge indicts Meas Muth as one of those most responsible for crimes committed during the Democratic Kampuchea period.
2019 28 June	The National Co-Investigating Judge dismisses the case against Yim Tith for lack of personal jurisdiction. The International Co-Investigating Judge indicts Yim Tith as one of those most responsible for crimes committed during the Democratic Kampuchea period.

Convicted persons

CASE 001: Kaing Guek Eav (Duch)



- Born on 17 November 1942 in Kompong Thom province
- Became a mathematics teacher in 1965
- Was the Chairman of S-21 Security Centre in Phnom Penh
- Arrested by Cambodian military authorities on 10 May 1999
- Serving the remainder of his prison term in Kandal Provincial Prison

CASE 002: Nuon Chea



- Born 7 July 1926 in Battambang
- Studied law at Thammasat University in Bangkok, Thailand
- Was the Deputy Secretary of the Cambodian Communist Party
- Arrested on 19 September 2007
- Sentenced to life imprisonment for crimes against humanity (in Case 002/01 and Case 002/02), war crimes and genocide (in Case 002/02)
- Died on 4 August 2019. Appeal proceedings against Nuon Chea in Case 002/02 were terminated on 13 August 2019

CASE 002: Khieu Samphan (Hem)



- Born 27 July 1931 in Svay Rieng
- Studied in France and published his doctoral dissertation on "Cambodia's economy and industrial development"
- Became Head of State of the Democratic of Kampuchea
- Arrested on 19 November 2007
- Sentenced to life imprisonment for crimes against humanity (in Case 002/01 and Case 002/02), war crimes and genocide (in Case 002/02)

Charged persons

CASE 002: Ieng Sary (Van)



- Born on 1 January 1930 in Tra Ninh province, Vietnam
- Arrested on 8 Nov 2007
- Died on 14 March 2013 while on trial for crimes against humanity

CASE 002: Ieng Thirith (Phea)



- Born in 1932 in Battambang province
- Arrested on 8 November 2007
- Found unfit to stand trial on 17 November 2011 and died while under judicial supervision on 22 August 2015.

CASE 003: Meas Muth



- Born on 10 August 1938 in Kampot province
- Alleged Central Committee Member, General Staff Deputy Secretary, Division 164 Secretary and Kampong Som Autonomous Sector Secretary
- Indicted by the International Co-Investigating Judge for genocide, crimes against humanity, grave breaches of the 1949 Geneva Conventions and violations of the 1956 Penal Code

CASE 004: Yim Tith (Ta Tith)



- Born on 30 December 1936 in Takeo province.
- Alleged Southwest Zone Sector 13 Secretary, Kirivong District Secretary, Northwest Zone Deputy Secretary and Sector 1,3 and 4 Secretary
- Indicted by the International Co-Investigating Judge for genocide, crimes against humanity, grave breaches of the 1949 Geneva Conventions and violations of the 1956 Penal Code

CASE 004/02 Ao An (Ta An)



- Born in 1933 in Kampong Chhnang province
- Alleged Central Zone Deputy Secretary and Sector 41 Secretary
- Indicted by the International Co-Investigating Judge for genocide, crimes against humanity and violations of the 1956 Penal Code

Dismissed case

CASE 004/01: Im Chaem

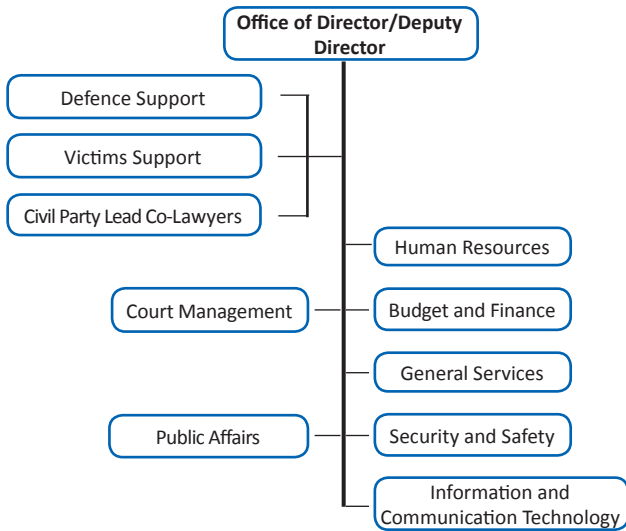


- Born in 1946 in Takeo province
- Alleged Secretary of Preah Net Preah District and Sector 5 Deputy Secretary (Northwest Zone)
- As the Pre-Trial Chamber judges could not reach a decision by four out of five votes, the dismissal order of the Co-Investigating Judges stands, holding that the ECCC has no jurisdiction over Im Chaem. This decision concluded the proceedings Case 004/01.

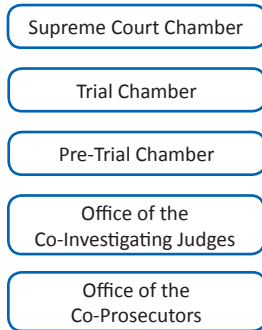
Structure

The ECCC features both national and international officials and staff. Approximately two-thirds of the staff are Cambodian and one-third is composed of UN officials or international staff.

Office of Administration

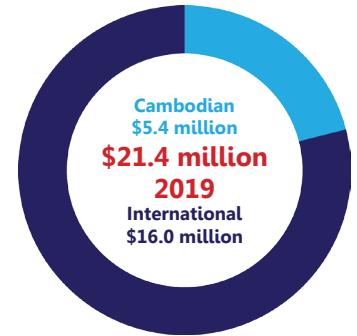


Chambers & Judicial Offices



Financial View

The ECCC is financed through voluntary contributions from donors. The Royal Cambodian Government and the United Nations are responsible for sharing the cost of the operations.



Public Participation

611,988 people visited the court*

243,121	attended public hearings
188,370	participated in KRT study tours
101,319	attended school lectures
71,488	people followed proceedings or forums through video screenings in villages around Cambodia
7,023	individuals visited the ECCC
667	VIP visitors, including government officials and diplomats

*period 2006 to July 2019

Victims Participation

At the ECCC victims are able to participate actively in the judicial proceedings as prosecutorial Complainants or Civil Parties. Complainants are individuals who inform the Co-Prosecutors about crimes they believe have been committed. Civil Parties are those who have suffered harm as a consequence of the crimes investigated by the court and apply to participate in the proceedings by supporting the prosecution. Civil Parties may seek “moral and collective” reparations. At the pre-trial stage, Civil Parties participate individually, while at trial and appeal their interests are collectively represented by the Civil Party Lead Co-Lawyers. The Victims Support Section (VSS) is tasked with ensuring meaningful participation of victims in the proceedings before the ECCC. VSS assists victims to attend hearings at the ECCC and empowers them through forums, meetings and trainings so that they are aware of their rights and informed of legal developments at the ECCC. In cooperation with governmental and international organisations, VSS supports and implements reparation initiatives and other non-judicial measures for the benefit of both Civil Parties and victims in general.



Judicial Process

Prosecution before the ECCC follows a unique procedure that combines elements of national and international law:

Introductory Submission

1

The Co-Prosecutors send a written request to the Co-Investigating Judges to open an investigation. The introductory submission contains the facts to be investigated, the names of any persons to be investigated, if known, and the types of offences alleged. Introductory Submissions can be supplemented by additional submissions.

Judicial Investigation

2

The Co-Investigating Judges investigate the facts set out in the introductory submission and in any supplementary submission.

Final Submission

3

Once the Co-Investigating Judges have concluded their investigation, the Co-Prosecutors file a final submission containing their views of the facts and charges investigated and request that the Co-Investigating Judges either send the case to trial or dismiss it.

Closing Order

4

After receiving the final submission of the Co-Prosecutors, the Co-Investigating Judges issue a closing order where they decide, based on the results of the investigation, whether to send the charged person to trial or to dismiss the case.

Appeals to the Pre-Trial-Chamber

5

The parties may appeal the closing orders and other decisions of the Co-Investigating Judges to the Pre-Trial Chamber which decides on such appeals.

Trial

6

During trial hearings, the Co-Prosecutors, Civil Party Lead Co-Lawyers and legal representatives of the Accused (defence) present and examine witnesses and other evidence before the judges of the Trial Chamber in order to ascertain the truth.

Judgement

7

Once trial hearings are concluded, the judges of the Trial Chamber consider the evidence they heard during the trial and decide in a written judgement whether the Accused is or is not guilty. If found guilty, the judges also decide on the sentence and may award collective reparations to victims.

Appeal to the Supreme Court Chamber

8

The Co-Prosecutors, the Defence and Civil Parties may appeal a judgement and other decisions of the Trial Chamber to the Supreme Court Chamber.

Appeal Judgment

9

The Supreme Court Chamber judges deliberate, may re-examine the evidence and call witnesses, and issue a judgement. Its judgement is final.

Current caseload

Completed caseload

Case 001 and Case 002/01

Both cases have concluded on **step 9**. The Supreme Court Chamber pronounced the judgement in Case 001 on 3 February 2012 and re-sentenced Duch to life imprisonment. In Case 002/01, the Supreme Court Chamber affirmed the sentences of life against Nuon Chea and Khieu Samphan on 23 November 2016.

Case 004/01

This case is concluded on **step 5** after the Pre-Trial Chamber was unable to reach a decision by four out of five

votes. The Co-Investigating Judges' decision to dismiss the case against Im Chaem therefore stands.

Ongoing caseload

Case 002/02

This case is currently on **step 8**. The Co-Prosecutors and both Accused have filed their notices of appeal against the trial judgement.

Case 003 and Case 004/02

These cases are currently on **step 5**. The

parties have appealed the separate closing orders issued by the National and International Co-Investigating Judges. A decision by the Pre-Trial Chamber on the appeals is currently expected within the last quarter of 2019 (Case 004/02) and the first quarter of 2020 (Case 003).

Case 004

This case is currently on **step 4**. The Co-Investigating Judges issued separate closing orders on 28 June 2019. The parties may appeal the orders to the Pre-Trial Chamber.