

# ECCC

## At a Glance

### Quick facts

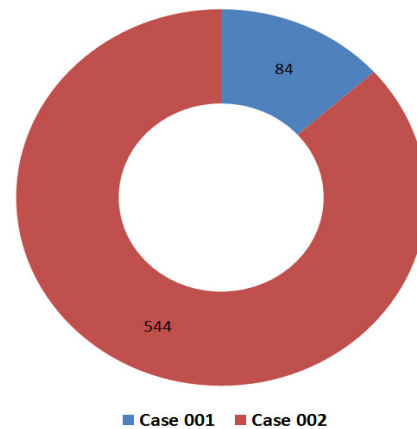
- The Extraordinary Chambers in the Courts of Cambodia (ECCC) is a special Cambodian court which receives technical support and international assistance through the United Nations Assistance to the Khmer Rouge Trials (UNAKRT).
- The Khmer Rouge tribunal combines Cambodian and international judges, prosecutors, and defence lawyers. The ECCC applies both Cambodian and international law.
- The court's jurisdiction is limited to only senior leaders in the Khmer Rouge and those most responsible for crimes committed during the period of Democratic Kampuchea from 17t April 1975 to January 1979.
- At least 1.7 million people are believed to have died from starvation, torture, execution and forced labour under Democratic Kampuchea regime.

### Timeline

|                           |   |
|---------------------------|---|
| <b>1975</b><br>17 April   | — The Khmer Rouge, led by Pol Pot, seize power.   |
| <b>1979</b><br>7 January  | — The Khmer Rouge regime falls.   |
| <b>1979</b><br>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 independent with regard to due process requirements. |
| <b>1997</b><br>21 June    | — The Royal Government of Cambodia (RGC) first approached the United Nations for assistance to conduct a trial.   |
| <b>1999</b><br>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.   |
| <b>2003</b><br>6 June     | — An agreement between the UN and RGC, is signed.   |
| <b>2004</b><br>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.                                      |
| <b>2005</b><br>29 April   | — The agreement between the UN and RGC enters into force.   |
| <b>2006</b><br>18 January | — RGC hands over the premises of the court, located in the Royal Cambodian Armed Forces Headquarters, to the ECCC.  |
| <b>2006</b><br>3 July     | — National and international judges and prosecutors are sworn in.   |
| <b>2007</b><br>12 June    | — The ECCC adopts its Internal Rules, making the court fully operational.   |

### Trial days

The ECCC Chambers (Supreme Court Chamber, Trial Chamber, Pre-Trial Chamber) held 630 hearing days so far, 84 in Case 001.



\* excluding 2 days Pre-Trial Chamber hearing in case 004/01 in December 2017

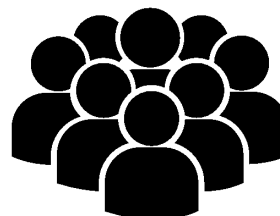
### Witnesses and Civil Parties

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 are as of 27 September 2017, 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

|  |  |
|--|--|
| 2009                                     | Kaing Guek Eav (Duch) is tried for crimes against humanity and grave breaches of the Geneva Convention of 1949 in Case 001.  |
| 2009<br><small>7 September</small>       | The Co-Investigating Judges are requested to begin the investigation of five additional suspected persons. They later are become known as Case 003 (Meas Muth, Sou Met) and Case 004 (Yim Tith), Case 004/01 (Im Chaem) and Case 004/02 (Ao An). |
| 2010<br><small>26 July</small>           | Duch is convicted and sentenced by the Trial Chamber to 35 years of imprisonment. Both the Accused and the Prosecution appeal this decision.   |
| 2011<br><small>29 April</small>          | The investigation in Case 003 regarding the two suspects, Sou Met- who died in 2013- and Meas Muth concludes.  |
| 2011<br><small>June</small>              | Initial hearings of Case 002 begin. It is severed onto two trials: Case 002/01 and Case 002/02.  |
| 2011<br><small>November</small>          | Ieng Thirith, former minister of Social Affairs of Democratic Kampuchea and one of the Accused in Case 002, is found unfit to stand trial due to dementia.   |
| 2012<br><small>3 February</small>        | The Supreme Court Chamber issued its final judgement in response to the appeal in case 001, and sentenced Duch to life imprisonment.   |
| 2013<br><small>March</small>             | Ieng Sary, former deputy minister for foreign affairs of the Democratic Kampuchea and Accused in Case 002, dies in detention.  |
| 2013<br><small>June</small>              | Duch is transferred to Kandal Provincial Prison.   |
| 2014<br><small>7 August</small>          | 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 the Defense and Prosecution appeal this decision.   |
| 2015<br><small>March to December</small> | Meas Muth, Im Chaem and Ao An are charged as part of Case 003 and 004.   |
| 2015<br><small>9 December</small>        | The International Co-Investigating Judge charged Yim Tith in Case 004.   |
| 2015<br><small>18 December</small>       | Conclusion of the judicial investigation against Im Chaem was issued in Case 004/01.   |
| 2016<br><small>23 November</small>       | The Supreme Court Chamber confirmed the sentences of life imprisonment against Nuon Chea and Khieu Samphan in case 002/01.   |
| 2016<br><small>16 December</small>       | The Co-Investigating Judges concluded the judicial investigation against Ao An.  |
| 2017<br><small>10 January</small>        | The International Co-Investigating Judge concluded the judicial investigation in Case 003 against Meas Muth.   |
| 2017<br><small>20 February</small>       | The Co-Investigating Judges dismissed the case against Im Chaem, finding she was not subject to the personal jurisdiction of the ECCC. The Pre-Trial Chamber will decide on the appeal by mid 2018.  |
| 2017<br><small>23 June</small>           | The Trial Chamber concluded nine days of closing statements in Case 002/02. The judgement is expected in 2018.   |

## Convicted persons

### CASE 001: Kaing Guek Eav (Duch)



- Born 17 November 1942 in Kompong Thom province
- Became a mathematics teacher in 1965
- Chairman of S-21 Security Centre
- Arrested by Cambodian military authorities in 1999
- Serves the remainder of his term in Kandal Provincial Prison

### CASE 002: Nuon Chea



- Born 7 July 1926 in Battambang
- Studied law at Thammasat University in Bangkok, Thailand
- Became Deputy Secretary of Cambodian Communist Party in Democratic Kampuchea
- Arrested on 19 September 2007

### CASE 002: Khieu Samphan



- 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 Republic of Kampuchea
- Arrested on 19 November 2007

## Charged persons

### CASE 003: Meas Muth



- Born on 10 August 1938 in Kampot province
- Alleged Central Committee Member, General Staff Deputy Secretary, Division 164 (including the navy) Secretary and Kampomg Som Autonomous Sector Secretary
- Alleged charges: Genocide, crimes against humanity, grave breaches of the Geneva Conventions of 1949 and violations of the 1956 Cambodian Penal Code

### CASE 004: Yim Tith (Ta Tith)



- Alleged Southwest Zone Sector 13 Secretary, Kirovong District Secretary and Northwest Zone Deputy Secretary and sector 1, 3 and 4 Secretary
- Alleged charges: genocide of Khmer Krom and ethnic Vietnamese, crimes against humanity, grave breaches of the Geneva Conventions of 1949, violations of the 1956 Cambodian Penal Code.

### CASE 004/01: Im Chaem



- Born in Takeo province
- Alleged of Preah Net Preah District Secretary and Northwest Zone Sector 5 Deputy Secretary
- Alleged charges: homicide and crimes against humanity

### CASE 004/02 Ao An (Ta An)

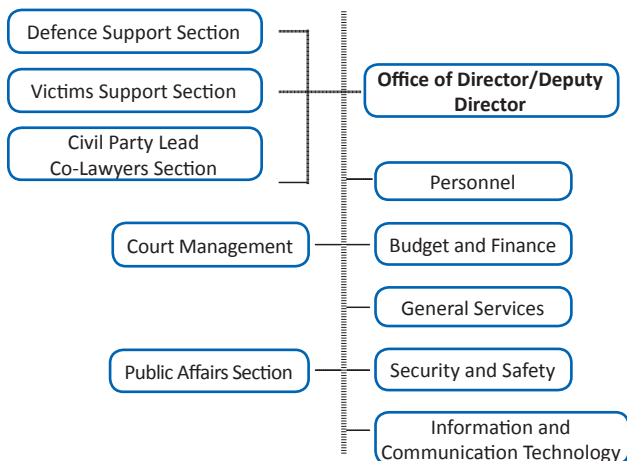


- Alleged Central Zone Deputy Secretary and Sector 41 Secretary
- Alleged charges: genocide of Cham, crimes against humanity, violations of the 1956 Cambodian Penal Code

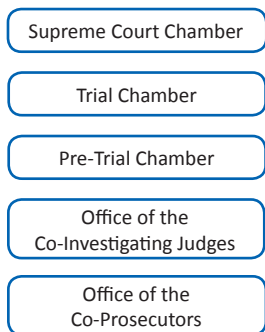
## Structure

The ECCC features both national and international judicial officials and staff. Two-thirds of the staff are Cambodian and one-third are composed of UN officials or international experts sent by individual countries in lieu of financial support.

### Office of Administration

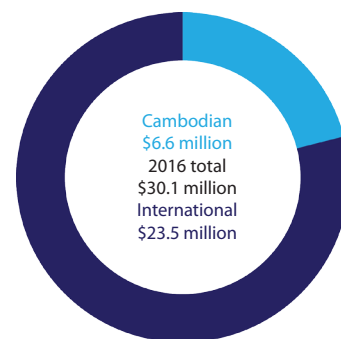


### Chambers & Judicial Offices



## Financial View

The ECCC is financed through voluntary contributions from donors. Both the Cambodian government and the United Nations are responsible for sharing the cost of operations. The international component is made up of donations from members of the international community. The three biggest contributors last year were the governments of Japan, the U.S. and Australia.



## Public Participation

**564,174** people visited the court\*

|                |   |
|----------------|---|
| <b>241,941</b> | attended to public hearings;  |
| <b>146,318</b> | participants in KRT study tours;  |
| <b>98,230</b>  | students attended in <b>school lectures</b> ;                             |
| <b>70,988</b>  | people followed via <b>video screenings</b> in vil lages around Cambodia; |
| <b>6,073</b>   | individuals visited the court;  |
| <b>624</b>     | <b>VIP visitors</b> , including government officials and diplomats;       |

\*as of 31 December 2017

## Victims Participation

At the ECCC victims are able to participate actively 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 as a direct consequence of the crimes investigated by the court and apply to participate in the proceedings by supporting the prosecution and to seek "moral and collective" reparations. Whereas at the pre-trial stage Civil Parties participate individually, during trial and beyond their interests are collectively represented by the Civil Party Lead Co-Lawyers. The Victims Support Section (VSS) is tasked with ensuring the meaningful participation of victims in the proceedings of the ECCC. VSS assists victims to attend hearings at the ECCC and empowers them through, forums, meetings and training so that they are aware of their rights and informed of legal developments of the ECCC. In cooperation with governmental and international organizations, VSS supports and implements reparation initiatives and other non-judicial measures for the benefit of Civil Parties and victims in general.



# Judicial Process

Prosecution before the ECCC follows the steps listed below. It follows a unique procedure that combines elements of Cambodian civil law and international law.

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## 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 type of offences alleged.

## 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 requesting that the Co-Investigating Judges either send the case to trial or dismiss it.

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## 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 defendant to trial or to dismiss the case.

## Pre-Trial-Chamber

5

The parties might appeal the closing orders and some other decisions of the Co-Investigating Judges to the judges of the Pre-Trial Chamber.

## Trial

6

During the trial hearings, the Co-Prosecutors, Civil Parties and the Accused present and examine witnesses and other evidence before the judges of the Trial Chamber in order to ascertain the truth.

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## Judgement

7

Once the 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 guilty or 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 the judgement and some other decisions of the Trial Chamber to the judges of the Supreme Court Chamber.

## Judgement on Appeal

9

The Supreme Court Chamber judges deliberate, may re-examine the evidence and call witnesses if necessary, and issue a written judgement. Their judgement is final and cannot be appealed.

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# Current caseload

## Case 001 and Case 002/01

Case 001 was brought to its **final conclusion** by the pronouncement of the Supreme Court Chamber's judgement on 3 February 2012.

In Case 002/01, the Supreme Court Chamber affirmed the sentence of life imprisonment on 23 November 2016.

## Case 002/02

is on **step 7** in the judicial process. The Trial Chamber heard closing statements between 13 and 23 June 2017 and is now deliberating its verdict, which is expected by the second quarter of 2018.

## Case 003

is currently on **step 4** – On 14 November 2017, the co-investigating judge received the final submissions in case 003 of the national and international co-prosecutor, respectively.

## Case 004

This case is currently on **step 3** – On 5 September 2017, the investigation in case 004 was closed for the second time after dealing with a number of additional requests from the parties.

## Case 004/01

Currently on **step 5** - On 10 July 2017, the co-investigating judges issued the closing order with the full reasons for the dismissal of case 004/01 and thus concluded their mandate. The decision on the appeal against the closing order is expected to be made by the Pre-Trial Chamber by the second quarter of 2018.

## Case 004/02

Currently on **step 4** - On 18 and 21 August 2017, the co-investigating judges received the final submissions in case 004/02 of the national and international co-prosecutor, respectively.