

Case 002/02

FACTSHEET

Case 002/02 is the second trial in the second case tried by the Extraordinary Chambers in the Courts of Cambodia, commonly known as the Khmer Rouge Tribunal. Khieu Samphan and Nuon Chea are the Accused in this case. Case 002/02 began on 17 October 2014.

185 testimonies

were heard by the Trial Chamber.

114 witnesses,

63 civil parties,

and **8** experts.



There were

274

trial days

77,931

people attended the trial, including the general public, government officials, diplomats, journalists, NGO representatives and civil parties.



Khieu Samphan

- Born 27 July, 1931, in Svay Rieng
- Studied in France and published his doctoral thesis on Cambodia's economy and industrialisation.
- Became Head of State of the Democratic Kampuchea
- Arrested 19 November 2007

What are the charges?

The charges in Case 002/02 involve allegations of crimes against humanity, genocide, and Grave Breaches of the Geneva Conventions, based on the following alleged crime sites and factual allegations:

- Genocide against the Cham (excluding Kroch Chhmar Security Centre) and the Vietnamese (excluding crimes committed by the Revolutionary Army of Kampuchea on Vietnamese territory);
- Forced marriage and rape;
- Internal purges;
- S-21 Security Centre; Kraing Ta Chan Security Centre, Au Kanseng Security Centre and Phnom Kraol Security Centre;
- 1st January Dam Worksite; Kampong Chhnang Airport Construction site, Trapeang Thma Dam Worksite; Tram Kok Cooperatives;
- Treatment of Buddhists (limited to Tram Kok Cooperatives); and
- Treatment of former Khmer Republic Officials (limited to Tram Kok Cooperatives, 1st January Dam Worksite, S-21 Security Centre and Kraing Ta Chan Security Centre)



Nuon Chea

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

Summary of Arguments

Co-Prosecutors

For the Co-Prosecutors, Nuon Chea and Khieu Samphan were among the very top leaders of Democratic Kampuchea (DK) and they each made significant contributions to criminal policies that were implemented throughout the country. Millions of Cambodians were forced to labour under inhumane conditions amounting to enslavement at cooperatives and worksites. Cambodians were forced to marry and to consummate their marriages against their will (constituting rape) to increase the population. Buddhists, “New People”, former Khmer Republic officials, and Khmer Rouge cadres suspected of disloyalty and often people related to a person in these categories were targeted by the regime. These victims were sent to security centers where they were detained in inhumane conditions, tortured, and killed without trial. The accused committed genocide against the Vietnamese and the Cham. The regime’s policy was to first expel, and then to kill, all Vietnamese, and to destroy the Cham as a group through a series of actions including killings.

Nuon Chea

Nuon Chea accepts moral responsibility for the events of the DK. He considers that understanding these events requires taking into account their pre-1975 root causes and post-1979 consequences. For Nuon Chea, the key root cause was Vietnam committing acts of aggression against Cambodia and infiltrating the Communist Party of Kampuchea (CPK) with collaborators who attempted to overthrow the legitimate DK government. The devastating US bombings and civil war that left Cambodia in ruins were also root causes. The main consequence of the DK was Vietnam’s illegal invasion of Cambodia. For Nuon Chea, such factors dramatically reframe how the DK should be understood. The root causes left Cambodia in a constant state of emergency which resulted in the CPK policies charged in Case 002/02 being not only rational but legal. Nuon Chea also argues that the Co-Prosecutors have not established the crimes charged beyond reasonable doubt and that they have presented an oversimplified version of events.

Civil Parties

For the Civil Party Lead Co-Lawyers, the oral testimony of 64 civil parties will assist the Trial Chamber to characterize the material elements of the indicted crimes. They request the Trial Chamber to apply the law, in light of the Prosecution’s submissions, to take into account civil party evidence when examining whether the acts set out in the Closing Order amount to crimes within the jurisdiction of the ECCC and whether the accused have committed those acts, and to acknowledge the harm suffered by the civil parties as a result of the crimes for which the accused may be convicted. The Lead Co-Lawyers have also filed a Final Claim for Reparation that proposes 17 reparation projects to be recognized as judicial reparation awards for the benefit of the Civil Parties.

Khieu Samphan

For Khieu Samphan, the Co-Prosecutors have tried to prove that the CPK had designed and implemented policies that led to the commission of crimes instead of considering the facts and testimonies in accordance with fair trial rules. He argues that the Trial Chamber exceeded its jurisdiction and applied a law that did not exist at the time of the events and points out the violations of substantial and procedural law that have occurred during the trial. Khieu Samphan also emphasizes the importance of the armed conflict with Vietnam, especially in the border zones. He rejects the policy of the CPK that has been presented and questions the credibility of witnesses and evidence heard. Lastly, Khieu Samphan denies the charges of genocide and the other crimes with which he is charged because they cannot be attributed to a criminal plan he was a part of and he has never had the intent to commit any of them.