

6th
Edition

An Introduction to The Khmer Rouge Trials





CONTENTS

Q1	Why has it taken so long to bring to trial those alleged to be responsible for the crimes committed in the Khmer Rouge period?	6
Q2	Why are we having trials now? How will the Khmer Rouge trials benefit the people of Cambodia?	6
Q3	Who can be put on trial?	7
Q4	What sentence would the Accused receive if convicted? ..	8
Q5	Will there be amnesties and pardons?	8
Q6	Have any of the Khmer Rouge senior leaders been tried before?	8
Q7	Can foreign countries that supported or were involved with Democratic Kampuchea, or countries that may have committed war crimes in Cambodia before 1975 be put on trial?	9
Q8	Can crimes alleged to have been committed by senior leaders of the Khmer Rouge or others after 1979 be tried?	9
Q9	What is the current caseload of the ECCC?	10
Q10	How long will the trials take?	13
Q11	Where are the trials taking place?	13
Q12	How does the court work?	13
Q13	Who can attend the trials?	14
Q14	If I cannot attend, how can I find out what is happening inside the court?	14
Q15	How are the Judges appointed?	14
Q16	How do the Judges reach decisions?	15
Q17	Who decides who can be put on trial? Who decides on the charges against them?	15
Q18	What if the Co-Prosecutors or Co-Investigating Judges disagree on whether to take a case to trial?	15
Q19	What do the Trial Judges do?	16
Q20	What evidence can be used at the trials?	16
Q21	What crimes can be tried? Do the trials use Cambodian law or international law?	16
Q22	What rights do the Defendants have?	17
Q23	Who can be a witness?	17
Q24	Do I have to give information to the court?	18
Q25	What if I want to give information about someone who I believe committed serious crimes during the Khmer Rouge period?	18
Q26	What support is given to witnesses and victims giving testimony, and to people who may be distressed by hearing the testimony?	19
Q27	How can victims participate in the trials?	19
Q28	Will victims be entitled to compensation?	20
Q29	Why is the United Nations involved?	20
Q30	Why are the Khmer Rouge leaders not on trial at the International Criminal Court in The Hague or the International Court of Justice?	21
Q31	Is the ECCC a Cambodian or an international court?	21
Q32	Are there any other courts in the world like the ECCC? ..	21
Q33	Why was this model chosen for the ECCC?	21
Q34	How much will the trials cost?	22
Q35	How is the court financed?	22
Q36	How can I find out more information about the Khmer Rouge and the trials?	22
Q37	What role do NGOs play?	23
Q38	Where can I find support services?	23
RESOURCES on Khmer Rouge Trials		24



....

PREFACE



**By Samdech Akka Moha
Sena Padei Techo Hun Sen**

*Prime Minister of the Royal
Government of Cambodia*

Brothers and Sisters, People of Cambodia,

Not a single one of our people has been spared from the ravages brought upon our country during the three years, eight months and twenty days that Pol Pot's Khmer Rouge held power under the regime known as Democratic Kampuchea.

During that time, over three million of our people lost their lives. They were our parents, our children, our relatives, our colleagues and our friends. Those of us who survived have lived for a quarter of a century bearing pain and grief for those we lost and being haunted by the nightmare of our own experiences.

Even those of you born after 1979, who did not directly experience these crimes, still bear a heavy burden. You see your parents and older brothers and sisters still suffering. You also share in the difficulties of rebuilding our society from Year Zero without the benefit of the wisdom and experience of those who were lost. It continues to be a long, hard struggle and we all know that Cambodia today lags far behind our neighbours in health, education and economic infrastructure.

Now the time has come for those responsible for planning and directing this horror to be held accountable for their crimes. After years of negotiation with the United Nations, we have established a new Cambodian court that includes international judges and staff. Its official name is the Extraordinary Chambers in the Courts of Cambodia for the Prosecution of Crimes Committed During the Period of Democratic Kampuchea. This is the first court in the world of its kind.

These crimes of the Khmer Rouge period were committed not just against the people of Cambodia but against all humanity. It is therefore fitting that Cambodians work together with the international community in trying those most responsible and, in so doing, help to build a culture that will prevent the recurrence of such crimes anywhere. We hope that our new court will be a successful model for Cambodia, but will also make a wider contribution to international justice.

I am sure you join me in trusting that these trials take place in a calm and dignified manner. When the judges have delivered their verdicts, we hope that Cambodians and all who support us will feel a load lifted from our backs as we finally bring justice in the name of the victims.

Prime Minister



INTRODUCTION



By His Excellency Sok An

*Deputy Prime Minister and Chairman
of the Royal Government of Cambodia
Task Force for Cooperation with Foreign
Legal Experts and Preparation of
the Proceedings for the Trial of Senior
Khmer Rouge Leaders.*

The Khmer Rouge regime took power on 17 April 1975 and was overthrown on 7 January 1979. More than three million people perished. The end of the Khmer Rouge period was followed by a civil war. That war finally ended in 1998, when the Khmer Rouge political and military structures were dismantled.

In 1997, the government requested that the United Nations (UN) assist in establishing a trial to prosecute the senior leaders of the Khmer Rouge.

In 2001, the Cambodian National Assembly passed a law to create a court to try serious crimes committed during the Khmer Rouge regime 1975-1979. This court is called the Extraordinary Chambers in the Courts of Cambodia for the Prosecution of Crimes Committed during the Period of Democratic Kampuchea (ECCC).

The government of Cambodia insisted that, for the sake of the Cambodian people, the trials must be held in Cambodia using Cambodian staff and judges together with international personnel. Cambodia invited international participation due to the weakness of the Cambodian legal system and the international nature of the crimes, and to help in meeting international standards of justice. An agreement with the UN was ultimately reached in June 2003 detailing how the international community would assist and participate in the Extraordinary Chambers.

This special new court was created by the government and the UN but is independent of them. It is a Cambodian court with international participation that is applying international standards. It will provide a new role model for court operations in Cambodia.

This booklet is to introduce you to the Extraordinary Chambers and answer some of the questions people commonly ask about the trials. Now that the Extraordinary Chambers (ECCC) has been established, a special Public Affairs Section can provide additional information to the public and the media.

Deputy Prime Minister



MESSAGE



Photo: UN/Mark Garten

By Ban Ki-moon
United Nations Secretary-General

The Extraordinary Chambers in the Courts of Cambodia were established to bring justice to the people of Cambodia for the shocking crimes that took place in the country in the 1970s. Since beginning work in January 2006, the Extraordinary Chambers have made impressive progress. The verdict in case one against the head of the notorious S-21 detention centre demonstrated their ability to conduct complex trials in accordance with international standards, and the indictment in case two of four former leaders of the Khmer Rouge regime reaffirmed the principle that no-one is above the law.

Working in partnership with the Royal Government of Cambodia, the United Nations fully supports and respects the Extraordinary Chambers' independent judicial processes. By striving to end impunity for the atrocities of the Khmer Rouge regime, they are helping to strengthen the rule of law and judicial capacity in Cambodia while advancing the cause of international criminal justice. Most importantly, I hope the Extraordinary Chambers are enabling the Cambodian people, who have been waiting for justice for so long, to bring a sense of closure to the darkest chapter in their history.



Official emblem for the Extraordinary Chambers in the Courts of Cambodia

The emblem represents the ECCC by combining a depiction of the administration of Cambodian justice during the ancient period of Angkor with the United Nations' wreath of olive branches symbolising peace. The official colour is dark blue.

The figure is seated on a dais and is holding a sword to symbolise the authority of the court. This is the central figure of the mural in the former Appeals Court in the Ministry of Justice in Phnom Penh, where he is flanked by two assistants referring to the law as inscribed on palm-leaf manuscripts.



Q1

Why has it taken so long to bring to trial those alleged to be responsible for the crimes committed in the Khmer Rouge period?

History shows that it is very difficult to put people on trial while a war is still in progress. Cambodia first approached the UN for assistance to conduct a trial in 1997. Since the civil war ended in 1998, the Royal Government of Cambodia and the UN have worked together towards implementing a new type of mixed national-international tribunal.

The negotiations between the Government and the UN were long and complicated but both sides agreed in 2003 on the details of international participation.

This new hybrid court is called the Extraordinary Chambers in the Courts of Cambodia (ECCC). The court was launched in early 2006 with a small number of staff and became fully operational in June 2007.



Workers at a construction site during the Khmer Rouge regime

Source: The Documentation Center of Cambodia



Photo: ECCC

Cambodian Buddhist monks look at photos of victims at the Tuol Sleng Genocide Museum

Q2

Why are we having trials now?
How will the Khmer Rouge trials benefit the people of Cambodia?

For over a quarter of a century, the Cambodian people have waited for justice. Finally, the time has now come for the senior leaders of the Khmer Rouge and those most responsible for serious crimes to be held accountable for their crimes.

The ECCC is designed to provide fair public trials in conformity with international standards. The chief goal is to provide justice to the Cambodian people, those who died and those who survived. It is hoped that fair trials will ease the burden that weighs on the survivors.



The trials are also for the new generations: to educate Cambodia's youth about the darkest chapter in our country's history.

By judging the Accused in fair and open trials and by punishing those most responsible, the trials will strengthen the rule of law and set an example for people who disobey the law in Cambodia and for cruel regimes worldwide. If criminals know that they will be held accountable, they may be deterred. By supporting and learning about justice, we can all contribute to the reconstruction of our society.

Q3 Who can be put on trial?

In the spirit of achieving justice, truth and national reconciliation, the Royal Government of Cambodia and the UN decided that the court should limit its jurisdiction to the senior leaders of Democratic Kampuchea (the name of the state established by the Khmer Rouge) who are alleged to have planned crimes or given orders to commit crimes, as well as those alleged to be most responsible for committing serious crimes. It is expected that only a small number of people will fall within this definition and be tried by the ECCC.

Over the years, tens of thousands of ordinary Khmer Rouge soldiers have defected to the Government. They have nothing to fear from this court. The policy of national reconciliation is still in place. Please remember that only those believed to be most culpable will be tried under the law governing the ECCC.

The court will have the responsibility to decide exactly who was a 'senior leader' and who was 'most responsible' for the crimes

committed by the Khmer Rouge. The court will seek out only those people, not every former member of the Khmer Rouge or every person in the villages of Cambodia who may have committed crimes during the Khmer Rouge period.

Low level and middle-ranking Khmer Rouge members who are not most responsible for serious crimes will not be prosecuted. Many have now re-integrated into our society. Hopefully, these people will live peaceful lives and assist in the development of our country.

Children or other family members or associates of Khmer Rouge leaders will not be responsible for their parents' or associates' crimes. Nobody will be responsible for another person's actions just because they are related to or associated with that person.

Only people who are still alive can be tried. There will be no posthumous trials.



Photo: DC-Cam

Khmer Rouge troops enter Phnom Penh on 17 April 1975



Q4

What sentence would the Accused receive if convicted?

If convicted, the Accused face sentences from a minimum of five years to life imprisonment. The death penalty is unconstitutional in Cambodia. In addition, the court may order the confiscation of property or money that a Defendant has acquired unlawfully or by criminal conduct. Any confiscated property will be turned over to the State.

Q5

Will there be amnesties and pardons?

The Royal Government of Cambodia has stated that it will not request an amnesty or pardon for any person who may be investigated or convicted in these trials.



The courthouse of the ECCC

Photo: ECCC



Photo: Sapordarmean Khmer (SPK)

Opening session of People's Revolutionary Tribunal, 15 August 1979

Q6

Have any of the Khmer Rouge senior leaders been tried before?

In 1979, there was a genocide trial in Phnom Penh known as the People's Revolutionary Tribunal. That tribunal tried Ieng Sary and Pol Pot and found both guilty of the crime of genocide, but neither of them appeared in court nor did they serve any sentence.

In 1997, the Khmer Rouge themselves tried Pol Pot for crimes allegedly committed within the organisation after 1979. Pol Pot died in 1998, so he cannot be tried in this court.



Source: Documentation Center of Cambodia

Accused Nuon Chea stands with Khmer Rouge members during the Democratic Kampuchea period

Q7

Can foreign countries that supported or were involved with Democratic Kampuchea, or countries that may have committed war crimes in Cambodia before 1975, be put on trial?

No, this court can only try individuals for crimes that they committed during the Khmer Rouge period. It cannot try countries or organisations.

Q8

Can crimes alleged to have been committed by senior leaders of the Khmer Rouge or others after 1979 be tried?

No, this court can try only crimes committed in Cambodia between 17 April 1975 and 6 January 1979.

Prior to the establishment of the ECCC, the existing Cambodia courts had tried some of these crimes. For example, the trial of Khmer Rouge officers responsible for ambushing the Phnom Penh-Kampot train in 1994, killing 11 Cambodians and executing three Western hostages, took place in the normal Cambodia courts. In that case, former Khmer Rouge Generals Sam Bith and Nuon Paet and Colonel Chhouk Rin were found guilty and sent to prison for their crimes.



Photo: ECCC

The Lord of the Iron Staff, guardian spirit statue outside of the ECCC court building



Q9

What is the current caseload of the ECCC?

Since its commencement in 2006, the ECCC has been handling four cases and has so far completed the first case, known as Case 001. A trial in the second case, Case 002, is ongoing and two more cases, Case 003 and Case 004, are in the judicial investigation phase.

Case 001

The first case tried by the ECCC concerns Kaing Guek Eav alias Duch.

Kaing Guek Eav alias Duch, former Chairman of Phnom Penh's security prison S-21, which is currently preserved as the Tuol Sleng Genocide Museum.



Photo: ECCC

He was tried in 2009 and convicted for **crimes against humanity and grave breaches of the Geneva Conventions of 1949** on 26 July 2010. During the time of the trial, the Trial Chamber heard 55 individuals including 17 fact witnesses, 9 experts, 7 character witnesses and 22 Civil Parties. The Trial Chamber of the ECCC sentenced him to 35 years of imprisonment with a five-year reduction as a remedy for illegal detention by the Cambodia Military Court, and admitted 66 Civil Parties among 90 Civil Party applicants. The defence, prosecution and some Civil Party applicants appealed the 2010 Trial Judgement.



Photo: ECCC

Kaing Guek Eav alias Duch receives the Appeal Judgment on 3 February 2012

On 3 February 2012, the Supreme Court Chamber of the ECCC issued its final judgment, upholding Duch's conviction and sentencing him to life imprisonment without any remedy for the illegal detention. The Supreme Court Chamber also admitted 10 more Civil Party applicants, resulting in a total of 76 Civil Parties to be awarded with moral and collective reparations. A total of 36,493 people observed the trial and appeal hearings in Case 001 concerning Duch.

Duch began serving his prison term in the ECCC detention centre in 2012, and was transferred to Kandal Provincial Prison in June of 2013 to serve the remainder of his term.

Case 002

Two former Khmer Rouge leaders are now on trial: Nuon Chea and Khieu Samphan.

The two accused are charged with **crimes against humanity, grave breaches of the Geneva Conventions of 1949**, and **genocide** against the Muslim Cham and the Vietnamese.



Nuon Chea,
former Chairman of the
Democratic Kampuchea
National Assembly and Deputy
Secretary of the Communist
Party of Kampuchea



Khieu Samphan,
former Head of State of
Democratic Kampuchea

The other two accused under Case 002 are no longer part of the trial. Ieng Sary and Ieng Thirith were charged with **crimes against humanity, grave breaches of the 1949 Geneva Conventions and genocide** under Case 002. However, Ieng Sary died in March of 2013 thus terminating the proceedings against him. The proceedings against Ieng Thirith have been stayed since November of 2011, as she has been found unfit to stand trial due to dementia. She remains under judicial supervision.



Ieng Sary, former Deputy
Prime Minister for Foreign
Affairs of Democratic
Kampuchea



Ieng Thirith,
former Minister of Social
Affairs of Democratic
Kampuchea

The Trial Chamber held the initial hearing in June 2011. Since then, Case 002 has been severed into a series of at least two trials, each addressing a different section of the indictment.

Case 002/01

The first trial, Case 002/01, primarily focused on the forced movement of the population from Phnom Penh, and later from other regions (phases one and two), and related crimes against humanity as well as the alleged execution of at least 250 former Khmer Republic soldiers at Tuol Po Chrey in Pursat Province. It commenced on 21 November 2011 and concluded on 31 October 2013.

Throughout this period, the Trial Chamber heard testimonies from 92 individuals, including 53 fact witnesses, 5 character witnesses, 31 Civil Parties and 3 experts, and saw an unprecedented number of 103,724 persons to attend the trial hearings.

On 7 August 2014, Nuon Chea and Khieu Samphan were found guilty of crimes against humanity and were both sentenced to life in prison. Consequently, the Trial Chamber found that several Civil Parties and numerous additional victims suffered immense harm and subsequently endorsed the implementation of 11 reparation projects designed to acknowledge this harm suffered. Both of the Accused filed appeals against this judgment, and a decision on the appeals is expected in 2016.



Case 002/02

The second trial, Case 002/02, includes allegations of genocide against the Cham and the Vietnamese, grave breaches of the 1949 Geneva Conventions, forced marriages and rape, purges, persecution of Buddhists, as well as other crimes against humanity allegedly taking place at four security centres, three worksites and the Tram Kok Cooperatives. The trial started on 17 October 2014.

Case 003 and Case 004

The international Co-Prosecutor filed submissions in 2009 to request the Co-Investigating Judges to conduct judicial investigations into allegations of crimes relating to five additional suspects. These are now referred to as Case 003 and Case 004.

On 3 March 2015, two suspects, Meas Muth in Case 003 and Im Chaem in Case 004 were charged in absentia. Meas Muth was charged with allegations of homicide as a violation of the 1956 Cambodian Penal Code, multiple categories of Crimes against Humanity and grave breaches of the Geneva Conventions of 1949. Alleged crime sites include the Wat Enta Nhien security centre, S-21 security centres, Kampong Som, Kratie and against foreigners at sea and on islands claimed by Democratic Kampuchea. Im Chaem was charged in Case 004 with allegations of homicide and multiple categories of Crimes against Humanity, allegedly committed at the Phnom Trayoung security centre and the Spean Sreng worksite.



Meas Muth,
charged in absentia on
3 March 2015 in Case 003



Photo: ECCC

Im Chaem,
charged in absentia on
3 March 2015 in Case 004

On 27 March 2015, suspect Ao An was charged in Case 004 with premeditated homicide as a violation of the 1956 Cambodian Penal Code and multiple categories of Crimes against Humanity. The alleged crime sites are Kok Pring execution site, Tuol Beng security centre and Wat Au Trakuon security centre.



Photo: DC-Cam

Ao An,
charged on 27 March 2015
in Case 004

One additional suspect whose name remains confidential has not been charged as of June 2015.



Q10 How long will the trials take?

The duration will depend on how long investigators need to collect evidence, how many people are put on trial, how many witnesses are called and how many appeals are made.

Judicial officers and court staff are aware of the urgency of the trials and are working hard to complete the mission of the ECCC as quickly as possible while meeting international standards.

When all trials and appeals are completed, the ECCC will be dissolved.

Q11 Where are the trials taking place?

The trials take place in a large courtroom of the Extraordinary Chambers in the Courts of Cambodia, which is situated on the outskirts of Phnom Penh on National Road 4, Chaom Chau Commune, Porsenchey District.



The courtroom of the ECCC

Photo: ECCC

Q12 How does the court work?

There are two levels of court at the trial stage: the Trial Chamber and the Supreme Court Chamber. The Trial Chamber has five Judges – three Cambodian and two international. At the Supreme Court Chamber there are seven Judges – four Cambodian and three international.

The Supreme Court Chamber decides on appeals. Its decisions are final and cannot be appealed.

SUPREME COURT CHAMBER: 7 JUDGES

4 Cambodian + 3 International



Appeals will go from the Trial Chamber to the Supreme Court, which is the highest level.

TRIAL CHAMBER: 5 JUDGES

3 Cambodian + 2 International

PRE-TRIAL CHAMBER: 5 JUDGES

3 Cambodian + 2 International

Deals with appeals in the pre-trial phase of proceedings, such as ruling against an order for provisional detention. It also will settle disagreements described in Question 18 below.



Q13 Who can attend the trials?

These trials are for the people of Cambodia. Anyone over the age of 18 can come to watch the trials, and people 16 years or older may attend the trials if accompanied by an adult. Foreigners are welcome. There is no admission fee and hundreds of seats are reserved for the general public.

All trials are open to the public at all times, except in special circumstances when the Judges decide that the public must be excluded to protect the identity of witnesses or victims.

The court provides free bus transportation for groups of Cambodians who want to visit the court. Please contact the Public Affairs Section by phone +855 (0) 23 861 500, email pas@eccc.gov.kh or visit the ECCC website www.eccc.gov.kh for more information.

Q14 If I cannot attend, how can I find out what is happening inside the court?

You can follow the trials via national and international radio, TV and print media.

The ECCC disseminates information about the court throughout Cambodia through video screenings, school visits and public forums as well as through the official website, social media and publications. Many NGOs also have outreach programmes aimed at helping Cambodian people understand the ECCC process (see *Resources pages*).

The ECCC, in cooperation with Bayon Radio, hosts a weekly radio programme which summarises the proceedings every Thursday from 12:00-13:00 at FM 95.



Photo: ECCC

Cham Muslim villagers from Kampong Cham visit the court to participate in a study tour

Q15 How are the Judges appointed?

Both national and international Judges, as well as Co-Prosecutors, are appointed by Cambodian royal decree. The Supreme Council of the Magistracy selects Cambodian Judges from among the currently practising Judges. For foreign Judges, the UN Secretary-General nominates a number of international Judges and submits the list to the Magistracy through the Royal Government of Cambodia. This also applies for the appointment of Co-Prosecutors. When there is a need to appoint new Judges or Co-Prosecutors, the same procedures are followed.

In order to be selected, both Cambodian and international Judges have to be persons of high moral character qualified to be Judges in their own countries. They must be honest and independent, and they must not accept instructions from any person, government or other source.



People line up at the entrance of the ECCC's courtroom to attend public hearings

Photo: ECCC

Q16 How do the Judges reach decisions?

The Judges try to reach unanimous agreement on any decision made. If they cannot all agree, then a decision requires what is called a 'super-majority'. In the Trial Chamber, four out of the five Judges must vote for a conviction and, in the Supreme Court Chamber, five of the seven Judges must vote for an appeal decision.

Every decision must therefore have the support of both Cambodian and international Judges. Because of this formula, if the super-majority cannot be reached for a Judgement, the Defendant will be released. This follows the fundamental legal principle that everyone must be considered innocent until they are found guilty of a crime.

Q17 Who decides who can be put on trial? Who decides on the charges against them?

Two Co-Prosecutors (one Cambodian and one international) collect preliminary evidence of alleged crimes committed and draft a list of Suspects. The Co-Prosecutors pass on this information to the two Co-Investigating Judges (one Cambodian and one international).

The Co-Investigating Judges scrutinise the information they have received from the Co-Prosecutors and carry out independent, impartial investigations before finally deciding on charges.

If an investigation reveals enough evidence, the case will proceed to trial.

Q18 What if the Co-Prosecutors or Co-Investigating Judges disagree on whether to take a case to trial?

They will try to reach agreement, but if they cannot, then the five Judges in the Pre-Trial Chamber meet to make a decision whether to take the case to trial. No Cambodian or international Judge, Co-Prosecutor or Co-Investigating Judge can act alone to block a case from going to trial.



Photo: ECCC

Supreme Court Chamber Judges take seats on 3 February 2012 to deliver the final verdict in Case 001



Q19 What do the trial Judges do?

The trial Judges hear the evidence presented by the prosecution and defence, and by victims who are Civil Parties; they then consider both sides of the case, discuss among themselves and decide whether the Accused person is guilty or not guilty. The trial Judges must issue a written judgment explaining the reasons for their decision. If any Judges disagree with the decision, they must also explain their reasons for voting differently from the majority. All of the judgments will be made public.

Q20 What evidence can be used at the trials?

Evidence can be presented by the Trial Chamber Judges, by the prosecution, by the defence and by the lawyers representing the Civil Parties. Examples of evidence:

- documents;
- physical evidence, such as mass graves or former prisons; and
- statements and testimony by victims, perpetrators, witnesses and Defendants

Thousands of documents have been collected and hundreds of mass graves, prisons and memorials have been mapped by the Research Committee of the Salvation Front (Renakse), the Documentation Center of Cambodia (DC-Cam) and the Yale University Cambodian Genocide Program. These are being made available to the court.

In Cambodian courts, all legally obtained evidence can be considered. It is up to the court to decide upon the importance of each piece of evidence.



Photo: ECCC

In the courtroom, the defence teams for Case 002/02

Q21 What crimes can be tried? Do the trials use Cambodian law or international law?

At least 1.7 million people reportedly died from torture, execution or starvation and untreated illness between 1975 and 1979. The Judges will need to decide whether crimes were committed and by whom. The challenge for the prosecution will be to marshal enough evidence to prove individual guilt for particular crimes.

Both international and Cambodian crimes can be charged at the ECCC. The specific crimes are listed below.

Crimes under Cambodian law:

- murder
- torture
- religious persecution



Crimes under international law:

■ genocide

mass killing or causing serious mental or physical harm intended to destroy all or part of a national, ethnic, racial or religious group

■ crimes against humanity

such as mass murder, extermination, enslavement, deportation, torture, imprisonment, persecution on political, racial and religious grounds, rape and other crimes of sexual violence

■ grave breaches of the 1949 Geneva Conventions

such as unlawful treatment of civilians or prisoners of war, attacks on civilian targets, destruction of educational and religious institutions

■ destruction of cultural property

such as theft or damage of historical buildings, archaeological sites, museums, art and important book collections

■ crimes against internationally protected persons (diplomats)



Photo: ECCC

Villagers from Battambang province visited the court

Q22

What rights do the defendants have?

Defendants (Charged Persons and Accused) have many legal rights under Cambodian and international law. These include the right to:

- a fair and public hearing;
- be presumed innocent until proven guilty;
- engage legal counsel of his or her choice, both Cambodian and international;
- have adequate time and facilities to prepare his or her defence;
- have legal counsel provided by the court if he or she does not have enough money to pay for it; and
- have the opportunity to examine the witnesses against him or her.

Fair Trial Rights

The International Covenant on Civil and Political Rights (ICCPR) governs cases before the ECCC. The ICCPR lays out, among others, the fair trial rights such as the right to a fair and impartial trial free from political interference and the right to be presumed innocent until proven guilty by the court.

Q23

Who can be a witness?

A witness is a person who can give a firsthand or factual account relevant to investigations and trials falling within the mandate of the court. Such a person could be a victim or another person who has relevant information. This factual account amounts to “evidence”.



Evidence given by a witness during investigations becomes part of the case file. If given during the trial, it becomes part of the formal record of the hearing. Anyone considered important in establishing the truth during the investigations and trials could be asked to give such evidence, including experts.

Q24 Do I have to give information to the court?

If a Co-Prosecutor or Co-Investigating Judge wants to interview you, you must tell the truth. However, you have the right to remain silent if you think the answers may incriminate you.

Everyone has the right to call a lawyer to advise them and to be present during all questioning.

Q25 What if I want to give information about someone who I believe committed serious crimes during the Khmer Rouge period?

If you have information that you think may help the prosecution or the defence, you can contact them at the ECCC directly or through intermediary organizations (see *Resources* pages). Victims and others who might have relevant information may want to send this information to the court. To do so, a Victim Information Form should be completed and submitted to the Victims Support Section (see Q27 for more information).



The ECCC has the largest public gallery among UN-supported criminal courts in the world. On hearing days, the court's 500 seats are filled with people from across Cambodia as well as people from all over the world

Photo: ECCC

Q26 What support is given to witnesses and victims giving testimony, and to people who may be distressed by hearing the testimony?

As it can be emotionally distressing to testify at the trials about the Khmer Rouge era, the court arranges psychological support for witnesses. Persons not testifying, but who are nonetheless in need of counselling and support, should contact their provincial office of the Mental Health Committee of the Ministry of Health or specialist NGOs that have clinics and doctors available in different provinces, such as TPO and SSC (see *Resources* pages).



The full Appeal Judgement is released: (From left) S-24 survivor Chin Met and S-21 survivors Chum Mey and Bou Meng, all Civil Parties in Case 001, display the Appeal Judgement books

Q27 How can victims participate in the trial?

Victims may want to file a complaint to the Office of the Co-Prosecutors informing them about crimes they believe have been committed.

Victims who have suffered physical, psychological and material harm as a result of a crime investigated by the court may apply to become Civil Parties. Civil Parties have the right to choose a lawyer. If needed, the ECCC helps them organise common legal representation. Civil Parties can also organise their Civil Party action by becoming members of an association of victims. Once a case goes to trial, two Civil Party Lead Co-Lawyers (one Cambodian, one international) will coordinate the representation of the consolidated Civil Party interests.

Victims who wish to participate in proceedings, as complainants or as Civil Parties, should complete the Victims Information Form and submit it to the Victims Support Section. Please note that the deadline to submit an application to become a Civil Party in Case 002 closed on 29 January 2010. However, it is still possible to file complaints at any time.

Forms can be requested from the Victims Support Section. The form is also available on the ECCC website: www.eccc.gov.kh and through partner organisations (see *Resources* pages).

Victims Support Section

National Road 4, Chaom Chau Commune, Porsenchey District, Phnom Penh
Tel: +855 (0) 23 214 291



Victims Participation

The Victims Support Section (VSS) has been established to assist victims who wish to participate in the proceedings of the ECCC. The VSS is the central contact point between the ECCC and victims or their representatives. It informs victims of their rights relating to participation and reparations and enables them to file complaints and Civil Party applications to the ECCC. The VSS supports the work of the Co-Prosecutors and the Co-Investigating Judges by processing complaints and Civil Party applications.

In addition, the VSS maintains contact with victims and their lawyers regarding the status of their complaints and applications and keeps them updated regarding developments in individual cases. Staff also assists victims with obtaining legal advice and legal representation as well as psychosocial support.

VSS also works closely with the ECCC's Civil Party Lead Co-Lawyers to advocate the interests of those victims who have applied for Civil Party status during the trial stage and beyond.

Q28 Will victims be entitled to compensation?

If an Accused person is convicted by the ECCC, victims may ask the court to make an order of reparations. Under Cambodian law, Civil Parties may claim compensation in criminal cases for damages they suffered from the crimes being tried. The Judges have decided that individual financial compensation is not possible in the ECCC. However, the judges may award collective and moral reparations such as an order to publish the judgment in appropriate media outlets at the convicted person's expense or an order to fund a non-profit activity or service that is intended for the benefit of victims.



Source: United Nations

Then senior minister Sok An meets then UN Secretary-General Kofi Annan in January 2003 to discuss the establishment of the Khmer Rouge trials

Q29 Why is the United Nations involved?

In June 1997, the then co-prime ministers, Prince Norodom Ranariddh and Samdech Hun Sen, wrote to the then Secretary-General of the UN, Kofi Annan, requesting UN assistance in prosecuting the crimes of the Khmer Rouge. They asked for support because the Cambodian judiciary lacked sufficient resources and expertise to undertake such a complex task, especially given the magnitude of the crimes.

The UN is providing technical support and assistance to the ECCC through the deployment of international judicial officials and professional staff through the United Nations Assistance to the Khmer Rouge Trials (UNAKRT).



Q30 Why are the Khmer Rouge leaders not on trial at the International Criminal Court in The Hague or the International Court of Justice?

The International Criminal Court (ICC) was established in The Hague, Netherlands 2002. Cambodia is a founding member of the International Criminal Court, but this court can only hear cases about crimes that took place after its creation.

The International Court of Justice (ICJ) only hears cases between states.

Q31 Is the ECCC a Cambodian or an international court?

The Khmer Rouge tribunal is part of the Cambodian court system but is nevertheless considered a 'hybrid' tribunal because of certain special features. There are both Cambodian and international Judges, Prosecutors and defence lawyers, with the majority of the staff being Cambodian. In the course of their work, they apply Cambodian and international law.

Q32 Are there any other courts in the world like the ECCC?

Hybrid tribunals have been used in other countries including Sierra Leone, East Timor, Kosovo and Bosnia, but each has its own characteristics.



Photo: ECCC

High school students from Kompong Cham attend an outreach programme and read about the development of the ECCC

Q33 Why was this model chosen for the ECCC?

The hybrid tribunal model is seen as a way to provide full national involvement in the trials while at the same time ensuring that international standards are met. Unlike tribunals for Rwanda or the former Yugoslavia, these trials are not removed from the place where the crimes occurred. They are held in Cambodia, conducted mainly in Khmer, open to participation by Cambodian people and reported via local television, radio and newspapers.

Q34

How much will the trials cost?

The cost of the ECCC from its inception in 2006 until the end of 2014 amounted to US\$ 234.1 million. The budgets for 2014 and 2015 US\$ 57.1 million (see "ECCC Expenditures" table below).

FINANCE	Cambodia	United Nations	Total
Expenditure 2006-2014	\$ 49.6 million	\$ 154.9 million	\$ 204.6 million
Budget 2014-2015	\$ 12.7 million	\$ 48.8 million*	\$ 61.5 million

ECCC expenditure and budget

* Inclusive of contingency fund



Japanese delegation visiting the ECCC

Photo: ECCC

Q35

How is the court financed?

The ECCC is financed by voluntary contributions. Around 30 donors have so far joined the Royal Government of Cambodia in funding the court.

Japan is the single largest foreign donor, with its financial support accounting for nearly 35% of the entire contributions. It is followed by the USA, Australia, Germany, the United Kingdom and the European Union. With Cambodia's US\$ 18.5 million and the US\$ 5.4 million

leftover of the UN Trust Fund (donations from 30 countries for UNTAC), these major donors have contributed nearly 80 percent of the total funds. In addition, the Royal Government of Cambodia has supported the court with in-kind contributions such as the provision of the court premises, the ECCC detention facility and other services.

There is still an urgent need for funding in order to continue the ongoing trial and other judicial work to complete the mandate.

Q36

How can I find out more information about the Khmer Rouge and the trials?

The ECCC's Public Affairs Section is the first point of contact for public information about the court. Please contact PAS by email: pas@eccc.gov.kh, by phone: +855 (0)23 861 500 or by fax: +855 (0)23 861 555, or visit the ECCC website: www.eccc.gov.kh.

Various media and NGOs also provide information on the Khmer Rouge tribunal (see *Resources pages*).



Photo: ECCC

Both national and international media regularly report on the proceedings in the Khmer Rouge tribunal



ECCC on the TV: Officials of the court and parties in Case 001 appear in a national TV debate shortly before the delivery of judgment

Photo: ECCC

Q37

What roles do NGOs play?

Many local and international non-governmental organizations take an active interest in the Khmer Rouge trials. Their support ranges from offering witnesses and victims psychological counselling to providing information or legal advice and representation. NGOs also conduct unique community outreach programmes to complement the work of the ECCC (see *Resources pages*).

Q38

Where can I find support services?

The ECCC's Victims Support Section and Witness/Expert Support Unit provide a range of assistance to victims and witnesses. While the Government and some NGOs provide mental health services, other NGOs and associations offer legal assistance and information outreach services (see *Resources pages*).



Resources on Khmer Rouge Trials

MEDIA

Reading

All Cambodian newspapers provide regular coverage of the ECCC. The court also issues its online monthly newsletter ***The Court Report*** available on the ECCC website. ECCC publications, including the Case 001 Trial and Appeal Judgment books, are being made available at national libraries and local government offices across Cambodia. The Documentation Center of Cambodia (DC-Cam) in Phnom Penh has set up a public information room where people can read documents, watch videos and access other information. The center also disseminates its work to the public and facilitates discourse on issues related to the Khmer Rouge and the ECCC through the Center's monthly magazine ***Searching for the Truth***. Copies of the magazines are available at DC-Cam's Public Information Room (Monday through Friday, 8:00 to 17:00).

The Asian International Justice Initiative

(AIJI), a collaborative project of the East-West Center, Hawaii and the War Crimes Studies Center, University of California at Berkeley, publishes the ***KRT Trial Monitor***, which contains weekly reports, summaries and legal analysis of the trials of the ECCC in both Khmer and English languages.

Internet

You can find out the latest developments in the Khmer Rouge trials by visiting the website of the ECCC: **www.eccc.gov.kh**. Up-to-date text, pictures and videos about the court can be also followed through social media outlets:

- Facebook: **www.facebook.com/krtribunal**
- YouTube: **www.youtube.com/krtribunal**
- Flickr: **www.flickr.com/krtribunal**
- Twitter: **www.twitter.com/krtribunal**

For information regarding the United Nations assistance to the ECCC, visit the

website of UNAKRT at **www.unakrt-online.org**

Webcasts of the proceedings can be found at Cambodia Tribunal Monitor: **www.cambodiatribunal.org**

Other relevant sites include:

The Documentation Center of Cambodia: **www.dccam.org**

The Asian International Justice Initiative (AIJI): **www.krtmonitor.org**

Twitter: **www.twitter.com/krt_monitor**

Facebook: **www.facebook.com/krttrialmonitor**

The Cambodian Genocide Program at Yale University: **www.yale.edu/cgp**

Genocide Watch: **www.genocidewatch.org**

Radio

Cambodian National Radio (FM 96, FM 105.75 and AM 918) as well as the private and NGO radio stations regularly report on the work of the ECCC. The following programmes may be of special interest:

**The ECCC's weekly radio**

programme *Khmer Rouge on Trial*, is broadcast live every Thursday afternoon from 12:00-13:00 on Bayon Radio FM 95. The public is encouraged to call in for questions or comments: 012 999095, 015550295, 097 7090751

Women's Media Centre of Cambodia (WMC) covers ECCC news broadcast twice per month.

Cambodia Human Rights Action Committee (CHRAC) hosts radio programme KRT Watch on FM 102 Monthly radio show

- First or second Monday of the month: live broadcast from 16:10-17:00
- Tuesday: re-broadcast: 18:35-19:00 (a week later after live show)

Radio Free Asia (RFA) Khmer language broadcasts on:

- AM 13.865 /15.785 daily 19:30-20:30
- AM 7.580 /13.740 daily 05:30-06:30
- FM 105 daily 06:00-07:00 and 20:30-21:30
- FM 102 daily 07:00-08:00 and 22:30-23:30
- FM 93.5 daily 06:00-07:00 and 20:00-21:00

Voice of America (VOA) Khmer language broadcasts on:

- AM 1575, 6060, 7130, 15340 daily 05:00-05:30
- AM 1575, 5955, 71, 55 daily 20:30-21:30
- FM 105 daily 7:00-7:30 and 21:30-22:30
- FM 93.5 daily 05:30-06:00
- FM 102 daily 06:00-06:30 and 20:30-21:30

ABC Radio Australia broadcasts in Khmer from Monday to Friday from 12:00 to 12:30 on:

- Battambang FM 92.70
- Kampot FM 99.70
- Siem Reap FM 102.9
- Kompong Cham FM 92.5

The show is also aired in English in Phnom Penh on FM 101.5.

Asian International Justice Initiative (AIJI) broadcasts Facing Justice, a call-in weekly radio programme that is aired on Monday from 17:15 on RNK AM 918 and Wat Phnom FM 105.75.

Radio France International (RFI) broadcasts in Khmer from 7:00 to 20:00 on:

- FM 92 Phnom Penh
- FM 92 Siem Reap

- FM 94.5 Battambang
- FM 94.5 Kampong Cham
- FM 94.5 Sihanoukville
- FM 102 Phnom Penh (from 21:30-22:30)

Television

All Cambodian television stations include regular coverage of the progress of the ECCC in their news and public affairs programmes. The following three stations feature special programming:

CTN and **CNC** maintains a special van at the court for live transmissions of the proceedings, as well as frequently covering the ECCC during morning shows and news broadcasts.

TVK, Hang Meas Tv, SeaTv, BayonTv, and **Apsara TV** frequently covers the ECCC in news broadcasts.

International television stations, such as **BBC, Al Jazeera, CNN, NHK** and **Channel News Asia**, also cover developments at the ECCC.



INFORMATION SERVICES

Asian International Justice Initiative (AIJI)

1F, No. 7, Street 360, BKK I, Chamkamon District, Phnom Penh

Website: www.krtmonitor.org

Bophana Audiovisual Resource Centre

64 Oknha Men, Street 200, Sangkat Boeung Raing, Khan Daun Penh, Phnom Penh

Tel: 023 992 174

Email: communication@bophana.org

Website: www.bophana.org

Cambodian Human Rights Action Committee (CHRAC)

No. 9Eo, Street 330, Boeung Keng Kang III, Khan Chamkar Mon, Phnom Penh, Cambodia

Tel: 023 301 415

Email: chrac@forum.org.kh and chracsecretariat@yahoo.com

Website: www.chrac.org/eng

Cambodia Human Rights and Development Association (ADHOC)

No. 3, Street 158 (Oukghna Troeung Kang),

Sangkat Boeung Raing, Khan Daun Penh Phnom Penh

Tel: 023 990 544 / 218 653

Email: adhoc@forum.org.kh

Website: adhoc-cambodia.org

Cambodia Justice Initiative/Open Society Justice Initiative (CJI/OSJI)

2nd Floor, Room No. 222, Phnom Penh Center, Phnom Penh

Tel: 023 221 793

Email: cji@online.com.kh

Website: www.babcambodia.org/cji

Documentation Center of Cambodia (DC-Cam)

No. 66 C, Preah Sihanouk Blvd, Phnom Penh
Tel: 023 211 875

Email: dccam@online.com.kh

Website: www.dccam.org

International Centre for Conciliation (iCfC) Cambodia

No. 96, Sothearos Blvd, Sangkat Tonle Bassac Khan Chamkarmorn, Phnom Penh

Tel: 023 695 65 12/555 09 25

Email: Cambodia@centerforconciliation.org

Website: www.centerforconciliation.org

Women's Media Centre of Cambodia (WMC)

#19A, Street 564, Sangkat Boeng Kak I, Khan Tuol Kok, Phnom Penh

Tel/Fax: 023 881 497 / 023 881 726

Email: info@wmc.org.kh

Website: www.wmc.org.kh

Youth for Peace (YfP)

No. 4-6 G, Street 513, Sangkat Beung Kak I, Khan Tuol Kork, Phnom Penh Office

Tel/Fax: 023 881 346 / 991 346

Email: director@yfpcambodia.org

Website: www.yfpcambodia.org

LEGAL ASSISTANCE

The Bar Association of the Kingdom of Cambodia

No. 10-11 Croix Rouge Khmère, Street 180, Boeung Raing, Daun Penh, Phnom Penh

Tel/Fax: 023 220 237/ 023 213 658

Cambodian Defenders Project (CDP)

#1 LEO, Street #450, Sangkat Toul Tum Pong II, Phnom Penh

Tel/Fax: 023 214 029/012 901 199



Email: cdp@cdpcambodia.org
Website: www.cdpcambodia.org

Cambodia Human Rights and Development Association (ADHOC)

No. 3, Street 158 (Oukghna Troeung Kang),
Sangkat Boeung Raing, Khan Daun Penh
Phnom Penh

Tel: 023 990 544 / 218 653
Email: adhoc@forum.org.kh
Website: adhoc-cambodia.org

Legal Aid of Cambodia (LAC)

No. 51, Street 608, Boeng Kok II, Tuol Kork
PO Box: 1167, Phnom Penh
Tel: 023 883 914/ 023 883 924
Fax: 023 880 914
Email: lac@lac.org.kh
Website: lac.org.kh.english

**NGO MENTAL
HEALTH SERVICES**

Jesuit Service Cambodia

House 18D, Street 568, Phnom Penh
Tel/Fax: 012 418 818/ 023 880 140
Email: denisecoghlan@yahoo.com.au
Website: <http://www.jrscambodia.org/>

**Transcultural Psychosocial
Organisation (TPO)**

No. 2&4, Corner of Hanoi Street & Oknha
Vaing Road, Phnom Penh Thmey,
Phnom Penh
Tel: 023 636 6991 / 2 / 3
Email: admin@tpocambodia.org
Website: www.tpocambodia.org

TPO - Battambang

Rumchek 4 Village, Ratanak Commune,
Battambang Town
Tel: 053 633 3611
Email: tpobtb@tpocambodia.org

TPO - Siem Reap

107, Khna Village, Chreav Commune, Siem
Reap town, Cambodia
Tel: 063 640 2045
Email: tpoajwsr@tpocambodia.org

TPO – Kampong Cham

Oraing Ov Referral Hospital, Village No 4,
Ampiltapauk Commune, Orieng Ov District,
Kampong Cham province.
Tel: 042 676 7075
Email: tpokc@tpocambodia.org

TPO - Kampong Thom

No. 36, 4 Group, Prachea Teptay Road, 7

Village, Kampong Thom Commune, Stung
Sen Town

Tel: 062 961 375
Email: tpoktp@camintel.com

**Social Services of Cambodia (SSC) -
Phnom Penh in the National Institute
of Public Health**

82, E1 & E2, Street 69 BT, Sangkat Boeung
Tompun, Khan Meanchey, Phnom Penh
Tel: 012 333 103/ 012 811 825
Fax: 023 881 430
Email: info@ssc.org.kh
Website: www.ssc.org.kh

SSC - Kampong Speu

National Road 4, Phnom Dey Village,
Chbar Morn Commune, Chbar Morn
District (3 km west of Kampong Speu
Market)
Mrs. Heng Srey: 012 803 533



GOVERNMENT MENTAL HEALTH SERVICES

Banteay Meanchey: Mongkul Borei Hospital

Psychiatric Consultation Room
Koh Keo Village, Russey Krok
Dr. Van Luch: 012 600 321

Battambang: Referral Hospital
Outpatient Psychiatric Department
Prek Mahatep Village, Svay Po Commune
Dr. Oum Nhil: 012 889 897

Kampong Cham: Referral Hospital
Outpatient Psychiatric Department
7th Village, Kampong Cham Commune
Mr. Sor Savuth: 012 892 092

Kampong Speu: Oudong Referral Hospital
Mental Health Clinic
Ponley Village, Veang Chas Commune
Mr. Kim Sopheap: 012 910 062

Kampong Thom: Referral Hospital
Psychiatric Consultation Ward
Kampong Thom Commune,
Stuoeng Sen District
Dr. Ort Bunky: 011 864 887

Kampot: Referral Hospital
Outpatient Psychiatric Department
Ms. Chap Socheata: 012 700 167

Kandal: Chey Chumneas Hospital
Centre for Child Mental Health
No.47, Street 198, Takhmao
Tel: 023 300 534, 023 983 348
Dr. Bhoomi Kumar: 012 482 854

Phnom Pen: Mittapheap Khmer-Soviet
Hospital
Outpatient Psychiatric Department
Prof. Ka Sunbaunat: 012 865 440
Dr. Ang Sody: 012 622 487

Preah Vihear: Referral Hospital
Outpatient Psychiatric Department
Loraeth Village, Kampong Tranark
Commune, Tbaeng Meanchey District
Dr. Chou Polina: 012 968 328

Pursat: Referral Hospital
Psychiatric Service
Phtak Prey Commune,
Sampov Meas District
Dr. Teng Hokly: 012 989 306

Siem Reap: Referral Hospital
Outpatient Psychiatric Department
Mondul I, Svay Dangcum
Mr. Mom Sovannara: 012 700 899

Svay Rieng: Referral Hospital
Outpatient Psychiatric Department
Srah Vong Village, Svay Rieng Commune,
Svay Rieng District
Dr. So Boran: 011 638 307

VICTIMS ASSOCIATIONS

**Association of Khmer Rouge Victims
in Cambodia**
Email: president@akrvc.org

Ksem Ksan
Tel: 012 712 148
Email: info@ksemksan.org



People throughout Cambodia learn about the work of the ECCC through its outreach efforts. More than 160,000 people have attended the trial hearings from 2009 to March 2015.

In addition, tens of thousands of people have participated in the court's popular Khmer Rouge tribunal study tours since late 2009. The ECCC also visits villages and schools across the country to inform Cambodians on the work of the court.





An Introduction to the Khmer Rouge Trials

was first produced in August 2004 by the Secretariat of the Royal Government Task Force,
Office of the Council of Ministers, Kingdom of Cambodia.

This 6th edition has been updated and revised by the Public Affairs Section of the Extraordinary Chambers in the Courts of Cambodia.

Reproduction of all or part of this booklet for non-commercial purposes is permitted and encouraged
provided that acknowledgement is made of this source.



Public Affairs Section
Extraordinary Chambers in the Courts of Cambodia
National Road 4, Chaom Chau Commune, Porsenchey District, Phnom Penh

Phone: +855 (0) 23 861 500 Fax: +855 (0) 23 861 555
Email: pas@eccc.gov.kh Web site: www.eccc.gov.kh

ECCC in social media:
www.facebook.com/krtribunal
www.flickr.com/krtribunal
www.youtube.com/krtribunal
www.twitter.com/krtribunal

Moving forward through justice