



**Composite Chronology of the Evolution and Operation of the
 Extraordinary Chambers in the Courts of Cambodia**

The following chronology is a composite of data drawn from chronologies prepared by the Extraordinary Chambers in the Courts of Cambodia, available at www.eccc.gov.kh/english/backgroundECCC.aspx, the Documentation Center of Cambodia (DC-Cam), available at www.dccam.org/Archives/Chronology/Chronology.htm, and by the Center for International Human Rights at Northwestern University School of Law (Chicago, Illinois).

More detailed information and certain sources are available in the chronologies prepared by the ECCC and DC-Cam.

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1994

30 April

The US Congress adopts the Cambodian Genocide Justice Act to provide funding for the documentation of the “crimes against humanity” committed during the Pol Pot era. The law states, “it is the policy of the United States to support efforts to bring to justice members of the Khmer Rouge for their crimes against humanity committed in Cambodia between April 17, 1975, and January 7, 1979.”

1996

15 September

The Cambodian government provides amnesty to former Deputy Prime Minister Ieng Sary covering his 1979 conviction and the 1994 law.

1997

11 April

The UN Commission on Human Rights adopts resolution 1997/49, which requests that the Secretary General, through his Special Representative, examine any request from Cambodia for assistance in creating a mechanism of accountability for past serious violations of Cambodian and international law.

20-22 June

The US Secretary of State, Dr. Madeleine Albright, suggests options for accountability to the foreign ministers at the G-8 Summit.

21 June

First Prime Minister Norodom Ranariddh and Second Prime Minister Hun Sen request the assistance of the United Nations in a manner similar to that provided for responding to genocide and crimes against humanity in Rwanda and the former Yugoslavia.

23 June

The Secretary-General transmits the letter from the two prime ministers to the presidents of the General Assembly and Security Council.

July 1997

Prime Minister Hun Sen stages an internal coup and Ranariddh is removed from the government.



27 November

Prime Minister Hun Sen and Ung Huot, the new First Prime Minister and Minister of Foreign Affairs and International Cooperation, send a letter to US President Bill Clinton requesting help from the United States in creating an international criminal tribunal to bring to trial the Khmer Rouge leadership.

12 December

The UN General Assembly adopts resolution 52/135, which asks the Security-General to examine the request of the Cambodian authorities for assistance in responding to the past serious violations of Cambodian and international law.

1998

15 April

Pol Pot dies in a Khmer Rouge camp where he had been detained following his one-day "trial" on 25 July 1997.

16 April

US President Bill Clinton reaffirms, while visiting Santiago, Chile, the US resolve to bring the senior Khmer Rouge leaders to justice.

28 April

The US Mission to the United Nations circulates a draft UN Charter Chapter VII resolution, which would establish the International Criminal Tribunal for Cambodia (ICTC).

6 May

The Cambodian government acknowledges the death of Pol Pot and expresses a desire to establish a national or international court of justice after the July 1998 general elections.

13 July

Pursuant to General Assembly Resolution 52/135 of 12 December 1997, the Secretary-General appoints a three-member Group of Experts for Cambodia to evaluate the existing evidence, to assess the feasibility of bringing Khmer Rouge leaders to justice, and to explore options for bringing Khmer Rouge leaders to justice before an international or national jurisdiction.

31 July

UN Secretary-General Kofi Annan creates the Group of Experts consisting of Sir Ninian Stephen (Australia, chairman), Judge Rajsoomner Lallah (Mauritius), and Professor Steven Ratner (USA) to assess the feasibility of bringing Khmer Rouge leaders to justice.

August-September

US Ambassador at Large for War Crimes Issues David Scheffer consults with UN Secretary-General Kofi Annan in New York and with Cambodian officials in Phnom Penh regarding further steps on accountability.

1998 continued

14-23 November

The Group of Experts visits Cambodia.

9 December

The UN General Assembly adopts resolution 53/145, which welcomes the decision of the Secretary-General to appoint a group of experts to evaluate the accountability options in Cambodia and make recommendations

25 December

Two surviving senior leaders of the Khmer Rouge, Khieu Samphan and Nuon Chea, defect to Cambodian authorities.

1999

1 January

Prime Minister Hun Sen issues a statement clarifying that he had not offered Khieu Samphan and Nuon Chea any amnesty in exchange for their defection, and that he was not reversing his position on the need for trials of the senior Khmer Rouge leaders.

21 January

Prime Minister Hun Sen forwards to UN Secretary-General Kofi Annan an “Aide Memoire and Analysis” on bringing Khmer Rouge leaders to trial.

Mid-January

US Ambassador at Large for War Crimes Issues David Scheffer visits Cambodia, Thailand, China, France, and The Netherlands to explore several approaches to accountability through UN Security Council action.

5 February

China voices opposition to the establishment of an international tribunal for former Khmer Rouge leaders, saying it is an internal matter for Cambodia. China’s Foreign Minister Tang Jiaxuan says that the trial of Khmer Rouge leaders in an international court brokered by the UN was the idea of Western countries, particularly the United States.

12 February

The last remnants of the Khmer Rouge are incorporated into the Royal Cambodian Armed Forces.

18 February

The Report of the Group of Experts for Cambodia Pursuant to General Assembly Resolution 52/135 is published.



1999 continued

15 March

The UN Group of Experts for Cambodia delivers its report to the UN Security Council and the UN General Assembly, recommending that the Security Council establish a Chapter VII international criminal tribunal to try Khmer Rouge leaders for atrocity crimes committed from 17 April 1975 to 7 January 1979.

3 March

Prime Minister Hun Sen sends a letter to UN Secretary-General Kofi Annan rejecting the UN Group of Experts for Cambodia Report and stating that he is considering developing a system similar to the South African Truth and Reconciliation Commission.

4 March

US Secretary of State Madeleine Albright rejects a South-African style commission as a credible alternative for accountability in Cambodia.

8 March

Khmer Rouge military leader Ta Mok is arrested by the Cambodian military under the 1994 Law to Outlaw the Democratic Kampuchea Group.

9 March

Cambodian Foreign Minister Hor Nam Hong visits New York, meets with UN officials and US officials, including US Ambassador at Large for War Crimes Issues David Scheffer and Ambassador Nancy Soderberg of the US Mission to the United Nations, and rejects the recommendations of the Group of Experts for Cambodia for an international criminal tribunal, preferring Cambodian courts.

Early April

US Senator John Kerry meets with Prime Minister Hun Sen and proposes a tribunal comprised of both international and Cambodian judges.

April 28

Prime Minister Hun Sen sends a letter to UN Secretary-General Kofi Annan, stating that there will be a domestic trial of Ta Mok with the assistance of foreign judges and prosecutors.

May

Special Representative of the Secretary-General for Human Rights in Cambodia Thomas Hammarberg supports a mixed tribunal created under Cambodian domestic law.

9 May

Duch, former director of S-21 Tuol Sleng prison, is arrested and charged with murder and membership in an outlaw group under the 1994 Law to Outlaw the Democratic Kampuchea Group.



1999 continued

July

The United States presents to Prime Minister Hun Sen a new proposal that would have the Security Council establish a tribunal outside Chapter VII authority and with minority Cambodian participation in judicial officers and enforcement powers.

July

Prime Minister Hun Sen requests technical assistance from the UN in creating the Cambodian draft law.

30 July

UN Assistant Secretary-Generals Alvaro de Soto and Ralph Zacklin brief the Security Council on the possibility of a mixed tribunal established under domestic law and with majority international judicial officers; the Russian and Chinese representatives raise serious concerns about any Security Council involvement.

12 August

The Cambodian National Assembly approves a new law extending the period of pre-trial detention from six months to three years for people charged with war crimes, crimes of genocide, and crimes against humanity.

13 August

The Cambodian government states that it wants to maintain overall control of a UN-backed international-style tribunal. Senior Minister Sok An says the tribunal will take place in a Cambodian court, but the participation of foreign judges and legal experts will be accepted.

17 August

Prime Minister Hun Sen rejects the UN plan, calling it a question of “whether Cambodia should be cooperating with the UN or the UN should be cooperating with Cambodia.”

20 August

The Cambodian Government creates a "Task Force for Cooperation with Foreign Legal Experts and Preparation of the Proceedings for the Trial of Senior Khmer Rouge Leaders," more commonly known as the Royal Government Task Force for the Khmer Rouge Trials, which begins drafting the law.

Late August

The Royal Government Task Force for the Khmer Rouge Trials completes the first draft law and presents it to a UN delegation led by Ralph Zacklin, UN Deputy Legal Counsel, which conducted negotiations for one week, until 31 August, in Phnom Penh. The talks end poorly with Zacklin stating that unless the Cambodian government meets the UN conditions considered necessary for the court, then, “The UN will simply cease to follow this process.”



1999 continued

7 September

Ta Mok and Duch are charged with genocide under Decree No. 1 issued on 15 August 1979.

20 September

Prime Minister Hun Sen meets with UN Secretary-General Kofi Annan in New York and presents three options for UN involvement

1) provide a legal team and participate in a tribunal conducted in Cambodia's existing courts; 2) provide a legal team which would not participate in the tribunal; 3) withdraw completely from the proposed tribunal.

20 September

Prime Minister Hun Sen and Senior Minister Sok An meet with US Under Secretary of State Thomas Pickering and US Ambassador at Large for War Crimes Issues David Scheffer and explore fresh ideas for moving past Hun Sen's three options presented earlier to UN Secretary-General Kofi Annan.

23 September

Returning from talks with UN Secretary-General Kofi Annan on how to try Pol Pot's former henchmen, top government officials vow to proceed with a trial on their own terms. Instead of assembling an international-style tribunal proposed by the UN, Minister of Cabinet Sok An states that the government will seek advice from independent US and French legal experts to secure the legitimacy critics say Cambodian courts lack. "We will continue to work on our own draft," says Sok An, "I promise to keep [the UN] informed on our progress."

Late September

US Ambassador at Large for War Crimes Issues David Scheffer prepares a concept paper proposing a special trial chamber and special appeals chamber in the Cambodian courts, participation by international judges and prosecutor, and a supermajority vote requirement for judicial decisions. The paper is shared with UN Legal Counsel Hans Corell and Cambodian officials.

15 October

US Ambassador to Cambodia Kent Weidemann formally delivers the US proposal for a "special chamber" that would require a "supermajority" vote (majority plus one) for decisions and judgments; Prime Minister Hun Sen subsequently agrees with the US proposal on 19 October but continues to insist on a majority of Cambodian judges.



1999 continued

Late October

US Ambassador at Large for War Crimes Issues David Scheffer visits Cambodia and prepares a working draft of a law that would govern the establishment and operation of what he proposed would be called the “Extraordinary Chambers.” This evolved as the “Extraordinary Chambers in the Courts of Cambodia” (ECCC).

17 December

The UN General Assembly adopts resolution 54/171, which appeals to the Government of Cambodia to continue cooperation with the UN in order to ensure accountability for the Khmer Rouge leadership in accordance with international standards of justice, fairness, and due process of law.

20 December

The Cambodian government sends the draft tribunal law to the UN Secretariat. Cambodia will adopt the law with or without UN approval, says Hun Sen.

24 December

The Cambodian cabinet meets to consider the draft tribunal law.

29 December

The Cambodian Government submits a second draft tribunal law to the UN Secretariat.

2000

January

Prime Minister Hun Sen agrees to the requirement of two Co-Investigating Judges, one Cambodian and the other selected by the UN Secretary-General.

5 January

UN Legal Counsel Hans Corell meets with Ambassador Ouch Borith, the Permanent Representative of Cambodia to the UN, to discuss the draft law and deliver a letter recording his comments.

6 January

The Cambodian cabinet adopts the draft law, despite UN concerns over limitations on international jurists.

12 January

US Ambassador at Large for War Crimes Issues David Scheffer delivers a non-paper to UN Legal Council Hans Corell with a proposal for how to resolve disputes between the Co-Prosecutors. A second non-paper delivered by Ambassador Scheffer later in January proposed the same formula for disputes between the Co-Investigating Judges.

2000 continued

14 January

The Cambodian government makes further alterations to the draft law to allow for two Co-Investigating Judges.

18 January

The UN receives a translation of the amended draft law for the ECCC.

27 January

Cambodia holds its first public forum to discuss the creation of a Khmer Rouge tribunal.

1 February

US Senators Leahy, Kerry, McConnell, and Kennedy urge UN Secretary- General Kofi Annan to send a negotiating team to Cambodia.

8 February

UN Secretary-General Kofi Annan identifies four key issues unmet by the draft law: the appointment of an independent, international prosecutor; a majority vote rule in chambers where there is a majority of foreign judges; guarantees that those indicted would be arrested; and a guarantee of no amnesties or pardons.

10 February

Hun Sen rejects Kofi Annan's response to the draft ECCC Law, saying it is unfair to Cambodia. In a letter to the Secretary General, the prime minister states he does not welcome the gap in the positions between the UN and Cambodia, in particular, in the light of the positions taken by other UN Member States.

12 February

UN Secretary-General Kofi Annan meets with Prime Minister Hun Sen in Bangkok, Thailand, and agrees to send a negotiating team to Phnom Penh but stresses the need for international standards.

Early March

United States proposes to UN and Cambodian officials that a special chamber be created to resolve disputes between the Co-Prosecutors or between the Co- Investigating Judges.

16 March

UN and Cambodian negotiators hold their first meeting in the latest round of negotiations to discuss outstanding differences on the format of the ECCC. There are four critical issues

who will name the suspects in the trial, whether the Cambodian government will arrest all suspects, whether lingering government deal with the Khmer Rouge will protect some former rebels from being prosecuted, and how the trial's foreign and Cambodian judges will be appointed.

2000 continued

20 March

Senior Minister Sok An sends a letter to UN Legal Counsel Hans Corell stating that the amnesty granted to Ieng Sary only applies to his 1979 conviction in absentia and indicating that no more amnesties will be granted.

21 March

UN Legal Counsel Hans Corell rejects compromises and the talks stall.

24 March

UN Legal Counsel Hans Corell sends a letter to Senior Minister Sok An arguing the necessity of limiting personal jurisdiction to the senior Khmer Rouge leaders and suggesting a third party mechanism to settle disagreements between the Co- Investigating Judges or between the Co-Prosecutors.

March

The French Government suggests the creation of a special chamber within the ECCC to resolve differences of investigations and indictments with a supermajority vote.

Late March/Early April

At the request of UN Legal Counsel Hans Corell, US Ambassador at Large for War Crimes Issues David Scheffer travels to Phnom Penh and Bangkok to confer with Cambodian officials and seek to bridge remaining differences between Cambodia and the UN Secretariat. Understandings reached in these meetings are later confirmed during US Senator John Kerry's visit to Cambodia in late April.

11 April

US Senator John Kerry meets with Prime Minister Hun Sen in Miami.

12 April

UN Secretary-General Kofi Annan meets with Prime Minister Hun Sen in Havana.

19 April

UN Secretary-General Kofi Annan writes to Hun Sen in response to the Cambodian leader's expressed backing of a US plan to resolve how to handle indictments in the ECCC. "I have not examined it yet," Cambodian chief negotiator Sok An says of Annan's letter. "Only thoroughly examining it will give comments and elaboration on the process." Annan tells reporters at UN headquarters, "There have been several proposals put on the table to break the one impasse we have – the impasse on how you handle a situation where one of the prosecutors disagrees with the other" and how an effective review mechanism could work.



2000 continued

22 April

Prime Minister Hun Sen responds to the Secretary-General's letter of 19 April in which he states that the exchange of letters between the UN and Cambodia could not be executed before the ECCC Law is adopted. He proposes a "special chamber" formula to settle disagreements between the Co-Prosecutors.

25 April

UN Secretary-General Kofi Annan sends a second letter to Hun Sen in response to his letter of 22 April urging him to accept the UN proposal.

27 April

Prime Minister Hun Sen responds to UN Secretary-General Kofi Annan's 25 April letter requesting an extension of the temporal jurisdiction of the ECCC to begin in 1970.

29 April

Prime Minister Hun Sen agrees with US Senator John Kerry that the ECCC have a panel of judges—three Cambodian and two foreign—who would rule on disputes regarding indictments pursuant to the supermajority rule.

29 April

US Senator John Kerry leaves Cambodia after a two-day visit that focused mostly on the ECCC, and progress is made, leading to a compromise over the procedure when there are differences between the Co-Prosecutors and between the Co-Investigating Judges. Senator Kerry announces upon his departure from Phnom Penh the commitment of the Cambodian government to reach agreement with the United Nations by 15 June 2000.

15 May

US Senator John Kerry, US Permanent Representative to the United Nations Richard Holbrooke, and US Ambassador at Large for War Crimes Issues David Scheffer meet with UN Secretary-General Kofi Annan in New York for detailed discussions on how to move forward with the UN and Cambodia talks.

17 May

UN Secretary-General Kofi Annan writes to Prime Minister Hun Sen seeking confirmation that Hun Sen accepts, through US Senator John Kerry, the proposal made in the Secretary General's letter of 19 April regarding the mechanism to resolve any differences between the Co-Investigating Judges and the Co-Prosecutors, and that the temporal jurisdiction of the ECCC would be limited to 1975-1979.

19 May

Prime Minister Hun Sen sends a letter to UN Secretary-General Kofi Annan expressing his support for the compromise formula brokered by US Senator John Kerry in April to try Khmer Rouge leaders.



2000 continued

6 July

UN Legal Counsel Hans Corell leads a third delegation to Phnom Penh, where details of the draft agreement are finalized.

7 July

UN Legal Counsel Hans Corell presents a draft Memorandum of Understanding that would govern UN cooperation with the ECCC following Cambodian parliament approval of the ECCC Law.

2 August

Prime Minister Hun Sen informs leaders at the National Assembly that the government's work on establishing a tribunal is done, and responsibility for any additional progress lies with lawmakers.

24 September

Prime Minister Hun Sen indicates that former Khmer Rouge Foreign Minister Ieng Sary should not be brought to trial on charges of genocide. (In 1979, Ieng Sary was sentenced to death in absentia along with Pol Pot, but was granted amnesty by King Sihanouk after he defected to the government in 1996.) He adds that it will be up to the courts and the National Assembly, which is considering a draft law on a Khmer Rouge tribunal, on what to do with Ieng Sary.

September

The Royal Government Task Force on the Khmer Rouge Trials resumes work with the National Assembly's Legislation Committee.

2 November

Eleven nations (including Japan, Australia, Canada, and New Zealand) submit a resolution to the UN Human Rights Commission requesting that the Cambodian government establish a tribunal.

20 November

US Senator John Kerry visits Cambodia to confirm the government's position on the draft ECCC Law and announces that the Cambodian leaders have agreed to expedite the ECCC.

28 November

The Legislative Committee of the Cambodian Parliament and the Royal Government Task Force on the Khmer Rouge Trials conclude their discussions on the draft ECCC Law.

2000 continued

4 December

The UN General Assembly adopts resolution 55/95, which welcomes a successful conclusion of the talks between the Cambodian government and the UN Secretariat and encourages continued cooperation in order to achieve the expedited completion of preparation for the tribunal.

29 December

The Cambodian National Assembly begins debate on the draft ECCC Law.

2001

2 January

The Cambodian National Assembly unanimously approves the draft ECCC Law.

3 January

The United States welcomes steps by Cambodia's National Assembly to establish a means to investigate and prosecute senior Khmer Rouge leaders for crimes committed during 1975-79.

9 January

UN Legal Counsel Hans Corell sends a letter to the Cambodian government expressing his concerns about the draft law, including the lack of a provision to ensure adequate UN oversight so that prosecutors can pursue suspects who have been granted amnesty. The UN proposes changes to 18 of the 49 articles of the draft law.

12 January

Ten US Members of Congress, headed by House of Representatives Minority Leader Richard Gephardt, arrive in Cambodia to discuss the tribunal and the upcoming election.

14-16 January

US Ambassador at Large for War Crimes Issues David Scheffer visits Phnom Penh and meets with Prime Minister Hun Sen, Senior Minister Sok An, and others to explore how to harmonize the draft ECCC Law and the draft UN/Cambodia Agreement.

15 January

The Cambodian Senate unanimously approves the draft ECCC Law.

9 February

UN Legal Counsel Hans Corell requests an official translation of the draft ECCC Law as adopted.



2001 continued

12 February

The Constitutional Council approves the ECCC Law but sends it back to the Cambodian Parliament for a technical amendment because Article 3 of the ECCC Law provides for the possible imposition of the death penalty, which had been abolished under the Cambodian Constitution.

16 February

Peter Leuprecht, the Special Representative of the Secretary General for Human Rights in Cambodia, arrives in Cambodia to discuss the progress of the ECCC Law with senior Cambodian officials.

23 February

Prime Minister Hun Sen announces that the draft ECCC Law must go back to the drafting stage and must be debated by Parliament again due to the technical discrepancy identified by the Constitutional Council, which cited a technical error in the legislation that makes reference to the 1956 penal code, which contains the death penalty.

6 March

Sam Rainsy, leader of Cambodia's main opposition party, withdraws his support for the ECCC, stating that it lacks credibility.

25 April

The UN Human Rights Commission adopts a resolution sponsored by Japan that advocates the development of the tribunal as soon as possible.

21 May

UN Secretary-General Kofi Annan urges the Cambodian government to accelerate approval process for the ECCC Law.

25 May

A letter from Senior Minister Sok An expresses regret over the delay in the process of finalizing the amendment "necessitated by the Constitutional Council decision on the Draft Law as adopted by the National Assembly."

8 June

In a letter to Senior Minister Sok An, UN Legal Counsel Hans Corell reiterates the need for an official translation of the law and for consistency between the two instruments.

22 June

The Cambodian government amends the draft law by revising Article 3 to replace the death penalty with life in prison as the maximum punishment.

2001 continued

26 June

Senior Minister Sok An informs UN Legal Counsel Hans Corell that the Council of Ministers revised the text of Article 3 of the draft ECCC Law in order to comply with the ruling of the Constitutional Council, and adds that the draft ECCC Law is being transmitted to the National Assembly for adoption, to the Senate and the Constitutional Assembly for review, and for promulgation by the head of state.

27 June

In response to recent media statements that a tribunal could start in 2001, the UN issues a press release stating that no internationally recognized trials could start until the Memorandum of Understanding between the UN and Cambodia has been signed and ratified.

28 June

Cambodian King Norodom Sihanouk assures Peter Leuprecht, Special Representative of the Secretary General for Human Rights in Cambodia, of his intention to sign the amended ECCC legislation into law.

29-30 June

Prime Minister Hun Sen and Prince Norodom Ranariddh make statements denouncing UN pressure and refusing to accede to UN demands regarding the draft ECCC Law as amended.

2 July

In his letter to UN Legal Counsel Hans Corell, Senior Minister Sok An states his understanding of the relationship between the ECCC Law and the UN/Cambodia Agreement. While accepting the principle that they should be in conformity with each other, he rejects the notion of “imposition.”

6 July

In his response, UN Legal Counsel Hans Corell reiterates the need for consistency between the two documents.

11 July

The Cambodian National Assembly adopts the draft ECCC Law as amended with the revised Article 3.

13 July

The Cambodian Senate receives the amended draft ECCC Law.

23 July

The Cambodian Senate unanimously approves the amended draft ECCC Law.



2001 continued

1 August

Senior Minister Sok An indicates that the Cambodian government is still seeking the UN's participation in the ECCC. In a speech given in his home of province Takeo, he says, "we need a partnership between the Cambodian government and the United Nations in the trial process of Khmer Rouge leaders."

7 August

The Constitutional Council approves the amended draft ECCC Law.

10 August

Cambodian King Norodom Sihanouk signs into law the finalized "Law on the Establishment of the Extraordinary Chambers in the Courts of Cambodia for the Prosecution of Crimes Committed during the Period of Democratic Kampuchea" (ECCC Law).

16 August

US Ambassador Kent Wiedemann states that the Cambodian government has given a clear written promise that Ieng Sary can be brought before the ECCC and that the US would withdraw its support for the ECCC if Ieng Sary is not tried.

18 August

Senior Minister Sok An sends the Khmer official version of the ECCC Law to UN Legal Counsel Hans Corell.

30 August

US Senators Patrick Leahy and Mitch McConnell send a letter to the UN supporting the creation of international standards of due process for the trials.

31 August

Senior Minister Sok An sends English and French translations of the ECCC Law to UN Legal Counsel Hans Corell.

2 October

Senior Minister Sok An invites UN Legal Counsel Hans Corell to Cambodia in order to finalize the Articles of Cooperation between the UN and Cambodia.

8 October

Prime Minister Hun Sen tells US Ambassador Kent Wiedemann that he is "anxious to go to trial" using legislation approved by the Cambodian government and signed by King Norodom Sihanouk in August 2001. The Cambodian government sends an invitation to the UN to continue discussions on the ECCC, pushing ahead the final process of setting up trials.



2001 continued

10 October

UN Legal Counsel Hans Corell sends a letter to Senior Minister Sok An relating 11 points of concern about the ECCC Law and insisting that a future agreement between the UN and Cambodia take precedence over the ECCC Law.

15 October

The United Kingdom donates USD500,000 to the UN to help fund the trials of Khmer Rouge leaders in Cambodia, becoming the first country to officially offer financial assistance to the proposed tribunal. “At the moment, the British government has placed half a million dollars with the UN in New York to provide for a Khmer Rouge trial process in Cambodia,” says British Ambassador Stephen Bridges.

16 November

Prime Minister Hun Sen expresses frustration with the UN’s lack of commitment to establishing the tribunal.

23 November

Senior Minister Sok An sends a letter to UN Legal Counsel Hans Corell stating that the agreement between the UN and Cambodia will not take precedence over the ECCC Law under Cambodian Law.

17 December

UN Legal Counsel Hans Corell sends a letter to Senior Minister Sok An requesting a response to the 11 points of concern included in his 10 October letter.

19 December

The UN General Assembly adopts resolution 56/169, which welcomes the promulgation of the ECCC Law and encouraging the conclusion of negotiations so that the ECCC can begin functioning as soon as possible with international financial and personnel support.

2002

22 January

Senior Minister Sok An sends a letter to UN Legal Counsel Hans Corell concerning the 11 points in Corell's 10 October letter.

8 February

The UN Secretariat announces that it will no longer continue negotiations with the Cambodian government on establishing the ECCC. UN Legal Counsel Hans Corell states that the greatest matter of contention is the Cambodian position that the ECCC Law will prevail over the agreement between the UN and Cambodia.

2002 continued

10 February

Senior Minister Sok An says the Cambodian government regrets the UN decision announced on 8 February: “The Cambodian government is keeping its door open for further negotiations. We have not closed the door like Mr. Corell did.”

11 February

Prime Minister Hun Sen announces that his government would welcome resumption of negotiations.

12 February

Senior Minister Sok An issues a statement responding to the UN announcement and releases the English text of the ECCC Law and his letters to UN Legal Counsel Hans Corell dated 23 November 2001 and 22 January 2002.

15 February

Former Khmer Rouge commander Ke Pauk, a potential ECCC suspect, dies.

20 February

The European Union urges the UN not to give up on negotiations with Cambodia over establishing the ECCC.

22 February

Cambodian prosecutors charge former Khmer Rouge military commander Ta Mok with crimes against humanity.

13 March

After meeting with ambassadors from countries supporting a resumption of negotiations, UN Secretary-General Kofi Annan advises them to focus their efforts on encouraging Prime Minister Hun Sen to alter his position.

15 March

The Royal Government of Cambodia Task Force on the Khmer Rouge Trials responds to UN Secretary-General Kofi Annan’s statement, stating that the UN had misunderstood Cambodia’s stance.

18 March

Senior Minister Sok An calls on the UN to resume negotiations.

20 March

Prime Minister Hun Sen announces that his government will only wait three months for the UN to resume negotiations.



2002 continued

9 April

Indian Prime Minister Atal Bihari Vajpayee announces that India will assist Cambodia in trials.

26 April

The UN Human Rights Commission appeals to the Cambodian government and the UN to resume discussions on the establishment of a tribunal.

14 May

Prime Minister Hun Sen accuses the UN of blocking the tribunal's progress and reaffirms Cambodia's commitment to move forward with the trials alone.

2 July

Prime Minister Hun Sen announces that his government is ready to compromise with the UN on the ECCC Law.

3 July

Peter Leuprecht, the Special Representative of the Secretary General for Human Rights in Cambodia, urges the UN to participate in the ECCC trials.

3 July

The UN rejects Cambodia's call to revive stalled plans for the tribunal, saying it needs more assurances that Cambodia would conduct a fair trial of the leaders of the "killing fields."

4 July

Cambodian Foreign Minister Hor Namhong reports that Cambodia and the UN have reached an informal compromise.

June-July

Japan facilitates the relationship between Cambodia and the UN to encourage a resumption of negotiations.

12 July

UN Secretary-General Kofi Annan sends a letter to Prime Minister Hun Sen, indicating that he is willing to reopen talks on Khmer Rouge trials if provided with a clear mandate from the General Assembly or the Security Council.

29-30 July

The 35th ASEAN Ministerial Meeting at Bandar Seri Begawan releases a Joint Communique expressing their support for the creation of the tribunal and encouraging cooperation between Cambodia and the UN.

2002 continued

18 August

Prime Minister Hun Sen sends a letter to UN Secretary-General Kofi Annan, encouraging a swift response from the UN and the resumption of negotiations.

20 August

UN Secretary-General Kofi Annan states that he will resume talks on the ECCC if UN Member States want him to do so. He writes to Prime Minister Hun Sen, saying that in order for him to engage in further negotiations, he needs “a clear mandate from either the General Assembly or the Security Council.”

27 August

The Group of Interested States (Japan, France, United Kingdom, Canada, Australia, United States, EU, South Korea, Japan, Philippines, Singapore, Thailand, Indonesia and Cambodia) hold a preliminary meeting in New York to discuss possibilities for an international effort to revive the negotiations.

26 September

The Group of Interested States holds their second meeting to consider options and decides to move forward with an ad hoc resolution in the Third Committee.

6 November

South African President Thabo Mbeki announces that South Africa is ready to provide assistance to Cambodia for the ECCC.

13 November

Japan and France sponsor and deposit draft resolution A/C.3/57/L.70 to provide the UN Secretary-General with his required mandate.

20 November

The UN Third Committee adopts draft resolution A/C.3/57/L.70, which outlines new plans on ECCC trials and calls for resumption of negotiations between the UN Secretariat and the Cambodian government.

21-22 November

Senior Minister Sok An and Prime Minister Hun Sen welcome the UN’s decision and express enthusiasm.

18 December

The General Assembly plenary meeting adopts Resolution 57/228, approving the resolution accepted by the Third Committee.

2002 continued

19 December

UN Secretary-General Kofi Annan invites Prime Minister Hun Sen to send representatives to an exploratory meeting in New York to prepare for the resumption of negotiations.

2003

6 January

Responding to the UN Secretary-General's invitation, a Cambodian delegation led by Senior Minister Sok An arrives in New York and schedules seven meetings – one with the UN Secretary-General and six with representatives of the UN Secretariat, led by UN Legal Counsel Hans Corell – to prepare for a resumption of negotiations for Khmer Rouge trials in accordance with General Assembly Resolution 57/228 of 18 December 2002.

6 January

UN Legal Counsel Hans Corell delivers to the Cambodian delegation a nonpaper that sought radical amendments to the ECCC Law that would have incorporated futile positions taken by the UN negotiators years earlier prior to their agreement on the compromise language reflected in the ECCC Law as amended.

14 January

Senior Minister Sok An meets with UN Secretary-General Kofi Annan.

31 January-24 February

A series of letters are exchanged between Hun Sen and UN Secretary-General Kofi Annan, setting the stage for further negotiations.

13-16 March

A fifth round of talks between the Royal Government Task Force on the Khmer Rouge Trials and the UN delegation take place in Phnom Penh and produce a draft agreement that applies the UN/Cambodia Agreement as law, removes the Appeals Chamber, and improves adherence to international due process standards.

28 March

The Cambodian Council of Ministers approves the draft agreement.

31 March

UN Secretary-General Kofi Annan issues a Report to the General Assembly (A/57/769), commenting (sometimes critically) on the draft UN/Cambodia Agreement. He estimates the budgetary cost of the ECCC and proposes UN funding through assessed contributions.

2003 continued

2 May

The UN Third Committee adopts a resolution approving the draft UN/Cambodia Agreement and UN funding through voluntary contributions.

13 May

The UN General Assembly adopts Resolution 57/228B, approving the UN/Cambodia Agreement and UN funding through voluntary contributions.

4 June

Sweden offers funding to the Secretariat of the Royal Government Task Force on the Khmer Rouge Trials.

6 June

UN Legal Counsel Hans Corell and Senior Minister Sok An sign the Agreement between the United Nations and Cambodia Concerning the Prosecution under Cambodian Law of Crimes Committed during the Period of Democratic Kampuchea (UN/Cambodia Agreement) in Phnom Penh.

13 June

Cambodia's Council of Ministers approves the UN/Cambodia Agreement.

17 June

The Cambodian government submits the UN/Cambodia Agreement to the Cambodian National Assembly.

19 June

Australia pledges AUD1.5 million for the ECCC in addition to AUD266,000 already provided.

1 July

Pol Pot's first wife, Khieu Ponnary, a potential ECCC suspect, dies.

8 July

The United Kingdom offers funding to the Secretariat of the Royal Government Task Force on the Khmer Rouge Trials.

27 July

Cambodian general elections for the National Assembly result in a deadlock when the Cambodian People's Party (CPP) wins a majority but is unable to obtain the two-thirds majority necessary to form a government.

1 October

The United Nations appoints Karsten Herrel as Coordinator for United Nations Assistance to the Khmer Rouge Trials (UNAKRT).



2003 continued

8-13 December

The UN Technical Assessment Mission, led by Karsten Herrel, visits Phnom Penh and holds talks with the Royal Cambodian Government Task Force and relevant ministries, organizations and individuals. The mission gathers information about costs and other practical matters relating to the implementation of the UN/Cambodia Agreement.

10 December

Kofi Annan says the process of setting up the tribunal will only begin once pledges for the first three years of the court's operation have been received and enough money for its first year of operation has been deposited in a trust fund.

12 December

The Royal Cambodian Government Task Force and the UN Technical Assessment Mission release a joint press statement expressing the opinion that substantial progress had been made.

2004

23 February

First meeting between the Group of Interested States and UNAKRT discussing the budget for the ECCC.

27 February

UN Legal Counsel Hans Corell retires and Senior Minister Sok An sends a letter expressing his appreciation and best wishes.

10-18 March

The follow-up mission of UNAKRT technical team led by Karsten Herrel, concerning budget and logistical issues, visits Phnom Penh.

25 March

The US Congress (108th Congress (2d Session--H.CON.RES.399) adopts a concurrent resolution stating: "The House of Representatives (the Senate concurring) Resolved That the Congress (1) urges the President to encourage the National Assembly of Cambodia to ratify the agreement between the United Nations and the Royal Government of Cambodia to establish a tribunal, the Extraordinary Chambers in the Courts of Cambodia for the Prosecution of Crimes Committed during the Period of Democratic Kampuchea, for the prosecution of surviving leaders of the Khmer Rouge regime of Democratic Kampuchea who committed genocide and other crimes against humanity between April 17, 1975, and January 7, 1979; and (2) urges the President, after such agreement is ratified, to provide support for the establishment and financing of the Extraordinary Chambers, consistent with the Cambodian Genocide Justice Act (22 U.S.C.2656 note)."

2004 continued

26 March

Second meeting between the Group of Interested States and the UNAKRT in New York.

31 March

Third meeting between the Group of Interested States and the UNAKRT in New York.

15 April

Fourth meeting between the Group of Interested States and the UNAKRT in New York.

6 May

Fifth meeting between the Group of Interested States and the UNAKRT in New York.

24 May

Deputy Prime Minister Sar Kheng approves the establishment of a special committee to ensure security for participants in the tribunal. The committee is headed by Interior Ministry Secretary of State Em Sam An. Deputies include Deputy Director General of National Police Mao Chandara, RCAF Deputy Commander-in-Chief Pol Saroeun, Deputy Director General of National Police Neth Savoeun, and RCAF Deputy Joint Chief of Staff Nov Sam. The committee also reportedly includes a representative from the Ministry of Finance and governors of provinces and municipalities where witnesses and suspects reside.

26 June

Cambodian political parties reach a settlement to end the political deadlock and establish a new government.

10 June

Sixth meeting between the Group of Interested States and the UNAKRT in New York. Karsten Herrel responds to calls for reductions in budget estimates with suggestions for cuts in areas that will not weaken due process, international standards for court operations, security and safety, and efficiency and effectiveness.

30 June

Seventh meeting between the Group of Interested States and the UNAKRT in New York.

20 July

Australia pledges an additional AUD1.5 million for the ECCC.

6 August

The Cambodian Council of Ministers approves amendments to the ECCC law which harmonize it with the UN/Cambodia Agreement and extends the statute of limitations for certain Cambodian crimes constituting part of the subject matter jurisdiction of the ECCC. The Council of Ministers also ratifies the UN/Cambodia Agreement.

2004 continued

11 August

Meeting between the Group of Interested States and the Royal Government Task Force on the Khmer Rouge Trials in Phnom Penh to discuss a budget proposal.

23 August – 10 September

Training courses begin for judges, prosecutors, and lawyers in preparations for the opening of the trials.

13 September

Meeting between the Group of Interested States and the Royal Government Task Force on the Khmer Rouge Trials regarding the budget proposal. After announcing the return of a UN delegation to prepare the budget and logistics for the tribunal, government officials abruptly cancel the UN team's visit. The visit is postponed until the National Assembly ratifies amended legislation to establish the ECCC.

27 September

Karsten Herrel, Coordinator of the UNAKRT, completes his duties and hands responsibility to Sharon Van Buerle, Chief, Political, Legal and Humanitarian Service, Programme Planning and Budget Division of the UN.

4 October

National Assembly of Cambodia debates and unanimously approves the UN/Cambodia Agreement.

4 October

Prime Minister Hun Sen sends a letter to UN Secretary-General Kofi Annan expressing approval of the UN/Cambodia Agreement.

5 October

The Cambodian National Assembly debates and approves the amendments to the ECCC Law.

12 October

The Report of the Secretary General on Khmer Rouge trials is released.

19 October

The UN/Cambodia Agreement is ratified in Cambodia by acting Head of State Chea Sim and the Instrument of Ratification is sent to the UN.

22 October

The Constitutional Council approves the amended ECCC Law as being in conformity with the Cambodian Constitution.



2004 continued

27 October

Cambodian acting Head of State Chea Sim promulgates the amended ECCC Law.

8 November

The Cambodian government releases a statement announcing its completion of the legal preparation for the ECCC.

16 November

Deputy Prime Minister Sok An sends a letter to Nicolas Michel, Under- Secretary-General and Legal Counsel of the United Nations, stating that Cambodia has complied with the legal requirements for entry into force (of a treaty).

29 November

Report of the Secretary-General on Khmer Rouge Trials states that the UN will not consider the legal requirements for entry into force satisfied until pledges are received for the first three years of operation and actual contributions are received for the first year.

8-13 December

A UN Mission to Phnom Penh led by Mohammed Said, Coordinator for the UNAKRT, finalizes a three-year budget of USD56.3 million for the ECCC.

17 December

France pledges EUR 3 million (USD4 million) towards the ECCC, which is expected to cost USD56 million (EUR 42 million). Xavier Darcos, minister delegate for cooperation and development, states that France would contribute EUR 1 million per year for the estimated three years of proceedings.

2005

10 January

France announces funding in the amount of 3 Million Euros for the ECCC.

27 January

The United Kingdom announces funding in amount of £500,000.00 for the ECCC.

9 February

Japan announces its contribution of USD21.6 million for the ECCC.

21 March

The eighth meeting between the Group of Interested States and the UNAKRT is held in New York. The Japanese Mission to the UN urges foreign support for the Cambodian share of the ECCC budget.

2005 continued

25 March

A follow-up meeting concerning the ECCC budget is held in Phnom Penh among the Group of Interested States, ASEAN countries and the Royal Cambodian Government Task Force on the Khmer Rouge Trials.

25 March

Canada announces its contribution of CAND2 million for the ECCC.

28 March

Pledging conference where thirteen countries pledge a total of USD38,477,033 to the ECCC, including: Japan (USD21.6m), France (USD4.8m), Australia (USD2,351,097), Canada (USD1,612,903), Germany (USD1m), Holland (USD1,981,506), Denmark (USD531,914), Luxembourg (USD66,050), Austria (USD360,000), Sweden (USD150,000), United Kingdom (USD2,873,563), Norway (USD1m), and Republic of Korea (USD150,000). The US representative states that in the past ten years, the US has “paid USD7 million toward documentation and research costs for the crimes committed in Cambodia,” and that “legislative restraints made it impossible to pledge moneys towards the Tribunal.”

29 March

Belgium announces its contribution of USD198,151 for the ECCC.

29 March

European Union announces its contribution of 1 million Euro for the ECCC.

11 April

The Belgian government pledges USD193,500 for a future Khmer Rouge tribunal.

21 April

The US State Department states “For the United States to contribute to this process, we believe, as U.S. law stipulates, that the tribunal must meet internationally recognized standards of justice. As the tribunal moves forward, we will engage with the Government of Cambodia, the United Nations, and interested countries to achieve this goal.”

25 April- 6 May

Second training course for 30 judges and prosecutors held in Phnom Penh.

28 April

UN Secretary-General Kofi Annan sends a letter to Prime Minister Hun Sen, stating that the legal requirements on the United Nations' side for entry into force of the UN/Cambodia Agreement have been complied with in accordance with Article 32 of the UN/Cambodia Agreement.

2005 continued

29 April

The UN/Cambodia Agreement enters into force.

29 April

According to a UN press statement, sufficient pledges and contributions are in place to fund the staffing of the ECCC. The European Commission pledges USD1.3 million to the ECCC.

3 May

Prime Minister Hun Sen sends a letter to UN Secretary-General Kofi Annan, stating: "A generation has passed since these crimes were committed. We cannot afford to lose any more time. I can assure you that we will do our utmost to ensure the Extraordinary Chambers may begin to function as soon as possible, and that they attain the level of international standards that we have both agreed on and that are needed to address the needs for justice of the Cambodian people and all humanity."

6 May

France announces it will allocate an additional USD1.3 million in 2005 for the tribunal as an advance on its trial contribution for 2006. "In doing so, France wishes to encourage its partners to increase their efforts so that the necessary credits are in hand for the start of the three-year proceedings," states the French Ministry of Foreign Affairs.

30 May

A follow-up meeting among the Group of Interested States, ASEAN countries and the Royal Cambodian Government Task Force on the Khmer Rouge Trials is held in Phnom Penh to discuss the Cambodian share of the budget and their appeal for bilateral assistance. Singapore, India, and Thailand announce that they intend to assist.

2 June

The diplomatic corps, including representatives from 13 embassies in Phnom Penh, visit the proposed ECCC site at Kambol.

15 June

Germany announces its contribution of an additional EURO 1.5 million for the ECCC.

30 June

The United Nations sends a letter to all Member States and non-member states requesting suggestions of names for international judges and prosecutors for the ECCC.

20-1 July

The Second Training Course for lawyers to prepare for the Khmer Rouge trials is held in Phnom Penh.

2005 continued

20-1 July

New Zealand announces its contribution of USD500,000 for the ECCC.

18 July

UN Assistant Secretary-General and Controller Warren Sach sends a letter to Deputy Prime Minister Sok An, stating that the UN and the Group of Interested States concur with the selection of the Royal Cambodian Armed Forces High Command Headquarters as the premises for the Co-Investigating Judges, the Co-Prosecutors, the Extraordinary Chambers, the Pre-Trial Chamber, and the Office of Administration. The UN proposes that the Cambodian government confirm three points: (i) the premises are totally enclosed and fenced off from the active military facility, (ii) separate and direct access is provided to the premises for the ECCC and their related institutions, and (iii) adequate arrangements are made by the Cambodian government for public transportation between the centre of Phnom Penh and the site.

9 August

Deputy Prime Minister Sok An sends a letter to UN Assistant Secretary- General Warren Sach confirming the three points requested by the UN and stating that the Cambodian side will be able to begin work once the Cambodian share of the budget is fulfilled.

25 August

The United Nations announces that Michelle Lee of China will serve as the international deputy director of the Office of Administration to coordinate UN assistance for Khmer Rouge trials.

7 October

India announces its contribution of USD1 million for the Cambodian share of the ECCC budget.

12 November

Cambodian King Norodom Sihamoni appoints Sean Visoth as Director of the Office of Administration of the ECCC and Tony Kranh as Reserve Director.

12 November

Cambodian King Norodom Sihamoni assigns Michelle Lee to the position of Deputy Director of the Office of Administration, to which she had been appointed by the UN Secretary-General.

23 November

UN Legal Counsel Nicholas Michel announces candidates for the international judges, Investigating Judge, and Prosecutor.

2005 continued

1 December

Armenia, Namibia, and Ireland pledge to contribute, respectively, USD1,000, USD500, and USD300,000 to the UN share of the ECCC budget.

6-16 December

Michelle Lee heads a UN Startup Assessment Mission to Cambodia to work with a Cambodian delegation led by Sean Visoth on preparations towards the establishment of the ECCC.

10 December

Human Rights Day. Australia announces additional funds of AUD48,306 as a contribution to the Secretariat of the Task Force to launch Regional Outreach Forums throughout the country.

28 December

The European Commission announces funds of almost EURO 995,100 to help cover the Cambodian share of the ECCC budget.

2006

10 January

Thailand announces funds of USD24,330.90 as a contribution to the Cambodian share of the ECCC budget.

16 January

The High Command of the Royal Cambodian Armed Forces hands over premises for the ECCC to the Royal Cambodian Government Task Force for the Khmer Rouge Trials.

18 January

Thailand donates USD25,000 to the ECCC.

3 February

The appointment of senior Cambodian staff for the ECCC takes place.

6 February

The joint start-up team led by Director and Deputy Director of the Office of Administration, Sean Visoth and Michelle Lee, take up duties at the new ECCC premises.

9 February

The Director and Deputy Director of the Office of Administration hold the first press conference at the ECCC.

2006 continued

26 February

The Documentation Center of Cambodia organizes the first monthly visit of Cambodian villagers to the ECCC.

8 March

UN Secretary-General Kofi Annan sends a list of nominees for positions as international judges, Co-Prosecutor and Co-Investigating Judge.

14 March

Signing ceremony of Supplementary Agreements on Security and Safety and Utilities, Facilities and Services between Royal Government of Cambodia and the United Nations, held in the ECCC Court Room presided over by Deputy Prime Minister Sok An.

4 May

The Supreme Council of the Magistracy selects 17 Cambodian judges and 12 international judges for the ECCC.

7 May

King Norodom Sihamoni appoints the selected judges by Royal Decree.

10 May

Deputy Prime Minister Sok An briefs the diplomatic corps on the appointments of the judges, followed by a joint press conference by Sean Visoth and Michelle Lee.

12 May

There is an inauguration by Sean Visoth and Michelle Lee of the spirit house for the spirit known as the "Lord of the Iron Staff", created by Professor Sreng Y.

17 May

Former US Ambassador at Large for War Crimes Issues David Scheffer briefs the press and the Cambodian national judges of the ECCC in Phnom Penh on international standards of due process applicable to the ECCC.

19 May

ECCC Public Affairs Section representatives and former US Ambassador at Large for War Crimes Issues David Scheffer participate in a public forum on the ECCC trials, organized by the Centre for Social Development and attended by several hundred people from the southern provinces of Kampot, Kep, and Sihanoukville.

23 May

ECCC Public Affairs Section welcomes a group of 480 villagers at the ECCC's Courtroom, which was then followed by speeches from the ECCC Director and Deputy Director of Administration.



2006 continued

31 May

ECCC Public Affairs Section representatives attend a follow-up meeting with NGOs in Phnom Penh sharing experiences from East Timor and Sierra Leone on the role of NGOs and their relationship with the hybrid courts.

15 June

The Royal Government of Cambodia and United Nations Development Programme (UNDP) sign an agreement that will channel approximately USD6.3 million to the ECCC. USD5 million comes from contributions by 12 countries (Norway, Sweden, Denmark, Australia, Japan, New Zealand, Ireland, Canada, United Kingdom, Netherlands, France, and Germany) that had been made to UNTAC operations in Cambodia; EURO 1 million comes from European Commission member states. Cambodia's contribution to the ECCC is USD13.3 million and, with these contributions, there remains a shortfall on the Cambodia side of USD4.96 million.

3 July

The Cambodian and international judges, Co-Prosecutors, and Co-Investigating Judges are sworn into office at the Royal Palace in Phnom Penh.

7 July

The ECCC announces at a press conference that, in order to ensure former Khmer Rouge leaders have an adequate defence, the ECCC will set up a defenders office staffed by foreign lawyers. Rupert Skilbeck, the principal defender leading the office, states that the Law on the Bar Association must be amended to allow foreign attorneys to serve as co-defence counsel in Cambodia and that 15 attorneys would staff the ECCC defence office to ensure "an equality of arms" between the prosecution and the defence at the tribunal.

21 July

Ta Mok, aged 81, dies.

22 August

The U.S. Government offers USD2 million as an "Endowment Fund" to the Documentation Center of Cambodia (DC-Cam).

3 November

The ECCC releases the draft of its Internal Rules for public comment.

2006 continued

25 November

National and international judges of the ECCC announce the failure to adopt the Internal Rules for the ECCC due to disagreement on several key issues: how to integrate Cambodian law and international standards; the role of the defence Support Unit, including the issue of how defence lawyers will be qualified; the role of the co-prosecutor and its impact on the voting procedure; and how the ECCC will operate within the Cambodian court structure.

5 December

Deputy Prime Minister Sok An writes to UN Legal Counsel Nicholas Michel, asking to open a dialogue to resolve the acrimonious dispute over the role of the defence support section of the ECCC. He writes that, "the administration, role and functions of the ECCC's defence support section, as well as its relationship with the Bar Association of Cambodia, were not outlined in the agreement between Cambodia and the UN."

7 December

The ECCC publicly welcomes victims' complaints. ECCC Co-Prosecutor Robert Petit states that victims of the Khmer Rouge crimes can sue for damages. Youk Chhang, director of DC-Cam, says that his organization would offer help to victims who are interested in filing a complaint with the ECCC.

2007

11 January

Microsoft Singapore donates USD100,000 to the UN administrative requirements of the ECCC.

Late January

Former US Ambassador at Large for War Crimes Issues David Scheffer holds working meetings with Deputy Prime Minister Sok An, ECCC officials, and ambassadors and diplomats of interested nations in Phnom Penh to discuss ways to resolve disputes between the Cambodian and international judges over the draft Internal Rules.

14 February

The Open Society Justice Initiative (OSJI) issues a press release alleging that Cambodian judges and personnel of the ECCC are compelled to kick back part of their wages to Cambodian government officials in exchange for their position. OSJI calls for donors and international community to investigate thoroughly the corruption allegations.

Early March

Former US Ambassador at Large for War Crimes Issues David Scheffer visits with Deputy Prime Minister Sok An and other ECCC officials to discuss proposals for resolving the OSJI dispute and the BAKC dispute with the international.

2007 continued

8 March

Cambodian national judges of the ECCC request that OSJI correct its statement issued on 14 February 2007 alleging corruption by the Cambodian side. They claim that such unsubstantiated allegations had been creating public confusion and seriously undermining their reputation and integrity.

16 March

After its ten-day session on the draft Internal Rules, the judges' Review Committee concludes that all remaining disagreements have been resolved, although some "fine tuning" remains to be done. However, another outstanding issue aside from the Internal Rules has erupted. The Bar Association of the Kingdom of Cambodia (BAKC) seeks to charge registration fees of approximately USD\$5000 per year on foreign lawyers to participate in the work of the ECCC. The international judges reject the BAKC proposal, claiming it is unacceptable and affects the rights of the accused and victims to select their own counsel. The BAKC is invited to reconsider its decision as soon as possible so that a planned plenary session on adopting the Internal Rules can occur on 30 April 2007.

3 April

The international judges of the ECCC write a letter to the Supreme Court Chamber of the ECCC stating that they will boycott the plenary session scheduled to adopt the Internal Rules on 30 April 2007 if the BAKC does not reconsider its proposed fee on foreign lawyers' registration. The letter, which is signed by all the international judges of the ECCC, states that they are "saddened that at the time of writing, the Cambodian Bar had not reconsidered its position."

5 April

Fifteen Cambodian national judges of the ECCC write a responding letter urging the international judges to reconsider their boycott of the plenary session planned for 30 April to adopt the draft Internal Rules. The Cambodian judges claim such action is not consistent with the "substance and spirit of the Agreement and Law on the establishment of the ECCC." The Cambodian judges also point out that the registration fees proposed by the BAKC are not declared in the Internal Rules, and argue that the fees should not serve as a reason to delay adoption of the Internal Rules.

30 April

The BAKC reduces the registration fee for foreign counsel from approximately USD5,000 per year to a one-time fee of USD500 for the entire period of the ECCC.

12 June

After nearly a year of negotiations, the ECCC judges approve the ECCC Internal Rules in plenary session.



2007 continued

13 June

The ECCC Pre-Trial Chamber holds its first session to swear in ECCC investigators.

18 July

The ECCC Co-Prosecutors submit the first Introductory Submission of their investigation to the Co-Investigating Judges. It “contains facts that may constitute crimes, persons suspected to be responsible for those crimes and requests the Co- Investigating Judges to investigate those crimes and suspects.” The submission states: “Pursuant to their preliminary investigation, the Co-Prosecutors have identified and submitted for investigation twenty-five distinct factual situations of murder, torture, forcible transfer, unlawful detention, forced labor and religious, political, and ethnic persecution as evidence of the crimes committed in the execution of this common criminal plan.” The factual allegations “constitute crimes against humanity, genocide, grave breaches of the Geneva Conventions, homicide, torture, and religious persecution.” The Co-Prosecutors identified five suspects who committed, aided, abetted and/or bore superior responsibility for the alleged crimes; in support of their accusation, they submitted more than 1,000 documents (over 14,000 pages) to the Co- Investigating Judges, including third-party statements and/or written records of over 350 witnesses, a list of 40 potential witnesses, thousands of pages of Democratic Kampuchea-era documentation and the locations of more than 40 undisturbed mass graves.

(http://dccam.org/Tribunal/Documents/Statement_of_Co-Prosecutor_on_18-July-2007.pdf)

20 July

Nuon Chea, guessing that he must be one of the first five candidates named by the co-prosecutors before the Khmer Rouge Tribunal, tells *The Cambodia Daily* that the tribunal would be his battlefield. He claimed that there was no policy of killing people. “Don't worry,” he said, “I will go to court when they need me, and I will clarify everything at court and stop the accusations and stop people from saying the Khmer Rouge were monsters.” (*The Cambodia Daily*, July 20, 2007)

24 July

Ieng Vuth, Pailin's deputy municipal governor and the son of Ieng Sary and Ieng Thirith, slams *Rasmei Kampuchea Daily* for speculating that his parents were two of the five names in the Co-Prosecutors' first confidential list charged before the Khmer Rouge Tribunal. He expects the tribunal to be little more than victor's justice. “Justice is with the one who is strong,” he stated. (*The Cambodia Daily*, July 24, 2007)

2007 continued

31 July

Kaing Guek Eav, alias “Duch,” chief executioner and leader of the Tuol Sleng prison in Phnom Penh where more than 12,000 men, women and children were tortured and sent to the so-called “Killing Fields,” is officially handed over to the ECCC, making him the first suspect to be detained by the ECCC. Duch has since become a born-again Christian and talks candidly about his role in the Khmer Rouge regime. Researchers have found written orders by Duch regarding torture and killings. However, he denies responsibility saying, “I was under people’s command, and I would have died if I disobeyed it...I did it without any pleasure, and any fault should be blamed on the leadership, not me.”

Mid-August

Pre-Trial Chamber begins operations.

8 August

Duch’s lawyer Francois Roux, a French lawyer, becomes the first foreign lawyer officially allowed to practice before the ECCC.

9 August

A Cambodian Royal Decree states that You Bunleng, co-investigating judge at ECCC, is to replace Ly Vuochleng as president of the Appeals Court. This calls into question his future role in the ECCC.

15 August

You Bunleng claims he will remain as judge at the ECCC, saying, “As long as the ECCC considers my presence to be essential it is my duty to continue, ensuring there is no interruption or delay in the process. I will continue my mission at the ECCC until such time as an appropriate and smooth transition can be made.”

16 August

UN voices concern over the August 9th appointment to the Cambodian Court of Appeal of You Bunleng, citing concerns over the ECCC’s efficiency and perceived independence. It is argued that You Bunleng was appointed as President of Cambodia’s Court of Appeal through untraditional means at the request of the executive branch of Cambodia’s government and without the involvement of the Supreme Council of Magistracy that the Cambodian law requires.

23 August

The Secretary-General’s Special Representative for Human Rights in Cambodia, Yash Ghai, and the Special Rapporteur on the Independence of Judges and Lawyers, Leandro Despouy, issue a joint statement that the appointment of You Benleng casts doubt on whether “judicial independence is being fully respected in Cambodia.”

2007 continued

23 August

Duch appeals against the ECCC order for his provisional detention. The case is sent to the Pre-Trial Chamber.

19 September

Nuon Chea, chief ideologue of the movement and “Brother No. 2” to Pol Pot, is arrested, charged with war crimes and crimes against humanity, and placed in provisional detention. Nuon Chea disputes the charges saying he would be ashamed to have committed such crimes and that, “We did not have any direct contact with the bases and we were not aware of what was happening there.” He held that the Military Committee, of which he was not a member, had all the real power. He also cited the fact that he personally lost 40 family members during the period. Nuon Chea’s fellow detainee, Duch, told authorities, “Nuon Chea, he was the principal man for the killings.”

2 October

A United Nations Development Program (UNDP) commissioned report is released by the ECCC exposing widespread malpractice in hiring local staff members for the ECCC and handing out lucrative salaries to unqualified people. Cambodian officials object to the recommendations that all staffing contracts on the Cambodian side of the ECCC be nullified, salaries cut, and that the UNDP take a more direct oversight role.

17 October

Nuon Chea appeals against his ECCC detention order.

25 October

Cambodian Foreign Minister Hor Namhong appeals to donor countries for more funding to the ECCC.

27 October

Chief photographer of Tuol Sleng, Nhem En, is called to be a witness at trial of Duch.

29 October – 9 November

Review Committee of the Judges of ECCC is charged with evaluating the internal rules of the court and recommending revisions to the full plenary of judges. The Committee reviewed and/or adopted recommendations on documents including a Draft Common Code of Judicial Ethics, Amendments to the Internal Rules, Practice Direction on Protective Measures, Amendment to the Practice Directions on Filing of Documents and on Victim Participation.

1 November

ECCC publishes an order that the investigation and trial of Duch will proceed separately from that of the others. The other four accused “may be investigated and tried together.”



2007 continued

7-8 November

A Joint Prosecutors' Colloquium, hosted by Co-Prosecutors Chea Leang and Robert Petit, which periodically brings together the prosecutors of the five major international criminal tribunals to learn lessons from each other, holds public and private sessions in Phnom Penh. It highlights the challenges facing prosecutions of atrocity crimes. Participants include Larry D. Johnson, Assistant Secretary-General of the United Nations for Legal Affairs; Carla del Ponte, Chief Prosecutor of the International Criminal Tribunal for the former Yugoslavia; Hassan Jallow, Chief Prosecutor of the International Criminal Tribunal for Rwanda; Stephen Rapp, Chief Prosecutor of the Special Court for Sierra Leone; and Fatou Bensouda, Deputy Prosecutor of the International Criminal Court in the Hague.

11 November

Co-investigating judges issue press release stating that Nuon Chea has been examined by three medical experts who concluded that he is in "a stable condition and that there is no medical reason which would run counter to his detention conditions or participation in the judicial investigation."

Mid-November

Gabriella Gonzales, former deputy of the Victims Unit at the ICC, begins work in ECCC Victims Unit, the centralized initial contact point for victims and their representatives for the filings necessary for participation in the proceedings.

12 November

Ieng Sary, deputy prime minister and the foreign minister of former Khmer Rouge government, is arrested and charged with crimes against humanity and war crimes. His chosen counsel will include Cambodian lawyer Ang Udom and later Michael Karnavas, President of the Association of defence Counsel of the International Tribunal for the Former Yugoslavia. Ieng Sary disputes the crimes with which he is charged saying, "there are certain accusations that I cannot accept" and "I would like to know the truth about a dark period in our history. I do not know where the truth lies. I am very happy that this Court has been established because it will be an opportunity for me to discover the truth and also to share what I know."

12 November

Ieng Thirith, minister of social action, member of Pol Pot's inner circle and sister of Pol Pot's first wife, is arrested, charged with crimes against humanity and placed in provisional detention. Her chosen representation will include Cambodian lawyer Phat Pouy Seang and Diane Ellis, an experienced British barrister.

13 November

Khieu Samphan, former Khmer Rouge head of state, suffers stroke.

2007 continued

14 November

Co-Investigating Judges order that Ieng Sary and Ieng Thirith be placed in provisional detention.

19 November

Khieu Samphan, former head of state, is taken from the hospital after being discharged, arrested, charged with war crimes and crimes against humanity, and placed in provisional detention. Chosen to represent him is Dr. Say Bory, former head of the Bar Association of Cambodia, and Jacques Verges, French lawyer, so-called “The Devil’s Advocate,” and former counsel for Nazi Gestapo officer Lkaus Barbie, Venezuelan terrorist Carols the Jackal and Slobodan Milosevic. Mr. Khieu Samphan denies all charges, claiming he held no effective power.

20-21 November

ECCC Pre-Trial Chamber holds the court’s first public hearing. The Pre-Trial Chamber convened to decide the appeal of Duch’s pretrial detention order. Over 500 people observed the first day of hearings.

3 December

Pre-Trial Chamber upholds Duch’s pretrial detention. The Pre-Trial Chamber asserts its independence from other judicial bodies in the Cambodian court system and holds that its jurisdiction is limited to subject matters expressed in the ECCC law.

13 December

Pre-Trial Chamber receives amicus curiae brief from the Cambodian Human Rights Action Committee (CHRAC) in relation to appeal made by Nuon Chea against his provisional detention order. The brief asserts that Nuon Chea’s right to counsel was breached and urges the ECCC to hold a new hearing.

2008

July 2006 – January 2008

ECCC receives more than 700 complaints and civil parties’ applications. In the first quarter of 2008, this number increases to 1,147.

15-16 January

Co-Investigating Judges hold meetings in Pailin, former Khmer Rouge stronghold and resident village of four of the accused, with local government officials and with a range of people from Pailin Municipality to explain the objectives, scope, and progress of the ECCC and the work of the investigator over the coming period.

2008 continued

28 January – 1 February

3rd Plenary Session of Judicial Officers convenes. Judge Kong Srim and Judge Silvia Cartwright make opening remarks.

31 January

National and international judges adopt a common Code of Judicial Ethics which includes articles on judicial independence, impartiality, integrity, confidentiality, diligence, conduct during proceedings, public expression and association, extra-judicial activity, and observance of the code.

4 February

Pre-Trial Chamber opens hearing on Nuon Chea’s appeal against provisional detention and adjourns in response to request by his Cambodian defence lawyer, Son Arun. This public hearing was the first time civil parties participated in the proceedings of the ECCC, legally represented by their lawyers.

26 February

Confidential on-site investigations held at Choeung Ek, also known as the “Killing Fields,” where the Khmer Rouge regime allegedly executed more than 12,000 people between 1975 and 1979.

27 February

Confidential on-site investigations held at Tuol Sleng, the former high school used by the Khmer Rouge regime as the Security Prison 21 (S-21) and where thousands were tortured.

31 February

10th Meeting of the Friends of the ECCC (at Ambassadorial level) held at the French Embassy.

11 March

Director of Administration, His Excellency Sean Visoth, holds meeting with all Cambodian staff of the ECCC to give progress report on the judicial and administrative activities and on the current funding shortage situation.

20 March

Pre-Trial Chamber announces decision: firstly to confirm the full role of civil parties at every stage of the proceedings (a matter challenged by the defence); secondly, to reject Nuon Chea’s appeal against the Order of Provisional Detention.

2008 continued

27 March

ECCC Human Resource Management passes scrutiny test. The review was carried out in late February 2008 to assess the ECCC management's abilities to be well prepared for upcoming tasks and responsibilities and ensure that the HR management policies and practices of the Cambodian side of ECCC are transparent, accountable, meet international standards, and provide consistent and effective measure against any mismanagement.

27 March

Group of Interested States holds meeting on ECCC at United Nations in New York, attended by representatives of 20 countries, the Controller, the Legal Counsel, and the Cambodian Permanent Representative to the United Nations and an ECCC delegation led by the Director of Administration, who gave a briefing on recent developments and forward planning.

3 April

Australia contributes A\$500,000 to ECCC.

15 April

On the tenth anniversary of the death of Pol Pot, UN Secretary-General Ban Ki-Moon issues statement in solidarity, stating, "I would like to remind the international community of the urgent importance of bringing to closure one of history's darkest chapters."

16-21 April

UN Assistant Secretary-General and Controller Warren Sach visits ECCC.

18 April

11th meeting of the Friends of the ECCC (at Ambassadorial level) held at Embassy of Japan.

23 April

Pre-trial hearing adjourns when Jacques Verges, lawyer for Khieu Samphan, storms out of courtroom because the case file against Khieu Samphan is not translated into French. This incident highlights the translation backlog faced by the ECCC.

8 May

12th meeting of the Friends of the ECCC at ambassadorial level is held at the French Embassy in Phnom Penh.

15 May

The Duch investigation concludes. ECCC predicts the trial will take place in September 2008.

2008 continued

16 May

First issue of the ECCC newsletter is published.

21 May

Khieu Samphan is hospitalized for high blood pressure amid rising concerns for the health of the elderly defendants.

21 May

Ieng Thirith appears before the Pre-Trial Chamber for her appeal against her pre-trial detention.

23-28 May

Joseph Mellot, advisor to the U.S. Ambassador-at-Large for War Crimes Issues, conducts a review of the ECCC, fueling rumors that the U.S. is considering funding the ECCC.

1 June

Knut Rosandhaug takes over the UN position of Deputy Director of Administration, succeeding Michelle Lee.

16-20 June

Meetings of the Group of Interested States are held in New York, joined by the Director of Administration, His Excellency Sean Visoth, and the Deputy Director of Administration, Knut Rosandhaug, to discuss the new revised budget.

18 June

Japan contributes an additional \$2.9 million to the Cambodian side of the ECCC, the bulk of which will go toward funding the salaries of around 25 Cambodian staff at the ECCC.

24 June

Co-Investigating Judges refuse the request for release of Khieu Samphan.

24 June

ECCC issues press release disclosing a budget shortfall and seeking an additional \$43.7 million from pledging states. They cut the proposed budget to \$143 million from \$170 million and bring the ECCC's expected end date forward by one year to 2010.

27 June

Cambodian Parliamentary elections are held.

30 June-3 July

Ieng Sary hearing on appeal against pre-trial detention is held. The hearing on the first day is adjourned early because of Mr. Ieng Sary's ill health.



2008 continued

30 June

Say Bory, Cambodian co-lawyer for Khieu Samphan resigns citing concerns that he would not be able to represent Khieu Samphan through to the conclusion of trial due to poor health.

June 30-July 3

Ieng Sary sought absolution of charges citing his 1996 royal pardon. His lawyers claimed that a trial would constitute double jeopardy—since Ieng was tried by the Vietnamese People’s Revolutionary Tribunal in 1979—and argued that detention might kill the aging defendant. The bail appeal hearing was adjourned due to Ieng’s poor health.

July 9

Ieng Thirith was denied bail as the judges ruled that “detention remains a necessary measure.”

July 10

Tribunal officials deemed Khieu Samphan healthy enough to remain in detention.

July 11

Germany pledged \$2.4 million to the Genocide Tribunal.

July 18

Prosecutors completed the final submission for the Duch case, containing 200 pages of "factual and legal arguments." The Prosecutors argued that Duch should be charged with crimes against humanity, grave breaches of the Geneva Convention and torture and homicide in violation of the Cambodian Penal Code of 1956.

July 21

Cambodian law professor, Sar Sovan, agreed to represent Khieu Samphan.

August 1

Ieng Sary was taken to the hospital after blood was found in his urine.

August 4

Rupert Skilbeck, head of the defence Support Section, resigned after accepting a position with the Open Society Justice Initiative. The resignation would not delay the first trial.

August 5-6

A UN Oversight Committee in New York began reviewing allegations of corruptions involving kickbacks at the Tribunal brought forward in June. In response to the allegations, the UNDP/donor nations decided to withhold \$300,000 in funding. Consequently, none of the 250 Cambodian staffers had received their July paychecks.



2008 continued

August 11

Ieng Sary was discharged from the hospital and was returned to detention.

August 12

Duch was indicted and sent to the main chamber. Amidst corruption allegations, Keo Thyvuth, the Cambodian Chief of Personnel at the Tribunal, was removed and replaced by Rong Chhorng.

August 13

Psychologists deemed Duch's mental state relatively normal and said that he could be rehabilitated and reintegrated.

August 13

Japan pledged \$2.9 million to pay the July salaries of the 300 staffers who had not been paid due to the corruption scandal.

August 15

The Tribunal established an anti-corruption team headed by Judge Kong Srim and spokeswoman Helen Jarvis in an attempt to establish international credibility with donor nations reluctant to provide funds. The Tribunal hoped this would help end the \$43.8 million budget shortfall.

August 18

Sean Visoth, the director of administration at the Tribunal declared, "If there is any corruption in the KRT relating to me, I will resign."

August 21

defence attorneys announced that the trial of Khieu Samphan would be delayed until court documents were translated into French, the native language of his attorney, Jacques Verges. The prosecution appealed the indictment, seeking additional charges against Duch. The lawyers alleged that the indictment did not charge Duch for homicide and torture under the Cambodian Penal Code of 1956 and his role as a "as a co-perpetrator for a significant number of crimes that occurred as part of a joint criminal enterprise inside the prison."

August 25

The United States announced that it would fund the tribunal upon resolution of the corruption investigation.

August 29

New documents revealed that as many as 177 people were released from S-21, as least 100 of whom were Khmer Rouge soldiers, contradicting the prevailing belief that no one had ever been released and that only 14 people survived.

2008 continued

September 2

At the beginning of the fourth plenary session of judges, New Zealand Judge Silvia Cartwright admonished the Cambodian staff to resolve the "troubling" allegations of graft.

September 3

Sou Sotheavy, 68, a transgender woman, filed a complaint with the tribunal claiming she was raped multiple times for "moral offenses."

September 8

A UN representative said the UN side of the tribunal would run out of funds between October and December. While the UN would not provide additional funds, officials expected donor-nations to provide money. Monitors worried that budget woes might delay the start of the first trial. At the fourth biannual plenary session of judges, amendments were enacted to expedite the process by limiting the defendants' right of appeal and requiring that victims file civil party suits with a single lawyer.

September 15-16

At the end of his three-day visit to Cambodia, Deputy U.S. Secretary of State John Negroponte announced that the United States would give \$1.8 million to the tribunal.

September 16

The Cambodian government declared that all future graft allegations would be reviewed in secret by the Royal Government of Cambodia KRT Task Force.

September 19

Nuon Chea, 82, the most senior of the Khmer Rouge leaders facing trial would remain in detention for another year.

September 19

Hanrot Ranken, a prosecutor and prominent member of the Supreme Council of Magistracy declared, "The ECCC is one of the major causes of the lack of judges and prosecutors at the local court."

October 1

The tribunal ended the segregation of the 5 detainees.

October 2

Officials announced that the trial of Duch would be delayed until early 2009 due to the appeal of the indictment by the prosecution.

October 3

Detainees' families sought their release for participation in P'Chum Ben and other religious holidays.

2008 continued

October 7

Germany pledged an additional \$4.3 million to the tribunal

October 9

The Open Society Justice Initiative said the tribunal's troubles with corruption were "serious and potentially fatal" to its legitimacy and called upon donor nations to demand the resolution of graft charges before providing additional funds.

October 13

The defence counsel for Khieu Samphan withdrew its appeal for bail since they did not want to delay the process further by waiting for a pretrial ruling.

October 17

Judge Prak Kim San rejected Ieng Sary's appeal of his pretrial detention.

October 17

Lawyers for Nuon Chea appealed their client's pretrial detention.

October 22

Australia pledged nearly \$3.5 million to the tribunal.

October 23

The tribunal deemed Nuon Chea and Ieng Sary fit to stand trial.

November 13

Judges declared that Ieng Sary and Ieng Thirith would be detained for another year.

November 18-20

Judges hoped to hold a private hearing in which Duch and Nuon Chea would confront one another regarding the killings of Tuol Sleng. While it was initially scheduled for this week, the hearing was postponed because Nuon Chea's lawyer said he was not yet prepared.

December 1

Robert Petit filed a Statement of Disagreement against his Cambodian co-prosecutor, Chea Leang, with the Office of Administration regarding their different opinions on the opening of new judicial investigations into crimes perpetrated by senior leaders of the Khmer Rouge throughout Cambodia. Petit believed more arrests were warranted while Chea disagreed.

2008 continued

December 5

Judges decided that Duch would face additional charges of homicide and torture but would not face the charge of joint criminal enterprise sought by the prosecution. The latter charge would enable the tribunal to hold Duch responsible for the crimes perpetrated by others working in the prison. Due to the delays, Duch was still not expected in court until March at the earliest. At an appeals hearing, Khieu Samphan said, "I have always worked on the side of my country...I don't understand why I am being charged with crimes against humanity." His lawyers, Jacques Verges and Sa Sovan, appealed the denial of their request for a translation of all of the documents into French, arguing that such a measure was necessary for a fair trial considering French was Mr. Verges's native language.

December 10

Cambodian Deputy Prime Minister and Chairman of the Royal Government Task Force on the Khmer Rouge Trials, Sok An, and UN Secretariat members discussed the need to embolden the court by improving human resources management and strengthening anti-corruption efforts.

December 16

Non-governmental watchdog groups released a statement saying, "Lack of transparency and inadequate access to information continue to be a problem...the Court needs to immediately amplify transparency and reinforce engagement and dialogue with NGOs."

December 24

The tribunal has identified six more potential suspects.

December 30

Judges refuse to review Khieu Samphan's detention, citing lack of jurisdiction.

December 31

Chea Leang reasserted her opposition to the trial of additional suspects and filed her response to Petit's statement of disagreement. Ieng Sary was discharged from Calmette Hospital for the second time this week due to blood in his urine and swollen hands and feet. His lawyer, Ang Oudon, said that Ieng's health was undermining defence preparations and alleged that his continued detention was aggravating his health, saying, "At this rate, he will not be able to participate in the court."



2009

January 6

Human Rights Watch issued a report calling the tribunal “deeply flawed.” It accused the Cambodian government of obstructing justice.

Chea Leang explained why there should not be additional suspects. She argued that additional suspects would go beyond the scope of the tribunal's mandate, make the trials even longer and more expensive, and impede national healing.

January 9

Attorneys for Nuon Chea sought criminal corruption charges against the top Cambodian officials at the tribunal.

January 11

Japan pledged a subsequent donation of \$21 million to the tribunal.

January 12

Attorneys for Nuon Chea alleged that the Cambodian judges were utilizing intimidation tactics--such as threatening to sue them for defamation of the tribunal administrators--in an attempt to stop the corruption investigation.

January 12

Prosecutors submitted a list of witnesses in the trial of Duch. The judges will decide who will be called in the trial.

January 15

The Phnom Penh Municipal court will order tribunal employees to testify regarding graft charges.

January 19

The head of the defence section of the Tribunals endorsed the criminal corruption investigation and spoke out against the intimidation by Cambodian judges.

At the trial logistics meeting, it was determined that the trial of Duch would begin on February 17.

January 20

The tribunal started a media campaign to encourage victims to participate in the trial of Duch.

January 21

A survey conducted by UC-Berkeley revealed that 85% of Cambodians knew little or nothing about the tribunal, that one-third of those surveyed doubted the tribunal's objectivity, and that 23% believed it was corrupt.



2009 continued

January 27-February 17

There was a major dispute between Cambodian and international officials about the trial of additional defendants, with the former not wishing to pursue additional defendants and the latter believing the trial of additional suspects was necessary for the tribunal's integrity. Many believed Hun Sen was controlling the Cambodian prosecutors and judges in order to limit the tribunal's scope. According to Human Rights Watch, "The tribunal cannot bring justice to the millions of the Khmer Rouge's victims if it tries only a handful of the most notorious individuals, while scores of former Khmer Rouge officials and commanders remain free."

February 2

Germany said it would not donate additional funds to the tribunal until corruption charges were addressed.

February 9

The Phnom Penh Municipal Court's criminal investigation into graft at the Khmer Rouge tribunal abruptly stopped.

February 12

The first textbook on the Khmer Rouge genocide was unveiled.

February 17

The trial of Duch began. While Francois Roux, a lawyer for Duch, spoke of Duch's remorse, he implored the court to "respect the rule of law, respect the rights of the accused and respect the principle of an adversarial proceeding" after the last-minute inclusion of a survivor of S-21 to the case. He also protested Duch's detention arguing, "A person cannot be kept in pretrial detention for more than three years under Cambodian law." Co-prosecutor Robert Petit declared that he would again seek joint criminal enterprise charges.

February 18

Lawyers debate the use of the Vietnamese video recordings of the S-21 prisons. While Robert Petit argued, "It is an absolute must for this trial chamber to have all available evidence," co-defence attorney Kar Savuth said that the film was Vietnamese propaganda.

February 20

A spokesman from the Cambodian side of the Tribunal, Reach Sambath, said, "We may not have any money to run the court next month." The court required another \$44.1 million to operate through 2009.

2009 continued

February 20

Judge Prak Kimsan, head of the pre-trial chamber, rejected Khieu Samphan's appeal to have documents translated into French on the basis that the court's rules do not provide for appeals related to translation issues.

February 23

UN officials said there had been progress in resolving the alleged corruption issues.

February 24-27

The tribunal held public hearings in which lawyers for Ieng Thirith, Ieng Sary, and Khieu Samphan argued for their release from pre-trial detention due to health and evidentiary concerns.

February 24

At the first hearing, Ieng Sary denied wrongdoing, saying he dealt strictly with Chinese humanitarian experts, while Duch and Nuon Chea were responsible for the killings. The 76-year-old angrily yelled, "Don't accuse me of being a murderer, otherwise you will be cursed to the seventh circle of hell."

February 26

Ieng Sary was unable to attend the hearing to appeal his detention because an early-morning health examination resulted in his being taken to this hospital for the ninth time since his arrest in November 2007.

February 27

Khieu Samphan's appeals hearing was delayed because his attorney, Jacques Verges, failed to appear in court.

March 2

According to President of the Supreme Court Chamber, Judge Kong Sri, "The national side of the court will not have sufficient funds for the staff salaries for this month."

March 2

Lawyers for Nuon Chea requested testimony from Premier Hun Sen, former king Norodom Sihanouk, and other leaders who "are likely in possession of documents and information relevant to the pending judicial investigation." The lawyers also announced that they were filing a complaint due to the leak of these confidential filings.

March 3

Lawyers for Ieng Sary were warned that there would be consequences if they did not remove confidential documents regarding the investigations from the Internet within 24 hours.

2009 continued

March 5

Lawyers for Ieng Sary accused judges of infringing on their right to publicly protect their client, saying they were abusing confidentiality to reduce transparency.

March 5

A European Commission delegation pledged further support on the condition that corruption allegations were resolved.

March 10

Tribunal officials announced that they were in the midst of discussions with UN officials to release frozen funds if corruption charges were addressed.

March 12

The Cambodian Minister of Information said the Tribunal should focus on current suspects instead of "dragging their feet" by focusing on issues like additional defendants. He accused international judges of prolonging the process because "the longer they drag their feet, the more money they get."

March 16

Lawyers for Ieng Sary appealed the order requiring them to remove documents from their website.

March 18

Lawyers for the Civil Parties formally protested the fact that internal rule 89bis does not permit Civil Parties or their lawyers to respond to the prosecution's opening statement. They wanted a maximum of two hours to respond to the opening statement to be delivered on March 30.

March 20

Judges ruled that Norng Chunpha, the only child to survive Tuol Sleng, would not be granted survivor status at the tribunal because he submitted an application two days late in February. While he could still testify as a witness, he would not be entitled to reparations.

March 20

Japan gave an "urgent" \$200,000 to the tribunal to continue operations.

March 26

Youk Chhang, the head of the Documentation Centre of Cambodia, asked for the date of the opening of the Duch Trial, March 30, to become a public holiday.



2009 continued

March 30

The trial resumed and a court official read the long and detailed charges against Duch, accusing him of “crimes against humanity, enslavement, torture, sexual abuses, and other inhumane acts,” and described the brutal techniques utilized at S21.

March 31

Duch takes responsibility for the crimes committed at S21 and asks for forgiveness. He said he was a "scapegoat," as he did not have a leadership role in the Pol Pot regime, and only executed orders, despite knowing they were criminal, because failure to do so may have placed him and his family in jeopardy. Prosecutors made their opening statement. They said, "The accused was knowingly and intentionally in control of the entire Tuol Sleng criminal enterprise...S21 formed an integral and indeed vital role in a widespread attack on the population of Cambodia. The accuser's crimes were part of this attack." They described the brutal torture and murder tactics and the policy that “no one could leave S21 alive,” while focusing on a few revealing stories. Duch's lawyers reaffirmed their client's statement, saying Duch was being prosecuted in place of those who committed the worst atrocities, and he was but one of 195 prison chiefs. He asked, “How can justice be done and how can the victims who survived accept this?” Hun Sen again voiced his belief that pursuing further defendants could cause the country to descend back into civil war. He said, "I prefer this court to fail...I won't allow war to re-occur in Cambodia."

April 1

Lawyers for Duch requested that he be detained apart from the other four defendants since his testimony might implicate them. The defence further added that Duch's 10-year pre-trial detention amounted to a violation of his rights. The prosecution challenged the request, saying moving Duch out of the tribunal could place him at risk from retaliation by victims and their families. Duch accepted all 260 charges against him, objecting only to the nomenclature of Tuol Sleng, saying it was called S-21 and renamed Tuol Sleng after the collapse of the regime. The prosecution inadvertently said that Nuon Chea had commanded Duch to murder four groups of prisoners and conduct research on poisons using prisoners.

April 2

Ieng Sary sought release at an appeal hearing.

April 3

Khieu Samphan appealed his pre-trial detention. Judges rejected a request to investigate corruption at the court, saying such an investigation would be outside their jurisdiction.



2009 continued

April 6

The top United Nations legal officer, Peter Taksoe-Jensen, arrived to discuss whistleblower protection for tribunal employees. Duch blamed America's support for General Lon Nol during the Nixon Administration for the rise of the Khmer Rouge. He said he "sacrificed everything for the revolution" and said his role as a prison chief "was unavoidable...I hated to do it." This week's hearings centered on the M-13 prison, open from 1971-1975 during the Khmer Rouge insurgency, which Judge Nil Nonn said was necessary to understanding the organization of Tuol Sleng, Duch's personality, and his importance to the Khmer Rouge leaders. Duch said the purpose of M-13 was "detaining, interrogating, and smashing people" suspected of espionage in areas "liberated" by the regime. The incarcerated, he said, remained shackled all the time in very inhumane conditions and were fed very little.

April 7

Duch told the tribunal that prisoners would be forced to write confessions, which he would read before ordering torture and killing. He said, "I never believed the confessions I received told the truth. At most, they were about 40 percent true." Duch claimed he was put in charge of S-21 after impressing Pol Pot leaders with his stewardship of M-13.

April 8

Peter Taksoe-Jensen and Sok An failed to reach an agreement about combating corruption after three days of talks. That notwithstanding, Taksoe-Jensen submitted a proposal for Sok An to review.

April 8-9

Francois Biot, a French anthropologist abducted by the Khmer Rouge and detained at M13 for three months, was the first witness to testify. He said Duch was not a "monster" but rather a communist revolutionary, like some of his friends in Paris, who was on a "mission."

April 20

Witness Chan Veoun testified that he witnessed Duch shoot his uncle to death, beat prisoners on a regular basis, and even tie a woman and "take off her shirt and burn the chest of that lady" at M-13. Duch, who denied ever killing detainees and said he only abused two prisoners, called the testimony "a complete fabrication." The Australian government authorized the UNDP to release the \$456,000 it had pledged to the tribunal. That notwithstanding, the UNDP said it "was not in a position to release the funds at this time," citing the unresolved graft investigation. Tribunal officials, who had planned to use the money to pay April salaries, said the UNDP should follow donor requests.



2009 continued

April 21

Duch testified that prisons like M-13 had captivity pits dug 2 meters into the ground to keep prisoners from escaping, and to protect them from American B-52 bombings. Despite not being his original intention, Duch said that M-13 "was not just harsh but cruel and heinous. It was the place where humanity was smashed. It was beyond being harsh." He said he created a state of fear that caused guards to carry out his orders, because if they failed to comply they were scared of being beheaded. Chan Khorn, a former guard at M-13 who worked under Duch, said none of the guards disobeyed Duch, and that "I was so afraid of him I could not even look him in the face."

April 22

Duch testified that Pol Pot lied when he said he was unaware that S-21 existed and was established by the Vietnamese as propaganda in a 1997 interview. Duch said this false account led him to speak to British journalist Nic Dunlop who found him in hiding in 1999. He said that, despite the absence of a written order, "Pol Pot was the one who initiated the idea, Son Sen implemented it, and Nuon Chea is the one who did the follow up. This is from my observation and from the surviving documents." Duch further testified that Jesus Christ led Nic Dunlop to find him in hiding. Later in the day, Duch testified that after he was found in May 1999, UN officials duped him into confessing and gave him \$50 to travel to Thailand where he would be arrested by international authorities who would bring him to trial in Belgium. Duch declined this offer.

April 23

Duch answered the judges' questions about the organization of S-21. He said, "S-21 was under the supervision of Professor Son Sen," and revealed that "All security offices, including the S-21 office, had the duty to detain and interrogate and finally to smash -- that is to kill." He also said that the rape of a female detainee caused him to hire the wives of five subordinates to interrogate women in the prison. He said, "As chairman, my main duty was to report on confessions of those who were tortured. I, myself, annotated those confessions in order for my superior to understand."

April 27

Duch said the sign containing such rules as "while getting lashes or electrification you must not cry at all" was "fabricated by Vietnamese when they came in." He again discussed how his job was to review documents and the forced confession, though there was at least one time when he himself interrogated an important prisoner. He attributed his appointment to run the center to being "very faithful and honest to" the regime.



2009 continued

April 28

Duch testified that he sought to distance himself from S-21, but Son Sen and Nuon Chea were not amenable to this and he followed their orders. He also said that staff were purged for minor mistakes. Though Duch previously testified that the sign containing the ten rules by which prisoners were to abide was Vietnamese propaganda, surviving guard, Him Huy, testified the rules were real and that Duch wrote each one. Judges announced that they would not rule on Duch's release for the duration of the trial until June 15.

April 29

Duch denied waterboarding or suffocating detainees because of the risk of death, saying that "the normal beating technique and the electrocution technique with use of a telephone (line)... which was connected to an electric current to electrocute prisoners" were employed. The War Crime Studies Center reported, "The initial estimates of the trial completing in 12 weeks now seem somewhat unrealistic... Given the chamber is yet to hear an estimated 49 further witnesses, proceedings may continue till at least the end of 2009."

April 30

Duch called Pol Pot worse than China's "Gang of Four," saying he "evacuated all the people from Phnom Penh city, smashed the former regime officials, smashed the capitalists, smashed the intellectuals. So... only the peasant worker class remained." He further said, "When people were perceived as enemies and arrested and sent to S-21, no one was entitled to release them. Even Pol Pot, the most senior person in the Khmer Rouge, acknowledged that he had no right to release any people." Duch reaffirmed that knew he was committing "all kinds of...serious crimes," but did not protest to ensure that he and his family would be safe.

May 1

Japan donated \$4.17 million to the Cambodian side of the tribunal to fund salaries.

May 4

It is reported that former king Norodom Sihanouk's representatives said calling him to the tribunal would violate Cambodian law.

May 5

The court rejected Nuon Chea's appeal for bail.

May 6

Duch testified that Nuon Chea bore ultimate responsibility for the death camps. He said 196 Killing Fields existed between 1976 and 1979. Duch further said that the Chinese diplomatic and trade officials in Cambodia were kept shielded from the killings. A recess began.

2009 continued

May 7

Australia again asked for its funds to be released by the UNDP.

May 11

The court rejected bail for Ieng Thirith.

May 12

Lawyers for civil parties requested access to documents concerning the graft investigation.

May 14

A UN spokesman said the UN "would expect" Cambodian officials to give the UN the findings of the corruption investigation.

May 15

The Cambodian government revealed that it was investigating foreign staff at the tribunal. A foreign lawyer called this "childish and thuggish." Later in the day, the government said it was investigating claims of "misdeeds," not monitoring staffers. The United States said that it should handle these investigations.

May 18

The trial of Duch resumed. Duch admitted to forging confessions to implicate the regime's continually changing political enemies, resulting from the power struggle between Ta Mok and Pol Mok. Later, genocide expert Craig Etcheson testified about the structure of the regime, focusing on its statutes that each level of cadre frequently report to superiors and the fact that cadres who were "not pure" were subject to "disciplinary measures," including death. The tribunal shuffled some personnel.

May 19

Craig Etcheson continued his testimony. He spoke of the "widespread purges throughout Democratic Kampuchea," saying over 1,000 Khmer Rouge cadres from the eastern zone and over 1,000 from the northwest zone were sent to S-21, as were over 1,400 people from regime ministries. defence lawyer Francois Roux raised an objection to a report discussed by Etcheson since it allegedly said little about S-21, but the objection was rejected by judges.

May 21

Judges warned Jacques Verges, the French lawyer for Khieu Samphan, that he could face dismissal if he continued making "unsubstantiated" allegations and using "abusive and insulting" language.

May 22

Clint Williamson, the American ambassador-at-large for war crimes, said the tribunal was making "real progress," but spoke of the need for the court to address corruption



2009 continued

May 25

The Cambodian government declared that it would collaborate with the United States on the corruption charges, but stressed that "The US is just a facilitator...a friend of the court" without "any power to make decisions."

May 26

A government official said that the press's critical reporting "could cause justice to escape the Cambodian people...A few foreign newspapers in Cambodia should be more professional in publishing articles related to corruption allegations." Former editor of the Far Eastern Economic Review, Nayan Chanda, testified about how the Khmer Rouge's communist revolution in 1975 became a territorial conflict with Vietnam. Duch disagreed, saying that could be said about Korea, but "As for us and Vietnam, we never had any joint territory." He further stated, "I did not think of Pol Pot as a patriot. He had blood on his hands. Pol Pot used the slogan that if we wanted to defeat the Vietnamese we had to be clean in our ranks and clean in ourselves...In that conflict Pol Pot was a murderer, and more than one million people were killed under the hand of Pol Pot. At S-21, my hand is stained with the blood of people killed there."

May 27

French judge Marcel Lemonde said he would quit if he felt there was government interference in his work. Craig Etcheson testified, "S-21 was unique. It was... considered an organ of the government or the communist committee." Japan pledged to help preserve the Tuol Sleng genocide museum by signing a three-year agreement. A high-ranking government official denied the government was preventing judges from interviewing witnesses working in the Cambodian government.

May 29

A high-ranking government official denied the government was preventing judges from interviewing witnesses working in the Cambodian government. Craig Etcheson testified that the torture methods used at S-21 were even more brutal than those used at other prisons. They included "burning, removing fingernails and toenails, putting salt or saltwater on wounds, tormenting people with poisonous insects." In response to questions from civil party lawyer Alain Werner, Etcheson said that "smash means something more than killing...It was to smash into little pieces." He added that starvation was a common form of "smashing." defence lawyer Kar Savuth denied Etcheson's claim that S-21 was the biggest torture location.



2009 continued

June 1

Foreign Minister Hor Namhong stated the tribunal must balance the need for justice with the need for stability. Prime Minister Hun Sen said that expanding the scope of the tribunal's jurisdiction and charging additional leaders could divide the country.

June 3

International Co-Prosecutor Robert Petit declared that the ECCC judges cancelled a hearing to announce whether further prosecutions would progress. The judges' decision would resolve the months-old legal wrangle between Petit and his Cambodian counterpart, Chea Leang, who had sought to block further prosecutions, citing concerns for national stability.

June 4

The Court's security team planned to conduct investigations on the thefts of official documents including drafts of a letter to court official. Suspects claimed the letters were stolen from the defence counsel. The names of those who allegedly stole the documents have not yet been released.

June 5

International co-lawyer Michiel Pestman said one of his team's confidential documents was found floating in a "moat" or a half-meter wide "ditch filled with water lilies." The document is said to be a draft letter signed by members of the Democratic Socialist Perspective's (DSP) Leninist Party faction.

June 8

The defence team for Khmer Rouge foreign minister Ieng Sary raised concerns about the appointment of former tribunal spokeswoman Helen Jarvis as the head of the courts Victims' Unit. The letter argues that Jarvis' political views compromise her role and conflicts with her outreach responsibilities.

June 8

Duch accepted responsibility for murdering children of inmates as chief jailer of S-21 during the Khmer Rouge.

June 10

Duch testified that Khmer Rouge ideologies utilized a variety of theories practiced by Marx, Lenin, and China's "Gang of Four." Duch testified that hundreds of Vietnamese civilians and prisoners of war were put to death after being accused of espionage.

The Court postponed hearing eye-witness statements of former deputy chief Mam Nai and guard Him Huy.

2009 continued

June 10

A tribunal spokesman confirmed that no official documents were stolen from defence attorneys; attorney Michiel Pestman suspected theft after he found confidential papers floating in a pond near his office.

June 11

Duch testified that Khmer Rouge officers forced Buddhist monks to disrobe. Efforts such as these, or even killing monks, were intended to dismantle Buddhism as the national religion.

June 15

Court judges found that under Cambodian law, Duch was illegally detained over the past decade.

Duch broke down in tears while testifying that S-21's own guards and interrogators were among those executed, sometimes for minor mistakes.

June 16

Duch testified that some inmates had blood completely drained from their bodies or were used for medical experiments.

June 17

Duch testified he only once visited Chhoeung Ek, the country's most notorious "killing field," and that he witnessed only one execution at S-21 jail.

Duch testified that Pol Pot, former Khmer Rouge leader, ordered the killing and burning of four Western prisoners, who were captured while sailing in Cambodian waters.

Defence attorneys objected to the judges' decision, which limited defence questioning time to four hours. They disputed this decision as prosecution and civil parties receive a combined six hours.

June 19

Victims of the Khmer Rouge questioned Helen Jarvis' ability to lead while she is currently a member of a Leninist party.

Prime Minister Hun Sen asked Surya Subedi, the new UN human rights envoy to Cambodia, for an "explanation" as to why a UN representative wanted to try Duch out of the country nearly ten years ago.

June 22

Prosecutors argued that Duch lied about the seniority of his position during the regime in order to protect himself; Duch maintained he merely followed orders from above.



2009 continued

June 23

Duch testified that he was “shocked” when confronted with his bloody past and continues to pray for forgiveness annually.

June 23

Chea Leang , Deputy Prosecutor at the Court of Appeal, is expected to be promoted as general prosecutor of the Supreme Court.

Canadian Co-Prosecutor Robert Petit announced his decision to resign from the tribunal, citing personal and family reasons.

June 24

Defence attorneys played video footage of Duch breaking down into tears two years earlier while delivering a speech to victims; this caused Duch reassert that he prays for forgiveness “all the time.”

Duch testified that pregnant women at S-21 were not “well treated;” he said they were not allowed to go to the hospital and instead gave birth to their children in traditional ways without expert nurses.

June 24

Co-Prosecutor Robert Petit confirmed that his resignation did not result from disagreements with his Cambodian counterpart about pursuing additional witnesses.

June 25

In a press conference, Co-Prosecutor Robert Petit detailed failings of the court; these include the inability of the tribunal to explain itself to Cambodians, the tribunal’s lack of funding, and the role of the Cambodian government in court proceedings.

June 25

Duch testified his repentance is possible because he is a new person and that every member of the communist party should apologize and take responsibility for their actions.

June 26

The National Assembly's decision to strip two opposition lawmakers of their parliamentary immunity has caused observers to note a large gap between Cambodian law and the country’s daily reality.

Christopher Peschoux, the head of the UN Office of Human Rights in Cambodia, reiterated that he did not attempt to help Duch leave the country and be tried in another court.



2009 continued

June 29

Survivor Vann Nath wept as he testified that he was only spared from death because he painted propaganda portraits of Khmer Rouge leader Pol Pot.

June 29

The Documentation Center of Cambodia plans to offer a one-week course where twenty-four education officials will learn from genocide experts and receive training on how to teach the history of the Khmer Rouge regime.

July 1

Bou Meng, a distraught survivor of the Khmer Rouge's main prison, begged Duch to reveal the truth about his wife's death so he could finally know where to pray for her soul. The 68-year-old described how he was tortured to make him confess to being a CIA spy but escaped his wife's fate after he was put to work painting pictures of former leader, Pol Pot. Bou was one of only seven people to survive the prison, where more than 12,000 men women and children died during Pol Pot's 1975-1979 "killing fields" reign of terror. Duch broke down in tears as he responded that Bou Meng's wife had presumably been murdered at Chhoeng Ek, the "killing field" on the outskirts of the capital Phnom Penh.

July 2

A former child prisoner at a notorious Khmer Rouge torture facility wept as he described to the Court the last time he saw his mother before she was murdered by the Maoist regime. Norng Chan Phal, who is one of just a handful of survivors from the S-21 prison in Phnom Penh, told the court he was separated from his mother shortly after they arrived at the facility.

July 3

Judges rejected the appeal made by Khieu Samphan, the former Khmer Rouge head of state, to be released from jail before his trial at the Court. The former leader appealed for his release in April, but judges ruled his detention was necessary to protect his security and preserve public order.

July 6

Defence lawyers for Khmer Rouge foreign minister Ieng Sary accused judges of barring defence teams from filing on a controversial conspiracy doctrine under which leaders could be charged with crimes they did not directly commit. According to lawyers Michael Karnavas and Ang Udom, the Trial Chamber denied a request to make submissions on Joint Criminal Enterprise, a legal doctrine that can be used to convict a defendant of crimes committed by other people in furtherance of a common plan or cause.



2009 continued

July 7

Phork Khan, a survivor of the notorious Khmer Rouge torture prison S-21, testified he escaped death by crawling from a pit of corpses at a mass execution site and floating down a river on a plank of wood. He stated guards pushed him into a mass grave at a site somewhere on the outskirts of Phnom Penh, which he believes was the infamous Chhoeng Ek.

July 8

Chin Meth, the first to offer testimony as a female survivor during Duch's trial, told the Court that her ankles and wrists still bear scars where she was bound for beatings – attacks that sometimes lasted until she passed out. She stated "They beat me with a wooden stick. They twisted my ankles with pliers... While they tortured me, they tied my hands behind my back and beat me very seriously. It was terrifying."

July 9

Nam Mon, a woman who survived the Khmer Rouge's main torture centre, testified that her two elder brothers were guards at the notorious jail, while she initially lived and worked as a medic before being interrogated. Her first brother killed her father, and was executed because he had hesitated before murdering his father. The witness also testified to how she was transferred to the "re-education center," S-24, where she was forced to dig graves for the corpses of children.

July 10

The Alaska Bar Association decided not to take action against Michael Karnavas, defence lawyer for Ieng Sary, after judges at the Khmer Rouge tribunal threatened to sanction him in March for publishing court documents on an independent Web site.

July 13

Mam Nai, a former chief interrogator at S-21 and the second-most senior member of the prison staff still alive, denied holding any position of responsibility at the prison. He told the court he was merely a low-level interrogator who questioned less important detainees and he had not seen anyone tortured or killed while at the prison.

July 14

A controversial legal doctrine threatened to disrupt Court proceedings after lawyers moved for a key witness to be halted until he consulted a lawyer. The motion made by Francois Roux, co-lawyer for Duch, occurred after former S-21 prison deputy Mam Nai had been sworn in. Roux questioned whether Nai's testimony could be used against him under a conspiracy charge being pushed by the prosecution and pending a decision by the chamber.

2009 continued

July 15

Duch implored his former deputy, Mam Nai, to tell the truth and admit responsibility for the torture that occurred at S-21 during the Khmer Rouge.

Interrogator Mam Nai told the Court that he was overcome by fear when Duch stripped him of his main duties after prisoners said he visited their homes. He testified that regardless of their loyalty or high rank, Khmer Rouge officials could be arrested and executed on suspicion of being traitors. Mam Nai was allegedly responsible for torturing high-ranking officials of the Communist regime.

July 16

Former guard Him Huy testified that prisoners thought they were being freed when they were actually being led to Cambodia's killing fields. He stated, "All prisoners were blindfolded so they did not know where they were taken and their hands were tied up to prevent them from contesting us." In addition, he wept as he recounted the fear he felt when interacting with his prison boss, Duch.

July 20

An aide to former King Norodom Sihanouk reaffirmed the King's refusal to cooperate with the UN-backed Khmer Rouge tribunal, even if the court calls him to testify. The response came amid reports that investigating judge Marcel Lemonde sent a request to the former monarch to testify as a witness in upcoming trials of jailed leaders of the Khmer Rouge.

July 21

Prak Khan, former interrogator at the main Khmer Rouge prison told the Court, how Duch often taught his staff torture methods using electric shocks and suffocation.

July 22

The UN will appoint a new spokeswoman, Yuko Maeda, for the Khmer Rouge tribunal, to replace Peter Foster, who resigned in December 2008. She will work closely with spokesman Reach Sambath, her Cambodian counterpart.

July 22

Duch told judges that he did not need his subordinates to face trial for the deaths of S-21 inmates, as he refuted the testimony of interrogator Prak Khan. Duch said Khan's testimony was mostly untrue and denied Khan's story about his staff tossing an 8-month-old infant out of a second story building. Duch concluded that Khan, and other subordinates, were speaking out of fear.



2009 continued

July 23

Cambodian prime minister Hun Sen's called to limit prosecutions at Court bring into question the independence of the tribunal. New York-based Human Rights Watch, a leading human rights group, alleged that Hun Sen has attempted to control the Court by asserting war could return to Cambodia if cases are brought against additional members. This accusation was a response to Sen's comments to French President Nicolas Sarkozy which called into question the role of government and the ECCC.

July 27

Rob Hamill will testify before the Court, one day short of 31 years after his brother, Kerry Hamill, was abducted, tortured and killed by Pol Pot. Kerry's yacht strayed into Cambodian waters and he was captured and sent to S-21, along with over 12,000 others who entered the torture center gates.

July 28

Duch responded to witness testimony of subordinate interrogators, by stating "I am the top criminal responsible for all the acts committed at S-21, responsible for all the lives lost at S-21. I am responsible emotionally and legally." Duch has previously accepted responsibility for his role governing the jail but he has consistently rejected prosecutors' claims that he held a central leadership role in the Khmer Rouge.

July 28

A former guard and bookkeeper at the S-21 torture and extermination center, Sos Thy, stated that up to 200 children were separated from their parents during their time at the camps. It was the first time a number had been put on the children killed at the camp. These statements contradicted earlier testimony when a man explained that as children, he and his brother survived at the camp before the Vietnamese topped the Khmer Rouge.

July 29

The Khmer Rouge tribunal headed into a short recess after hearing the grisly testimony of former guards of S-21, the regime's most notorious extermination centre. Reach Sambath, the tribunal's chief spokesman, said more than 13,500 people have attended 51 days of public hearings since the Court opened its doors.

July 30

The New York City Bar Association urged Prime Minister Hun Sen to investigate reports of corruption allegations at the tribunal. The association outlined concerns that attorneys working in Cambodia, including three international lawyers, were being threatened with criminal charges.



2009 continued

July 30

Judges decided against allowing the use of footage of Tuol Sleng prison shot by Vietnamese troops in 1979 as evidence in the Duch's trial, citing time restrictions and concerns that the footage would be repetitive. Prosecutors believed the footage was necessary to demonstrate inhumane conditions at S-21. Defence attorneys for the accused previously argued the authenticity of the footage had never been verified.

August 3

With a UN-backed tribunal underway for five top Khmer Rouge leaders, Cambodia's government will include a text on the Khmer Rouge in its 2009 high school curriculum. Half a million copies of A History of Democratic Kampuchea are being distributed to more than 1,300 schools across the country for grades nine through 12.

Sek Dorn, a former medic at the most notorious Khmer Rouge prison in Cambodia told the Court he treated people with missing fingernails and toenails, stating that hundreds of prisoners died from torture wounds. Dorn stated that he did not personally witness the torture, but saw the effects during medical treatment.

August 5

Cheam Soeu, who joined the Khmer Rouge as a youth and served as a guard at S-21, testified that he watched a Western prisoner being burned alive. Duch denied this statement and told the Court his orders were to first kill the prisoners, and then burn to ashes. Cheam Soeu said he constantly feared that if he did something wrong he would face the same fate.

August 7

David Chandler, a history professor from Australia's Monash University and an expert foreign witness for Duch's trial, offered a nuanced portrait of S-21. He characterized S-21 as an "anteroom to death" and called Duch "an enthusiastic and proud administrator of S-21 who worked out techniques and organizational methodology from scratch." Chandler also discussed at length the Khmer Rouge's extreme secrecy and obsession with conspiracy theories.

August 7

Khmer Rouge tribunal officials met with local rights organizations Friday in a bid to strengthen cooperation between the court and civil society and to improve outreach to victims of the regime. The goal is to avoid repetitive outreach activities, which waste both resources and time. The group also intended to inform the public about Court proceedings and encourage them to file testimony or complaints as civil parties in upcoming trials.



2009 continued

August 10

Witness and former guard, Saom Meth, testified that he saw Duch beat and personally torture an inmate with a stick. Saom Meth also described various torture techniques used at the jail, including the insertion of electric wires into the ears and the ripping out of prisoners' fingernails.

A former Khmer Rouge prison guard, Chhun Phal, told the Court that he was ordered to dump corpses into a mass grave. After disposing of corpses for two hours, Phal and eleven other guards dug two more pits to add to the hundreds of mass graves at the Choeng Ek.

August 11

Duch admitted for the first time that he tortured a prisoner personally and confirmed the testimony of comrade Saom Meth who had previously told the Court that he witnessed his boss beat an inmate with a rattan stick. Regardless of this confession, Duch admitted his most serious crime was the “political indoctrination” of his staff at S-21 to make them consider inmates as enemies of the Khmer Rouge party. All the crimes committed at S-21, regardless of forms of torture used and regardless whether the special forces used or transported the prisoners to be executed somewhere else, they had to do it because of my instruction," he said.

Duch told the Court he wanted the “strictest level of punishment.” The defendant stated, “I accept the regret, the sorrow and the suffering of the million Cambodian people who lost their husbands and wives. I would like the Cambodian people to condemn me to the harshest punishment.”

August 12

The United Nations and Cambodia announced an agreement to establish an anticorruption watchdog to oversee the organization of the Tribunal and bring to justice the perpetrators of the country’s “Killing Fields.” They designated an Independent Counsellor to represent a further step in strengthening human resource management in the ECCC administration and promote anticorruption measures. The parties mutually agreed to appoint Cambodian Auditor General Uth Chhorn to the position.

August 15

Olympic rower, Rob Hammill, and a woman who was still in the womb when her father was sent to the torture facility are among a group of 18 civil parties expected to testify as the Court begins to hear from relatives of victims who were tortured and killed in S-21. Silke Studzinsky, another civil party lawyer, said the testimony would also provide more information on some of the regime's "direct victims.”

2009 continued

August 18

An emotional Rob Hamill, New Zealand rower, confronted Duch who ordered the torture and execution of his brother thirty-one years ago. Duch listened impassively to Hamill's testimony as it was translated and made no remarks.

Antonya Tioulong, whose father served as prime minister in 1962, testified that Duch's crimes as a prison administrator were unpardonable. Tioulong told the Court about her sister Raingsi who was brutally tortured while she was imprisoned at S-21.

The wife and eldest daughter of Professor Phoeung Ton, who are part of the KRT civil party, used strong words to address Duch during Wednesday's hearing. Prof. Phoeung Ton was a professor of international and maritime law, and he was also Duch's former professor; Professor Ton was brought into S-21 for questioning and he disappeared around 1977.

August 20

Tribunal spokesman, Reach Sambath, announced that a verdict in the trial of chief jailer Duch, is expected by early next year around the end of September. The Court promised a "fair and just" verdict after days of emotionally rigorous testimony from the relatives of victims. Several foreigners and Cambodians arrived at the Court to testify about the effects on their lives of losing loved ones in S-21. Head judge Nil Nonn warned witnesses to only give evidence and not to use the hearing to "take revenge."

Duch told the Court that he was incapable of helping his friends. Despite his love and respect for them, he considered them "enemies of the revolution" and he did not spare them in S-21.

August 27

Duch, whose real name is Kaing Guek Eav, told the Court that he adopted the nickname 'Duch' as his revolutionary name because he wanted a name in Khmer – the national language of Cambodia. He further explained that his revolutionary name because it was one used by a good student in a book he studied when he was young. "So Duch is a good one and has Khmer character. That's why I used Duch."

Representatives of civil party complainants will not be allowed to weigh in on Duch's punishment, despite two of the four groups requesting they be allowed to share their opinions on the appropriate punishment. Hong Kim Suon, a lawyer for the one of the civil parties, called the decision "unfair to victims," though defence lawyers for the accused said it helped maintain balance and fairness in the proceedings.

August 28

Efforts to bring Khmer Rouge survivors residing in the US to file with the Court continued as the deadline for filing approached (for Case 002). Civil parties and witness statements are an integral part of the UN-backed court, and are used in the hopes of providing some national reconciliation to the process.



2009 continued

August 28

Duch claimed reasons ranging from a broken heart to disenchantment with the Lon Nol regime influenced his decision to join the Communist Party of Kampuchea (CPK).

August 31

Mental health experts testified that Duch did not suffer from any mental disorders despite having overseen the killing of thousands of people. French psychologist Francoise Sironi-Guilbaud and Cambodian psychiatrist Kar Sunbaunat concluded that Duch lived with “disappointment, but lacked sympathy for others.

Lawyers representing victims of S-21 decided to boycott the Court after being barred from questioning a defendant about his personality and state of mind. The move, made by victims’ attorneys, came after attorneys were told they could not question Duch about his character.

September 1

Testimony from two psychologists revealed that Duch does not suffer from a mental disorder, but his motives in running S-21 were backed by his personal experiences and desire for praise. The expert witnesses predicted a successful and rehabilitative integration back into society for the leader.

September 2

The Acting Director of the Office of Administration of the ECCC forwarded the “Considerations of the Pre-Trial Chamber Regarding the Disagreement between the Co-Prosecutors Pursuant to Internal Rule 71” to the two Co-Prosecutors. The Considerations declare that the Pre-Trial Chamber has yet to assemble an affirmative vote of at least four judges on the Disagreement. This allowed the International Co-Prosecutor to open judicial investigations with the Co-Investigating Judges. The ECCC decided to open judicial investigations of five to six suspects, who served as lower-level members of the communist movement. Investigations open up the possibility of prosecutions, though many oppose this move in fear of sparking a civil war in Cambodia. Cambodian judges are projected as unlikely to gain support from the public to block further indictments of Khmer Rouge leaders.

September 2

Duch declared he made several attempts to avoid the position of director of S-21 but was forced to do so in order to save the lives of himself and his family.

Duch testified that Pol Pot’s revolutionary vision restructured education, the economy, and religion; Duch highlighted that the flaw of this philosophy was that it led to a paranoid regime whereby Cambodians struggled for survival.

2009 continued

September 2

A tribunal official reported that the ECCC has included more victim participation than any other genocide court in history.

September 3

Despite a nine-month disagreement concerning the debate about how further indictments would affect national security, the ECCC decided to pursue exploration of additional suspects. National and international co-prosecutors remain divided on the issue.

September 4

A group of civil parties protested the ruling that civil party attorneys would not be allowed to question character witnesses. Members of the civil parties cited that this unjustly restricted their participatory rights in a trial where “enhanced recognition of victims” is held in high regard.

September 7

Cambodian Prime Minister Hun Sen renewed strong warnings concerning the Court’s decision to investigate additional suspects. Judges foresaw more complicated issues arising should they proceed towards a second trial.

Prime Minister Hun Sen warned prominent Khmer Rouge researcher Youk Chhang to clarify his position regarding the PM’s resistance to the judge’s decision of investigating more suspects.

Youk Chhang recanted earlier statements which caused tension between himself and the prime minister, about advocating additional charges against other Khmer Rouge leaders.

September 7

Canadian Co-Prosecutor Robert Petit speaks about his struggle to bring killers to justice as he departs the ECCC after three years of service.

September 8

Though the names of additional suspects have not been released, a co-prosecutor formally recommended that the court investigate five more senior officials for crimes against humanity; the proposal was recommended to co-investigating judges who will decide on the appropriate next steps.

September 8

The Acting International Co-Prosecutor and Office of the Co-Investigating Judges filed second and third introductory submissions to open judicial investigations.

September 9

Prime Minister Hun Sen accused the tribunal of pursuing new suspects as a ploy by other governments inciting unrest within Cambodia.

2009 continued

September 14

Attorneys for two of the civil party groups decided to appeal a decision that restricts them from questioning character witnesses.

A defence witness testified that Duch is being used as “scapegoat” for the injustices of the regime since other chief jail leaders have already died.

Former chief prosecutor Richard Goldstone, who served as a judge in international courts adjudicating atrocities in Rwanda and Yugoslavia, testified as an expert witness; he asserted that confessions made by Duch might bring other ex-cadres to admit crimes.

September 14

The United Nations declared Cambodia's Tuol Sleng Genocide Museum a “Memory of the World” site for its significant historical documents.

The Applied Social Research Institute of Cambodia hosted several events to provide survivors and families of victims the opportunity to provide testimony that could be used in trial against former leaders.

September 15

The Christian minister who baptized Duch testified that Duch’s conversion from Buddhism to Christianity was sincere and not a pragmatic decision to gain forgiveness.

Duch testified that after his brother-in-law was accused of espionage, Duch jailed and tortured him in S-21.

September 16

Duch ended his testimony by apologizing and inviting victims to visit him in prison.

September 18

Chief Judge Nil Nonn officially adjourned the trial, thereby officially ending the opportunity to enter testimony or evidence.

September 22

The Documentation Center of Cambodia plans to release a book titled On Trial: the Khmer Rouge Accountability Process which details politics behind the establishment of the court, analyzes challenges of this process, and assesses the proceedings of the first case.

September 23

Observers questioned the role and effectiveness of the tribunal’s independent counselor Uth Chhorn, as he prepares to face the media for the first time.



2009 continued

September 23

Villagers in a northwestern Cambodian village plan to raise money to help restore a Khmer Rouge communal dining hall; the dilapidated wooden structure is meant to remind Cambodians of the victims' hunger during the regime.

September 24

The tribunal's independent counselor Uth Chhorn intends to collect information and complaints from staffers at the ECCC.

September 30

Survivors residing in Oregon are given the opportunity to file testimony and document evidence of their experiences during the Khmer Rouge regime.

October 4

An article appearing in the September 30 issue of the French newspaper *Le Monde* suggested that Im Chem, who served as chief of Preah Net Preah district in Banteay Meanchey province during Democratic Kampuchea, is among the five suspects named in introductory submissions filed by the prosecution last month. UN court spokesman Lars Olsen on Sunday said the report was "pure speculation."

October 7

The Court summoned six top government and legislative officials as witnesses against leaders of the late regime. In a move opposed by the Cambodian government, letters signed by the French investigating judge called on officials to testify in the second case against former leaders for war crimes and crimes against humanity. Current senate president Chea Sim, national assembly president Heng Samrin, foreign minister Hor Namhong, finance minister Keat Chhon and senators Sim Ka and Ouk Bunchhoeun were each "asked for a hearing as a witness."

The Victim's Unit of the tribunal received civil party applications from ten victims who say they were subjected to forced marriage during the regime. In groups of up to twenty, the victims were gathered in community halls and told to marry strangers, which nobody dared to refuse openly for fear of punishment. The press release, issued by the Cambodian Defenders, argued that the population policy is a crime against humanity; yet the UN court spokesman Lars Olsen noted Tuesday that the decision on whether to recognize forced marriage as a crime would be up to the Trial Chamber.

October 9

Cambodian Prime Minister Hun Sen said he found it strange that the Court had summoned six top government and legislative officials as witnesses and questioned this decision to bring "plaintiffs" in as witnesses.



2009 continued

October 9

Foreign Affairs Minister Hor Namhong, one of the six senior members of Prime Minister Hun Sen's Cambodian People's Party summoned before the Court, stated he wanted to check his schedule before deciding whether to testify at the Court.

October 11

Sa Sovan, defence attorney for former Khmer Rouge head of state Kheiu Samphan, said he would file a motion to seek the removal Judge Marcel Lemonde for bias in the investigation of his client. The move followed a similar motion filed by the defence team for former Khmer Rouge foreign minister Ieng Sary, who demanded that Lemonde be disqualified from the Court. The motions are a response to the sworn statement by Lemonde's former chief of intelligence and analysis, who alleged the Investigating Judge told subordinates to favor evidence showing suspects' guilt over evidence of their innocence.

October 14

The defence team for former Khmer Rouge foreign minister Ieng Sary reiterated the contents of a request filed in May 2009, which sought information about the ongoing investigation of four former leaders. Defence attorneys said they have yet to receive a timely response from the Office of Co-Investigating Judges.

October 30

In a motion filed last week, two pre-trial judges, including Australian Rowan Downing QC, have been accused of taking instruction from their respective governments. The lawyers of accused war criminal Ieng Sary filed a motion requesting the two pre-trial judges to be removed from the court due to a public perception of bias.

November 3

A senior representative from the ECCC Victims Unit states the role of the ECCC is not only to find justice, but also to heal and unify the country. Though there is no consensus on general compensation for the victims, the spirit of the tribunal is to conduct trials that meet international legal standards, keeping in mind that victim outreach is a large component.

November 5

Judges outlined the progress of the second case and continued to urge victims to file as witnesses. Thus far, the investigation has covered 16 province officials, 13 detention centers, and multiple execution sites. Investigators have found instances of forced evictions, forced marriages, and crimes against ethnic minorities.

November 6

The tribunal formally distributed a list of twenty execution sites, security centers, cooperatives, and work sites amongst other investigatory details relating to Case No. 002.



2009 continued

November 20

A new weekly television show has been effective in disseminating to the Cambodian public summaries of testimony and evidence and information on how the courts are run.

November 23

Attorneys began the closing arguments of Duch's trial. Prosecution lawyers asserted that Duch had "broad autonomy" in running these death camps.

November 24

Prosecution attorneys demanded a lengthy prison sentence for Duch. Defence attorneys urge judges to take into account Duch's attempts to apologize and his remorse regarding his actions.

November 25

Prosecution attorneys pleaded for a 40-year prison sentence for former leader Duch, believing that this time could help him reflect on "his conscious and free choice to abandon all respect for human life."

November 25

Duch expressed his "excruciating remorse" for his actions and role as top jailer during the Khmer Rouge regime. He stated he wants to share the sorrow of the Cambodian people and meet with the families so he can apologize directly.

November 26

Defence attorneys presented two contradictory closing arguments on behalf of Duch, hence discrediting their argument. Duch's international defence lawyer Francois Roux, told the court that the closing arguments advanced on Wednesday by his Cambodian counterpart, Kar Savuth, had undermined Roux's own planned closing. Kar Savuth told the tribunal that Duch, who is charged with crimes against humanity, war crimes and crimes under Cambodian law, should be freed for a number of reasons, including his contention that international law did not apply and the statute of limitations under the Cambodian law had expired.

November 27

In the last few minutes of his trial, Duch asked to be acquitted and released – a shocking plea in light of the proceedings to date. The verdict and sentence are to be expected in a few months.



2009 continued

November 30

The tribunal turned its attention to its second case, despite the refusal of six governmental officials to appear as witnesses and summonses remaining unanswered.

The ECCC Pre-Trial Chamber rejected a request made by attorneys representing foreign minister Ieng Sary. The request called to examine two judges for potential bias. The Pre-Trial Chamber ruled the submission as “inadmissible” and “unsupported by evidence.”

December 1

Attorneys representing Khmer Rouge Brother No. 2 Nuon Chea requested the tribunal to investigate alleged government action to block the testimony of six government officials. Though the testimony was requested in September, the filing stated the government had decided the officials would not appear in court.

December 1

The tribunal declined the request to investigate two judges that were allegedly receiving instructions from their respective governments about trial proceedings.

December 2

United Kingdom attorney Mr. Andrew T. Cayley is appointed as new international Co-Prosecutor. Mr. Nicholas Koumjn of the United States is appointed reserve Co-Prosecutor.

December 3

Prime Minister Hun Sen denied any interference with the UN-backed court but repeated his concern that further investigations of suspects could spark national instability. This statement was in response to demands from attorneys that Prime Minister Hun Sen and other government officials be questioned.

December 7

Amnesty International released a statement that the tribunal will not reach its goals in attributing responsibility to those “most responsible” unless investigations of suspects take place.

December 8

Defence attorneys representing former Khmer Rouge Brother No. 2 Nuon Chea asserted that recent public remarks made by Prime Minister Hun Sen violate tribunal rules and jeopardize their client’s trial. Hun Sen made statements warning of the destabilization of Cambodia should further investigations take place.

December 9

The tribunal dismissed the request to disqualify French investigating judge Marcel Lemonde.

2009 continued

December 9

Judges at the tribunal issued a ruling allowing surviving Khmer Rouge leaders to be charged with joint criminal enterprise (JCE) when they appear as defendants. Though JCE is applicable under international law, it has become a controversial issue at the ECC because it contradicts Cambodian law. The first form of JCE exists when participants share intent to commit a crime, the second form exists when a criminal plan is implemented in “a common concerted system of ill-treatment”, and the third, or extended, form concerns crimes considered “natural and foreseeable” consequences of a common plan.

December 11

Khmer Rouge victims and members of civil parties held a conference to discuss their unique role and opportunity in trial proceedings; many feel that justice has been denied. The Documentation Center of Cambodia encouraged the tribunal to be transparent in disseminating information to the public in an effort to avoid upsetting Cambodians who have “waited years for justice.”

December 14

“Enemies of the People,” a documentary about the Khmer Rouge regime and the atrocities they committed during the 1970s, is selected to compete at the Sundance Film Festival in the United States in January 2010.

December 15

A delegation of officials from Cambodia and the United Nations, headed by chief Cambodian administrator Kraing Tony and the UN’s deputy for administration Knut Rosanhaug, departed for New York in an effort to petition donors for more funding as the court pursues four more leaders of the Khmer Rouge regime.

December 16

The court charged former Khmer Rouge Brother No. 2 Nuon Chea and former Foreign Minister Ieng Sary with genocide.

December 18

The court charged former head of state Khieu Samphan with genocide.

December 18

Hang Vannak, complaint and applications manager for the ECCC Victims’ Unit, delivered a presentation before four hundred civil party applicants regarding estimated death tolls of security centers and execution sites. Descriptions of methodologies and estimates of total casualties were met with criticism.



2009 continued

December 21

The court charged Ieng Thirith with genocide.

December 22

New international Co-Prosecutor Andrew Cayley discusses challenges and opportunities unique to his involvement with the tribunal.

December 23

The first textbook to document the Khmer Rouge history is distributed to students in various schools throughout the country.

December 27

Japan provided USD \$2 million for the construction of a legal document center for the Khmer Rouge Tribunal. The center will disclose declassified documents to the public and provide access to important records.

2010

January 6

Co-Investigating Judges announced the decision to end investigations of former Khmer Rouge leaders. This decision marked the beginning of a 30-day period in which defence attorneys have the opportunity to appeal the conclusions of the judges, before the case moves to trial.

January 7

Chea Sim, President of the ruling Cambodian People's Party, warned the Tribunal not to meddle in the country's internal affairs. Sim asserted that only the most senior Khmer Rouge leaders should be tried so as not to risk national progress and stability.

January 12

Survivor Chum Mey spoke about his experience in June 2009 in establishing the "Victims Association of Democratic Kampuchea. The goal of the organization is to promote reconciliation among survivors but the organization currently lacks proper funding.

January 14

The Co-Investigating Judges concluded two and a half years of judicial investigations in the second case of charges against four former Khmer Rouge leaders. Documentary evidence, witness and civil parties' statements are being examined for admissibility.

Spokesman Lars Olsen predicts the issuance of a Closing Order by September 2010, paving the way for Trial 002 to begin by the end of 2010.



2010 continued

January 19

Co-Investigating Judges You Bunleng and Marcel Lemonde ruled that genocide charges specific to the ethnic minority group Khmer Krom fall outside the scope of the tribunal's investigation and will not be brought to the ECCC in Trial 002.

January 20

The Court agreed to debate a rule that requires all civil party lawyers to be represented by a single set of co-lawyers.

January 22

Chinese ambassador Zhang Jin Feng stated that the Chinese government never aided the Khmer Rouge regime but rather attempted to provide assistance to suffering Cambodians.

January 27

Documentary film "Enemies of the People" premiered at the Sundance Festival; the film explores the Khmer Rouge regime through the lens of journalist Thet Sambath and Briton Rob Lemkin.

January 30

Documentary film "Enemies of the People" created by journalist Thet Sambath and Briton Rob Lemkin, won the Sundance Film Festival's Special Jury Prize.

February 1

Court officials remain divided on whether to use former leader Nuon Chea's testimony presented to a journalist in documentary "Enemies of the People."

February 2

The Cambodia Human Rights Action Committee (CHRAC) urged the ECCC to address the issue of civil party admissibility in Trial 002, stating that victim participation should be at the forefront of the Court's seventh plenary session.

Tribunal judges and other officials began a week of plenary session, with renewed focus on the tribunal's efficiency. The trial judges began to consider their verdict for Duch, whose trial wrapped up late last year.

Tribunal officials predicted that the ECCC will try a total of ten defendants at a cost of USD \$100 million and expect to finish trials in 2015.

February 3

The tribunal plans to alter rules about victim participation in court proceedings by creating one team of co-lawyers to represent all civil parties. Currently, four legal teams represent all parties.



2010 continued

February 11

On the basis of his failing health, former Khmer Rouge minister Ieng Sary appealed for bail and requested to be put under house arrest instead of remaining in detention. Attorneys representing Sary criticized prosecution arguments that keeping Sary would lead to social unrest.

February 11

“Breaking the Silence” – a one hour performance illustrating the stories of Khmer Rouge survivors – premiered last week at the National Institute of Education.

February 15

Attorneys for Ieng Thirith requested her release from pre-trial detention, claiming she is not a threat to witnesses. In addition, defence attorneys argued that Thirith would not destroy evidence and was not a “flight risk.”

February 18

The Court announced its plans to create an online repository where all court and case materials will be available digitally without copyright concerns.

February 25

The 2010 and 2011 budgets for the tribunal marked an increase in funds from international donors to meet demand for pursuing additional former leaders.

February 26

The Court warned defence attorneys to follow the internal rules of procedure and evidence after they filed documents which had already been addressed by the ECCC.

March 2

Khmer Rouge tribunal investigators were requested to call Prime Minister Hun Sen to testify with other key government figures, but declined, after deciding that Hun Sen was “not likely to provide additional evidence” and should not be interviewed.

March 3

Attorneys for Khmer Krom civil parties at the tribunal have appealed the co-investigating judges’ decision not to bring genocide charges specific to the ethnic group. They argued that a narrow scope of the investigation will prevent their clients and other civil party applicants from meaningfully participating in the court proceedings.

March 4

Donors have approved an USD 85 million budget for Khmer Rouge tribunal operations over the next two years, a court official confirmed, but actual pledge are still under consideration.



2010 continued

March 11

In a controversial move that underlines the increasing allure of the country's genocidal history and the importance of tourism in the country, the government has decided to "preserve and develop" Anlong Veng. The city was the last stronghold of the Khmer Rouge regime, which was responsible for the deaths of up to two million people.

March 19

Cambodia's Tuol Sleng Genocide Museum, established in what once was a torture center operated by the Khmer Rouge regime, will be renovated. Museum officials stated that the museum's physical infrastructure will be upgraded, as will its archive of materials that document the atrocities of the regime.

March 23

An anticorruption monitor, appointed last year at the Tribunal, is in the process of investigating complaints. Of the three, two national staff complaints relate to the alleged wrongful termination of an employee and a charge that security workers have been forced to pay a portion of their salaries to their superiors. The third includes an allegation that members of the court's security staff have been forced to pay kickbacks to superiors.

March 25

The Khmer Rouge's former head of state, Khieu Samphan, returned to detention after being hospitalized for about ten days after catching a cold.

March 31

The United States pledged to contribute USD 5 million dollars in funding to the tribunal. The decision is still subject to Congressional approval.

April 5

Adhoc, a local rights group offering legal assistance programs to victims of the Khmer Rouge, shut down due to insufficient funding. The advocacy group had been working since 2007 to increase awareness, monitor the ECCC, and register civil party applicants.

April 11

Secretary of State Hillary Clinton on Sunday extended New Year's greetings to Cambodia in which she congratulated the country for recent moves to bring former Khmer Rouge officials to justice and praised its deepening ties with the United States.

April 13

"Breaking the Silence" – a new drama about the impact of the Khmer Rouge regime – will debut on Voice of America on April 18 and will continue to play into May 2010.



2010 continued

April 15

One hundred fifty former Khmer Rouge officials gathered to engage in dialogue about the meaning of reconciliation and justice; the group met in the outskirts of Anlong Veng, one of the last strongholds of the regime.

April 19

Upon meeting with Cambodian Deputy Prime Minister Sok An, the UN Legal Counsel raised concerns regarding the financial situation of the tribunal. They urged international donors to provide contributions and pledges to national and international components of the Court.

April 21

Co-producer Rob Lemkin of “Enemies of the People” accused Court judges of presenting a “selective” view of his film after the ECCC unsuccessfully tried obtaining a copy prior to its release. In an order published last week, the court’s co-investigating judges (CIJs), You Bunleng and Marcel Lemonde, said it was “deeply regrettable” that the filmmakers had declined to hand over the film for use in the Case 002 investigation despite promising to do so in media reports.

April 28

International Co-Prosecutor Andrew Cayley vowed to work quickly and efficiently in balancing Cambodia’s desire for justice while properly carrying out his duties.

April 30

The Pre-Trial Chamber judges refused to release former head of state Khieu Samphan, foreign minister Ieng Sary, and social affairs minister Ieng Thirith; the three are currently held in pre-trial detention.

April 30

International donors plan to meet in May to discuss financial issues surrounding the tribunal.

June 3

A "Peace and Justice" session, held at a conference in Kampala, allowed states' representatives to reaffirm that peace and justice are complementary, rather than mutually exclusive. Various speakers, including Mr. Chhang Youk, the Director of the Documentation Center for Cambodia, attended the conference.

2010 continued

June 9

Co-Investigating Judges You Bunleng and Marcel Lemonde disagreed on when to proceed with the investigations of five new suspects. Court spokesman Lars Olsen released a statement saying Lemonde would proceed alone as Bunleng recently changed his mind about opening investigations. This disagreement continues a long-standing pattern of disputes between Cambodian and international officials over Court proceedings.

June 14

Co-Prosecutor Andrew Cayley assured a group of Khmer Kron residents that the suffering inflicted upon their community during the regime will not be overlooked by the Court.

June 15

Judges rejected a request made by defence attorneys that investigators interview a witness with "a unique role as both a former member of the Khmer Rouge and one of the architects of Democratic Kampuchea's downfall." The Court's Pre-Trial judges reaffirmed a ruling made by the Co-Investigating Judges earlier in February which stated that an interview of this specific witness was not necessary for the investigation.

June 17

An anticorruption office established last year at the Khmer Rouge tribunal plans to release its first public activities by the end of the month. Uth Chhorn, an Independent Counsellor and the head of the government's National Audit Authority, reported that the delays stemmed from difficulties in coordination.

June 21

Cambodian students in a former Khmer Rouge stronghold were issued a textbook Monday that for the first time teaches the atrocities of the past. Approximately, 1,000 copies of "A History of Democratic Kampuchea" were handed out.

July 1

The verdict in the trial of Khmer Rouge prison director Duch will be broadcast live across Cambodia later this month. Tribunal Spokesman Reach Sambath predicted millions of people from across the country will tune in to listen to the hearing which is expected to last for several hours.

July 2

Japan, the Court's largest donor, gave USD 2.26 million to help ease the critical financial strain the court is facing. Staff salaries have been unpaid since April; Japanese Ambassador Masafumi stated the cash is also intended to improve morale.



2010 continued

July 5

The ruling Cambodian People's Party reiterated its position against the Court's decision to indict further suspects. Party President Chea Sim echoed earlier warnings of Prime Minister Hun Sen stating that the pursuance of other former leaders could lead to instability in the country.

July 9

Co-Investigating Judge Marcel Lemonde requested that six senior government officials appear as witnesses at the court. Defence lawyers for former Khmer Rouge leader Nuon Chea requested that the court investigate alleged political interference, claiming a threat to their client's fair right to trial.

July 9

Duch sacked his international lawyer Francois Roux , citing a "loss of confidence," just a few weeks before a verdict is planned to be released. During most of the trial, Duch's defence team focused on getting a lighter sentence by downplaying his position with his regime and highlighting his remorse. On the final day of the trial in November 2009, Duch suddenly demanded his release after months of admitting responsibility for the murders he oversaw at S-21 prison. Duch's Cambodian co-lawyer, Kar Savuth, will continue to represent him in trial.

July 16

The Court announced a formal end to its investigations in Case 002 after all appeals related to the investigatory stage of the proceedings. Court Spokesman Lars Olsen stated the Pre-Trial Chamber would hand the completed case file to the court's Co-Prosecutors. The final submissions would then be submitted to Co-Investigating Judges who would decide whether or not to indict the leader.

July 25

The Court sentenced Duch to thirty-five years in prison. This is the first verdict involving a leader of the genocidal regime that destroyed approximately 1.7 million people, a generation of Cambodia's people. Duch impassively listed as the chief judge read out the verdict, convicting him of crimes against humanity and war crimes. He will only serve 19 years of the sentence, as the Court shaved off the eleven years he has already spent in detention, and five more for being illegally detained in a military court. Duch could possibly walk free one day, particularly if his term is reduced for good behavior – a prospect that left many Tuol Sleng survivors angry. Many victims were critical of the sentence as they believed it to be too short and lenient for Duch's involvement during the regime.



2010 continued

July 27

Duch decided to appeal his sentence for overseeing the torture and execution of thousands of people at Tuol Sleng Prison. Though his lawyer gave no further details of the grounds for the appeal, Duch continued to assert that he was just following orders and had asked the Court to acquit him.

August 4

Cambodian Prime Minister said he respects the landmark conviction of former leader Duch and would not interfere with the decision because the government has no right to interfere or put pressure on the Court.

August 6

Duch hired a second local attorney, Kang Ritheary, to represent him because he could not find "international lawyers that meet his criteria," according to the Court's spokesman Lars Olsen.

The Court announced its plan to distribute 17,000 copies of a 36-page summary of the historic verdict, as well as 5,000 copies of the full 450-page verdict in order to raise awareness and educate Cambodian communities.

August 9

The Court's chief of administration, Sean Visoth, appeared in public after going on an extended sick leave almost two years ago amid a flurry of corruption allegations. The former administrator appeared energetic and healthy, but noncommittal when asked if he was returning to the Court.

August 17

Prosecutors filed their final submission for the Court's second case, paving the way for the indictment and trial of four senior regime figures currently in custody. The prosecutors requested that the former leaders be tried for an array of charges including genocide and crimes against humanity. Prosecutors decided to appeal the jail sentence of thirty-five years handed to Duch in July, joining a chorus of victims who believe the term is unacceptably short and insufficient in comparison to the gravity of Duch's crimes and role in the regime.

August 24

A group of civil party lawyers announced that it would appeal judgments on reparations and admissibility for its clients. The group will become the first to file notice of plans to challenge the Court's rulings on victims.

August 25

Duch started formal appeal proceedings and stated he should not have been on trial at all. He admitted overseeing the systematic torture of thousands of people and apologized to victims' relatives but claimed that he was not responsible.

2010 continued

September 3

Lawyers for former Khmer Rouge Brother No. 2 Nuon Chea appealed a decision by judges to not investigate allegations of political interference by government officials. The lawyers said a decision from the court's Office of the Co-Investigating Judges last month to reject their request was part of a pattern of placing "considerations of expediency above fair trial requirements".

September 7

Cambodia and the UN appealed to international donors to fund the Court as it prepares for its second trial of former Khmer Rouge leaders. The appeal was made during a meeting in the capital Phnom Penh between the government, officials from the United Nations-backed court and representatives from 22 countries. Though the Court was originally budgeted at USD 56 million over the course of three years, it significantly raised its estimates last year to USD 170 million.

September 8

The Court expected to begin its second trial of former leaders by mid-2011.

September 13

The Court's Pre-Trial Chamber judges issued a split decision on the controversial issue of political interference and the question of whether the matter warrants an internal investigation. The Khmer Rouge Court convened a plenary session in which rule changes for victim participation and reparations will be adopted.

September 14

Lawyers for Duch requested an extension of the deadline for filing an appeal on behalf of their client, claiming that the "size and complexity" of this case necessitated longer time. Minister of Information Khieu Kanharith rejected assertions from two international judges that he and other government officials may have interfered with the work of the Court. In a decision released by the tribunal, International Pre-Trial Chamber judges Rowan Downing and Catherine Marchi-Uhel said comments made by Khieu Kanharith last year "may amount to an interference or reflect other efforts to prevent the testimony" of six government officials summoned to appear.

September 16

The court formally indicted the four top surviving leaders of the regime, which paves the way for the panel's long-awaited second trial. The four defendants have been in detention since 2007, and deny any guilt for their roles and their role in the communist party. After serving on the Court for four years, one of the two Co-Investigating Judges, Marcel Lemonde, said he was quitting his job to focus on other projects. The decision was made shortly after four former senior members of the regime were indicted.



2010 continued

September 19

Lawyers for former Khmer Rouge foreign minister Ieng Sary filed a motion to disqualify the president of the Trial Chamber at Cambodia's war crimes tribunal, Nin Nonn, alleging that he admitted to accepting bribes.

September 20

The Court has adopted rule changes that will allow for more expansive reparations awards to recognized civil parties. The Court's existing rules required the cost of reparation awards to be borne by the accused, though the scope for such awards was extremely limited.

September 29

The Court released a demographic survey conducted as part of their investigation in its second case. The 143-page report estimated between 800,000 and 1.3 million people died from violent acts during the regime and the remainder succumbed to starvation, overwork, and other causes.

October 1

The UN human rights office in Cambodia undertook a project to transfer the knowledge and experience gained at the ECCC to national courts. The primary objective of this project is to address some of the key shortcomings observed in the Cambodian judiciary.

October 13

The Court moved its five Khmer Rouge prisoners out of the custom-built jail in Phnom Penh because of the risk of flooding after heavy rains this week. Their new location was not disclosed to the public.

October 18

The United Nations Office of Legal Affairs in New York decided to keep a report from the anti-graft monitor – measuring the corruption at the tribunal – private and classified, despite a pledge from a monitor earlier this year to release the report to the public.

October 22

Court officials spoke to an audience of students at the Royal University of Law and Economics in Phnom Penh. They urged that students learn from Duch's verdict in July, and work to strengthen the Cambodian judicial system.

October 25

United Nations Secretary General Ban Ki-moon has planned to travel to the Court, in addition to meeting with the Prime Minister during his visit to the Kingdom this week. The Secretary General will meet with and take questions from court staff and is expected to discuss the Court during his meeting with Hun. In addition, Ban has planned to make a stop at S-21.



2010 continued

October 27

The Cambodian government decided to not allow the Court to prosecute former low-ranking officials of the genocidal regime because it fears national instability.

Cambodian Prime Minister Hun Sen told UN chief Ban Ki-moon that a second Khmer Rouge war crimes trial due to start early next year would be the last. He affirmed that case number three is not allowed because “we have to think about peace in Cambodia.” After he toured S-21, the Khmer Rouge’s main prison and the torture center, UN Secretary General Ban Ki-moon made an emotional appeal to send a message to the world that the Khmer Rouge’s crimes against humanity will not go unpunished. Prime Minister Hun Sen ordered Secretary General to shut down the UN human rights office in Cambodia and to remove the current envoy. Ban has given no response.

October 28

UN Secretary General Ban Ki Moon stated that the ECCC would decide whether to pursue more Khmer Rouge cadres. This statement was made after Prime Minister Hun Sen ruled out a third trial of former regime members.

October 29

The UN Secretary General Ban Ki Moon flew out of Cambodia after he was met with resistance from the government of Prime Minister Hun Sen to the continuation of the Khmer Rouge tribunal.

November 1

US Secretary of State Hilary Clinton toured Cambodia’s genocide museum during a visit to the capital and urged the country to respect human rights and fight corruption. Additionally, Clinton visited S-21 – the main interrogation and torture center of the regime – where she urged the nation to proceed with trials of the former regime’s surviving leaders. On her visit, Clinton called for the strengthening of democratic institutions and for a greater tolerance of opposition views.

November 3

Local rights groups and lawyers wanted the Court to include “sexual violence” among its serious crimes as it prepares to try four regime leaders. The statement was made at the opening of a two-day international conference on gender and justice.

November 11

Lawyers for former Khmer Rouge Brother No 2 Nuon Chea appealed to UN investigators to address allegations of political interference within the framework of the Court. The letters were also forwarded to Prime Minister Hun Sen, King Norodom Sihamoni, and UN Secretary General Ban Ki-moon.



2010 continued

November 21

Lawyers for Duch officially lodged an appeal against the verdict handed down by the Court in July. They argued that Duch's case fell outside the Court's jurisdiction and that the Court should acquit Duch.

November 25

More than 300 victims of the Khmer Rouge, many of them Cham Muslim, gathered at the Documentation Center of Cambodia on Wednesday to learn more about genocide charges for the upcoming trial of four regime leaders.

November 30

Judges at the Court rejected a request to appoint a lawyer for the five suspects who could face prosecution in the Court's third and fourth cases.

December 3

The Court appointed French lawyer, Elisabeth Simonneau Fort, to serve as the lead international lawyer for civil parties. Fort will work alongside Cambodian lead lawyer Pich Ang, who was appointed in September. These positions were established in response to the 21,000 cases of civil parties who have been accepted to participate for the second trial. Fort's responsibilities include overall advocacy, strategy, and in-court presentation of the interests of the Civil Parties.

December 9

A US-based monitoring group stated that the ECCC suffers from the weak positions of international donors in the face of government opposition to further indictments. The controversy of whether or not the Court will pursue cases 003 and 004 remains a question and various senior government officials have failed to respond to court summonses.

December 20

The Court agreed to lower its multi-million dollar budget for next year. Both Cambodian and international counterparts revised the 2011 budget and planned to submit the proposal to the steering committee in New York. Though officials could not provide exact details of the budget total or cut, it is expected to be "less" than the previously approved proposal of USD 46.8 million.

December 22

The German government has pledged EUR 1.2 million (around USD 1.58 million) to support victims' participation at the ECCC. The money will go towards a sixteen-month project, ending in December 2011, that will cover the "processing, outreach, and legal representation" of victims at the hybrid court.

2010 continued

December 23

The Court stated the appeals over the convictions and 19-year sentence for Duch will be heard in March 2011. Duch is the first leader to be convicted of war crimes. Despite Duch admitting to the oversight of torture and deaths at S-21, his lawyers argued he merely followed orders and was wrongfully convicted.

December 30

The Court released a statement estimating that more than 67,000 people have visited the ECCC or attended hearings since its first case in March 2009.

2011

January 3

Newly released cabinet documents showed Australia's foreign minister in 1980, Andrew Peacock, recommended continued recognition of the Khmer Rouge regime in Cambodia. The documents, released by the National Archives, included a cabinet submission from Mr. Peacock on the highly sensitive issue of what to do about recognizing the government in Cambodia.

January 7

The ruling Cambodian People's party supported the trials and called for a UN-backed war crimes court to safeguard "hard-won peace" in its trial of top Khmer Rouge leaders.

January 13

The ECCC declared its decision to uphold the indictments against four top Khmer Rouge leaders, thereby rejecting their appeals to dismiss the case. This paves the way for a major trial. The accused face charges of war crimes, crimes against humanity, genocide, and related crimes under Cambodian laws in connection with the deaths of up to two million people. The Pre-Trial chamber ordered the accused persons to be sent for trial and to be held in provisional detention until they are brought before the trial chamber.

January 20

Lawyers for former Khmer Rouge Brother No. 2 Nuon Chea and head of state Khieu Samphan lodged bids for their clients' release on bail. In applications, the lawyers charged that judges in the Court's Pre-Trial Chamber had misinterpreted the ECCC's internal rules, causing Nuon Chea and Khieu Samphan to be detained unlawfully.

January 21

Lawyers for former Khmer Rouge foreign minister Ieng Sary requested that the Court limit hearings in their client's upcoming case to half-day sessions due to the 85-year-old's fragile health.



2011 continued

January 28

Japan agreed to make a contribution of USD 11.7 to the Court that is trying former leaders of communist Khmer Rouge. The contribution from Japan – the single biggest donor – will cover about 25% of the Court’s 2011 budget. Japan has provided a total of USD 67 million – approximately 49% of all contributions.

January 31

The accused former leaders Nuon Chea, Ieng Thirith and Khieu Samphan attended a hearing to request release from pre-trial detention. The elderly defendants have been in detention since 2007. Khieu Samphan, former head of state, and Ieng Thirith, former Cabinet member, made similar pleas in asking to be released from unlawful detention. A date for the trial has not yet been set but is scheduled to begin by the middle of 2011.

February 1

Co-Investigating Judge You Bunleng stated that he was participating in investigations concerning the Court’s controversial third and fourth cases. Though he disagreed with his international counter about the decision to investigate cases against the four Khmer Rouge leaders, he has already begun his work in the investigations concerning the Court’s third and fourth cases.