



STATEMENT

Civil Society Expresses Regret of the Recent Death of the Accused, Ieng Sary, Along the Way to Justice

Phnom Penh, 14 March 2013

The Cambodian Human Rights Action Committee (CHRAC), a coalition of 21 NGOs members, deeply regret to learn the death of one of the ECCC's accused, Mr. Ieng Sary, at age of 87 due to his poor health at Cambodia-Soviet Friendship Hospital in the morning of 14th March 2013.

CHRAC is of the view that the death of the accused Ieng Sary represents a loss of a witness of the Khmer Rouge regime who was personally involved in the crimes and atrocities committed during the Democratic Kampuchea era between 1975 and 1979 as described in the Closing Order of the tribunal's Co-Investigating Judges. The loss will not only impact on the Khmer Rouge historical record, it will also have a negative impact on the efforts to seek justice and closure for many civil parties, victims and ordinary Cambodians who have been personally participating in the ECCC process in their demand for justice against the accused.

Mr. Ieng Sary *alias* Van was born in Tra Vinh, Kampuchea Krom (southern part of Vietnam and now part of Vietnam). He was the Deputy Prime Minister, Minister of Foreign Affairs of the Democratic Kampuchea and also a member of the Standing Committee and Permanent Committee of the Kampuchean Communist Party. He is an accused in Case file 002, one of the former senior leaders of the Khmer Rouge regime under the jurisdiction of the ECCC law.

The Co-Investigating Judges, in their Closing Order, charged Mr. Ieng Sary of three serious crimes; crimes against humanity, genocide and grave breaches of the 1949 Geneva Convention (war crimes).. His case had been put on trials before the ECCC's Trial Chamber together with other two former senior leaders of the regime; Nuon Chea and Khieu Samphan since mid-2011. If he was alive and the court found him guilty of these charges, he would have faced the prospect of life imprisonment. However, according to law, once the accused dies, the charges against him will also be terminated.

The current Case 002 trials have been temporarily halted as there are many issues surrounding the trials such as serious health concerns of each accused from time to time, and more recently the funding shortage issue which then also led to strike actions by many national staff of the ECCC. These events, combined with the recent Supreme Court Chamber decision to annul the severance order from the Trial Chamber have

resulted in delays of the trial proceedings.

CHRAC, therefore, would like to strongly urge the ECCC and its stakeholders, particularly the Royal Government of Cambodia and the United Nations to fulfill their obligation immediately and the effort and mission to seek justice should not fail due to the unnecessary political, financial and procedural obstacles, which could see the death of the other elderly accused in the middle of the proceedings as “*Justice delayed, Justice denied*”. Since the initial submission issued in mid-July 2007, only former head of S-21 Kaing Guek Eav *alias* Duch (Case file 001) was responsible for the crimes under his supervision and the ECCC’s Supreme Chamber convicted him to life imprisonment in an Appeal Judgment issued early 2012.

The recent events serve as a timely reminder to the Trial Chamber the importance of resolving the correct legal process of Case 002 to ensure a speedy trial and ultimately deliver justice before the health of the two remaining accused deteriorates further.

Finally, CHRAC would like to encourage the remaining two co-accused, Nuon Chea and Khieu Samphan, to express their courage in speaking out about the truth of what happened during the Khmer Rouge period in order to keep in Cambodia’s Khmer Rouge historical record, and fit into the desire of the many victims, particularly civil parties who have already testified before the Chamber.

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