

CASE INFORMATION SHEET



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Extraordinary Chambers in the Courts of Cambodia

Chambres Extraordinaires au sein des Tribunaux Cambodgiens

IENG SARY, *alias* VAN



Last name: **IENG**

First name: **Sary**

Case File N° 002/19-09-2007/ECCC-PTC

Next Public Hearing: To be scheduled

Born on 24 October 1925 in the village of Loeung Va in Tra Vinh Province (now part of southern Vietnam)

Detained by Order of Provisional Detention, 14 Nov.2007

Defence Counsel: Ang Udom (National) & Michael G. Karnavas (International – USA)

Status

Charged with **Crimes against Humanity** and **Grave Breaches of the Geneva Conventions** of 1949 (still under investigation): offences which are defined and punishable under Articles 5, 6, 29 and 39 of the Law on the Establishment of the Extraordinary Chambers as amended 27 October 2004

Position in Democratic Kampuchea Regime

Deputy Prime Minister and Minister of Foreign Affairs in Democratic Kampuchea

Key Allegations

In their Provisional Detention Order, the Co-Investigating Judges summarized the following bases for charging Ieng Sary with crimes against humanity (murder, extermination, imprisonment, persecution and other inhumane acts) and grave breaches of the Geneva Conventions of 1949 (willful killing, willfully causing great suffering or serious injury to body or health, willful deprivation of rights to a fair trial of prisoners of war or civilians, unlawful deportation or transfer or unlawful confinement of a civilian).

During the period from 17 April 1975 to 6 January 1979, Ieng Sary allegedly exercised authority and effective control over the Ministry in his capacity as Minister of Foreign Affairs, and as a full rights member of the Central and Standing Committees of the Communist Party of Kampuchea (CPK). He is alleged to have instigated, ordered, failed to prevent and punish, or otherwise aided and abetted in the commission of crimes against humanity and grave breaches of the abovementioned crimes by directing, encouraging, enforcing, or otherwise rendering support to CPK policy and practice, which was allegedly characterized by murder, extermination, imprisonment, persecution on political grounds and other inhuman acts such as forcible transfers of the population, enslavement and forced labour. These actions were allegedly part of a widespread or systematic policy targeting a civilian population, which, it is argued, took place in the context of a state of international armed conflict

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between Democratic Kampuchea and the Socialist Republic of Vietnam during all or part of this period.

Ieng Sary denies the charges against him.

Ieng Sary was a student at Collège Sisowath in Phnom Penh. He received a scholarship to study in France at the Lycée Condorcet and at the Institut d'Études Politiques de Paris, and became a member of the French Communist Party in 1951. He is believed to have founded the Cercle marxiste des étudiants Khmers à Paris (Marxist Circle of Khmer students in Paris). Returning to Cambodia in 1957, Ieng Sary became a history professor at Collège Sisowath and an active member of the CPK. He allegedly joined the Khmer Rouge in 1963. During the civil war of 1971–5, he participated in the Royal Government of the National Union of Kampuchea and was the special envoy of the National United Front of Kampuchea.

Personal Background

When the Khmer Rouge took control in 1975, Ieng Sary became Deputy Prime Minister and Minister of Foreign Affairs. He fled to Thailand when the regime fell in 1979, and was then convicted of genocide and sentenced to death *in absentia* by the People's Revolutionary Tribunal of Phnom Penh. He continued to assume his official functions within the government in exile, but transferred his title of Minister of Foreign Affairs to Khieu Samphan after the creation of the Coalition Government of Democratic Kampuchea in 1982. Ieng Sary left the Khmer Rouge with thousands of his followers in August 1996, in exchange for King Norodom Sihanouk granting him a royal amnesty from prosecution under a 1994 law outlawing the Khmer Rouge and a royal pardon for his 1979 conviction.

Select Key Public ECCC Decisions & Orders*

- 14 Nov. 07 – Provisional Detention Order, Co-Investigating Judges
- 30 Apr. 08 – Decision on Appeal Concerning Contact Between Accused and his Wife Ieng Thirith, Pre-Trial Chamber. (*Setting aside Co-Investigating Judges' Order limiting contact.*)
- 20 May 08 – Directions on Civil Party Oral Submissions in Provisional Detention Hearing, Pre-Trial Chamber. (*Requiring civil parties with Counsel to address the Court through their Counsel.*)
- 20 Jun. 08 – Order Concerning Translation Rights and Obligations of the Parties, Co-Investigating Judges
- 25 Jun. 08 – Report of examination of Co-Investigating Judges Detention Order, Pre-Trial Chamber. (*Describing the Provisional Detention Order, the Prosecution and Defence's submissions and relevant facts from the case file in advance of the hearing on provisional detention*)
- 1 Jul. 08 – Decision on Preliminary Matters raised by Civil Parties in Appeal Against Provisional Detention, Pre-Trial Chamber. (*Reiterating previous decisions limiting civil party oral submissions on provisional detention and requiring civil parties to address the Court through their Counsel*)
- 3 Jul. 08 – Decision on Civil Party Request to Address the Court in Person (oral decision 1 Jul. 08), Pre-Trial Chamber (*Denying civil party,*

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Theary Seng's, request)

- 8 Jul. 08 – Decision on Civil Parties' Request for Protective Measures, Pre-Trial Chamber (*Granting civil parties' request for confidentiality*)
- 28 Aug. 08 – Decision on Application for Reconsideration of Civil Parties' Right to Address Pre-Trial Chamber in Person, Pre-Trial Chamber (*Denying the application*)
- 28 Aug. 08 – Decision on Appeal Against Letter Concerning Request for Information on Legal Officer David Boyle, Pre-Trial Chamber (*Finding the Appeal inadmissible*)
- 29 Aug. 08 – Public Directions on Unrepresented Civil Parties' Rights to Address the Pre-Trial Chamber in Person, Pre-Trial Chamber (*Granting unrepresented civil parties a right to address the Chamber in person when their interests differ from those of the prosecution, but requiring written requests to exercise this right*)
- 6 Oct. 08 – Decision on Ieng Sary's Request to Make Submissions on Joint Criminal Enterprise (*Denying the request to intervene in this issue*)
- 14 Oct. 08 – Decision on Motion to Disqualify Amicus Curiae, Pre-Trial Chamber (*Denying Ieng Sary's request to intervene in this issue*)
- 17 Oct. 08 – Decision on Appeal Against Provisional Detention Order, Pre-Trial Chamber (*Affirming the Co-Investigating Judges' Provisional Detention Order of 31 Jul. 2007*)
- 21 Oct. 08 – Decision on Appeal Regarding Appointment of a Psychiatric Expert, Pre-Trial Chamber (*Admitting the Appeal, but denying the need to appoint an expert*)
- 10 Nov. 08 – Order on Extension of Provisional Detention, Co-Investigating Judges
- 29 Jan. 09 – Decision on Co-Prosecutors' Request to Determine Appeal on the Provisional Detention Extension Order on the Basis of Written Submissions, Pre-Trial Chamber (*Rejecting the request to determine the Appeal on the basis of written submissions alone and scheduling the public hearing for 26, Feb. 2009*)

* These and other Decisions and Orders are available at: http://www.eccc.gov.kh/english/court_doc.list.aspx

Extraordinary Chambers in the Courts of Cambodia

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