

CASE INFORMATION SHEET



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Extraordinary Chambers in the Courts of Cambodia

Chambres Extraordinaires au sein des Tribunaux Cambodgiens

KHIEU SAMPHAN, alias HEM



Last name: **KHIEU**

First name: **Samphan**

Case File N° 002/19-09-2007/ECCC-PTC

Next Public Hearing: To be scheduled

Born on 27 July 1931

Detained by Order of Provisional Detention, 19 November 2007

Defence Counsel: Sa Sovan (National) & Jacques Vergès (Int. – France)

Status

Charged with **Crimes against Humanity** and **Grave Breaches of the Geneva Conventions** of 12 August 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

Head of State (Chairman of the State Presidium) of Democratic Kampuchea.

Key Allegations

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

In his capacity as Head of State (Chairman of the State Presidium), a leader within the Centre Political Office (Office 870) and as a full rights member of the Central Committee of the Communist Party of Kampuchea (CPK) during the period from 17 April 1975 to 6 January 1979, he is alleged to have instigated, or otherwise aided and abetted in the commission of the aforementioned crimes by directing, encouraging, enforcing, or otherwise rendering support to CPK policy and practice, which was allegedly characterised 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 took place in the context of a state of international armed conflict between Democratic Kampuchea and the Socialist Republic of Vietnam during all or part of this period.

Khieu Samphan disputes the acts with which he is charged, and argues that he held no effective power despite his position.

Personal Background

Khieu Samphan received a bursary to study in France in 1955 and published his doctoral dissertation “Cambodia's economy and industrial development”.

Upon his return to Cambodia, Khieu Samphan became a professor before being appointed

CASE INFORMATION SHEET

Secretary of State for Trade in Sihanouk's regime in 1962. Under threat from Sihanouk's security forces, he allegedly went into hiding in 1967 and re-emerged within the Khmer Rouge resistance in the early 1970s. In 1975 he was appointed Democratic Kampuchea's Head of State. He succeeded Pol Pot after the latter retired as the official head of the Khmer Rouge in 1987, and represented Kampuchea at the 1989 International Conference on Cambodia in Paris. After pledging allegiance to the Cambodian government in 1998, he left the Khmer Rouge and lived in the north-western province of Pailin until being taken into pre-trial detention at the ECCC in November 2007.

Select Key Public ECCC Decisions & Orders*

- 19 Nov. 07 – Provisional Detention Order, Co-Investigating Judges
- 22 Apr. 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.*)
- 23 Apr. 08 – Decision on Application to Adjourn Hearing on Provisional Hearing Appeal, Pre-Trial Chamber (*Adjourning the hearing but warning the International Co-Lawyer under Rule 38, Internal Rules*)
- 20 Jun. 08 – Order Concerning Translation Rights and Obligations of the Parties, Co-Investigating Judges
- 23 Jun. 08 – Order Refusing the Request for Release, Co-Investigating Judges
- 15 Aug. 08 – Direction to the Defence Concerning the Appeal Against Provisional Detention Order, Pre-Trial Chamber (*Giving the Defence seven days to file a notification on the status of their Appeal*)
- 28 Oct. 08 – Order Refusing Request for Release, Co-Investigating Judges
- 4 Nov. 08 – Decision on Request for a Public Hearing, Pre-Trial Chamber (*Allowing an oral hearing on the Appeal against the Order refusing the Defence request for a translation of the case file*)
- 5 Nov. 08 – Provisional Detention Extension Order, Co-Investigating Judges
- 5 Dec. 08 – Written Version of Oral Decision on Civil Party Application for Oral Submissions in Hearing on Appeal Against Translation Order, Pre-Trial Chamber (*Denying the civil party request for an oral submission at the hearing on the grounds of insufficient notice*)
- 24 Dec. 08 – Decision on Supplemental Application for Release, Pre-Trial Chamber (*Finding the application inadmissible.*)
- 6 Feb. 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 and scheduling the public hearing for 27 Feb. 2009 at 9:00 am*)

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

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Case Information Sheets are prepared by the Public Affairs Section to assist public understanding of the cases before the ECCC. While every effort is made to ensure the accuracy of information, they are not official documents with any legal standing.

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