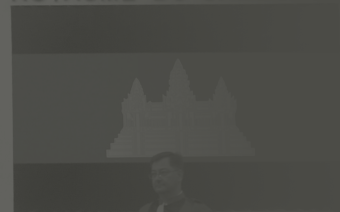


Transitional Justice: CAMBODIA CASE STUDY

អង្គការសហប្រជាជាតិ
UNITED NATIONS
ORGANISATION DES NATIONS UNIES



ព្រះរាជាណាចក្រកម្ពុជា
KINGDOM OF CAMBODIA
ROYAUME DU CAMBODGE



Transitional Justice: Cambodia Case Study



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About Asia Justice and Rights

Asia Justice and Rights (AJAR) is a regional human rights organisation based in Jakarta, Indonesia. AJAR works to increase the capacity of local and national organisations in the fight against entrenched impunity and to contribute to building cultures based on accountability, justice, and willingness to learn from the root causes of mass human rights violations in the Asia Pacific region.

Photos

1. Extraordinary Chambers in the Court of Cambodia
2. Cambodia, 2009: Muslim women in the village read a book about the Khmer Rouge war crimes prepared by the documentation centre. © IRIN/Brendan Brady.

1. Introduction

Socio-historical context and the situation of conflict/repression

From 1969 to 1973, the Vietnam War spilled over into the Kingdom of Cambodia during which the US air force secretly bombed its countryside and killed between 150,000 and 750,000 people.¹ Pro-US General Lon Nol seized power from Prince Norodom Sihanouk and declared Cambodia a Republic in 1970, starting a civil war between his army and the pro-Sihanouk forces with Khmer Rouge guerrillas as the strongest faction. Khmer Rouge (KR), was a radical leaning communist movement that gained momentum and popular support from the US bombing and the resentment against Lon Nol. KR eventually managed to enter the capital city of Cambodia, Phnom Penh, and claimed victory on 17 April 1975, marking the start of The Democratic Kampuchea (DK) era which lasted until 9 January 1979.

KR imposed a radical Marxist-Leninist regime nationwide that sought to transform Cambodia into an agrarian and classless society. KR then set up structures to exercise total control over the population: family structures were broken, a forced marriage policy was implemented, and religion was banned. They also imposed forced labour in agriculture and industrial sites and put in place extreme measures to ensure ideological purity of the masses. These measures included the obligation for citizens to report each other's misconducts, re-education programmes, detention in security centres, mass arrests of suspected traitors, torture, and mass killings. As the result, during DK era, between 1.5 and 2 million people died from exhaustion, hunger, disease, or mass executions.²

Vietnamese forces entered Phnom Penh on 9 January 1979, unseating the KR and establishing the People's Republic of Kampuchea (PRK). Many PRK leaders were former KR senior cadres who had sought refuge in Vietnam during DK era, including Hun Sen, who has been Cambodia's Prime Minister since 1985. Cambodia then plunged into the second civil war that lasted for a decade between PRK forces, supported by Vietnam, and anti-Vietnamese forces, including the KR.³

At the end of Cold War, Vietnam withdrew its troops from Cambodia and the conflicting parties signed a peace agreement, entitled Comprehensive Political Settlement of the Cambodian Conflict in 1991, returning Cambodia to a Constitutional Monarchy.⁴ In February 1992, the UN deployed the United Nations Transitional Authority in Cambodia (UNTAC), a peacekeeping mission dedicated to ensuring the transition to democracy and the organisation of fair elections. In 1993 such elections were held but the National United Front for an Independent, Neutral, Peaceful and Cooperative Cambodia (FUNCINPEC)'s victory was not respected. Instead, Hun Sen, the PM during PRK era and leader of the Cambodia People's Party (CPP), forced a political compromise that created co-Prime Ministership between him and Prince Norodom Ranariddh from FUNCINPEC, before finally seizing full power in July 1997 through a military coup. Hun Sen continues to rule until the present day, establishing an increasingly repressive regime that holds regular elections that are neither free nor fair.⁵

approximately 1.7 million (21% of the population of the country), whereas a United Nations investigation reported 2–3 million dead, and UNICEF has estimated that 3 million had been killed. Researcher Craig Etcheson of the Documentation Center of Cambodia suggests that the death toll was between 2 and 2.5 million, with a "most likely" figure of 2.2 million.

1 John Tully, "Modern Cambodia Since 1863," Asian History, Oxford Research Encyclopedias, Dec. 2017, <asianhistory.oxfordre.com/view/10.1093/acrefore/9780190277727.001.0001/acrefore-9780190277727-e-241>; Kimmo Kiljunen, ed., Kampuchea: Decade of the Genocide: Report of a Finnish Inquiry Commission (London: Zed Books, 1984), 5–6.

2 The Cambodian Genocide Program at Yale University estimates the number of deaths at

3 "Khmer Rouge History," Cambodia Tribunal Monitor, <www.cambodiatribunal.org/history/cambodian-history/khmer-rouge-history/>.

4 See United National Peacemaker Document Retrieval, Framework for a Comprehensive Political Settlement of the Cambodia Conflict, <peacemaker.un.org/cambodiaparisagreement91>.

5 "30 Years of Hun Sen: Violence, Repression, and Corruption in Cambodia," Human Rights Watch,

Civil society and victims' situation

A mushrooming civil society developed during and after the UNTAC mandate (1992–1993), and by 2010 72% of all NGOs were local and 28% international. These organisations focused on providing basic social services, advocacy, and capacity development.⁶ However, the Parliament passed a controversial law entitled the Law on Associations and Non-Governmental Organisations in 2015 that restricts the operation of these actors.⁷

Many fundamental rights and freedoms of Cambodian citizens are set out in the Cambodian Constitution.⁸ However, violent crackdowns have been directed at some members of civil society, including the recent killings of prominent activists such as political analyst Kem Ley.⁹ Since 1994, at least 13 journalists who had been critical of the ruling party or covering alleged corruption by government and military officials have been killed.¹⁰ Human rights defenders have also been prosecuted by the State, such as the current and former staff members of the Cambodian Human Rights and

Development Association (ADHOC) who were sentenced to five years in prison for what many human rights organizations deemed as trumped-up charges.¹¹

In regard to the situation of victims of human rights violations in Cambodia, while there is rarely positive news on victims of human rights violations in contemporary times, some may be found about victims' participation in legal proceedings against KR leaderships and the effort to fulfil their rights, as can be seen in the **Transitional Justice Initiatives** section below. KR victims during DK era are numerous: aside the exponential death toll during DK era, according to a recent study, 11% of the Cambodian adult population still suffers from symptoms of Post-Traumatic Stress Disorder and one-third of KR survivors display symptoms of anxiety and depression.¹²

2. Transitional Justice Initiatives

Official international and state transitional justice initiatives

Criminal prosecutions

People's Revolutionary Tribunal

Following the fall of the KR regime, PRK established the People's Revolutionary Tribunal which held in absentia trials against Pol Pot and Ieng Sary, the leaders of Khmer Rouge, on 15-19 August 1979.¹³ Both were found guilty of genocide and sentenced to death in what was described

28 June 2018, <www.hrw.org/report/2015/01/12/30-years-hun-sen/violence-repression-and-corruption-cambodia>.

- 6 Reflection, Challenges and Choices: 2010 Review of NGO Sector in Cambodia, Study Commissioned by the Cooperation Committee for Cambodia, August 2010, vii, <www.ccc-cambodia.org/en/download?fileid=809&action=view&view_file_id=23cb62c2f20b8a14433ed573e10643f22193e7d7>.
- 7 The law requires domestic NGOs to register with and be supervised by the Ministry of the Interior, whereas international NGOs must do the same with the Ministry of Foreign Affairs and International Cooperation. See: "Law on Associations and Non-Governmental Organizations," Unofficial Translation, 19 August 2015, <sithi.org/admin/upload/law/Unofficial-Translation-LANGO.pdf>.
- 8 "The Constitution of the Kingdom of Cambodia," Kingdom of Cambodia, adopted by the Constitutional Assembly on 21 September 1993, <cambodia.ohchr.org/~cambodiaohchr/sites/default/files/Constitution_ENG.pdf>.
- 9 "Joint Statement: CSOs call on authorities to step up the fight against endemic impunity in Cambodia," Human Rights Watch, 1 November 2018, <www.hrw.org/news/2018/11/01/joint-statement-csos-call-authorities-step-fight-against-endemic-impunity-cambodia>.
- 10 "Joint Statement," Human Rights Watch (see note 11 above).

11 "Cambodia: Drop Fabricated Charges Against 'ADHOC 5'," Human Rights Watch, 26 August 2018, <<https://www.hrw.org/news/2018/08/26/cambodia-drop-fabricated-charges-against-adhoc-5>>.

12 J. Sonis et al., "Probable Posttraumatic Stress Disorder and Disability in Cambodia: Associations with Perceived Justice, Desire for Revenge, and Attitudes Toward the Khmer Rouge Trials," *Journal of the American Medical Association* 302, No. 5 (2009): 527–36.

13 Decree Law No. 1, Establishment of People's Revolutionary Tribunal at Phnom Penh to Try the Pol Pot Ieng Sary Clique for the Crime of Genocide, Doc. No. 1.01.

as a “show trial” that was inconsistent with fair trial principles.¹⁴

The Extraordinary Chambers in the Courts of Cambodia (ECCC)

In 2006 ECCC were established as a special hybrid court that was part of the Cambodian judicial system but received international technical assistance through the United Nations Assistance to the Khmer Rouge Trials (UNAKRT). Its hybrid features, which include national and international representation for every role in the criminal proceedings (from the investigating judges, prosecutors, defence lawyers, civil party lawyers, to the trial judges) provide a unique model

for accountability in the context of mass atrocities. The court’s jurisdiction is limited to “senior leaders in the Khmer Rouge and those most responsible” for crimes committed during the period of Democratic Kampuchea from 17 April 1975 to January 1979.¹⁵ The court was established based on an agreement between the Kingdom of Cambodia and the United Nations which set out, among others, how the international community would participate in the ECCC. To date, the ECCC has tried three individuals, while another case was dismissed and several other cases remain at the pre-trial stage, as represented in the following case chart:¹⁶

Case	Name of Accused and Position in KR during DK era	Case Status
Case 001	Kaing Guek Eav alias Duch, the former Chairman of the KR S-21 Security Center in Phnom Penh	Convicted for crimes against humanity and grave breaches of the 1949 Geneva Conventions
Case 002/01 and Case 002/02	<ul style="list-style-type: none">Nuon Chea, former Chairman of the Democratic Kampuchea National Assembly and Deputy Secretary of the Communist Party of KampucheaKhieu Samphan, former Head of State of Democratic Kampuchea.Ieng Sary, Deputy Prime Minister for Foreign Affairs of Democratic KampucheaIeng Thirith, Minister of Social Affairs in Democratic Kampuchea	<p>Ieng Thirith was found unfit to stand trial</p> <p>Ieng Sary passed away on before end of proceedings</p> <p>Nuon Chea was found guilty of crimes against humanity (Case 002/01) and genocide, crimes against humanity and grave breaches of the Geneva Conventions of 1949 (Case 002/02)</p> <p>Khieu Samphan was found guilty of crimes against humanity (Case 002/01) and genocide, crimes against humanity and grave breaches of the Geneva Conventions of 1949 (Case 002/02)</p>

14 Simon M. Meisenberg and Ignaz Stegmiller, eds., *The Extraordinary Chambers in the Courts of Cambodia: Assessing Their Contribution to International Criminal Law*, International Criminal Justice Series, Vol. 6 (Berlin: Springer, 2016), 16.

15 Article 2 Law on the Establishment of the ECCC, <www.eccc.gov.kh/sites/default/files/legal-documents/KR_Law_as_amended_27_Oct_2004_Eng.pdf>.

16 See the official progress report of the ECCC cases at <https://www.eccc.gov.kh/en/case-load>.

Case 003	Meas Muth, Commander of Division 164 (Navy), Reserve member of the General Staff Committee, Reserve member of the CPK Central Committee	Suspended at the pretrial stage, as the national co-investigating judge dismissed the charges due to lack of personal jurisdiction (they are not the most responsible of KR crimes during DK era) while the international issued indictment against them. The National Co Prosecutor agreed with national Co Investigating Judge with the International Co Prosecutor appealed this conflicting conclusion drawn by the Co Investigating Judges. At the point of writing this article, the Trial Chamber remains seized on this matter.
Case 004	<p>Ao An, Secretary of Sector 41 (Central Zone), Member of the Central Zone Committee, Deputy Secretary of the Central Zone (late 1977 to January 1979)</p> <p>Im Chaem, Preah Net Preah District Secretary and Northwest Zone Sector 5 Deputy Secretary.</p> <p>Yim Tith, Kirivong district member Kirivong district secretary and deputy secretary, Sector 13 committee member, Sector 13 secretary</p>	Suspended at the pretrial stage, as the national co-investigating judge dismissed the charges due to lack of personal jurisdiction (they are not the most responsible of KR crimes during DK era) while the international issued indictment against them. Case against Ao An was terminated by the Supreme Court Chamber in 2020.

Victim’s Participation in ECCC

One of the unique features of the ECCC is victims the right to participate in the proceedings as Civil Parties.¹⁷ The ECCC’s Victims’ Support Section (VSS) assists with the processing of various forms,¹⁸ and it has worked closely with civil society actors in managing its immense workload. Several NGOs VSS works closely with are known as “intermediary organisations”, which had already established or were ready to establish programmes relating to

KR victims.¹⁹ Civil parties usually form a consolidated group whose interests are represented by their lawyers, who in turn are led by the national and international lead lawyers.²⁰ In Case 001, 89 individuals were admitted as civil parties.²¹ In Case

17 Rule 23, ECCC Internal Rules, <www.eccc.gov.kh/sites/default/files/legal-documents/Internal_Rules_Rev_9_Eng.pdf>.

18 Rule 12, ECCC Internal Rules and Article 1.2 of the ECCC Practice Directions on Victim Participation.

19 Cambodian Women’s Oral History Project, Cambodian Human Rights Action Committee (CHRAC), Documentation Center Cambodia (DC-Cam), Kdei Karuna (KdK), Transcultural Psychosocial Organisation (TPO), Youth for Peace (YFP), and Youth Resource Development Program (YRDP).

20 Rule 12 and Rule 12 ter, ECCC Internal Rules.

21 Case 001 Civil Parties admitted in Trial or Appeal Judgment, <www.eccc.gov.kh/sites/default/files/documents/courtdec/F28.2_KH-EN.PDF>.

002, a total of 3,865 civil parties were admitted.²²

Reparations

There has not been any state programme of reparations for victims of the KR regime. The only official reparations are those ordered by the ECCC, which Internal Rules defines right to reparations as “collective and moral reparations”, which should be “... awarded against, and be borne by convicted persons”²³ The reparations awarded in Case 001, for example, were an order to publish copies of the apologies that Duch, had read before the court and the list of the names of Civil Parties in the judgment.²⁴ As with Duch, both accused in Case 002 were also found to be indigent. In order to ensure realization of victims’ reparation regardless of the economic status of the convicted person, the Internal Rules were amended to allow third party funding for reparations. The VSS was also instructed to examine other non-judicial programmes and measures to support victims. In the judgment of Case 002/01, the Trial Chamber endorsed the implementation of 11 projects requested by the Civil Party Lead Co-Lawyers on remembrance and memorialisation,²⁵ therapy and psychological assistance to victims,²⁶ and projects related to documentation and education.²⁷ In Case 002/02, the Civil Party Lead Co-Lawyers sought the judicial recognition of 14 projects, including for education on Khmer Rouge history,²⁸ documentation of victims’ experiences especially for the Vietnamese and Cham minorities as well

as forced marriage,²⁹ and mental and physical care for the civil parties.³⁰

Civil society-led transitional justice processes

Civil society actors played a crucial role in documenting the crimes committed during the KR regime and have been working closely with the ECCC as well. In the 1990s, Cambodian civil society took the lead in gathering information about the KR regime and in systematically documenting the human rights violations the regime committed. In 1995, the Documentation Center of Cambodia (DC-Cam) was established as a field office of the Yale Cambodian Genocide Program supported by the U.S. State Department.³¹ In 1997, the centre became an independent local NGO and continued to amass large amounts of documentation, some of which have been provided to the ECCC as evidence.³² DC-Cam also worked with the Ministry of Education to include KR history introduced into the formal curriculum in 2010.³³

Aside from DC-Cam, many other innovative initiatives to document victims’ experiences exist, such as the Bophana Audiovisual Resource Center that displays audio and visual material on Cambodia acquired from around the world; documentation of oral histories by Youth for Peace, Kdei Karuna (KdK), the Cambodian Defenders Project, and the Cambodian Women’s Oral History Project; and an extensive database created by the Cambodian Human Rights Action Committee (CHRAC).³⁴ In addition, NGOs

22 Judgment, Nuon Chea and Khieu Samphan (002/19-09-2007/ECCC/TC), Trial Chamber, 7 August 2014, p. 598, footnote 3205

23 Rule 23 *quiquies*, ECCC Internal Rules.

24 Judgment, Kaing Guek Eav (Duch) (001/18-07-2007/ECCC-E188), Trial Chamber, 26 July 2010, § 682–683, <www.eccc.gov.kh/sites/default/files/documents/courtdoc/20100726_Judgement_Case_001_ENG_PUBLIC.pdf>

25 Projects 1 and 3.

26 Projects 5 and 6.

27 Projects 7, 8, 9, 10, 11, 12, and 13.

28 Projects 1, 2, and 3.

29 Projects 4, 5, 6, and 12.

30 Projects 11 and 13.

31 “About Documentation Center of Cambodia,” DC-Cam, <dccam.org/home>

32 “DOCUMENTATION: Documenting, Disseminating and Preserving Records of Past Atrocities, 1995-present,” DC-Cam, <d.dccam.org/Projects/Document_Projects/Documentation.htm>.

33 “GENOCIDE EDUCATION, 2004–present,” DC-Cam, <www.d.dccam.org/Projects/Genocide/Genocide_Education.htm>.

34 For further information on these organisations and projects see: Bophana Audiovisual Resource Center, <bophana.org/>; Youth for Peace, <www.yfpcambodia.org/>; Kdei Karuna, <kdeikaruna-organization.squarespace.com/about-us/> the

promoted restorative justice initiatives through dialogue, research, psychosocial support, and education for the post-KR generation. Several organisations focus on addressing the trauma and legacy of atrocities of the KR regime. The Transcultural Psychosocial Organisation (TPO) Cambodia and KdK in particular have led the way in addressing community healing and reconciliation for victims of torture in the KR era.³⁵

3. Challenges and Lessons Learned

Transitional justice in Cambodia has focused mainly on bringing to justice a handful of ageing KR leaders more than 30 years after the crimes were committed. The international community has poured an enormous amount of money into this accountability project, which thus far have tried three accused and while the other four remain to be at investigative stage.³⁶ The ECCC has been an incredible laboratory with its unique hybrid features in trying mass atrocities, including the participation of victims as parties. This experiment should be evaluated, including the cost of running these relatively few trials as well as to the pace and length of the proceedings.

Some critics point to the narrow jurisdiction of the court and its political use by the Cambodian People's Party (CPP), the ruling party led by Prime Minister Hun Sen who, like many former KR members, defected to Vietnam

between 1977 and 1978. The jurisdiction of the ECCC seems to be crafted and implemented to fit CPP's version of history, namely only Pol Pot's small clique are responsible for KR atrocities. Additionally, there have been serious allegations that some ECCC magistrates were subjecting the proceedings to political interference. The deadlock between the co-investigating judges in Case 003 and 004 is allegedly rooted on this underlying issue.

The main lesson illustrated by this transitional justice case study is the shortcomings of adopting a single transitional justice approach focused on one aspect of transitional justice, namely prosecutions for only one particular period of history. In Cambodia, transitional justice has been mainly about bringing justice through the ECCC. There was an expectation that this court would bring 'justice', recognition of the victims' harm and suffering, establishing the truth, empowering victims, providing reparations, bringing reconciliation in the Khmer society, as well as becoming the stepping stone towards Cambodian criminal justice reform. These are lofty expectations that are impossible to be fulfilled by one institution. For example, while victim participation is arguably the most notable achievement of the ECCC, as the International Lead-Co Civil Party lawyer on Case 002/01 and Case 002/02 opined, there needs to be other mechanisms which would fulfil victims' rights including those who do not take part in the trial.³⁷

The Cambodian transitional justice experience also shows that without a holistic approach that incorporates comprehensive reform in all fields, including the security sector and the justice system, it will be hard to turn the tide and prevent recurrence of human rights violations. This is not a small feat, which will require strong and sustainable political will and commitment to realize.

Cambodian Defenders Project of the Cooperation Committee of Cambodia, <www.ccc-cambodia.org/en/ngodb/ngo-information/229>; Cambodian Women's Oral History Project, <cambodianwomensoralhistory.com/about>; and Cambodian Human Rights Action Committee, <landportal.org/organization/cambodian-human-rights-action-committee>.

35 "Healing and Reconciliation for Victims of Torture of Khmer Rouge Trauma," TPO Cambodia, <tpocambodia.org/healing-and-reconciliation-for-victims-of-torture-of-khmer-rouge-trauma/>; "Justice & Relief for Survivors of the Khmer Rouge," TPO Cambodia, <tpocambodia.org/justice-and-relief-for-survivors-of-the-khmer-rouge/>.

36 "How is the court financed?" ECCC, <www.eccc.gov.kh/en/faq/how-court-financed>.

37 Marie Guiraud, "Cambodia: Learning Lessons from Victims' Participation," JUSTICEINFO.NET, 15 Nov 2018, <www.justiceinfo.net/en/justiceinfo-comment-and-debate/pinion/39501-cambodia-learning-lessons-from-victims-participation.html>.

Transitional Justice Timeline³⁸

1975–1979	<ul style="list-style-type: none"> On 17 April 1975, the Khmer Rouge took power from General Lon Nol's regime (which had reigned since 1970) in Phnom Penh. The Democratic Kampuchea regime ruled Cambodia from 17 April 1975 to 9 January 1979.
1979	<ul style="list-style-type: none"> Vietnamese forces entered Phnom Penh on 9 January 1979. From 15 to 19 August 1979 The People's Revolutionary Tribunal held a trial against Pol Pot and Ieng Sary (in absentia) in Phnom Penh for their participation in the crimes committed by the Khmer Rouge. The People's Republic of Kampuchea was established with Vietnamese backing.
1980–1990	<ul style="list-style-type: none"> A second civil war between the People's Republic of Kampuchea (Cambodia), supported by Vietnam, and anti-Vietnamese forces, including the Khmer Rouge.
1991	<ul style="list-style-type: none"> The Paris Peace Agreements were signed by the parties in conflict, which guaranteed international political support for an arrangement that included the Khmer Rouge as legitimate political actors and part of the Supreme National Council. This council was mandated to exercise sovereignty over Cambodia until elections while the United Nations (UN) would play a major political, administrative, and military role in the country. There was no reference to past crimes in the accords.
1992	<ul style="list-style-type: none"> The UN deploys the United Nations Transitional Authority in Cambodia (UNTAC), a peacekeeping mission dedicated to ensuring the transition to democracy and the organisation of fair elections.
1993	<ul style="list-style-type: none"> On 23-28 May the first free and fair national elections was held Kingdom of Cambodia was reinstated as the country's name, marking the official return to Constitutional Monarchy since 1970 The National United Front for an Independent, Neutral, Peaceful and Cooperative Cambodia (FUNCINPEC)'s victory was disputed by the Cambodia People's Party (CPP) and its leader, Hun Sen, coerced a political compromise which created Co-Prime Ministership (himself and FUNCINPEC's Norodom Ranariddh).
1994-1996	<ul style="list-style-type: none"> The National Assembly outlawed the Khmer Rouge but offered amnesties to defectors, which was taken by many cadres including its senior leaders such as Ieng Sary.
1997	<ul style="list-style-type: none"> In June, the co-Prime Ministers sent an official letter to UN Secretary-General Kofi Annan to request the UN's assistance to bring to justice persons responsible for the genocide and crimes against humanity during the rule of the Khmer Rouge in 1975 to 1979. In July, Hun Sen instigated a military coup to oust Co Prime Minister Norodom Ranariddh

38 The details in this timeline is taken from publicly available sources, including but not limited to: Khmer Rouge History," Cambodia Tribunal Monitor, <<http://www.cambodiatribunal.org/history/cambodian-history/khmer-rouge-history/>>, David Scheffer, *All the Missing Souls: A Personal History of the War Crimes Tribunals* (Princeton, NJ: Princeton University Press, 2011) and Ambassador Thomas Hammarberg, "How the Khmer Rouge tribunal was agreed: discussions between the Cambodian government and the UN, Part I: March 1997–March 1999," Searching for the truth—Khmer version 2001, Magazine of Documentation Center of Cambodia, <www.dccam.org/Tribunal/Analysis/How_Khmer_Rouge_Tribunal.htm>. The details about the cases and proceedings in ECCC is taken from documents and articles published in the official website of the court, <https://eccc.gov.kh/>

1998	<ul style="list-style-type: none"> In April, the U.N. Special Representative for Human Rights in Cambodia, Thomas Hammarberg, appointed three senior experts to examine accountability options for Cambodia and to deliver recommendations. In the same month, the US Mission to the United Nations circulates a draft resolution to establish the International Criminal Tribunal for Cambodia (ICTC) as a subsidiary organ of the UN Security Council In May, the Cambodian government requested an international court to be established after July 26 election.
1999	<ul style="list-style-type: none"> In March, the UN Group of Experts for Cambodia concluded that the best approach to pursue accountability for past atrocities in the country was to establish a Chapter VII international criminal tribunal using the model of the ICTY and ICTR. In April, upon the arrest of a Khmer Rouge leader known for his cruelty, Ta Mok alias the Butcher, Hun Sen announced to UN Secretary General Annan that Ta Mok would be tried in a domestic trial assisted by foreign judges and prosecutors to ensure that the international standards of due process were met. David Scheffer, the US Ambassador-at-Large drafted the Law on the Establishment of Extraordinary Sessions in the Courts of Cambodia for the Prosecution of Crimes Committed During the Period of Democratic Kampuchea which was subsequently amended by Cambodian officials
2001	<ul style="list-style-type: none"> The National Assembly adopted the Extraordinary Chambers in the Courts of Cambodia (ECCC) which was then passed into law by the Senate and signed by King Norodom Sihanouk.
2002	<ul style="list-style-type: none"> After UN Secretary General office initially withdrawing from negotiations with the Cambodian government regarding the establishment of ECCC to try Khmer Rouge leaders, on December 18 the UN General Assembly adopted Resolution 57/228 that welcomed the ECCC Law and requested Secretary General Annan resume negotiations without delay
2003	<ul style="list-style-type: none"> On 6 June the Agreement between the United Nations and the Royal Government of Cambodia Concerning the Prosecution under Cambodian Law of Crimes Committed during the Period of Democratic Kampuchea was signed. This included the inclusion of supermajority rule, i.e. while the majority judges of each chamber in ECCC shall comprise of national judges, each decision of the Court must be supported by at least one international judge.
2004	<ul style="list-style-type: none"> Cambodia's National Assembly ratified and officially promulgated the UN/Cambodia Agreement in October after amending of the ECCC Law to ensure that the two documents would be mutually consistent.
2006	<ul style="list-style-type: none"> In July, the Cambodian and international judges, co-prosecutors, and co-investigating judges were sworn into office. Ta Mok passed away in the same month.
2007	<ul style="list-style-type: none"> In June, the judges in plenary session approved the ECCC Internal Rules. The co-prosecutors filed their first introductory submission, requesting the co-investigating judges to open an investigation against five suspects for crimes against humanity, genocide, grave breaches of the Geneva Conventions, homicide, torture, and religious persecution.

2008	<ul style="list-style-type: none"> The co-investigating judges issued the closing order in Case 001, indicting Kaing Guek Eav alias Duch for crimes against humanity and grave breaches of the Geneva Conventions of 1949. Duch was the former Chairman of the S-21 Security Center in Phnom Penh during Democratic Kampuchea period. In lieu of the Co Prosecutors' Appeal, the Pre-Trial Chamber partially amended the indictment against Duch and ordered the case to be sent to trial.
2009	<ul style="list-style-type: none"> Kaing Guek Eav (Duch) trial started In September, the international co-prosecutor requested the co-investigating judges to begin the investigation of five additional suspects that later known as Case 003 (Meas Muth and Sou Met), Case 004 (Yim Tith), Case 004/01 (Im Chaem), and Case 004/02 (Ao An). Meas Muth, had been the Commander of Division 164 (Navy), Sou Met the former Khmer Rouge air force commander, Yim Tith a Kirivong district member, Im Chaem the Preah Net Preah District Secretary and Northwest Zone Sector 5 Deputy Secretary and Ao An the Secretary of Sector 41 (Central Zone) and later a Member of the Central Zone Committee .
2010	<ul style="list-style-type: none"> The Trial Chamber convicted Duch and sentenced him to 35 years of imprisonment, a decision appealed by both the accused and the prosecution.
2011	<ul style="list-style-type: none"> Initial trial hearings of Case 002 begun with Nuon Chea (former Chairman of the Democratic Kampuchea National Assembly and Deputy Secretary of the Communist Party of Kampuchea), Khieu Samphan (former Head of State of Democratic Kampuchea.), Ieng Sary (former Deputy Minister for Foreign Affairs of the Democratic Kampuchea) and Ieng Thirith (former Minister of Social Affairs of Democratic Kampuchea) as the accused. Case 002 were severed into two trials Ieng Thirith was found unfit to stand trial due to dementia.
2012	<ul style="list-style-type: none"> The Supreme Court Chamber issued its final judgement for Case 001 and sentenced Duch to life imprisonment.
2013	<ul style="list-style-type: none"> In March, Ieng Sary died in detention. In June, Sou Met passed away in Battambang
2014	<ul style="list-style-type: none"> In August the Trial Chamber found Nuon Chea and Khieu Samphan guilty of crimes against humanity and sentenced them to life imprisonment in Case 002/01. Both the defence and prosecution appeal this decision.
2015	<ul style="list-style-type: none"> In March Meas Muth, Im Chaem, and Ao An were charged as part of Cases 003, 004/01, and 004/02. The international co-investigating judge charged Yim Tith in Case 004.
2016	<ul style="list-style-type: none"> In November, The Supreme Court Chamber affirmed the life sentences against Nuon Chea and Khieu Samphan in Case 002/01.
2017	<ul style="list-style-type: none"> In February, the co-investigating judges dismissed the case against Im Chaem, finding that she was not subject to the personal jurisdiction of the ECCC.

2018	<ul style="list-style-type: none"> • In June, Case 004/01 against Im Chaem ended when the Pre-Trial Chamber failed to reach supermajority vote to overturn the co investigating judges' decision as appealed by the co prosecutors. The three national Pre-Trial Chamber judges agreed with the dismissal, while the two international judges Baik and Beauvallet disagreed. • In August, the co-investigating judges issued separate closing orders against Ao An. The national co-investigating judge dismissed the case, finding that he did not fall within the personal jurisdiction of the ECCC. The international co-investigating judge indicted him for genocide, crimes against humanity, and violations of the 1956 Cambodian Penal Code • In November the Trial Chamber convicted former senior Khmer Rouge leaders, Nuon Chea and Khieu Samphan of genocide, crimes against humanity, and grave breaches of the Geneva Conventions of 1949. • In December the co-investigating judges again issued separate closing orders against Meas Muth. The national co-investigating judge dismissed the case for lack of personal jurisdiction. The international co-investigating judge indicted Meas Muth for genocide, crimes against humanity, war crimes and violations of the 1956 Cambodian Penal Code.
2019	<ul style="list-style-type: none"> • In June, the Pre-Trial Chamber decided on appeals against the closing orders in Case 004/02 with Ao An as the accused, deeming the Co-Investigating Judges' conflicting Closing Orders as illegal, but the Chamber itself failed to secure the supermajority votes to reach a decision. In the same month, the co-investigating judges yet again issued separate closing orders against Yim Tith. The national co-investigating judge dismissed the case for lack of personal jurisdiction while the international judge indicted Yim Tith for genocide, crimes against humanity, war crimes and violations of the 1956 Cambodian Penal Code. The national co-investigating judge also rejected all civil party applications in Case 004. • In August, Nuon Chea passed away. • In September the co-lawyers for the civil parties appeal against the order on the admissibility of civil party applicants for Case 004, submitting that the order erred in law and fact. • In December the Pre-Trial Chamber issued its considerations on the appeals against closing orders in Case 004/02 against Ao An. The Chamber found that the Co-Investigating Judges' two conflicting Closing Orders as illegal.
2020	<ul style="list-style-type: none"> • In May, the international co-prosecutor appeals the Trial Chamber's effective termination of Case 004/02 against Ao An, stating that the Trial Chamber has repeatedly refused to commence the trial since 19 December 2019, thereby warranting intervention from the Supreme Court Chamber. • In June the Pre-Trial Chamber issues its considerations on the appeal against the international co-investigating judge's order on the admissibility of civil party applicants in Case 004/02. The international judges find that the international co-investigating judge's order on admissibility of civil party applicants stands, and that all civil parties who have been found admissible by the international co-investigating judge have the right to participate in future proceedings against Ao An.

	<ul style="list-style-type: none"> • In August the Supreme Court Chamber of the Extraordinary Chambers in the Courts of Cambodia (ECCC) terminated the case against Ao An before the Extraordinary Chambers(Case 004/2), stating that after 13 years of investigation there was no agreement whether Ao An was within the Court’s jurisdiction , and since there was no definite and enforceable indictment, the case against Ao An was terminated.
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