

Cambodia: Khmer Rouge tribunal holds first public hearing

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Phnom Penh,

The special court established to try the former leaders of the Khmer Rouge held its first public sessions on November 20 and 21. The Extraordinary Chambers in the Courts of Cambodia (ECCC) is a Cambodian tribunal assisted by international judges, lawyers and administrative officials. It was established by agreement between the Cambodian government and the United Nations.

The ECCC's mandate is to try the senior leaders and those responsible for the most serious crimes committed during the Khmer Rouge regime, which lasted from April 1975 to January 1979. During that time, up to a quarter of Cambodia's population was killed by execution or hunger, disease and overwork.

The court was set up more than a year ago, but did not begin judicial proceedings until June, when the Cambodian and international judges adopted its rules.

Cambodia's judicial system is based on the continental (French) system, in which prosecutors present evidence and accusations to an investigating judge, who then questions witnesses, including potential defendants, examines any relevant evidence and determines who, if anyone, should be sent for a full trial.

In the ECCC there are co-prosecutors and co-investigating judges, one Cambodian and one international of each. The co-prosecutors in July presented evidence to the co-investigating judges that has resulted in five people being arrested and charged.

The first arrested was Kaing Guek Eav, alias Duch. He was the director of the notorious S-21 prison, also known as Tuol Sleng, where some 15,000 prisoners were subjected to hideous tortures until they "confessed" to imaginary crimes and were then executed (often using pickaxes or iron bars). He is charged with crimes against humanity.

The other four were all part of the Khmer Rouge's central leadership. Nuon Chea was known as "Brother Number 2". (The top leader, Pol Pot, who died in 1998, was "Brother Number 1".) Ieng Sary was the foreign minister of "Democratic Kampuchea", the official name of the Khmer Rouge regime. His wife, Ieng Thirith, was the minister for education and social affairs, the sister of Pol Pot's first wife and one of the highest-ranking women in the Khmer Rouge. Khieu Samphan, among other positions, was the head of state of Democratic Kampuchea.

Ieng Thirith has been charged with crimes against humanity. The three men have been charged with crimes against humanity and war crimes.

The court hearing involved Duch's appeal against the co-investigating judges' decision to deny him release on bail. It was heard by two international and three Cambodian judges who together form a panel called the Pre-Trial Chamber.

P.S.

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