

COVER:

What do you know about the Court to try the senior leaders of the Khmer Rouge?

This is the location of the Court to try the senior leaders of the Khmer Rouge. It is located in Phnom Penh, along National Road 04, Chaom Chau Commune, Dangkao District.

PAGE 1:

What are the stories about what happened during the Khmer Rouge regime?

Pictures:

Picture 1: Shows the evacuation of people from the city.

Picture 2: Shows people building a dam during the Khmer Rouge regime.

Picture 3: Shows a dead body at the Tuol Sleng prison, very soon after the collapse of the Khmer Rouge.

Picture 4: Shows skulls discovered after the Khmer Rouge regime.

Text:

The above pictures show the bitter events that some Cambodians experienced during Khmer Rouge Regime, also called the Pol Pot Regime or the Democratic Kampuchea Regime.

Some people also experienced other events, such as starvation, torture, and forced marriage, but we don't have the pictures to show you.

PAGE 2:

How was the Court to Try the Senior Leaders of the Khmer Rouge created?

Picture:

This is a picture of the signing of the agreement between the Cambodian side, represented by H.E Sok An, and UN side, represented by Mr. Hans Correl.

Text:

The Khmer Rouge Court was established by a Cambodian Law and an agreement between Royal Government of Cambodia and the United Nations. This agreement regulates the work of the two sides in order to try the senior leaders of the Khmer Rouge.

PAGE 3:

What is The Court to Try the Senior Leaders of the Khmer Rouge?

Picture:

This is a picture of the building of the Court to try the senior leaders of the Khmer Rouge.

Text:

What is a court?

A court is the place where disputes are solved by finding out whether a person did something right or wrong. Those who did wrong will be held responsible for their acts.

So what is the Court to Try the Senior Leaders of the Khmer Rouge?

The Court to try the senior leaders of the Khmer Rouge is a court that has special characteristics that are different from the normal courts. Some of the important differences are that this court has international participation and that it can only prosecute a certain group of people who committed serious crimes from 17 April 1975 to 6 January 1979.

Generally, people call this the Khmer Rouge Court or the Court to Try the Senior Leaders of the Khmer Rouge. But in fact, this court is called the "Extraordinary Chambers in the Courts of Cambodia".

Page 4:

What kinds of crimes will the Court try?

Pictures:

These pictures show the serious crimes that are in the domestic laws:

Picture 1: Forcing monks to quit the monkhood. This is one example of the crime of religious persecution.

Picture 2: Bringing prisoners to be killed at a mass grave. This is only one example of killing; it is called murder.

Picture 3: Torturing someone by tying them upside down with a rope. This is one example of the crime called torture.

Text:

The Court will try those who committed serious crimes according to national law and international law.

The crimes in domestic laws are: Murder, Torture and Religious Persecution

International law uses complicated words that are difficult to understand. However, these words are still important for the Court. Some international crimes that the Court will use are: genocide, crimes against humanity, and war crimes.

PAGE 5:

This Court has the power to try only a certain group of people; who are they?

Picture:

This is the picture shows an example of the leadership of the Khmer Rouge at the top level, with the lower levels beneath them. We don't know how many people were part of the leadership during that regime.

Text:

Can you tell me what level you think the Court should try?

The Court will try the senior leaders of Democratic Kampuchea and those who were most responsible for serious crimes. The Court will not prosecute their relatives.

We don't know yet who was a senior leader of Democratic Kampuchea or those who were the ones most responsible for serious crimes. Only court will decide. But according to the spokesman of the Court, the budget of the Court has planned to try approximately 5 -10 people.

The Court will only prosecute those who are still alive; it will not prosecute dead people such as Pol Pot and Ta Mok.

PAGE 6:

The Court will try serious crimes committed during what time period?

Picture:

This picture shows the time period during which serious crimes happened that the Court has the power to try.

On 17 April 1975, was the day that the Khmer Rouge troops controlled Phnom Penh.

06 Jan 1979, was the last day Khmer Rouge troops controlled Phnom Penh.

Text:

The Court only has the power to try serious crimes committed during the period 17 April 1975 to 06 Jan 1979.

PAGE 7:

What is the composition of this court?

Picture:

This is the overview of the Court to try the senior leaders of the Khmer Rouge.

Text:

What does the Court look like? How many levels are there?

This court has only two levels, a trial chamber and a supreme chamber. The trial chamber has 5 judges, 3 Cambodians and 2 internationals. The Supreme chamber has 7 judges, 4 Cambodians and 3 internationals.

Beside those two levels, there is:

- an office of co-Prosecutors, one Cambodian and one international,
- an office of co-Investigating Judges, one Cambodian and one international,
- besides those there is also a pretrial chamber that was created for solving disagreements between prosecutor and prosecutor and between investigating judge and investigating judge.
- and an Office of Administration -- a Cambodian is head of administration and an international staff member is the deputy head.

PAGE 8:

What is the role of the Co-Prosecutors?

Picture:

This picture shows the co-Prosecutors (commonly called: the person who makes the accusation), a Cambodian and an international, accusing someone based on evidence. We don't know who the co-Prosecutors will accuse, which is why that person is drawn in shadow.

Text:

The role of the co-Prosecutors is:

- to do an investigation in order to gather evidence (such as documents, mass graves, and witnesses, among other things)
- to accuse someone
- to show the evidence at the hearing

Please take note that the Co-Prosecutors started their work on July 10, 2006.

PAGE 9:

What is the role of Co-Investigating Judges?

Picture:

The picture shows the co-Investigating Judges, one Cambodian and one international. In this photo, one co-investigating judge is asking questions of a witness and the other one is taking photos of a mass grave.

Text:

- There are two co-Investigating Judges, a Cambodian and an international, who are jointly responsible for doing an investigation.
- If the co-Investigating Judges disagree with the accusation made by the co-Prosecutors then co-Investigating Judges have power to drop the accusation.

PAGE 10:

What is a Defendant?

Picture:

The picture shows a defendant being arrested.

Text:

- A defendant is the one who is accused by the co-Prosecutors.
- A defendant may be arrested and put in custody in temporarily waiting for trial in case they may affect the investigation or may flee.

Whether the defendant has been kept in custody waiting for trial or stays outside of jail, they shall be considered not guilty because the Court has not yet judged finally on the case.

PAGE 11:

Does a Defendant have a right to have a lawyer?

Picture:

This is the picture of a discussion between a defendant and his lawyer in the detention room.

Text:

According to the law the defendant has the right to a lawyer to defend him or her. If a defendant is poor and cannot pay for a lawyer then the defendant has the right to have a competent lawyer provided for free.

PAGE 12:

How will the hearing at the trial chamber play out?

Picture:

This picture shows a hearing at the trial chamber; the chamber consists of 5 judges sitting in front, 2 co-Prosecutors with red robes sitting on one side, and the other side is the defendant's lawyers with the defendant sitting behind. In the center, in front of the judges is the witness who has come up to talk about the events he himself saw. The people who sit below are attending and listening to the hearing.

Text:

Normally, the hearing is open to the public, which means that everyone can come to see and listen to the trial. In very rare circumstances, however, judges can decide that public can be excluded to protect the safety of the witnesses.

At the hearing, the judge's role is to direct the hearing, to examine evidence raised by co-Prosecutors and evidence raised by the defense lawyers, and to listen to what the co-Prosecutors and defense lawyers say about the law.

PAGE 13:

How do the trial chamber judges make a decision?

Picture:

How many judges are there in this picture? How many of them are internationals, how many Cambodian?

- There are 3 Cambodian judges and 2 international judges in the picture.

How many judges have decided the defendant is guilty? And how many decided not guilty?

- The picture shows 3 judges deciding that the defendant is guilty and the other 2 deciding not guilty.

Text:

ENGLISH TRANSLATION OF KID/OSJI FLIP CHART

In order to say someone is guilty, each judge needs to feel very sure in their heart and mind that the defendant definitely broke the law. At trial chamber in order to say the defendant is guilty there need to be 4 judges (at least 1 international) who support that decision.

So, in this picture is the defendant guilty or not guilty?

- The defendant is not guilty, because only three judges decided guilty. This is only one example.

PAGE 14:

How is the supreme chamber different from the trial chamber?

Picture:

This picture shows the hearing; it is the same as the trial chamber except that there are 7 judges.

Text:

Things that are the same:

The supreme chamber is located in the same place as the trial chamber and the hearing is normally open to the public, the same as trial chamber.

Things that are different:

The supreme chamber has 7 judges. The trial chamber has 5 judges.

The supreme chamber hears cases after the trial chamber.

Judges at the supreme chamber have the power to make a final decision whether the defendant is guilty or not guilty.

PAGE 15:

How do the judges at the supreme chamber make a decision?

Picture:

How many judges are in the picture? How many of them are foreign, how many are Cambodian? There are 4 Cambodian judges and 3 international judges in the picture.

ENGLISH TRANSLATION OF KID/OSJI FLIP CHART

How many judges decided the defendant is guilty and how many decided not guilty? This picture shows that 5 judges decide the defendant is guilty and other 2 decided not guilty.

Text:

In order to say someone is guilty, each judge needs to feel very sure in their heart and mind that the defendant definitely broke the law. At supreme chamber in order to say the defendant is guilty there needs to be 5 judges (at least 1 international) who support that decision. This is the final decision; there are no other avenues of complaint.

So, in this picture is the defendant guilty or not guilty?

The defendant is guilty, because five judges have decided: guilty. This is only one example.

PAGE 16:

What kind of punishment will the defendant receive if the Court finds that he or she is guilty?

Picture:

Picture 1: shows being put in jail

Picture 2: shows that there is no death penalty

Picture 3: shows property being confiscated and returned to the state

Text:

In case the judges find the defendant guilty, he or she can be put in jail from 5 years to life in imprisonment. In addition, the judges can confiscate property such as land, houses, money or a car, acquired unlawfully or by criminal conduct. The confiscated property shall be returned to the state.

Cambodia has no death penalty.

The prisoner will not be tortured.

PAGE 17:

What do you think about Khmer Rouge Court?

Please follow up and talk about the process of the trial altogether! Then you can feel free to evaluate this court for yourself.