



MEDIA ADVISORY: Split-Decision in Genocide and Crimes Against Humanity Case Against Khmer Rouge Official Ao An Leaves Prospect of Justice for Victims Uncertain

December 20, 2019, Phnom Penh, Cambodia- Yesterday, the Pre-Trial Chamber of the Extraordinary Chambers in the Courts of Cambodia (ECCC) issued a split decision in the case against Ao An, a senior leader of the Khmer Rouge facing charges of genocide and crimes against humanity, leaving the prospect of justice for victims unresolved. While the Pre-Trial Chamber's two internationally-appointed judges ruled that the indictment against Ao An should proceed to trial, the three national judges dismissed the indictment, ruling that the ECCC had no jurisdiction to hear the allegations against Ao An.

Bryant Ben, a Khmer Rouge victim now living in Long Beach California, called upon the ECCC to remember the victims as it attempts to resolve this procedural deadlock. "The trial, no matter if it's long time or sooner, for me as a victim I can never forget it. It's so important that the court render justice for the victims who are not be able to stand up to directly to confront the case at the court," he said.

Ao An was a key figure in the Khmer Rouge during the Pol Pot dictatorship between 1975 and 1979, serving as the Central Zone Deputy Secretary and Sector 41 Secretary. He was responsible for running forced labor camps, execution sites and security centers. Ao An was charged with genocide of the Cham and crimes against humanity, including murder, persecution, extermination, enslavement, imprisonment, torture, forced marriage, rape and forced labor.

On August 16, 2018, the ECCC – an international hybrid tribunal set up within the Cambodian court system to handle the most serious cases against senior Khmer Rouge leadership – issued two conflicting orders in Ao An's case (Case 004/02). The International judge found that Ao An was one of the individuals "most responsible" for the Khmer Rouge's crimes, indicting him and ordering the case to proceed to trial. The National judge, on the other hand, dismissed all charges, finding that Ao An was neither a senior leader of the Khmer Rouge nor one of the people most responsible for the crimes. Today's split Pre-Trial Chamber ruling continued the procedural deadlock roiling throughout the ECCC, with the International judges ordering indictments to proceed to trial and the National judges calling for dismissals. The continued uncertainty is damaging to victims for whom the ECCC offered the promise of justice more than four decades following the atrocities of the Khmer Rouge regime.

The Center for Justice and Accountability (CJA) represents over 145 Cambodian-American clients before the ECCC's proceedings. CJA Senior Staff Attorney Daniel McLaughlin said, "The legacy of the ECCC has impact beyond Cambodia. Victims and survivors of today's mass atrocities need to know that justice and redress for the crimes they have endured are possible. The success of the ECCC carries the message that justice can prevail no matter how much time has passed, and that even the seemingly most powerful may one day be held to account. Conversely, its failure, particularly on these procedural grounds, would tarnish its legacy and send a contrary message, most notably to victims."

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About the Center for Justice and Accountability

The Center for Justice and Accountability (CJA) is a San Francisco-based human rights legal organization dedicated to deterring torture, war crimes, crimes against humanity, and other serious human rights abuses around the world through innovative litigation, policy and transitional justice strategies. For more information on CJA's work before the ECCC, visit <https://cja.org/what-we-do/litigation/khmer-rouge-trials/>.