

## **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**

The People's Revolutionary Council of Kampuchea,

In light of the tasks of the People's Revolutionary Council of Kampuchea as stated in the Declaration of January 8, 1979;

Considering that the Pol Pot-Ieng Sary clique have massacred millions of persons, forced the entire Kampuchean people to live in genocidal conditions, physically and morally, destroyed all economic, cultural, and social structures, thus bringing them the danger of extermination;

Considering that point 8 of the Declaration of December 2, 1978, of the National United Front for the Salvation of Kampuchea expressed the people's wish that "all reactionary ringleaders, who stubbornly oppose the people and owe a heavy blood debt to them, should be sternly punished"; and

Considering that genocide is also defined in international law;

Has taken the following decisions:

### *Article 1*

To set up a People's Revolutionary Tribunal at Phnom Penh to try the acts of genocide committed by the Pol Pot-Ieng Sary clique, namely, planned massacres of groups of innocent people; expulsion of inhabitants of cities and villages in order to concentrate them and force them to do hard labor in conditions leading to their physical and mental destruction; wiping out religion; destroying political, cultural and social structures and family and social relations.

### *Article 2*

1. The instigators and planners of genocidal crimes shall be condemned to 15 to 20 years' imprisonment, life imprisonment or to death.

Persons who committed multiple acts of cruelty and barbarity shall be punished by 5 to 15 years' imprisonment, but in case of particularly mitigating circumstances the sentence may be less than 5 years of imprisonment.

Besides this main form of punishment, the criminals may have their property partially or completely confiscated.

2. The people's power continues to apply the policy of leniency towards those people who participated in the armed forces or administration of the Pol Pot-Ieng Sary clique but are sincerely repentant, and the policy of giving appropriate reward to those who have contributed to the revolution, as stipulated in the Declaration of December 2, 1978, of the National United Front for the Salvation of Kampuchea.

### *Article 3*

The People's Revolutionary Tribunal for the trials consists of a presiding judge and 10 people's assessors. Any of these members, when absent, shall be replaced by an alternate member.

The presiding judge and the alternate judge of the People's Revolutionary Tribunal are appointed by the People's Revolutionary Council of Kampuchea.

The people's assessors of the People's Revolutionary Tribunal and four alternate people's assessors are appointed by the People's Revolutionary Council of Kampuchea on the basis of a list of people's assessors proposed by the Central Committee of the National United Front for the Salvation of Kampuchea.

In the trials, the people's assessors have powers equal to those of the presiding judge, and any decision of the People's Revolutionary Tribunal is to be made by a majority.

*Article 4*

The Prosecutor of the People's Revolutionary Tribunal is appointed by the People's Revolutionary Council of Kampuchea.

It is the duty of the prosecutor to gather and verify evidence, institute prosecution in court, draw up the indictment and present the state's case in court.

*Article 5*

The indictment and the decision to put a person on trial should be sent to him at least seven days before the date scheduled for trial.

The defendant is entitled to represent himself or to be represented by a lawyer or by a Kampuchean citizen. If necessary, the presiding judge of the People's Revolutionary Tribunal may appoint an advocate for the accused.

The choice of a lawyer of foreign nationality, or of a defender who is not a lawyer, must be approved by the presiding judge of the People's Revolutionary Tribunal.

*Article 6*

If a defendant has fled, the People's Revolutionary Tribunal may try him in absentia and appoint a lawyer for his defense.

The summons to appear in court and the judgment pronounced in absentia shall be published by appropriate means.

*Article 7*

The People's Revolutionary Tribunal acts as a court of last resort. A person sentenced to death has the right to ask for mercy from the People's Revolutionary Council of Kampuchea within 7 days from the date the sentence is pronounced.

If the defendant is convicted in absentia, that time limit is calculated from the day when the text of the sentence is posted at the office of the Municipal People's Committee in Phnom Penh.

*Article 8*

In accordance with the Convention on the Prevention and Punishment of the Crime of Genocide adopted by the U.N. General Assembly on December 9, 1948, this decree applies to the criminal acts of the Pol Pot-Ieng Sary clique committed prior to its signing.

Phnom Penh, July 15, 1979

Heng Samrin, President

People's Revolutionary Council of Kampuchea