More than thirty years after the fall of the Pol Pot regime, a UN-backed tribunal, fusing Cambodian and international law, procedure, and personnel, was established to try key Khmer Rouge officials for atrocities committed in the late 1970s. In this definitive scholarly treatment of the “Extraordinary Chambers in the Courts of Cambodia” (ECCC) from legal and political perspectives, John D. Ciorciari and Anne Heindel examine the ECCC’s institutional features, compare it to other hybrid and international criminal courts, evaluate its operations, and draw lessons for the future.

Ciorciari and Heindel begin by discussing the political factors and historical contingencies that led the United Nations and Cambodian Government to create a hybrid tribunal with a number of unique features. Next, they examine the tribunal’s operations to date, focusing on how its institutional form has affected its various intended functions. They argue that many aspects of the ECCC’s judicial proceedings have been broadly consistent with international standards and that the Court’s in-country location has provided important benefits in terms of public outreach and victim participation. Nevertheless, the authors demonstrate that the ECCC’s complex, divided institutional structure and wrangling between national and international actors have slowed the proceedings, contributed to administrative irregularities, led to due process concerns, and jeopardized the Court’s public legitimacy and ability to leave a legacy of credible justice. Ciorciari and Heindel argue that the ECCC’s experiences reveal many of the challenges of managing a mass crimes process, especially in the context of a hybrid court. They conclude with recommendations on measures that can be taken to meet some of those challenges going forward.

John D. Ciorciari is an assistant professor at the Gerald R. Ford School of Public Policy at the University of Michigan.

Anne Heindel is legal advisor to the Documentation Center of Cambodia.
Law, Meaning, and Violence

The scope of Law, Meaning, and Violence is defined by the wide-ranging scholarly debates signaled by each of the words in the title. Those debates have taken place among and between lawyers, anthropologists, political theorists, sociologists, and historians, as well as literary and cultural critics. This series is intended to recognize the importance of such ongoing conversations about law, meaning, and violence as well as to encourage and further them.

Series Editors: Martha Minow, Harvard Law School
Austin Sarat, Amherst College

RECENT TITLES IN THE SERIES

Hybrid Justice: The Extraordinary Chambers in the Courts of Cambodia,
by John D. Ciarcia and Anne Heindel

The Justice of Mercy, by Linda Ross Meyer

Dying Inside: The HIV/AIDS Ward at Limestone Prison,
by Benjamin Fleury-Steiner with Carla Crowder

Sacred Violence: Torture, Terror, and Sovereignty, by Paul W. Kahn

Punishment and Political Order, by Keally McBride

Lives of Lawyers Revisited: Transformation and Resilience in the Organizations of Practice,
by Michael J. Kelly

Among the Lowest of the Dead: The Culture of Capital Punishment,
by David Von Drehle

Punishing Schools: Fear and Citizenship in American Public Education,
by William Lyons and Julie Drew

Suing the Gun Industry: A Battle at the Crossroads of Gun Control and Mass Torts,
edited by Timothy D. Lytton

Transformative Justice: Israeli Identity on Trial, by Leora Bilsky

Jurors’ Stories of Death: How America’s Death Penalty Invests in Inequality,
by Benjamin Fleury-Steiner

The Jurisprudence of Emergency: Colonialism and the Rule of Law, by Nasser Hussain

Communities and Law: Politics and Cultures of Legal Identities, by Gad Barzilai

From Noose to Needle: Capital Punishment and the Late Liberal State,
by Timothy V. Kaufman-Osborn

The Limits to Union: Same-Sex Marriage and the Politics of Civil Rights,
by Jonathan Goldberg-Hiller

Pain, Death, and the Law, edited by Austin Sarat

Bad Boys: Public Schools in the Making of Black Masculinity, by Ann Arnett Ferguson

Whispered Consolations: Law and Narrative in African American Life,
by Jon-Christian Suggs

Laws of the Postcolonial, edited by Eve Darian-Smith and Peter Fitzpatrick