

**MEETING OF THE GROUP OF INTERESTED STATES, ASEAN AND OTHER
COUNTRIES
ON THE CAMBODIAN SHARE OF THE BUDGET FOR THE EXTRAORDINARY
CHAMBERS**

**Office of the Council of Ministers
Phnom Penh , 30 May 2005**

**OPENING REMARKS BY
His Excellency Sok An
Deputy Prime Minister and
Chairman of the Royal Government Task Force for the
Khmer Rouge Trials**

**Excellencies,
Ladies and Gentlemen,**

Firstly, on behalf of the Royal Government Task Force on the Khmer Rouge Trials, may I express our deepest thanks to Your Excellencies, Ladies and Gentlemen for your presence here today as well as for your generous contributions towards the international share of the Extraordinary Chambers.

Background and status of the Agreement

As you know, Cambodia in October 2004 ratified the Agreement signed with the United Nations in June 2003, thereby on our side satisfying the legal conditions for its entry into force.

Then on 28 April 2005 the Secretary-General of the United Nations, Mr Kofi Annan, notified the Royal Government of Cambodia that the Agreement between the United Nations and the Royal Government of Cambodia is now in force, and that “the United Nations looks forward to the expeditious implementation of the Agreement”. The Prime Minister of Cambodia responded to him on 3 May assuring him that “we will do our utmost to ensure that the Extraordinary Chambers may begin to function as soon as possible, and that they attain the level of international standards that we

have both agreed on and that are needed to address the needs for justice of the Cambodian people and all humanity.” (see letters circulated)

Funding

We were most pleased to see that during the Pledging Conference of 28 March in New York thirteen countries announced their initial contributions, and that two more contributions have subsequently been announced. The \$43 million international share of the budget is almost complete. We wish to give particular acknowledgement to the significant contribution from Japan of \$21.6 million – fully 50% of the international share of the budget.

As you are aware, complementary to the Secretary-General’s appeal for the international share, we have also appealed to interested states to assist Cambodia in meeting its allocated share of the budget, amounting to \$13.3 million in cash. From the beginning, when the two column budget was established, we stated that it would be well beyond our means to contribute \$13.3 million in cash, and that we would be seeking bilateral help.

The Royal Government of Cambodia announced some months ago that it will contribute at least \$6.7 million (consisting of \$1.5 million in cash, and an estimated minimum of \$5.2 million in kind expenses which lie outside the budget itself). This pledge from Cambodia amounts to over 10% of the total costs of the Extraordinary Chambers (\$61.5 million – \$56.3 in the budget plus the \$5.2million extra-budgetary expenses).

We have therefore written to each of you asking whether your government can make bilateral contributions to help us meet the outstanding \$11.8 million allocated to the Cambodian share. I would like to say that a bird needs two wings with which to fly – and that both sides of the budget are of equal importance to the challenging task of establishing a sound process that meets international standards.

We would like to point out that, in comparison to the expenditures of the existing International Criminal Tribunals for the Former Yugoslavia and Rwanda, as well as the mixed courts in Sierra Leone, East Timor and Kosovo, our budget estimates suggest that the Extraordinary Chambers will be the most cost efficient and cost effective.

It would be highly appreciated if you are able to give us an indication today as to whether you will be able to contribute to the Cambodian share of the budget – the major next hurdle to pass now that the international share has been virtually secured.

Implementation of the Agreement

Now that the Agreement is in force, it is time to commence its implementation and the actual establishment of the Extraordinary Chambers, as monies come in to underwrite particular components of the budget.

On the United Nations side, the position of Coordinator of the Operational Assistance to the Khmer Rouge Trials has been advertised. This position is expected to be also the senior United Nations administrative officer – the Deputy Director of Administration. We understand the Secretariat is currently drawing up a short list from the many applicants and hopes to make an early appointment. We look forward to having a counterpart with whom to work, as since Mr Karsten Herrel left in September 2004 the position of Coordinator of UNAKRT has been vacant, making some difficulties for ongoing planning.

On the Cambodian side the preparatory work continues to be carried out by the Royal Government Task Force, established by the Prime Minister in 1999 for the twin purpose of negotiating with the UN and other legal experts, and also for preparation for the Extraordinary Chambers.

The Secretariat of the Task Force has been fully functioning since 2003 within the Office of the Council of Ministers. Although consisting of only a small team of people it nevertheless has provided an active focal point for contact with the UN, as well as with the diplomatic corps, the press and researchers. Within the Ministry of Interior another Secretariat has been established to prepare for the security needs of the Extraordinary Chambers.

As soon as the UN Coordinator is appointed we would expect a small set-up team would be put in place to proceed with determining Terms of Reference for all the staffing positions and to proceed with recruitment and appointment. As soon as the appropriate people are in place, then work can begin on the necessary building alterations and enhancements, as well as deciding on the specifications for information technology and management, security, press and public relations and a host of other aspects of the operation of the Extraordinary Chambers.

It will be important for this set-up team to involve senior international and Cambodian staff. Working together from the start will be essential for the critical task of building the Extraordinary Chambers as a truly joint enterprise.

Judicial appointments

We are aware of the importance to the Extraordinary Chambers of the quality of those appointed to hold the positions of judges, co-investigating judges and co-prosecutors. Let me quote here from the Law on the Extraordinary Chambers (Article 10 new):

“The judges of the Extraordinary Chambers shall be appointed from among the currently practising judges or are additionally appointed in accordance with the existing procedures for appointment of judges; all of whom shall have high moral character, a spirit of impartiality and integrity, and experience, particularly in criminal law or international law, including international humanitarian law and human rights law. Judges shall be independent in the performance of their functions, and shall not accept or seek any instructions from any government or any other source.”

On the Cambodian side, we are currently drawing up detailed criteria for the selection of the best possible individuals for appointment to these highly trusted positions.

We take this opportunity to thank the Royal Netherlands Government for its generous support through UNDP for training programs for potential judges and defence lawyers as well as for legal interpreters and translators. These programs will not only fulfil the purpose of educating those individuals who eventually serve in the Extraordinary Chambers, but also help to upgrade the knowledge of a wider pool of our judiciary and legal community.

On the international side – we understand from the Office of Legal Affairs that the Legal Counsel will soon be writing to member states inviting their suggestions of candidates for nomination for the international judicial positions.

Premises

I should like to say a few words about the proposed premises for the Extraordinary Chambers in Kambol. I know that those who attended the meeting of 25 March saw a slide presentation on the buildings and the site plan, and this was also shown to members of the Group of Interested States in New York.

The UN Secretariat has sent two delegations to examine the proposed site, and they concluded that from the point of logistics and security it well meets the needs of the Extraordinary Chambers.

We understand that some diplomats and others may like to see Kambol, and so we are arranging a site visit – tentatively set for Thursday afternoon 2 June. If this time is not suitable, then please speak to members of the Secretariat of the Task Force.

Conclusion

At this time of seeking your financial support for the Extraordinary Chambers, may I express our profound thanks for your consistent support during the negotiation process, without which we could not have achieved the Agreement. We are confident that the formula we have agreed to establish will not only meet our country's needs for justice in this egregious case, but will also assist the wider process of legal and judicial reform by providing a model court meeting international standards. Furthermore, we are hopeful that the Cambodian model may also serve as an inspiration for other countries in their search for justice.

Today we seek support from all countries to help us meet the outstanding share of the budget. Every contribution -- however modest or symbolic -- will be appreciated, and will show the world that your country is willing to express its support in concrete terms. Each of us have a responsibility to address these crimes and ensure that they will never recur -- although committed here in Cambodia they are regarded as crimes against humanity. As the Secretary-General stated in his remarks to the Pledging Conference in New York on 28 March 2005:

“The crimes committed under the Khmer Rouge were of a character and scale that it is still almost impossible to comprehend. The victims of those horrific crimes have waited too long for justice. By your generous contributions today, you can send a message that the international community will do its part to ensure that, however late ... impunity will not remain unchallenged That will be a precious and important gift to Cambodia.”

Thank you for your kind attention.