



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

Extraordinary Chambers in the Courts of Cambodia  
Chambres extraordinaires au sein des tribunaux cambodgiens

ព្រះរាជាណាចក្រកម្ពុជា  
ជាតិ សាសនា ព្រះមហាក្សត្រ

Kingdom of Cambodia  
Nation Religion King  
Royaume du Cambodge  
Nation Religion Roi

5 August 2016

## PRESS STATEMENT BY THE DEFENCE SUPPORT SECTION

In light of recent comments that appeared in the local press in Phnom Penh and that have been attributed to a certain expert who recently testified before the Extraordinary Chambers in the Courts of Cambodia (“ECCC”), the Defence Support Section (“DSS”) wishes to underscore the importance of an independent and vigorous Defence in ensuring the fairness of trial proceedings. In particular, DSS objects to the expert’s reported use of words like “criminal” and “perverse” to describe the conduct or personalities of the Defence Counsel representing accused persons before the ECCC.

DSS also wishes to emphasise that everyone charged with a criminal offence has the right to examine witnesses against him or her. This is a fundamental fair-trial principle enshrined in the International Covenant on Civil and Political Rights to which Cambodia is a party. When Defence Counsel question a witness, they are not only discharging their professional duty, but they are also ensuring that the human rights of the accused are protected.

The presumption of innocence is another cardinal principle of any fair criminal proceeding. Everyone charged with a criminal offence has the right to be presumed innocent until proven guilty by a court of law. If the Defence were not able to challenge the facts alleged by the Prosecution, this cardinal principle would be immediately negated.

The Defence is a crucial pillar of proceedings before the ECCC and of all criminal trials. Defence Counsel assist the court in reaching a conclusion of the proceedings that it is both fair and expeditious. Without Defence Counsel who can represent the interests of the accused vigorously and independently, criminal proceedings lose all equality and credibility.