



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

Speech to the ECCC Plenary Session on 7 September 2009
by Judge Silvia Cartwright, International Deputy President of the Plenary

Your Excellency the President of the Plenary
 Excellencies
 Judges
 Ladies and gentlemen

May I also welcome to the Plenary, a new judge, Judge Florence Mumba who will be the reserve judge for the Pre Trial Chamber. We are very pleased you have been able to join us and hope that you find the work as interesting and stimulating as current judges do. I also welcome back judges of the ECCC, as well as members of the Administration, in particular the Acting Director and the Deputy Director.

The President of the Plenary HE Kong Srim has outlined many of the issues that have been occupying both the judges and members of the Administration in the 6 months since we last met.

The Co-Investigating judges continue with the investigation in Case 002, conducting extensive interviewing and field missions, commissioning expert reports for demographic and other purposes, and considering a significant number of requests for further investigations. The Pre-Trial Chamber has been pre-occupied largely with appeals arising from the work of the Co-Investigating judges.

Both the Co-Investigating judges and the Pre Trial Chamber have worked under pressure but of necessity much of their work is not able to be made public. While Investigations in general are confidential, the Office of Co-Investigating Judges has made efforts to improve the transparency of its work within the Court, placing important documents on the ECCC website. Nonetheless, there is a constant need to balance the rights of suspects to confidentiality while keeping the public informed of progress.

The Trial Chamber's work however is carried out in the full glare of media and public interest. Almost daily, comment is published in local news media and excellent summaries are broadcast and telecast. This has had several flow-on effects. Many more ordinary Cambodians now ask for assistance to come to Court and most days there are hundreds in the public gallery. As the President has said, this is unprecedented. Foreigners also come to the Court to watch evidence unfold, hear the accused speak and listen to legal argument. Non governmental organizations monitor the Court's progress and all speak frankly of their assessment of its quality of the work undertaken.

This demonstrates that although many younger Cambodians have known little of the Khmer Rouge period in their recent history, there is a thirst for more information to fill that gap.

As the evidence in trial 001 draws to a close, the judges have been considering some of the procedures that have been used at trial as part of a routine evaluation of the efficiency and fairness of

the trial procedure. A number of Rules amendments have been considered by the Rules and Procedure Committee and they will be considered along with proposals that more closely affect other Chambers.

It is well known that the Trial Chamber has found the process of involving victims as Civil Parties to be cumbersome and that it has frequently had the unlooked-for effect of slowing the trial while not providing for the victims' needs which include achieving timely justice for their suffering. The Trial Chamber considers that the involvement of victims at trial is of critical importance and it wants to ensure that this involvement is more meaningful. I welcome the work of the Rules and Procedure Committee in preparation for the Plenary Session. The Committee met last week to review the rules to make a proposal to the Plenary Session. During the week therefore the judges of the ECCC will review the model of victim participation and consider how it can be improved in the interests of victims and of the public while at the same time ensuring a fair and expeditious trial for any accused in Case 002.

Those among us who have worked in the international legal environment in the past will be well aware that it is constantly necessary to review practices and to adapt them to the environment in which our work is undertaken. Each international Tribunal has unique features. The ECCC has learned many lessons from other international courts but it remains necessary constantly to ensure that our law and practice evolves to meet the particular challenges of this hybrid court which must, within a narrow time-frame, try senior leaders and those most responsible for mass crimes which occurred over 30 years ago.

All the Judges of the ECCC and the Administration remain committed to serving the people of Cambodia who have suffered so grievously in the past. This is our primary goal, one which we will continue to pursue for the future. Thank you, President, for allowing me to add this remark to your opening statement.

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