



**អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា**

**Extraordinary Chambers in the Courts of Cambodia**

**Chambres Extraordinaires au sein des Tribunaux Cambodgiens**

**JOINT PRESS STATEMENT BY JUDICIAL OFFICERS  
5 September 2008**

**ECCC 4th Plenary Session Concludes**

On 5 September 2008 the 4th Plenary Session of national and international judicial officers concluded its week-long session in Phnom Penh.

The Internal Rules adopted in June 2007 mandated the judicial officers to meet in plenary session twice annually, in order to review and amend as necessary the Internal Rules and Practice Directions adopted by the Rules and Procedure Committee; and to decide on matters relating to the functioning of the ECCC proposed by the Judicial Administration Committee.

As noted in the opening comments to the Plenary Session by the President (Judge Kong Srim) a number of milestones have been passed, including the issuance of the Closing Order by the Co-Investigating Judges on 8 August sending Kaing Guek Eav or Duch to trial. Due to the appeal by the Co-Prosecutors against this Closing Order, the scope of the indictment is now a matter before the Pre-Trial Chamber, which will decide on the matter in the near future.

Underpinning these judicial achievements have, of course, been a number of less obvious but nevertheless essential administrative and organisational activities such as proposing amendments to Practice Directions on filing of documents, on victim participation and on protection of witnesses; bringing the Victims Unit into full operation (having now received 1,800 complaints and applications for admission as civil parties. The Co-Investigating Judges have now admitted 28 Civil Parties to Case No. 001); arrival of the Trial Chamber; judges, marking the beginning of the work of the Trial Chamber; as well completing alterations to the main courtroom.

This 4th Plenary Session reviewed all these activities of the court, and adopted amendments to Internal Rules, many of which represent a refining of procedures in the light of the concrete experience of the past six months of operation.

Some of the more important matters decided by this Plenary Session include:

- The role of Civil Parties in the proceedings was given careful consideration. Amendments to the existing Internal Rules include a provision requiring victims who wish to become Civil Parties to file their applications with the Victims Unit at least 10 days before the Initial Hearing. Additional measures were agreed, including the power of Co-Investigating Judges and the Chambers to require Civil Parties to form a group and to choose one lawyer to represent the group, and providing that the Civil Party action will cease on the death of the Charged Person or Accused.
- The judges demonstrated our commitment to conducting all proceedings within the ECCC with independence, probity and integrity. We unanimously amended the Code of Judicial Ethics to emphasise this. The full text will be published on the ECCC website.

- Recognising that in the context of the Extraordinary Chambers records serve the dual purpose of supporting the trial and appeal process, as well as providing for the legacy of the Chambers, the Plenary discussed the use of written and audiovisual records, and agreed to use a method which will allow for a complete record of proceedings.
- We also determined technical issues concerning the scope of appeals. The Plenary decided to adopt the precedent established by other International Criminal Tribunals dealing with cases of comparable complexity and magnitude, and limit appeals to those where an error on a question of law would invalidate the decision, or where an error of fact would occasion a miscarriage of justice.
- In the context of a number of Internal Rules and Practice Directions, the plenary considered the balance between ECCC's mandate to hold public hearings while maintaining confidentiality as needed. The Plenary adopted new principles for the classification of information in the Case Files.
- The international judges expressed their gratitude to the UN Secretary-General's Special Expert, David Tolbert for the work he has done to put the Chambers on to a more stable footing, and thereby assist the Chambers to operate more smoothly.
- Two new judges, Catherine Marchi-Uhel (France) international reserve judge for the Supreme Court Chamber, and Siegfried Blunk (Germany) international reserve Investigating judge, were sworn in and participated fully in the Plenary.
- All Internal Rules' amendments will be published 10 days after the conclusion of the Plenary.

In conclusion, we can report that the 4th Plenary Session continued the tradition established in previous plenaries of discussing large number of complex issues in a spirit of harmonious and collegial discussion, following sound preparation by the two judicial committees and the secretariat.