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Extraordinary Chambers in the Courts of Cambodia

Chambres Extraordinaires au sein des Tribunaux Cambodgiens

PRESS RELEASE

7th PLENARY SESSION OF THE ECCC CONCLUDES

Tuesday 9 February 2010

The 7th Plenary Session of the Extraordinary Chambers in the Courts of Cambodia (ECCC) today concluded, having enacted a number of rule amendments designed to ensure effective and streamlined Civil Party participation in ECCC proceedings. To date, approximately 4000 Civil Party applications have been received by the Victims Unit. It is clear that existing legal provisions in Cambodian criminal procedure are not designed to deal with individualized participation by victims on this scale. The number of Civil Party applicants, combined with the complexity, size and other unique features of ECCC proceedings, made it necessary to adopt a new system of victim representation during the trial and appeal stage. The new scheme as adopted is intended to balance the rights of all parties, to safeguard the ability of the ECCC to achieve its mandate while maintaining Civil Party participation, and to enhance the quality of Civil Party representation.

In addressing the broader interests of victims, the 7th Plenary Session empowered the Victims Unit (renamed the Victims Support Section) to develop and implement new programs and measures occurring outside of formalized court proceedings. Such measures may encompass a broader range of services, as well as a more inclusive cross-section of victims than those who are admitted as Civil Parties in cases before the ECCC. The amended rules clarify that these measures may be developed in collaboration with governmental and non-governmental agencies external to the ECCC. This creates the possibility to develop more ambitious programs than would otherwise be achievable within the ECCC's existing capacities and resources.

Other amendments adopted during the 7th Plenary Session are designed to streamline Civil Party representation within ECCC proceedings. The amended rules create two Civil Party Lead Co-Lawyers, who will bear ultimate responsibility for the overall advocacy, strategy and in-court presentation of the interests of the consolidated group of Civil Parties at the trial stage and beyond. The amended rules emphasize that the Lead Co-Lawyers will seek the views of the Civil Party Lawyers and endeavour to reach consensus in order to coordinate the representation of Civil Parties at trial. Civil Party Lawyers may agree to support the Lead Co-Lawyers in the representation of the interests of the consolidated group. Such support, which will be coordinated by the Lead Co-Lawyers, may include oral and written submissions by Civil Party Lawyers, as well as examination in court of witnesses and their clients.

The Civil Party Co-Lead Lawyers, while supported administratively by the court, will be located within a separate section of the ECCC. This is designed to safeguard the independence of the Civil Party Lead Co-Lawyers, whilst making it practically possible for the Victims Support Section to fulfil its enhanced responsibilities to develop new victim-oriented programs (above). In addition, the amended rules



endorse budgetary and administrative measures which create a modest increase in the level of court-funded legal representation for Civil Parties. This is expected to enhance meaningful Civil Party participation in any future cases. The amended rules further clarify that all Civil Party Lawyers (whether court or externally funded) may avail themselves of the administrative support provided by the ECCC.

Due to time constraints, the 7th Plenary Session concentrated its efforts on those amendments necessary to allow the work of the ECCC to proceed over the next months. The Plenary Session accordingly adopted measures to ensure that all admissibility challenges to individual Civil Party applications will be determined during the pre-trial stage by the Co-Investigating Judges and Pre-Trial Chamber, respectively.

The Plenary Session reaffirmed the concept of a single claim for collective and moral reparation on behalf of the consolidated group of Civil Parties. A number of rules will be fine-tuned by a later Plenary Session addressing the details of this claim. In addition, a number of other consequential amendments will also be addressed at a later stage.

No amendments adopted by the 7th Plenary Session apply to Case 001.

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