

**SPEECH BY
HIS EXCELLENCY TONY KRANH
ACTING DIRECTOR OF THE OFFICE OF ADMINISTRATION
EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA
ON THE OCCASION OF
THE DISTRIBUTION OF THE BOUND COPIES
OF THE CASE 001- 'DUCH' - JUDGEMENT
TO
MEMBERS OF THE SENATE AND OFFICIALS OF THE SECRETARIAT
GENERAL OF THE SENATE
PHNOM PENH, 11 NOVEMBER 2010**

- *Your Excellency OUK Bun Chhoeun, Chairman of the sixth Commission of the Senate;*
- *Your Excellency OUM Sarith, Secretary General of the Senate;*
- *Excellencies, ladies and gentlemen members of the Senate;*
- *Excellencies, ladies and gentlemen members of the Secretariat General of the Senate,*

On behalf of the Extraordinary Chambers in the Courts of Cambodia (ECCC), it is a great pleasure and honour for me to participate in the distribution of the bound copies of the Case 001 Judgement to your Excellencies and members of the Secretariat General of the Senate.

First of all, allow me to recall the history of the establishment of this court as well as the law on the Establishment of the Extraordinary Chambers in the Courts of Cambodia (ECCC). The court is established within the framework of the national court with the international participation to prosecute crimes committed more than 30 years ago. The main objective of the ECCC is “to bring to trial senior leaders of the Democratic Kampuchea and those who were most responsible for the crimes and serious violations of Cambodian penal law, international humanitarian law and custom, and international conventions recognized by Cambodia, that were committed during the period from 17 April 1975 to 6 January 1979” as stipulated in Article 1 of the ECCC law.

The ECCC is part of the third generation of international criminal tribunals.

The first generation included the Nuremberg and Tokyo tribunals which were established in the aftermath of World War II to prosecute the Nazis, Fascists and perpetrators of crimes of genocide, crimes against humanity, war crimes and other crimes. The establishment of these tribunals was a giant step forward. However, these tribunals were not perfect, and have been criticised as being instruments of victors’ justice.

The second generation came after the fall of the Berlin Wall and the end of the Cold War era with the establishment of the International Criminal Tribunal for the former Yugoslavia

(ICTY) and the International Criminal Tribunal for Rwanda (ICTR) and immediately before the International Criminal Court (ICC). The ICTY and ICTR which are administered and managed by the international community have cost a lot of money and taken more time than was anticipated to complete their limited mandate. In addition, the ICTR and ICTY were located far from the conflict zones where the crimes were committed. As a result, there has been little victim participation before the ICTR and ICTY.

Third generation is the Extraordinary Chambers in the Courts of Cambodia which is a hybrid court established in Cambodia in 2001 by unanimous decision of the National Assembly and the Senate. This court is considered as a model tribunals with the following unique characteristics:

- Having national supremacy; there are more national judges than international judges (3 national judges and 2 international judges at the Pre-Trial Chamber and Trial Chamber respectively, and 4 national judges and 3 international judges at the Supreme Court Chamber). A decision requires a super majority.
- Its location in Cambodia where the crimes were committed. This facilitates full victim participation.

I believe that the Law on the Establishment of the Extraordinary Chambers in the Courts of Cambodia that was adopted by the National Assembly and Senate is appropriate in the Cambodian context and the need for the Kingdom of Cambodia to provide justice to the victims as well as to eradicate impunity for the mass killings that bedevilled our country.

After 4 years of smooth and successful operation, the Trial Chamber of the ECCC rendered its judgement in Case 001 and, on 26 July 2010, convicted Kaing Guek Eav *alias* Duch, former chairman of Office S-21 or Tuol Sleng Prison to imprisonment for 35 years. The judgement was issued in the three official languages of the ECCC: 450 pages in Khmer; 279 pages in English; 326 pages in French. This judgement is the result of the efforts and cooperation of the judges, judicial officers and national as well as international staff of the court over a period of more than eight months.

I firmly believe that, in addition to providing justice to the victims, this achievement is a positive step towards national reconciliation founded on law and fact through a process by which the judges have to provide answers to the tragic and barbaric crimes committed more than 30 years ago

What has been remarkable in the trial proceedings of Case 001 and has not been equalled in other international criminal courts is the number of participants. More than 50,000 Cambodians from various provinces and cities as well as international participants attended the proceedings in person. As noted by H.E. Dr. **SOK AN**, Deputy Prime Minister and Minister in charge of the Office of the Council of Ministers, Chairman of the Task Force for the Khmer Rouge Trials and signatory to the agreement on the ECCC establishment, this number of participants is a world record before international criminal courts.

Other important achievements of the ECCC include the expeditiousness of its proceedings, the adoption of the Internal Rules, its comparative cost-effectiveness, quick detention of the accused, the fact that none of the accused has escaped, the tremendous public and victim participation in the proceedings as well as the role played by Civil Parties.

In regard to the latest developments in Case 001, the Prosecution, Civil Parties and the Accused have filed appeals against the judgement. The Co-Prosecutors recently announced that they are requesting the Supreme Court Chamber to convict the accused to life imprisonment. The Supreme Court Chamber shall make final judgement in Case 001 next year.

The Co-Investigating Judges issued a Closing Order on 16 September 2010 indicting the Charged Persons in Case 002. This means that the Trial Chamber will now try the four Charged Persons, namely **KHIEU Samphan, NUON Chea, IENG Sary and IENG Thirith**, all senior leaders of Democratic Kampuchea, for their role in the tragic events of thirty years ago. In Case 002, 2,124 Applicants have been admitted as Civil Parties whereas there were only 65 Civil Parties in Case 001.

The Trial Chamber envisages holding public hearings in case 002 in the first half of 2011. I would like to take this opportunity to invite your Excellencies and honourable members of the Secretariat General of the Senate to attend these very important hearings in person. Please contact the ECCC Public Affairs Section for details.

In conclusion, based on the experience of Case 001, I believe that the Cambodian people as well as the world as a whole will become more interested in the ECCC's proceedings and mission. The work and success of this court will confirm Cambodia's maturity in resolving and facing its darkest past as well as its ability to seek truth and justice within the framework of peace and national reconciliation as a cornerstone of its sustainable progress.

I am very grateful for your kind attention.

Thank you.