



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

**Opening speech at the 10th session of the ECCC Plenary,
 by Judge Silvia Cartwright, Vice-President of the ECCC Plenary, 1 August 2011**

President of the Plenary HE Kong Srim, colleagues, ladies and gentlemen

May I join the President in welcoming the participants in this Plenary session of the ECCC, and also in welcoming the newly appointed judge of the Pre-Trial Chamber, judge Chang-Ho Chung. We all look forward to working with you and hope that your time here at the ECCC will be stimulating professionally and personally. I can promise that you will be kept very busy.

The appointment of judge Chang-Ho Chung came about following the resignation of Judge Catherine Marchi-Uhel who has now returned to the Hague where she has rejoined the ICTY. It is unfortunate that we cannot farewell her formally in person, but nonetheless we wish her every success in her ongoing career. She was a much-liked and respected member of the judiciary here in Phnom Penh and we will all miss her.

President you have left me little to add after your comprehensive remarks, but I do want to say that this Plenary, although it has few items on the agenda, will be important for the ongoing work of the Tribunal. Now that the stage has been reached where the appeals in trial 001 are before the SCC, and the Trial Chamber is facing the prospect of beginning trial 002 in the near future, much of the focus of our attention must be on the appeal process. There are many issues to consider afresh in the light of the experience that the Chambers have had thus far. Our rules already allow for extensive opportunities to argue some legal issues before the Co-Investigating Judges, the Pre-Trial Chamber, the Trial Chamber and finally before the Supreme Court Chamber. Any further amendments must ensure that the delicate balance between preserving and enhancing the rights of the parties (particularly the accused’s rights), while ensuring that the trials and appeals can proceed in as expeditious manner as possible.

Finally I wish to comment on the ongoing public scrutiny of the work of the ECCC, particularly as it has related more recently to the investigations in cases 003 and 004. Sustained public comment or discussion concerning the work of a court is unusual in most countries where the legal and judicial traditions stretch back for generations uninterrupted, as they have been here in Cambodia, by the tragedies of conflict. In such other countries, the legal and judicial procedures are well understood and are trusted.

In Cambodia and indeed in the ECCC, which is, as its title notes, a court based in the Cambodian judicial system, the legal and judicial procedures still need to be developed so that the people of Cambodia can rely on their courts to deliver justice equally to all who come before them. The fact that there is close observation of the work of the ECCC indicates that the people of Cambodia and the international community hope that these trials can restore a reliable justice system for the Cambodian people

While the court’s decisions cannot be influenced by these outside views they should encourage all of us – the judges, court staff and the Cambodian people to strive for two aims. The first is to restore a system that gives the Cambodian people confidence that they will receive justice from their courts. The

second is to show the international community that Cambodia is making efforts to put in place a justice system that meets international standards.

Focused commentary on issues of major importance will help achieve these goals. We judges of the ECCC, both national and international, have a vital role to play in restoring the trust in the courts that was destroyed during the period of the Democratic Kampuchean regime, and we are fully conscious of the responsibility that has been given to us. We hope to succeed in delivering some measure of justice for the people of Cambodia. This takes courage and determination, but most of all, the application of the principles that underlie our independence – that the judges will fully examine all evidence and legal submissions and will make decisions that are unaffected by outside influences or by personal bias. That is what, as judges, we promise to do. The fact that the world watches all facets of these trials and will judge *us* individually and collectively, by the outcome, is a matter for each one of us also to consider.

ENDS