



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 by the Plenary’s President Judge KONG Srim,
During the 8th Plenary
of the Extraordinary Chambers in the Courts of Cambodia (ECCC)
On 13 September 2010**

Your Excellencies, *Lauk Chumteav*, Ladies and Gentlemen and distinguished representatives from the media!

You are warmly welcomed to the eighth plenary of the ECCC!

During the course of our work we have been very excited by the fact that ECCC has achieved significantly good result since the seventh plenary. Those great achievements include:

On 26 July 2010 the Trial Chamber handed down its judgment against KAING Guek Eav alias Duch after 77 trial days. The verdict has drawn great attention of both national and, in particular, international.

Recently Case 002 investigation has been concluded. Co-Prosecutors finalized their Final Submission and submitted it with the Co-Investigating Judges on 16 August 2010. A Closing Order concerning Case 002 is expected to be issued by the Co-Investigating Judges in the near future.

At the moment the main courthouse of the ECCC is under renovation so that it can pragmatically accommodate significant numbers of the envisaged parties to the proceedings in Case 002.

On top of that, since the Pre-Trial Chamber has been functioning full time, it has been fully engaged. It has been seized of several appeals filed by parties in Case 002, 28 of which have been ruled on from early 2010. The remaining appeals are being deliberated while decisions are expected in due course.

Also, subsequent to the 26 July judgment, Co-Prosecutors, Civil Party Lawyers and the Defence Counsel have all lodged appeals against the judgment with the Supreme Court Chamber. It is eventually time for the judges of the Supreme Court Chamber to take office in the not too distant future. This will also be considered as the first and unprecedented occasion when judges of the ECCC will come to take office all together since the inception of the establishment of the ECCC.

Evidently, this complete success could never materialize without full support from the Office of Administration. Each judicial process and effective progress has been made possible not only thanks to the commitment by each section of the ECCC that has been working hard to fulfill their tasks with high conscience and expertise but also the genuine support from donors.

On behalf of members of the plenary may I express my most profound gratefulness to donor countries and strongly hope that they will meticulously and highly consider to provide more funds to secure the completion of the ECCC's mandate.

It is also noted that during the recent meeting between the Deputy Prime Minister SOK An and UN's special representative for the ECCC Mr. Clint Williamson, along with approximately 30 countries, there have been some new developments on the progress of the ECCC and the financial status for the tribunal, the full account of which will be presented by the Acting Director of the Office of Administration His Excellency KRANH Tony shortly.

May I now draw the attention of the members of the plenary to this five-day session and its objective. This plenary is aimed at adopting the proposed amendments to the Internal Rules in order to make civil party participation in the ECCC's proceedings more effective. Those amendments are very necessary to ensure ECCC's ability to handle the high volume of civil party applications in Case 002 and its complexity.

To date the Office of Co-Investigating Judges has received **4 128** civil party applications. Other civil party applications are before the Pre-Trial Chamber.

During the Seventh Plenary, the following important matters were adopted:

- Civil Parties at the trial stage and beyond shall comprise a single, consolidated group, whose interests are represented by the Civil Party Lead Co-Lawyers. Civil Party Lead Co-Lawyers shall file a single claim for collective and moral reparations.
- The Civil Party Lead Co-Lawyers shall comprise a national and international lawyer. Their section shall be established to ensure effective organization of Civil Party representation during the trial stage and beyond and shall first and foremost seek the views of the Civil Party lawyers and endeavour to reach consensus in order to coordinate representation of Civil Parties at trial.

Above all else, it is noted that the amendments adopted during the previous plenary are not yet significant to fulfill the ECCC's purpose. During this plenary it is therefore very important to take into consideration other appropriate needs for reform which are necessary for trial stage in Case 002. During the seventh plenary the jointed subcommittee, whose members include judges and national and international staff, thoroughly examined all provisions of the Internal Rules including:

- Finalization of the rules amendments concerning civil parties which includes amendments that affect other rules adopted by the previous plenary,
- Seeking any possibility to the form of reparations and
- Drafting proposed amendments in relation to the technical aspects of the urgently needed rules after consultation with Victims Support Section, the Office of the Co-Investigating judges, the Office of the Co-Prosecutors, Defence Support Section, and after receiving some comments and suggestions from offices concerned, judges of the ECCC and Civil Society Organizations. The Rules and Procedures Committee (RPC), then, met during a 5-day meeting held from 12-16 July 2010 to review proposals submitted by the Subcommittee including the foregoing comments and suggestions.

After in-depth discussion and additional amendments to some of the proposals the RPC has decided to forward these proposed rule amendments to the plenary to consider and adopt. Also, the Practice Direction on Filing of Documents before the ECCC and Appendix has also been adopted and herewith forwarded to the plenary by the RPC for review.

Members of the plenary! There are significant number of important items in the agenda for this plenary which need discussion and adoption. This plenary is yet another opportunity for a very active participation and contribution to a further step to bring more success for the mandate of the ECCC. Although we have been successful in handling our case, challenges remain including how the court's mission will be accomplished according to the agreed and envisaged timeframe.

May I take this opportunity to express my in advance heartfelt thanks to Your Excellencies, *Lauk Chumteav*, Ladies and Gentlemen, members of the plenary for your enthusiastic participation in inputting your constructive comments and valuable consideration during the course of this plenary. We are determined to further ensure the future efficient functioning of the ECCC and reconfirm our commitment to our mission in order to expeditiously and effectively deliver justice to all victims of the Democratic Kampuchea.

Last but not least, I would like to hand the floor over to the Judge Motoo Noguchi to give his additional opening remarks on behalf of the Plenary's Vice President Judge Silvia Cartwright, after which this eighth plenary session is automatically declared open.