



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

Extraordinary Chambers in the Courts of Cambodia

Chambres Extraordinaires au sein des Tribunaux Cambodgiens

**REMARKS AT THE OPENING OF THE 2nd PLENARY SESSION OF THE
EXTRAORINARY CHAMBERS IN THE COURTS OF CAMBODIA TO
ADOPT THE INTERNAL RULES**

**BY HIS EXCELLENCY SEAN VISOTH
& MS MICHELLE LEE**

Director & Deputy Director of the Office of Administration

20 November 2006

Cambodia-Japan Cooperation Centre, Phnom Penh

Excellencies, Ladies and Gentlemen

On behalf of the Office of Administration we are pleased to welcome both national and international judicial officers to this 2nd Plenary Session. It is just over four months since most of you came together for the first time, to be sworn in to your judicial positions and to have your initial Plenary Session.

During these months I know none of us have been idle – some of you have continued to discharge heavy judicial duties in other jurisdictions, while some of you have taken up your posts at the ECCC, and others have begun to play a role, whether from afar or from near at hand, to carry out functions in the Committee on Rules and Procedures and the Judicial Administration Committee. Within the Office of Administration we have worked hard in our duty to staff, manage and service the ECCC. The construction and furnishing of premises is being finalised; staff are coming on board and being administratively looked after; the information and communication technology systems are coming into being; the press and public, and the diplomatic community is being kept informed; and court management systems are being prepared for when judicial proceedings start. The Office has also provided technical and legal services to the judicial committees that you set up. In all of this, we have attempted to strike a balance between your judicial leadership and independence, and the necessities and strictures of administering the budget granted to the ECCC. This is never an easy task.

We are now beginning a week-long Plenary Session that has a heavy agenda, while consisting of only one item – to consider and adopt the Internal Rules (IRs) of the ECCC, rules that will lay a firm legal basis for our work together



in the coming years. I am sure you have all read with keen interest the Draft prepared by your Rules Committee and circulated to you just over three weeks ago. The process of consolidating Cambodian procedure, interpreting and applying it to the particular character and structure of the ECCC, and proposing when and how to seek guidance from procedural rules established at the international level, as mandated by the Agreement and the Law has not been an easy task. We thank the Rules Committee for its hard work -- giving us a solid basis for our discussion during the coming days.

We know that some of you have already submitted written comments and suggested amendments to the draft IRs. In addition, in accordance with your decision at the July Plenary Session, the Draft was made available for public comment for two weeks, stimulating an enthusiastic debate which gave rise to over 15 written submissions from NGOs, researchers, legal scholars and observers, showing us the high expectations and varying visions that people have for the ECCC. It has been a challenge for us in the Office of Administration in the past few days since the closure of public comment on Friday to compile, summarise and translate the comments to make this process easier. We apologise for any oversights or omissions in this regard.

In order to focus on this input, we have arranged a session later today for representatives of the NGOs and also the Bar Association of the Kingdom of Cambodia to present the essence of their views, which they have already forwarded in writing, and to have a question and answer session with you. We hope this will prove to be useful.

As non-voting members of the Plenary, we will follow this week's discussions intently, and will provide input regarding the organisational and financial implications of the various proposals and options under consideration. We eagerly await the unfolding of the deliberations, and the vote of the full judges to adopt the IRs, planned for Saturday afternoon.

On behalf of the Office of Administration, we urge you to complete this task within the allotted time: we simply can not wait any longer to have a firm legal foundation for the impending judicial proceedings. The Co-Prosecutors began their work in July, and they have had to interpret applicable Cambodian procedure from a number of sources . This has made their work difficult. Before the Co-Investigating Judges receive their first initial submission, and proceed with their judicial investigations, legal clarity on the procedure to follow must be had. This week, you can provide this much needed clarity with the adoption on internal rules.



You have seen in recent months the strong interest by the media – both national and international – in the beginning of the judicial process of the ECCC. We have invited the press to join us for a photo opportunity at this opening session, and we have scheduled a press conference at 4pm on Saturday, following the vote, which we would like you all to attend.

Today, we give a special welcome to Her Excellency Judge Silvia Cartwright, who is with us for the first time. We are sure that you will soon feel at home among your colleagues as you embark upon this challenging task that we are all engaged in – to bring justice to the Cambodian people.

