



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

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PRESS RELEASE

EIGHTH ECCC PLENARY SESSION CONCLUDES

The ECCC’s 8th Plenary Session concluded today, having adopted the remainder of the amendments to the Internal Rules necessary to conclude the consolidation and streamlining of the Civil Party system commenced by previous plenaries. The high number of Civil Party applicants in Case 002, combined with the complexity, size and other unique features of ECCC proceedings, made it necessary to adapt the Civil Party model of victim participation in ECCC proceedings in order to balance the rights of all parties and to safeguard the ability of the ECCC to reach a verdict in any future trials. Most amendments necessary to give effect to this revised concept had been adopted during previous Plenary Sessions. In addition to the harmonization or fine-tuning of numerous existing Rules, this session adopted a number of other consequential amendments that could not be considered at the last Plenary Session due to time constraints.

In addition, the February 2010 Plenary Session had empowered a Sub-Committee to explore possibilities for expanding the current reparations scheme before the ECCC. Previous Internal Rules specified that awards under the Civil Party system may be awarded exclusively against convicted persons. Experience has also shown that where convicted persons are indigent, reparations awards under the classic Civil Party model are unlikely to yield significant tangible results for Civil Parties. A traditional Civil Party claim must also satisfy stringent admissibility and pleading requirements. Within the specific Cambodian context, these are frequently difficult for Civil Parties to satisfy. Further, in cases where the convicted person does not voluntarily comply with a reparations award against him or her, enforcement must be sought before Cambodian national courts. The Rules and Procedure Committee sought to address these limitations by proposing additional reparations avenues that may instead utilize external resources or third party funding in support of reparations, or otherwise provide more effective forms of redress.

The amendments forwarded by the Rules and Procedure Committee to the Plenary Session sought to create two reparations avenues additional to the traditional Civil Party claim. The first alternative allows the Civil Party Lead Co-Lawyers to request the Trial Chamber to recognize that specific reparations measures, which have been designed or identified in coordination with the Victims Support Section, are appropriate for implementation with external funding. These amendments, which were adopted by the Plenary, thus clarify that such measures may be funded by donor contributions and developed in collaboration with governmental and non-governmental organizations external to the ECCC. Secondly, in recognition of the fact that many reparations sought by Civil Parties were measures requiring the exercise of governmental authority, the Sub-Committee also proposed to empower the Trial Chamber to make non-binding recommendations to the Royal Government of Cambodia. These proposed amendments were not adopted by the Plenary, as they were considered to be beyond the scope of the ECCC’s powers.

The 8th Plenary Session also adopted or formalized measures designed to promote more expeditious trial proceedings. In particular, it streamlined existing Rules concerning the management of documentary and other evidence at trial. Such measures were considered necessary in advance of any trial in Case 002, which is expected to be far more complex and voluminous than trial proceedings in the ECCC's first case.

No measures adopted by the 8th Plenary Session in relation to Civil Parties apply to proceedings in Case 001.

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