



**អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា**

**Extraordinary Chambers in the Courts of Cambodia**

**Chambres Extraordinaires au sein des Tribunaux Cambodgiens**

**Opening Speech  
International Vice President, Judge Silvia Cartwright  
ECCC 7<sup>th</sup> Plenary Session, 2 February 2010.**

Your Excellency President Kong Srim, fellow judges, ladies and gentlemen. I would like to join the President in welcoming the judges and co-prosecutors of the ECCC and other officials who will participate in the 7th Plenary during the forthcoming week.

Mr. President, it is very pleasing to welcome in particular the new international co-prosecutor and his reserve. We all look forward to a fruitful working relationship with them.

I would also like to express my gratitude to our colleagues, judges Downing, Marchi-Uhel, Lahuis and Mumba for their willingness to undertake new responsibilities as fulltime or reserve judges in the Pre Trial and Supreme Court Chambers. Under the leadership of HE judge Prak Kim San, I wish all members of the Pre-Trial Chamber well as they tackle the many issues that are to come before them.

Mr. President, at the last Plenary I said that it is necessary in any international Tribunal to ensure, within the standards of trial fairness, that procedures evolve to meet the needs of the people for whom they have been established. This is particularly important for the people of Cambodia for whom these trials are truly significant.

It was for this reason that the ECCC first adopted rules to enable victims to participate in the trials as Civil Parties. While this is a common element in many civil law systems, including Cambodia's, it is not a feature of trials at the international level. The ECCC has now completed one full cycle of Investigation, Pre-Trial and Trial phases for the first trial and the experience gained has proved invaluable in our quest to ensure that involvement of victims as Civil Parties is a constructive experience for them and also improves the quality of the trial itself.

The ECCC considers that the involvement of victims at trial is of great importance. As we all know that the final number of victims who wish to be Civil Parties during trial 002 is 4004. It is clear therefore, that this greatly exceeds the capacity of the Trial Chamber to involve them individually.

As you have said, Mr. President, it is vital to find ways to ensure that the role of Civil Parties can be retained. As you have indicated, the last Plenary adopted rules that will in our opinion go a long way towards ensuring continued victim participation. The sub-committee given the task of recommending detailed rules changes to give effect to the broad principles adopted by the Plenary, has held wide-ranging consultations



with civil society, civil party lawyers, and various organs of the Court on the best way to give effect to the new procedures. We are grateful to everyone who participated and thank them for the many useful proposals and comments.

Of particular importance is the proposal for enhancement of the Victims' Unit's responsibilities. As the newly named Victims' Section, It will continue to support Civil Parties administratively but will have a broader mandate to develop and implement programmes and measures that will benefit all victims whether they are civil parties or not. We believe that this will be a major legacy of this Tribunal.

We are all aware that there are many exceptional issues confronting the Chambers: the time since the alleged criminal conduct occurred, and as a result, the age of the accused. Above all, however, is the sheer number of those who were affected directly or indirectly. They range from the well-educated and well-off to the poorest farmer with limited literacy, from those who live overseas to those who eke out a living in the rural areas or in the cities of Cambodia. Many are in poor health and most are haunted by what they have experienced. They number in the thousands, not hundreds or tens. It is vital that their voices and their accounts of their suffering be part of ECCC proceedings.

In order to achieve this, without the trial being completely overwhelmed, we have recognized that procedures must evolve. It is a delicate legal and procedural balance that must be achieved and the result will I am sure, be instructive for other Tribunals which may in the future encounter the same issues.

This Plenary is completely devoted to ensuring that the draft rules developed following those consultations are considered, if necessary refined, and adopted in time for full application in the second trial. It is our hope that the amendments to the rules adopted during this week will enhance the already significant role played by victims at trial.

Thank you Your Excellency for allowing me this opportunity to address the members of the Plenary and of the public who have shown an abiding interest in proceedings before the ECCC and who share our desire to ensure that these trials will continue to be fair and transparent not only for the accused but also for the thousands of victims who have a profound interest in the outcome.

(End)

\* Swearing-in of international Co-Prosecutor, Mr. Andrew Cayley, and his reserve, Mr. Nicholas Koumjian, took place immediately after her speech.

