



REMARKS TO THE MEETING OF THE GROUP OF INTERESTED STATES

**BY HIS EXCELLENCY SEAN VISOTH
Director of the Office of Administration**

New York, 27 March 2008

Excellencies, Ladies and Gentlemen,

I am pleased to be with you in New York today, especially to brief you first hand about recent developments and forward planning in the ECCC.

I would first like to express my appreciation for the warm welcome our delegation has received in New York from the Legal Counsel and from our host today, the Controller, as well as for the ongoing hard work and positive cooperation by their staff, especially Ms Marie Oveissi. This is the third opportunity we have been in New York for discussions on the ECCC. In January 2003, under the leadership of Their Excellencies Hans Corell and Sok An, we entered the final stage of the negotiations and in March 2005 we came again to participate in the initial pledging conference.

And, of course, I take this opportunity to express our very deepest appreciation to our donors, and to the Group of Interested States, without whose support we would not be here today.

I know that our Cambodian Permanent Representative, His Excellency Dr Sea Kosal, gave you an update on the work of the ECCC at your last meeting in January, so I will not take our precious time today to recap the five areas in which we have made significant achievements in the past year. May I also refer you to our 2007 Annual Report (being circulated today), which as last year, was posted onto the ECCC web site following its presentation to the February meeting of the Friends of the ECCC in Phnom Penh. The Annual Report presents our achievements in the form of a narrative report, and also includes a wealth of financial reporting detail. Today I will supplement this written account of our work by highlighting several significant recent activities.

JUDICIAL AREA

Pre-Trial Chamber

On 3 December 2007 the Pre-Trial Chamber delivered its decision to reject the appeal by Kaing Guek Eav (Duch) against the Order for Provisional Detention.

On 4 February 2008 the Pre-Trial Chamber opened its hearing of the second appeal by Nuon Chea, against the Order of Provisional Detention. It was a historic day for international justice when victims of crimes against humanity appeared as actual parties to the proceedings. On 20 March the Pre-Trial Chamber announced its decisions: firstly to confirm this full role of the civil parties at every stage of the proceedings (a matter that had been challenged by the defence) and secondly, to reject Nuon Chea's appeal against the Order of Provisional Detention.

The successful holding of two appeal hearings by the Pre-Trial Chamber confirms the readiness and capability of the ECCC in the area of physical preparations, premises, security and public affairs – 256 representatives of the international and national press covered the hearings, the judges decided to permit live radio and television broadcasts, and the public gallery of 510 seats was full with public from the city and countryside.

Plenary Session of Judicial Officers

The 3rd Plenary Session of Judicial Officers was held from 28 January to 1 February 2008. The Plenary Session has the mandate to review and amend as necessary the Internal Rules and Practice Directions adopted by the Rules and Procedure Committee; and to decide on matters relating to the functioning of the ECCC proposed by the Judicial Administration Committee.

This plenary session was followed by a two-week judicial training session on reparation and international criminal law for all judges, organised in collaboration with International Centre for Transitional Justice and the East West Center. During May both national and international judges will go to The Hague for a training program organised by The Hague Forum, with sponsorship by the Netherlands Ministry of Foreign Affairs.

Co-Investigating Judges

Some media attention was given to last month's series of activities by the Co-Investigating Judges as part of their ongoing judicial investigation into the Charged Person, Kaing Guek Eav. These included reconstructions at Choeung Ek and Tuol Sleng, involving the Charged Person and his Co-Lawyers, Civil Parties and their lawyers, and several witnesses. These reconstructions were followed by two days of "confrontations" (interviews by the judges involving all parties together). As stressed in the public notice, these activities are a routine part of judicial investigation under the civil law system.

In January the Co-Investigating Judges held two meetings in Pailin, one with local civilian, military and police officials and one with the general public. The intention of these meetings was to explain the work of the court, especially the judicial investigation, and to give an opportunity to local people, many of whom are former Khmer Rouge soldiers and cadres, to seek further clarification. This was followed up during February by an outreach team from Public Affairs Section visiting Malai, Sampov Lun and Phnom Prek districts of Banteay Meanchey, and holding a meeting with local officials in Samlot district of Battambang province. The team was well received in all these locations and such work will continue throughout the life of the court. Representatives of the Office of the Co-Investigating Judges, the Office of the Co-Prosecutors, and the Defence Support Section and Public Affairs have attended recent public forums organised by Center for Social Development, in distant parts of Cambodia, including Samraong, the capital of Oddar Meanchey, and in tomorrow in Rattanakiri.

Before leaving the judicial area, I would like to highlight the fact that at all stages – the preliminary investigation, the judicial investigation and the deliberations of the Pre-Trial Chamber, unanimity and a good and cooperative working atmosphere has been achieved between national and international judicial officers, also reflected in the Plenary Session and its two working committees, the Judicial Administration Committee and the Rules and Procedure Committee.

ADMINISTRATIVE AND FINANCIAL MATTERS

Personnel

The ECCC national staff now totals 243, with 15 national interns also on board.

You will no doubt wish to be apprised of the situation in the ECCC following the audits of early 2007. As Director of Administration let me say I have never resisted or rejected any of the proposals from the donors to address identified shortcomings. The full series of measures taken (including the two human resources management audits, revision of the personnel handbook, introduction and revision of the Code of Conduct, review and confirmation of the existing salary scale and job matching for national staff) is listed in the document “Summary of Audit and Management Assessments for the ECCC” handed out today.

Of particular significance is the final item listed under the National Component, namely the “ECCC Special Human Resources Management Review”, conducted by Deloitte (India) on the commission of the Project Board. We are today circulating to you the Summary of this Review, as well as a press release issued yesterday in Phnom Penh by the four Members of the Project Board, stating:

“In conclusion the review was able to show that a robust Human Resource system has been developed to effectively support the judicial process and to minimize the risk of questionable practices occurring in the future. Promoting zero tolerance for non-compliance with the Code of Conduct will further improve the performance and strengthen the positive reputation of the ECCC.”

You have my commitment that I will continue to work to ensure that we operate at the highest standards.

Victims Unit

As mentioned above, one of the major innovations of the ECCC is the enhanced recognition of victims in its proceedings, as established in the Internal Rules. This reflects the commitment of the ECCC to its mandate of helping the Cambodian people pursue justice and national reconciliation, as stated in the Preamble to the Agreement between the United Nations and the Cambodian Government.

As a result of this decision by the judicial officers, much like the International Criminal Court, we have established a Victims Unit (within the previously allocated budget) as the central contact point between the ECCC and victims or their representatives. Between July 2006 and January 2008, the Court received more than 700 complaints and civil parties’ applications.

To facilitate the work of the Victims Unit and Public Affairs, the national component of the ECCC has recently rented premises in the centre of Phnom Penh.

Court Management

We welcome the recent appointment of Mr Tarik Abdulhak as Senior Court Management Officer. We well know Mr Abdulhak’s capacity and experience from his consultancy with us last year, and we are confident that his ongoing and now permanent assistance will help us to strengthen this vital “engine room” for the court.

A major push has been made on the process of Interpreters and Translators recruitment. In December 2007 the ECCC sent representatives to visit various universities and institutions in Phnom Penh to meet with students and lecturers in order to advertise the vacancies at the ECCC for Translators and Interpreters -- a campaign that led to around 130 applications. We would like to remind you that the language expert recommended that the number of interpreters and translators in

ITP has to be increased to 62 (from the current number of 24) in order effectively to serve the three official languages in the court. Dr Rebekka Ehret, former head of the Language Unit in the Special Court for Sierra Leone, returned for the second time to assist in the recruitment process, to help organize intensive training, and to strengthen the structure and productivity of the unit.

Alterations to the main courtroom have been recently completed and is ready for all future public hearings. The full audiovisual system will soon be installed.

Financial matters

I can report to you about the clean audit opinion on the ECCC financial statement for 2006. Further, five spot checks covering the transactions up to December 2007 have been conducted by the external auditors, and no major issues or irregularities were noted, i.e. the auditor duly certified the ECCC financial transactions. The annual financial audit for 2007 was conducted in March 2008, and we will release the report as soon as it is available. As always, we will be posting these audit results on our web site

In conclusion, I would like to assure you of the continuing commitment by the Royal Government of Cambodia to the ECCC. May I point out that, in contrast to most other international or hybrid courts, where the international community has borne almost the whole financial burden, the Royal Government of Cambodia is contributing more than 10% of the total costs of the ECCC, over the normal counterpart funding for bilateral and multilateral projects. These cash and in-kind contributions cover such major items as provision of the premises and running costs, detention and medical support for detainees and security support for the operations of the ECCC.

May I conclude my remarks by repeating the words of our Permanent Representative in January:

“My Government wishes to reiterate its strong desire for this process to achieve its goals as soon as possible, being particularly mindful of the advancing age of the Suspects, as well as the long time that the Cambodian people have waited for justice to be done. We wish to maintain the pace shown in adopting the Internal Rules and effecting the arrests, and we are determined that the ECCC should continue to show the lead in cost-effectiveness as well as offering opportunities for public participation in the process.”

Thank you for your attention.