

**Address by Mr. Miguel de Serpa Soares,
Under-Secretary-General for Legal Affairs and United Nations Legal Counsel**

(As delivered)

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Phnom Penh, Cambodia

Samdech Prime Minister,

Excellencies, Ladies and Gentlemen.

I am honoured to be here today and wish to extend my gratitude to the Prime Minister for the opportunity. It is always such a pleasure for me to visit Phnom Penh and to be reminded once again of the wonderful hospitality of the Kingdom of Cambodia.

Ever since my first official visit here as the Legal Counsel of the United Nations in 2023, I have consistently admired the resilience, determination and courage of the people of Cambodia in facing their past and in shaping their future. That first official mission was very emotional for me, as it made the concept of international justice more vivid in my mind than it had ever been, when I visited the S-21 Security Centre and the Killing Fields. And while I only got a glimpse of the unspeakable suffering of the people of Cambodia, I immediately understood their call for justice.

That call for justice is what led to the establishment of the Extraordinary Chambers in the Courts of Cambodia, which has made essential legal and factual determinations that have contributed to what is now the shared historical record of the people of Cambodia.

It is now time to consider how to best preserve the legacy of those determinations for our future generations. I especially wanted to be here today precisely to mark the forthcoming transition towards new frameworks for the preservation and enhancement of the legacy of the Extraordinary Chambers in Cambodia.

The Extraordinary Chambers stand as a uniquely successful model of national ownership of transitional justice projects. As a special Cambodian court receiving international assistance through the United Nations, the ECCC is institutionally distinctive in many respects.

This model was chosen because the desire for justice of the Cambodian people and that was not a call for the international community to take over the task of seeking justice on its behalf. Rather, it was an invitation to the international community to assist Cambodia in its quest for justice and reconciliation, all while preserving its national sovereignty and the primacy of its own laws.

A crucial element of this project involved the innovative methods of participation of the victims of atrocity crimes in these complex proceedings, through the Civil Party system. More than 11,000 victim statements were filed with the Extraordinary Chambers, and additional 6,945 victims sought recognition as Civil Parties.

As a testament to the fundamental importance of these proceedings for the Cambodian population, and very impressively, more than 244,000 people attended the public hearings of the ECCC over the years.

When considering the legacy of the ECCC in broader terms, I am, as a lawyer, naturally drawn to emphasising the crucial legal determinations made by the Extraordinary Chambers that will have a lasting impact on international criminal law – what I sometimes refer to as the ‘legacy of the law’.

For example, I recall the important finding made in 2019, that forced marriage, as well as rape in the context of forced marriage, may constitute crimes against humanity. And noteworthy, the ECCC marks the first ever genocide conviction against a former head of State, Khieu Samphan, by a United Nations-supported court.

Now that the ECCC has concluded its trials, the ‘legacy of the facts’ that were established by the Extraordinary Chambers is perhaps even more important to all of us here. The authoritative finality of judicial determinations on what happened, and when, makes such determinations the firmest foundation that is available to Cambodian society to build better understanding of these dark pages of its history.

Anchoring and preserving the Extraordinary Chambers’ factual and historical legacy for the population of Cambodia is essential to strengthening the process of healing and reconciliation that has emerged through the work of the Extraordinary Chambers. And doing so ensures that this process of justice is deemed final – and that the atrocities of the past are not repeated.

That is why it is so important that, over the years, the ECCC has made significant efforts in disseminating information and reaching stakeholders across the country.

Through these unprecedented efforts, the Extraordinary Chambers have reached hundreds of thousands of persons since 2009. And the ECCC Resource Centre, inaugurated in September 2023, has continued this important work: between last year and the first half of this year alone, more than 26,000 persons have engaged with the ECCC through study tours, outreach, and visits.

Information sharing and dissemination of information are functions which will need to continue also after the eventual closure of the ECCC, because they are essential to its long-term legacy and will further enhance ongoing remembrance within the Cambodian society and beyond.

Excellencies, ladies and gentlemen.

As I close, I wish to pay my respects, and convey the respect of the Secretary-General of the United Nations, to victims and witnesses who bravely told their stories before the ECCC in order to ensure accountability for the most horrific crimes.

I also wish to thank the Royal Government of Cambodia for its cooperation with the United Nations for almost three decades on the issue of accountability; as well as acknowledge the tireless efforts of judges and staff of the ECCC, all of whom have been essential to this joint endeavour.

As my tenure of the position of Legal Counsel of the United Nations comes to an end in September after 11 years of service, the achievements of the Extraordinary Chambers in the Courts of Cambodia and the quest for justice of the Cambodian people will always have a special place in my memory. The work that has been done here already, and the work that will be done in the future, demonstrate that there can be no impunity for the gravest crimes.

I have no doubt that the ECCC and its legacy will serve as an inspiration for our ongoing pursuit of international justice.

Thank you.