



**UNITED NATIONS  
OFFICE OF LEGAL AFFAIRS**

**Pledging Conference in Support  
of the Extraordinary Chambers in the Courts of Cambodia (ECCC)**

**Statement**

by

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The United Nations Legal Counsel

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Deputy Secretary-General,  
Excellencies,  
Distinguished delegates,  
Ladies and Gentlemen,

It is an honour for me to address this pledging conference convened to further our collective support to the Extraordinary Chambers in the Courts of Cambodia (ECCC). My arrival as Legal Counsel here in New York coincided with the recent financing crisis in September 2013. As a result, this issue has been on my own desk from the very beginning of my mandate. As a strong believer in international criminal justice processes, I am very pleased to be able to add my own support from this early point onwards to the ECCC project.

As the Deputy Secretary-General has pointed out, the achievements of the ECCC have been real and significant. The ECCC has indeed come a very long way since the last pledging conference convened here in New York in May 2010. Allow me to take this opportunity to survey, from the legal perspective, some of the particular landmarks that the ECCC has reached in that time.

In February 2012, the Supreme Court Chamber confirmed the convictions entered in the ECCC's first case, Case 001, against Kaing Guek Eav, or "Duch" who was Chairman of the S-21 security centre in Phnom Penh. On appeal, the Chamber imposed a sentence of life imprisonment and affirmed a reparations order made by the Trial Chamber. That brought to a conclusion the proceedings in this historic case.

It also clearly demonstrated the ECCC's ability to try complex international crimes to international standards of fair trial and due process. This trial also connected very directly with the Cambodian people. Tens of thousands have attended proceedings in person and hundreds of thousands more followed on radio and television. The significance of this unprecedented degree of public engagement in a trial of international crimes cannot be gainsaid. At a practical level, the trial was also a valuable opportunity for the ECCC to strengthen its internal process in anticipation of the considerably greater complexity of Case 002.

Given the four accused of advanced age and failing health in Case 002, coupled with an indictment of great breadth, this major trial was also going to present considerable challenges. Both the judicial offices at the ECCC and outside commentators have assessed at length to the very significant decision of the Trial Chamber to sever the indictment into smaller portions and pursue an initial "mini-trial". That first phase concerned a limited component of the indictment, dealing largely with the forced movement of population out of urban centres.

The death of one accused and the stay of proceedings against another on grounds of mental unfitness for trial confirms the desirability of reaching a verdict at an early point against the remaining accused. In that respect, the concluding arguments in October in respect of this first phase of Case 002 are a significant marker of progress. I very much hope that judgment will follow as soon as possible in 2014. Just how the ECCC plans to proceed with the remaining phases of the indictment in the case is a subject of active consideration at the Court. I am confident that, whatever process is eventually elected, trial can move forward promptly given the very important charges, including genocide, that remain to be considered.

The final cases, Cases 003 and 004, are equally crucial to the long-term credibility and legitimacy of the ECCC. They are also as equally important as the cases I have already described. Cases 003 and 004 are currently in the judicial investigation phase, and the prosecution has indicated its view that there is a case to answer in these proceedings. We look forward to the results of the currently-ongoing judicial investigations, conducted in accordance with the Agreement establishing the ECCC and its Internal Rules.

As a lawyer from a civil law jurisdiction myself, I am particularly interested in the novel Civil Party scheme being applied in the ECCC. The depth and vitality of victims' voices that have emerged in these cases through the Civil Parties has added great richness and meaning to the proceedings. These voices have also contributed very directly to the national dialogue on the Khmer Rouge era that the trials have triggered. While there has necessarily been some adjustment to encompass Civil Parties within a mass crimes context such as this, I believe this experience has already shown itself to be a clear success. Future international justice processes will also draw on this approach for their own inspiration. Similarly, the Trial Chamber in the present Case 002 has novel reparations powers under the ECCC's Internal Rules in its ability to endorse third-party projects responding to the needs of victims. I look forward with interest to seeing how the Trial Chamber addresses these issues in its forthcoming judgment.

I have spoken at some length on the progress being made on the ground, but I do believe that, in the ever-present conversation about financing, sight can sometimes be lost of the underlying justice process at work. I very much believe that the ECCC has demonstrated that it is worthy of the collective support of the international community; indeed, that is the least we owe to the untold victims of the Khmer Rouge regime. This pledging conference is an opportunity for us all to stand by this essential work. As importantly, we all need to play our part going forward in ensuring that the ECCC can fully deliver on the promise of justice held out a decade ago by the General Assembly in initially establishing this Court. I, and my Office, stand ready to provide any assistance necessary to assist reaching this goal shared by us all.

Thank you for your kind attention.