



Kingdom of Cambodia

Nation Religion King

Office of the Council of Ministers

Remarks by

His Excellency Dr BIN Chhin, Deputy Prime Minister, Minister in charge of the Office of the Council of Ministers and Chairman of the Royal Government Task Force on the Proceedings of the Extraordinary Chambers in the Courts of Cambodia (ECCC) on the delivery of the Trial Judgement in Case 002/02 against NUON Chea and KHIEU Samphan

Today is another historic day on which the Case 002/02 Judgment is delivered for the Cambodians and all humanity in pursuit of justice in the framework of national and international criminal law. After nearly four decades since the fall of the Democratic Kampuchea regime, in short called “the Khmer Rouge regime”, on 07 January 7 1979, Cambodia has never hesitated in our pursuit of justice to end impunity for the crimes committed during the periods of 3 years, 8 months and 20 days in which millions of our people lost their lives.

The Royal Government of Cambodia under the wise leadership of Samdech Akka Moha Sena Padei Techo **HUN Sen**, Prime Minister of the Kingdom of Cambodia, established the Extraordinary Chambers in the Courts of Cambodia, inviting the United Nations to join us in this national court with international participation and characteristics – a then unprecedented endeavour. Our objective was to seek justice in the framework of peace, political stability and national reconciliation, as the most significant way to pay our respects and remembrance of those victims; to help strengthen the rule of law in our country; and to make sure such a tragedy will never recur here or anywhere else in the world.

As of now, the ECCC has completed three cases, namely (1) Case 001 against the Convicted Person Kaing Guek Eav *alias* Duch, who is now serving life imprisonment, (2) Case 002/01 against NUON Chea and KHIEU Samphan who were sentenced to life imprisonment by the Supreme Court Chamber on 23 November 2016, and (3) Case 004/01 against Suspect IM Chaem whose case was dismissed in June 2018.

As for Case 002/02, the Trial Chamber held 283 substantial hearing days in total relating to Crimes against Humanity, Genocide and Grave Breaches of the Geneva Conventions against the Accused NUON Chea and KHIEU Samphan. During these hearings, the Trial Chamber heard 185 individuals including 114 factual witnesses, 63 civil parties, and 8 experts. These hearings were very impressed by the general public, with 82,780 people in total attending the proceedings in the courtroom. Case 002 has been called "the most important case in the international legal history since Nuremberg, Germany" as it indicted all the four surviving senior leaders of Democratic Kampuchea. Sadly, the two accused IENG Sary and IENG Thirith did not live to face trial, and likewise many victims have passed away without seeing justice achieved.

Meanwhile, in addition to judicial aspects, the ECCC has made a number of the following non-judicial achievements:

1. The ECCC legacy is considered to be the most important factor which needs preserving for the coming generations, including the remembrance and the non-recurrence, education as well as capacity building and institutional strengthening of the administration of justice. The Royal Government has recently designated 20 May annually as "The National Day of Remembrance" and declared it as a public holiday.
2. The ECCC is internationally recognised as a model hybrid court for adjudicating crimes and extermination. Some countries are in the process of considering this model, while some others such as Bangladesh, Sri Lanka, Kenya, Senegal, and Central Africa, etc. have been establishing similar tribunals.
3. Around 4,000 victims were admitted as Civil Parties in Case 002 and they were allowed to participate directly in the proceedings and seek moral and collective reparations. In this regard, the ECCC has provided an example and a leading Court to the world of international criminal proceedings.
4. More than half a million of the Cambodian people have come to see the court with their own eyes at the ECCC or through outreach activities organised by the Public Affairs Section, the Victims Support Section and the Civil Party Lead Co-Lawyers.
5. The Legal Documentation Centre (LDC) relating to the ECCC was established in late 2015 to provide legal documents and court-related documents on ECCC proceedings to the public, national and international researchers for comprehension, studies and researches.
6. The history of the Khmer Rouge regime has been included in the Grade 12 Curriculum for students and the coming generations to understand their dark history.
7. The concept of the court administration, following the model of the ECCC, was formed and incorporated into the three organic laws on judiciary and was enforced in the national court system. At present, domestic courts at all levels have a permanent unit known as "Court Administration" to make judicial services more effective for service users.

Although this legal process has lasted much longer than was originally envisaged, and has spent approximately USD297 million received from the Royal Government of Cambodia and from more than 35 donor countries, all involved stakeholders including the Royal Government of Cambodia, the United Nations, and all donor countries have expressed the same view that ***“the ECCC has been making considerable judicial and non-judicial achievements”***. Moreover, the ECCC has also left a good legacy for Cambodian society and transferred knowledge and experience to the national courts and other relevant governmental institutions and created a number of jurisprudence for the international justice system. Over the past five years, the Royal Government of Cambodia has gradually increased its funding contributions to the ECCC, providing at least six months of annual national staff salaries in addition to having covered 100% of the ECCC’s general operational costs since the Court’s inception in 2006. The Royal Government of Cambodia has so far provided its funding contributions plus the in-kind contribution to the ECCC with a total amount of USD46.8 million coming second after Japan (USD85.8 million).

I take this opportunity to express my deep appreciation to all those who have contributed to this process including judges and prosecutors, lawyers, court officials and staff, both national and foreign, and the people and governments who have provided the funds – the friends of the ECCC. I also express my sincere thanks and appreciation to His Excellency Secretary General of the United Nations who has made great efforts to support the Khmer Rouge Tribunal including the law development of the ECCC until now by having dispatched key envoys to come and discuss with the Royal Government of Cambodia. As clearly seen and witnessed, during the verdict pronouncement on Case 002/02, His Excellency Secretary General of the United Nations has dispatched His Excellency Under Secretary General, Mr. Miguel de Serpa Soares, an outstanding lawyer to attend the event which make this verdict pronouncement more auspicious. In particular, I would also like to express my deepest and my most sincere gratitude to Samdech Akka Moha Sena Padei Techo HUN Sen, Prime Minister of the Kingdom of Cambodia, who always pays attention to the Court, acting on his own initiative to establish it and continuously providing the funding contributions and the in-kind contribution to the ECCC for the sake of historical remembrance as well as strengthening and maintaining peace, national unity and reconciliation, sustainable development of Cambodia, and long-lasting stability for the coming generations.

Finally, I want to say to the survivors of the Democratic Kampuchea regime that today the people of Cambodia and the whole world remember those who died, as well as those who still suffer from the crimes of that regime. We express our hope that this trial and today’s delivery of the verdict in Case 002/02 bring some relief for your pain and suffering.