



KINGDOM OF CAMBODIA
Nation Religion King

Office of the Council of Ministers

REMARKS

to the meeting on the ECCC of
representatives of ASEAN plus India and the Republic of Korea

by

H.E. DR. SOK AN, Deputy Prime Minister,

Minister in Charge of the Office of the Council of Ministers,
Chairman of the Khmer Rouge Task Force and Signatory to the Agreement between the
Royal Government of Cambodia and United Nations
Phnom Penh, 1 April 2011

Excellencies, Ambassadors to Cambodia and their representatives.

Your Excellency Mr. Clint Williamson, Special Expert to the Secretary-General of the
United Nations on UNAKRT.

Excellencies, Ladies and Gentlemen,

I am pleased to host this meeting of the ASEAN plus India and the Republic of Korea, on
the Extraordinary Chambers in the Courts of Cambodia (ECCC). The purpose of this
meeting is to brief our neighbours on the progress at the ECCC and to reconfirm the firm
support of the Royal Government of Cambodia for the Court and its independent judicial
process. Before I move forward, I would like to extend a special welcome to H.E. Mr.
Clint Williamson, the Special Expert to the UN Secretary-General on UNAKRT.

I am sure that all here today share my satisfaction with the progress made by the ECCC
since its foundation. The successful conclusion of the trial and judgment in Case 001 in

July 2010 was widely welcomed, both nationally and internationally. The Trial Chamber, comprising three national and two international judges, found Kaing Guek Eav guilty of war crimes and crimes against humanity, and sentenced him to 35 years in prison. All three Parties (defence, prosecution and civil parties) filed appeals to the Supreme Court Chamber (SCC), which this week held three days of public hearings from 28 to 30 March 2011 under the presidency of Judge Kong Srim. It is anticipated that the Supreme Court Chamber will render its decision by the end of the second quarter of this year. But the work of the tribunal is not yet finished and the stakes are too high for the future of the tribunal as potential model for delivering justice for the international community to walk away now.

Allow me to recall the context in which this Court was established. Not a single Cambodian was spared from the ravages brought upon our country during the three years, eight months and twenty days that Pol Pots's Khmer Rouge was in power. Over three million people lost their lives and Cambodia was devastated -- the physical infrastructure, socio-economic structure, education system, health care system and cultural and religious institutions were all devastated. At last, on 7 January 1979, the Cambodian people were liberated from the genocidal regime of Pol Pot. Though the Khmer Rouge regime collapsed, the civil war continued. From 1987, while the fighting continued, negotiations between the government and the political factions continued until agreement was reached in Paris in 1991. The UN-sponsored elections took place in 1993 and led to a coalition government. Thanks to the win-win policy of *Samdech Techo Prime Minister Hun Sen*, in 1998, we finally succeeded in putting an end to the conflict zones by dismantling all the political and military structures of the Khmer Rouge. It was only then that Cambodia could begin fully to enjoy peace for the first time in the past 500 years of its long history.

In 1997, the Royal Government of Cambodia requested the United Nations to assist in bringing to trial senior leaders and those most responsible for the crimes committed during the Democratic Kampuchea regime. In 2001, the National Assembly passed the

Law to establish the Extraordinary Chambers. Subsequently, an Agreement was signed between the Royal Government and the UN regulating cooperation on the Extraordinary Chambers. The ECCC became operational in 2006 and in the initial year focused on operational and procedural issues before launching its first case in mid-2007. In the four years since then, the ECCC has made excellent progress in addressing its work load.

The successful completion of the trial in Case 001 and delivery of the judgment by the Trial Chamber, and the recent hearings before the Supreme Court Chamber have proved that the ECCC is able to conduct complex trials in line with international standards and, very importantly, it has affirmed that sufficient capacity has been built within the Cambodian side of the ECCC.

Case 002 will be of tremendous interest for Cambodians as well as the international community. The four surviving most senior leaders of the KR regime, including its Head of State, will be on trial. Many observers see this as the most important trial in the world at this point in time. To date there have been only two instances where a Head of State has been tried before international or UN assisted tribunals, namely the trials of Slobodan Milosevic and Charles Taylor. Case 002 will be seen as a landmark in international criminal and humanitarian law by legal practitioners and scholars around the world. For Cambodians, it will provide an opportunity to gain an understanding of this bitter chapter in our history. The trial in this case is expected to commence in the middle of 2011.

We urge you to continue to give full support to the tribunal in its endeavour to bring justice to the victims of the Khmer Rouge, once and for all. We would welcome the financial support of all your governments to the ECCC and would see such contributions by our neighbours as being in Cambodia's national and regional as well as international interests. Cambodia needs to come to terms with its past to be able to move forward side-by-side with other developing nations.

The Trial in Case 001 was attended by over 31,000 people -- unparalleled in any other trial worldwide. In addition, a number of people visited the court on study programmes. From the inception of the Court until the end of March 2011, 78,000 people in total have visited the court, while millions more throughout the country watched direct television broadcasts. This clearly demonstrates the strong interest and support for the Court from the Cambodian people, an essential element and a very positive example of transitional justice.

The ECCC is clearly recognized now as a good model blending national ownership and expertise with participation and expertise from the international community. During the remaining time of the Court's existence we need to generate more capacity building for the national judicial, legal and administrative officers. Indeed, national ownership and capacity building are important pillars of the partnership between Cambodia and the UN at the ECCC. This was always an explicit objective for the ECCC shared by both the Royal Government and the United Nations, and is one of the most important parts of the true and lasting legacy of the ECCC.

We need to ensure that the remaining workload of the ECCC is conducted smoothly and completed in a timely and efficient manner. The Royal Government of Cambodia is committed to ending impunity for the atrocities of the Khmer Rouge. We are committed to judicial due process and will work with the UN to ensure international standards continue to be met. Once again, we wish to emphasise that now is the time to make sure that the skills and knowledge accumulated over the last five years are simultaneously transferred to the local judiciary.

Experience in other courts dealing with mass crimes of this nature in which the international community has been involved shows that it is by no means a foregone conclusion that knowledge and skills will be transferred. It is all too easy to devote all attention to the pressing demands and challenges of the judicial process in hand without

spending the time and resources needed to ensure a sound legacy. In Cambodia we have a proverb, “The boat departs, but the port remains”.

We need to ensure that the people of Cambodia fully understand the objectives and achievements of the ECCC, namely:

- To bring justice to the victims by holding perpetrators accountable for their crimes. May I quote a civil party of Case 001 who mentioned that “we want justice, not revenge”;
- To ensure the remembrance and the non-recurrence of the genocidal regime;
- To set the historical record straight, and educate the youth about the darkest chapter in Cambodia’s history.
- To strengthen the rule of law in Cambodia by setting a model of fair, open trials in conformity with international standards;
- To transfer knowledge and capacity to enhance the national legal and judicial systems.

On behalf of the Royal Government of Cambodia, I once again reiterate our firm commitment to support the independent judicial process at the ECCC and express our willingness to work constructively with our partners and all stakeholders to ensure that the ECCC completes its mandate in an orderly manner and is recognized as successful by Cambodians, our neighbours and by the international community at large.

In my capacity as the Chair of the Task Force on the Khmer Rouge Trials, please accept my sincere appreciation for your support to the ECCC.

Thank you.