

## **ECCC: Are All Witnesses Treated Equally and Fairly?**

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In the Cambodian court system there are judges, defense lawyers, prosecutors, investigating judges and witnesses. The Extraordinary Chambers in the Courts of Cambodia (ECCC), also known as the Khmer Rouge tribunal, is a mixed trial staffed by Cambodians and United Nations officials that follows the Cambodian court system. Like in Cambodian courts, witnesses are considered crucial in disclosing to the ECCC what happened in a particular period in the past. Only eye witnesses can tell past events. However, no government officials, who are believed to have experienced and witnessed past events, have been summoned to be witnesses and testify at the ECCC. Below are students' opinions regarding the treatment and summoning of witnesses to testify at the Khmer Rouge tribunal. These students attend high school at Krouch Chhmar High School in Kampong Cham province.

17-year-old Oudam says that all witnesses have to be treated equally; no matter what background they are from and social status they have they must accept the court's invitation to be witnesses. A witness who refuses to testify could make the court become biased; additionally, it is not right for witnesses to reject the court's requests. It also leads the country to be less democratic. Although one is high-ranking in the government, he/she must accept the court's summons to testify in court for the sake of transparency and fairness. Everyone has to be under the law because the court is an independent institution. A witness is a mirror who can reflect what happened in the past in order to seek justice for Khmer Rouge survivors.

Menglaing, an 18-year-old eleventh grade student, says that the ECCC is not independent from the government. The government dominates and influences the court and witnesses are not treated equally. If ordinary people reject the court's summons, the court might bring them to the court. However, the court does not take the same action with high-ranking government officials if they reject the summons. This reflects the corruption in the court. This problem needs to be addressed immediately to ensure that the court provides justice. The court must be independent from the government and any high-ranking official. "If one is summoned to testify in court, he/she needs to come and cannot use his/her power to reject," says Menglaing.

Ty is seventeen years old. He says that the court does not treat witnesses fairly. Witnesses need to accept the court's invitation. The court should use every means possible to make sure that any witnesses invited come to testify in court. Witnesses are important to provide justice to survivors and to offer truth to the next generation. Ty also thinks that the ECCC is corrupt since it cannot summon government officials to testify. However,

the court remains silent and does not give reasons for this to the public.

Chhuos Suoty, aged 17, mentions that “the court does not treat witnesses fairly because it is a non-independent institution. Independent courts are not under the influence of any official or institution. Witnesses need to come at the request of this independent court.” If any official rejects the court’s invitation, the court must take immediate action to force them to come.

However, 19-year-old and twelfth grade high school student Silna describes testifying in court as very important to providing truth to the court so that judges can make a decision. Silna believes that the court does not treat witnesses fairly because high-ranking government officials do not come to testify in court and the court does not take any action to make them come. This can mean that the court is not independent. The court should take the same actions with the high-ranking officials who reject to testify as they do with everyone else.

In order for witnesses to be treated fairly, the national courts and the Khmer Rouge tribunal must be independent from the government. Furthermore, the ECCC should seek other means to ensure that government officials who are summoned to be witnesses at this mixed court testify. The ECCC should be a model and an unbiased trial. As such, the court will be supported by the public.