



**អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា**

**Extraordinary Chambers in the Courts of Cambodia**

**Chambres Extraordinaires au sein des Tribunaux Cambodgiens**

28 January 2009

## **PRESS RELEASE**

### **7<sup>th</sup> PLENARY SESSION OF THE ECCC COMMENCES TUESDAY 2 FEBRUARY 2010**

Between 2 and 9 February 2010, the Extraordinary Chambers in the Courts of Cambodia (ECCC) will hold its 7<sup>th</sup> Plenary Session in the Main Courtroom on the premises of the ECCC.

The media are invited to attend the opening of the Plenary Session, which will commence at 09.00 a.m. on Tuesday 2 February in the ECCC's Main Courtroom. Opening remarks will be made by the ECCC President, H.E. Kong Srim and Plenary International Vice-President Judge Silvia Cartwright.

Media are also invited to observe the swearing-in of the International Co-Prosecutor, Mr. Andrew Cayley and Reserve International Co-Prosecutor, Mr. Nicholas Koumjian, which will take place immediately after the opening remarks.

This Plenary Session will discuss numerous proposed amendments to the Internal Rules concerning Civil Party participation in ECCC proceedings. Due to the high numbers of Civil Party applications received in relation to Case 002 and the complexity of the case, there is a need to streamline and consolidate Civil Party participation in advance of the commencement of the trial. This is necessary to safeguard the ability of the ECCC to reach a verdict in its core case, as well as to enhance the quality of victim participation from the perspective of the victims.

The September 2009 Plenary agreed that at the trial and appeal stage, a single claim for collective and moral reparation will be formulated for all Civil Parties, who will comprise a single, consolidated group. This consolidated group will be represented by lead Co-Lawyers, supported by Civil Party Lawyers. This Plenary also decided to adopt other supplementary forms of victim participation, which will occur outside of formalized court proceedings.

The proposed Rule amendments for consideration by the 7<sup>th</sup> Plenary Session were first elaborated by a Sub-Committee tasked to give effect to the decisions of the September 2009 Plenary. These proposed Rule amendments have since been further refined by the Rules and Procedure Committee, which also benefitted from feedback received on the Sub-Committee proposals from Civil Society, Civil Party lawyers, the Victims Unit, as well as the Office of the Co-Prosecutors and Defence Support Section.



The proposed Rule amendments for consideration during the 7<sup>th</sup> Plenary Session envisage independent Civil Party Lead Co-Lawyers, who derive their powers from the Internal Rules and bear ultimate responsibility for the overall advocacy, strategy and in-court presentation of the interests of the consolidated group of Civil Parties during the trial stage and beyond. The Lead Co-Lawyers are supported in these responsibilities by individual Civil Party Lawyers, representing particular Civil Parties or Civil Party groupings. Such support may extend, amongst other things, to the provision of oral and written submissions, as well as examination of their clients and witnesses. It follows from this that Civil Party testimony is likely to remain a significant feature of the trial in Case 002. Budgetary and other administrative provision for an increased level of court-funded legal representation for Civil Parties has also been proposed. If approved, this will pave the way for the creation of a modest legal aid scheme for Civil Parties. This can be expected to greatly enhance meaningful Civil Party participation in Case 002.

Additional draft amendment proposals are aimed at streamlining Civil Party claims into a single, consolidated submission, comprising either a single award or, where justified through reasoned argument, a limited number of awards.

The proposed Rule amendments also contain provisions which significantly enhance the capacities of the Victims Unit to develop victim-oriented programs and other non-legal measures. Such measures may encompass a far broader range of services, as well as a more inclusive cross-section of victims in Cambodia than the comparatively few who may qualify to participate as Civil Parties in cases before the ECCC.

A further Press Statement will be issued at the closing of the Plenary Session on Tuesday 9 February 2010.

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