



Joint statement of NGOs: Appealing to all ECCC stakeholders to take further action for its success

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JOINT STATEMENT OF NGOS Appealing to all ECCC stakeholders to take further actions for its success

PHNOM PENH, 15 December 2008: We are members of civil society actively engaged in supporting and monitoring the work of the Extraordinary Chambers in the Courts of Cambodia ("ECCC" or "Court"). A majority of the community outreach work and work with victims of the Khmer Rouge has been done by NGOs, largely due to our commitment to the ECCC and what it stands for. All efforts are designed to help the Court to meet its own goal to provide justice for Cambodians for atrocities committed during the Khmer Rouge time in accordance with internationally recognized fair trial standards.

The Agreement inaugurating the ECCC establishes a partnership between the Government of Cambodia and the United Nations (UN). In forming this partnership, both parties sought to create and maintain an institution that complies with international standards, that conducts proceedings with integrity and legitimacy, that would work toward reconciliation through the engagement of and the widespread dissemination of information to the Cambodian people, and that would have a legacy as a model court for Cambodia and as an example of the ongoing success of international tribunals to provide justice and accountability in the aftermath of mass atrocity.

Last week's high-level talks between UN and Cambodian officials regarding the ECCC mark a significant step in this partnership, further illustrating the parties' intention to honor the terms of the Agreement and to continue to ensure that the Court is a success. We welcome this renewed commitment to both the spirit and letter of the Agreement.

Further, we also welcome both the spirit and the letter of the Joint Statement issued on 10 December 2008 by the UN and the Government of Cambodia "to set up joint sessions between the national and international related structures to ensure that the entire administration operates in a transparent, fair and efficient way, meeting the requirements of due process of law, including full protection against retaliation."

To date, there have been several welcome developments at the ECCC. Thus far, five persons have been arrested, charged and detained, and the investigation in one case—that of Kaing Guek Eav alias "Duch"—has been completed and is expected to start very soon. This Court has taken the important step of allowing victims a formal role in the proceedings, as civil parties; 28 have been accepted in the Duch case 001 and 25 in the case 002 and more than 2,500 applications are pending. Moreover, recent news that additional suspects may be named is also welcome.

Nevertheless, as members of civil society who are deeply engaged with the larger Cambodian public, we are still concerned about the delays, the allegations of corruption, and the continued lack of public information on the progress made by the ECCC. These concerns continue to cause us frustration and disappointment.

We would therefore like to take this opportunity to appeal to all relevant stakeholders—the UN, the Government of Cambodia, and the donor community—to follow this renewed commitment with further cooperation from all parties to ensure the ECCC is a success. In particular, we hope that these stakeholders pay particular attention to the following issues and recommendations that the NGO community believes are most critical in ensuring the success of the Court:

1. Strategic engagement from the Office of Legal Affairs. UNAKRT would greatly benefit from the ongoing oversight and assistance of the UN Office of Legal Affairs (OLA) to ensure the Court meets basic integrity and independence standards and operates with efficiency.
2. Leadership from the ECCC Administration. The ECCC leadership must develop a clear, unified and comprehensive management plan to ensure that the Court meets its goals and addresses the leadership shortfalls that have plagued the Court over the years.

3. More transparency – including public and monitoring access to the proceedings. Lack of transparency and inadequate access to information continue to be a problem. The ECCC has been reluctant to release information about the pre-trial phase, despite a significant public interest. The fact that the charged persons have remained in custody during the investigative process highlights the need for the Court to provide public information about the process. If the ECCC is to set a positive example for the Cambodian justice system, the Court needs to immediately amplify transparency and reinforce engagement and dialogue with NGOs. We hope that it will rise to this challenge.

4. Further donor engagement or the establishment of an ad hoc management committee. The donor community must strongly engage in the administration and management of the funds that they have contributed to the ECCC to ensure higher standards of integrity and efficiency of operations.

List of designated members of civil society

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