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*Cambodia Justice Initiative*

**JOINT STATEMENT**

**Appealing to relevant stakeholders to uphold the Independence and Integrity of the Extraordinary Chambers in the Courts of Cambodia (ECCC)**

Phnom Penh, 9 April 2009

As members of civil society, we welcome the ongoing trial of former S-21 head Kaing Guek Eav aka “Duch” at the Extraordinary Chambers in the Courts of Cambodia (ECCC). This first trial at the ECCC marks a cornerstone of the courts proceedings. We greatly appreciate the sustained efforts undertaken by the Cambodian Government, United Nations (UN), and international donor community to develop and support the ECCC process. We also appreciate the dedication of the Cambodian and international judges, officers and staff at the ECCC in the bringing us to this stage in proceedings. However the success of the court is not dependant solely on how smoothly Duch’s trial progresses but also upon the ability of the court to demonstrate that it is a competent and independent court of law.

We applaud this week’s high-level talks between UN and Cambodian officials regarding the ECCC and hope this marks a significant step in this partnership. However we are concerned that the Cambodian Government is apparently reluctant to adequately address previous corruption allegations and to agree on an effective joint mechanism to deal fully and independently with any future corruption allegations.

Moreover, we are deeply concerned by recent Government statements on the issue of further prosecutions of those suspected of having committed crimes within the jurisdiction of the ECCC. These statements are inconsistent with its obligation as enshrined in the “Agreement” made between the UN and the Royal Government of Cambodia. We are concerned that these statements reflected a lack of respect for the Basic Principles on the Independence of the Judiciary, and the Law on the Establishment of the ECCC. Given that the jurisdiction of the ECCC, and balance between justice and stability, has been established in the “Agreement” and Cambodian law we are concerned to see the Government now seeking to revise the scope of the ECCC’s prosecutions.

Judges and officials of the court are guardians of the independence and integrity of the court but they have made insufficient public efforts to carry out this responsibility by demanding that the Cambodian Government and the UN promote international standards for independence and integrity.

We believe that the international donor community who have supported the tribunal are obliged to back the UN in its effort to strengthen the ECCC’s legitimacy and credibility, including on the issue of corruption, as it is the obligation of both the UN and its member states to protect the court from executive interference.

We are in no doubt that a failure to successfully complete the ECCC process would lead to deep disappointment and anger amongst victims of the Khmer Rouge regime and the wider Cambodian and international communities and urge all stakeholders in this process to work to avoid this occurring.

Therefore we strongly urge to the Government of Cambodia, the United Nations, and the international donor community to do the following:

- The Government of Cambodia, United Nations, and international donor community shall reaffirm their support for the ECCC process as established by the “Agreement” and enshrined in Cambodian law.
- The Government of Cambodia and United Nations must continue in good faith to resolve the previous corruption allegations as soon as possible and immediately agree on joint mechanism to deal fully and independently with future corruption allegations and provide for the protection of whistleblowers to ensure that the integrity of the proceedings is restored.
- The international donor community shall support the UN in its effort to strengthen the credibility and legitimacy of the court and work to protect the court from any executive interference.

List of designated members of civil society

	<b>Signatory</b>	<b>Position/Organization</b>	<b>Mobile</b>
1	Mr. SOK Sam Oeun	Executive Director of the Cambodian Defenders Project (CDP) and Chairman of the Cambodian Human Rights Action Committee (CHRAC)	012 901 199
2	Mr. THUN Saray	President of the Cambodian Human Rights & Development Association (ADHOC)	016 880 509
3	Mr. HANG Chhaya	Executive Director of the Khmer Institute of Democracy (KID)	012 865 910
4	Ms. SENG Theary	Executive Director of the Center for Social Development (CSD)	012 222 552
5	Mr. LONG Panhavuth	Program Coordinator of the Cambodia Justice Initiative (CJI)	012 843 647
6	Mr. Run Saray	Executive Director of the Legal of Aid of Cambodia (LAC)	012 838 341