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Cambodian Center for Human Rights

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Trial of alleged senior leaders provides ECCC with opportunity for positive judicial legacy

As the first hearing in the trial of Nuon Chea, Ieng Sary, Khieu Samphan and Ieng Thirith comes to end, the Cambodian Center for Human Rights (CCHR) would like to take this opportunity to call on the judges of the trial chamber of the Extraordinary Chambers in the Courts of Cambodia (ECCC) to ensure that this case provides a positive example to judges of the domestic courts in terms of procedure and fair trial rights.

Concerns as to political interference and corruption continue to undermine the ECCC. Nevertheless, the proceedings throughout the first trial conducted at the tribunal – that of Kaing Guek Eav – were widely regarded by commentators as a positive example for the national judiciary. It is hoped that this example is replicated throughout the proceedings in Case 002 – a much more complicated case, involving as it does numerous accused and a complex set of alleged crimes. For example when the judges of the trial chamber come to consider witness lists this week, it is essential that they do so independently of any political pressure.

Commenting on Case 002's potential to offer a positive legacy example to the judges of the national courts, CCHR President Ou Virak commented:

“While the first day of trial was certainly an opportunity for us all to consider what we lost during the Khmer Rouge years, it is important that we now cast a critical eye over the proceedings throughout the trial. The court’s reputation has taken a number of hits as a result of its failure to address questions of corruption and political interference. The trial however offers the judges of the trial chamber the chance to provide the judges of the domestic courts with a positive example in terms of procedure and fair trial rights. This week when the judges consider the list of witnesses that will appear before them throughout the trial I hope that they make their considerations free from any political considerations or demands. If there are people in positions of political power who hold information that is relevant to this case, it is of utmost importance that they are summonsed to testify. A failure on the part of the judges to ensure the participation of such figures will undermine the integrity of the trial as well as the legitimacy of the justice the tribunal seeks to dispense.”

For more information contact:

Ou Virak, CCHR President

Telephone: +855 12 40 40 51

Email: ouvirak@cchrcambodia.org