

26 January 2007

ECCC Review Committee on Internal Rules Concludes Meeting

On 26 January 2007, the Review Committee concluded a two-week session in Phnom Penh on the draft Internal Rules.

The purpose of the meeting was to consider in more depth issues on which disagreement had become evident during the Plenary Session held in November 2006; to analyse and discuss the legal basis for differing positions; and to seek solutions.

The Review Committee made the following statement at the conclusion of its meeting:

The Review Committee members residing in Phnom Penh have worked constantly since the November Plenary Session in order to prepare the ground for this full meeting of the Committee. As a result of in-depth discussion, resolution was found for many of the identified points of disagreement, and the remaining matters were brought to this week's meeting of the Committee.

Solid progress was made during the two-week session of the Review Committee, significantly narrowing the number of outstanding issues. Nevertheless, there remain several major issues to be fully resolved, such as the way in which Cambodian and international law can be integrated into the Internal Rules to ensure a transparent and fair registration process and full rights of audience for foreign defence counsel before the ECCC.

We have agreed that the members residing in Phnom Penh will continue working, and a further meeting of the Review Committee will be convened in March. As soon as a revised draft of the Internal Rules is finalised it will be presented to a Plenary Session of judges.

We are acutely aware of the urgent need to ensure fair and open trials for the benefit of the Cambodian people and we are all committed to achieving that goal.

Background

The Internal Rules are to consolidate applicable Cambodian procedure for proceedings before the ECCC and to adopt additional rules where the existing procedure does not deal with a particular matter, or if there is uncertainty regarding its interpretation or application or if there is a question regarding its consistency with international standards.

The Rules Committee is composed of three national judges and two international judges, namely You Bunleng, Mong Monichariya, Prak Kim San, Agnieszka Klonowiecka-Milart and Marcel Lemonde. For the purposes of this review process four additional members were added – national judges Kong Srim and Sin Rith, and international judges Silvia Cartwright and Claudia Fenz, making a total of nine judges.

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