

## Elements of Presentation

Session 1: Cambodia, 24 March

Motoo Noguchi

International Judge, Supreme Court Chamber

Extraordinary Chambers in the Courts of Cambodia (ECCC)

### 1. Establishment of the ECCC

- Cambodian Government requested the assistance of the UN in 1997
- Agreement between Cambodia and the UN came into effect in April 2005
- The ECCC started its operations in July 2006
- Currently, judicial investigations are being conducted against five charged persons in detention
- Hearings by Pre-trial Chamber started on appeals against detention
- The first trial is expected in several months

### 2. Cooperation of Japan

- Exercised diplomatic initiatives during the process of negotiations
- Financial contribution (US\$21.5 million=50% of the UN portion of the budget)
- Human resources contribution
- Continuous support as a co-chair of the Friends of the Court Meeting

### 3. Fundamental Structure and Mechanisms of the ECCC

- Extraordinary Chambers in the Courts of Cambodia (ECCC)=special tribunal established in the Cambodian judicial system
- So-called hybrid or internationalized tribunal
- Majority is national judges
- Limited temporal and personal jurisdiction
- Follow existing Cambodian procedures while complying with international standards of due process of law
- Plenary session of judges adopted the Internal Rules in June 2007

### 4. Objectives of the trials after 30 years

- To do justice. Enhance the rule of law.
- To form a factual basis for national reconciliation
- To serve as a model court for the future judicial system
- To contribute to the development of international criminal law

5. Victims' participation and reparation

- Participation as Civil Party
- Collective and moral reparations

6. Outreach

- To enhance the public understanding of the Court
- To enhance the public access to the Court proceedings

7. Challenges

- Lapse of 30 years since the crimes were committed
- Aging of suspects and other parties concerned
- Three working languages –a huge volume of work for translation and interpretation
- Financial challenges

8. Ownership of Justice