

Judges must not encroach on civil party rights, local organizations say

Written by

Monday, 01 September 2008 19:00



As the Khmer Rouge Tribunal's fourth plenary session opened Monday, civil society groups expressed concern that judges could use the week-long conference to limit civil parties' rights at the court.

"Despite initially adopting a progressive approach, the Pre-Trial Chamber's treatment of civil party participation has been restrictive of late," according to a statement from DC-Cam. "... The Cambodian Human Rights Action Committee (CHRAC) has expressed concern that the judges may amend the Internal Rules at the Plenary to limit civil parties' rights."

Included on the plenary agenda are "a number of amendments to the Internal Rules, and revisions to Practice Directions" related to issues such as transcripts of proceedings, scope of appeals and legal representation of Civil Parties, Kong Srim, president of the Supreme Court Chamber, said during a press conference Monday.

"The Rules are the framework under which we can deliver fair and open justice for the people of Cambodia," continued Judge Sylvia Cartwright. "As the process evolves, it is often necessary to amend or even add rules to ensure we can do just this."

Judges must not encroach on civil party rights, local organizations say

Written by

Monday, 01 September 2008 19:00

But representatives from CHRAC hope amendments aren't too drastic when it comes to civil party participation.

Both Cambodian Law and the ECCC Internal Rules "permit victims to play an active role in the legal proceedings with full procedural rights, similar to those afforded to the charged person," according to a CHRAC statement issued Friday. "These participation rights afford the key beneficiaries of ECCC proceedings -- the victims -- direct access to justice and the opportunity to present their personal experiences, views and concerns."

As of July 30, the ECCC's Victim's Unit has received 1,743 complaints and civil party applications, the CHRAC statement continues.

Thus, a strong desire for participation exists. Perhaps too strong, argue those who think extensive civil party participation could delay and hamper tribunal proceedings.

The tension reached a flashpoint in July when civil party [Theary Seng](#) attempted to address the Pre-Trial Chamber in person during the hearing of Ieng Sary. In a split decision, the chamber denied her the chance to speak. Her subsequent [application for reconsideration](#) was recently denied by the court. However, the court did issue separate [directions to unrepresented civil parties](#), saying that they could speak at pre-trial proceedings if they requested permission at least 10 days in advance.

"The challenge facing the Plenary Session's participants is to find a meaningful way of organizing the effective participation of a potentially large number of victims," the CHRAC statement reads. Joint legal representation and time limits for oral submissions can help achieve this goal.

"The court can regulate civil party participation without limiting the rights of victims, such as the right to speak in person," according to the CHRAC statement. "Thus, there is no need to restrict the rights of victims."

Judges must not encroach on civil party rights, local organizations say

Written by

Monday, 01 September 2008 19:00

** Pictured: Judges gather at Le Royal for the tribunal's fourth plenary session.*