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Extraordinary Chambers in the Courts of Cambodia

Chambres Extraordinaires au sein des Tribunaux Cambodgiens

STATEMENT BY THE VICTIMS UNIT

Historic Achievement in international criminal law: Victims of Khmer Rouge crimes fully involved in proceedings of the ECCC

In the public hearing of the appeal on the pre-trial detention of Nuon Chea on 4 February 2008, victims of the Khmer Rouge regime participated for the first time as civil parties in the proceedings of the ECCC, legally represented by their lawyers.

The participation of legal representatives of victims of the Khmer Rouge crimes in the ECCC proceedings is considered to be a historic day in international criminal law. To date, no international or hybrid tribunal mandated to investigate war crimes, crimes against humanity or genocide has involved victims as civil parties, giving them full procedural rights.

The Internal Rules of the ECCC provide for the participation of victims of the Khmer Rouge regime in the proceedings as civil parties. They allow victims to play an active role in the trials, including all procedural rights. The rights of Civil Parties are comparable to those of the accused, and include the rights to participate in the investigation, to be represented by a lawyer, to call witnesses and question the accused at trial, and to claim reparations for the harm they suffered.

In mid-January 2008, the Office of the Co-Investigating Judges of the ECCC accepted four civil party applications. Four Cambodian lawyers were appointed soon afterwards in consultation with the ECCC Victims Unit and the Cambodian Human Rights Action Committee (CHRAC): Mr. Hong Kimsuon, Mr. Yung Phanith, Mr. Lor Chunthy and Mr. Ny Chandy.

Elaborating on the Internal Rules, on 5 October 2007 the ECCC issued a Practice Direction on Victim Participation. It provides for the participation of victims in three ways: (1) by volunteering to be witnesses (by giving testimony about crimes suffered or witnessed); (2) by filing complaints (by providing the Co-Prosecutors with factual information to aid prosecution); and (3) by applying to become civil parties (by applying to join the proceedings as a party and to claim collective or moral reparation).

For more information, see http://www.eccc.gov.kh/english/victims_unit.aspx

