

មជ្ឈមណ្ឌលឯកសារកម្ពុជា

“Moving forward through justice”

by Dr Helen Jarvis, Chief of Public Affairs

**Extraordinary Chambers in the Courts of Cambodia
International Conference: Dealing with a Past Holocaust
and National Reconciliation: Learning from Experiences
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Ladies and Gentlemen, Friends and Colleagues,

Important efforts to uncover and document the truth of what happened under the Khmer Rouge have been taken since the very first days after their overthrow. In early 1979 the notorious S-21 prison was turned into the Tuol Sleng Genocide Museum, and what is often termed “the killing field” on the outskirts of Phnom Penh where over it is understood that 15,000 of Tuol Sleng’s inmates were slaughtered became the Choeng Ek Memorial where their remains are respected and honoured in a memorial stupa. At that time significant potential oral and physical evidence of the crimes committed (including exhumations and forensic analysis) was gathered as the basis for the 1979 People's Revolutionary Tribunal. In the early 1980s a massive research effort compiled testimony in petitions from over one million Cambodians from almost every province in the country attesting to the losses they had suffered personally – in their family, village or cooperative.

Since 1995 the Cambodian Genocide Program and the Documentation Center of Cambodia have painstakingly assembled and analysed documents as well as mapped grave, prison and memorial sites throughout Cambodia. Their research has so far documented 19,403 Mass graves at 302 sites, 189 prisons and 80 memorials.

Mindful of the need to preserve these sites, in December 2001 the government issued a circular concerning the preservation of remains of the victims of the genocide committed during the regime of Democratic Kampuchea, and preparation of the former Khmer Rouge stronghold of Anlong Veng to become a region for historical tourism and for education of present and future generations of Cambodians, as well as foreign visitors.

In addition to these organised research activities, many, many Cambodians have told their stories – orally to their families, in writing as books for publication or for personal record, in artistic representation in the form of drawings, paintings, song, music and film.

What has changed in the past few months is that this wealth of documentation is now to be accompanied by the missing partner – an internationally recognised judicial accounting process. The Extraordinary Chambers in the Courts of Cambodia is now a reality. Two Co-Prosecutors (one Cambodian and one international – Canadian Quebecois) have begun their work. Two Co-Investigating Judges (one Cambodian and one international – French) will start work in a few days. Judges have been sworn in and are currently examining Draft Internal Procedures and Regulations, which they expect to finalise by October. The buildings and grounds for the offices and for the court itself are being prepared. Public information, such as the booklet you have received today, a web site, and ECCC staff and judicial officers are giving constant interviews on radio, TV and for the print media.

This process of judicial accounting is being done late, and that much has been lost in the intervening almost 30 year period since the end of the Khmer Rouge regime. Physical evidence has been washed away, documents have been lost, memories have faded and, above all, many people have died – people who should be on trial, people who should have the chance to tell their stories in court, and millions of people who should have had the chance to see justice done.

We all know that “justice delayed is justice denied” and Cambodians have waited too long for this process of judicial accounting. I will not today discuss the reasons why the ECCC was not established sooner – that is a complex tale and other speakers have addressed it. But I will take the chance to say that we in the ECCC feel strongly that, despite the delay, we must proceed with our work and we believe that the alternative – to leave untried and unpunished crimes of such magnitude – is simply unthinkable.

The negative results of the delay are well known and often discussed. But I would like you to consider some balancing positive benefits. Firstly, the amount of documentation that has been compiled, as I mentioned above. This is now providing important building blocks for the work of the court.

Secondly, unlike other countries where the process of judicial accounting has taken place in the immediate post-conflict situation, or even in the context of continuing conflict, in Cambodia we are fortunate that the work of the court can unfold in a situation of peace, national stability and after a great deal of national re-integration has taken place.

The ECCC has now begun its work. Many people have expressed impatience and scepticism, but many more are optimistic and indeed are counting on us to bring what they have been waiting for so long. We realise the heavy obligations we have, and we hope we can fulfil their expectations.

The Public Affairs Office has selected the words “Moving forward through justice” to express succinctly our objective and hope for what the work of the court can bring to Cambodia.

Thank you