



Fédération internationale des ligues des droits de l'Homme

ORGANISATION INTERNATIONALE NON GOUVERNEMENTALE AYANT STATUT CONSULTATIF AUPRES DES NATIONS UNIES, DE L'UNESCO,  
DU CONSEIL DE L'EUROPE ET D'OBSERVATEUR AUPRES DE LA COMMISSION AFRICAINE DES DROITS DE L'HOMME ET DES PEUPLES

International Federation  
for Human Rights

Federación Internacional  
de los Derechos Humanos

الفدرالية الدولية لحقوق الانسان

## Press Release

### **Cambodia/ECCC: More resources needed for the Victims Unit to fulfil its mandate effectively**

**Paris, Phnom Penh, 19 March 2008** – An FIDH mission was sent to Phnom Penh from 14 to 20 February 2008. The FIDH delegation was able to assess the work of the Extraordinary Chambers in the Courts of Cambodia (ECCC), set up to try the Khmers Rouges.

The ECCC is providing a first-ever opportunity, in the history of international criminal justice, for victims of crimes to participate in trial proceedings as civil parties<sup>1</sup>. This provision is based on Cambodian law and gives victims the same procedural rights as the other parties, for instance, the right to participate actively in hearings, to be represented by a lawyer, to examine the witnesses and the accused, and to claim reparation.

During its mission, FIDH observed that close to 700 victims had indicated willingness to participate in proceedings, either by lodging a complaint with the co-Prosecutors, in other words, sending information on the crimes, or by expressing their will to stand up as a complainant before the co-investigating judges, speaking directly as a party to the proceedings.

Up to now, four victims have been accepted as civil parties and spoke directly at the hearings on 4 February 2008 concerning Nuon Chea's<sup>2</sup> detention.

FIDH encouraged the creation of the Victims Unit<sup>3</sup>, which became operational in November 2007. In compliance with Rule 12 of the Internal Rules, the Victims Unit assists victims in filing complaints and joining as civil parties. Its tasks also include informing victims of their rights and helping them to participate by providing the necessary legal assistance.

However, FIDH is very concerned about the lack of resources for this Unit, which, for this reason, may not be able to carry out its unique and innovative mandate. To fill the gap, civil society organisations are providing information and assistance to victims, but here again, resources, especially for legal representation, are too small. Although these associations play a very important role, they cannot replace the essential role played by the Unit of the Extraordinary Chambers.

<sup>1</sup> FIDH, REDRESS and ASF have submitted an *amicus curiae* brief to the ECCC concerning the participation of victims as civil parties, available in English on the FIDH website: <http://www.fidh.org/spip.php?article5326>

<sup>2</sup> "Historic achievement in international criminal law: Victims of Khmer Rouge fully involved in proceedings of the ECCC", Declaration by the Victims Unit, February 2008,  
[http://www.eccc.gov.kh/english/cabinet/press/58/Victim\\_Unit\\_Press\\_Release.pdf](http://www.eccc.gov.kh/english/cabinet/press/58/Victim_Unit_Press_Release.pdf)

<sup>3</sup> See Comments by FIDH, ADHOC, LICADHO and the *Collectif des victimes des Khmers Rouges* to the draft Internal Rules of the Extraordinary Chambers, November 2006, available on the FIDH website:  
[http://www.fidh.org/IMG/pdf/Key\\_Comments\\_FIDH-ADHOC-LICADHO-ADHOC.pdf](http://www.fidh.org/IMG/pdf/Key_Comments_FIDH-ADHOC-LICADHO-ADHOC.pdf)

FIDH regrets that the supplementary budget proposed by the Extraordinary Chambers for approval by the United Nations does not request for additional resources for the Victims Unit, which is sorely short of funds considering the scope and importance of its mandate.

"The role of the Victims Unit is essential in allowing the victims to participate effectively and contribute to the search for truth by the Extraordinary Chambers. This is why we are calling for the international community, the donor states and the United Nations to allocate sufficient human and financial resources for the Victims Unit to be able to inform the victims of their rights, facilitate their participation in proceedings, support their legal representation, enable them to receive psychological support and, if necessary, physical protection, and equip them to demand reparation, as provided for in the Internal Rules of the Extraordinary Chambers. Recognising their exemplary involvement with the Chamber, the international community should also provide the Cambodian civil society organisations with the support needed to continue their work," said Souhayr Belhassen, FIDH President.

**Background:**

After lengthy negotiations between the United Nations and the Cambodian Government, the Extraordinary Chambers became operational in November 2005. Their jurisdiction enabling them to try the top Khmer Rouge leaders led to the investigation and arrest of five leaders of a regime (Kaing Guek Eav, alias Duch, former director of the S21 detention centre; Nuon Chea former right-hand man to Pol Pot; Ieng Sary, former minister of foreign affairs; Ieng Thirith, former minister of social affairs, and Khieu Samphan, former president of the state presidium of Cambodia), that caused the death of over three million victims between 1975 and 1979.

The ECCC are hybrid chambers composed of Cambodian and international judges and civil servants. The functioning of this system presents a difficult challenge but could also have a positive long-term effect on the Cambodian judiciary by strengthening its independence and expertise.

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