

HOC PHENG CHHAY: [Interpretation] Ladies and gentlemen, Mr. Prosecutor, first of all, I wish to pay tribute to my master, Rejean Dupuis, who is the Secretary-General of the Academy of International Law of The Hague, and this is a place which I knew very well when I was a student. But I speak today as one of the victims of the Khmer Rouge and as a president of the committee of victims of the Khmer Rouge. My profession is I am a judge in France.

Revisiting your speech of yesterday, Mr. Prosecutor, allows me to say that it is quite comfortable to hear you say that if the Court has no cases to prosecute, it means that everything is fine. Our farm is destroyed and burned and our flock has been slaughtered, but everything is fine; this, in fact, is a French popular song. But it illustrates your mission. And it's all the more paradoxical to attempt to assert independence in the framework of interdependence and to conceive responsibility or accountability in the context of compulsory complementarity.

To ensure independence is quite a difficult task. "Everything is difficult" would probably be your answer, and I would answer to you, "All is not lost, nevertheless." The question we have today is to determine to what extent you can ensure that the Vienna Convention on international treaties will prevail as an instrument, if not a weapon, in order to compel the contracting parties, related to the Court by the Statute that they ratified, to respect the clauses of the "contract" which has been thus concluded, and to prosecute in good faith.

Mr. Richard Dicker said earlier, the absence of willingness of states. In this specific case I would say that it is a vitiated sui generis willingness which leads to a bad faith in the execution of the Statute.

Secondly, in the event of a failure to respect the Statute and Charter of the United Nations, what are the measures of punishment or reprisal, suspension of assistance, blockade, et cetera? Of course, no one has ever formed the dream of reaching this point, but we should nevertheless list all possibilities of action in order to ensure the credibility of the Office of the Prosecutor, which is the cornerstone of its independence.

This suggestion is based on the final agreement concluded between the United Nations and the government of Cambodia, signed on the 6th of June of this year, in order to obtain judgement of the Khmer Rouge in Phnom Penh. The United Nations is committing both its credibility and its responsibility and accountability in this case.

After the discussion I've had as president of the committee of the victims of the Khmer Rouge with Mr. Hans Korel, in New York, on the 14th of April of this year, I have the feeling that accountability is at the level of the requirements which have been submitted to the Cambodian government, which only accepted that this agreement finally have the same value and validity as the international treaty.

As for the Office of the Prosecutor, what happens? You are the first policeman of the world with a statute and a tribunal. Your mission, Mr. Prosecutor, is to pursue criminals and to bring them before the Court.

Let us take the example of East Timor. Indonesian Justice published on 1 September 2000 a list of 19 suspects where one could not find those principally responsible, in particular, General Virato. If your task is to have the hatchet-men being judged by the Court and not the ones who make the decisions, then impunity continues to exist and therefore the task of the Office of the Prosecutor would, to my mind, be to correct this danger.

I come to the end of what I had prepared to speak to you about; I will not add anything more. I would simply like to express my most sincere congratulations for your election, and thank you for the organisation and thank you for having accepted me and allowed me to speak today. I wish, Mr. Prosecutor, that your mission will be satisfactory to all of us, and I wish all of you the best of luck.

Thank you.