

**Opening Remarks by Ms. Wan-Hea Lee, Representative, OHCHR-Cambodia**

At the Lecture on “Questioning Techniques and Use of National and International Laws in Legal Arguments”

*The 2016 Legal Dialogues Series Hosted by the Bar Association of the Kingdom of Cambodia in Cooperation with OHCHR-Cambodia*

Wednesday, 5 October 2016, Bar Association Campus, Phnom Penh, Cambodia

Excellencies, Distinguished Guests, Speakers, Members of the Bar:

Good morning and welcome to the third event in the 2016 Legal Dialogues Series. It is a great pleasure to be here today to give the opening remarks for this event, where we will have the participation of three experienced ECCC lawyers. As the agenda indicates, today’s Legal Dialogue includes a morning session on “Questioning Techniques” and an afternoon session on the “Use of National and International Laws in Legal Arguments”. We met in early September for the Legal Dialogue on “Evidence Analysis and Follow Up on the Use of the new Pre-trial Detention form”, and I hope that you benefitted from and found the discussions interesting for your day to day work.

I would like to thank His Excellency Bun Honn, President of the Bar Association of the Kingdom of Cambodia, for co-organising today’s event. OHCHR Cambodia collaborates with the Bar Association to support continuing legal education initiatives, with the hope that lawyers in Cambodia may benefit from such exchange and discussions.

The Legal Dialogue Series, which OHCHR Cambodia has been supporting since 2012, is designed to provide an opportunity for you all, as distinguished members of the Bar, to explore ways to build on your legal knowledge and skills to enhance the effectiveness of the legal practice. One of its objectives is to enable you to benefit from the presence of the Extraordinary Chambers in the Courts of Cambodia, by progressively incorporating their best practices into the national courts.

As we have seen in previous legal dialogues, incorporating ECCC best practices is not an easy task. Some of the issues and procedural norms they are dealing with are completely new for national judges, prosecutors and lawyers, and some may even seem too progressive. However, you can start by taking each issue separately, discussing it among counterparts to exchanging views and doubts, and eventually applying it. I firmly believe that this will lead to strengthened, more independent national courts in the long run.

Questioning techniques is one issue on which much can be learned from the ECCC. I am sure that the experiences shared by our speakers today will provide a unique opportunity for all of you to gain practical knowledge on how best to utilize this right, in order to ascertain the truth. The right to interrogate witnesses is a key element in an adversarial proceeding and a basic legal safeguard that every defendant should have. Lawyers representing civil parties should also have the right to interrogate their witnesses and the opposing party’s witnesses, in order to guarantee the right to an effective judicial

remedy. The possibility to question witnesses is also necessary in order to satisfy the requirements of the right to defence.

In the afternoon discussions, I hope you enjoy the discussions related to the use of national and international laws in legal arguments, led by the experienced ECCC lawyers. Our Office considers the role of lawyers as important as that of judges and prosecutors in the criminal justice system. Your responsibility is to ensure that the rights of the accused are respected and more generally to uphold the rule of law. In many countries, lawyers have often been the ones advocating for major changes in the law, seeking to ensure increased human rights protection. Many

The goal of this discussion is to encourage you to utilize this important tool in your defence strategies. It is not a new tool, since the Cambodian Constitution allows you to incorporate international human rights law in domestic cases. As you are all aware, article 31 provides that “the Kingdom of Cambodia shall recognize and respect human rights as stipulated in the United Nations Charter, the Universal Declaration of Human Rights, and the covenants and conventions related to human rights, women’s and children’s rights.” Furthermore, the Constitutional Council confirmed, in its decision of 10 July 2007, that international human rights treaties are part of Cambodian law and are directly applicable in Cambodian courts. We will distribute a copy of this decision to all of you.

I have no doubt that you will find the topics discussed today relevant and useful to your work and will help hone your skills as legal counsel. Given the importance of the topics and the experience of the speakers, I encourage each of you to engage fully in today’s sessions, to ask questions to all our speakers, and most importantly, to put this knowledge to use in the defence of your clients’ rights.

I wish you all successful sessions, and look forward to hearing the outcome of your discussions.