

**Comparative Efficiency: Framing the ECCC Expenses  
Within the Context of Previous Hybrid Tribunals**

Samuel Yemington, University of Wyoming College of Law 2013  
DC-Cam Legal Associate Summer 2011

**A. Introduction**

The initial hearings for Case 002 before the Extraordinary Chambers in the Courts of Cambodia (ECCC) commenced on June 27. Criticisms directed at the ECCC have strengthened as the proceedings draw out and the expenses mount. Critics of the ECCC point toward limited results and an ever-expanding budget. To date, the ECCC has managed only one conviction that is currently under appeal to the Supreme Court Chamber by the defense, the prosecution, and the civil parties.<sup>1</sup> Budgets have been revised and increased, and the original end-date of the tribunal has long since passed. Critics argue that the ECCC's length, cost, and controversy sap the tribunal of its symbolic resonance and institutional legitimacy.<sup>2</sup> It is expected that upcoming Case 002 will be more expensive than the first case and more time consuming, fueling calls for a compromised and abbreviated conclusion to the tribunal.<sup>3</sup>

---

<sup>1</sup> Case 001: Extraordinary Chambers in the Courts of Cambodia, <http://www.eccc.gov.kh/en/case/topic/1>.

<sup>2</sup> <http://www.voanews.com/khmer-english/news/US-Representative-Blasts-Slow-Progress-of-Tribunal-125029114.html>, U.S. Representative Ed Royce recently voiced the all too common complaint that the ECCC, despite receiving hundreds of millions in funding and existing for eight years has yet to conclude a single case.

<sup>3</sup> <http://www.nytimes.com/2010/09/16/world/asia/16cambodia.html>, John A. Hall, an ECCC monitor, commented that "the next cases are expected to be significantly more difficult, complex and legally challenging." International co-prosecutor Andrew Cayley mentioned the size and scope of Case 002 alongside the Nuremberg Tribunals.

The criticism leveled at the Cambodian tribunal is not original to the ECCC. International courts, for reason, have long been the targets of waste and inefficiency allegations. However, in light of the Case 003 accusations of political influence and judicial indiscretion, it seems prudent that the operating expenses of the ECCC be examined.<sup>4</sup> It is now, more than ever, imperative that the ECCC operate, both actually and perceptually, at an efficient level. How does the ECCC compare, budgetarily, to similar tribunals? Is the ECCC efficient? Is an efficient operating budget, considering the complexities of the court, possible to quantify?

## **B. Background: The Road to the Hybrid Tribunal and the ECCC**

The Extraordinary Chambers in the Courts of Cambodia represent a recent trend in international criminal prosecution. The ECCC, a hybrid court, operates within the Cambodian judicial system, while simultaneously drawing on international legal assistance, law, and funding. Hybrid courts developed as a response to ad hoc international tribunals that had evolved into enormous judicial institutions and an international community that sought smaller and less costly alternatives.<sup>5</sup>

The Experiences of the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) highlight the three issues - time, scale, and cost-which most effected the creation of the hybrid tribunal. The two tribunals developed into massive institutions with sizeable budgets, huge staffs, and

---

<sup>4</sup> See: Stephen Heder's resignation letter, characterizing the working environment of the Office of the Co-Investigating Judges (OCIJ) as a "toxic atmosphere of mutual distrust" and international co-prosecutor Andrew Cayley's criticism of the Case 003 investigation.

<sup>5</sup> See Cohen, "Hybrid" Justice in East Timor, Sierra Leone, and Cambodia: "Lessons Learned" and Prospects for the Future.

dockets full of complex cases. At their peak, the tribunals' annual budgets each exceeded 130 million (USD), and each employed over 1000 full-time staff.<sup>6</sup> The ICTR budget famously exceeded that of the entire Rwandan national judiciary. The exorbitant cost of these institutions was the central concern that led to experimentation with hybrid, internationalized courts.<sup>7</sup>

The locations of the tribunals were viewed as obstacles in overcoming the burgeoning budgets. Neither the ICTY nor the ICTR called the country where the crimes were committed home. The foreign nature of the courts created logistical problems, and in turn unnecessary costs, regarding the investigation process, the location of evidence, and the involvement of witnesses in the prosecution.<sup>8</sup> The payrolls of the almost entirely international staff further saddled the courts' budgets. Relocation of courts to the country where the atrocities occurred aimed at addressing the logistical issues, while simultaneously reducing payroll expenses by utilizing a local workforce readily willing to work for salaries considerably less than the United Nations' standard.<sup>9</sup>

The lifespan of the ICTY and the ICTR is as contentious as their cost. No initial mandate limited the duration of either tribunal, and each institution is operating well into its second decade. This issue has raised concerns regarding the due process rights of the accused and the value of trials conducted decades after the commission of the crimes. The indefinite time frame has also made an estimation of the overall expenses of the tribunals

---

<sup>6</sup> ICTY general information, <http://www.icty.org/sid/325>.

<sup>7</sup> See Cohen, "Hybrids" *supra*, discussing the perceived benefits of hybrid tribunals.

<sup>8</sup> Documentation Center of Cambodia meeting with international co-prosecutor Andrew Cayley, discussed the investigation difficulties of the ICTY.

<sup>9</sup> Skilbeck, *Funding Justice: The Price of War Crimes Trials*, placing local staff salaries in the Bosnia and Herzegovina courts at 20 to 30 percent of a full international salary. The ECCC compromised some cost savings by pegging the domestic staff salaries at 50 percent of the gross UN salary, meaning that local prosecutors in Cambodia will be paid three to four times higher than their counterparts in Bosnia and Herzegovina.

all but impossible. The existence of the ICTY, seemingly nearing completion, will be extended considerably with the 2011 arrests of Serbian Generals Ratko Mladic and Goran Hadzic.<sup>10</sup>

In addition to addressing time, scope, and cost concerns associated with international tribunals, hybrid courts are viewed by supporters as a more effective method for achieving fundamental objectives of justice and accountability. Victim involvement, community outreach, judicial example, and national ownership are cited as advantages to locating future courts within the affected country.<sup>11</sup>

The ICTY and the ICTR courts, located outside of the countries where the criminal acts were committed, created practical problems for the victims, the ordinary citizens, and the local press in attending and participating in the proceedings. Additionally, the foreign nature of the courts limited community outreach. This physical separation exacerbated the problem of making the proceedings meaningful for the affected population that was too often unaware of the existence of the foreign tribunals. The local nature of the hybrid tribunal was lauded as an important step in helping to effectively accomplish the articulated goals of the courts in contributing to the processes of reconciliation, stabilization, and democratization, rule of law, justice, and accountability.

National ownership of the process is cited as another important advantage gained by shifting from the ad hoc structure of the ICTY and the ICTR to that of the hybrid courts. The term “national ownership” applies to two distinct functions of a court. First, it refers to the extent to which the partners in the tribunal, usually the national government and the

---

<sup>10</sup> See Mladic Amended Indictment, [www.icty.org/x/cases/mladic/ind/en/mla-ai021010e.pdf](http://www.icty.org/x/cases/mladic/ind/en/mla-ai021010e.pdf) , See also <http://www.nytimes.com/2011/07/21/world/europe/21goran-hadzic.html>.

<sup>11</sup> Cohen, “Hybrids” supra, at 7.

United Nations, control responsibility for the judicial process and its proper functioning. Second, the term revolves around the idea that the citizens of the country in which the crimes occurred should feel some participatory connection to the trials. This can be realized by the participation of local judges, prosecutors, defense lawyers, and media in the proceedings. This is seen as a necessity in fostering a respect for judicial institutions in a post-conflict society and leaving a legacy of justice and accountability.<sup>12</sup>

Ideally, a hybrid tribunal will effectively address each of these goals, while simultaneously minimizing budgetary expenses. The following section seeks to examine the mechanisms that contributed to the relative success and shortcomings of previous hybrid tribunals in respect to the basic functions of the courts, including but not limited to security, witness protection, outreach, and prosecution. An analysis of the Extraordinary Chambers in the Courts of Cambodia, in light of these previous experimental hybrid institutions, offers instructions as to the determination of efficiency. Furthermore, the consideration of internal and external influences and conditions specific to each court proves equally important in determining the efficiency of similar institutions.

### **C. The First Hybrid Tribunal: Cheap Justice in East Timor**

The United Nations created the Special Panels for Serious Crimes (SPSC) in June 2000 in response to the post-succession violence in East Timor. The SPSC represented only one element in the United Nations Transitional Administration in East Timor (UNTAET) that governed the country. The UNTAET placed the SPSC within the domestic legal system, and employed a staff of both international and national personnel, creating the first

---

<sup>12</sup> See Rapoza, *Hybrid Criminal Tribunals and the Concept of Ownership: Who Owns the Process?*, 21 *Am. U. Int'l. Rev.* 525.

experimental hybrid court. From the beginning, the SPSC was hamstrung by structural and funding problems that the creators either overlooked or ignored, and a serious lack of international support for the proceedings.<sup>13</sup>

No clearly defined mandate guided the SPSC. The court's jurisdiction was only constrained to serious crimes and the mandate created no temporal limitations. The court's Serious Crimes Unit would eventually issue 391 indictments, ranging from the lowest level operative to high-level Indonesian military commanders.<sup>14</sup> Structurally, the mandate creating the SPSC failed in designating clear ownership of the court. The lack of ownership created practical and procedural problems for the SPSC. The dual nature of the court allowed for a situation in which both the UN and the Timorese could avoid responsibility at every turn. Issues ranged from the enforcement of warrants against high-level defendants to the payment of fuel for the court's electricity generator.<sup>15</sup> The inability of the national and the international sides to agree on these issues and work together resulted in a dysfunctional court wrought with inefficiency and waste. The lack of oversight and accountability within the SPSC was evident in the recruitment of staff. Serious questions were raised about the competence and independence of both international and national appointees.<sup>16</sup> Evidence of non-meritorious hiring and unwarranted pay raises repeatedly dogged the SPSC. The reportedly often under-skilled and overcompensated staff further

---

<sup>13</sup> UNTAET, On the Establishment of Panels with Exclusive Jurisdiction Over Serious Criminal Offenses, U.N. Doc. UNTAET/REG/2000/15 (June 6, 2000), <http://www.unmit.org/legal/UNTAET-Law/Regulations%20English/Reg2000-15.pdf>.

<sup>14</sup> Cohen, *Indifference and Accountability: The United Nations and the Politics of International Justice in East Timor*.

<sup>15</sup> Rapoza, *Ownership*, *supra* note 23, at 531-32.

<sup>16</sup> See Overview of the Courts in East Timor in 2004, Judicial System Monitoring Program, Dec. 2004, available at [http://www.jsmp.minihub.org/Reports/jsmpreports/Final%20Report%202004/court%20final%20report%202004\(e\).pdf](http://www.jsmp.minihub.org/Reports/jsmpreports/Final%20Report%202004/court%20final%20report%202004(e).pdf).

compromised efforts to efficiently operate the court.<sup>17</sup>The court attempted to remedy the ownership problems of the SPSC in by creating of the Judge Coordinator position in October, 2003. Judge Phillip Rapoza, the second Chief Coordinator, used the position after his appointment in 2004 to “implement a program of reform which succeeded in greatly improving the management, efficiency, and effectiveness of the SPSC.”<sup>18</sup>

The second and more serious problem handed the SPSC was a severe lack of funding. Funded directly from the UN mission to East Timor budget, the SPSC competed for money with other priorities attendant upon rebuilding the post-conflict country. The 2001 SPSC budget allotted 6.3 million (USD) for the creation and operation of the court. The SPSC mandate allocated the prosecution 6 million, with the remaining \$300,000 going to the operating expenses of the tribunal. The financial distribution disparity between the defense and prosecution created practical problems and due process issues, while the failure to take into account or sufficiently fund other functions proved a debilitating misstep. The SPSC could not adequately budget for court security, transportation, translation, or legal training. Supposedly important advantages of hybrid courts, including victim participation and community outreach, were roundly disregarded for lack of funding.<sup>19</sup>

The final obstacle before the court was a lack of international support for the proceedings. The SPSC struggled to shake the perception of the court as a fringe element of the much larger reconstruction mission to the country. Jakarta, intent on derailing the proceedings, refused to cooperate and shielded high-level Indonesians with clear connections to the violence from prosecution at the SPSC. Countries and organizations with

---

<sup>17</sup> Cohen, Justice on the Cheap: Revisited, <http://www.eastwestcenter.org/fileadmin/stored/pdfs/api061.pdf>

<sup>18</sup> Cohen, Indifference supra, 9.

<sup>19</sup> Cohen, Justice on the Cheap.

the leverage to force extraditions remained quiet on the sidelines. The resulting prosecution of only low-level actors further compromised the legitimacy and legacy of the SPSC.

On May 20, 2005 the Special Panels for Serious Crimes concluded abruptly with the United Nations decision to terminate the mission to East Timor.<sup>20</sup> During the four years of its existence, the Special Panels oversaw 55 trials with 87 defendants, the majority being low and mid-level defendants.<sup>21</sup> The SPSC convicted 84 of the accused, and acquitted three. The remaining cases, still under investigation, were abandoned.

The legacy of the SPSC is one of failure. Although lauded by the United Nations as an example of an economical and efficient tribunal, the SPSC failed to address the fundamental goals of the hybrid tribunal including community outreach, victim involvement and capacity building of the national judiciary. The court too often functioned at a level well below that of international standards of justice.<sup>22</sup> Compared with the ICTY and the ICTR, the SPSC spent considerably less time and money convicting many more accused. However, the SPSC's conviction rate of 97.7% reinforced questions of fairness and the adequacy of the defense. The majority of the convictions, of low and mid-level targets, further eroded the courts legitimacy.<sup>23</sup>

#### **D. The Second Hybrid Tribunal: Success in Sierra Leone**

---

<sup>20</sup> S.C. Res. 1543, U.N. Doc. S/RES/1543 (May 14, 2004).

<sup>21</sup> Pamlalk, Accountability for Serious Crimes and National Reconciliation in Timor-Leste: Progress or Wishful Thinking?, 14, [http://www.seas.at/aseas/3\\_1/ASEAS\\_3\\_1\\_A2.pdf](http://www.seas.at/aseas/3_1/ASEAS_3_1_A2.pdf).

<sup>22</sup> The defense did not call any witnesses in the majority of the cases, See Cohen, Indifference supra.

<sup>23</sup> Cohen, Indifference supra, 14.



The Special Court for Sierra Leone (SCSL) resulted from a June 2000 request by the national government that the United Nations assist in establishing an institution to try those responsible for the atrocities committed during the country's decade long civil war. The June 2002 mandate establishing the court handed the SCSL clear and realizable goals. The court's mandate limited the personal jurisdiction to those bearing the greatest responsibility for serious violations of international humanitarian law, and a three-year deadline was given to complete the task.<sup>24</sup>

Creators viewed the limited personal jurisdiction and the clear timeframe as key to fostering legitimacy and support for the trials. The clearly defined personal jurisdiction addressed the issue of trying low-level and mid-level offenders, and curbed the cost and time concerns of an open-ended prosecution.<sup>25</sup> The three-year time limit, though exceeded, is said to have promoted a sense of urgency and efficiency at the SCSL.<sup>26</sup> The unexpected arrest and extradition of Charles Taylor in 2006 extended the tribunal considerably. However, the additional time and money required for the prosecution of the former president of Liberia pales in comparison to the legitimacy it brought the SCSL.<sup>27</sup>

---

<sup>24</sup> Statute of the Special Court For Sierra Leone, <http://www.scs-sl.org/LinkClick.aspx?fileticket=uClnd1MJeEw%3D&>.

<sup>25</sup> Special Court for Sierra Leone, Second Annual Report of the President of the Special Court for Sierra Leone: For the Period 1 January 2004 – 17 January 2005 [hereinafter Second Annual Report], <http://www.scs-sl.org/DOCUMENTS/tabid/176/Default.aspx>, the effects of the personal jurisdiction limitations were evident in the limited number of indictments and cases before the SCSL.

<sup>26</sup> "Hybrids," supra at 15, the three-year mandate and the Management Committee placed additional pressure on the court and added a dimension of urgency and accountability that was lacking at the SPSC for most of its existence.

<sup>27</sup> See Hirst and Varney, *Justic Abandoned? An Assessment of the Serious Crimes Process in East Timor*, (June 2005), discussing the failed prosecution of Indonesian General Wiranto. General Wiranto, the top indictee before the SPSC, was never held accountable for his crimes. The actions of the UN and the government of East Timor in regards to the Wiranto issue "emboldened perpetrators, offended victims, and seriously undermined the integrity of the serious crimes process." The arrest and prosecution of Taylor before the SCSL had the opposite effect.

In an effort to avoid the ownership problems that plagued the SPSC, the SCSL mandate clarified the duties and responsibilities of the national and the international sides. The mandate also created the position of Chief Administrative Officer (CAO), who would provide administrative and logistical support to problems that might arise during the course of the proceedings. United Nations' CAO appointment Robin Vincent, a veteran of the ICTY, brought valuable experience to the SCSL. Vincent had the authority to make crucial personnel, budget, and policy decisions and oversaw the central functions of the court. The result was the largely effective administration of the court. The SCSL handed down the first three convictions in June 2007, fewer than five years after the establishment of the court.<sup>28</sup> The SCSL denied the final appeal before the Sierra Leone court in October 2009. Only the unanticipated Charles Taylor prosecution at The Hague continues. The Taylor defense rested in November 2010 and the trial chamber is currently considering the verdict. In all, the SPSC oversaw thirteen indictments, three cases, and eight convictions of former revolutionary leaders in just short of eight years.

The SCSL, with an annual operating budget nearly five times that of the SPSC, enjoyed vastly greater resources—both absolutely and in relation to the number of cases—to that of East Timor.<sup>29</sup> The SCSL initial annual budget of 30 million (USD) was funded primarily from the voluntary contributions from the international community. Article 6 of the agreement establishing the court required that “expenses of the Special Court ... be borne by voluntary contributions from the international community” and additional fundraising guidelines were established should donations be insufficient for the

---

<sup>28</sup> See SCSL case 1 timeline, <http://www.sc-sl.org/CASES/ProsecutorvsFofanaandKondewaCDFCase/tabid/104/Default.aspx>.

<sup>29</sup> Special Courts Annual Reports, <http://www.sc-sl.org/DOCUMENTS/tabid/176/Default.aspx>.

Court to implement its mandate. Donating countries created a Management Committee that, along with providing oversight, was responsible for ensuring adequate funding for the court. The Secretary-General of the United Nations was further bound to “seek contributions equal to the anticipated expenses of the Court beyond its first three years of operation” should the court overrun its initial temporal mandate.

The SCSL struggled with budget shortfalls despite the larger bottom line. However, the structure and oversight of the SCSL guaranteed that the available funding was utilized appropriately, and funding shortfalls were addressed by petitioning outside sources.<sup>30</sup> For example, outreach programs and security, initially underfunded, benefitted from additional donations from the European Commission.<sup>31</sup>

The arrest and extradition of Charles Taylor to the SCSL was important on two fronts. First, as mentioned above, the prosecution of the former Liberian president added considerable weight and legitimacy to the proceedings. The added prestige gained by holding high-level defendants accountable before the court cannot be disregarded. Second, Taylor’s extradition from Nigeria to the SCSL would never have occurred without the exertion of considerable pressure by international powers interested in the proceedings. Washington actively lobbied the Liberian government to formally request the ex-president’s extradition from Nigeria, and in 2005, the United States Legislature and the European Parliament passed legislation calling for Taylor’s arrest. Feeling the pressure, Taylor fled his seaside villa, only to be arrested days later attempting to cross into Cameroon.

---

<sup>30</sup> The SCSL mandate created fundraising mechanisms in the event of a shortfall. See Article 7 of SCSL mandate.

<sup>31</sup> Second Annual Report, *supra*, and Third Annual Report, <http://www.sc-sl.org/LinkClick.aspx?fileticket=S7DTFHKRRg%3d&tabid=176>.

Taylor's arrest highlighted several issues specific to hybrid tribunals. First, the prosecution of the former president and the resulting increase to the duration and cost of the SCSL demonstrated the difficulty of accurately predicting the expenses of a tribunal.<sup>32</sup> The return of the strongman to Freetown created serious security concerns in a country so recently removed from a devastating civil war. Taylor still garnered considerable support and influence in the region, and many worried his return would destabilize the reconciliation process. The fragile peace on the ground, along with international pressure, contributed to the SCSL's decision to not conduct the proceedings in Freetown, choosing rather to transfer the trial to The Hague.<sup>33</sup> The increased cost of transferring the trial to The Hague was exacerbated by the size and scope of the high profile proceedings. The court, in response to the Taylor's claim of destitution, granted the defense 100,000 per month operating budget, nearly double of that required by the Milosevic defense. The three-year case saw 115 witnesses and 1097 exhibits in all.

The SCSL, while still awaiting the conclusion of the Taylor case, is generally considered a success. The tribunal operated at international standards and fairness, and the court spent considerably less time and money than previous ad hoc tribunals.<sup>34</sup> The articulated goals of hybrid courts, including victim involvement and community outreach, were not seen as being ignored or compromised. The SCSL placed an emphasis on hiring

---

<sup>32</sup> A mandate creating a clear strategy and budget is important, but in the end, it must be flexible to changing circumstances.

<sup>33</sup> Prosecutor v. Charles Taylor Case No. SCSL 03-01-PT, Order Changing Venue of Proceedings, (June 19, 2006).

<sup>34</sup> The absolute cost of the SCSL (roughly 225-250 million with the completion of the Taylor case) represents a fraction of the total cost of the ICTY or the ICTR. However, different analysis suggests that the SCSL did not provide discounted justice. For example, the price per trial of the accused at the SCSL (23 million) will fall just below that of the ICTY and above the ICTR. See Jalloh, *Special Court For Sierra Leone: Achieving Justice?*

local staff, thereby simultaneously limiting salary expenditures while cultivating a lasting impression on the Sierra Leone judiciary.

### **E. Reasons for Discrepancies Between the SPSC and the SCSL**

The perceived success of the SCSL and failure of the SPSC can be attributed to many factors. The East Timor trials were the first attempt at international justice on a small budget. The SPSC was lost in the shuffle of a larger UN effort to bring security and peace to a post-conflict region. Under pressure from the UN to work quickly and cut costs, the SPSC sidestepped international standards in favor of cheap convictions. The Sierra Leone tribunal received considerably more press and international interest than the SPSC, and benefitted from funding and organizational advantages.

The funding disparity between the two tribunals contributed greatly to their respective results. First, the SCSL received considerably more funding than the SPSC, both absolutely and in relation to the number of cases before the courts. Second, the SCSL operated independently from the United Nations mission to Sierra Leone. On the other hand, the SPSC operated within the larger UN mission to East Timor, and in turn competed for resources with other, too often preferential, interests. Bureaucrats uninterested or unfamiliar with the judicial process left the SPSC woefully underfunded. The SCSL Donor Committee, of which nothing comparable existed at the SPSC, provided additional accountability, oversight, and fundraising.

The mandates establishing the two tribunals were equally important in determining the respective outcomes. The SCSL was given clear and realizable goals. Ownership of the court was designated and the Chief Administration Officer held ultimate authority. The

SCSL also had the structure and the oversight to ensure, to a great degree, that the available funding was utilized appropriately, and funding shortfalls were addressed by petitioning donors and outside resources. The SPSC failed in establishing any semblance of a functioning administration for the majority of its duration, resulting in waste and inefficiency.

International support for the East Timor court paled in comparison with the backing enjoyed by the SCSL. Recognizable figures like Charles Taylor and the international fascination with the 'blood diamond' trade and child soldiers played a key role in fermenting support for the SCSL proceedings. Support for the court directly translated to greater funding, oversight, accountability, and efficiency.

#### **F. Lessons Learned From East Timor and Sierra Leone**

The experiences of these two previous hybrid tribunals offered some guidance to the ECCC but did not present it with a clear mold by which to create the court. Still, the SPSC and the SCSL provided valuable lessons that the ECCC could apply in Cambodia. Three interrelated themes were apparent when evaluating the comparative efficiency of the East Timor and Sierra Leone courts. Efficient operation required that the hybrid courts have a clear and realizable mandate, considerable funding, and international and domestic support for the proceedings. The ECCC, afforded these necessary elements to conduct the tribunal, could be determined efficient if it addresses, to some degree, the articulated goals of hybrid tribunal on a budget comparable to the SCSL.

The SPSC highlighted the importance of a focused mandate, clearly delineated ownership, and a strong administration. Despite raising questions concerning limited

accountability for low and mid-level criminals, the personal jurisdiction restrictions placed on the SCSL suggest that the negotiators viewed these as a lesser evil to the open-ended prosecutions of the ad hoc tribunals. The three-year time limit further pressured the court to work effectively and efficiently.

Hybrid courts, although adopted as a cost saving alternative to the ad hoc tribunal, require substantial funding to operate effectively at international standards. The success of the SCSL, and perhaps more obviously the failure of the SPSC, can be attributed in great part to the vast funding disparity between the two institutions.

Finally, a healthy interest in proceedings, both domestically and internationally, can make and break a tribunal. Voluntary donations from international parties accounted for the entirety of the SCSL funding, and powerful interests, including the United States and the United Kingdom, wanted results. The SCSL benefitted further from internal support for the tribunal. The SPSC lacked international support and battled a domestic government interested more in moving on than seeking accountability and justice.<sup>35</sup>

### **G. The Extraordinary Chambers in the Courts of Cambodia**

The principle goal of the Extraordinary Chambers in the Courts of Cambodia is to provide accountability for the crimes committed during the Khmer Rouge era. Has the ECCC worked toward this goal effectively and efficiently, while simultaneously accounting for the underlying objectives of the hybrid tribunal? What issues, specific to the ECCC, have affected the operation and budget of the court?

---

<sup>35</sup> “Hybrids,” *supra* at 14, discussing the interference by the national government with the SPSC proceedings.

*i. Structure and Organization of the Extraordinary Chambers*

The ECCC arose through an agreement between the United Nations and the government of Cambodia. In light of the relative success of the SCSL, the creators modeled the ECCC, to some degree, after the Sierra Leone tribunal. Similarly to the Special Court for Sierra Leone, the mandate creating the ECCC placed restrictions on personal jurisdiction, bound the court temporally, and limited the crimes punishable before the chambers. ECCC jurisdiction encompasses the “senior leaders and those most responsible” for the crimes committed during the Khmer Rouge era, and the court was initially granted three years to complete the task.

The ECCC, despite following the lead of the SCSL, differed from it in many important respects. The ECCC was the first hybrid court to apply the civil law procedural process, as opposed to the common law. The ECCC, as its name suggests, was placed within the existing Cambodian judicial system, whereas the SCSL was not an extension of the domestic courts but an independent international tribunal. The ECCC must initially apply domestic procedural law, resorting to international precedent only when Cambodian procedure does not speak on the issue at hand. This placement creates procedural and ownership issues distinct from the SCSL. Finally, the ECCC includes a role for civil parties, the latter original to international tribunals. The civil parties, despite seeing their rights and participation curtailed considerably as the proceedings progressed, still play an important role at the ECCC and add a further dimension to the tribunal that must be considered when determining comparative costs.

The ECCC negotiators, undoubtedly aware of the ownership problems that plagued East Timor, attempted to more clearly define the roles and responsibilities of each side. At



the insistence of the national negotiators, the drafters placed a considerable emphasis on defining the ECCC as a Cambodian national court, operating with the assistance of the United Nations and international staff. This placed considerably more control in the hands of the Cambodians, despite voiced concerns regarding potential problems with judicial independence and government interference. As the proceedings progress, the ECCC control has continued to shift steadily toward the national side<sup>36</sup>, with the United Nations seemingly unconcerned about ceding control.<sup>37</sup>

Despite the perceived success of the Chief Administration Officer post at the SCSL and the Judicial Coordinator position eventually established at the SPSC, the ECCC negotiators provided for no similar position. Rather, the court administration falls on a Cambodian Director of the Office of Administration and a UN Deputy Director of the Office of Administration. The national and international sides of the ECCC were designed to function autonomously, though with close collaboration. The dual positions have been functional at best and a failure at worst. Early in the tribunal, Cambodian DOA Sean Visoth became the target of corruption allegations. Visoth took temporary medical leave in November 2008 and has yet to return to the ECCC, essentially leaving the DOA position vacant and contributing the dysfunction of the system.

The mandate creating the ECCC placed an emphasis on utilizing Cambodian staff. Initial concerns focused on Cambodia's weak legal system, the lack of judicial independence, and the shallow talent pool from which to draw. The Cambodian defense

---

<sup>36</sup> Since the establishment of the ECCC until 2009, the national staffing increased by 103 positions, while the international staffing added only 69 new positions. <http://www.unakrt-online.org/Docs/Other/2005-2009%20Budget%20Annexes.pdf>.

<sup>37</sup> See U.N. letter yielding to 'judicial independence' rather than addressing international co-prosecutor Andrew Cayley's claims of a compromised Case 003 investigation.

counsel needed extensive training in order to adequately represent their clients and international assistance was sought.<sup>38</sup>The ECCC and the SCSL, similar in size and scope, were expected to require an equivalent number of staff. In 2007, ECCC staff numbered around 350, a number comparable to the SCSL. Still, the ECCC expressed dissatisfaction with understaffing and asked donors to increase the annual budget to facilitate additional hiring.<sup>39</sup>

ii. *Funding the Extraordinary Chambers*

The mandate creating the ECCC authorized a 56.3 million (USD) budget, and it was decided that the national and the international elements would both be responsible for raising the necessary funds. The international side agreed to provide 43 million through voluntary donations, while the Cambodian government accepted the remaining 13.3 million. When the Cambodians failed to provide this initial agreed upon amount, the voluntary donors were forced to cover the shortfall. The ECCC budget has increased each year, with an approved 2011 budget of 40.7 million. The combined ECCC budgets, from 2006 through 2011, total 149.8 million. Discouragingly, the price per accused and the price per conviction at the ECCC exceed those at any previous international court.<sup>40</sup>

iii. *Internal and External Support for the Extraordinary Chambers*

---

<sup>38</sup> See “Hybrids” Footnote 210 on Open Society Justice Initiative involvement with training courses and workshops.

<sup>39</sup> See Special Court For Sierra Leone: Budget 2007 – 2009, the SCSL budget requested a Freetown staff of 338 (2006), 323 (2007), 249 (2008), 192 (2009), and 69 (2010). Combined with the requested posts at The Hague, the entire staff numbered 422 at its height (2007).

<sup>40</sup> See FN 29, the cost of the ECCC, measured per case, indictment, or conviction, far exceeds the SCSL or the ad hoc tribunals.

The United Nations approached the ECCC negotiations with skepticism and the international community voiced serious concerns regarding the creation of a tribunal located in Cambodia. The negotiations between the international and national sides broke down completely before the process was salvaged and the court finally established.<sup>41</sup> During the negotiation process the international community expressed serious concerns about the court's ability to operate independently and adhere to the articulated goals of the tribunal.<sup>42</sup> Others, while recognizing this obstacle, viewed a domestic court as a vehicle for legal and judicial reform in Cambodia.<sup>43</sup> Importantly, the United States refused to provide funding for the tribunal until 2008.<sup>44</sup> International support for the ECCC has waned as charges of government influence and a lack of judicial independence dominate the headlines. Still, voluntary donations continue to keep the ECCC afloat.

#### *iv. Specific Issues Affecting the ECCC Budget*

The civil law system used by the ECCC has been bureaucratic and burdensome. The system allows for four appeals and is frustratingly slow and redundant.<sup>45</sup> The procedural

---

<sup>41</sup> Craig Etcheson, A "Fair and Public Trial": A Political History of the Extraordinary Chambers, in Open Society of Justice Initiative, *Justice Initiatives: The Extraordinary Chambers*, (April 18, 2006), [http://www.soros.org/initiatives/justice/focus/international\\_justice/articles\\_publications/publications/justice\\_20060421](http://www.soros.org/initiatives/justice/focus/international_justice/articles_publications/publications/justice_20060421).

<sup>42</sup> Etcheson, *supra*.

<sup>43</sup> Sok An, *The Khmer Rouge Tribunal: What It Means To Cambodia*, in Open Society Justice Initiative, *Justice Initiatives: The Extraordinary Chambers*, (April 18, 2006).

<sup>44</sup> Alison Kamhi, *Private Funding For Public Justice: The Feasibility of Donations to the Cambodian Tribunal*. The United States was the largest single donor to the SCSL. The first US donation to the ECCC did not occur until September, 2008 and totaled only 1.8 million, [http://www.nytimes.com/2008/09/17/world/asia/17briefs-USPLEDGESFUN\\_BRF.html](http://www.nytimes.com/2008/09/17/world/asia/17briefs-USPLEDGESFUN_BRF.html).

<sup>45</sup> See Micheal Karnavas, *The Diligent Defense of Ieng Sary Is Not a Delaying Tactic*, *The Cambodia Daily* (July 11, 2011). The international co-defender writes, "Another challenge is a result of the tribunal's unique structure. This structure allows for jurisdictional challenges to be raised four times, twice what would be

delays increase time and budget issues while contributing to a general feeling of frustration by both participants and viewers. Next, the significant time lapse between the atrocities and the establishment of the ECCC has created issues particular to this court. The crimes charged were committed prior to the adoption of the Rome Statute or the establishment of the International Criminal Court and determining the applicable law is not always clear. The lengthy time-lapse also means that the charged persons are each of an elderly age, and the crime sites and evidence are not fresh. Each of these issues must not be forgotten when determining the comparative efficiency of the Extraordinary Chambers.

#### **H. Application: The comparative efficiency of the ECCC and the SCSL**

Despite several initial concerns and obstacles, the ECCC inherited a tribunal with the necessary mechanisms to function at efficiency comparable to that of the SCSL. Therefore, it seems prudent to analyze individual functions of the ECCC with those of the SCSL, as parallels between these two courts can be most easily drawn. This section seeks to compare the absolute expenses of the SCSL and the ECCC on identifiable functions of the court while taking into account the ‘on the ground’ differences in each country. How does the ECCC security apparatus and the outreach campaign compare budgetarily to the SCSL? What are the ‘on the ground’ differences that one might expect to impact the cost of each function of the court?

##### *i. Security and Witness Protection at the Hybrid Tribunals*

---

usual in such proceedings.” The Pre-Trial Chamber Judge Rowan Downing has been cited as saying that this procedural system is “a waste of time which had caused years of delay.”

The establishment and operation of the SCSL, as mentioned above, carried serious safety and security concerns.<sup>46</sup> The dust of the decade long civil war had not completely settled when the ground broke for the construction of the new courthouse. Cambodia, on the other hand, operated without the immediate security concerns that threatened the SCSL proceedings and were assisted by an established policing force. The crimes being adjudicated before the ECCC had occurred nearly four decades earlier, and the Khmer Rouge regime had for years ceased to wield influence in the country. It can thereby be expected that the ECCC require less funding than the Sierra Leone court to provide adequate security.

The SCSL annual budgets break down security costs into four categories: contractual services, general operating expenses, supplies & materials, and acquisition of general equipment. The 2006 budget reports \$266,600 of combined security costs. Security expenditures at the court peaked the following year at \$368,500, and declined rapidly with the conclusion of the Freetown trials and the transfer of Charles Taylor to The Hague. The 2009 budget reported security costs at \$80,000.<sup>47</sup> Few safety issues arose and the security legacy of the SCSL is generally considered positive.

Witness and victim protection expenses, not included with the security costs, added considerably to the SCSL bottom line. The Witness and Victim Support Unit of the SCSL provided additional security measures. The fifty-five person staff offered security, counseling, and support services from the investigation stage to long after the witnesses'

---

<sup>46</sup> Poll On Attitudes Towards the Truth and Reconciliation Commission and the Special Court for Sierra Leone, (March 2003). A majority (53%) of Sierra Leoneans polled was unsure or felt that the Special Court could not protect them should they choose to testify. <http://www.sierra-leone.org/Other-Conflict/CGG-0303.html>.

<sup>47</sup> Special Court For Sierra Leone: Budget 2007 – 2009, completion budget for the Special Court for Sierra Leone presented to the Management Committee. [http://law.case.edu/grotian-moment-blog/documents/20071012\\_Budget\\_of\\_the\\_SCSL\\_2007-2009.pdf](http://law.case.edu/grotian-moment-blog/documents/20071012_Budget_of_the_SCSL_2007-2009.pdf)

testimony. Safe houses, unmarked vehicles for anonymous transportation, separate entrances, and multiple levels of identity checks were used to ensure the protection of witnesses and victims working with the court.<sup>48</sup> These expenses ranged from \$1,067,700 (2007) to \$76,600 (2009).<sup>49</sup> The SCSL estimated that these amounts were required to adequately provide protection, lodging, relocation, and medical support.<sup>50</sup>

The security expenses are less transparent at the ECCC. However, independent audits of the court report numbers that suggest a larger security budget than the SCSL. A 2007 audit reports salaries for the Chief of Security Section (\$42,000), the Guard Platoon Supervisor (\$11,700), and the Guard platoon (\$68,954). Another \$34,762 was expended on guard posts and accommodations. An additional \$167,909.70 appears under the heading Security Section Salary. The majority of this figure (\$159,914) is credited to individual service contracts.<sup>51</sup> A similar 2008 audit reports Security Section Staffing costs of \$449,826, with the entirety coming from the United Nations Trust Fund and Japanese donations. The audit suggests that the number does not include travel costs, premise alterations, or general operating costs. The 2008 audit, similarly to the 2007 version, lists the Security Section Salary expenses at \$236,634.72. The number is attributed to facilities and administration, service contracts, and local short-term consultants.<sup>52</sup> The 2009 Annual

---

<sup>48</sup> See Second Annual Report, *supra*.

<sup>49</sup> *Id.* at 74.

<sup>50</sup> *Id.* at 75.

<sup>51</sup> Report of Independent Auditors and Statement of Fund Receipts, Expenditures, and Cash Position From 01 January to 31 December 2007.

<sup>52</sup> Project "Special Support of the Cambodian side of the budget for the Extraordinary Chambers in the Courts of Cambodia" Statement of Cash Receipts, Disbursements and Fund Balance For the year ended 31 December 2008.

Audit Report places the security section staffing costs at 459,000.<sup>53</sup> A 2011 report addressing revisions in the budget cites changes to the Safety and Security Section resulting in \$520,400 in savings for the fiscal year. The changes included the abolishment of the FS5 in-house Security Training Officer and several UNAKRT security officer positions.<sup>54</sup> If accurate, the savings suggest a security apparatus operating on a budget alarmingly larger than that of the Sierra Leone court in a country with far fewer immediate security concerns. ECCC budgets and audits are unclear as to whether the before mentioned expenses include costs of ensuring victim protection and witness safety.

The lack of solid numbers makes the comparison between the two courts difficult at best. However, the limited information suggests that the ECCC, in terms of providing security, required a much larger budget, and therefore operated less efficiently than the security section of the SCSL. Operating on much firmer ground, and with the aid of an existing Cambodian police apparatus, the ECCC still required a larger security budget than the SCSL.

#### ii. *Community Outreach*

From the beginning, the two hybrid tribunals placed an emphasis on community outreach and involvement of the affected population with the proceedings. The Sierra Leone mandate created an outreach section with twelve full-time positions, and the goal of “fostering an environment of two-way communication between Sierra Leoneans and the

---

<sup>53</sup> Project “Special Support of the Cambodian side of the budget for the Extraordinary Chambers in the Courts of Cambodia” Statement of Cash Receipts, Disbursements and Fund Balance for the year ended 31 December 2009.

<sup>54</sup> ECCC Revised Budget Requirements – 2010-2011 (Final 24/01/2011).

Special Court.”<sup>55</sup>The SCSL ran an ambitious program that included town hall meetings, radio programs, video screenings of trials and training programs that promoted the goals of the tribunal.<sup>56</sup>Chief Administrative Officer Robin Vincent and international prosecutor David Crane famously traveled the country promoting the court.<sup>57</sup>

The considerable time lapse between the Khmer Rouge era and the creation of the ECCC resulted in a strong NGO presence in Cambodia that was absent in Sierra Leone. This is not to say that the SCSL was without NGO assistance,<sup>58</sup> only that the ECCC benefitted from an already firmly entrenched international element. Approximately ten NGOs work throughout the country promoting understanding and awareness of the ECCC proceedings through public forums, publications, and training.<sup>59</sup> The ECCC Public Affairs Section has relied heavily on the international NGOs to conduct the bulk of the ECCC outreach.<sup>60</sup>Although independent, these NGOs work with the ECCC in varying degrees of collaboration.<sup>61</sup>

The ECCC Public Affairs Section (PAS) does not operate without challenges. The civil system has contributed to long periods of minimal trial activity at the court, supporting the impression of slow and delayed justice. The outreach programs have had to balance

---

<sup>55</sup> Special Court for Sierra Leone, First Annual Report of the President of the Special Court for Sierra Leone: For the Period 2 December 2002-1 December 2003, at 26, <http://sc-sl.org/specialcourtannualreport2002-2003.pdf>.

<sup>56</sup> Special Court For Sierra Leone: Outreach and Affairs, <http://www.sc-sl.org/ABOUT/CourtOrganization/TheRegistry/OutreachandPublicAffairs/tabid/83/Default.aspx>.

<sup>57</sup> First Annual Report, supra FN 55.

<sup>58</sup> Feinstein, *The Hybrid's Handmaiden: Media Coverage of the Special Court for Sierra Leone*, discussing NGOs' increased outreach role in Sierra Leone after the tribunal shift to The Hague. See also First Annual Report of the President of the Special Court For Sierra Leone For the Period 2 December 2002 – 1 December 2003, recognizing the role of the NGO community in providing advice, guidance, and help to the court.

<sup>59</sup> Pentelovitch, *Seeing Justice Done: The Importance of Prioritizing Outreach Efforts at International Criminal Tribunals*, *Georgetown Journal of International Law* (Spring, 2008).

<sup>60</sup> *Id.* at 470.

<sup>61</sup> International Center for Transitional Justice, *Outreach Strategies in International and Hybrid Courts*, April 2010.



visibility and confidentiality when discussing the work of the Office of the Co-Investigating Judges, and the dual nature of the court has created communication problems between the PAS, various NGOs, and other sections of the court. The Victim Support Section (VSS), an original aspect of the ECCC, has placed further pressure on obtaining adequate outreach and involvement funding.

As with to the security issues, the difference between the ‘on the ground’ conditions in Cambodia and Sierra Leone, and the availability of NGOs and international assistance, should reflect in the outreach budgets of the ECCC and the SCSL. It might then be expected that the ECCC, working efficiently, would require vastly fewer resources to provide community outreach at a level comparable to the SCSL.<sup>62</sup>

The available outreaching expenses of the SCSL fell into three categories: travel, contractual services, and general operating expenses. Expenses ranged from a high of \$273,500 (USD) in 2007 to a low of \$81,000 in 2009 when the court’s functions in Freetown wound down and the focus shifted to The Hague and the Charles Taylor trial. From 2006 through 2009 the court spent \$538,900 on outreach programs, an average of \$135,725 per year.

The outreach expenses of the ECCC are not so clear. A 2007 audit reported \$119,997.75 in PAS consultation, administration, and implementation expenses. Staffing costs were not specified in the report. A 2008 audit reported a Public Affairs Section staffing budget of \$129,582. The same audit listed PAS consultation and implementation

---

<sup>62</sup> The SCSL outreach program is generally considered a success. See Pentelovitch, *supra* at 461. Surveys found that a high majority of the Sierra Leonean population was aware of the proceedings, agreed that the Special Court had contributed to peace building, and felt the Outreach Section was effective. Early surveys of the Cambodian population are far less encouraging.

expenses at an additional \$67,683.86.<sup>63</sup> The 2010-2011 ECCC Revised Budget Requirements audit lists a PAS reduction of staff from ten to six, half the number found in Freetown. The same audit reports VSS budget approvals totaling nearly 2 million, and VSS staff reduction savings of \$259,800.<sup>64</sup> It is difficult to determine an accurate outreach number based on the limited information available. However, the audits suggest that the combined expenses of the Victims Support Section and the Public Affairs Section surpass those of the SCSL.

The ECCC outreach efforts have not produced encouraging results. This is increasingly alarming considering the expenditures of the ECCC and the independent organizations. A survey conducted in 2010 found that 50% of the Cambodian population had a little knowledge of the ECCC proceedings, while 25% were unaware of the court. The former represented an improvement of just 4% from the same 2008 poll. The vast majority knew of the court through television and radio programs, of whose accuracy and independence they were skeptical. Few (11%) accurately named the Case 002 individuals, or identified the number of defendants awaiting trial at the ECCC (11%). Although 54% correctly identified Kaing Guek Eav as the Case 001 defendant, only 3% knew the sentence he was handed, and 91% were unaware that the case is under appeal.<sup>65</sup>

The numbers can be contributed, to some degree, to the long period between crimes committed and the trial, or the population differences between the two countries.<sup>66</sup> Nonetheless they are discouraging and bring into question the lasting legacy of the ECCC in

---

<sup>63</sup> Project, *supra*.

<sup>64</sup> ECCC Revised Budget Requirements, *supra*.

<sup>65</sup> After The First Trial: A Population-Based Survey on Knowledge and Perception of Justice and the Extraordinary Chambers in the Courts of Cambodia, Human Rights Center, University of California, Berkeley School of Law. (June 2011).

<sup>66</sup> The Cambodian population is more than twice that of Sierra Leone.

Cambodia and the effectiveness of the outreach programs. Considering both the money spent and the results of the outreach, it can be said that the ECCC operated less efficiently than the SCSL.

iii. *Case 001: Duch on Trial*

To date, the ECCC has completed one case that is currently under appeal by the defense, the prosecution, and the civil parties. Case 001 targeted Tuol Sleng Security Center (S-21) chief Kaing Guek Eav (alias Duch). Despite the inconclusive nature of the case, it provides another mechanism by which to compare the efficiency of the ECCC and the SCSL.

After an initial investigation, the former S-21 chief was indicted by the ECCC on July 31, 2007. Formally charged with crimes against humanity, Duch was detained by the court. The Case 001 initial hearing before the Trial Chamber commenced on February 17, 2009, and the closing arguments concluded on November 27, 2009. The guilty judgment against Duch was issued on July 26, 2010. The actual trial Kaing Guev Eav lasted 72 days and included 24 witnesses, 22 civil parties, 9 experts, and roughly 1000 documents.<sup>67</sup>

On its face, Case 001 was a reasonably short and swift trial. Duch cooperated with the investigation and admitted to many of the charges, thus relieving some burden from the court and shortening the process.<sup>68</sup> The trial functioned at international standards, and the defense was adequately represented. Still, when determining the efficiency of the court, it must be remembered that more than eight years have passed since the establishment of

---

<sup>67</sup> Case 001: Extraordinary Chambers in the Courts of Cambodia, <http://www.eccc.gov.kh/en/case/topic/1>.

<sup>68</sup> See Prosecutor v. Kaing Guek Eav alias the Accused, Case No. 001/18-07-2007-ECCC/TC, Co-Prosecutors' Final Submission, David Scheffer, Duch Seeks An Acquittal and Immediate Release, Cambodia Tribunal Monitor, (November 27, 2009) [http://www.cambodiatribunal.org/images/CTM/ctm\\_blog\\_11-27-2009.pdf](http://www.cambodiatribunal.org/images/CTM/ctm_blog_11-27-2009.pdf).

the ECCC and the case remains under appeal. In comparison, the first case before the SCSL concluded less than six years after the creation of the court.

The first case before the Sierra Leone tribunal involved three leaders of the former Civil Defense Forces (CDF) charged separately on eight counts of war crimes, crimes against humanity, and serious violations of international humanitarian law. The court indicted the three defendants between March and June 2003 and joined the cases on February 28, 2004. The CDF trial began on June 3, 2004 and final arguments before the court were heard on November 29, 2006. The appeals chamber finished its work and the case concluded on May 28, 2008.<sup>69</sup>

The costs of the individual cases are difficult to establish. Annual budgets provided by the institutions do not delineate expenses on a case-by-case basis.<sup>70</sup> Still, the ECCC spent considerably more time and money in obtaining a single conviction of a secondary Khmer Rouge figure that remains under appeal. The SCSL required less time and a smaller budget to indict, prosecute, and convict three senior leaders of a major revolutionary force.<sup>71</sup>

## **I. Conclusion**

Has the Extraordinary Chambers in the Courts of Cambodia operated efficiently, in comparison with the previous hybrid tribunals? It is impossible to apply a cost benefit analysis to the judicial proceedings, and a determination of efficiency at the ECCC cannot be

---

<sup>69</sup> Prosecutor vs. Fofana and Kondewa (CDF Case), <http://www.sc-sl.org/CASES/ProsecutorvsFofanaandKondewaCDFCase/tabid/104/Default.aspx>.

<sup>70</sup> The SCSL, and less so the ECCC, had addition cases before the chambers, making the annual budget unhelpful in analyzing an individual case's cost.

<sup>71</sup> Special Court Annual Reports, <http://www.sc-sl.org/DOCUMENTS/tabid/176/Default.aspx>.

made without a severe degree of subjection. Still, the presented information allows for some generalizations regarding the operations of the court.

The available numbers suggest that the ECCC, despite falling short in some respects to the SCSL, has operated at international standards while working toward the mandate's articulated goal. Sincere efforts have been made to include victims, involve the community, and leave a positive impression on Cambodia. The court, overcoming its share of political and procedural obstacles, will soon press forward with Case 002 and continue on its belabored path. Only time will tell if further cases are brought before the court, seen as an important step in cementing a legacy of accountability and justice at the Extraordinary Chambers. Only with completion will a clearer picture be drawn, and efficiency determined.