

In this issue:

From the Managing Editor: *The Commission for the Efficiency of Justice*

By Philip M. Langbroek

..... 1

Asia-Pacific Regional Conference Announcement

The Pursuit of High Performance

By Roger Hanson, Brian Ostrom, Matthew Kleiman

.....2

Using System Dynamics to Develop an Organizational Learning Process: The Neighbourhood Justice Centre in Yarra

By Tim Hasslett, Chris Ballenden, Saroj Godbole, Kerry Walker

..... 13

JAVS – Where the complete digital recording begins.

(Advertisement)

Caseload Management in the Law Courts: Methodology, Experiences and Results of the first Swiss Study of Administrative and Social Insurance Courts

By Andreas Lienhard and Daniel Kettiger

.....30

Differentiated Use of Electronic Case Management Systems

By Erwin Rooze

.....50

Cisco – Transform justice together.

(Advertisement)

From the Executive Editor

By Markus Zimmer



The struggle for justice and the rule of law is a perpetual one. One very recent illustration of that ongoing struggle occurred at the end of October. UN Secretary General Ban Ki-moon traveled to Cambodia to meet with government leaders and to visit the Extraordinary Chambers of the Courts of Cambodia (ECCC), the Khmer Rouge war crimes tribunal. The ECCC is poised to commence its second trial, this involving four alleged senior masterminds of the 1975-1979 genocide. ECCC prosecutors have initiated a new investigation involving five additional alleged senior leaders. During his visit, General Secretary Ki-Moon met with Cambodian Prime Minister Hun Sen and other officials. Hun Sen informed him that that the ECCC would be permitted only to prosecute the four Khmer Rouge leaders currently in detention awaiting trial; the UN-backed court would not be allowed to try the additional five suspects under investigation or, for that matter, any others. He also directed Secretary Ki-moon that he wants the UN to close its local human rights office in Cambodia.

To justify his position, Hun Sen offered unpersuasive explanations about the potential for further prosecutions to imperil peace and impede national reconciliation in Cambodia. Whether they genuinely reflect his true motives is questionable. Efforts by the ECCC in the past to subpoena high-level government officials to testify at the earlier trial have consistently been confounded by technical maneuvering and, in the absence of enforcement authority, have largely been fruitless. Hun Sen was once a mid-level Khmer Rouge member before turning against the movement. Government ranks are alleged to include many who were complicit. As things stand, the ECCC's focus is only on the top echelon of the Khmer Rouge leadership. Mid- and lower-level officials, unlike in some other countries with international or hybrid criminal tribunals, are not being prosecuted or otherwise held to account. Sentiment among Cambodians, young and old, is that the ECCC is doing too little rather than too much to achieve justice.