

**Joint Sessions between the
Ethics-related National and International Structures of
the Extraordinary Chambers in the Courts of Cambodia
("ECCC")**

**Report to the
Cambodian Government Task Force and the Steering
Committee**

by the Cambodian team

At a meeting on 10 December 2008, His Excellency Mr. Sok An, Deputy Prime Minister and Chairman of the Royal Government Task Force on the Khmer Rouge Trials, and Mr. Peter Taksoe-Jensen, the Assistant Secretary-General for Legal Affairs, agreed to set up joint sessions between the national and international related structures of the ECCC to ensure that the entire administration operates in a transparent, fair and efficient manner. It was further agreed that these measures will meet the requirements of due process of law, including full protection against retaliation.

It was agreed that there is a need to act expeditiously, and that the results of the joint sessions were to be reported to the Government Task Force and the Steering Committee by the end of January 2009.

In early January Mr. Peter Taksoe-Jensen appointed Mr. Rajeev Kumra and Ms Wendy Lobwein (both of UNAKRT) and Ms. Patricia Georget (of OLA and currently attached to UNAKRT) to compose the UN team, while HE Sok An appointed the existing national Ethics Monitors (HE Judge Kong Srim and HE Dr Helen Jarvis) and the national Legal Officer to form the Cambodian team.

The first joint session was held on 14 January 2009, followed by five sessions – the last for the month being on 30 January.

At the first meeting, the UN team proposed the establishment of a new mechanism for receiving and reviewing complaints by ECCC staff, consisting of three elements: "an independent international Ethics Officer; an Ethics Committee, and the ECCC Pre-Trial Chamber."

On 20 January, the Cambodian team presented its response, which expressed the view that "Our understanding of the Joint Statement was that the United Nations would establish a parallel mechanism [to the national Ethics Monitors] within the ECCC, and make reference to its existing structures at the other two tiers...In accordance with the above perspective, we invite the UN designated officials to continue to hold Joint Sessions with the national designated officials, with the following proposed agenda items:

To examine and consider any comments and suggestions, where appropriate, of the national and international related structures;

To discuss other issues, for example, developing a common strategy, plan of action, reporting procedures etc."

On 26 January the UN team presented a revised proposal, and then requested the Cambodian team to present a "counter-proposal," which was submitted on 28 January, and we are awaiting the response of the UN team.

The sessions have been positive, with both teams working constructively towards designing an effective and mutually acceptable implementation of the objectives agreed between the parties, as outlined in the joint statement of 10 December 2008, through further strengthening the complaints mechanism and working to achieve high standards of ethics throughout the ECCC.

Phnom Penh
31 January 2009