

ANNEX

Chronological Background Concerning Remote Access

- On 30 November 2011, the IENG Sary Defence emailed a letter to Nisha Valabhji, then Acting Head of DSS, stating: “Through this correspondence, we wish to formally request DSS to inquire into the status of having remote access to CaseMap, which we understand would be by way of the Shared Drive. From our conversations with So Myint, [Chief of IT Services,] we have learned that all technical matters concerning this issue have been resolved. It is now a matter of obtaining the requisite signatures. We were informed that it was simply a matter of time before approval would be granted and full access made available. This was a few weeks ago. While we are confident that all those responsible for this matter are endeavoring to make remote access to the CaseMap / Shared Drive available to the parties, given that the trial has commenced, it is paramount that all necessary efforts be made so that remote access to the CaseMap / Shared Drive can be finalized *post haste*.”
- In late December 2011, the IENG Sary Defence learned that a security assessment needed before remote access could be implemented had been completed and the matter was now with the Office of Administration.
- On 4 January 2012, the IENG Sary Defence emailed a letter to the Office of Administration requesting an update concerning remote access to the shared drive and CaseMap. The letter stated: “We write to you in order to request an update as to whether and when the parties will have remote access to CaseMap, which we understand would be by way of the Shared Drive. We have learned from ICT that all technical matters concerning this issue have been resolved and that it is now a matter of obtaining the requisite signatures from the Office of Administration. While we are confident that all those responsible for this matter are endeavoring to make remote access to the CaseMap / Shared Drive available to the parties, given that the trial has commenced, it is paramount that all necessary efforts be made so that remote access to the CaseMap / Shared Drive can be finalized *post haste*. Without remote access, our ability to work outside of normal courtroom time, such as evenings and weekends, is limited.” No response was received from the Office of Administration.
- On 5 January 2012, the IENG Sary Defence emailed the Trial Chamber Senior Legal Officer a list of trial management questions, including the following: “Is the Trial Chamber in a position to assist the parties in obtaining remote access to the shared drive and CaseMap? We were informed over a month ago that all technical matters concerning remote access have been resolved and the matter is simply awaiting approval from the Office of Administration. The delay in our ability to have remote access negatively

affects our ability to prepare for trial as it means that we cannot access our CaseMap or the Shared Drive during the evenings and weekends. Please see the attached letter our team sent to the Office of Administration yesterday.”

- On 6 January 2012, at an informal trial management meeting, the Trial Chamber Senior Legal Officer informed the parties that Judge Cartwright would raise the issue of remote access with Knut Rosandhaug, Deputy Director of Administration. International Co-Prosecutor Andrew Cayley pointed out that the OCP supports the IENG Sary Defence request and that remote access is a problem for all the parties, especially since the ECCC Town Office would soon be closing (it has since closed). He stated that he had heard that remote access is technically possible and all technical issues have been resolved, but the problem is that there was a negative security assessment. International Co-Prosecutor Cayley stated that he believes it is more of a security risk to have everyone using flash drives when they work remotely since they cannot access the shared drive. He stated that he planned to request a second opinion on the security assessment and requested the other parties to support him.
- On 27 January 2012, during an informal trial management meeting, the Trial Chamber Senior Legal Officer informed the parties that Judge Cartwright had not yet spoken to Mr. Rosandhaug about remote access to the shared drive.
- On 2 February 2012, the IENG Sary Defence emailed the Trial Chamber Senior Legal Officer requesting an update concerning remote access at the following day’s informal trial management meeting.
- On 3 February 2012, during an informal trial management meeting, the Trial Chamber Senior Legal Officer stated that Judge Cartwright was meeting with Knut Rosandhaug that day at 1:00pm and one of the topics she would discuss is remote access, so there should be an update by the following week’s trial management meeting.
- On 16 March 2012, the Trial Chamber Senior Legal Officer stated by email to the parties (apparently in response to a Civil Party question which had not been copied to all parties): “Judge Cartwright is in ongoing contact with the Deputy Director of Administration regarding this issue and will continue to raise it. I’ll report back as soon as further information is obtained.”
- On 22 March 2012, the IENG Sary Defence emailed the Trial Chamber Senior Legal Officer to inquire whether there was any update concerning remote access. On 23 March 2012, the Senior Legal Officer advised that she had no update at this stage.

- On 25 April 2012, the IENG Sary Defence emailed a letter to the Office of Administration requesting a meeting to discuss the status of remote access to the shared drive. The letter stated: “Would it be possible to arrange a brief meeting to discuss the status of the possibility to access the shared drive (S Drive), including the trial transcripts folder, remotely? We have requested remote access to the shared drive in the past and we were told that remote access was being considered, but we have not heard any update concerning this matter. Our current inability to access the shared drive remotely has a negative impact on our productivity. We must either remain at (or drive to) the ECCC outside of normal office hours (which is not always possible), or we must forego use of the shared drive and save all of our material on external hard drives which we carry each day to and from the office. Neither of these options is ideal and each comes with its own set of problems. A meeting to discuss this issue would be most appreciated, particularly since this issue has been pending prior to the commencement of trial. We consider that it may be prudent to invite the other defence teams, the OCP and the Civil Parties to this meeting as well, since this issue affects them equally.” Despite the fact that receipt of this email was confirmed, the Office of Administration, to date, has not responded to this letter.
- On 25 April 2012, Jeanne Sulzer, on behalf of the Lead Civil Party Lawyers responded by email, addressing the Office of Administration: “As indicated several times during informal Trial Management Meetings, this is also an issue of particular importance for the Lead co-lawyers and the Civil Party Lawyers, particularly as a number of international civil party lawyers are based outside of Cambodia. Therefore we support Ieng Sary defense Team’s request for a meeting and any proposal that aims at ensuring remote access to the S Drive (text map and case map included) and transcript folder.”