



JOINT STATEMENT

23 February 2009



Further to the meeting which took place on 9 December 2008, and the Joint Statement agreed on 10 December 2008, Deputy Prime Minister and Chairman of the Royal Government Task Force on the Khmer Rouge Trials, H.E. Sok An, met with a high-level delegation led by Mr. Peter Taksoe-Jensen, United Nations Assistant Secretary-General for Legal Affairs, on 23 February 2009. The meeting provided a further opportunity for constructive discussion on a number of issues of common interest with regard to the Extraordinary Chambers in the Courts of Cambodia (“ECCC”). The parties welcomed the significant achievements made by the ECCC since the previous meeting, notably the commencement of the public hearings in the first trial before the ECCC. This development has been well received by the people of Cambodia, and internationally.

Both sides recognized the importance of this progress toward addressing impunity for the crimes of the former Khmer Rouge regime. They continued to express hope that the ECCC will become a model court for future judicial systems.

The parties appreciated the important progress made by the joint sessions in their meetings during January and February 2009 toward strengthening the ECCC’s human resources management, including anti-corruption measures. Successive proposals presented by each side in the joint sessions had brought the two sides to greater mutual understanding. It was important that agreement be reached rapidly on a mechanism so that the judicial process could continue to move forward without interruption.

H. E. Sok An and Mr. Taksoe-Jensen agreed the essential elements of a structure devoted to strengthening the ECCC’s entire administration. This structure would ensure the requirements of due process of law, including full protection of staff on both sides of the ECCC against any possible retaliation for good faith reporting of wrongdoing. It shall be based on existing mechanisms, as follows:

- i) Parallel national and international mechanisms to receive complaints and suggestions. On the national side this mechanism consists of the existing Ethics Monitors and Review Committee; on the international side UNAKRT will establish a parallel mechanism consisting of one Ethics Monitor. Complaints and suggestions from national or international staff shall be submitted to these respective mechanisms. These mechanisms shall carry out their functions autonomously, ensure the confidentiality of any complaints received, copy to their counterpart mechanism in a manner that respects confidentiality and transmit the complaints forthwith to the Joint Sessions with a recommendation for any necessary action;

- ii) The existing Joint Sessions of these parallel national and international mechanisms with equal numbers on each side shall meet regularly with the objective of strengthening the ECCC's entire administration. They shall promptly consider the recommendations transmitted to them by the respective national or international mechanisms and shall decide on action to be taken. The Joint Sessions shall use every effort to reach consensus. In the event that they are unable to reach consensus, a vote shall be taken. An equal number of votes shall be assigned to national and international members. All decisions shall be taken according to the formula of super-majority, a basic principle of the functioning of the ECCC.

The parties agreed that the joint sessions should conclude negotiation of the details of this agreed structure, and report to the Royal Government Task Force and to the Steering Committee by 23 March 2009 with a recommended Exchange of Letters to be entered into by the RGC and the UN.

Phnom Penh, 23 February 2009