



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា
Extraordinary Chambers in the Courts of Cambodia
Chambres extraordinaires au sein des tribunaux cambodgiens

ព្រះរាជាណាចក្រកម្ពុជា 4
ជាតិ សាសនា ព្រះមហាក្សត្រ

Kingdom of Cambodia
Nation Religion King
Royaume du Cambodge
Nation Religion Roi

INTEROFFICE MEMORANDUM

TO: **President, Pre-Trial Chamber**
A:

Date: 6 November 2009

THROUGH: **Susan Lamb, Senior Judicial Coordinator**
PAR:

Ref:

FROM: **Knut Rosandhaug, Deputy Director, Office of Administration**
DE:

CC: **Tony Kranh, Acting Director, Office of Administration**

SUBJECT: **Response of Office of Administration to media statements concerning the**
OBJET: **independence of ECCC international judges**

ឯកសារដើម	
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL	
ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/date de reception): 25 / 11 / 2009	
ម៉ោង (Time/Heure) : 14:00	
មន្ត្រីទទួលបន្ទុកសំណុំរឿង / Case File Officer/L'agent chargé du dossier: C.A. 74	
ឯកសារបានកម្រិតប្រឹក្សាតាមច្បាប់	
CERTIFIED COPY/COPIE CERTIFIÉE CONFORME	
ថ្ងៃ ខែ ឆ្នាំ ត្រឹមត្រូវ (Certified Date /Date de certification): 25 / 11 / 2009	
មន្ត្រីទទួលបន្ទុកសំណុំរឿង / Case File Officer/L'agent chargé du dossier: C.A. 74	

President,

Further to Your request, made through the Senior Judicial Coordinator, to provide information relevant to the hearing of the Ieng Sary motion filed on 20 October 2009 which referred to allegations concerning the independence of international judges at the ECCC, I am pleased to offer the following:

(1) **Whether the Deputy Director of the Office of Administration, or the Office of Administration, responded officially in the media or otherwise, to allegations in the media made by Prime Minister Hun Sen regarding the independence of ECCC International Judges.**

Following the remarks made by the Prime Minister on Monday 7 September regarding the filing of the 3rd and 4th Initial Submissions, on the same day, I released the following statement to the media:

“It is a clearly established international standard that courts do not seek approval or advise on their work from the Executive Branch. I expect that the ECCC will comply with this internationally recognized standard and make its decisions independently.”

This statement was widely published by national and international media.

Following the remarks made on Wednesday 9 September, regarding the independence of the International Judges, the Public Affairs Section replied the same day to soliciting media that the Court intended to verify the contents of the remarks made before making a public statement. This was reported by the media the following day.

Following this verification and after consultation with relevant Judges, during the weekly press meeting on Wednesday 16 September 2009, at which both the Acting Director of Administration and I were present, beside a large number of journalists, I offered upon a question made by the French International Radio, the following reply (*transcript of audio recording*):

“...I have already given my comment actually. I pre-empted some comments from the executives, so I gave my comment last Monday saying that we, the Courts, have no habit of asking the Executives of anything – and I expect the Judges of this institution [ECCC] to act accordingly. Now, obviously, that goes on both sides of the Court, both on the national side and international side. I expect International Judges to operate independently of any Executive body – and I have no reason to believe that they don't.”

Our media monitoring indicates that no further references were made in the media to this issue.

Upon filing of the motion by the Ieng Sary Defence Team, media referred to my reply as mentioned, including the fact that the statement was made on 16 September 2009, i.e. prior to the filing of the motion. (Please find attached newspapers articles).

(2) Whether the Deputy Director of Administration or the Office of Administration was ever provided with any material purporting to be in support of these allegations in the media.

The Office of the Deputy Director has not received, officially or unofficially, any material supporting the allegations made in the media.

I trust that this is satisfactory.

