

Defence Team for a Named Suspect at the ECCC

Press Statement – Phnom Penh, 25 July 2013

Decision of UN Judge in Case 004 highlights failure of Defence Support Section to ensure effective representation

We, the undersigned Co-Lawyers for a named suspect in Case 004, welcome a 22 July 2013 order by Judge Rowan Downing for the publication of his 25 June 2013 ‘Decision on Application Requesting Funding for Legal Consultant’s Flight to the Office of the Co-Lawyer’.

The 25 June 2013 Decision (UNAJ Decision) was rendered by Judge Downing in his capacity as UN Administrative Judge. The Administrative Judge mechanism at the Extraordinary Chambers in the Courts of Cambodia (ECCC) exists to hear administrative and fee disputes between foreign lawyers and the Defence Support Section (DSS).

The UNAJ Decision invalidates a recent decision by the Head of the DSS denying funding for travel. Judge Downing found that the Head of the DSS showed ‘blind adherence to the policy of the application of austerity measures’ at the ECCC ‘notwithstanding any other relevant considerations’ including the fair trial rights of the suspect. In the opinion of Judge Downing, the manner in which the Head of the DSS reached his decision ‘points at a denial of natural justice, procedural unfairness and to an appearance of bias.’

The UNAJ Decision highlights the overall failure of the DSS to support our efforts to provide effective representation for our client. Indeed, Judge Downing found that ‘the Head of the DSS of UNAKRT discloses a pattern of failing to properly and thoroughly take into consideration the totality of rights attached to [our client] at this stage of proceedings’. Judge Downing ordered the UNAKRT Coordinator Knut Rosandhaug to appoint an independent nominee to reconsider the issue within seven days of the UNAJ Decision.

To ensure that our team receives adequate, unbiased, support from UNAKRT the Co-Lawyers have requested the UNAKRT Coordinator to assign an independent officer to deal with our team’s requests, in place of the Head of the DSS.

The Co-Lawyers reiterate our intention to move apply to have the case against our client is dismissed. Further, we reiterate our concern that we have yet to be granted access to the case file, whereas this has been granted to lawyers for the civil parties in Case 004.

Co-lawyers for the suspect
MOM Luch Göran SLUITER

For further information contact Göran Sluiter via email at gsluiter@bohler.eu

[The UNAJ Decision is available on the ECCC website at:
http://www.eccc.gov.kh/en/dss/defence-support-section/claims-decisions](http://www.eccc.gov.kh/en/dss/defence-support-section/claims-decisions)

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