

UNITED NATIONS



NATIONS UNIES

POSTAL ADDRESS — ADRESSE POSTALE : UNITED NATIONS, NY 10017

CABLE ADDRESS — ADRESSE TELEGRAPHIQUE : UNATIONS NEWYORK

EXECUTIVE OFFICE OF THE SECRETARY-GENERAL  
CABINET DU SECRETAIRE GENERAL

16 September 2013

REFERENCE:

Excellency,

I am writing regarding the urgent matter of the non-payment of salaries of the national staff of the Extraordinary Chambers in the Courts of Cambodia ("ECCC") by your Government.

As you will recall, in April 2013, this caused a threatened walk-out of national staff, which was averted by a loan, on an exceptional and temporary basis, of US\$2.1 million from the international to the national component. At the time this loan was made, I advised that the transfer of funds was a temporary measure to avert an impending crisis, and did not derogate in any way from the obligation of the Kingdom of Cambodia under Article 15 of the UN/Cambodia Agreement.

In the intervening months, notwithstanding the engagement of the United Nations at the most senior levels, including by the Secretary-General, the Legal Counsel and the Secretary-General's Special Expert, Ambassador David Scheffer, your Government has neither repaid the outstanding loan, nor paid the salaries of national staff since May 2013.

As a consequence, the majority of national staff have gone on strike effective 1 September, after providing sufficient notice that such measure would be taken if their salary arrears were not forthcoming. Once again, through the inaction of the Cambodian Government, the national component faces possible financial failure and the ECCC judicial process is jeopardized. This is a matter of acute concern to the United Nations. Financial failure of the ECCC would be damaging for your Government and a tragedy for the people of Cambodia, who have waited a long time to see accountability for the shocking crimes of the former Khmer Rouge regime. The United Nations is again concerned for the welfare of the staff and their families, and we call on the Royal Government to immediately meet its Article 15 obligation.

In the current circumstances, the United Nations has no choice other than to make a further loan from the international to the national component to avert the imminent crisis. The amount of US\$1,155,000 will be transferred to meet the arrears of the salaries of national staff.

His Excellency  
Mr. Sok An  
Deputy Prime Minister of the  
Kingdom of Cambodia  
Phnom Penh

RECEIVED

SEP 17 2013

EOSG/CENTRAL

13-08362

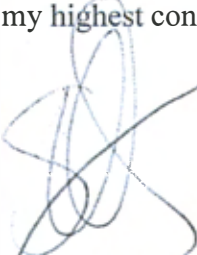
FIN/06/001

I wish to underline again in the strongest terms that this loan is exclusively for the payment of the salaries of the national staff of the ECCC, excluding the national judicial officials. The arrears for all staff from the general service levels up to the national officers at NO-D level should be fully met up to 31 August, prior to any arrears paid for staff at the P-5 and D-1 grade levels. We require the disbursement of the funds to the staff to be accounted for through the Deputy Director of Administration of the ECCC, Mr. Knut Rosandhaug. This transfer of funds is a temporary measure to avert an impending crisis, and does not derogate in any way from the obligation of the Kingdom of Cambodia under Article 15 of the UN/Cambodia Agreement. We are accordingly expecting full repayment of both loans at the earliest opportunity, and for the Government to assume responsibility for future salary payments in line with the Agreement.

As requested by the ECCC Principal Donors Group, it is a condition of this loan that the Royal Government continue to actively lobby for funding. In particular, the Royal Government must continue to pursue funds from the ASEAN States to follow up the recent efforts of Ambassador David Scheffer with your senior official, H.E. Keo Remy. The Royal Government will also be expected to support fundraising efforts with other Member States, including representation by a senior Royal Government representative at a pledging conference which the United Nations intends to convene in New York in November 2013. We will also expect Cambodia's active support for efforts within the Fifth Committee of the General Assembly to bring the funding basis of the ECCC onto a secure financial footing.

I took forward to receiving your urgent confirmation that the conditions upon which this temporary transfer of funds is taking place, as set out above, are agreed.

Please accept, Excellency, the assurances of my highest consideration.



Susana Malcorra  
Chef de Cabinet

UNITED NATIONS



NATIONS UNIES

POSTAL ADDRESS — ADRESSE POSTALE : UNITED NATIONS, NY 10017  
CABLE ADDRESS — ADRESSE TELEGRAPHIQUE : UNATIONS NEWYORK

EXECUTIVE OFFICE OF THE SECRETARY-GENERAL  
CABINET DU SECRETAIRE GENERAL

REFERENCE:

16 September 2013

Excellency,

I would be grateful if you could kindly forward the enclosed letter to His Excellency Mr. Sok An, Deputy Prime Minister of the Kingdom of Cambodia.

A copy of the letter is attached for your information.

Please accept, Excellency, the assurances of my highest consideration.



Susana Malcorra  
Chef de Cabinet

His Excellency  
Mr. Kosal Sea  
Permanent Representative of the Kingdom of  
Cambodia to the United Nations  
New York



**Fw: ECCC : loans to the national side**

Patrick Carey to: Janice Willingston

Cc: Victor Kisob, Asim Sharma

12/09/2013 01:57 PM

Janice

This letter (subject to confirmation on funding) would need to go out tomorrow. As such, can you review \ format for CdC signature (please use my version which has minor changes)

Many thanks



DRAFT CdC letter to DPM Cambodia.doc

Patrick Carey  
Director of Office  
Office of the Chef de Cabinet  
Executive Office of the Secretary-General  
Phone: 1-917-367-3340

----- Forwarded by Patrick Carey/NY/UNO on 12/09/2013 01:56 PM -----

From: Huw Llewellyn/NY/UNO  
To: Patrick Carey/NY/UNO@UNHQ,  
Cc: Marie Oveissi/NY/UNO@UNHQ, "Brigitte Benoit-landale" <benoit-landale@un.org>, Ronja Bandyopadhyay/NY/UNO@UNHQ, Paul Oertly/NY/UNO@UNHQ, Ola Olcintern1/NY/UNO@UNHQ, Lindsay Sera/NY/UNO@UNHQ  
Date: 12/09/2013 12:54 PM  
Subject: ECCC : loans to the national side

---

Patrick,  
Here is an advance copy of a draft letter - drafted by Marie and myself, with input from David Scheffer - for any comments please.....

It is from the CdC to Sok An in anticipation of being able to make a further loan to the national side of the ECCC.

We are getting positive informal signals from R of Korea that they may authorise us to use their \$500,000 - and we may get confirmation of this from their Mission as early as tomorrow. As you know, France has already given us the green light to use their \$650,000.

Many thanks,  
Huw



ECCC Letter from CdC to Sok An\_ HL10Sept.doc