

NUON CHEA DEFENCE TEAM

EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA

Phnom Penh, 4 November 2011

NIL Nonn
Presiding Judge
ECCC Trial Chamber

VIA CASE-FILE



Re: Request for information related to ex-parte meetings between Judge Cartwright, Andrew Cayley, and/or Knut Rosandhaug

Dear Judge Nonn:

We have received and seen information indicating that ex-parte meetings have been taking place between one of the Trial Chamber Judges, Dame Silvia Cartwright, and the international Co-Prosecutor, Andrew Cayley. According to our information, some of these meetings were also attended by Knut Rosandhaug, the UNAKRT Coordinator.

On 1 November 2011, Mr Rosandhaug confirmed (by email) that 'regular meetings between Judge Cartwright, the international Co-Prosecutor and the UNAKRT Coordinator' have been taking place since April 2011. He further indicated that these meetings concern 'administrative and organizational matters and do not deal in any way with the substance of the cases before the ECCC'. At no time were we, or the officer-in-charge of the Defence Support Section, informed of such meetings.

In response to Mr Rosandhaug's e-mail, Michael Karnavas, international counsel for Ieng Sary, sent a letter to Mr Rosandhaug expressing his concern and surprise over the ex-parte communications. To allay reasonable suspicions, Mr Karnavas requested (by letter) to be provided with copies of the minutes of all such meetings. The same day, we joined Mr Karnavas' request. Despite the obvious urgency of matter, we have yet to receive the sought-after material.

On two occasions, 1 and 3 November 2011, we requested clarification from Judge Cartwright regarding the above-mentioned ex-parte meetings. To date, we have not received an answer.

In light of the rapidly approaching opening statements in Case 002, we hereby urgently request the Trial Chamber to disclose: (i) a comprehensive list of all meetings that have taken place between Judge Cartwright and any members of the Office of the Co-Prosecutors and/or Mr Rosandhaug; and (ii) the agenda and/or minutes of any such meeting. Needless to say, we are seriously concerned.

Regards,

Michiel PESTMAN & Victor KOPPE
Co-Lawyers

Andrew IANUZZI & Jasper PAUW
Legal Consultants

CC: All Trial Chamber Judges
Andrew CAYLEY, International Co-Prosecutor
Knut ROSANDHAUG, UNAKRT Coordinator
Nisha VALABHJI, DSS Officer-in-Charge