



THE PRESIDENT
OF THE
GENERAL ASSEMBLY

New York, 28 August 2013

Excellency,

Upon the request of the Secretary-General, H.E. Mr. Ban Ki-moon, I have the honour to bring to your attention his letter regarding the serious funding crisis that the Extraordinary Chambers in the Courts of Cambodia (ECCC), established in accordance with General Assembly resolution 57/228 B, continue to face.

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

A handwritten signature in black ink, appearing to read 'Vuk Jeremic', written over a horizontal line.

Vuk Jeremic

To All Permanent Representatives and
Permanent Observers to the United Nations
New York



THE SECRETARY-GENERAL

2 August 2013

Dear Mr. President,

I am writing to alert the General Assembly to the fact that the Extraordinary Chambers in the Courts of Cambodia (ECCC), established in accordance with General Assembly resolution 57/228 B, continue to face a serious funding crisis. Without urgent action, the national component of the ECCC risks financial failure in the immediate future. The United Nations has become aware of the likelihood of imminent strike action by national staff as a consequence of the funding crisis.

The General Assembly committed, in 2003, to ensuring that there would be no impunity for the shocking crimes perpetrated during the former Khmer Rouge regime. Since their establishment, the ECCC have achieved substantial progress in bringing about accountability for those crimes. It would be a tragedy for the people of Cambodia, and a blow to the international community's commitment to the fight against impunity, if those judicial proceedings were to be jeopardized by a lack of financial resources.

The ECCC comprise both national and international components. In accordance with Articles 15 and 16 of the Agreement between the United Nations and the Royal Government of Cambodia (the "Agreement"), the Royal Government of Cambodia is responsible for the salaries of Cambodian judges and other Cambodian personnel. The United Nations, through voluntary contributions, is responsible for those of international judges and personnel.

The former Secretary-General advised at the time of the establishment of the ECCC that the operations of a court should not be left to the vagaries of voluntary contributions (paragraph 74 of A/57/769). However, the General Assembly decided in resolution 57/228 B that the expenses of the ECCC to be defrayed by the United Nations should be borne by voluntary contributions from the international community. As a consequence, while the United Nations has significant financial obligations under the Agreement, there is no assured source of funds for the Organization to be able to meet these obligations.

His Excellency
Mr. Vuk Jeremić
President of the General Assembly
New York

I have personally emphasized to the Royal Government of Cambodia at a senior level, its responsibility under the Agreement to meet the salaries of the Cambodian judges and national personnel. International donors have nevertheless needed to step in to meet these costs on a voluntary basis to prevent the operations of the ECCC from being disrupted. In the absence of such voluntary contributions to the national budget this year, the Royal Government of Cambodia has not met its obligation to pay the national salaries, and Cambodian personnel have had to endure periods of no salary payment and continuing uncertainty about their future. An immediate injection of US\$3.4 million into the Cambodian component of the ECCC is required in order to meet the cost of national salaries for the remainder of 2013. In the absence of clarity as to where these funds will come from, I am deeply concerned for the welfare of the staff and their families and for the completion of the historic mandate of the ECCC.

The lack of financial stability has hindered the operations of the ECCC, including the ability to recruit and retain both national and international staff. The international component has had to impose a recruitment freeze which has been in force for more than one year, while existing staff contracts have had to be limited to extensions of two to three months at a time. This has caused difficult employment conditions and ongoing uncertainty for United Nations staff. The national component has faced staff walkouts and strikes, and as matters currently stand, it has no funds to cover its salary obligations from the beginning of June 2013 onwards. The Royal Government of Cambodia has not extended national contracts beyond 30 June 2013. Against this background, it appears that further strike action by national staff may be imminent, which would have serious consequences for the operations of the ECCC, including the ongoing trial in Case 002.

It has become apparent that the current funding mechanism of the ECCC is not sustainable. The international community must now live up to its commitment and bring the operations of the Extraordinary Chambers onto a secure financial footing. Recognizing the long-standing support of a small group of principal donors, including Australia, France, Germany, Japan, the United Kingdom and the United States of America, I now call upon all Member States, acting through the General Assembly, to consider how this may be achieved.

A significant injection of additional voluntary funds from Member States would, of course, be of immediate and vital assistance. On a longer term basis, I appeal to all States to come forward urgently with pledges of financial support.

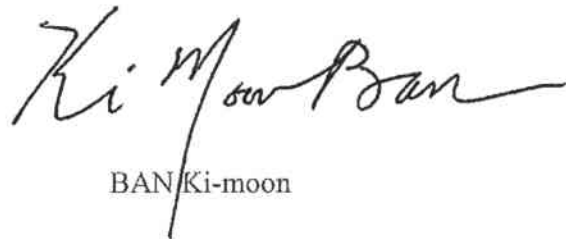
The General Assembly may also wish to consider other possible measures, such as a change in the funding mechanism of the ECCC so that its costs are met from assessed contributions, or a subvention from the General Assembly, as has been granted on more than one occasion to the Special Court for Sierra Leone. My report of 19 September 2012 on the Khmer Rouge trials (A/67/380) sets out these various options to stabilize the ECCC, and the message of serious concern was reinforced by the Controller presenting that report in the Third Committee. The General Assembly may wish to reconsider the options which I set out in that report.

The Chef de Cabinet is engaged in ongoing meetings with a core group of donors, who have maintained their support of the ECCC. The Secretariat remains committed to continuing to work tirelessly, including through the efforts of the Special Expert, Ambassador David Scheffer, to reach out to individual donors, and to the international community as a whole, to seek funds. I also intend to issue a report to the General Assembly at its sixty-eighth session, and will endeavour to place this before the Fifth Committee for its consideration.

However, I urge the General Assembly not to wait for that report, but to consider immediately how to secure the ongoing operations of the ECCC and to ensure accountability for the serious violations of Cambodian and international humanitarian law that took place during the former Khmer Rouge regime.

I will also write to the Permanent Representatives of all Member States on this matter, in addition to which I request that you circulate this letter to all members of the General Assembly as a matter of urgency for their attention.

Please accept, Mr. President, the assurances of my highest consideration.



BAN/Ki-moon