SUPPLEMENTARY AGREEMENT

BETWEEN THE UNITED NATIONS

AND THE ROYAL GOVERNMENT OF CAMBODIA,

ANCILLARY TO

THE AGREEMENT BETWEEN THE UNITED NATIONS

AND THE ROYAL GOVERNMENT OF CAMBODIA

CONCERNING THE PROSECUTION UNDER CAMBODIAN LAW

OF CRIMES COMMITTED DURING THE PERIOD OF DEMOCRATIC KAMPUCHEA,

REGARDING SAFETY AND SECURITY ARRANGEMENTS

Whereas on 6 June 2003 the United Nations and the Royal Government of Cambodia signed the Agreement Concerning the Prosecution under Cambodian Law of Crimes Committed During the Period of Democratic Kampuchea (hereinafter the "Agreement");

Whereas Article 24 of the Agreement provides that the Royal Government of Cambodia shall take all effective and adequate actions which may be required to ensure the security, safety and protection of persons referred to in the Agreement;

Whereas Article 24 of the Agreement further provides that the United Nations and the Royal Government of Cambodia agree that the Government is responsible for the security of all accused, irrespective of whether they appear voluntarily before the Extraordinary Chambers or whether they are under arrest;

Whereas Article 17 (e) of the Agreement provides that the United Nations shall be responsible for safety and security arrangements as agreed separately between the United Nations and the Royal Government of Cambodia;

Whereas the Royal Government of Cambodia has confirmed that, pursuant to its responsibilities under Article 14 of the Agreement, it will, for the duration of the Agreement, provide at its expense designated parts of the High Command Headquarters of the Royal Cambodian Armed Forces, Phum Ang village, Kantok commune, Ang Snoul district, Kandal province, as premises for the co-investigating judges, the Prosecutors' Office, the Extraordinary Chambers, the Pre-Trial Chamber and the Office of Administration (hereinafter, the "premises");

Wishing to conclude the supplementary agreement that is foreseen in Article 17 (e) of the Agreement;

Now therefore the United Nations and the Royal Government of Cambodia agree as follows:

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Article 1
Primary responsibility of the Government

1. The Royal Government of Cambodia shall be responsible for the security of the premises and for the safety and security of all persons referred to in the Agreement, except in so far as is expressly provided otherwise in this supplementary agreement.

2. Except in so far as this supplementary agreement may expressly provide that responsibility for safety and security arrangements lies with the United Nations, nothing in this supplementary agreement shall be understood to derogate in any way from the responsibilities of the Government pursuant to Article 24 of the Agreement. In particular, the undertakings of the Government set out in this supplementary agreement shall not be understood to affect or diminish in any way the general scope of its responsibilities under that Article.

Article 2
Concept of United Nations security responsibilities

Subject to and in accordance with the terms of this supplementary agreement, the United Nations shall be responsible for:

(a) the establishment, management and direction of:

(i) security arrangements within the premises and

(ii) close protection arrangements, as necessary, for international personnel; and

(b) ensuring compliance by all international personnel with the terms of this supplementary agreement and with security policies and procedures established, and standards issued, under it.

Article 3
Security policies and procedures

1. The United Nations shall provide an International Chief of Security, who shall be responsible for:

(a) establishing policies and procedures for the conduct of security operations for the purposes of ensuring:

(i) the internal security of the premises and

(ii) the close protection of international personnel;

(b) monitoring the implementation of those policies and procedures; and

(c) issuing the necessary directions to ensure that those policies and procedures are observed.

2. The United Nations shall also provide a Deputy International Chief of Security, who shall act on behalf of the International Chief of Security in his or her absence.

3. All security personnel, whether international or Cambodian, carrying out functions provided for in this supplementary agreement shall accept, comply with and implement the policies and procedures established, and the directions issued by, the International Chief of Security in accordance with this supplementary agreement.

4. The Government shall provide a Cambodian Chief of Security, who shall be responsible for:

(a) organizing and managing security operations for the purposes of ensuring:

(i) the external security of the premises and

(ii) the close protection of Cambodian personnel;

(b) managing and coordinating operations by Cambodian security personnel provided by the Government pursuant to this supplementary agreement;

(c) monitoring implementation by those Cambodian security personnel of policies and procedures established, and directions issued, by the International Chief of Security in accordance with paragraph 1 of this Article for the purposes of ensuring the internal security of the premises and the close protection of international personnel;

(d) issuing the necessary instructions to those Cambodian security personnel to ensure that those policies, procedures and directions, as mentioned in subparagraph (c), are observed.

5. The judges, the co-investigating judges, the co-prosecutors, the Director and Deputy Director of the Office of Administration and all personnel employed with the co-investigating judges, the Prosecutors' Office, the Extraordinary Chambers, the Pre-Trial Chamber and the Office of Administration shall accept and comply with their responsibilities, as identified in the policies and procedures established by the International Chief of Security in accordance with this supplementary agreement. They shall also comply with directions that may be issued to them in accordance with those policies and procedures by security personnel performing functions provided for in this supplementary agreement. The Secretary-General of the United Nations shall issue the necessary instructions for this purpose to the international judges, the international co-investigating judge, the international co-prosecutor and the Deputy Director of the Office of Administration and, through the latter, to all international personnel employed with the co-investigating judges, the Prosecutors' Office, the Extraordinary Chambers, the Pre-Trial Chamber and the Office of Administration. The Government shall issue the necessary instructions for this purpose to the Cambodian judges, the Cambodian co-investigating judge, the Cambodian co-prosecutor and the Director of the Office of Administration and, through the

latter, to all Cambodian personnel employed with the co-investigating judges, the Prosecutors' Office, the Extraordinary Chambers, the Pre-Trial Chamber and the Office of Administration.

6. The International Chief of Security shall work under the technical supervision of the United Nations Department of Safety and Security and in close consultation with the United Nations Designated Official for Cambodia.

Article 4
Security planning

1. The Deputy International Chief of Security shall be responsible, under the direction of the International Chief of Security, for:

(a) conducting periodic assessments of risks to the safety and security of the premises and of persons referred to in the Agreement; and

(b) developing and maintaining an overall plan for the security of those premises and persons.

2. The Government, through the Cambodian Chief of Security, shall provide the Deputy International Chief of Security with:

(a) regular, detailed, up-to-date assessments of the security situation in Cambodia and analyses of trends;

(b) immediate reports on security-related incidents;

(c) immediate notification, by the most expeditious means available, of any information indicating the possible existence of an actual or potential threat to the premises or to international personnel, in particular, to the international judges, the international co-investigating judge, the international co-prosecutor or the Deputy Director of the Office of Administration.

3. The Deputy International Chief of Security shall develop security risks assessments and the security plan in close consultation with the Cambodian Chief of Security.

4. The Government, through the Cambodian Chief of Security, shall provide the Deputy International Chief of Security, upon request, with maps of, and information on, the known or suspected location of mines, unexploded ordnance and other dangers that might be present in areas of Cambodia to which members of the international or Cambodian personnel employed with the co-investigating judges, the Prosecutors' Office, the Extraordinary Chambers, the Pre-Trial Chamber or the Office of Administration might travel in the course of their official functions.

5. The Deputy International Chief of Security shall take necessary steps to ensure the protection of confidential or sensitive information provided to him or her by the Government. The Deputy International Chief of Security and the Cambodian Chief of Security shall jointly develop protocols for the communication, handling, dissemination, storage and, as necessary, the destruction of such information.

6. The Deputy International Chief of Security shall provide the Cambodian Chief of Security with immediate notification of any information that may come to his or her attention indicating the possible existence of an actual or potential threat to the premises or to any of the persons referred to in the Agreement.

Article 5
Internal security of the premises

1. The United Nations shall be vested with control of the premises, up to and including their perimeter wall, in respect of all matters pertaining to their security. Such control shall be exercised by the International Chief of Security or his or her designated representative.

2. The United Nations shall provide an International Buildings Supervisor and the Government shall provide a Cambodian Buildings Supervisor, who shall be jointly responsible, under the direction of the International Chief of Security, for managing and directing internal security arrangements for the premises.

3. The United Nations shall establish, staff and operate a system for the issuance and control of identity cards and badges to those who are authorized to have access to the premises. Such a system shall include, inter alia, arrangements for the issuance of badges to representatives of Member States of the United Nations, of the Secretary-General of the United Nations and of national and international non-governmental organizations and to members of the news media and of the general public wishing to attend public hearings of the Extraordinary Chambers, as envisaged in Article 12, paragraph 2, of the Agreement. Only those possessing valid identity cards or badges issued pursuant to this system shall be admitted to the premises.

4. The United Nations shall establish, staff and operate a facility control room and communications centre for the premises.

5. The United Nations shall establish, staff and operate a system for the issuance and control of keys for all offices and rooms on the premises.

6. The Government shall provide security personnel for the purpose of:

(a) controlling access to the premises;

(b) screening those who are authorized to have access to the premises;

(c) conducting patrols within the buildings;

(d) patrolling the grounds surrounding the buildings, up to the perimeter wall.

7. The Government shall provide a fire and safety officer, who shall be responsible for developing a fire-safety plan for the premises and identifying and implementing practical measures and procedures for the prevention of fire and for ensuring the safety of all persons on the premises in the event of fire or other emergency.

8. The Government shall provide security personnel for the purpose of assisting in the staffing and operation of the facility control room and the identity card and badging system.

9. Cambodian security personnel provided pursuant to paragraphs 6, 7 and 8 above shall be subject to the direct management and line supervision of the International Buildings Supervisor and the Cambodian Buildings Supervisor and subject to the overall management and direction of the International Chief of Security, through the Cambodian Chief of Security, with respect to all matters concerning the internal security of the premises.

Article 6
External security of the premises

1. The Government shall be responsible for organizing and taking the necessary measures outside the premises for ensuring their security. Such responsibility shall be exercised through the Cambodian Chief of Security or his or her designated representative.

2. The International Chief of Security and the Cambodian Chief of Security shall develop joint tactics, techniques and procedures for the prevention of unauthorized entry to the premises and for its protection against attack or acts of civil disturbance.

Article 7
Emergency services

1. The Government undertakes to ensure that the following services are available on call, on all days and at all times and hours, whether business days or hours or otherwise, in the event of an emergency on or affecting the premises:

(a) fire brigade;

(b) rapid on-site trauma medical support;

(c) ambulance;

(d) bomb disposal;

(e) adequate police force necessary for the preservation of law and order on the premises and for the removal of persons, if necessary;

(f) an adequate rapid reaction capability for any other forms of emergency necessitating a rapid response that may be identified in the course of security planning.

2. The emergency services provided for in paragraph 1 may be requested only by the International Chief of Security or his or her authorized representative(s). The International Chief of Security shall notify the Cambodian Chief of Security of the name(s) of his or her representative(s) who are authorized for this purpose.

3. The International Chief of Security and the Cambodian Chief of Security shall develop procedures for the communication and handling of requests for emergency services.

Article 8
Courtroom security

1. The United Nations shall provide an International Courtroom Security Supervisor and the Government shall provide a Cambodian Courtroom Security Supervisor, who shall jointly be responsible, under the direction of the International Chief of Security, for managing and directing security arrangements for the courtroom, including, inter alia:

(a) the screening of persons wishing to attend public hearings of the Extraordinary Chambers;

(b) supervision of the public gallery during such public hearings;

(c) the protection of persons referred to in the Agreement, other than the accused, while they are in the courtroom.

2. The Government shall provide Cambodian courtroom security officers, who shall be subject to the direct management and line supervision of the International Courtroom Security Supervisor and the Cambodian Courtroom Security Supervisor and subject to the overall management and direction of the International Chief of Security, through the Cambodian Chief of Security, with respect to all matters concerning courtroom security.

Article 9
Security of the accused

1. Except in so far as is provided in the following paragraph, the Government shall be responsible at all times for the security, safety and welfare of all accused persons, including while they are present on the premises and in the courtroom, and for their control, if and while under arrest or detention.

2. The International Chief of Security and the International and Cambodian Courtroom Security Supervisors, under his or her direction, shall be responsible for taking the necessary steps to ensure that the premises, including holding cells, routes and the courtroom, are safe and secure for use by accused persons.

3. The International Chief of Security and the Cambodian Chief of Security shall establish procedures for ensuring the effective coordination of security measures within their respective areas of responsibility with respect to the movement of accused persons into, on and out of the premises, including procedures for ensuring that the International Chief of Security is given adequate advance notice, through the facility control room, of all such movements.

Article 10
Close protection of international personnel

1. The United Nations shall provide international close protection officers to provide close protection, as and when considered necessary by the United Nations Department of Safety and Security, the United Nations Designated Official for Cambodia or **the** International Chief of Security, for the international judges, the international co-investigating judge, the international co-prosecutor and the Deputy Director of the Office of Administration, as well as for such other international personnel employed with the co-investigating judges, the Prosecutors' Office, the Extraordinary Chambers, the Pre-Trial Chamber and the Office of Administration as the United Nations Department of Safety and Security, the United Nations Designated Official for Cambodia or the International Chief of Security may from time to time consider to require close protection.

2. Upon request by the International Chief of Security, the Cambodian Chief of Security shall provide additional Cambodian close protection officers to augment close protection details constituted of international close protection officers. Such additional Cambodian close protection officers, while assigned to such close protection details, shall comply with the directions and orders of the international close protection officer in charge of the detail to which they are assigned. The Cambodian Chief of Security shall issue the necessary instructions for this purpose to the additional close protection officers concerned.

3. Upon request by the International Chief of Security, communicated through the Cambodian Chief of Security, the Government shall provide twenty-four-hour security for the residences of persons afforded close protection pursuant to paragraph 1 of this Article.

4. The Government shall be responsible for the close protection of the Cambodian judges, the Cambodian co-investigating judge, the Cambodian co-prosecutor and the Director of the Office of Administration, as well as for such other Cambodian personnel employed with the co-investigating judges, the Prosecutors' Office, the Extraordinary Chambers, the Pre-Trial Chamber and the Office of Administration as may from time to time require close protection. It shall also be responsible for the protection of their residences, as necessary.

Article 11
United Nations security measures

The United Nations shall provide an International Security Investigator, who shall be responsible for matters affecting the personal security of the international judges, the international co-investigating judge, the international co-prosecutor, the Deputy Director of the Office of Administration and international personnel employed with the co-investigating judges, the Prosecutors' Office, the Extraordinary Chambers, the Pre-Trial Chamber or the Office of Administration, including:

(a) briefing, advising and updating them on matters affecting their personal security;

(b) providing them with security-related training;

(c) maintaining up-to-date information on their whereabouts; and

(d) investigating incidents in which they may be involved, including cases in which they are the victims of crime.

Article 12
Information security

1. The United Nations shall provide an International Information Security Officer, who shall be responsible, under the direction of the International Chief of Security, for:

(a) developing, establishing and maintaining policies, procedures, protocols and measures for the management, control, storage, transmission and disposal of all information held by the Extraordinary Chambers, the co-investigating judges, the Prosecutors' Office, the Pre-Trial Chamber and the Office of Administration and by all international and Cambodian personnel employed with them with a view to ensuring the integrity of that information, its availability for authorized use and its security from unauthorized access;

(b) auditing compliance with such policies, procedures, protocols and measures and investigating violations;

(c) investigating breaches of information and communications security;

(d) identifying and implementing practical measures to protect communications and information systems from malicious attack or from unauthorized penetration or use;

(e) advising and training personnel employed with the Extraordinary Chambers, the co-investigating judges, the Prosecutors' Office, the Pre-Trial Chamber and the Office of Administration in matters concerning information security.

2. The International Information Security Officer shall, in developing the policies, procedures, protocols and measures provided for in the preceding paragraph, consult with the judges, the co-investigating judges, the co-prosecutors and the Director and Deputy Director of the Office of Administration regarding confidentiality, access and usage requirements for information within their respective possession or control.

3. The judges, the co-investigating judges, the co-prosecutors, the Director and Deputy Director of the Office of Administration and all personnel employed with the co-investigating judges, the Prosecutors' Office, the Extraordinary Chambers, the Pre-Trial Chamber and the Office of Administration shall accept and comply with the policies, procedures, protocols and measures established by the International Information Security Officer in accordance with this supplementary agreement. The Director and the Deputy Director of the Office of Administration shall issue the necessary instructions for this purpose to, respectively, the Cambodian and international personnel so employed. The Secretary-General of the United Nations and the Government shall also issue the necessary instructions for this purpose to, respectively, the international and Cambodian judges, co-investigating judges and co-prosecutors.

Article 13
Coordination and liaison

The International Chief of Security and the Cambodian Chief of Security shall regularly and closely consult with each other for the purpose of ensuring the effective coordination of security arrangements within their respective areas of responsibility under this supplementary agreement.

Article 14
Arms and Uniforms

1. United Nations Security Officers and international close protection officers designated by the International Chief of Security may possess and carry arms and ammunition while on official duty in accordance with their orders.

2. United Nations Security Officers and international close protection officers may possess and wear protective clothing, including body armour, while on official duty.

3. The Government shall permit the United Nations to import arms, ammunition and protective clothing, including body armour, free of charge and without any restriction for the official use of United Nations Security Officers and international close protection officers. The United Nations, through the International Chief of Security, shall notify the Government, through the Cambodian Chief of Security, in advance of such imports.

4. The Government shall accept, free of charge and without any restriction, permits, licenses and certificates issued by the United Nations for the possession, carriage and use of arms and ammunition. No additional permits, licenses or certificates shall be required for these purposes. The International Chief of Security shall without delay notify the Government, through the Cambodian Chief of Security, of all permits, licenses and certificates issued by the United Nations for the possession, carriage and use of arms and ammunition as and when those permits, licenses and certificates are issued.

5. United Nations Security Officers may wear the United Nations uniform. Subject to paragraph 6 below, they must do so at all times when carrying weapons while on official duty.

6. International close protection officers and United Nations Security Officers serving in close protection details may wear civilian clothes in order to perform their official functions. They may carry arms and ammunition and wear protective clothing, including body armour, while they are so dressed for that purpose.

7. The International Chief of Security shall take the necessary steps to ensure the proper carriage, care, storage and control of arms and ammunition. The Government may from time to time conduct inspections, without notice, to verify and confirm that proper arrangements are in place for this purpose and that they are being satisfactorily implemented.

Article 15
Security equipment

The United Nations shall provide, at its expense, the items of security equipment listed in the annex to this supplementary agreement.

Article 16
Staffing

All personnel provided by the United Nations pursuant to this supplementary agreement shall be recruited and appointed as international staff by the Deputy Director of the Office of Administration, in accordance with Article 8, paragraph 3, of the Agreement.

Article 17
Liability, indemnification and insurance

Each Party to this supplementary agreement shall, at its sole cost and expense, indemnify, hold and save harmless and defend the other Party, its officials, agents, servants and employees from and against all suits, proceedings, claims, demands, losses and liability of any nature or kind, including, but not limited to, all litigation costs, lawyers' fees, settlement payments, damages and all other related costs and expenses, based on, arising out of, related to, or in connection with any acts or omissions of the indemnifying Party or any security personnel provided by the indemnifying Party pursuant to this supplementary agreement.

Article 18
Settlement of disputes

Any dispute between the United Nations and the Government concerning the interpretation or application of this supplementary agreement that is not settled by negotiation or other agreed mode of settlement shall be referred at the request of either Party for final decision to a panel of three arbitrators, one to be named by the Secretary-General of the United Nations, one to be named by the Government and the third, who shall be the Chair, to be chosen by the first two arbitrators. If any Party fails to appoint an arbitrator within 60 days of the appointment of an arbitrator by the other Party, or if these two arbitrators should fail to agree on the third arbitrator within 60 days of their appointment, the President of the International Court of Justice may make any necessary appointments at the request of either Party. However, any dispute that involves a question regulated by the Convention on the Privileges and Immunities of the United Nations shall be dealt with in accordance with section 30 of that Convention.

Article 19
Privileges and immunities

Nothing in or relating to this supplementary agreement shall be deemed a waiver, express or implied, of any of the privileges and immunities of the United Nations or of any of the privileges and immunities provided for in the Agreement.

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Annex

- Two (2) X-ray machines
- One (1) X-ray machine for the courtroom
- Eight (8) walk-through and hand-held metal detectors
- One (1) hand-held explosive detection device
- One (1) public address system, integrated into the facility control room
- One (1) close circuit television (CCTV) system for the building and grounds, integrated into the facility control room
- One (1) card access control system, integrated into the identity card and badge system and into the facility control room
- One (1) intrusion alarm system, integrated into the facility control room