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Extraordinary Chambers in the Courts of Cambodia

Chambres Extraordinaires au sein des Tribunaux Cambodgiens

From: Laurent Kasper-Ansermet, Reserve International Co-Investigating Judge

To: Judge YOU Bunleng, National Co-Investigating Judge

Reference: Your Letter of 27 February 2012

Honourable National Co-Investigating Judge,

Dear Colleague,

As I was away from Phnom Penh for the whole of last week, it was not until today that I received and read your letter of 27 February.

Once again, you are questioning my authority to act as Reserve International Co-Investigating Judge.

The International Pre-Trial Chamber Judges specifically recognised in their recent decisions, which are properly reasoned, – and were notified to you – that with regard to Cases 003 and 004, I am empowered to “replace the appointed Investigating judges in case of their absence”.

In the above-referenced cases, to the extent that the Pre-Trial Chamber was unable to reach a decision on the disagreements brought before it, it is presumed to have affirmed my decisions (Rule 72(4)(d) of the ECCC Internal Rules), thereby making them fully enforceable, and as such, they bear both our names and titles, even though they are signed by me only.

This applies to any and all decisions that I might submit to you under the same conditions with respect to our disagreements.

I therefore urge you to comply with the law and to refrain from sending me admonitions that are without legal basis and whose sole aim seems to be undermining the proper performance of my duties.

Phnom Penh,
5 March 2012

