



ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

Kingdom of Cambodia
Nation Religion King

Royaume du Cambodge
Nation Religion Roi

អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

Extraordinary Chambers in the Courts of Cambodia
Chambres extraordinaires au sein des Tribunaux cambodgiens

Case File No: 003/07-09-2009-ECCC/OCLJ

ការិយាល័យសហចៅក្រមស៊ើបអង្កេត

Office of the Co-Investigating Judges
Bureau des co-juges d'instruction

Before: Judge YOU Bunleng
Judge Laurent KASPER-ANSERMET

Date: 16 March 2012

Original: English

Classification: Public

Note on the Placement of Documents on Case File 003

Co-Prosecutors

CHEA Leang
Andrew CAYLEY

អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា មានទីតាំងស្ថិតនៅ ផ្លូវជាតិលេខ៤ សង្កាត់ ចោមចៅ ខណ្ឌ ដង្កោ ក្រុង ភ្នំពេញ ប្រអប់សំបុត្រលេខ៧១
ទូរស័ព្ទលេខ +៨៥៥(០)២៣ ២១៨៩១៤ ទូរសារលេខ +៨៥៥(០)២៣ ២១៨៩៤១។

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We, **Laurent Kasper-Ansermet**, Reserve International Co-Investigating Judge of the Extraordinary Chambers in the Courts of Cambodia (the “ECCC”);

With Mr. **LY Chantola** as greffier,

Noting the Law on the Establishment of the Extraordinary Chambers in the Courts of Cambodia, dated 27 October 2004 (the “ECCC Law”);

Noting Rule 55(5) of the ECCC Rules (Rev.7) (the “Rules”);

Noting the judicial investigation being conducted by the Co-Investigating Judges (“CIJs”) pursuant to the Co-Prosecutors’ Second Introductory Submission;

Noting the Letter of judge YOU Bunleng dated 27 February 2012 and our Response dated 05 March 2012;

Hereby:

- **Decide** that the Letter of judge YOU Bunleng dated 27 February 2012 and our Response dated 05 March 2012 shall be placed on Case File 003 under Document Number of this Note (D36).

Done in Phnom Penh on 16 March 2012,

សហចៅក្រមស៊ើបអង្កេតប្រមូលអន្តរជាតិ

**Co-juge d’instruction international reserve
Reserve International Co- Investigating Judge**

Judge Laurent ~~KASPER-ANSERMET~~
International Reserve Co-investigating Judge
OCIJ– ECCC
NR4 Chaom Chau Dangkao
Phnom Penh
Cambodia

អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា មានទីតាំងស្ថិតនៅ ផ្លូវជាតិលេខ៤ សង្កាត់ ចោមចៅ ខណ្ឌ ដង្កោ ក្រុង ភ្នំពេញ ប្រអប់សំបុត្រលេខ៧១ 2
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 Extraordinary Chambers in the Courts of Cambodia
 Chambres Extraordinaires au sein des Tribunaux Cambodgiens

(Unofficial Translation)

National Co-Investigating Judge

To

Judge Laurent Kasper Ansermet
Reserve International Co-Investigating Judge

Subject: Abrupt Stop of Unlawful Acts and of the Use of My Name to Link to These Acts

Dear Reserve Co-Investigating Judge,

I would like to reiterate that as stated in my letter dated December 05, 2011 and in my subsequent press releases, I have never discussed any procedural acts relevant to Case File 003 and 004 with you, and you yourself have also acknowledged that I have so far not recognized your authority in fulfilling the duty as the reserve co-investigating judge. Hence, you could not raise any disagreement between you and me in these legal proceedings, while the Agreements and the Law on the Establishment of the ECCC do not also authorize you to act in the capacity as a reserve co-investigating judge when the position of the International Co-Investigating Judge is still vacant. In this regard, what you have been doing so far is indeed unlawful.

As the aforementioned, I would like to call for your abrupt stop of these unlawful acts and of the use of my name to link to such deeds, particularly to what you have so far considered solely as disagreements between co-investigating judges.

Done in Phnom Penh, February 27, 2012

National Co-Investigating Judge

YOU Bunleng



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

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

