

Clarification of the National Judges of the Pre-Trial Chamber on the Note of Mr. Laurent KASPER-ANSERMET, D38, dated 21 March 2012

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In response to the note of the International Reserve Co-Investigating Judge on the return of the documents communicated to the Pre-Trial Chamber by the Office of Administration via the letter No.1094-ECCC/Ad, dated 16 December 2011 and via the letter 1014-ECCC/Ad, dated 19 January 2012 and with regard to the application for disqualification of Judge Prak Kimsan, dated 08 February 2012, filed by the International Reserve Co-Investigating Judge, the national judges of the Pre-Trial Chamber hereby clarify as follows:

The International Reserve Co-Investigating Judge commenced his duties at the Office of the Co-Investigating Judges and communicated with the National Co-Investigating Judge via the letter dated 02 December 2011. Mr. Laurent KASPER-ANSERMET then received a response from the National Co-Investigating Judge via the letter dated 05 December 2011 and the Press Release dated 06 December 2011.

In the letter dated 05 December 2011, the National Co-Investigating Judge stated that, "...I could discuss procedural acts with you only after you are officially nominated by the Supreme Council of Magistracy of the Kingdom of Cambodia..."

In the Press Release dated 06 December 2011, the National Co-Investigating Judge reiterated that "...the International Reserve Co-Investigating Judge must first wait for an official appointment before commencing his duties."

Based on the substance of the two above-mentioned documents, Mr. Laurent KASPER-ANSERMET had not met and discussed any work related issues with the National Co-Investigating Judge that may have led to any disagreement regarding investigations in Case 003 and 004 which Mr. Laurent KASPER-ANSERMET intended or already started. Therefore, what appeared in the Office of Co-Investigating Judges was the dispute pertaining to qualification of the International Reserve Co-Investigating Judge, which is not under the jurisdiction of ECCC. As the Office of Co-Investigating Judges has been in dispute over his qualification Mr. Laurent KASPER-ANSERMET should not have attempted to perform any act or filed any request to the Pre-Trial Chamber for settlement. He should have tried to obtain his legal qualification from the competent body prior to his further investigative actions as the Pre-Trial Chamber does not have jurisdiction to settle this qualification case. However, he has tried to proceed with judicial investigations in the absence of his legal accreditation from the competent body. His unlawful and shameless acts have created all disputes related to Case 003 and 004 in which he has turned them into "the note of disagreement between the Co-Investigating Judges" that Mr. Laurent KASPER-ANSERMET sent to the Pre-Trial Chamber for settlement pursuant to Rule 72 of the Internal Rule.

The acts of Mr. Laurent KASPER-ANSERMET were further reinforced by his note dated 21 March 2012, from Paragraph 17 to 20. Mr. Laurent KASPER-ANSERMET shamelessly informed the public about all the incidents which were not "disagreement between the Co-Investigating Judges."

Therefore, Mr. Laurent KASPER-ANSERMET made up "the note of disagreement between Co-Investigating Judges" and created unprecedented confusing procedures before the Pre-Trial Chamber, leading to settlement irregularity before the Chamber. In this situation, the only one solution to address the confusion was to return sender the whole documents via the letter dated 03 February 2012.

Later on, a set of documents were sent to the Pre-Trial Chamber on 08 February 2012. At that time, the Greffier submitted the documents to the President of the Pre-Trial Chamber for his perusal. After having examined the documents, he found that there was no any change in the documents sent by

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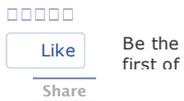


13 December 2011: Khieu Samphan gave his comments to some of the points in the charges against him during the Trial Chamber hearing.

Mr. Laurent KASPER-ANSERMET on 16 December 2011 and 19 January 2012 respectively and the documents were not enclosed with a certificate of his legal accreditation to prove his qualification. The documents were not accepted for settlement before the Pre-Trial Chamber because the President of the Pre-Trial Chamber did not allow the Greffier to accept these documents.

Following his disagreement with the aforementioned decision dated 08 February 2012, Mr. Laurent KASPER-ANSERMET filed the disqualification application against the President of the Pre-Trial Chamber.

In response to the disqualification application, via the letter dated 10 February 2012, Judge Prak Kimsan ruled out the disqualification application based on the fact that Mr. Laurent KASPER-ANSERMET does not have sufficient legal qualification to file the disqualification application against him.



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© 2011 ECCC (Extraordinary Chambers in the Courts of Cambodia)
National Road 4, Chaom Chau Commune, Dangkao District, Phnom Penh
P.O. BOX 71, Phnom Penh, Cambodia
Tel: (855) 23 219 814 | Fax: (855) 23 219 841
Email: info@eccc.gov.kh
Webmail: Sign in (staff only)

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