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Press Release by the International Reserve Co-Investigating Judge

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The International Reserve Co-Investigating Judge, Laurent Kasper-Ansermet, disputes all of the confused allegations contained in the press release dated 26 March 2012 by the National Co-Investigating Judge, You Bunleng.

The legal reasoning of Judge You Bunleng seems completely unfounded and, in particular, contrary to the "Opinion of Pre-Trial Chamber Judges Downing and Chung", dated 10 February 2012, which gave detailed reasoning and specified that "Judge You errs in fact and in law in his understanding of the authority of a Reserve Co-Investigating Judge" (Case File No 003/16-12-2011-ECCC/PTC, p. 21). The obstruction that he has encouraged and openly admitted to in the conduct of investigations in cases 003 and 004 amounts to professional misconduct and is a breach of the Internal Rules, the Law and the Agreement.

An equally serious matter is Judge You Bunleng publicly naming one of the investigators in charge of several ongoing investigations. It must be noted that by publicly revealing the identity of an investigator which was immediately picked up by the local media (Cambodia Daily, 27 March 2012), and thus putting the investigator's security at risk, Judge You Bunleng has seriously violated the duties of his judicial office and will be held responsible for his role in the matter should any incident arise in that respect.

The aforementioned security risk is all the more serious given the recent statement by Lieutenant General Mao Chandra to the press (The Phnom Penh Post, 28 March 2012) in which he states that « Our forces closely cooperate with the UN side on security issues, but we cannot send forces out into the field with UN- appointed investigators unless there is an agreement within the co-investigating judges », an agreement which he is fully aware cannot be reached at present.

Judge Laurent Kasper-Ansermet has grave concerns about the lack of security which has come to light and must seriously question whether, in the current circumstances, Article 24 of the "Agreement between the United Nations and the Royal Government of Cambodia", which states that "[th]e 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 present agreement. ..." is being complied with.

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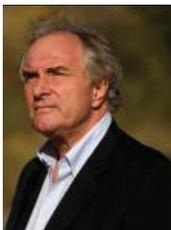


SNAPSHOT



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

JUDICIAL PERSON



Judge Laurent Kasper-Ansermet (Reserve) Office of the Co-Investigating Judges

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