



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

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

**ឯកសារដើម**  
**ORIGINAL/ORIGINAL**  
ថ្ងៃ ខែ ឆ្នាំ (Date): 06-Mar-2013, 15:34  
CMS/CFO: Sann Rada

ព្រះរាជាណាចក្រកម្ពុជា  
ជាតិ សាសនា ព្រះមហាក្សត្រ

Kingdom of Cambodia  
Nation Religion King  
Royaume du Cambodge  
Nation Religion Roi

**INTEROFFICE MEMORANDUM**

TO: **Co-Investigating Judges**  
A:

Date: 05 March 2013

FROM: **KONG Srim, President of the Supreme Court Chamber**  
DE:



CC: **Judges of the Supreme Court Chamber; Co-Prosecutors; Co-Lawyers for NUON Chea**

SUBJECT: **Request for information in relation to investigations into interference in**  
OBJET: **Cases 003 and 004**

The Supreme Court Chamber is seized of the “Immediate Appeal Against Trial Chamber Decision on Application for Immediate Action Pursuant to Rule 35” filed by the Defence for NUON Chea (“Defence”) on 24 December 2012 (“Appeal”),<sup>1</sup> concerning a decision of the Trial Chamber denying an application by the Defence to launch an investigation into the effects of the Cambodian government’s alleged interference.<sup>2</sup>

The Appeal is premised on allegations of interference in the investigation of Cases 003 and 004, which, it is averred, remained unaddressed and impacts on the fairness of Case 002. The Defence, among other allegations, refers to circumstances described by Judge Laurent KASPER-ANSERMET as reasons for his resignation.<sup>3</sup>

The Supreme Court Chamber considers it desirable for the proper adjudication of the Appeal to be informed of what, if any, formal action was taken in response to the allegations of interference in Cases 003 and 004, particularly in the way of any investigation(s) launched under Rule 35 of the Internal Rules. To this end, the Supreme Court Chamber requests the Co-Investigating Judges to provide it, to the extent they deem appropriate considering confidentiality of the ongoing proceedings and other legitimate interests, with information on the nature of actions taken and their outcome.

The provision and receipt of such information would be appreciated by Monday, 11 March 2013.

<sup>1</sup> E189/3/1/1.

<sup>2</sup> Decision on Application for Immediate Action Pursuant to Rule 35, E189/3, dated 22 November 2012 and filed on 23 November 2012, *disposing of* Application for Immediate Action Pursuant to Rule 35, E189, 25 April 2012.

<sup>3</sup> Note of the International Reserve Co-Investigating Judge to the Parties on the Egregious Dysfunctions within the ECCC Impeding the Proper Conduct of Investigations in Cases 003 and 004, D38, dated 21 March 2012 and filed on 23 March 2012, p. 13 (“there exist within the ECCC, such serious irregularities, dysfunctions and violations of proper procedure that endanger and impede due process of law, and affect, as they have since our arrival into office, the proper conduct of the investigations in Case Files 003 and 004”).