

**Fw: Reasons for the Special Panel's decision on disqualification of judges**

Anne-Marie UNAKRT BURNS

Doreen CHEN

17/12/2014 02:58 PM

Dear Doreen

I have discussed your email with the judges of the Special Panel, including Judge Downing. They have asked me to inform you as follows.

The judges note your request to be provided with the reasoning of the majority and/or dissenting opinion on the basis that you wish to refer to them in your appeal brief.

They reject your request to issue the reasoning in English with other language versions to follow. It is not appropriate for the reasoning to be provided in one language to one of the parties alone. It is required to be in the three languages of the Court. Therefore, as previously stated in the Special Panel's decision of 14 November 2014, the fully reasoned decision will be issued in Khmer, English and French, as soon as it is available. Based on the current status of translations and review, it is unlikely that this will be before 29 December 2014.

Kind regards

Anne-Marie

Anne-Marie Burns

Legal Officer/Juriste

Pre-Trial Chamber/Chambre préliminaire

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

----- Forwarded by Anne-Marie UNAKRT BURNS/UNAKRT on 17/12/2014 02:56 PM -----

From: Robynne CROFT/UNAKRT
To: Anne-Marie UNAKRT BURNS/UNAKRT@UNAKRT,
Date: 16/12/2014 10:45 AM
Subject: Fw: Reasons for the Special Panel's decision on disqualification of judges

----- Forwarded by Robynne CROFT/UNAKRT on 16/12/2014 10:45 AM -----

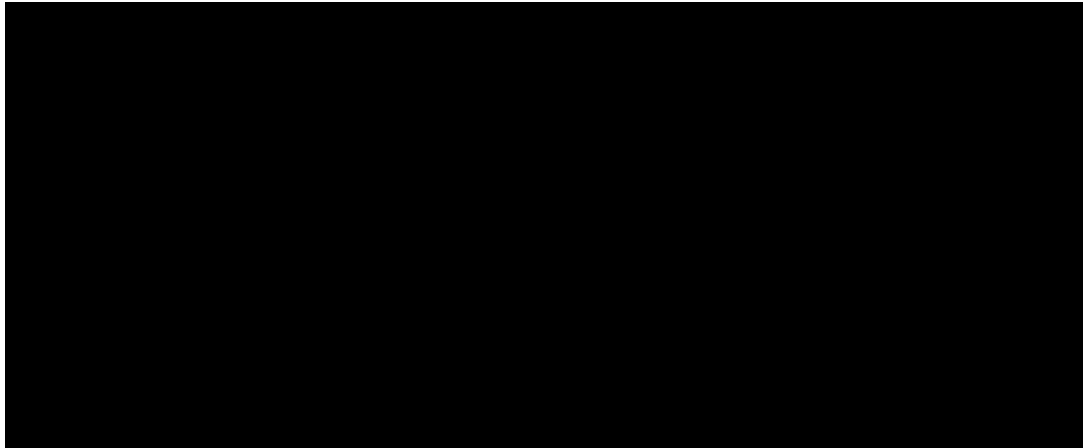
From: Roger PHILLIPS/UNAKRT
To: Robynne CROFT/UNAKRT@UNAKRT,
Date: 16/12/2014 10:33 AM
Subject: Fw: Reasons for the Special Panel's decision on disqualification of judges

FYI

----- Forwarded by Roger PHILLIPS/UNAKRT on 16/12/2014 10:33 AM -----

From:
To:

Cc:



Date: 16/12/2014 10:22 AM
Subject: Reasons for the Special Panel's decision on disqualification of judges

Dear Anne-Marie and Suy-Hong,

The Co-Lawyers for Nuon Chea (the "Defence") write in relation to the Special Panel's 14 November 2014 decision regarding the Defence's application to disqualify Judges Nonn, Sokhan, Lavergne, and Ottara from any further proceedings against Nuon Chea (Doc. No. E314/12). In their decision, in which the Special Panel dismissed the Defence's application by majority with Judge Downing dissenting, the Special Panel advised that its fully reasoned decision would be issued "in Khmer, English and French, as soon as it is available".

The Defence intends to refer in detail to the Special Panel's reasoned disqualification decision, and particularly Judge Downing's dissent, in its forthcoming appeal against the trial judgement in Case 002/01. This appeal is due to be filed to the Supreme Court Chamber on 29 December 2014, which is in 10 business days' time. The Defence therefore needs to review the Special Panel's reasons as a matter of utmost urgency.

In light of this situation and in the interests of justice, the Defence requests that in the event that the Special Panel's reasons will not be notified to the parties in all three languages by Friday, 19 December 2014, the reasons should be notified to the parties on that day in English (as a courtesy copy), with other language versions to follow.

The Defence thanks the Special Chamber in advance for its consideration and response.

Best regards,
Doreen

Doreen Chen
Senior Legal Consultant
Nuon Chea Defence Team
Extraordinary Chambers in the Courts of Cambodia
National Road 4, Sangkat Chaom Chau, Khan Porsenchey

