

UNITED NATIONS



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EXECUTIVE OFFICE OF THE SECRETARY-GENERAL  
CABINET DU SECRETAIRE GENERAL

REFERENCE:

24 January 2012

Excellency,

The Secretary-General would be grateful if you could kindly forward the enclosed letter to His Excellency Samdech Akka Moha Sena Padei Techo Hun Sen, Prime Minister of the Kingdom of Cambodia.

A copy of the letter is attached for your information.

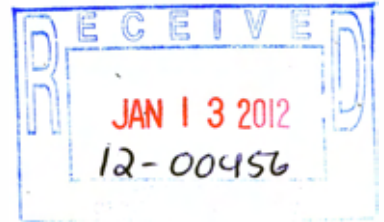
Please accept, Excellency, the assurances of my highest consideration.

A handwritten signature in black ink, appearing to read 'Vijay Nambiar'.

Vijay Nambiar  
Chef de Cabinet

His Excellency  
Mr. Kosal Sea  
Permanent Representative  
of the Kingdom of Cambodia  
to the United Nations  
New York

ACTION JK/NH  
COPY VN



**Note to the Secretary-General**

**Through Mr. Nambiar**

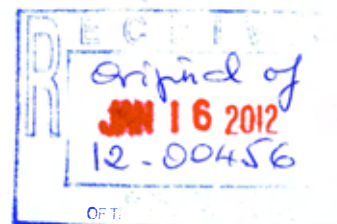
**ECCC: Resignation of a reserve judge of the Pre-Trial Chamber**

1. In the attached letter dated 2 January 2012, Judge Katinka Lahuis (The Netherlands) informs the **Secretary-General** that she has resigned as reserve international judge of the Pre-Trial Chamber of the Extraordinary Chambers in the Courts of Cambodia. I have attached for the approval and signature of the Secretary-General a letter to Judge Lahuis thanking her for her service as well as a letter to H.E. Hun Sen, Prime Minister of the Royal Government of Cambodia, informing him of the resignation.
2. We expect that Judge Lahuis' resignation will not affect the judicial proceedings. This is because she was not a sitting judge, but rather a reserve judge who is called upon by the President of the Chamber to replace an absent sitting judge. The Pre-Trial Chamber has the full complement of three Cambodian and two international judges sitting full time. Moreover, Judge Lahuis will serve her two months notice period and has committed to complete any remaining work that she was assigned to previously.
3. The international judges of the ECCC are appointed by the Supreme Council of the Magistracy of Cambodia upon nomination by the Secretary-General. Therefore, it is necessary for the Secretary-General to nominate a new judge to replace Judge Lahuis as the reserve international judge of the Pre-Trial Chamber.
4. In my note of 22 September 2010, I informed the Secretary-General that a selection panel had interviewed and placed on a roster three judges who could be nominated if a vacancy arose in the Pre-Trial Chamber, the Trial Chamber or the Supreme Court Chamber of the ECCC. The judges who are still on the roster are Mr. Steven James Bwana (Tanzania) and Mr. Phillip Rapoza (USA). My Office is ascertaining if these judges are available to serve as a reserve international judge of the Pre-Trial Chamber. If neither of them is available, we will have to initiate a process to select new judges. We would also use that process to select nominees for the position of reserve international Co-Investigating Judge, should Judge Kasper-Ansermet be appointed as the new international Co-Investigating Judge.

  
Patricia O'Brien  
13 January 2012

LE6/03/009

Central



**Note to the Secretary-General**

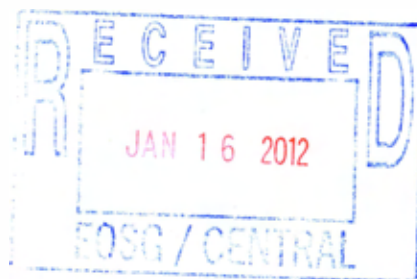
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Patricia O'Brien  
13 January 2012

LEG/03/009





**អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា**  
**Extraordinary Chambers in the Courts of Cambodia**  
**Chambres Extraordinaires au sein des Tribunaux Cambodgiens**

Amen, 2 January 2012,

Dear Secretary General,

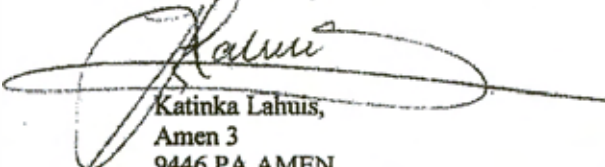
From July 2006 until February 2010 I have been working as a judge for the Pre-Trial Chamber of the Extraordinary Chambers in the Courts of Cambodia for the Prosecution of Crimes Committed During the Period of Democratic Kampuchea. In February 2010 following my request I was re-appointed as a reserve judge of this chamber and continued to work on that basis.

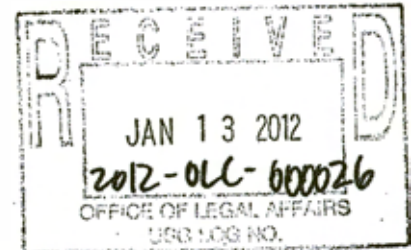
Following my decision to stop working for this court I request you to request the King of Cambodia to honorable discharge me from my appointment as a reserve judge of the Pre-Trial Chamber.

Considering the two months notice before this discharge will be effectuated I expect to be able to finish the cases at which I am currently appointed.

Of course I am willing to provide any further information necessary to effectuate the requested discharge.

Yours sincerely,

  
Katinka Lahuis,  
Amen 3  
9446 PA AMEN,  
The Netherlands.



## **Note to the Secretary-General**

### **Through Mr. Nambiar**

#### **ECCC: International co-investigating judge and reserve international co-investigating judge**

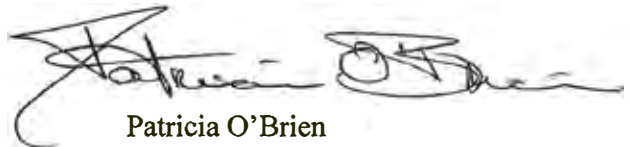
1. Please find attached a draft letter to His Excellency, Mr. Hamdech Hun Sen, Prime Minister of Cambodia, for your signature. Mr. Marcel Lemonde (France), the international Co-Investigating Judge of the Extraordinary Chambers in the Courts of Cambodia ("ECCC"), has resigned effective 1 December 2010. The letter nominates Dr. Siegfried Blunk (Germany), the reserve international Co-Investigating Judge, to replace Judge Lemonde, and nominates Mr. Laurent Kasper-Ansermet (Switzerland) to replace Judge Blunk as the reserve, both also effective 1 December 2010. The letter asks the Prime Minister to request the Cambodian Supreme Council of the Magistracy to appoint Judge Blunk as the international co-investigating judge, and to forward the nomination of Mr. Kasper-Ansermet for appointment as the reserve international co-investigating judge. I have also attached for the Secretary-General's consideration and signature a draft response to Judge Lemonde's resignation letter of 21 September 2010.
2. In relation to Judge Blunk, article 5, paragraph 6, of the Agreement between the United Nations and the Royal Government of Cambodia Concerning the Prosecution under Cambodian Law of Crimes Committed During the Period of Democratic Kampuchea ("the Agreement") provides that, in case there is "a need to fill the post of international co-investigating judge, the person appointed to fill this post must be the reserve international co-investigating judge". In other words, the appointment of Judge Blunk as international co-investigating judge is required by the Agreement. We have ensured that arrangements are in place for Judge Blunk to take over from Judge Lemonde on 1 December 2010.
3. In relation to Mr. Kasper-Ansermet's nomination as the reserve international co-investigating judge, article 5, paragraph 5, of the Agreement provides that the Secretary-General shall forward to the Royal Government of Cambodia a nominee for this position for appointment by the Cambodian Supreme Council of the Magistracy. I recommend that you nominate Mr. Kasper-Ansermet, who was found to be the suitable candidate by a selection panel coordinated by my Office.
4. As indicated in my Note to you dated 26 July 2010, the selection panel was established soon after I learned of Judge Lemonde's intention to resign. The selection panel comprised Mr. Norman Farrell, Deputy Prosecutor of the International Criminal Tribunal for the former Yugoslavia ("ICTY"), and



Mr. Stephen Mathias, then Director of the General Legal Division of the Office of Legal Affairs. The selection panel considered 33 candidates for judge or co-investigating judge, most of them nominated by Member States in response to my letter dated 31 December 2008. The selection panel found that three candidates were qualified for the position of reserve international co-investigating judge. It interviewed Mr. Kasper-Ansermet and Mr. Amadou Bal (Senegal) by telephone on 26 and 27 August 2010. The third candidate did not respond to the selection panel's invitation to be interviewed.

5. While the selection panel found that Mr. Kasper-Ansermet was the suitable candidate for nomination for the position of reserve international co-investigating judge, it also found that Mr. Bal's experience and performance in the interview merited him being kept in mind for future suitable vacancies. I attach for your consideration a copy of Mr. Kasper-Ansermet's curriculum vitae, and seek your urgent approval to nominate him for appointment as the reserve international co-investigating judge by the Cambodian Supreme Council of the Magistracy.

6. The selection panel also interviewed six candidates for the position of international judge in the Pre-Trial Chamber, the Trial Chamber or the Supreme Court Chamber of the ECCC. While there are no current vacancies in these Chambers, the selection panel took the prudent step of pre-selecting suitable candidates in the event that future vacancies arise. It found that three candidates were suitable: Mr. Steven James Bwana (Tanzania), Mr. Chung Chang-ho (the Republic of Korea) and Mr. Phillip Rapoza (USA). In the event of a vacancy, I will submit these candidates to the Secretary-General with a recommendation for nomination to the Cambodian Supreme Council of the Magistracy.



Patricia O'Brien  
22 September 2010



**អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា**  
**Extraordinary Chambers in the Courts of Cambodia**  
**Chambres Extraordinaires au sein des Tribunaux Cambodgiens**

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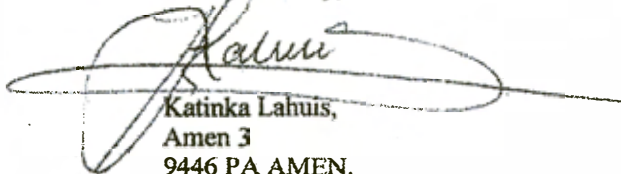
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Yours sincerely,



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