



His Excellency Hans Corell
Under Secretary-General for Legal Affairs
The Legal Counsel
United Nations
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23 November 2001

Your Excellency,

Your letter of 10 October, with its sharp tone and comments on the Khmer Rouge Law as well as an attached revised draft of the Articles of Cooperation has been the subject of my attention over the past few weeks, and we are currently working on our detailed response to the points raised.

However, I would like now to raise with you a difficulty I see with your letter in its blurring of the distinction between the nature and purpose of the Law and the Articles of Cooperation. The Law, which was adopted by the Cambodian legislature under the Constitution of Cambodia, has determined the jurisdiction and competence of the Extraordinary Chambers as well as their composition, organizational structure and decision-making procedures, while the Articles of Cooperation are to determine the modalities of cooperation between the Royal Government of Cambodia and the United Nations in implementing those provisions of the Law concerning foreign technical and financial support.

While the Articles of Cooperation may clarify certain nuances in the Law, and elaborate certain details, it is not possible for them to modify, let alone prevail over, a law that has just been promulgated. Given the distinction between the two documents, there is no reason for the text of the Law to be duplicated in the Articles of Cooperation (a point I made during our July 2000 discussions). May I repeat my oft-stated reminder to you that under the Constitution of Cambodia the only official language is Khmer, and hence the only official text of the Law is the Khmer language text promulgated.

As to the draft budget you refer to in your letter, I agree that it would be best discussed between us before being submitted to interested Member States, so I would appreciate receiving a copy from you to begin our consideration. Recent reports of statements by various governments of intention of providing support provide a welcome start towards making the Extraordinary Chambers a reality.

Sincerely,

Sok An
Senior Minister in Charge of the Office of the Council of Ministers