



ព្រះរាជាណាចក្រកម្ពុជា

ជាតិ សាសនា ព្រះមហាក្សត្រ

Kingdom of Cambodia
Nation Religion King

Royaume du Cambodge
Nation Religion Roi

អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

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

ការិយាល័យសហចៅក្រមស៊ើបអង្កេត

Office of the Co-Investigating Judges

Bureau des Co-juges d'instruction

Case File No.: 004/07-09-2009-ECCC-OCIJ

Before: **YOU Bunleng**
Laurent KASPER-ANSERMET

Date: **24 February 2012**

Original: **English**

Classification: **Confidential**

NOTIFICATION OF SUSPECT'S RIGHTS
[RULE 21(1)(D)]

Co-Prosecutors

Mrs. CHEA Leang
Mr. Andrew CAYLEY

ឯកសារដើម	
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL	
ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/date de reception):	
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មន្ត្រីទទួលបន្ទុកសំណុំរឿង / Case File Officer/Agent chargé du dossier: <i>[Signature]</i>	

We, **Laurent Kasper-Ansermet**, International Reserve Co-Investigating Judge before the Extraordinary Chambers within the Courts of Cambodia (ECCC),

Hereby inform

Mr. YIM Tith alias TA Tith, a native of Kirivong district (Cambodia), of Cambodian nationality, who may be residing in Phlaur Meas village in Ratanak Mondul district, Battambang province (Cambodia),

1. That he is named as a suspect in the ongoing judicial investigation initiated by the Co-Prosecutor's Introductory Submission dated 20 November 2008 and the Supplementary Submission dated 18 July 2011, for planning, instigating, ordering, aiding and abetting or committing, individually or by participating in a joint criminal enterprise, the following crimes under the jurisdiction of the ECCC:
 - A. Homicide, Torture and Religious Persecution of Cham (Articles 209, 210, 500, 501, 503, 504, 505, 506, 507 and 508 of the 1956 Penal Code), punishable under Articles 3 (new), 29 (new) and 39 (new) of the ECCC Law.
 - B. Violations of the Convention on the Prevention and and Punishment of the Crime of Genocide of 1948, punishable under Article 4, 29 (new) and 39 (new) of the ECCC Law.
 - C. Murder; Extermination; Enslavement; Imprisonment; Torture; Rape; Persecutions on political, racial and religious grounds and other Inhumane Acts, which constitute Crimes Against Humanity, punishable under Article 5, 29 (new) and 39 (new) of the ECCC Law;
 - D. Wilful Killing, Wilfully Causing Great Suffering or Serious Injury to Body or Health, Unlawful Transportation, Deportation or Confinement of Civilians, constituting Grave Breaches of the Geneva Conventions of 12 August 1949, punishable under Article 6, 29 (new) and 39 (new) of the ECCC Law.

based on offences committed from 1976 to the end of 1978 on Cambodian territory as a senior leader of Democratic Kampuchea and/or a person most responsible for the above-mentioned crimes, having acted as Secretary of Kirivong District of the Southwest Zone from 1976 to 1977 and Secretary of the Northwest Zone from 1977 until the end of the regime in January 1979. The high number of victims attests to the gravity of the crimes with which he is charged.

2. That these charges are based on both the facts alleged by the co-prosecutors and those uncovered thus far during the course of the investigation.
3. That in accordance with the law, he shall be presumed innocent as long as his guilt has not been established, and that we remain available to hear evidence from him relating to these charges should he so wish.
4. That in accordance with the Internal Rules of the ECCC [Rule 21(1)(d)], procedural rights and guarantees attached to the status of Suspect notably include the right to be defended by a lawyer of his/her choice, to have access to the case file (application, by


analogy, of Rules 55(6), 55(1) and 58, except for the provisions of Rule 58(6) of the ECCC) and to remain silent at every stage of the proceedings.

- 5. We advise him, as necessary, to refer to the ECCC’s Defence Support Section, whose function is to provide him with assistance in preparing his defence. It can also provide him with a list of counsels kept available for all those entitled to legal assistance before the ECCC.

Done in Phnom Penh, 24 February 2012

សហចៅក្រមស៊ើបអង្កេតប្រចំណងអន្តរជាតិ

International Reserve Co- Investigating Judge


 Judge Laurent KASPER-ANSERMET
 International Reserve Co- Investigating Judge
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 Cambodia