



ព្រះរាជាណាចក្រកម្ពុជា

ជាតិ សាសនា ព្រះមហាក្សត្រ

Kingdom of Cambodia

Nation Religion King

អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

**Extraordinary Chambers in the
Courts of Cambodia**

ការិយាល័យសហចៅក្រមស៊ើបអង្កេត

**Office of the Co-Investigating Judges
Bureau des Co-juges d'instruction**

សំណុំរឿងព្រហ្មទណ្ឌ

Criminal Case File /Dossier pénal

លេខ/No: 002/14-08-2006

លេខស៊ើបអង្កេត/Investigation/Instruction

លេខ/No: 002/19-09-2007-ECCC/OCIJ

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ឆ្នាំ (Year/Année) 2007.....
ព្រហ្មបញ្ជី/ Greffier : SANN RADA.....

កំណត់ហេតុនៃការចូលខ្លួនដំបូង

**Written Record of Initial Appearance
Procès-verbal de première comparution**

The year two thousand and seven, the twelfth of November at 4.45 pm.

We, **You Bunleng យូ ប៊ុនឡេង** and **Marcel Lemonde**, Co-Investigating Judges of the Extraordinary Chambers, with Mr. Ham Hel and Mr. Ly Chantola as Greffiers,

Noting the Law on the Establishment of the Extraordinary Chambers, dated 27 October 2004,
Noting Rule 57 of the Internal Rules of the Extraordinary Chambers,
Noting the Introductory Submission by the Co-Prosecutors, dated 18 July 2007

In the presence of **Ouch Channora អ៊ូច ចាន់ណូរ៉ា** and **TANHEANG Davann តាន់ហ៊ាង ដាវ៉ាន់ណូ**, sworn interpreters of the Extraordinary Chambers.

Having been brought before us and having provided the following information regarding her personal identity:

IENG Thirith
Maiden Name: **Khieu Thirith**,
Alias **Phea**
Sex: **female**,
Date of Birth: **10 March 1932, 5th 'quartier', Phnom Penh, Cambodia**

Nationality: Cambodian;
Name of father: Khieu On (deceased), Investigating Judge in Battambang.
Name of mother: Ouk Ponn (deceased).
Name of husband: IENG Sary (living). Number of children: four
Present address: No 47b, street 21, Tonle Bassac, Chamkamorn, city of Phnom Penh

Occupation:
Before the revolution: English teacher. From 1975 on, after my return from Hanoi and Beijing, I was successively Vice Minister of Education (essentially responsible for drafting new school books), from May 1975 to January 1976, then from January 1976 until January 1979 Minister for Social Action.

Criminal record: None

- Having declared that she is able to read, write, and understand Khmer, French and English
- Therefore, the original of this Written Record of Initial Appearance is written in the Khmer language.

Having recorded the identity of this person, we advised her of the acts with which we have been seised by the Introductory Submission of the Co-Prosecutors of the Extraordinary Chambers, dated 18 July 2007, and for which she had been brought before us. We informed her that the acts set out in the Introductory Submission by the Co-Prosecutors, and summarized below, were open to legal characterisation as follows:

- **Violations of the 1956 Penal Code** (Homicide, Torture, and Religious Persecution of Buddhists and Cham);
- **Genocide** (of Buddhists, Cham and Vietnamese);
- **Crimes Against Humanity** (Murder; Extermination; Enslavement; Deportation; Imprisonment; Torture; Rape; Persecutions on political, racial and religious grounds of former officials of the Khmer Republic, feudalists, capitalists and bourgeoisie, "new people", suspected "bad elements", Buddhists, Cham, and Vietnamese; and Other Inhumane Acts);
- **Grave Breaches of the Geneva Conventions of 12 August 1949** (Wilful Killing; Torture or Inhumane Treatment; Wilfully Causing Great Suffering or Serious Injury to Body or Health; Destruction and Serious Damage to Property not justified by military necessity and carried out unlawfully and wantonly; Wilfully Depriving a Prisoner of War or Civilian the Rights of Fair and Regular Trial; and Unlawful Deportation or Transfer or Unlawful Confinement of a Civilian).

We advised this person that she was hereby placed under judicial investigation for the acts of which she has just been notified and specified the offences with which she was charged in relation thereto:

- **Crimes Against Humanity** (Murder, Extermination, Imprisonment, Persecution and Other Inhumane Acts),

Offences defined and punishable under Articles 5, 29 (new) and 39 (new) of the Law on the Establishment of the Extraordinary Chambers, dated 27 October 2004;

For having, throughout Cambodia during the period from 17 April 1975 to 6 January 1979:

- in her capacity as the Minister of Social Action, exercising authority and effective control over the Ministry and all of its constituent and subordinate organs,
- instigated, ordered, failed to prevent and punish, or otherwise aided and abetted in the commission of the aforementioned crimes;
- by directing, encouraging, enforcing or otherwise rendering support to Communist Party of Kampuchea policy and practice, which was characterised by murder, extermination, imprisonment, persecution on political grounds and other inhumane acts such as forcible transfers of the population, enslavement and forced labour;
- as part of a widespread or systematic attack targeting a civilian population.

We advised her of her right to have a lawyer of her own choosing or a lawyer named in the list provided for in Rule 11(2)(d) of the Internal Rules of the Extraordinary Chambers.

The Charged Person declared that:

She would like to appoint Mr Phat Pouy Seang as her lawyer, who is present at this hearing

As regards the appointment of an international lawyer, she has already chosen Ms Diana Ellis

We informed the Charged Person that the notification of these charges would be audio and video recorded.

We informed the Charged Person that she had the right to remain silent and could refuse to answer any questions. If she wished to make a statement, we would record it immediately. We informed her of her right to consult her lawyer before being interviewed and to request that her lawyer be present while making her statement.

The Charged Person also made the following declaration:

I was able to talk to my lawyer and I precise that I have no relations with Nuon Chea. Everybody can testify that I hated him. I know he is a bad person. I have no relations with Kaing Gueck Eav either. I do not even know him. I only worked in education and social action.

We informed the Charged Person that at all times during the judicial investigation, she has the right to request the Co-Investigating Judges to make a decision or take any investigative action which she considers useful.

We advised the Charged Person that we would hold an Adversarial Hearing in order to decide on possible provisional detention.

The Charged Person stated and observed that:

អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា មានទីតាំងស្ថិតនៅ ផ្លូវជាតិលេខ៤ សង្កាត់ ចោមចៅ ខណ្ឌ ដង្កោ ក្រុង ភ្នំពេញ ប្រអប់សំបុត្រលេខ៧១ 3
ទូរស័ព្ទលេខ +៨៥៥(០)២៣ ២១៨៩១៤ ទូរសារលេខ +៨៥៥(០)២៣ ២១៨៩៤១។

I wish to receive more time to prepare my defense and I request the adjournment of the adversarial hearing concerning detention.

Decision of the Co-investigating judges:

We inform you that, in order to respect defence rights, we will adjourn the adversarial hearing and place you in police custody. The adversarial hearing will, therefore, take place on Wednesday 14 November at a time that will be fixed later.

The original of the audio and video recording has been labeled and sealed in the presence of the Charged Person, and has been signed by the Greffiers and the Charged Person.

A copy of the audio and video recording was given to the Charged Person.

At five twenty p.m., we had the Greffier read aloud the Written Record of the Initial Appearance of the Charged Person as recorded.

The Record having been read aloud and heard, the Charged Person had no objections, and agreed to sign.

Charged Person	Lawyer	Interpreter	Greffiers	Co-Investigating Judges
Thumb print	Signature	Signatures	Signatures	Signatures