



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា
Extraordinary Chambers in the
Courts of Cambodia

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ
Kingdom of Cambodia
Nation Religion King
Royaume du Cambodge
Nation Religion Roi

ការិយាល័យសហចៅក្រមស៊ើបអង្កេត
Office of the Co-Investigating Judges
Bureau des Co-juges d’instruction
សំណុំរឿងព្រហ្មទណ្ឌ
Criminal Case File /Dossier pénal
លេខ/No: 003/07-09-2009-ECCC-OCIJ

កំណត់ហេតុនៃការប្រកាសជំនាញ
Written Record of Service of
Summons
Proces Verbal de Notification de
Convocation

In the year two thousand and fourteen, the month of November, the 28th day at 07.25 a.m.;

Pursuant to Rules 41, 45, 55 and 72 of the Internal Rules of the Extraordinary Chambers in the Courts of Cambodia (“Internal Rules”);

Pursuant to Summons bearing No. 003-A66 dated 26 November 2014, issued by the International Co-Investigating Judge of the Extraordinary Chambers in the Courts of Cambodia (“ECCC”);

I, Thomas Kuehnel, ECCC Investigator state:

In the presence of Nil Samorn sworn Interpreter of the Extraordinary Chambers in the Courts of Cambodia and Rey Quijencio Security Officer of the ECCC; I served the aforementioned Summons of the International Co-Investigating Judge issued to:

Meas Muth, *alias* Achar Nen
Male
Date of birth: 1938
Place of birth: Pou Village, Srae Khnong Commune, Chhouk District, Kampot Province
Nationality: Cambodian
Current residence: Ta Sanh Cheung Village, Samlaut District, Battambang Province

Named as a Suspect in the *Co-Prosecutors’ Second Introductory Submission Regarding the Revolutionary Army of Kampuchea* filed on 7 September 2009 (“Introductory Submission”)¹ and in the *Co-Prosecutors’ Supplementary*

¹ Case File No. 003-D1, *Co-Prosecutors’ Second Introductory Submission Regarding the Revolutionary Army of Kampuchea*, filed on 7 September 2009.

Submission Regarding Crime Sites Related to Case 003 filed on 31 October 2014 (“Supplementary Submission”);²

The summons was served at Meas Muth’s residence located in Ta Sanh Cheung Village, Samlaut District, Battambang Province.

At 07.12 a.m. Security officer Rey Quijencio and Interpreter Nil Samorn first met Mr. Meas Muth inside the compound of his residence. Three other security officers were waiting inside the cars outside the compound or were on the street outside the compound.

Interpreter Nil Samorn introduced himself as an interpreter of the ECCC. Interpreter Nil Samorn asked Mr. Meas Muth to confirm his identity which he did.

The interpreter then explained the reason for our presence saying that a team of the OCIJ of the ECCC wants to speak with him.

Mr. Meas Muth said that he doesn’t want to speak with anybody if there is no National Side present. Mr. Meas Muth apparently in an agitated mood declared that he doesn’t need anything else other than the legs of his table to defend himself.

Mr. Meas Muth presented his fist for a short moment in front of interpreter Nil Samorn and in front of Security officer Rey Quijencio.

At 07.15, I went to meet Mr. Meas Muth. I greeted Mr. Muth and his wife. At that time Mr. Meas Muth was calm and sitting on a chair in front of his house. Chairs were offered and the above mentioned persons of the ECCC sat together with Meas Muth. I identified myself and my colleagues, and explained the reason for our presence. I handed over an ECCC business card in Khmer language, identifying my name and my function as an investigator/researcher/analyst.

Mr. Meas Muth declared that he refuses to speak with me in the absence of a national Cambodian of the court. Even if I would come with a Cambodian National he would only speak with me in the presence of his lawyer.

I acknowledged that and told Mr. Meas Muth that I am here today only in a messenger function to deliver him a document of the Co-Investigating Judge of ECCC and asked him to communicate with me in order to understand the subject at hand.

I handed him the summons (the Cambodian and the English version). I noticed that he started to read the front page of the Khmer version. I asked him to read the entire document but Mr. Meas Muth refused to do so, declaring that “there is no problem, but he wants to take his breakfast”

Mr. Meas Muth wanted to speak now and declared:

“You came here as a messenger of the Investigating Judge.

You should not come and create a problem for me and the government.

² Case File No 003-D120, *Co-Prosecutor’s Supplementary Submission Regarding Crime Sites Related to Case 003*, 31 October 2014.

If you come alone (meaning without the National Side) you create a problem for me and the government; because after you have left the government will come here to investigate me.

Case 1 is finished, Case 2 is nearly finished. Case 3 and Case 4 is like a big dam. If the dam breaks the flood will not only affect me (Mr. Meas Muth), but it will also affect the other people.

The serious struggle after the dam brakes will become bigger and bigger. You look for a way to break down this dam in 03 and 04.

The trick of the Americans now is to break down the dam by using cases 03 and 04. Now they just create a new promise, saying that after 03 and 04 there is nothing coming anymore.”

I reaffirmed again that today the matter at hand is only to deliver him the document of the Investigating Judge.

Mr. Meas Muth refused to listen to a full reading and explanation of the summons. He declared while I was starting to read and explaining the summons to him “not to waste more time with this, he wants to take his breakfast now”.

With the help of the interpreter, I explained to him and read parts of the summons aloud to Meas Muth, informing him that he is summoned to appear at the ECCC on 8 December 2014 at 1:00 p.m. for an Initial Appearance. I told Mr. Meas Muth that his defence team will be notified about this summons and will receive a summons to attend his initial appearance.

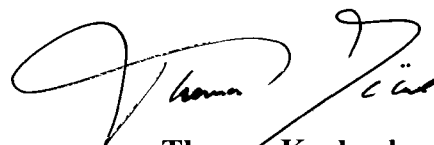
Mr. Meas Muth refused to sign the Acknowledgement of Service of the Summons.

Mr. Meas Muth declared that he will not come. The wife of Mr. Meas Muth took the summons, looked at it and stated that she would appear in his place. I told her that that she cannot do so; it's her husband who is summonsed.

I departed Meas Muth's home with my colleagues at 07.35 a.m.

I signed the Acknowledgement of Service of the Summons and noted the refusal of Mr. Meas Muth to sign. This Written Record of Service of Summons was drafted on 28 November 2014 and completed 05 December 2014;

Dated 5 December 2014, Phnom Penh



Thomas Kuehnel
Investigator