

ឯកសារដើម
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SANNAPHA



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

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: 003/07-09-2009-ECCC-OCIJ

កំណត់ហេតុនៃការចូលខ្លួនដំបូង

Written Record of Initial Appearance

Procès-Verbal d'Interrogatoire de Première Comparution

The year two thousand and fourteen, the eight of December at one and thirteen PM.

I, **Mark B. Harmon**, International Co-Investigating Judge of the Extraordinary Chambers in the Courts of Cambodia, with Ly Chantola as Greffier;

Noting the Law on the Establishment of the Extraordinary Chambers in the Courts of Cambodia, dated 27 October 2004 (“ECCC Law”);

Noting Rules 21, 22, 25, 55, 57, 63(1) and 72 of the Internal Rules of the Extraordinary Chambers in the Courts of Cambodia (“Internal Rules”);

Noting the *Co-Prosecutors’ Second Introductory Submission Regarding the Revolutionary Army of Kampuchea* filed on 7 September 2009;¹

Noting the *Co-Prosecutors’ Supplementary Submission Regarding Crime Sites Related to Case 003*, filed on 31 October 2014 (“Supplementary Submission”);²

Noting the judicial investigation in relation to alleged violations of the **1956 Penal Code, Crimes against Humanity and Grave Breaches of the Geneva Conventions of 12 August 1949**, offences defined and punishable under Articles 3 (new), 5, 6, 29 and 39 of the ECCC Law and Articles 500, 501, 503, 505, 506, 507 and 508 of the 1956 Penal Code;

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

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

Ly TP

1 *[Signature]*
MBA

Noting the Disagreement registered on 17 July 2014;

Noting that I issued a summons to Meas Mut to appear before me on 8 December 2014 at 13h, at the ECCC, located National Road 4, Choam Chao, Po Senchey, Phnom Penh for an Initial Appearance;³

Noting that this summons was served to him personally on 28 November 2014 at his residence;

Noting that Meas Mut's Co-Lawyers, Ang Udom and Michael G. Karnavas, were summonsed to attend the Initial Appearance of their Client⁴;

Noting that on 5 December 2014 I exempted Michael G. Karnavas from attending the scheduled initial appearance and authorized the attendance of Ms. Tanya Pettay;

In the presence of National Co-Lawyer Ang Udom, Ms. Tanya Pettay, Senior Legal Consultant, and Mang Monika, Case Manager;

In the presence of OURK Vora, sworn Interpreters of the ECCC;

In the presence of Khlok Soussolalin Technical Assistant of the ECCC;

Held the Initial Appearance of Meas Mut at the ECCC;

I advised National Co-Lawyer Ang Udom, Tanya Pettay, Senior Legal Consultant, and Mang Monika, Case Manager, that this Initial Appearance would be audio/video recorded;

This written record is made in English as requested by National Co-Lawyer Ang Udom and Tanya Pettay, Senior Legal Consultant.


Question by the International Co-Investigating Judge (ICIJ): Is Meas Mut present for this proceeding?

Answer of Co-Lawyer: Concerning this, Meas Mut has his position as stated in his letter sent to this court: Notification dated 2 December 2014 concerning non recognition of his summons.

Question by the International Co-Investigating Judge (ICIJ): Did you receive a letter from me dated 4 December 2014 concerning my explanation of the ECCC Law concerning a summons issued by one CIJ?

³ Case File No. 003-A66, *Summons of Meas Mut for Initial Appearance*, dated 26 November 2014.

⁴ Case No. 003-A67, *Summons of Meas Mut's Co-Lawyers for the Initial Appearance of Meas Mut*, 28 November 2014.

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Answer of Co-Lawyer: Yes.

Question by the International Co-Investigating Judge (ICIJ): Notwithstanding the substance of the letter of 4 December 2014 I sent to you and Mr. Karnavas, it was Mr. Meas Muth's decision not to appear today for these proceedings. Am I correct?

Answer of Co-Lawyer: Yes, you are right.

The ICIJ Noted for the record that Meas Mut failed to appear for his initial appearance.

Question by the International Co-Investigating Judge (ICIJ): Do you have anything to say?

Answer of Co-Lawyer: I have one request and one question.

Now I would like to make a verbal request, despite my repeated requests on this matter: I reiterate my request to access the Case File against my client.

My question: I would like you to clarify why the national CIJ is not present here?

Answer by the International Co-Investigating Judge (ICIJ): Your request to access to Case File is denied. The reason for the CIJ being here alone is confidential.

Observation by the National Co-Lawyer: The fact of not granting access to the Case File from the beginning until now is a violation of my client's rights and I think that it is not in the interest to deny him access to the case file, but it will create problems for the future. I have no further comments.

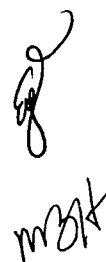
Response by the International Co-Investigating Judge (ICIJ): Your observations have been noted.

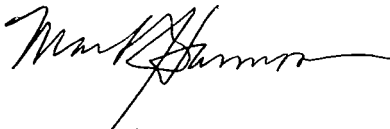

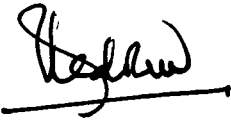

Question by the International Co-Investigating Judge (ICIJ): If you don't have any further observations, I will adjourn these proceedings.

Answer of Co-Lawyer: No, Sir.

The Initial Appearance hearing concluded at one thirty seven on the same day;

A copy of this Written Record of Initial Appearance was provided to the National Co-Lawyer.



<p>Judge Mark B. Harmon International Co-Investigating Judge</p>  <p><i>Signature</i> Date: 08/12/2014</p>	<p>Ly Chantola Greffier</p>  <p><i>Signature</i> Date: 08/12/2014</p>	<p>Interpreter</p> <p><i>Signature</i> Date :</p>
<p>Meas Mut Charged Person</p> <p><i>Signature / Thumbprint</i> Date</p>	<p>Ang Udom National Lawyer of Meas Mut</p>  <p><i>Signature</i> Date : 11-12-14</p>	<p>Tanya Pettay, For Michael G. Karnavas International Lawyer of Meas Mut</p>  <p><i>Signature</i> Date : 11 Dec 2014</p>

MBH