



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

Kingdom of Cambodia  
Nation Religion King  
Royaume du Cambodge  
Nation Religion Roi

To: The Judges, Office of the Co-Investigating Judges

**ឯកសារដើម**  
**ORIGINAL/ORIGINAL**  
ថ្ងៃ ខែ ឆ្នាំ (Date): 19-Dec-2012, 11:40  
CMS/CFO: Sann Rada

Isaac Endeley, Chief  
Defence Support Section  
18 December 2012

**Re: Assignment of Co-Lawyers to Represent Mr. Meas Muth, a Suspect in Case 003**

Honourable Judges,

1. Further to the letter of 6 March 2012 by which the former Reserve International Co-Investigating Judge instructed the Defence Support Section (“DSS”) to, *inter alia*, assign Defence Counsel to represent each Suspect in Case 003, pursuant to Internal Rule 11(2) (e), (f), (g), (h) and (i), I have the honour to inform you as follows.
2. In compliance with the instruction, and in order to uphold the rights of the Suspects under Internal Rules 21 and 22, the DSS conducted field missions to meet with the Suspects on 14-17 March 2012 and 25 -26 March 2012. At that time Mr. Meas Muth, a Suspect in Case 003, did not request the assignment of counsel.
3. On 15 June 2012, I received a letter from Mr. Meas Muth requesting the appointment of Mr. Ang Udom and Mr. Michael G. Karnavas as his Co-Lawyers. Mr. Ang Udom and Mr. Michael G. Karnavas are, respectively, the Cambodian and Foreign Co-Lawyers currently representing Mr. Ieng Sary, an Accused in Case 002 before the ECCC. In the letter, Mr. Meas Muth waived any conflict arising from the lawyers’ simultaneous representation of himself and Mr. Ieng Sary and indicated his intention to exercise his right to remain silent before the ECCC. I also received a letter from Mr. Ieng Sary waiving any conflicts arising out of the simultaneous representation of himself and Mr. Meas Muth by the same Co-Lawyers.
4. I met with Mr. Meas Muth on 12 July 2012 to verify his selection of Co-Lawyers. He confirmed that he wished to be represented by Mr. Ang Udom and Mr. Michael G. Karnavas, that he had made this decision freely, and that he understood that the same lawyers were already representing another person before the ECCC. He further confirmed that he understood the meaning of the waiver letter that he had signed regarding any potential conflict with the other person represented by his lawyers.
5. Mr. Meas Muth has elected to exercise his right under Internal Rule 22(1)(b) to apply for legal representation to be provided to him by the United Nations, on account of his indigence. I have reviewed the Form 8: Declaration of Means in which Mr. Meas Muth declares that he is indigent. I also recall the substance of my in-person discussion with Mr. Meas Muth in July 2012 during which he informed me that he does not have the means to pay for his own legal representation. In addition, I telephoned Mr. Meas Muth on 13 December 2012 and he again claimed indigence.
6. However, due to some important information that has recently come to my attention, I am not satisfied that Mr. Meas Muth is, in fact, indigent. Pursuant to Internal Rule 11.6, I am required to “make determinations on indigence and the assignment of lawyers to indigent persons based on the criteria set out in the Defence Support Section administrative regulations.” To that end, I intend to conduct an independent investigation on Mr. Meas Muth’s assets and finances before determining

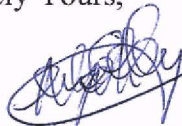
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whether his Co-Lawyers can be remunerated under the ECCC’s Legal Assistance Scheme. I have discussed this with Mr. Meas Muth as well as with the Co-Lawyers.

- 7. Meanwhile, in order to protect Mr. Meas Muth’s fair-trial rights and to ensure that he is represented by the counsel of his choice, the Co-Lawyers have agreed to work on a *pro bono* basis until I can make a determination on indigence. On the basis of this understanding, on 14 December 2012, I formally assigned Mr. Ang Udom and Mr. Michael G. Karnavas as the Co-Lawyers for Mr. Meas Muth in proceedings before the ECCC.
- 8. The delay in assigning the lawyers was due in part to uncertainty as to whether, under the United Nations financial rules and regulations, an independent contractor, such as a lawyer, can be remunerated for multiple contracts performed simultaneously. After checking with the relevant offices, I am now satisfied that assigning lawyers to multiple cases does not violate the applicable rules and regulations. Moreover, the Legal Assistance Scheme does not prohibit the assignment of a lawyer to represent multiple suspects, accused or appellants before the ECCC. Further, because Cases 002 and 003 are at different stages of procedure, and due to the organizational structure of the ECCC, I am satisfied that the assignment will not cause a scheduling conflict in the proceedings.
- 9. On 20 August 2012, I also notified the Trial Chamber of the possibility that the Co-Lawyers for Mr. Ieng Sary could be assigned to represent a Suspect in Case 003. In its reply dated 21 September 2012, the Trial Chamber informed me, without stating any names, that one of the Suspects in Case 003 is likely to be called as a witness in Case 002.
- 10. In examining the request for the assignment of counsel, I have considered Mr. Meas Muth’s expressed preferences; the lawyers’ overall experience in international criminal and humanitarian law; their level of familiarity with the prevailing rules, practices and procedures at the ECCC; their knowledge of the historical and political context of the Democratic Kampuchea era; and all the applicable conflict waivers. As noted earlier, Mr. Meas Muth’s claim of indigence remains subject to independent verification.
- 11. In light of the foregoing, and pending a determination on indigence, I have assigned Mr. Ang Udom as the Cambodian Co-Lawyer and Mr. Michael G. Karnavas the Foreign Co-Lawyer for Mr. Meas Muth, a Suspect in Case 003 before the ECCC.
- 12. I respectfully invite the Co-Investigating Judges to note the assignment.

Sincerely Yours,



Isaac Endeley, Chief  
Defence Support Section



CC: Mr. Kranh Tony, Acting Director of the Office of Administration  
Mr. Knut Rosandhaug, Deputy Director of the Office of Administration/  
UNAKRT Coordinator

Encl: Form 7: Request for Engagement/ Assignment of Co-Lawyers



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា  
Extraordinary Chambers in the Courts of Cambodia  
Chambres Extraordinaires au sein des Tribunaux Cambodgiens

**ទម្រង់ ៧៖ សំណើសុំចាត់តាំងសហមេធាវី**

**Form 7: Request for Engagement/Assignment of Co-Lawyers**

ឈ្មោះជនសង្ស័យ ជនត្រូវចោទ ឬ ជនជាប់ចោទ: Name of suspect, charged person or accused:	<b>Meas Muth</b>
អាសយដ្ឋានបច្ចុប្បន្ន: Present Address:	<b>House No.149, Group 9, Ta Sanh Khang Cheung Village, Ta Sanh Commune, Samlot District, Battambang Province</b>
លេខទូរសព្ទ: Phone number:	<b>012 727 364</b>

**សេចក្តីណែនាំ:**

**Instructions**

ជនសង្ស័យ ជនត្រូវចោទ ឬ ជនជាប់ចោទនៅចំពោះមុខអង្គជំនុំជម្រះវិសាមញ្ញ មានសិទ្ធិទទួលបាន ការការពារដោយសហមេធាវីកម្ពុជាមួយរូប និង សហមេធាវីបរទេសមួយរូប ។

As a suspect, charged person or accused before ECCC you have the right to be represented by Cambodian and Foreign Co-Lawyers.

ប្រសិនបើអ្នកមានមធ្យោបាយគ្រប់គ្រាន់ដើម្បីបង់ថ្លៃសេវាមេធាវី អ្នកអាចជ្រើសរើសសហមេធាវីដោយខ្លួនឯងផ្ទាល់ ។ សូមបង្ហាញពីជម្រើសសហមេធាវីរបស់អ្នកចេញពីប្រអប់ខាងក្រោម ។

If you have sufficient means to pay, you may engage Co-Lawyers of your choice. Please indicate your choice of Co-Lawyers in the boxes provided.

ប្រសិនបើអ្នកពុំមានមធ្យោបាយគ្រប់គ្រាន់ដើម្បីបង់ថ្លៃសេវាសហមេធាវី នោះអង្គជំនុំជម្រះវិសាមញ្ញនឹងបង់ថ្លៃសេវាសហមេធាវីនេះ ។ អ្នកអាចជ្រើសរើសសហមេធាវីកម្ពុជាមួយរូប និង សហមេធាវីបរទេសមួយរូបដើម្បីចាត់តាំងឱ្យការពារអ្នកបណ្តោះអាសន្ន ។ សូមអ្នកបង្ហាញពីជម្រើសសហមេធាវីរបស់អ្នកចេញពីប្រអប់ខាងក្រោម ។

If you lack sufficient means to pay, the ECCC will pay for your Co-lawyers. You may choose one Cambodian Co-Lawyer and one Foreign Co-Lawyer to be provisionally assigned to represent you. Please indicate your choice of Co-Lawyers in the boxes provided.

**មធ្យោបាយគ្រប់គ្រាន់**

**Sufficiency of Means**

តើអ្នកមានមធ្យោបាយគ្រប់គ្រាន់ដើម្បីជួលមេធាវីដោយខ្លួនឯងដែរឬទេ?

Do you have sufficient means to engage your own lawyers?

បាទ  ទេ ប្រសិនបើគ្មាន សូមបំពេញទម្រង់ ៨០: សេចក្តីថ្លែងអំពីមធ្យោបាយ

Yes  No If no, please complete Form 8 – Declaration of Means.

**ភាសា**

**Languages**

សូមបញ្ជាក់ពីភាសាដែលអ្នកនិយាយ

Please indicate what languages you speak.

Cambodian

**ការជ្រើសរើសសហមេធាវី**

**Selection of Co-Lawyers**

សូមបញ្ជាក់ពីសហមេធាវីដែលអ្នកបានជ្រើសរើសដើម្បីការពារអ្នក

Please indicate the Co-Lawyers that you have chosen to represent you.

១. សហមេធាវីកម្ពុជា

1. Cambodian Co-Lawyer

**ជម្រើសទីមួយ:**

**First Choice:**

ឈ្មោះ: Name:	<b>ANG Udom</b>
ឈ្មោះការិយាល័យ: Office:	<b>UDOM LAW Chambers, Address: Room221, 2rd Floor of Phnom Penh Center Building, Block A, Sihanouk Blvd Corner with Sothearos, Sangkat Tonle Bassac, Khan Chamkarmorn, Phnom Penh, Kingdom of Cambodia.</b>

**ជម្រើសទីពីរ:****Second Choice:**

ឈ្មោះ: Name:	<b>Michael G.KARNAVAS</b>
ឈ្មោះការិយាល័យ: Office:	<b>Cornelis de Wittlaan 65, 2582 AD The Hague, The Netherlands</b>

២. សហមេធាវីបរទេស

2. Foreign Co-Lawyer

**ជម្រើសទីមួយ:****First Choice:**

ឈ្មោះ: Name:	
ឈ្មោះការិយាល័យ: Office:	

**ជម្រើសទីពីរ:****Second Choice:**

ឈ្មោះ: Name:	
ឈ្មោះការិយាល័យ: Office:	

**លេចក្តីប្រកាស**

**Declaration**

តាមរយៈទម្រង់សុំការចាត់តាំងសហមេធាវីនេះ ខ្ញុំសូមផ្តល់អំណាចទៅសហមេធាវីដែលមានឈ្មោះ  
ខាងលើ ដើម្បីការពារខ្ញុំនៅចំពោះមុខអង្គជំនុំជម្រះវិសាមញ្ញ ។

I hereby give authorisation for any of the above-named Co-Lawyers to represent me before the ECCC.

Meas Muth	(Signed)	18.07.2012
ឈ្មោះ:	ហត្ថលេខា	កាលបរិច្ឆេទ
Name	Signature	Date

**ភាពទំនេរ និង ការត្រៀមលក្ខណៈ(ត្រូវបំពេញដោយអង្គភាពគាំពារការការពារក្តី DSS)  
Availability and Standing (To be completed by DSS)**

ឈ្មោះសហមេធាវី: Name of Co-Lawyer:	ភាពទំនេរត្រូវបានបញ្ជាក់ Availability confirmed	ការត្រៀមលក្ខណៈត្រូវបានបញ្ជាក់ Standing confirmed

.....

ហត្ថលេខា  
Signature

.....

កាលបរិច្ឆេទ  
Date

ប្រធានអង្គភាពគាំពារការការពារក្តី  
Head, Defence Support Section

**សេចក្តីណែនាំ**

**INSTRUCTIONS**

ខ្ញុំសូមស្នើសុំចាត់តាំងមេធាវីដែលមានឈ្មោះខាងក្រោម ដើម្បីការពាររឿងក្តីរបស់ខ្ញុំ:

I request the following lawyers to be assigned to my case:

<b>សហមេធាវីកម្ពុជា</b> <b>Cambodian Co-Lawyer</b>	<b>ANG Udom</b>
<b>សហមេធាវីបរទេស</b> <b>Foreign Co-Lawyer</b>	<b>Michael G.KARNAVAS</b>

Meas Muth

(Signed)

18.07.2012

ឈ្មោះ

ហត្ថលេខា

កាលបរិច្ឆេទ

Name

Signature

Date