



ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

ការិយាល័យសហចៅក្រមស៊ើបអង្កេត
OFFICE OF THE CO-INVESTIGATING JUDGES
BUREAU DES CO-JUGES D'INSTRUCTION

TO: **Mr. Michael Karnavas**
A: **Mr. Ang Udom**
Meas Muth Defence

Date: 4 June 2015

FROM: **International Co-Investigating Judge**
DE:

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ORIGINAL DOCUMENT/DOCUMENT ORIGINAL	
ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/date de réception):	
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du dossier:..... SAN N RATH	

CONFIDENTIAL

SUBJECT: **RESPONSE TO MEAS MUTH'S REQUEST TO RESCIND THE ARREST WARRANT**
OBJET: **ISSUED ON 10 DECEMBER 2014**

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

1. I take notice of your *Request to Rescind the Arrest Warrant Issued on 10 December 2014* ("10 December 2014 Warrant"),¹ ("Request").²
2. In your submissions you first argue that the 10 December 2014 Warrant was not valid because not signed by both Co-Investigating Judges ("CIJs"),³ and second, that the 10 December 2014 Warrant should be rendered moot after the issuance of the Decision to Charge Meas Muth *in absentia* ("Decision to Charge").⁴
3. With regards to your first argument, the ability of a Co-Investigating Judge to act unilaterally following a disagreement is clearly provided for in Articles 5 and 7 of the ECCC Agreement, Article 23 new of the ECCC Law, and Internal Rule 72. The PTC has repeatedly held that Internal Rule 72 encompasses all actions performed by the CIJs in the conduct of the investigation.⁵ There is no provision in the applicable


¹ Case File No. 003-C1, *Arrest Warrant of Meas Muth*, issued on 10 December 2014 and placed on Case File 003 on 11 December 2014.
² Case File No. 003-D130, *Meas Muth's Request to Rescind the Arrest Warrant Issued on 10 December 2014*, dated 10 March 2015.
³ Request, paras 25-30.
⁴ Request, paras 31-35; *see also* Case File No. 003-D128, *Decision to Charge Meas Muth in absentia*, 3 March 2015.
⁵ Case File No. 003-D117/1/1/2, *Decision on Meas Muth's Appeal Against the International Co-Investigating Judge's Order on Suspect's Request Concerning Summons Signed by One Co-Investigating Judge*, 3 December 2014; Case File No. 003-D117/1, *Order on Suspect's Request concerning Summons Signed by One Co-Investigating Judge*, 26 September 2014, para. 4; *see also* Decision to Charge, paras 10 and 58; Case File No. 003-D171/1/1/2, *Decision on Meas Muth's Appeal against the International Co-Investigating Judge's Order on Suspect's Request concerning Summons Signed by One Co-Investigating Judge*, 3 December 2014, para. 16; Case File No. 004-A122/6.1/3, *Decision on Im Chaem's Urgent Request to Stay the Execution of Her Summons to an Initial Appearance*, 15 August 2014, para. 14, citing *Considerations of the Pre-Trial Chamber regarding the Disagreements between the Co-Prosecutors pursuant to Internal Rule 71*, 18 August 2014.



law excluding arrest warrants from this general principle. In arguing that arrest warrants are not covered by the disagreement mechanism, you have not relied on any applicable authority, aside from the unsupported assertion that an arrest warrant “*must*” be agreed by both Co-Investigating Judges.⁶ Considering the clarity of the law and the PTC’s position on this matter, I will no longer entertain submissions on the authority of a single Co-Investigating Judge that ignore the applicable law and existing jurisprudence on this issue.

- 4. The second part of your request, concerning the validity of the warrant after the charging of your client, is now moot after the issuance of a new arrest warrant, superseding the 10 December 2014 Warrant, on 4 June 2015.⁷

Dated 4 June 2015, Phnom Penh



Judge Mark B. Harmon
សម្របសម្រួលអង្គការអន្តរជាតិ
International Co-Investigating Judge
Co-juge d’instruction international

2009, paras 16 and 27 and Case File No. 002-D427/1/30, *Decision on Ieng Sary’s Appeal against the Closing Order*, 11 April 2011, paras 274-276.

⁶ Request, para. 27.

⁷ Case File No. 003-C2, *Arrest Warrant of Meas Muth*, issued on 4 June 2015.