



ព្រះរាជាណាចក្រកម្ពុជា  
ជាតិ សាសនា ព្រះមហាក្សត្រ  
Kingdom of Cambodia  
Nation Religion King

អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

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

Royaume du Cambodge  
Nation Religion Roi

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

Case File No: 004/07-09-2009-ECCC-OCIJ

Before: **The Co-Investigating Judges**  
Date: **5 February 2016**  
Language(s): **English/Khmer**  
Classification: **CONFIDENTIAL**

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**RESCISSION OF THE ARREST WARRANT AGAINST IM  
CHAEM**

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**I. PROCEDURAL HISTORY**

1. On 29 July 2014, former International Co-Investigating Judge Mark Harmon (“ICIJ Harmon”) summoned Im Chaem to appear at the ECCC for an initial appearance on 8 August 2014.<sup>1</sup> The summons was served on her on 31 July 2014.<sup>2</sup>
2. She failed to appear without excuse at the ECCC on the date for which she had been summoned.
3. On 14 August 2014, ICIJ Harmon issued an arrest warrant against Im Chaem (“Warrant”) for the sole purpose of bringing her before the court for an initial appearance.<sup>3</sup> The Judicial Police have not executed the Warrant.
4. As a consequence, Im Chaem was charged by ICIJ Harmon *in absentia* on 3 March 2015.<sup>4</sup> The decision of the Pre-Trial Chamber on the appeal filed by Im Chaem on 2 April 2015 against that decision is still outstanding.<sup>5</sup>
5. On 18 December 2015, the CIJs publicly notified the parties of the conclusion of the judicial investigation against Im Chaem<sup>6</sup> and confidentially informed the parties of their inclination to dismiss the charges against Im Chaem for lack of personal jurisdiction.<sup>7</sup>

**II. DISCUSSION**

6. The judicial investigation against Im Chaem is concluded. Although the final decision on the outcome will be made in the Closing Order, there is currently no need for Im Chaem to attend any hearing on the notification of charges.
7. The Warrant is therefore moot and must be rescinded.

**FOR THE FOREGOING REASONS, WE:**

8. **RESCIND** the Warrant;
9. **ORDER** the Judicial Police to cease execution of the Warrant.

Dated 5 February 2016, Phnom Penh

**សហចៅក្រមស៊ើបអង្កេត**

Co-Investigating Judges

Co-Juge d'instruction

**YOU Bunfeng** **Michael BOHLANDER**

<sup>1</sup> Case File No. 004-A150, *Summons of IM Chaem for Initial Appearance*, 29 July 2014; Case File No. 004-A150/1, *Written report of service of summons*, 8 August 2014.

<sup>2</sup> Case File No. 004-A150/1, *Written report of service of summons*, 8 August 2014.

<sup>3</sup> Case File No. 004-C1, *Arrest Warrant of IM Chaem*, 14 August 2014.

<sup>4</sup> Case File No. 004-D239, *Decision to Charge Im Chaem in Absentia*, 3 March 2015.

<sup>5</sup> Case File No. 004-D239/1/2, *Im Chaem's Appeal against the International Co-Investigating Judge's Decision to Charge Her in Absentia*, 2 April 2015.

<sup>6</sup> Case File No. 004-D285, *Notice of Conclusion of Judicial Investigation against Im Chaem*, 18 December 2015.

<sup>7</sup> Case File No. 004-D286, *Notice of Intent to Dismiss the Charges against Im Chaem and to Sever the Proceedings against Her*, 18 December 2015.