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មន្ត្រីទទួលបន្ទុកសំណុំរឿង / Case File Officer/L'agent chargé
du dossier: SANM RADA

លេខ / N°: C1

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ
Kingdom of Cambodia
Nation Religion King

អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

Royaume du Cambodge
Nation Religion Roi

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

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

ដីកាបង្គាប់ឱ្យនាំខ្លួន
Arrest Warrant
Mandat d'Amener

Case File No: 003/07-09-2009-ECCC-OCIJ

I, **Mark B. Harmon**, International Co-Investigating Judge of the Extraordinary Chambers in the Courts of Cambodia (“ECCC”);

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

Noting Rules 11, 15, 21, 22, 41, 42, 45, 51, 55, 57 and 72 of the ECCC Internal Rules (“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 relating 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;

Noting that Meas Mut is a named Suspect in the Introductory Submission and the Supplementary Submission;

Noting the Disagreement registered on 17 July 2014;

Noting the following regarding Meas Mut’s identity:

Name: **Meas Mut**, *alias* Achar Nen

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.



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
 Name of spouses: Khom (deceased) and Kha
 Name of children: Pheap and Vuth
 Pictured in the attached photograph

Noting that, on 26 November 2014, the International Co-Investigating Judge issued a summons for Meas Mut to appear at the ECCC for an Initial Appearance on 8 December 2014;³

Noting that Thomas Kuehnel, Investigator at the ECCC, served this Summons on Meas Mut on 28 November 2014;⁴

Noting that in a letter dated 2 December 2014, Meas Mut informed the International Co-Investigating Judge that he did not recognize the validity of a summons to Initial Appearance issued by a single Co-Investigating Judge;⁵

Noting that on 3 December 2014, the Co-Lawyers for Meas Mut informed the Co-Investigating Judges that their client did not intend to comply with the summons and will not be present at his Initial Appearance scheduled on 8 December 2014;⁶

Noting that in the *Response to the Notice concerning Mr Meas Muth's decision not to recognize summons Dated 3 December 2014*, the International Co-Investigating Judge recalled that the Pre-Trial Chamber had already affirmed the validity of a summons for Initial Appearance issued by one Co-Investigating Judge, provided that the disagreement procedure set forth in Internal Rule 72 has been complied with and that the 30 day time period to bring it before the Pre-Trial Chamber has elapsed.⁷

Noting that Meas Mut failed to appear for this Initial Appearance;

Noting that Meas Mut's National Co-Lawyer, Ang Udom, appeared at scheduled Initial Appearance and declared that Meas Mut refused to appear on the ground that that he did not recognize the validity of a summons to Initial Appearance issued by a single Co-Investigating Judge;⁸

Hereby **order** the Judicial Police to execute this arrest warrant (*mandat d'amener*) forthwith;

The Judicial Police shall not enter the residence of Meas Mut prior to 6:00 a.m. or after 6:00 p.m., and the Judicial Police shall notify the International Co-Investigating Judge of any difficulty in performing their mission;

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

⁴ Case File No. 003-A66/1, *Written Record of Service of Summons*, 5 December 2014.

⁵ Case File No. 003-A67/1.1, *Notice of non-recognition of summons*, 2 December 2014.

⁶ Case File No. 003-A67/1, *Notice concerning Mr Meas Muth's decision not to recognize summons*, 3 December 2014.

⁷ Case File No. 003-A67/1/1, *Response to the Notice concerning Mr Meas Muth's decision not to recognize summons Dated 3 December 2014*, 4 December 2014.

⁸ Case File No. 003-D122, *Written Record of Initial Appearance*, 8 December 2014.



The Judicial Police shall bring Meas Mut before the International Co-Investigating Judge for an Initial Appearance. If Meas Mut, due to the circumstances, cannot be brought before the International Co-Investigating Judge immediately, he shall be placed in temporary detention, wherever possible in the detention facility of the ECCC, and presented to the International Co-Investigating Judge as soon as possible.

Meas Mut has the following rights under the Internal Rules:

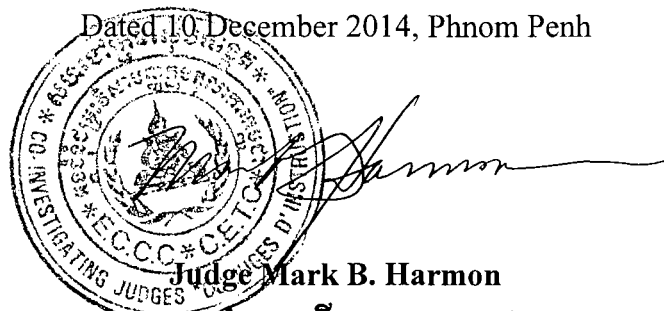
- The right to lawyers of his own choosing as provided in Internal Rules 11, 21, and 22 and the applicable administrative regulations,
- The right to have a lawyer present during his Initial Appearance pursuant to Internal Rule 57,
- The right to remain silent pursuant to Internal Rule 57,
- The right to make a recorded statement with a lawyer present during his Initial Appearance pursuant to Internal Rule 57, and
- The right to consult with a lawyer prior to being interviewed at any stage of the judicial investigation;

Should he be placed in temporary detention because he cannot be brought before the International Co-Investigating Judge immediately, Meas Mut has the following rights under Internal Rule 51:

- The right to request to see his lawyer, who shall be informed of the request immediately, by all means available, and
- The right to meet with such lawyer or, if this is not possible, a lawyer provided by the Defence Support Section, for a maximum of 30 (thirty) minutes before he is presented to the International Co-Investigating Judge. Such lawyer shall have the right to be present during the period of police custody, subject to the administrative requirements of the detention facility;

The International Co-Investigating Judge requests that all competent authorities provide any assistance that may be requested by the Judicial Police in their execution of this arrest warrant (*mandat d'amener*).

Dated 10 December 2014, Phnom Penh



Judge Mark B. Harmon

សហចៅក្រមស៊ើបអង្កេតអន្តរជាតិ

International Co-Investigating Judge
Co-Juge d'Instruction International