



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: 002/14-08-2006

លេខស៊ើបសួរ/Investigation/Instruction
លេខ/No: 002/19-09-2007-ECCC/OCIJ

ព្រះរាជាណាចក្រកម្ពុជា

ជាតិ សាសនា ព្រះមហាក្សត្រ

Kingdom of Cambodia

Nation ព្រះរាជាណាចក្រកម្ពុជា

Certified Copy/Copie Conforme

ថ្ងៃទី(On/Le)...១២...ខែ(Month/Mois) Nov..

ឆ្នាំ (Year/Année).....២០០៧

ក្រឡាបញ្ជី/ Greffier ...SANN RADA

កំណត់ហេតុនៃការចូលខ្លួនដំបូង

Written Record of Initial Appearance
Procès-verbal de première comparution

The year two thousand and seven, the twelve of November at one forty five pm.

We, You Bunleng ឬ ប៊ុនឡេង and Marcel Lemonde, Co-Investigating judges of the
Extraordinary Chambers, with Mr. Ham Hel and Mr. Ly Chantola as Greffiers,

Noting the Law on the Establishment of the Extraordinary Chambers, dated 27 October
2004,

Noting Rule 57 of the Internal Rules of the Extraordinary Chambers,

Noting the Introductory Submission by the Co-Prosecutors, dated 18 July 2007

In the presence of Ouch Channora អ៊ូច ចាន់ណូរ៉ា and TANHEAN Davann តាន់ហ៊ីង ដាវណ្ណ,
sworn interpreters of the Extraordinary Chambers.

Having been brought before us and having provided the following information regarding
his personal identity:

IENG Sary
Alias Van
Male,

Born on 24 October 1925. I modified this date later in order to sit the entry exam for
Sisowath high school, so the official birth date is the 1st of January 1930.

Real place of birth: Commune of Loeung Va, district of Tra Ninh, province of Tra Ninh in Kampuchea Krom (Cochinchine).

Place of birth in accordance of the new certificate of birth: village of Baray, commune of Baray, district of Preyveng, province of Preyveng since, in order to obtain a Cambodian birth certificate at that time, one had to be born in Cambodia.
Nationality: Cambodian

Name of Father **Kem Riem** (deceased), Name of Mother **Trâm Thi Lôï** (deceased)
Name of spouse: **IENG Thirith**, maiden name: **Khieu Thirith** (living), number of children: four
Residing at No. 47b, street 21, group 36, zone 4, Tonle Bassac, Chamkamorn, City of Phnom Penh.

Occupation before the Revolution:
History and geography teacher at Kampuch Botr high-school

Profession during the Democratic Kampuchea:
I was respectively sent as a special envoy of the [internal] resistance to Beijing, charged with relations with the Head of State, Norodom Sianouk, then, from 23 April 1975, I was responsible for receiving foreign guests at the Ministry of Foreign Affairs, and with the renovation of national museum. Finally, from 4 April 1976 (I am not certain of the date) Minister of Foreign Affairs and first Prime Minister of Democratic Kampuchea.

Criminal record: Convicted in absentia for the crime of genocide by the Popular Revolutionary Tribunal at Phnom Penh, on 19 August 1979.

Having declared that he is able to read, write, and understand Khmer
Therefore, the original of this Written Record of Initial Appearance is written in the Khmer language.

Having recorded the identity of this person, we advised him of the acts with which we have been seised by the Introductory Submission of the Co-Prosecutors of the Extraordinary Chambers, dated 18 July 2007, and for which he appeared before us. We informed him that the acts set out in the Introductory Submission by the Co-Prosecutors, and summarized below, were open to legal characterisation as follows:

- **Violations of the 1956 Penal Code** (Homicide, Torture, and Religious Persecution of Buddhists and Cham);
- **Genocide** (of Buddhists, Cham and Vietnamese);
- **Crimes Against Humanity** (Murder; Extermination; Enslavement; Deportation; Imprisonment; Torture; Rape; Persecutions on political, racial and religious grounds of former officials of the Khmer Republic, feudalists, capitalists and bourgeoisie, "new people", suspected "bad elements", Buddhists, Cham, and Vietnamese; and Other Inhumane Acts);
- **Grave Breaches of the Geneva Conventions of 12 August 1949** (Wilful Killing; Torture or Inhumane Treatment; Wilfully Causing Great Suffering or Serious Injury to Body or Health; Destruction and Serious Damage to Property not

អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា មានទីតាំងស្ថិតនៅ ផ្លូវជាតិលេខ៤ សង្កាត់ ចោមចៅ ខណ្ឌ ដង្កោ ក្រុង ភ្នំពេញ ប្រអប់សំបុត្រលេខ៧១

justified by military necessity and carried out unlawfully and wantonly; Wilfully Depriving a Prisoner of War or Civilian the Rights of Fair and Regular Trial; and Unlawful Deportation or Transfer or Unlawful Confinement of a Civilian).

We advised this person that he was hereby placed under judicial investigation for the acts of which he has just been notified and specified the offences with which he was charged in relation thereto:

- **Crimes Against Humanity** (Murder, Extermination, Imprisonment, Persecution and Other Inhumane Acts), and
- **Grave Breaches of the Geneva Conventions of 1949** (Wilful Killing, Willfully Causing Great Suffering or Serious Injury to Body or Health, Wilful Deprivation of Rights to a Fair Trial of prisoners of war or civilians, unlawful deportation or transfer or unlawful confinement of a civilian),

offences defined and punishable under Articles 5, 6, 29 (new) and 39 (new) of the Law on the Establishment of the Extraordinary Chambers, dated 27 October 2004;

for having, throughout Cambodia during the period from 17 April 1975 to 6 January 1979:

- in his capacity as the Minister of Foreign Affairs, exercising authority and effective control over the Ministry and all of its constituent and subordinate organs, and as a full rights member of the Central and Standing Committees of the Communist Party of Kampuchea (CPK),
- instigated, ordered, failed to prevent and punish, or otherwise aided and abetted in the commission of the aforementioned crimes;
- by directing, encouraging, enforcing, or otherwise rendering support to CPK policy and practice which was characterised by murder, extermination, imprisonment, persecution on political grounds and other inhuman acts such as forcible transfers of the population, enslavement and forced labour;
- as part of a widespread or systematic attack targeting a civilian population;
- noting that there was a state of international armed conflict between Democratic Kampuchea and the Socialist Republic of Vietnam during all or part of the period between 17 April 1975 and 6 January 1979.

We advised him of his right to have a lawyer of his own choosing or a lawyer named in the list provided for in Rule 11(2)(d) of the Internal Rules of the Extraordinary Chambers.

The Charged Person declared that:

I appoint Mr. ANG Udom, present at this initial appearance.

As regards the appointment of an international lawyer, I will communicate my decision later.

We informed the Charged Person that the notification of these charges would be audio and video recorded.

We informed the Charged Person that he had the right to remain silent and could refuse to answer any questions. If he wishes to make a statement, we would record it

អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា មានទីតាំងស្ថិតនៅ ផ្លូវជាតិលេខ៤ សង្កាត់ ចោមចៅ ខណ្ឌ ដង្កោ ក្រុង ភ្នំពេញ ប្រអប់សំបុត្រលេខ៧១ 3

ទូរស័ព្ទលេខ +៨៥៥(០)២៣ ២១៨៩១៤ ទូរសារលេខ +៨៥៥(០)២៣ ២១៨៩៤១។

Extraordinary Chambers in the Courts of Cambodia, National Road 4, Choam Chao, Dangkoa Phnom Penh
Mail Po Box 71, Phnom Penh Tel:+855(0)23 218914 Fax: +855(0) 23 218941.

Chambres extraordinaires au sein des tribunaux cambodgiens, Route nationale 4, Choam Chao, Dangkoa, Phnom Penh
Boite postale 71, Phnom Penh. Tel: +855(0)23 218914 Fax: +855(0) 23 218941.

immediately. We informed him of his right to consult his lawyer before being interviewed and to request that his lawyer be present while making his statement.

Response:

I was able to have a discussion with my lawyer. I do not wish to make any declaration at this moment.

I am surprised to have been accused of crimes since I did not commit any crime. I would like to be made aware of the evidence held against me.

We informed the Charged Person that at all times during the judicial investigation, he had the right to request the Co-Investigating judges to make a decision or take any investigative action which he considered useful.

We advised the charged person that we would hold an Adversarial Hearing in order to decide on possible provisional detention.

The charged person stated and observed that: I will let my lawyer explain my position:

Mr. ANG Udom declared:

I ask for an adjournment of the adversarial hearing in order to have the opportunity to study carefully the file, which I have only just received. The co-prosecutors have had the opportunity to prepare this hearing for several months. I am on my own and my foreign colleague has not yet been appointed. There is therefore a problem of equality of arms. If it is not possible to await the international lawyer, I would wish at least to have additional time in order to prepare the defence.

Decision of the Co-investigating Judges:

We inform you that, in order to respect defence rights, we will adjourn the adversarial hearing and place you in police custody. The adversarial hearing will, therefore, take place on Wednesday 14 November at a time that will be fixed later.

The original of the audio and video recording has been labeled and sealed in the presence of the Charged Person, and has been signed by the Greffiers and the Charged Person.

A copy of the audio and video recording was given to the Charged Person.

At three thirty p.m., we had the Greffier read aloud the Written Record of the Initial Appearance of the Charged Person as recorded.

The Record having been read aloud and heard, the Charged Person had no objections, and agreed to sign.

Charged Person	Lawyer	Interpreter	Greffiers	Co-investigating Judges
Thumb print	Signatures	Signatures	Signatures	Signatures