



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

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

Judge Michael Bohlander
International Co-Investigating Judge

Phnom Penh, 25 February 2016

Mr Miguel de Serpa Soares
Under-Secretary-General for Legal Affairs
United Nations Legal Counsel

Dear Under-Secretary-General Serpa Soares,

RE: Access to Strictly Confidential Documents from United Nations Archives for ECCC

I am writing to you to request access to a number of documents related to the records of the negotiations between the United Nations and the Royal Government of Cambodia in relation to the establishment of the Extraordinary Chambers in the Court of Cambodia ('ECCC'), which are identified in the Annex to this letter and are part of the United Nations Archives.

The records of the negotiations are relevant to the investigation of Cases 003 and 004 in the ECCC and currently the object of an investigative request from the Defence in Case 003. I am by law required to try to obtain access to these documents or to deny the request by a reasoned decision, which is subject to appeal to the Pre-Trial Chamber.

The documents listed in the attachment are classified as strictly confidential according to the UN Archives webpage. I would highly appreciate your assistance in obtaining the necessary authorisation to access these records.

I deem it appropriate to direct your attention to the following at this stage already: The documents will have to be disclosed in confidence to the parties in the proceedings before the ECCC under fair trial principles. To the extent that they are relevant, they may figure in any related decisions the Co-Investigating Judges – or indeed the Chambers of the court – may take, and there is thus also a potential that the need may at some stage arise to make them or at least their essential content public in order to provide the Cambodian public with a full record of the negotiations and their impact on the question of personal jurisdiction.

Please do not hesitate to ask for further clarification should you require further and better particulars.

Yours sincerely,

Michael Bohlander
International Co-Investigating Judge
Extraordinary Chambers in the Courts of Cambodia

