



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

MEMORANDUM

TO: All OCIJ Investigators

22 September 2015

FROM: Michael Bohlander
International Co-Investigating Judge

SUBJECT: Instructions on the Recording of Witness and Civil Party Interviews


CONFIDENTIAL

On 3 December 2012, the Co-Investigating Judges (“CIJs”) issued a Memorandum instructing all OCIJ investigators that it was no longer mandatory to audio or video record interviews of witnesses or civil parties (“3 December 2012 Memorandum”).¹

I note that pursuant to Internal Rule 25, and as confirmed by the Trial Chamber in Case 002,² it is not mandatory to audio or video record interviews of witnesses or civil parties. Thus, in issuing the 3 December 2012 Memorandum, the CIJs properly acted within their discretion. However, I prefer the view that audio-recording interviews is good practice as it allows for transparency without compromising efficiency in the judicial investigation. After discussing the matter with National Co-Investigating Judge YOU Bunleng, I have decided to reinstate the practice of audio recording interviews of witnesses and civil parties.

Accordingly, all OCIJ investigators are hereby instructed, as of today, to audio record all interviews conducted in Case 004.

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Michael Bohlander
International Co-Investigating Judge
Co-juge d'instruction international

¹ Case File No. 004-D116. *Instruction on Conduct of Witness Interviews*, 3 December 2012.
² Case File No. 002-E142/3, *Decision on NUON Chea's Request for a Rule 35 Investigation Regarding Inconsistencies in the Audio and Written Records of OCIJ Witness Interviews*, 13 March 2012, para. 6.