



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

ការិយាល័យសហចៅក្រមស៊ើបអង្កេត

OFFICE OF THE CO-INVESTIGATING JUDGES
BUREAU DES CO-JUGES D'INSTRUCTION

CONFIDENTIAL MEMORANDUM

ឯកសារដើម	
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL	
ទី ខែ ឆ្នាំ ទទួល (Date of receipt/date de reception):	
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JACINT RADA	
22 May 2017	

TO: Trial Chamber

CC: YOU Bunleng
National Co-Investigating Judge

FROM: Michael Bohlander
International Co-Investigating Judge

SUBJECT: Review of confidentiality restrictions of Case 003 and 004 materials pursuant to OCP Request E319/35/10

1. I refer to my memo dated 12 May 2017 in which I responded to part of the OCP's request to review confidentiality restrictions for the Case 003 and 004 witnesses set out in the OCP's filing dated 24 March 2017 ("OCP Request").¹
2. The OCP Request annexed four documents listing the specific materials requiring the OCIJ's review.² In my memo, I annexed a list of the materials from the OCP's four lists that my office had reviewed, for which I provided my views on confidentiality.³
3. My office has completed the review of all remaining materials set out in the OCP's four annexes that were not answered in my memo ("Remaining Materials"). I am now able to provide my views to the Trial Chamber on the confidentiality restrictions for those materials.
4. In respect of all Remaining Materials, with the exception of those listed in paragraph 5 below, I advise the Trial Chamber that the witnesses can be referred to publicly by their

¹ Case File No. 002-E319/35/10, *International Co-Prosecutor's Response to the International Co-Investigating Judge's Memorandum Regarding Lifting of Disclosure Conditions (E319/35/9.1)*, 24 March 2017.

² Case File No. 002-E319/35/10.1, *Annex 1 - Case 3 Documents and Witnesses Admitted in Case 2 - Category B or C*, 24 March 2017; Case File No. 002-E319/35/10.2, *Annex 2 - Case 4 Documents and Witnesses Admitted in Case 2 - Category B or C*, 24 March 2017; Case File No. 002-E319/35/10.3, *Annex 3 - Case 3 Documents and Witnesses Admitted in Case 3 - Category A or No Category*, 24 March 2017; Case File No. 002-E319/35/10.4, *Annex 4 - Case 4 Documents and Witnesses Admitted in Case 2 - A or No Category*, 24 March 2017.

³ Case File No. 002-E319/35/14/2.1, *Annex*, 12 May 2017.

own name, and both the dates and portion of their documents listed in the OCP Request can be publicly quoted in the closing briefs in Case 002.

- 5. The confidentiality restrictions that currently apply to the following materials must remain in place, owing to security concerns raised by the witnesses and/or to protect the confidentiality of the Case 004 investigation, which is ongoing:

	CF 004 #	WITNESS	DOCUMENT	CATEGORY	CF 002 #
1.	D219/188	Khorn	Written Record of Interview (“WRI”)	B	E3/10683 (redacted)
2.	D219/187	Khorn	WRI	B	E3/10684 (redacted)
3.	D219/221 D219/221.1	Sieng	WRI	B	E3/10682 E3/ 10682a
4.	D118/159	HEM Moeun	Written Record of Investigation Action (“WRIA”)	A	E3/10673
5.	D119/127	HEM Moeun	WRIA	A	E3/9840; E3/10596
6.	D219/470	N/A	WRIA	A	E3/10760

- 6. This memo may be shared with the Parties in Case 002/2.



Michael Bohlander

សហចៅក្រមស៊ើបអង្កេតអន្តរជាតិ

International Co-Investigating Judge
Co-juge d’instruction international