

# ច្បាប់បណ្តុះបណ្តាលសាលាដំបូង

June 26, 2006

H.E. Mr. Sean Visoth  
Director of the Office of Administration  
Extraordinary Chambers in the Courts of Cambodia for the Prosecution of Crimes  
Committed during the Period of Democratic Kampuchea  
No. 41, Russian Federation Boulevard  
Phnom Penh, Cambodia

Ms. Michelle Lee  
Deputy Director, Office of the Administration  
Extraordinary Chambers in the Courts of Cambodia for the Prosecution of Crimes  
Committed during the Period of Democratic Kampuchea &  
Coordinator, United Nations Assistance to the Khmer Rouge Trials (UNAKRT)  
Phnom Penh, Cambodia

**Re: Access Procedures for the Documentation Center of Cambodia's Holdings**

Your Excellency:

We wish to congratulate both the Royal Government of Cambodia and United Nations on the progress they have made in bringing the Extraordinary Chambers to fruition. We are most appreciative of the enormous effort you have expended on this critical undertaking.

As you know, the holdings of the Documentation Center of Cambodia (DC-Cam) will likely be an important source of evidentiary materials in the trials of senior Khmer Rouge leaders. To facilitate Extraordinary Chambers personnel's access to DC-Cam's archives and to protect the integrity of the primary documents we hold, we have prepared a Memorandum of Understanding between our Center and the Extraordinary Chambers. The Memorandum represents the official policy of the Center, and will govern access to our holdings.

We sent the Memorandum to you and Ms. Lee on December 12, 2005, and recently wrote her about its disposition. She has replied that the co-prosecutors will review it once they arrive in Cambodia. We are hoping that you will be able to review the Memorandum in the near future so that we will be able to grant access to the staff and consultants of the Extraordinary Chambers as soon as they need it.

Documentation Center of Cambodia

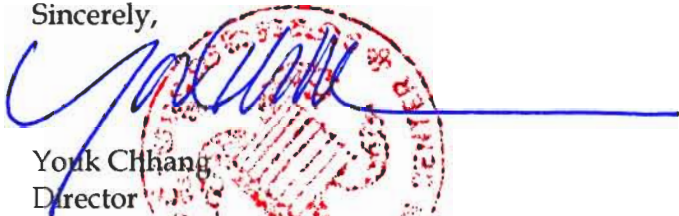
ស្ថាប័នឯកសារជាតិ

DC-Cam • 66 Preah Sihanouk Blvd. • P.O. Box 1110 • Phnom Penh • Cambodia  
Tel: (855-23) 211-875 • Fax: (855-23) 210-358 • E-mail: dccam@online.com.kh • www.dccam.org

We have also attached our updated rules and procedures governing access to original materials at DC-Cam before and during the upcoming Khmer Rouge Tribunal.

Please do not hesitate to contact me at [855] 23-211-875 should you have any questions about the attached memorandum or DC-Cam's planned roles in cooperation with the Extraordinary Chambers. We appreciate your efforts to promote justice and reconciliation in Cambodia through the creation of the Extraordinary Chambers, and look forward to working closely with you as the trials approach.

Sincerely,



Youk Chhang,  
Director

Cc: John D. Ciorciari, Esq  
Legal Advisor to DC-Cam

**PROCEDURES FOR ACCESSING DOCUMENTS  
IN THE CUSTODY OF  
THE DOCUMENTATION CENTER OF CAMBODIA (“DC-CAM”)**

These policies govern access to documents in the collection of DC-Cam. They are designed to : 1) ensure complete and timely access to the Documentary holdings of DC-Cam; 2) ensuring the integrity and security of the original copies of Documents held by DC-Cam; 3) ensuring the accuracy of information used by and relied upon by those working with the Documents held by DC-Cam; and 4) providing these services in the most professional, efficient, and cost-effective manner by taking advantage of the collective expertise of the DC-Cam staff.

1. Definitions.

**Authorized Party** shall mean any person or organization authorized by law, or pursuant to Section 4(c) below by the Director of DC-Cam or his duly authorized representative, to access an Original Document in the collection as set forth in Section 4 below;

**Certified Copy** refers to a copy that is certified pursuant to applicable Cambodian law;

**Collection** shall mean any and all Documents in the possession of DC-Cam;

**Document** shall mean any piece of information whether recorded on paper, electronically, electro-magnetically, audio tape, video tape, or any other medium, and shall include photographs, maps, catalogs, indexes, and databases;

**DC-Cam** shall mean the Documentation Center of Cambodia;

**Original Document** shall refer to the actual Document received by DC-Cam from any source; and

**Specially Protected Document** shall mean any Original Document that has been viewed or otherwise accessed by any Authorized Party, and any Original Document, a certified copy of which has been provided to any person.

## 2. Assistance in Locating Relevant Documentation

DC-Cam personnel specially trained and knowledgeable about the organization of the Documents in the possession of DC-Cam will be available to assist those interested in accessing the collection. The provision of such services will be provided by DC-Cam at no charge to those using such service.

## 3. Copies

### a. Uncertified Copies

- i. DC-Cam will provide copies of any and all Documents in the collection, including, if the requesting party so desires, a complete set of all the Documents in the Collection.
- ii. Any person requesting a copy of any Document in the collection pursuant to subsection 3(a)(i) of these Procedures will pay a fee to cover the out-of-pocket costs associated with making such a copy as set forth in Exhibit A attached. Such fee shall be paid in advance to DC-Cam, unless an alternative arrangement is agreed to in writing between DC-Cam and the requesting party.

### b. Certified Copies

- i. DC-Cam will provide certified copies of any of its documents.
- ii. Certification shall be pursuant to and consistent with Cambodian law.
- iii. Any person requesting certification of a copy of any Document in the collection pursuant to subsection 3(b)(i) of these Procedures will pay a fee to cover the out-of-pocket costs associated with making such a copy as set forth in Exhibit A attached. Such fee shall be paid in advance to DC-Cam, unless an alternative arrangement is agreed to in writing between DC-Cam and the requesting party.

## 4. Access to Original Documents

- a. To ensure their accuracy, integrity, and inviolability, all Original Documents will remain within the custody and control of DC-Cam, except as specifically provided for in writing by the Director of DC-Cam, or as otherwise required by law.
- b. DC-Cam will make available to any Authorized Party access to any Original Document in the Collection according to the procedures and protections provided in Subsection 4(d) of these Procedures.
- c. The Director of DC-Cam or his duly authorized representative will authorize an individual to access an Original Document if any of the following conditions apply:
  - i. A genuine issue is raised with respect to the authenticity of the Document.
  - ii. Information in the Document is unclear, illegible, or ambiguous, and resort to the Original Document is necessary to ascertain the true meaning of information in the Document. Examples of this include cases where handwritten notes on the Document are so faint that they are not accurately reflected in the Certified Copy.
  - iii. Forensic analysis is required in order to identify accurately or date the Original Document.
  - iv. Or in any other case where the Director of DC-Cam or his duly authorized representative determines that access to an Original Document is required.
- d. Upon receiving a request for access to an Original Document by an Authorized Party, DC-Cam will immediately make the relevant Original Document available to the authorized party according to the following procedures:
  - i. The authorized party will inform DC-Cam in writing of the basis for their authorization to view the Original Document, and will also indicate in writing a description of the Original Document sufficiently detailed to allow DC-Cam to identify the Document.
  - ii. DC-Cam will endeavor to make the Original Document available within forty-eight (48) hours of receiving the request set forth in Section 4(d)(i).

- iii. The Original Document will be made available to the authorized party at the offices of DC-Cam, or at a mutually agreed upon location. DC-Cam will make best efforts to accommodate the schedule of the Authorized Party for viewing the Original Document.
- iv. The Original Document will be sealed in a transparent protective covering that allows complete visual access to both sides of the Document.
- v. A staff member of DC-Cam will be available to assist the party in the handling and interpretation of the Original Document, as well as to ensure the security and integrity of the Original Document.
- vi. If for reasons of confidentiality the Authorized Party requires exclusive access to the Original Document, the following special arrangements will be made to fulfill this request that will protect the integrity and security of the Original Document.
  - 1. An Authorized Party requesting exclusive access to an Original Document will view that Original Document in a private room at the DC-Cam offices or at a mutually agreed upon location.
  - 2. After the Authorized Party has viewed the Original Document, a member of DC-Cam will verify the continued integrity and security of the Original Document prior to the Authorized Party leaving the premises. Prior to leaving the premises, the Authorized Party will also sign a Document indicating that they have not tampered in any way with the Original Document.
- vii. If the Authorized Party requests access to an Original Document without the transparent protective covering referred to in section 4(d)(iv) in order to perform forensic tests to determine the date or authenticity of the Original Document, the Director shall determine in his sole discretion whether to allow such access. If the Director authorizes such access, the following procedures shall apply:

1. DC-Cam will arrange to have the original document copied in a way that reflects all of the markings on the original.
  2. A certificate attesting that the copy referred to in section 4(d)(vii)(1) accurately reflects the Original Document will be signed by the Director of DC-Cam or his designate, and by the Authorized Party, before such Original Document is released to the Authorized Party.
  3. DC-Cam and the Authorized Party will mutually agree upon an individual or organization who will perform any forensic or other tests on an Original Document.
  4. At all times while an unprotected Original Document has been handed over to an Authorized Party, DC-Cam may demand that a DC-Cam employee have immediate access to such Original Document in order to verify its safety and integrity. Upon such a demand, the Authorized Party shall immediately provide to DC-Cam access to the Original Document.
  5. Upon the return to DC-Cam of an Original Document that has been subject to forensic tests that required the removal of the transparent protective covering, both the Director of DC-Cam or his designate, and the Authorized Party, will sign a statement indicating whether the Original Document being returned to DC-Cam has been altered in any way since it was transferred to the custody of the Authorized Party.
- viii. If DC-Cam believes that an Original Document has been altered in any way after it has been transferred to the custody of an Authorized Party, then DC-Cam shall immediately notify the relevant legal authorities of such alterations.

## 5. Specially Protected Documents

- a. Any Original Document that has been viewed by an Authorized Party, and any Original Document that has been provided to an Authorized Party in the form of a Certified Copy, will be subject to the following

Documentation Center of Cambodia

Searching for the Truth

DC-Cam ♦ 66 Preah Sihanouk Blvd. ♦ P.O. Box 1110 ♦ Phnom Penh ♦ Cambodia  
Tel: (855-23) 211-875 ♦ Fax: (855-23) 210-258 ♦ Email: [dccam@online.com.kh](mailto:dccam@online.com.kh) ♦ [www.dccam.org](http://www.dccam.org)

provisions. . Such Original Document will hereinafter be referred to as a "Specially Protected Document." An Original Document becomes a Specially Protected Document immediately upon the authorization for access to the Original Document, or immediately upon the provision by DC-Cam of a Certified Copy of such Document.

- b. Access to Specially Protected Documents will be limited as follows:
    - i. Only duly authorized employees of DC-Cam and individuals authorized in writing by the Director of DC-Cam may access a Specially Protected Document.
    - ii. A written log will be kept by DC-Cam indicating the name and contact information of each individual who accesses a Specially Protected Document, as well as the date, time, and duration of each such access.
    - iii. The written log referred to in Section 5(b)(ii) shall only be available to DC-Cam employees duly authorized by the Director of DC-Cam, or by any individual authorized to view such log by law.
6. Except as otherwise provided for in these Procedures or by law, the following information will be kept strictly confidential:
- a. the identification of any individual who has requested access to a Document in the Collection;
  - b. the identification of any and all Documents in the Collection that an individual has viewed; and
  - c. the identification of any and all Documents for which an individual has requested copies, whether certified or uncertified.

Attachments: Exhibit A.



Exhibit A

Fees

Copies

For each page, per side:	USD	0.05
For entire collection		
Microfiche:	USD	3,000.00
Paper (per ream)	USD	5.00
Photographs (per photograph)	USD	5.00
Maps	USD	5.00
Audio or video recording	At Cost[1]	
Certification	USD	0.05
To view an Original Document (per page): (including the cost of plastic sleeves to protect the Documents)	USD	5.00