

# **Procedures for Accessing Documents in the Custody of the Document Center of Cambodia (“DC-CAM”)**

Alison Kamhi

# Why have special access procedures?

DC-Cam is a unique institution because it collects and catalogues documents and makes them available to:

- **Tribunal Prosecutors**
- **Tribunal Defense Attorneys**
- **International Community**
- **ALL CAMBODIANS**

# A Neutral and Consistent Approach

## **Goals:**

1. Provide complete and timely access to the documents
2. Protect the integrity and security of the original documents
3. Ensure the accuracy of information given by DC-Cam
4. Offer these services in the most professional, efficient, and cost-effective manner

# Outline

1. Definitions
2. Document Assistance
3. Copies
4. Access to Original Documents
5. Specially Protected Documents
6. Confidentiality

# 1. Definitions

- **Authorized Party:** any person or organization authorized by law or, pursuant to Section 4c, 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
- **Certified Copy:** a copy that is certified pursuant to applicable Cambodian law
- **Collection:** any and all documents in the possession of DC-Cam
- **DC-Cam:** Documentation Center of Cambodia

# 1. Definitions

- **Original Document:** the actual document received by DC-Cam from any source
- **Specially Protected Document:** 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. Document Assistance

DC-Cam personnel will be specially trained to assist visitors in locating relevant documents. This service will be free for everyone.



## 3. Copies

DC-Cam will provide two different kinds of copies:

- Uncertified Copies
- Certified Copies



## 3a. Uncertified Copies

Uncertified Copies



```
graph TD; A([Uncertified Copies]) --- B[i. DC-Cam will provide copies of any and all Documents in the collection, including a complete set of all of the Documents.]; A --- C[ii. Any person requesting a copy will pay a fee in advance to cover costs, unless otherwise agreed in writing.]
```

i. DC-Cam will provide copies of any and all Documents in the collection, including a complete set of all of the Documents.

ii. Any person requesting a copy will pay a fee in advance to cover costs, unless otherwise agreed in writing.

## 3b. Certified Copies

```
graph TD; A([Certified Copies]) --- B[i. DC-Cam will provide certified copies of any of its documents]; A --- C[ii. Certification shall be pursuant to and consistent with Cambodian Law.]; A --- D[iii. Any person requesting a certified copy will pay a fee in advance to cover cost, unless otherwise arranged.]
```

### 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 a certified copy will pay a fee in advance to cover cost, unless otherwise arranged.

# Fees for Copies (USD)

Per Page	\$ 0.50
Entire Collection of Microfiche	\$ 5,000
Entire Collection of Paper (per ream)	\$ 7.50
Photograph	\$ 7.50
Map	\$ 7.50
Audio or Video Recording	At Cost/add on a 25% surcharge
Certification	\$ 7.50
View Documents*	\$ 7.50

\* Including cost of plastic protective sleeves for documents

## 4. Access to Original Documents

4a. 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
- As otherwise required by law.

## 4. Access to Original Documents

- 4b. DC-Cam will make available to any Authorized Party access to any Original Document in the collection pursuant to the procedures in 4d.

# 4. Access to Original Documents

4c. The Director of DC-Cam or his duly authorized representative will authorize access when:

- I. A genuine issue is raised with respect to the authenticity of a 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 the information contained.
- III. Forensic analysis is required in order to identify or date the Original Document
- IV. Or in any other case where the Director or his representative determines that access is required.

## 4. Access to Original Documents

4d. Upon receiving a request for access to an Original Document by an Authorized Party, DC-Cam will immediately make the relevant Original Document available according to the following procedures.

## 4. Access to Original Document

4di. The Authorized Party will:

- inform DC-Cam in writing of the basis for authorization to view Original Document.
- indicate in writing a description of the Original Document sufficiently detailed to allow DC-Cam to identify it.

4dii. DC-Cam will endeavor to make the Original Document available within 48 hours of receiving the request.



## 4. Access to Original Document

4iii. The Original Document will be made available to the authorized party at either:

- the offices of DC-Cam
- a mutually agreed upon location

DC-Cam will make the best efforts to accommodate the schedule of the Authorized Party.

## 4. Access to Original Document

4iv. To ensure preservation, the Original Document will be sealed in a transparent protective covering which allows complete visual access to both sides of the document.

## 4. Access to Original Document

4v. A staff member of DC-Cam will be available:

- To assist the party in the handling and interpretation of the Original Document
- To ensure the security and integrity of the Original Document

## 4. Access to Original Document

4vi. If for reasons of confidentiality, the Authorized Party requires **exclusive access** to the Original Document:

1. Authorized Party will view Original Document in a private room at DC-Cam or at a mutually agreed upon location
2. A **DC-Cam member will verify** the continued integrity and security of the Original Document prior to Authorized Party leaving the premises AND **Authorized Party will sign a document** indicating that he/she has not tampered with the Original Document.

## 4. Access to Original Document

4vii. The Director of DC-Cam has sole authority to allow access to an Original Document without the transparent protective covering. If such access is allowed:

- (1). DC-Cam will copy the Original Document
- (2). A certificate attesting that this copy accurately reflects the Original Document will be signed by the Director (or his designate) and the Authorized Party before its release.

## 4. Access to Original Documents

4vii(3). DC-Cam and the Authorized Party will mutually agree on an individual or organization to perform the forensic or other tests.

4vii(4). DC-Cam may demand to have **immediate access during the tests** to verify the Original Document's safety and such access must be granted.

## 4. Access to Original Documents

4vii(5). Upon return to DC-Cam of the Original Document, both the Director of DC-Cam or his designate and the Authorized Party will sign a statement indicating whether the Original Document has been altered.

4viii. If the Original Document has been altered, DC-Cam will notify relevant legal authorities.

## 5. Specially Protected Documents

- 5a. 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.



# 5. Specially Protected Documents

## 5b. Access to Specially Protected Documents:

5bi. Only duly authorized employees of DC-Cam and individuals authorized in writing by the Director of DC-Cam may access Specially Protected Documents.

# 5. Specially Protected Documents

5bii. A written log will be kept by DC-Cam of Specially Protected Documents, indicating:

- Name of individual accessing document
- Contact information for this individual
- Date of access
- Time of access
- Duration of access

# 5. Specially Protected Documents

5biii. This log will be available only to:

- Director of DC-Cam
- DC-Cam employees duly authorized by the Director of DC-Cam
- Any individual authorized to view such log by law.

## 6. Confidentiality

Except as otherwise provided for in these Procedures of by law, the following information will be kept strictly **confidential**:

- a. The **identification of any individual** who has requested document access
- b. The **identification of any and all documents** that an individual has viewed
- c. The identification of any and all documents for which an individual has requested copies, whether certified or uncertified.

# Example A

## **Interrogation Transcript**

# Example A

1. Find desired document in the DC-Cam collection
2. Pay minimal fee (\$0.05 per page) for copy
3. Receive copy

# Example B

## Original Handwritten Note



# Example B

1. Write a written request for access to the Original Document, containing:
  - A. Basis for authorization to view document
  - B. Description of document sufficiently detailed so that DC-Cam can locate it
2. Pay \$5.00 to view Original Document to cover the cost of buying plastic sleeves to protect the document.
3. DC-Cam will attempt to make the document available within 48 hours. View Original Document at DC-Cam or at a mutually agreed upon location.



# Example C

Original Photograph for Forensic Test



# Example C

1. Write a written request for access to the Original Document, containing:
  - A. Basis for authorization to view document (most likely a court order)
  - A. Description of document sufficiently detailed so that DC-Cam can locate it
2. If DC-Cam director agrees to exclusive access without the plastic covering, DC-Cam will copy the Original Document.
3. Director of DC-Cam or his designate and the Authorized Party will attest in writing to that the copy reflects the Original Document.

# Example C

4. DC-Cam and the Authorized Party will mutually agree on an individual or organization to perform the forensic tests.
5. DC-Cam will attempt to make the document available within 48 hours. View Original Document at DC-Cam or at a mutually agreed upon location.
6. Upon return to DC-Cam of Original Document, both Director of DC-Cam or his designate and the Authorized Party will sign a statement indicating whether the document has been altered in any way.
7. If the Authorized Party wants a copy of the photograph, he/she can pay \$5.00 in advance.

The background features a gradient from dark blue on the left to light blue on the right, with several diagonal white lines crossing the frame. The word "END" is centered in a bold, black, sans-serif font.

**END**