



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

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

E443/14
ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

Kingdom of Cambodia
Nation Religion ព្រះពុទ្ធសាសនា
ROYAUME DU CAMBODGE Nation Religion Roi
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មន្ត្រីទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé du dossier: SANN B.A.P.A

INTEROFFICE MEMORANDUM

TO: Nil Nonn, President of Trial the Chamber

DATE: 28 May 2019

**CC: All Trial Chamber Judges
Mr Tony Kranh, Acting Director of Office of Administration
Mr Knut Rosandhaug, Deputy Director of Office of Administration
CMS Legal Officer**

THROUGH: Sophy Kong, Chief, Court Management Secion

FROM: Birhane Wossen Reta, Head of Records and Archives Unit

SUBJECT: Trial Chamber memorandum regarding physical exhibits provided by Professor Walter Heynowski

1. The Records and Archives Unit is in receipt of your letter dated 10 May 2019 in which you request an appraisal of the state of the materials provided by Mr. Walter Heynowski. I wish to confirm that RAU holds the following exhibits in the archive, which were received through the Trial Chamber greffier in December 2016:

- (1) A logbook containing handwritten entries (E3/10789 and E3/10770)
- (2) Photographs or contact sheets of what appear to be prisoners (E3/10785, E3/10785 and E3/10787)
- (3) One standalone photograph (ERN 01376402) and a cover sheet with two photos affixed of what appears to be a prisoner (ERN 01376405).

In response to your questions:

(a) A description of the conditions under which the exhibits are stored, accessed and handled

- 2. The exhibits are stored in a locked safe in the ECCC archives room, which is ventilated and air-conditioned 24 hours a day, 7 days a week at 16°C. RAU facilitates access to the archives room, usually upon authorization by the Trial Chamber. RAU also maintains chain-of-custody logs as required by Practice Direction on Filing of Documents before the ECCC, article 2.7.
- 3. The exhibits are stored in standard acid free archiving boxes: one for the logbook and two for exhibits (2) and (3). RAU has placed all loose photographs from categories (2) and (3) in transparent, acid-free plastic sheets and folders for their protection, and labelled the folders with corresponding ERNs. The remaining photographs which are stuck together and

cannot be separated without damaging them have been placed in two large exhibit bags, which are themselves stored in the archive boxes.

4. When the documents are handled by RAU and viewed, for example by the parties or greffiers, RAU requires handlers to wear white cotton evidence gloves and requests that the materials be handled delicately and that loose pages not be removed from the acid-free plastic sheets.

(b) Whether the physical integrity of the materials has been affected since entering the ECCC's custody

5. **Logbook:** RAU's assessment is that the logbook has more or less remained in the same condition as it arrived, except of course for the staples and a paperclip which were removed with the Trial Chamber's authorization. However, RAU is not in a position to advise whether the chemical properties or acidity of the paper have been affected as a result of handling and storage of the logbook.
6. **Photographs/contact sheets:** Because of the poor state of the loose contact sheets, RAU is of the opinion that the photographs will continue to deteriorate and fray with future handling. For example, RAU is reluctant to handle the photographs which are stuck together. After they were received several pages came loose from the piles and had to be placed in protective sheets as described above. The loose and stuck-together photographs are clearly brittle and are subject to ripping and tearing. Beyond the evident physical condition of the contact sheets, RAU is not in a position to advise whether the chemical properties or acidity of the paper have been affected since arriving at the ECCC.
7. **One photograph and cover page:** These exhibits are much in the same condition as they were when received; no deterioration is apparent. RAU is not in a position to advise whether the chemical properties or acidity of the paper have been affected since entering the ECCC archive.

(c) Whether RAU has the expertise and resources (including financial) available to archive the Heynowski materials for the duration of any appeal proceedings to ensure the integrity of the physical exhibits. If not, what measures could be taken to preserve the physical integrity of the Heynowski documents?

8. RAU is able to continue storing the exhibits under the same conditions for the duration of appeal proceedings. RAU's expertise extends to the storage techniques described above; it does not have the technical or specialized expertise or equipment for preservation or conservation of such items. As a result, RAU is unable to advise which other measures could be taken to preserve the physical integrity of documents in this state.
9. At present, no funding has been requested or allocated for technical or specialized archiving or preservation of the Heynowski materials. Should the Trial Chamber require this or expert external review of the documents by qualified conservators, RAU would be happy to facilitate this in coordination with the Office of Administration.

TCJ em