

**WORKING GROUP FOR VICTIMS-SURVIVOR INITIATIVES  
DURING RESIDUAL PHASE OF THE ECCC (VSR)**

**TERMS OF REFERENCE**

**WHEREAS** the Addendum to the UN-RGC Agreement regarding the transitional arrangements and completion of the work of the Extraordinary Chambers in the Courts of Cambodia (ECCC) entered into force in December 2021<sup>1</sup>;

**WHEREAS** the ECCC will continue to carry out certain residual functions for an initial period of three years;

**WHEREAS** the three year period (2023-2025) is referred to as the Residual Phase of the ECCC (Residual Phase);

**WHEREAS** such residual functions include: dissemination of information to the public regarding the ECCC and monitoring the enforcement of reparations awarded to Civil Parties;

**WHEREAS** a workshop with Civil Parties and other victims and survivors; local NGOs; international organizations; state institutions and museums; civil party lawyers; academics, lawyers and researchers; and ECCC representatives was held in May 2022 regarding continuing work and projects with victims and survivors during the Residual Phase;

**WHEREAS** a broad consensus was reached among participants at the workshop that victims and survivors will be a foundational pillar of the Residual Phase of the ECCC;

**WHEREAS** participants at the Workshop agreed that for the work to be effective and sustainable there should be integration and cooperation among civil society organizations, government institutions, and the ECCC;

**NOW THEREFORE** these Terms of Reference (TORs) establish a Working Group with members from the ECCC and civil society organizations and individuals that work with victims and survivors.

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<sup>1</sup> Addendum to the Agreement between the Royal Government of Cambodia and the United Nations concerning the prosecution under Cambodian law of crimes committed during the period of Democratic Kampuchea on the Transitional Arrangements and the Completion of Work of the Extraordinary Chambers.

## MANDATE

1. The mandate of the Working Group is to collaborate together to deliver appropriate initiatives that promote reconciliation, healing, inter-generational dialogue, and education, as part of the Residual Phase of the ECCC. Appropriate initiatives include:
  - a. Programs that contribute or promote intergenerational dialogue with the goal of preventing future recurrence of the atrocities experienced by victims-survivors;
  - b. Programs that educate the younger generation and the public about the history of the Khmer Rouge during the Democratic Kampuchea period;
  - c. Programs that educate communities about the historic treatment of minorities and promote anti-discrimination and greater reconciliation among communities;
  - d. Programs that recognize and acknowledge the experiences and suffering of victims-survivors;
  - e. Programs that memorialize the experiences of victims-survivors;
  - f. Programs that address trauma and assist with trauma healing;
2. Members of the Working Group will share initiatives, plans, and ideas to allow discussion and collaboration on initiatives;
3. Where members of the Working Group agree to collaborate on a project, they will sign a Memorandum of Understanding among the collaborating groups;
4. Such Memoranda shall be shared with the Working Group at its next meeting;
5. The Working Group does not have the power to determine which initiatives or projects are to be undertaken by any of its members;
6. In conducting its work and deliberations, the Working Group will have as its prime focus, the interests of Civil Parties, other victims and survivors, and the younger generation;

## **STRUCTURE AND MEMBERSHIP**

7. Membership is free and voluntary;
8. Membership will be comprised of the following:
  - a. The national and international Civil Party Lead Co-lawyers;
  - b. The Director of the Victims Support Section of the ECCC;
  - c. Civil Society Organizations.
9. Membership shall be granted to any registered<sup>2</sup> civil society (non-governmental) organization that is actively working with survivor and victim related programs and will also work with the ECCC on initiatives during the Residual Phase;
10. Any organization or individual wishing to join the Working Group shall send a letter by email addressed to the Secretariat care of the Administrative Assistant requesting to join as well as the reason for the request;
11. If membership is denied, a written explanation shall be given to the requesting party;
12. Any member may withdraw from the Working Group by sending a letter to the Secretariat;
13. The members of the Working Group are set out in Appendix 1, which will be amended as needed;

## **SECRETARIAT TO THE WORKING GROUP**

14. There shall be a Secretariat to support the Working Group comprising 5 members as follows:
  - a. Three members from civil society;
  - b. One member from the Civil Party Co-Lead Lawyers (LCL) of the ECCC;
  - c. One member from the Victims Support Section (VSS) of the ECCC;

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<sup>2</sup> Registered with the Ministry of Interior (for domestic organizations) or the Ministry of Foreign Affairs and International Cooperation (for international organizations).

15. The three members from civil society will be chosen among volunteers by majority vote of civil society members on the Working Group. No single organization shall have more than one member on the Secretariat at one time;
16. The three members from civil society will sit on the Secretariat for a period of one year starting from October 2022, following which, members from three different organizations will replace them. If one of these Secretariat members resigns prior to the end of their mandate, a replacement will be sought through the process set out in paragraph 15;
17. The Secretariat is responsible for arranging meetings of the Working Group and receiving external inquiries;
18. The Secretariat will have the authority to make administrative decisions on behalf of the Working Group when necessary, based on discussions with members of the Working Group between regular meetings;
19. For each meeting the Secretariat shall prepare an Agenda based on requested items from members. Proposals for the agenda of these regular meetings, including proposals to amend these Terms of Reference, should be lodged with the Secretariat at least seven working days before the meetings;
20. The Agenda will be supported by any necessary documents;
21. The ECCC will support the Working Group as follows:
  - a. Provide an Administrative Assistant to help the Secretariat and the Working Group;
  - b. Provide a room for the Working Group to meet on a monthly basis, unless the Group decides to meet at another location;
  - c. Other related support as required.

## **MEETINGS OF THE WORKING GROUP**

22. The Working Group will meet on the 3<sup>rd</sup> Thursday of each month. If this day falls on a holiday, the meeting will be held the following week. Unless otherwise agreed, the meetings will take place in the afternoon from 2:00- 4:00 p.m. If a member cannot attend in person, they may join remotely;
23. Meetings may also be called or rescheduled by the Secretariat on an urgent basis;

24. Each meeting will be chaired by a member of the Secretariat for 2 months on a rotating basis;
25. Decisions, including changes to these TORs, changing the membership, and items on each agenda, will be made during Working Group meetings based on general consensus. Members that cannot attend a meeting may send their written opinions to the Secretariat, to be shared at the meeting.
26. No decision will be made unless there are at least 6 civil society organizations, one member from the Lead Co-Lawyers' Section, and one member from VSS are present at the meeting.
27. If general consensus cannot be reached, the Secretariat will set up a poll for the members to vote, and the majority opinion will be adopted. Any decision that mandates the actions of any particular member will require the agreement of that member.
28. The Lead Co-Lawyers Section, the VSS, and each Civil Party Organization will have one vote.
29. Minutes will be kept of each meeting. Minutes will be reviewed and approved with any necessary corrections at the following meeting.
30. Approved Minutes will be posted on the ECCC website.
31. A report detailing the work of the Group will be provided every 6 months to its members. The report will be prepared by the Secretariat with the input of the full Working Group. The report will be posted on the ECCC website.

#### **TERMS OF REFERENCE POSTED ON WEBSITE**

32. These Terms of Reference will be posted on the ECCC website.

## APPENDIX 1

### Working Group Members

#### *From Civil society*

Applied Social Research Institute of Cambodia (ASRIC)

Bophana Audiovisual Resource Centre (Bophana)

Women Peace Makers (WPM)

Documentation Center of Cambodia (DC-Cam)

GD Alliance

HelpAge Cambodia (HAC)

Kdei Karuna (KDK)

Legal Aid Cambodia (LAC)

Youth for Peace (YFP)

Youth Resource Development Programme (YRDP)

Mr. ANG Chanrith representing victims that belong to minority groups

TPO Cambodia

#### *From the ECCC*

Court Management Section - ECCC (CMS)

Lead Co-Lawyers for the Civil Parties - ECCC (LCLs)

Victim Support Section - ECCC (VSS)

*Observer-supporters*

GIZ Civil Peace Service

Legal Documentation Centre related to the ECCC (LDC)

**APPENDIX 2**  
**Initial Secretariat Members**  
**(Term commencing on 20 October 2022)**

**Ms. Falguni DEBNATH**, International Lead Co-Lawyer for the Civil Parties

**Mr. HANG Vannak**, Chief, Victim Support Section - ECCC

**Mr. LY Bunthea**, Program Manager, Youth Resource Development Programme

**Mr. TIM Minea**, Executive Director, Kdei Karuna

**Ms. SOK Sopheak Monica**, Lawyer, Amrin Law and Consultants Group; Co-Head, Human Trafficking and Exploitation Practice Group, G