



**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

Phnom Penh, 02 September 2021

**Call for Contribution of Ideas**  
**Extraordinary Chambers in the Courts of Cambodia (ECCC) Residual Functions Related to Victims**

The Draft Addendum to the Agreement between the United Nations and the Royal Government of Cambodia envisages an initial period of 3 years—starting upon completion of the judicial proceedings (including any appeals)—during which the ECCC shall continue to carry out various residual functions. (For further information see: United Nations General Assembly Resolution [A/RES/75/257B](#) dated July 7, 2021,<sup>1</sup> which approved the Addendum to the Agreement on the Transitional Arrangements and the Completion of Work of the Extraordinary Chambers; and Report of the Secretary-General [A/75/809](#)).<sup>2</sup>

The current completion plan projects the end of judicial activity to be after the fourth quarter of 2022.

We, Judges YOU Ottara and Claudia FENZ, have been appointed Co-Rapporteurs on Residual Functions *related to Victims* by the Office of Administration. We are requested to provide a shared advisory report by December 1, 2021 at the latest to allow for timely strategic planning for the Residual Phase.

The overall mandate for the purposes of this report is the provision of “... *explanations for and recommendations on possible undertakings appropriate to and meaningful for victims encompassed in the jurisdiction of the Extraordinary Chambers.*”

As part of our mandate, and in the interests of collecting as broad a variety of ideas as possible, we hereby reach out to all stakeholders of the ECCC to submit, in writing, ideas for possible victim-related initiatives which could be implemented by the ECCC under the terms of Article 2 of the Draft Addendum. While we would have preferred in-person workshops and interactive idea-sharing, the prevailing Covid-19 pandemic unfortunately does not make this possible at this time.

Contributions should contain: a broad outline (not exceeding two (2) pages in English and/or three (3) pages in Khmer) explaining how the proposed initiatives would be meaningful and of lasting assistance for civil parties, victims of the Khmer Rouge regime, and the general public. Contributions should summarise key features of the

<sup>1</sup> <https://digitallibrary.un.org/record/3931979?ln=en>  
<sup>2</sup> <https://undocs.org/A/75/809>

proposal including rationale, target groups, and approximate timelines. A detailed implementation plan or proposed budgets are not required at this stage.

The term “initiatives” is not meant to limit the format and content of any proposal.

The term “victim” should be interpreted broadly and is not limited to those who participated in legal proceedings before the ECCC.

Among the factors contributors might wish to keep in mind are:

- The scope of the events and nature of crimes committed which impacted the majority of the population at the time and whose consequences continue to be felt today.
- The fact that more than half of the Cambodian population today was not born at the time of the events.
- The existence of projects which might be built upon, including those which have already been implemented as reparation awards and non-judicial measures.<sup>3</sup>
- The initial period for the residual functions is envisaged as being three years.

Possible target groups of the initiatives might include but are not limited to direct victims and their descendants, teachers, domestic and international students and academics of various disciplines, the general public, and the media.

**Proposals should be submitted in English or Khmer by October 15, 2021 to  
Mr. SIM Sorya (sorya.sim@un.org) and Mr. KEO Sothie (keo.sothie@eccc.gov.kh).**

Please feel free to distribute this document widely among interested stakeholders in your network.

**Notice**

Ideas collected as part of this informal exploratory process shall be considered and presented in our report, along with our views and recommendations, to the Office of Administration. It is possible that ideas are expanded upon, adapted, or comingled, therefore there shall be no expectation of ownership of any initiative, if implemented. Vetting and final decision on the implementation of any initiative rests with the Office of Administration.

Contributors shall be given due credit in our report to the Office of Administration, which we will request to be published.

Financial compensation for contributions is not available.

For questions, please contact: Mr. SIM Sorya (sorya.sim@un.org) and Mr. KEO Sothie (keo.sothie@eccc.gov.kh).

---

<sup>3</sup> For further information, see below:  
 1. List of Reparations and Non-Judicial Measures at the ECCC.  
 2. List of reference materials.

# REPARATIONS AND NON-JUDICIAL MEASURES AT THE ECCC

Compiled by Victim Support Section, ECCC

## Case 001 Reparations

Compilation and posting on the Extraordinary Chambers in the Courts of Cambodia's (ECCC) official website all statements of apology and acknowledgments of responsibility made by Kaing Guek Eav during the course of the trial, including the appeal stage.

## Case 002/01 Reparations

- a) Project 1: National Remembrance Day (20 May)
- b) Project 3: Construction of a memorial in Phnom Penh to honour the victims of forced evacuations
- c) Project 5: Testimonial Therapy
- d) Project 6: Self-Help Groups
- e) Project 7: Permanent Exhibition
- f) Project 8: Mobile Exhibition and Education Project: Exploring History and Transitional Justice
- g) Project 9: Inclusion of a chapter on forced population movement and executions at Tuol Po Chrey within the Cambodian school curriculum
- h) Project 10: Construction of a peace Learning Centre
- i) Project 11: Booklet on Facts Adjudicated in Case 002/01 and Civil Party Participation
- j) Project 12: Two Editions of the Verdict in Case 002/01
- k) Project 13: Inclusion of Civil Party names on the ECCC website

## Case 002/02 Reparations

- a) Project 1: App-Learning on Khmer Rouge History
- b) Project 2: Khmer Rouge History Education through Teacher and University Lecturer Training and Workshops
- c) Project 3: The Turtle Project: Innovative Cross Media Project, Promoting Historical Awareness and Civil Courage in Cambodia
- d) Project 4: Community Media Project: The Cham People and the Khmer Rouge
- e) Project 5: Phka Sla Kraom Angkar
- f) Project 6: Voices from Ethnic Minorities: Promoting Public Awareness about the Treatment of Ethnic Vietnamese and Cham living in Cambodia during the Khmer Rouge Regime
- g) Project 7: The Unheard Stories of Civil Parties Participating in Case 002/02 at the ECCC
- h) Project 8: A Time to Remember: Songwriting Contest 2016, Involving Youth in the Creating of Cambodia's Remembrance Song
- i) Project 9: Memory Sketches of Kraing Ta Chan
- j) Project 10: Access to the Judicial Records of the Khmer Rouge Trials and Civil Party Materials at the Legal Documentation Center related to the ECCC (LDC)
- k) Project 11: Healing and Reconciliation for Survivors of the Khmer Rouge Regime
- l) Project 12: Legal and Civic Education for Minority Civil Parties
- m) Project 13: Improving Health and Mental Wellbeing and Reducing the Risk of Poverty and Social Exclusion of Some Civil Parties and other Vulnerable Older People in Cambodia

## Non-Judicial Measures

- a) Memorial in Tuol Sleng Museum
- b) Promoting Gender Equality and Improving Access of Justice for Female and Gender-based Violence (GBV) Survivors of the Khmer Rouge Regime
- c) National Reconciliation Event
- d) ECCC Virtual Tribunal
- e) Victims Foundation of Cambodia

## REFERENCE MATERIALS

This list is informative. It is not exhaustive of existing work nor suggestive of future projects. It contains surveys, books, articles, and websites of institutions.

1. Christoph Sperfeldt & Rachel Hughes. The Projectification of Reparation. *Journal of Human Rights Practice*. 12, 2020, 545-565. Oxford University Press.
2. Julian Poluda, Sineth Siv & Sotheary Yim. Final Evaluation Report: Promoting Gender Equality and Improving Access to Justice for Female Survivors and Victims of Gender-Based Violence under the Khmer Rouge, Final Evaluation of the ECCC Non-Judicial Gender Project (Phase 2). Cambodia: UN Trust Fund to End Violence against Women, VSS/ECCC, TPO, September 2019
3. Williams, Timothy, Julie Bernath, Boravin Tann & Somaly Kum. Justice and Reconciliation for the Victims of the Khmer Rouge? Victim participation in Cambodia's transitional justice process. Marburg: Centre for Conflict Studies; Phnom Penh: Centre for the Study of Humanitarian Law; Bern: swisspeace, 2018
4. Christoph Sperfeldt, Melanie Hyde & Mychelle Balthazard. Voices for Reconciliation: Assessing media outreach and survivor engagement for Case 002 at the Khmer Rouge trials. East West Center/WSDHANDACENTER for Human Rights & International Justice Stanford University, 2016
5. Nadine Kirchenbauer, Mychelle Balthazard, Latt Ky, Patrick Vinck & Phuong Pham. Victims Participation Before the Extraordinary Chambers in the Courts of Cambodia. Phnom Penh: Cambodian Human Rights and Development Association, January 2013  
<https://www.eccc.gov.kh/en/blog/2013/04/26/civil-party-survey-745-says-eccc-doing-enough-victims>
6. Phuong Pham, Patrick Vinck, Mychelle Balthazard & Sokhom Hean. [After the First Trial: A Population-Based Survey on Knowledge and Perception of Justice and the Extraordinary Chambers in the Courts of Cambodia](https://humanrights.berkeley.edu/sites/default/files/publications/after-the-first-trial-june-2011.pdf). USA: University of California, Berkeley, June 2011  
<https://humanrights.berkeley.edu/sites/default/files/publications/after-the-first-trial-june-2011.pdf>
7. Phuong Pham, Patrick Vinck, Mychelle Balthazrd, Sokhom Hean & Eric Stover. So We Will Never Forget: A Population-Based Survey on Attitudes about Social Reconstruction and the Extraordinary Chambers in the Courts of Cambodia. USA: University of California, Berkeley, January 2009  
<https://humanrights.berkeley.edu/sites/default/files/publications/so-we-will-never-forget-january-2009.pdf>

8. Laura McGrew. Pathways to Reconciliation in Cambodia. *Peace Review: A Journal of Social Justice*, 23:514-521, Taylor & Francis Group, LLC. ISSN 1040-2659, 2011
9. Eve Zucker & Laura McGrew. Coexistence in the Aftermath of Mass Violence. USA: University of Michigan Press, 2020
10. Ly Sok-Kheang. Reconciliation Process in Cambodia. Phnom Penh: Documentation Center of Cambodia, 2017
11. Beth Van Schaack & Daryn Reicherter. Cambodia's Hidden Scars: Trauma Psychology and the Extraordinary Chambers in the Court of Cambodia. Phnom Penh: Documentation Center of Cambodia, 2016
12. Beth Van Schaack, Daryn Reicherter & Youk Chhang. Trauma Psychology in the Wake of the Khmer Rouge. Phnom Penh: Documentation Center of Cambodia, 2011
13. Rothany Srun, Tim Minea, Judith Strasser, Muny Rothara, Chhay Marideth & Yourth Sarath. Victim-Former Khmer Rouge Dialogue. Phnom Penh: International Center for Conciliation (Currently Kdei Karuna) & Transcultural Psychological Organization, 2011
14. Suzannah Linton. Reconciliation in Cambodia. Phnom Penh: Documentation Center of Cambodia, 2004
15. Meng-Try Ea and Sorya Sim. Victims and perpetrators: The Testimony of Young Khmer Rouge Cadres. Phnom Penh: Documentation Center of Cambodia, 2001
16. Dylan Ungerman Sears. The Power of Testimonial Therapy: Healing, Closure, and Dignity for Victims.  
<https://www.eccc.gov.kh/en/blog/2018/01/08/power-testimonial-therapy-healing-closure-and-dignity-victims>)
17. ECCC Sponsors radio counselling show for Khmer Rouge Survivors.  
<https://www.eccc.gov.kh/en/articles/eccc-sponsors-radio-counseling-show-khmer-rouge-survivors>)
18. Extraordinary Chambers in the Courts of Cambodia  
<https://www.eccc.gov.kh>)
19. Kdei Karuna  
<https://www.kdei-karuna.org>)
20. TPO Cambodia

<https://tpocambodia.org>

21. Documentation Center of Cambodia

<https://www.d.dccam.org>

22. Tuol Sleng Genocide Museum

<https://tuolsleng.gov.kh/>

23. Bophana Audiovisual Resource Center

<https://bophana.org/>

**AMBASSADOR DAVID J. SCHEFFER**  
**1000 Cordova Place, PMB 941**  
**Santa Fe, New Mexico 87505-1725**  
[d-scheffer@law.northwestern.edu](mailto:d-scheffer@law.northwestern.edu); 708-497-0478

15 October 2021

Judge YOU Ottara  
Judge Claudia FENZ  
Co-Rapporteurs on Residual Functions related to Victims  
Extraordinary Chambers in the Courts of Cambodia  
National Road 4, Chaom Chau, Porsenchey  
PO Box 71  
Phnom Penh, Cambodia

### **Proposal for Victims**

Dear Judges You and Fenz:

Pursuant to your “Call for Contribution of Ideas” dated 02 September 2021, I hereby submit the following proposal for a victim-related initiative which could be implemented by the ECCC. I am the former U.N. Secretary-General’s Special Expert on U.N. Assistance to the Khmer Rouge Trials (2012-2018) and former U.S. Ambassador at Large for War Crimes Issues (1997-2001) and write strictly in my personal capacity.

#### **Proposal:**

The Cambodia Tribunal Monitor ([www.cambodiatribunal.org](http://www.cambodiatribunal.org)) is a website that has been operational since 2008 and is administered by Northwestern University Pritzker School of Law, where I was the Mayer Brown/Robert A. Helman Professor of Law from 2006 to 2020 and Director of the Center for International Human Rights from 2006 to 2019. (I retired from Northwestern in 2020 and I led in the management and editing of the Cambodia Tribunal Monitor until my retirement). Until a couple of years ago the Documentation Center of Cambodia was the Cambodian partner in the management of the site.

The Cambodia Tribunal Monitor is a unique collection of documents relating to the Extraordinary Chambers in the Courts of Cambodia (ECCC): court filings, articles, essays, and, most significantly, daily blogs covering almost all trial days. These blogs (located under “Trial Observer” on the site) were written by Northwestern Law students deployed to Phnom Penh, journalists, and others contracted by Northwestern Law to provide on-site journals (blogs) of the content of almost every trial day and the oral proceedings that transpired. There is no other record of this character and it will be a very rich resource about the details of trial proceedings for students, historians, and particularly victims and their descendants to study in the future.

Due to limited funding during the life of the Cambodia Tribunal Monitor, it was not possible to have the English language blogs in Trial Observer translated into Khmer. I believe

this remains a vital requirement to enable Cambodians to read the blogs and gain from the enormous amount of information in such documents. If translated into Khmer, the surviving victims and their descendants will gain a much richer understanding of the atrocity crimes committed against the Cambodian people during the Pol Pot regime and the suffering of so many victims, many of whom testified during the trial proceedings—stories the blogs describe in detail. Such records of their testimony, written in interesting narrative form and thus more accessible to the Cambodian reader, are invaluable and must be translated into Khmer.

Therefore, I propose that funds be secured (perhaps from one or more sympathetic governments that traditionally funded the ECCC in the past, as well as from private foundations and donors) to enable the ECCC (or another organization) to contract with translators of English to Khmer in order to accomplish this very large task entailing many years of daily blogs. Perhaps individuals who served as ECCC translators in the past or present could be approached for this purpose. There might also be recent Cambodian graduates of university in the country with the requisite written language skills to convert English texts into Khmer texts for this project (and thus provide them with some employment).

I also propose that all documents on the Cambodia Tribunal Monitor be recorded on hard discs and preserved in the archives of the ECCC as well as appropriate university and public libraries in Cambodia.

I am available to provide guidance and my own expertise for this endeavor.

Thank you for this opportunity to provide a proposal for the benefit of the victims.

With best regards,

Sincerely,

A handwritten signature in black ink, appearing to read "David J. Scheffer". The signature is fluid and cursive, with the first name "David" and last name "Scheffer" clearly distinguishable.

David J. Scheffer  
Clinical Professor Emeritus  
Director Emeritus, Center for International Human Rights  
Northwestern University Pritzker School of Law

Senior Fellow, Council on Foreign Relations  
International Francqui Professor, KU Leuven, Belgium  
Vice President, American Society of International Law

Cc: Mr. SIM Sorya  
Mr. KEO Sothie  
Professor Tom Geraghty, Northwestern University Pritzker School of Law



## MEMORANDUM

**TO:** JUDGES YOU Ottara and Claudia FENZ, Co-Rapporteurs on Residual Functions Related to Victims

**FROM:** Anlong Veng Peace Center in collaboration with Prey Veng Documentation Center, Kampong Cham Documentation Center, Takeo Documentation Center and Koh Thma Documentation Center

**DATE:** 14 October 2021

**SUBJECT:** Response to Call for Contribution of Ideas of the Extraordinary Chambers in the Courts of Cambodia (ECCC) Residual Functions Related to Victims

The Anlong Veng Peace Center (“AVPC”) (a Provincial Education Center in Cambodia under the Documentation Center of Cambodia (DC-Cam))<sup>1</sup> is pleased to submit the following ideas and recommendations in response to the ECCC “Call for Contribution of Ideas.” As a preface to our submission, we believe it is important to state the constraints that we understand limit the victim-related initiatives the ECCC is requesting ideas. In the event we misunderstood these constraints, we would welcome an opportunity to provide an updated submission.

First, we understand the types of victim-related initiatives is limited by the range of functions set forth in Article 2 of the Annex of UNGA Resolution (A/RES/75/257 B) (“Draft Addendum to the Agreement between the United Nations and the Royal Government of Cambodia”). Second, we understand that the ECCC must have a direct role in the actual implementation of the activities. Third, we understand that these functions must be tailored to fit within a 3-year period. Although unstated in the relevant UNGA Resolution, we also expect there may be additional constraints imposed as it pertains to the interests of donors and the availability of funds associated with any functions. With these considerations in mind, the AVPC proposes the following limited ideas and recommendations.

Among the residual functions anticipated for the ECCC is the dissemination of information about the ECCC to the public. We believe that as the ECCC winds down its operations, this function may be an opportunity to reinforce the prior, laudable efforts by the ECCC to raise public awareness about the court and its work. The anticipated target group for such work would be the Cambodian public; however, AVPC can envision more specific audiences that could be further identified in more detailed proposals/actions. The scope of the work can include more innovative outreach that builds on the unique capabilities, competencies, and capacity of civil society organizations with operations in more remote areas of the country, as well as online or multimedia products, again leveraging pre-existing civil society capabilities, that are tailored to the youth in urban settings. These ideas would require a more detailed outline that can only be reflected in a concept paper or full proposal, but we are confident that the work would be easily tailored to fit within the timeline and scope of the ECCC’s residual functions.

---

<sup>1</sup> The Anlong Veng Peace Center operates under the Documentation Center of Cambodia. *See generally*, Anlong Veng Peace Center, <http://dccam.org/anlong-veng-peace-center>.

A second important residual function that warrants consideration is protection of victims and survivors. As the ECCC winds down, it is important that victims and survivors feel supported and protected in this twilight period. Within a three-year period, it would be possible to implement two projects that are distinct but interdependent. The first project would center upon a survey of victims and survivors to assess the extent to which they feel protected, whether they have suffered threats or discrimination because of their participation in the court, and what activities or resources may be helpful to them in the sunset period of the ECCC's operations. The survey would be important to a second project that would endeavor to specifically address the interests and needs of this population as it relates to their prior participation with the court. The survey would be important to not only informing potential future civil society, UN, and government actions in support of this population, but it would also provide important insights to other efforts surrounding victims of violence in Cambodia and around the world. The second project would implement or respond to the findings of the survey, which similar to the foregoing residual function, should be done in partnership with civil society organizations.

Lastly, AVPC, in coordination with its parent organization, the DC-Cam, has a vested interest in the maintenance, preservation, and management of the archives of the Chamber, to include the declassification of documents and materials. AVPC has many ideas and recommendations in this matter, and AVPC welcomes the opportunity to discuss this matter further as desired by the ECCC.

We want to close by offering to work with the ECCC on developing any consultative or other relationships in furtherance of the ECCC's winding down, residual functions. The winding down of the ECCC must be well-organized and balanced by a dedicated attention to the people most vested and interested in the ECCC's work—namely the victims, their loved ones, and the survivors. The ECCC's legacy does not begin and end with the work that it has rendered in delivering justice. The ECCC's legacy will be equally defined by its impact on the Cambodian people and in many ways the residual functions of the court bear an equally important role as all its work to-date.

We thank the distinguished officials of the ECCC for their kind consideration of our comments and recommendations, and we welcome the opportunity to discuss this submission or other topics related to this matter further.

Dr. Ly Sok-Kheang  
Director, Anlong Veng Peace Center  
*In collaboration with:*  
Pheng Pong-Rasy  
Director, Prey Veng Documentation Center  
Seang Chenda  
Director, Kampong Cham Documentation Center  
Ly Kok-Chhay  
Director, Takeo Documentation center  
Long Dany  
Koh Thma, Documentation Center of Cambodia

City, Davao City, Baguio City and Dapitan City. Manila: National Centennial Commission, Asian Institute of Journalism and Communication.

Madale, Nagasura T. 2003. Brothers and Yet, Strangers in the "Land of Promise". Cagayan de Oro: Unpublished book manuscript.

Manila Times. 2004 October 10. Malaysian troops' arrival 'good news' for Mindanao.  
[http://www.manilatimes.net/national/2004/oct/10/yehey/top\\_stories/20041010\\_top8.html](http://www.manilatimes.net/national/2004/oct/10/yehey/top_stories/20041010_top8.html)

Mindanao Times. 2004 October 4. Top agenda. Mahathir, Arroyo to discuss peace efforts. <http://www.mindanaotimes.com.ph/news/story.php?id=2257>

May, R. J. 2002 The Moro Conflict and the Philippine Experience with Muslim Autonomy. Paper for CCPCSAP Workshop, Canberra, Australia.

Montalvan II, A. J. 2004 April 5 'Academizing' Mindanao peace. INQ7.net.  
[http://www.inq7.net/opi/2004/apr/05/opi\\_kris-1.htm](http://www.inq7.net/opi/2004/apr/05/opi_kris-1.htm)

Morgan, Shauna 2003 "Bangsamoro Independence or Interdependence? The Referendum Proposal for a Just and Lasting Peace in Mindanao." Unpublished ms., University of Toronto, Canada.

Muzaffar, C. 2004 October 9. A Praiseworthy Idea. Just: International Movement for a Just World. <http://www.just-international.org/article.cfm?newsid=20000800>

Quevedo, Orlando B. 2004 July 8 "Injustice: the Root of Conflict in Mindanao."  
<http://www.mindanews.com/peprcs/peacetalk/quevedo.shtml>

Rodil, Ruby B. 2003. "Re-establishing Order in the Community and its Connection with Biodiversity Conservation" Paper presented at the Seminar Workshop on Conflict Transformation and Biodiversity Conservation. Cagayan de Oro City, Philippines. July 11-13, 2003.

Rodil, Ruby B. 2000. Kalinaw Mindanaw: the Story of the GRP-MNLF Peace Process, 1975-1996. Davao: Alternate Forum for Research in Mindanao.

Sharma, M. 2000. Role of Youth in Promoting Peace. [http://www.friends-partners.org/GLOSAS/Global\\_University/Guideline/Sharma%27s\\_paper\\_on\\_Pea ce.html](http://www.friends-partners.org/GLOSAS/Global_University/Guideline/Sharma%27s_paper_on_Pea ce.html)

United Nations. <http://www.un.org/english/>.

### ECCC residual functions project idea

Author: Helena Speidel, GIZ Civil Peace Service (CPS) Southeast Asian University Partnership for Peacebuilding and Conflict Transformation (SAUP) Advisor to the Cambodia Peace Gallery, Battambang

<b>Name of the project</b>	ECCC Residual functions SAUP – civil society
<b>Thematic priorities addressed by the proposal</b>	Documenting achievements of civil parties during ECCC tribunals – outreach, coordination, influence, “turning points”, reparation projects – perspective to be determined
<b>Proposed budget in USD\$</b>	3000 USD (rough estimate, can be ignored)
<b>Geographic coverage</b>	Battambang (+ virtual access through websites)
<b>Duration of the project</b>	Permanent exhibition
<b>Name of implementing partner</b>	SAUP – Cambodia Peace Gallery
<b>participating stakeholders</b>	Organisations involved in the ECCC tribunals (e.g. TPO, Legal Documentation Center, DCCAM, CPCS, NUBB, Youth for Peace, victim support section)
<b>Project contact person (phone, email)</b>	Sadie O’Mahoney GIZ CPS SAUP Regional Coordinator <a href="mailto:Sadie.omahoney@giz.de">Sadie.omahoney@giz.de</a>

#### Context

As the ECCC/ Khmer Rouge Tribunals are about to terminate, measures on how to honorate its legacy are being thought out. Having participated in many activities relating to the ECCC, the GIZ Civil Peace Service as well as the German Embassy to Cambodia want to ensure the insights, achievements and reparation projects are not forgotten and that truth telling and reconciliation in Cambodia continues after the tribunals are completed.

The SAUP program in Cambodia is working on including peace practices and lessons learned into an institutional higher education peace studies curriculum at the National University of Battambang (NUBB). As such it includes the experiences civil society has made and aims to bridge the gap between academia and peace practitioners. One partner organisation that will support this endeavor is the Cambodia Peace Gallery, a peace museum dedicated to showing peace efforts and its achievements in Cambodia. Its aim is to generate a positive national pride, so the newer generation (< 30 years old) can be hopeful and active about Cambodia’s future.

Through collaboration between the Cambodia Peace Gallery and the NUBB, students will have the opportunity to experience peace building activities in an interactive way, confronting them with real history. As a Gallery there are opportunities to showcase events and processes interactively. It offers the ideal conditions to create an exhibition around the set up of the ECCC and the contributions and achievements of the Civil parties and the reparation projects

It is often believed by Cambodians living in the provinces that the achievements of the ECCC are lacking impact, at least in relation to the expenses and resources it has been equipped with. This sentiment however overlooks the many reparation projects that have resulted because of the engagement of civil societies and the civil parties as well as the victim support section.

Through an educational permanent exhibition on the civil society engagement at the CPG, visitors will have the opportunity to learn more about the past and gather a hopeful perspective about tribunals. They will also be exposed to the unique character of the ECCC and its value for future international tribunals of this scale.

This exhibition is embedded in a larger educational concept to integrate the ECCC into a Peace and sustainable development study program at the NUBB. While the formal curriculum is envisioning an academic examination and students engagement, the exhibition is expected to feed into it by offering inspirations and starting points for student projects and papers.

### Description of the project idea

We suggest an interactive exhibition in one room (approx. 50 qm) dedicated to the achievements of the civil parties and the reparation projects during the ECCC tribunals. This may include testimonies in front of the court, testimonies of the effects of outreach, documenting outreach activities from civil society and remembering (showcasing) reparation projects that have happened. It would also give opportunity to disseminate/ sell previously published material to young in people in Battambang.

The exhibition would be inaugurated with an opening event, with representatives of the civil parties co lawyers, participating organizations and victim support section opening remarks. It would also be great to have a foreign guest speaker talking about the learnings of the ECCC that were helpful for following tribunals. It can loosely be also thought of a “Best Of” – reparation projects.

### Draft agenda

Time / Date	Activity	Responsible persons/ organizations
Month 1-2	Contact stakeholders and enquire about materials and interest in participation	SAUP and Cambodia Peace Gallery
Month 3-5	Conceptualizing and choosing subjects for exhibition and shop	
Month 4-5	Train Gallery staff in subject matter for future guiding	
Month 4-6	Prepare exhibition (objects, translation, educational material, invites for exh. openig)	
Month 6	Prep and Exhibition opening event – incl. SAUP Peace Lab group – (see below for more information)	
Month 6 - 12	Support for students in their study projects on ECCC	
Month 12	Participation in Conference on ECCC	

OPENING EVENT		
Time / Date (tbd)	Activity	Responsible persons/ organizations
15:30	Welcome and drinks	SAUP and Cambodia Peace Gallery
16:00 – 16:20	Welcome Remarks	Casper Gils (CPG director)
16:20 – 16:40	Guest speech 1	(tbd)
16:40 – 17:00	Guest speech 2	(tbd)
17:00 – 17:15	Coffee break	
17:15 – 18:00	Inauguration and Guided tour around ECCC Civil parties' exhibition	Cambodia Peace Gallery
18:00 – 19:00	Presentation of outreach/ memorialization	e.g TPO, Youth for peace
19:00 – 19:20	Closure and good bye packages	Cambodia Peace Gallery

### Objectives of the event

- Steer perspective of ECCC towards participation of civil parties – a unique feature in ICCs.
- Showcase the contributions of Cambodians in the tribunal, aiding to positive national pride
- Refreshing memories of the reparation projects – visualizes the activeness and the efforts
- Giving civil society a voice to be recognized and celebrated
- Distribute Material and knowledge in the province of Battambang (anime book, documentaries etc.) to acknowledge the provinces as well

### BUDGET

To be determined

## Proposal Ideas for (ECCC) Residual Functions Related to Victims

**Author:** Katharina Schneider, GIZ CPS SAUP Advisor to the National University of Battambang

**Project Contact:** Sadie O'Mahoney, GIZ CPS SAUP Regional Coordinator: [sadie.omahoney@giz.de](mailto:sadie.omahoney@giz.de)

<b>Title</b>	ECCC Module for Higher Education
<b>Target Groups</b>	Direct (Module Design and Pilot Phase): <ul style="list-style-type: none"> <li>- 5 lecturers at the National University of Battambang (NUBB), in peace studies, psychology, community development and law</li> <li>- (collaboration with RUPP, esp. in Media Studies, Psychology, and Pannasastra, esp. in Gender Studies, is envisioned)</li> <li>- 20 students at NUBB (and corresponding numbers from collaborating institutions)</li> </ul> Long-term beneficiaries: <ul style="list-style-type: none"> <li>- Faculty and students at NUBB and in higher education institutions in Cambodia (esp. in law, psychology, peace studies, gender studies, education, journalism, history)</li> <li>- The Cambodian public, through improved knowledge of the ECCC and its reparations, and improved subject-specific skills linked to victims' support</li> </ul>
<b>Location(s)</b>	Battambang, (Phnom Penh)
<b>Duration</b>	Three years (module design and piloting)
<b>Outcome</b>	Teaching and student-led action research modules on the ECCC, transitional justice and victims' support are integrated into teaching in higher education in Cambodia.
<b>Outputs</b>	An "ECCC module" for higher education institutions in Cambodia, including <ul style="list-style-type: none"> <li>- Five NUBB faculty have in-depth knowledge of the ECCC (history, comparative significance, reparation projects and benefits for victims), knowledge of and experience with student-led action research, and relevant subject-specific knowledge and research skills related to specific reparation projects.</li> <li>- Twenty NUBB students have increased knowledge about the ECCC and specific reparation projects, action research skills, and attitudes and relevant subject-specific knowledge and skills for mobilizing learnings from reparation projects for the future.</li> <li>- Course syllabi and teaching material for the ECCC module are freely available online.</li> <li>- A public conference and online lecture series on aspects of the module has contributed to awareness raising in Cambodian academia and the public.</li> </ul>
<b>Activities</b>	<ul style="list-style-type: none"> <li>- Long-term (3 year) advisory of an expert in transitional justice and victims' support placed at the National University of Battambang</li> <li>- Information visits for university faculty at the ECCC and local memorial sites in Battambang, and consultations with transitional justice and victims' support experts, survivors and their communities</li> <li>- Online learning units targeting faculty on comparative transitional justice, action research, subject-specific forms of reparation and victims' support, and research skills (e.g. archival research; listening and multiple narratives; peace journalism; digital literacy and storytelling; exhibition management and curatorship; peace education)</li> <li>- Collaborative module design</li> <li>- Piloting the module, including one loop of student-led action research on aspects of the ECCC and specific reparation projects</li> <li>- Online lecture series targeting higher education faculty in Cambodia</li> <li>- Public conference for module inauguration</li> <li>- Publication on the project and the module</li> </ul>

Relevance:

Given rising educational aspirations among Cambodia’s youth and increasing university enrollment, Cambodia’s higher education sector plays a vital role in improving knowledge of the younger generation on the ECCC, including its history, its comparative significance as a hybrid court with an extensive victims’ support program, and the benefits it has generated for victims. Likewise, universities are well-placed for building young people’s capacities for developing further some of the promising approaches developed in reparation programs, and for adapting them to changing circumstances. Examples for areas with a great potential for future development are contextualized mental health and social support, archival work and research, community narratives, and digital storytelling and public education.

At the same time, higher education institutions’ capacities to assume this supporting role remain limited. The direct targeting of academics and educated people by the Khmer Rouge has led to a tremendous loss of life, suffering and thence expertise for re-building Cambodian higher education institutions. Educational policies in the 1980s prioritized primary education and teacher training. In the 1990s and 2000s, the sector developed, but unevenly. This unevenness remains until today. The provinces are disadvantaged relative to the capital. Battambang, with its history of long-lasting Khmer Rouge strongholds, continues to face special challenges. Moreover, privatization, divergent donor and government agendas have multiplied and deepened sector-internal divides.

There is a gap between current capacities in the sector and the rapidly growing expectations of its student base, especially with respect to being able to learn from the past for the future. Taking their cues from global debates about identity and decolonization, students are eager for more explicit formal teaching about the country’s conflict, post-conflict and peacebuilding histories. They are dissatisfied with the absence of Cambodian voices in research on Cambodia’s recent history and current affairs. They want to be change makers, and they expect their university education to prepare them for a full, informed and independent participation in public life, as Cambodian citizens in local and global domains.

On this background, the proposed project supports faculty from different disciplines in developing a module that includes teaching and student-led action research on the ECCC and its reparation projects. The project thus supports faculty with first-hand experiences, knowledge and skills to integrate teaching and research on the ECCC and reparation projects in their respective academic work. The long-term anticipated outcomes are (a) to build young people’s capacities to develop promising approaches from reparation projects related to their major further in the future, and (b) to increase the capacities of higher education institutions to support students in this.

Provisional timeline:

Project Month	Activity
1-3	Baseline study
4-6	Information visits, expert and community consultations, and online learning units for faculty
6-12	Collaborative Module Development
12-24	Piloting the Module
21-27	Online lecture series
24-30	Public conference and project publication
30-36	Evaluation and Closure



## Call for Contribution of Ideas of the Extraordinary Chambers in the Courts of Cambodia (ECCC) Residual Functions Related to Victims

Author: Savyuth Ky, National Peace Advisor, GIZ Civil Peace Service Southeast Asian University Partnership for Peacebuilding and Conflict Transformation (SAUP)

<b>Name of the project</b>	Peace Students engaged with ECCC
<b>Thematic priorities addressed by the proposal</b>	This proposal will address the peace students better understanding the national and international criminal justice system work together
<b>Proposed budget in USD\$</b>	
<b>Geographic coverage</b>	Battambang, Cambodia
<b>Duration of the project</b>	2022 – 2023
<b>Name of implementing partner</b>	National University of Battambang (NUBB)
<b>Participating stakeholders</b>	Students in Faculty of Sociology and Community Development (FSCD) of NUBB
<b>Project contact person</b>	Sadie O'Mahoney Regional Coordinator GIZ SAUP <a href="mailto:sadie.omahoney@giz.de">sadie.omahoney@giz.de</a>

### Rationale

Peace Students engaged with ECCC (PS-ECCC) is a new initiative project to support the South-east Asian University Partnership for Peacebuilding and Conflict Transformation (SAUP) program where SAUP has the main goal to support and strengthen universities in Cambodia, the Philippines and Timor-Leste in the conceptualization and implementation of curricula on peace and conflict studies. PS-ECCC project will connect students in peace curriculum of FSCD of NUBB to the ECCC works to gain the knowledge and better understanding about the Khmer Rouge Regime.

### Goals

PS-ECCC established to engage students in FSCD of NUBB to have the chance to do the research study in ECCC and produce research report to keep in NUBB library. These documents will benefit the next student generation in NUBB to gain the knowledge about the ECCC and disseminate it to their community.

### Project Activities

The activities which contribute to reach the main goal of PS-ECCC project are listed as below.

Activity 1: Recruit a consultant by ECCC to support the PS-ECCC project. And SAUP will provide the orientation to the consultant about his/her responsibilities and equip him/her to engage with students in FSCD of NUBB.

Activity 2: The consultant sets up study tour activities for the students to visit ECCC with SAUP.

Activity 3: The consultant provides the orientation to the students in FSCD of NUBB to understand about the processes, obligations, responsibilities, and benefits to attend the study tour to ECCC. The obligations and responsibilities of the students are divided into two separated parts as below.

Students are in Peace Curriculum:

- Need to complete a mandatory short course under the topic about the ‘Research Method, Research Ethic, Archive Research and Research Report Writing’ in order to enable them to produce the research study report.
- Need to attend the orientation conducted by the consultant about the ‘processes, obligations, responsibilities and benefits for the study tour to ECCC’.
- After returning, the students need to produce the research study report.

Students are not in Peace Curriculum:

- Need to attend the orientation conducted by the consultant about the ‘processes, obligations, responsibilities and benefits for the study tour to ECCC’.
- After come back, the students need to present their artworks or any decoration which related to what you have observed and learned from visit at ECCC should be included a video clip, short film, photographs, painting and other documents related.

Activity 4: The consultant facilitates with SAUP before, during and after the study tour for students visit at ECCC.

Activity 5: From the visit at ECCC, the consultant and SAUP needs support students to collect, analyze to make sure student can complete their tasks smoothly for presenting in peace exhibition and peace conference.

Activity 6: NUUB publish and compile all students’ research study reports and the artworks into digital contents to disseminate to the social media in order to increase the academic level in education system related to law to other people especially peace students and NUBB’s partner organization to get more understanding about ECCC.

## Call for Contribution of Ideas of the Extraordinary Chambers in the Courts of Cambodia (ECCC) Residual Functions Related to Victims

Author: Katharina Schneider, Civil Peace Service Advisor, GIZ Civil Peace Service Southeast Asian University Partnership for Peacebuilding and Conflict Transformation (SAUP)

<b>Name of the project</b>	Student designed ECCC Information Center
<b>Thematic priorities addressed by the proposal</b>	Center for students, victims and civil society to access public documents on the ECCC and knowledge management of projects/outreach on the ECCC over the years.
<b>Proposed budget in USD\$</b>	
<b>Geographic coverage</b>	Battambang, Cambodia
<b>Duration of the project</b>	2023 – 2025
<b>Name of implementing partner</b>	National University of Battambang (NUBB)
<b>Participating stakeholders</b>	Students in Faculty of Sociology and Community Development (FSCD) of NUBB
<b>Project contact person</b>	Sadie O’Mahoney Regional Coordinator GIZ SAUP <a href="mailto:sadie.omahoney@giz.de">sadie.omahoney@giz.de</a>

Cambodian university students have expressed a strong interest in learning about and engaging actively with the country’s transitional justice processes and the work of the ECCC. Their access to information and opportunities for participation remain limited, however, especially in the provinces. Memory transmission within families has proven difficult, and not all schools utilize available teaching material and teaching support. Youth projects run by civil society organizations have been successful but of limited reach and sustainability, especially where the government has withdrawn support from actors deemed not securely enough under its control.

On this background, public universities are emerging as promising actors for residual functions, especially in the provinces. As state institutions with structures built to last, they provide a sustainable base for activities. Since demand for higher education is increasing rapidly, universities reach increasingly large and diverse portions of the populations. Some are turning into regional educational centers for communities, in partnership with sub-national government and civil society. In the context of increasing competition within ASEAN, universities are investing in research, improving their management and adopting new teaching-learning methods. They recognize the potential of the pedagogically innovative approaches that CSOs have developed for engaging youth in transitional justice processes and want to develop them further. Students are clamoring for such

adaptations, for more participatory, problem-based and experiential learning, learning beyond the classroom and making learning tangible.

The project enlists students and staff in a peace program at a provincial public university as co-designers, co-curators and co-managers of an ECCC information center. Co-designed by students, it fulfils young people’s needs and demands for access to information; for support in developing research skills with relevance to transitional justice, archives and dealing with the past, and for opportunities for gaining practical experience in project design and management, as well as in a range of specialist fields. The following activities and benefits for students, lecturers, victims and communities are envisioned:

<b>Conception Phase</b>	
Lecturers with CSO partners	Curriculum development in transitional justice; dealing with the past; international law; action research; archival research; conflict-sensitive project design and management; IT and communications; arts for peace; cultural management; gender and transitional justice; disability, victims’ support and transitional justice; ethnicity, religion and transitional justice
Lecturers	Integration of modules in existing curricula (incl. peace and development, history, law, architecture, information technology, media studies, arts)
Lecturers, CSO actors	Capacity building for lecturers on the above modules; MoUs with relevant academic and CSO partners; identification of experts for teaching pool (academic and civil society, for guest lectures and co-teaching)
Lecturers	Capacity building on experiential learning and learning beyond the classroom
Students (all majors)	Extra-curricular activities on transitional justice and the ECCC, e.g. through peace labs, theatre and arts groups, student law societies, pre-existing or to be formed
Students (relevant subjects)	Student action research projects on transitional justice and information centers, for BA and MA theses e.g. in peace and development, law, history, community development, architecture, communications, cultural management
University’s community liaison office	Stakeholder mapping and workshops with civil society and sub-national government; support of lecturers in identifying CSO partners for curriculum development
Lecturers and students	High-school and village-based information visits, theatre performances and focus group discussions on community needs for access to information
Students (all majors)	Student competition: ECCC Information center design, categories: physical and digital infrastructure; arts and exhibitions; academic program; community engagement)
<b>Preparation Phase</b>	
Students	<ul style="list-style-type: none"> <li>- Architecture and IT: Internship and study visits during building/IT set up</li> <li>- IT: web page design (project-based learning)</li> <li>- Communications: social media strategy (project-based learning)</li> <li>- Peace and development, law, history: Drafting of texts for web portal and physical site (project-based learning, with victims and CSOs)</li> <li>- Arts: prepare performance for promotion video and launch ceremony (project-based learning, with victims and CSOs)</li> <li>- Cultural management: prepare launch event</li> <li>- Extra-curricular gender working group: cross-check of physical and digital structures, texts, program and activities for voices of persons of different gender identities, expressions and sexual orientations</li> <li>- Extra-curricular disability working group: cross-check of physical and digital structures, texts, program and activities for access with people with different mental and physical abilities</li> </ul>

	<ul style="list-style-type: none"> <li>- Extra-curricular diversity working group: cross-check of physical and digital structures, texts, program and activities for access, appropriateness and voices of people from different ethnic and religious background</li> </ul>
Lecturers	Facilitate the above processes; provide subject-specific expertise
CSOs, victims & communities	Act as expert advisors, guides and reviewers in the above processes
<b>Post-launch benefits</b>	
Students	<ul style="list-style-type: none"> <li>- Have physical and digital access to information and opportunities to share their knowledge on transitional justice in Cambodia and the work of the ECCC</li> <li>- Have opportunities to engage in intergenerational dialogue with victims, senior CSO leaders and academics</li> <li>- Can situate their subject-specific curricular learning in a wide and evolving transdisciplinary field of research and action on transitional justice</li> <li>- Gain opportunities for project-based learning and professional skills training in the field of transitional justice as a part of their degree programs</li> <li>- Join and lead transdisciplinary extra-curricular activities related to maintaining and improving the physical infrastructure, developing arts projects and exhibitions, maintaining and developing the center's academic program and engaging communities in the work of the center</li> <li>- Have opportunities for hands-on learning through internships and student positions at the center</li> </ul>
Lecturers	<ul style="list-style-type: none"> <li>- Have access to capacity building in the field of transitional justice and related to their disciplinary expertise</li> <li>- Co-design and co-teach curricula in their specialist field and with relevance for transitional justice, archives and dealing with the past with academic and civil society partners</li> <li>- Engage in transdisciplinary research on transitional justice and the ECCC</li> <li>- Co-design and co-host conferences, community workshops, exhibitions, arts-academia collaborations and outreach activities at the center</li> <li>- Gain international experience and visibility through their participation in center activities</li> </ul>
Civil society organizations	<ul style="list-style-type: none"> <li>- Have access to decentralized archives</li> <li>- Benefit from local visibility and from government recognition of transitional justice and dealing with the past as valued professional fields in Cambodia (enlargement of safe spaces; access to networks and funding)</li> <li>- Gain a physical meeting place for academia-civil society partnership in transitional justice and related fields</li> </ul>
Victims and communities	<ul style="list-style-type: none"> <li>- Have access to decentralized archives</li> <li>- Become involved in sustainable processes of memory transmission and intergenerational dialogue that are highly likely to increase in reach</li> <li>- Gain local visibility and a platform for voicing their experiences, knowledge and current needs</li> <li>- Have opportunities to take on professional roles within the center</li> </ul>

Response by Civil Peace Service (GIZ) to Call for Contribution of  
Ideas to ECCC Residual Functions Related to Victims

In addition to the ideas already submitted by our Cambodian Partner-Organizations, we would like to first of all thank ECCC to initiate this call and add a few more ideas:

**A) Creation of a nationwide database on missing persons plus media campaign**

After attempts from the government in the early 80ties to gather information about the crimes during the Khmer Rouge regime (1975-1979) – the Renakse process – there has, for our knowledge, never been a nationwide attempt to document the search for relatives and to combine the information of missing persons. For example, the Red Cross (at the Arolsen Archives) in Germany created a large documentation to support the search of families after World War II. It would be high time to start a nation-wide database, but it is not yet too late, as the knowledge is present in the families. The “right to know” is one of the principles in Transitional Justice processes and can contribute to inner peace.

**B) Pilot-program to support Youth from the provinces to come to Phnom Penh and visit TSGM, Choeng Ek and the ECCC compound (in Cooperation with MEYS)**

The majority of the youth at the provinces never had the chance to learn in depth about the Khmer Rouge regime, to visit Tuol Sleng Genocide Museum and Choeng Ek Genocidal Center in Phnom Penh, about to learn about the juridical processes at the ECCC. NGOs like Kdei Karuna or Bophana Center together with Tuol Sleng Genocide Museum could be appointed to accompany study programs organized by the local teachers. Travel costs, accommodation and food would need to be covered.

**C) Capacity building at Archives of LDC and other KR documentation partners**

Cambodia is holding a series of very important archives, but there is a serious lack of professional knowledge how to care for the archives. Until today “Archives” can not be studied at any University in Cambodia and the institutions are relying on external advice and missing installed archive management systems. To support the LDC and other institutions holding important collections related to the Khmer Rouge period, a permanent senior expert could be invited and the capacity building of archive staff should be supported in any possible way.

**D) Preserve the ECCC’s compound and convert to an education center**

We suggest to keep parts of the ECCC compound accessible to the public and especially keep the trial room as the core of a learning center about the Khmer Rouge period and the reconciliation processes in Cambodia. Other parts of the compound could be used for archives, which are strongly in need of extension. NGOs and/or government institutions like Tuol Sleng Genocide Museum can be asked to support the conceptualization of the education center.

## **E) Community Reconciliation**

In the study “Justice and Reconciliation for the Victims of the Khmer Rouge” of Williams et. al. (2018) most Civil Parties understood reconciliation mostly as “Unity and Living Together” “Absence of Violence and Conflict” and “Communicating with and understanding others”. The problem focus obviously is inherent to Dealing with the Past, nevertheless, with the ending of such a long and important judicial process, victims need to also learn to act from a feeling of unity, positivity, and strength to really live empowered lives. The development of activities that does directly answer to the concrete needs of the victims in regard to reconciliation and focuses on concrete practical learning and consequently test, adjust and implement such as activities in different communities. (E.g. Restorative dialogue, Non-violent-communication trainings)

# Southeast Asian University Partnership for Peacebuilding and Conflict Transformation

Civil Peace Service Regional Program in Cambodia, Timor-Leste and the Philippines

## Our Objective

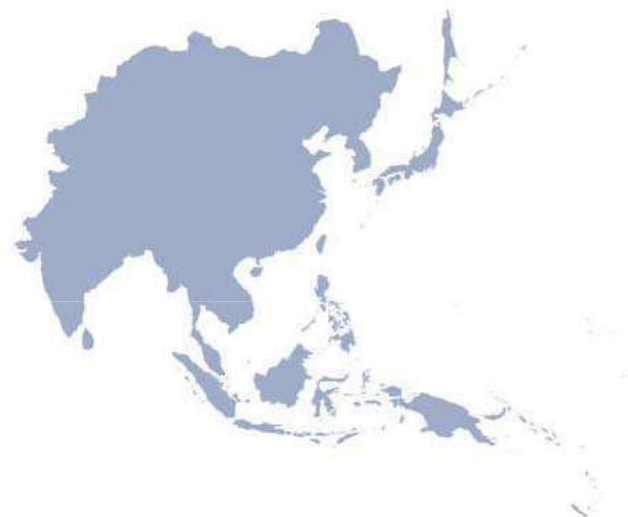
The GIZ Civil Peace Service (CPS) has established the Southeast Asian University Partnership for Peacebuilding and Conflict Transformation (SAUP) regional program to support and strengthen universities in Cambodia, the Philippines and Timor-Leste in the conceptualization and implementation of curricula on peace and conflict studies. The program is based on the lessons learned and approaches to curriculum development gained within CPS through years of advisory services to partners in this capacity.

The aim of the program is to provide technical and personnel support to university partners to build their capacities in the conceptualization and contextualization of curricula through the integration of best practices from local/traditional practices in non-violent conflict transformation as well as through the application of peace action research to ensure context appropriate approaches to promote sustainable peace. By anchoring and integrating the outcomes of peace action research into the relevant peace and conflict studies, the knowledge of past peace practices is preserved and made available for future generations.

The SAUP regional program will establish a university exchange network as a comprehensive learning platform to exchange on best practices and lessons learned and a means to disseminate knowledge garnered through practice in the South and shared on a South-to-South platform and also globally; a partnership approach envisioned by the UN Sustainability Goal 17 and Agenda 2030.

Project name	Southeast Asian University Partnership for Peacebuilding and Conflict Transformation
Commissioned by	Federal Ministry of Economic Cooperation and Development (BMZ)
Project region	Cambodia (Regional Hub), Philippines and Timor-Leste
Lead executing agency	Civil Peace Service Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH
Volume/Budget	<b>1,3 Million Euros approx..</b>
Duration	09/2019 – 12/2022

The support by CPS to partner universities is enriched by the collaboration with *The Center for Conflict Research* at the *Philipps University of Marburg, Germany* and their role in fostering professional exchange, providing expertise in curriculum development in the specific field conflict transformation. By this, the SAUP regional network will use synergies between the three countries and aims to integrate the partner universities into global exchange programs and research projects on higher education.



Left: University of Battambang, Cambodia

Right: Universidad de Paz, Timor-Leste



Sadie O'Mahoney  
Regional Program Coordinator  
Phnom Penh, Cambodia  
[sadie.omahoney@giz.de](mailto:sadie.omahoney@giz.de)

Civil Peace Service/Programm Ziviler Friedensdienst  
**giz** | Deutsche Gesellschaft für Internationale Zusammen-  
arbeit (GIZ) (GmbH)  
Friedrich-Ebert-Allee 40 | 53113 Bonn



SUSTAINABLE  
DEVELOPMENT  
GOALS



## Initial Situation

The societal impacts of decades of armed conflict run deep. Possibly the most dangerous of these impacts in terms of achieving a peaceful society is the normalisation and social acceptability of violence as a means to address conflict. Universities that offer courses on peacebuilding and non-violent conflict transformation act as bridges between theory and practice by examining the effectiveness of approaches to civil conflict transformation through their research contributions. By offering courses in peace and conflict research, they support the social transformation of violent attitudes and actions and contribute to the distribution of methods of civil conflict management. However, the development of study programs in countries of the global South is rather marginal and often universities lack technical expertise in the field of conflict transformation and the resources for vital peace research and its dissemination.

## Civil Peace Service Approach

- Strengthening universities capacities to develop and implement context appropriate curriculum in peace and conflict studies by providing long term advisory
- Bridging theory and practice through close and regular exchange with governmental and non-governmental peace practitioners and students;
- Contribute actively to create closer linkages between academic knowledge and civil society approaches;
- Fostering intergenerational dialogue and providing safe spaces for exchange and understanding;
- Promote the integration of peace action research and the application of current methodologies;
- Sharpen context related approaches of 'working with the violent past';
- Establishment of a regional network of Southeast Asian experts and researchers in the area of peace and conflict studies;
- Support in the global exchange of best practices and lessons learned on a comprehensive learning platform;
- Regional and global exchange of students and staff between partner universities; and
- Digital platforms for exchange of knowledge between South-South and South-North.

Published by Deutsche Gesellschaft für  
Internationale Zusammenarbeit (GIZ) GmbH  
  
Registered offices Bonn and Eschborn, Germany  
  
Ziviler Friedensdienst  
Sekot- und Globevorhaben G220 Frieden und Sicherheit  
Friedrich-Ebert-Allee, 53113 Bonn  
Phone +49 (0) 61 96 79 0  
Fax +49 (0) 61 96 79 – 11 15  
Email: [info@giz.de](mailto:info@giz.de)  
[www.giz.de](http://www.giz.de)

As at October, 2020

Printed by Name, City

Design Sadie O'Mahoney, Phnom Penh

Photo credits List of photographers:  
Page One: Sadie A. O'Mahoney  
Page Two: CPS Cambodia  
  
Text Sadie A. O'Mahoney  
  
GIZ is responsible for the content of this publication.  
  
On behalf of Federal Ministry for Economic  
Cooperation and Development (BMZ)  
  
In cooperation with



## **Response by Dr Helen Jarvis to Call for Contribution of Ideas ECCC Residual Functions Related to Victims**

In advance of presenting my ideas, I wish to express appreciation to Judges Ottara and Fenz for issuing this call, thereby opening the door hopefully to a full and transparent discussion of this matter, which is of vital concern to Civil Parties, to all victims of the Khmer Rouge regime, to the wider population of Cambodia as a whole, as well as to those in the international community engaged in the search for justice.

It appears to me that the following residual functions relating to victims have been identified in the Secretary-General's Report *Extraordinary Chambers in the Courts of Cambodia – residual functions (A/75/809)*, dated 2 March 2021, and the Proposed Addendum to the UN-RGC Agreement.

### **1. Archives and Information**

- maintain, preserve and manage its archives, including declassification;
- respond to requests for access to documents;
- disseminate information to the public regarding the ECCC

In my opinion, these functions can and should be discharged by the Legal Documentation Centre (LDC), in the light of the fact that the Royal Government of Cambodia established this body by *Sub-Decree No.: 159 ANKR-BK*, dated 16 November 2015, with sgenerous financial support from Japan, and mandated it to carry out such functions relating to the ECCC.

Further, it should be recalled that this body was approved by the *ECCC Trial Chamber Judgment on Case 002/02*, pronounced on 16 November 2018, as a reparations project proposed by the Lead Co-Lawyers for Civil Parties, *Access to the Judicial Records of the Khmer Rouge Trials and Civil Party Materials at the Legal Documentation Centre relating to the ECCC (LDC)*.

All documents classified as Public relating to Case 001 and 002/1 have already been transferred, and the remaining public documents are expected to be transferred in the future, as directed by the Judicial Officers following judicial review of current classification levels of documents on the case file. It would be expected that a considerable number will be reclassified as public once the trial proceedings in other cases are concluded (as they were in Case 001). It is suggested that this review might also consider recommending the return of original documents to their owner, generating institution or successor (such as from S-21 to Tuol Sleng Genocide Museum) with copies retained in the ECCC archives.

Discussions on the disposition of documents still classified as Confidential or Strictly Confidential need to be undertaken as part of the completion process, in light of the existing Cambodian law and procedures in force. This transfer would logically also include administrative records and documents from other units of the Office of Administration, including the Public Affairs Section, Victim Support Section and the Library.

In order to prepare for such transfer, would suggest that staff from the LDC be seconded to the ECCC to work closely with its Record and Archives Unit so that they may better understand the structure of the case file and the procedures followed in reclassification. Such secondment would desirably be arranged as soon as possible. Further, it is suggested that discussions commence forthwith regarding the software used for managing the case file, in particular whether the current Zylab software will be made available to the LDC for continued management of these archives and, if so, under what conditions and with what kind of financial and technical support for continued operations, or for acquisition of alternate and more reasonably priced software.

## 2. Reparations

Although in most civil law countries, including Cambodia, reparations awarded by criminal courts are executed under judicial control, the ECCC has mandated a different regime, by which reparations may be proposed by third parties and, if approved as part of the judgment, are to be voluntarily executed by the proposing party, with possible support from others. It will be interesting to understand to what extent and for how long the ECCC judiciary will decide to play any role in monitoring the implementation or assessing the effectiveness of reparations awarded.

It therefore is necessary to discuss the parameters of this function. It is suggested that a review be conducted of the current status of all reparations projects recognised to date. While many of these projects were envisaged to have a limited life span, and indeed some have already come to an end, for the remaining projects that are continuing, any ongoing monitoring and reporting (as well as exploring the feasibility of and source of funds for their continuation) might also be appropriately discharged by the LDC, given its specific mandated relationship and responsibilities to Civil Parties, if its structure were broadened to add a Reparations Department (perhaps for a certain period of time and possibly in conjunction with officials, staff and legal officers now in the Victim Support Section and/or Civil Party Co-Lead Lawyers Section).

It should be noted that some activities outside the ECCC reparations program have also served to provide redress to victims of the Khmer Rouge regime, for instance, the Tuol Sleng Genocide Museum project to digitise and preserve the S-21 archives, ongoing mental health care especially by TPO, research and cultural programs and also, notably, independent and community efforts to construct memorials and stupas. It would be valuable to initiate a compilation of such activities, in order to create a record to show the wider picture of how the existence of the ECCC has stimulated and enabled such positive achievements.

### Concluding Comment

May I take this opportunity to make a somewhat broader comment regarding the draft Addendum? It is proposed therein that after the ECCC completes its caseload, a reduced size ECCC should continue to operate, initially for three years, to carry out residual functions with a projected budget of almost \$3 million dollars per year (international component \$1,974,500 per year and the national component approximately \$1,020,500) for a staff of 33 (11 international and 22 national).

Of course, as part of the Completion Strategy for the ECCC, it is necessary to discuss and reach agreement on the mechanisms for discharging any residual functions, (not only those relating to victims discussed above, but also the various judicial functions outlined in the Addendum as well as on other matters not mentioned, such as disposition of assets, schedule for winding down staffing etc). I wonder if alternative approaches could be investigated that would not diverge from the ECCC Law's sunset clause (Article 47), and were designed to be less elaborate and costly than the proposed prolongation of the ECCC (albeit in reduced form) for at least three years after the completion of its caseload.



Dr Helen Jarvis, Phnom Penh, 14 October 2021

## Kdei Karuna submission to the Call for Contribution of Ideas of ECCC Residual Functions related to Victims

Since over a decade, Kdei Karuna (KdK) has been implementing reparation projects and other activities to support memorialisation and healing and mutual understanding between survivors of the KR regime and the next generations. Over the years, KdK has worked intensively with Khmer Rouge survivors, former Khmer Rouge cadres, high school and university students and high school teachers. Special attention was given to the perspectives of survivors of SGBV and survivors with a Muslim or Vietnamese background.

Alongside the legal procedures of the ECCC, space was created for non-judicial initiatives to support memorialisation, healing and reparation to the Cambodian people. KdK believes that there is a strong need in Cambodian society to continue these processes. Based on the information and insights collected through numerous oral history collections, family and community dialogues, KdK identifies the following needs in Cambodian communities.

- **Survivors’ needs to share their experiences.** As one dialogue participant formulated it: *“the more I talk, the more I feel relieved”*. Being able to tell their stories and being heard with compassion has a healing effect, but survivors state that they lack the opportunity or the space to do so.
- Many survivors suffer from their experiences in silence and the behaviour that results from this is not understood by the younger generations. There is a **need to close the gap of knowledge and mutual understanding** between survivors and 2<sup>nd</sup> and 3<sup>rd</sup> generations.
- There is a **need for youth to build their capacities to start and conduct conversations** about the KR past with survivors in their family or community. Youth are interested in learning about the past but are reluctant to ask their older relatives about it for different reasons, such as the cultural inappropriateness to ask questions or fear of inducing strong emotions.
- Survivors expressed the **need for places for remembrance in their province**, such as stupas and the engagement of youth to care for these sites and keep the memories alive.
- There is a **need for direct reparation at the individual level**. Besides improvement of living conditions, medical and psycho-social care, survivors also express a need to repair the negative impact on the 2<sup>nd</sup> and 3<sup>rd</sup> generations, for instance by supporting good education and job security.
- The **need to focus on non-recurrence from a local perspective**. Focus on education in history and training in soft skills to ensure that skills in conflict analysis, resolution and prevention are embedded in Cambodian society may contribute to prevent history repeating itself.
- Although many (oral) histories have been collected, there is a **need to document the more ‘hidden’ experiences**, such as experiences from marginalised groups (religion, ethnicity, sexual identity) and the experiences from former KR cadres, as well as the effects/impact on their children and grandchildren in the present time.
- Many survivors also raised **roles and responsibilities of state actors** to involve in the reparations, for instance through ID poor card, pension, other public services for them.

### Suggestions for interventions/activities/undertakings

<b>1 – Inter-generational dialogue</b>	
<i>rationale</i>	Focus on dialogue and oral history skills within families and communities. Creating space for sharing, especially SGBV, ethnic discrimination and building deep listening skills (non-violent communication) will ensure continued healing processes at the individual level and also build community resilience (non-recurrence) skills
<i>target group</i>	Survivors of SGBV, ethnic minorities, students
<i>timeline</i>	At least three years (2022-2024)
<b>2 – Create Centre for Dialogue Facilitation</b>	
<i>rationale</i>	Building dialogue facilitation skills of key people in Cambodian society, will create a ripple-effect and ensure sustainability of memorialisation and healing processes as well as work towards non-recurrence.

<i>target group</i>	Community-based dialogue facilitators – high school teachers – local authorities
<i>timeline</i>	At least three years (2022-2024)

### 3 – Continued oral history collection and conservation

<i>rationale</i>	Collect stories of experiences (SGBV, ethnic minorities, former Khmer Rouge cadres) that have not been uncovered yet. This is important for truth telling from all different perspectives (paint the full picture), which will be an important resource for future research and learning about the KR past. Something like build/collect the primary sources for the research of future historians (and sociologists etc).
<i>target group</i>	Under-represented groups of survivors – former Khmer Rouge cadres
<i>timeline</i>	At least three years (2022-2024)

### 4 – Vocational skills training

<i>rationale</i>	During the Khmer Rouge regime, family life was uprooted and practices like forced marriage resulted in protracted situations of domestic violence, including sexual violence. Large families, facing tensions and violence are living under the poverty line and children cannot get adequate education. Many survivors raised the need for skills training in mechanics, agriculture, etc. so that young generations can earn an income.
<i>target group</i>	Children and grand-children of survivors
<i>timeline</i>	At least three years (2022-2024)

### 5 – Community Self-Care for SGBV survivors

<i>rationale</i>	Trauma and mental health support are still much needed among SGBV survivors and children, but especially for poor families and/or survivors in rural areas availability of adequate mental health care is very limited. By training local facilitators in mental health support these much needed services can be provided to survivors, while at the same time building community resilience.
<i>target group</i>	SGBV survivors and family members – local facilitators
<i>timeline</i>	At least three years (2022-2024)

### 6 – Research on the impact of SGBV trauma on children and grand-children

<i>rationale</i>	In a previous project of story collection of both survivors and their children, KdK observed the interesting finding of how the experience of the parents shaped their children’s mindset. This initial finding of transferred trauma or second generational impact asks for further study. How does the CRSV experience of the parents affect their children’s lives?
<i>target group</i>	Survivors and their children/family members
<i>timeline</i>	12 months (2022-2023)

### 7 – Dialogue between survivors and state actors

<i>rationale</i>	KdK and UN Women raised some concerns from SGBV survivors to line ministries and had a dialogue between survivors and ministries in 2015. Continuing this process will be important for survivors: having state actors listen to their real needs as well as showing roles and responsibilities to address the needs of their own people.
<i>target group</i>	Survivors and line ministries
<i>timeline</i>	At least three years (2022-2024)



*Submission in response to*

**Call for Contribution of Ideas Extraordinary Chambers in the Courts of Cambodia (ECCC)  
Residual Functions Related to Victims**

**ATT:** Judge YOU Ottara  
Judge Claudia FENZ

**FROM:** Dr Maria Elander<sup>1</sup>  
Dr Rachel Hughes<sup>2</sup>  
Mr Kimsan Soy<sup>3</sup>  
Dr Christoph Sperfeldt<sup>4</sup>

**DATE:** 15 October 2021

We write this submission as scholars with long-standing research experience regarding the ECCC process. We appreciate this opportunity to share some ideas for the Co-Rapporteurs' consideration, based on our past research and diverse collaborations with Cambodian counterparts. As researchers, it is not our role to propose concrete initiatives. Instead, we suggest some **guiding principles and opportunities** that we believe could assist with conceiving appropriate and effective victim-related initiatives facilitated or supported by the ECCC residual function:

*First, initiatives conceived under or facilitated by the ECCC residual function should consider and/or **build on past or existing initiatives** that have been implemented by various ECCC sections and Cambodian civil society organisations.*

A significant legacy of the ECCC is the support it has given to the creation of multiple victim-centred initiatives over the last two decades. Cambodian civil society has been a driving force. This became most visible in the collective reparations measures recognised by the ECCC. The mandate of the ECCC residual function in this space is an opportunity to **further continue, enhance or expand those successful initiatives**. In this respect, a collaborative approach from the outset with key Cambodian stakeholders, particularly from civil society, is imperative. Such an approach should go beyond one-off consultations and involve a more **structured engagement** where the residual mechanism can take on a convening role. This will not only avoid competition over funding from key donors but also contribute to harnessing expertise for more sustainable initiatives. See Annex A for a non-exhaustive list of organisations.

*Second, these initiatives should **learn from past experience** and contribute to consolidating and making available knowledge that could inform future victim-related initiatives post-residual function.*

Over the years, the various outreach, victim assistance, reparations and non-judicial measures have built a rich body of expertise, knowledge, lessons and best practices in terms of respect, impact and responsiveness in working with victims and survivors of the Khmer Rouge crimes – both inside and outside the Court. This has significantly expanded and diversified our knowledge base for victim-related work. However, much of this knowledge is fragmented, often not publicly available or at risk of disappearing (e.g. when NGOs and their websites close, staff move on, soft copies of valuable materials

---

<sup>1</sup> Senior Lecturer, La Trobe Law School, La Trobe University

<sup>2</sup> Senior Lecturer in Human Geography, School of Earth Sciences, University of Melbourne

<sup>3</sup> Director, Center for the Study of Humanitarian Law, Royal University of Law and Economics

<sup>4</sup> Honorary Fellow, Melbourne Law School



and documentation become unavailable or lost). The ECCC residual function could contribute to consolidating, preserving and making publicly available knowledge and sources that have the potential to inform future Cambodian victim-related and educational initiatives post-ECCC and post-residual function. Such a task could potentially be coordinated with or complementary to its archival function. The work of collating and preserving some of this material is currently being undertaken by the LDC-ECCC but would benefit from additional project-based funding and staff. Seconded staff familiar with the long history of ECCC victim participation could be of great benefit to this ongoing work.

*Third, initiatives should contribute to enhancing the **ECCC's educational legacy** for Cambodia.*

Beyond consolidating and preserving the knowledge accumulated throughout the ECCC process, there are significant opportunities to enhance the ECCC's educational legacy with benefits to youth, survivors and the general public. We have observed great demand among Cambodian youth and students to learn more about the past and the ECCC. At university level, many lecturers seek opportunities for capacity development on these topics and would like to see further integration of this knowledge into higher education curricula of different disciplines. The residual function could contribute to embedding relevant knowledge into the formal education sector in Cambodia and assist with making available and/or producing more Khmer-language information and materials for use in teaching and learning. In this context, the accessibility of the ECCC archives is of paramount importance.

*Fourth, there are opportunities for **collaboration between the residual function and academic researchers** for the purposes of producing further knowledge of victim related practices at the ECCC and elsewhere.*

Academic scholars inside and outside of Cambodia have conducted extensive research on a range of ECCC related topics and practices, including research specifically on victim participation and reparations (see Annex B). This research has expanded knowledge and understandings of a range of victim related practices, some of which has influenced later initiatives. However, many knowledge gaps remain, and thus there is scope for further research and opportunities for research collaboration in areas of mutual interest for researchers and the residual function.

*Finally, given the transitional and temporary nature of the residual function, initiatives should, wherever possible, be **Cambodian-led**, involve a diversity of Cambodian actors, and ensure that survivors - including civil parties - are consulted and heard.*

The transitioning out of UN and other international assistance is an opportunity to further recognise and strengthen Cambodian leadership of victim-related initiatives during the residual phase. The main role of a residual function could consist of facilitating and supporting such leadership in all of its activities. Here, we also want to emphasise the importance of involving civil parties and other victims in the process, noting a significant decrease of ECCC and civil society outreach activities over the course of the two mini-trials in Case 002.

We remain available for further consultation or the provision of relevant resources and research materials that may assist the Co-Rapporteurs and/or the future residual function to fulfill their mandates.



## **ANNEX A: Non-Exhaustive List of Relevant Civil Society Organisations**

*Note: Some of these organisations do no longer exist or are non-operational. They have nevertheless implemented important activities in the past and/or produced valuable information (booklets, films, outreach materials etc.) or methodologies that could be considered under initiatives supported by the residual function.*

ANVAYA Association

Cambodian Human Rights and Development Association (ADHOC)

Asian International Justice Initiative (KRT Monitor) / Center for Human Rights & International Justice, Stanford

Bophana Audiovisual Resource Centre

Cambodian Defenders Project (CDP)

Cambodian Human Rights Action Committee

Center for Social Development (CSD)

Center for the Study of Humanitarian Law (CSHL), Royal University of Law and Economics

Documentation Center of Cambodia (DC-Cam)

HelpAge Cambodia

Khmer Art Action

Khmer Institute of Democracy (KID)

Kdei Karuna (KdK) [previously International Center for Conciliation, ICfC]

KDKG (Cambodian German Cultural Association)

Ksaem Ksan

Legal Aid of Cambodia (LAC)

Transcultural Psychosocial Organisation (TPO) Cambodia

Minority Rights Organisation (MIRO)

Youth for Peace (YfP)

Youth Resource Development Program (YRDP)





## **ANNEX B: Relevant publications related to victims and reparations at the ECCC**

Elander, Maria, *Figuring Victims of International Criminal Justice: The Case of the Khmer Rouge Tribunal* (Routledge 2018)

Hughes, Rachel, Maria Elander, Christoph Sperfeldt, Helen Jarvis, William Smith, Lyma Nguyen, and Wendy Lobwein, 'Achievements and Legacies of the Khmer Rouge Trials: Reflections from Inside the Tribunal' (2018) 44(2) *Australian Feminist Law Journal* 303-324.

Hughes, Rachel, 'Victims' rights, victim collectives and utopic disruption at the Extraordinary Chambers in the Courts of Cambodia' (2016) *Australian Journal of Human Rights* 22(2):143-164.

Killean, Rachel, *Victims, Atrocity and International Criminal Justice: Lessons from Cambodia* (Routledge 2018)

Manning, Pete, *Transitional Justice and Memory in Cambodia: Beyond the Extraordinary Chambers* (Routledge 2018)

McCaffrie, Caitlin, Somaly Kum, Daniel Mattes, and Lina Tay, "'So We Can Know What Happened': The Educational Potential of the ECCC", Report for the Center for Human Rights and International Justice at Stanford University and the East-West Center, January 2018.  
<https://humanrights.stanford.edu/publications/so-we-can-know-what-happened-educational-potential-eccc>

McCaffrie, Caitlin, 'An Educational Legacy: Exploring the Links between Education and Resilience at the ECCC' (2020) *Leiden Journal of International Law* 33(4): 975-991.

Sperfeldt, Christoph & Rachel Hughes. The Projectification of Reparation. *Journal of Human Rights Practice*. 12, 2020, 545-565.

Sperfeldt, Christoph & Oeung Jeudy, 'The Evolution of Cambodian Civil Society's Involvement with Victim Participation at the Khmer Rouge Trials' in Lia Kent, Joanne Wallis, Claire Cronin (eds), *Civil Society and Transitional Justice in Asia and the Pacific* (ANU Press, 2019) 85-105.  
<http://press-files.anu.edu.au/downloads/press/n6044/pdf/ch04.pdf>

Sperfeldt, Christoph, 'Broadcasting Justice: Media Outreach at the Khmer Rouge Trials' (2014) 115 *Asia Pacific Issues*, 1-12. <https://www.eastwestcenter.org/publications/broadcasting-justice-media-outreach-the-khmer-rouge-trials>

Tann Boravin & Khuochsopheaktra Tim, "'Duty Not to Forget" the Past? Perceptions of Young Cambodians on the Memorialization of the Khmer Rouge Regime', *Cambodia Working Paper Series* 3/2019, Swisspeace.  
<https://www.swisspeace.ch/assets/publications/downloads/d15dd63fdc/WP-1-Cambodia-Series-d.pdf>

Williams, Timothy, Julie Bernath, Boravin Tann & Somaly Kum. *Justice and Reconciliation for the Victims of the Khmer Rouge? Victim participation in Cambodia's transitional justice process*. Marburg: Centre for Conflict Studies; Phnom Penh: Centre for the Study of Humanitarian Law; Bern: Swisspeace, 2018

អង្គការសហមេធាវីមុខតំណាងដើមបណ្តឹងរដ្ឋប្បវេណី  
Civil Party Lead Co-Lawyers' Section  
Section des co-avocats principaux pour les parties civiles

05 October 2021

Dear Co-Rapporteurs on Residual Functions related to Victims,

The Civil Party Lead Co-Lawyers welcome the call to provide submissions in relation to the legacy activities of the ECCC and commend its solicitation for initiatives which “would be of meaningful and lasting assistance for civil parties, victims of the Khmer Rouge regime and the general public.” The Lead Co-Lawyers make these submissions publicly, in the interests of transparency, and in the hope of encouraging responses from any further contributors.

The following observations focus on the *process* of identifying and implementing initiatives which provide meaningful and lasting assistance:

**First**, the Lead Co-Lawyers recommend that all undertakings are conducted within a clear and permanent institutional structure with appropriate resourcing. Ensuring that one entity has **institutional oversight** of all initiatives will enable coordination, consistency, and maximize fairness in the distribution of assistance across civil parties and victims. Collaborating with a permanent institution would ensure **sustainability** of the initiatives and their impacts. In this respect the Lead Co-Lawyers **support the undertakings of the Legal Documentation Center (LDC)** as a permanent state repository for information relating to the proceedings of the ECCC, and note that the LDC has already developed some outreach and civil party support programming.

**Secondly**, the Lead Co-Lawyers appreciate the efforts of the Co-Rapporteurs to undertake their work in a transparent and consultative manner. They suggest that the Co-Rapporteurs should make particular efforts to ensure that **victims themselves are heard** on legacy issues, including the development of initiatives intending to provide meaningful and lasting assistance. This is particularly important and feasible for **civil parties**. While civil parties are part of a wider community of victims, they are represented parties before the ECCC and should be treated as such. Likewise, where civil parties are to be among the beneficiaries of an initiative, this should continue to be facilitated with involvement of their legal representatives. The Lead Co-Lawyers and civil party lawyers should therefore be kept informed and involved.

**Thirdly**, the Lead Co-Lawyers urge the Co-Rapporteurs to prioritize the principle of “**do no harm**” in their recommendations, to **prevent the re-traumatization** of victims and civil parties, as well as to ensure that any and all participation in projects is **based on consent**, is **non-exploitative** and **respects privacy**.<sup>1</sup> The Lead Co-Lawyers suggest that these principles be reflected in the selection of collaborating partners and incorporated into any contracts or letters of engagement with organizations which will have contact with victims and civil parties. Consideration could be given to offering trainings on working with victims or on relevant aspects of the Cambodian context (for foreign organizations). Contact with civil parties should continue to be made through the their legal representatives.

---

<sup>1</sup> See for example, [Basic Principles and Guidelines on the Rights to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law](#), A/RES/60/147, 16 December 2005, Article 10 (“Victims should be treated with humanity and respect for their dignity and human rights, and appropriate measures should be taken to ensure their safety, physical and psychological well-being and privacy, as well as those of their families. The State should ensure that its domestic laws, to the extent possible, provide that a victim who has suffered violence or trauma should benefit from special consideration and care to avoid his or her re-traumatization in the course of legal and administrative procedures designed to provide justice and reparation.”).

Additionally, the Lead Co-Lawyers make the following observations regarding the *types of initiatives* which the Co-Rapporteurs may want to consider recommending:

**First**, it is imperative that funds are allocated for the **legal representatives of civil parties to meet with their clients**. These meetings are an indispensable part of civil party participation but many Civil Party Lawyers are dependent on limited external donor funding. Donor funding for these activities should continue. And where the Court itself is (or could be) in receipt of funds intended for the benefit of victims, the Lead Co-Lawyers urge that a portion of this funding be used to support civil party engagement. This work is crucial at the current stage of the Court’s work. For case 002/02, it is essential that after the appeal judgment is issued, civil parties are able to meet with their lawyers to understand the case’s outcomes, consistent with the practice following the delivery of the case 002/01 appeal judgment and the case 002/02 trial judgment. This protects civil parties’ right to be informed, and ensures that they are not abandoned at the end of the Court’s work without being able to understand how the proceedings in which they are parties have concluded. At the conclusion of other cases before the Court, a similar process should be undertaken for the civil parties who participated in those cases.

**Secondly**, the Lead Co-Lawyers recommend that where initiatives are based on reparation projects already implemented, that consideration be given to whether there is added value in expanding or further developing those projects.

**Thirdly**, the Lead Co-Lawyers suggest that proposals directed towards **accessing, explaining, and preserving the ECCC’s work** would be appropriate, and consistent with civil parties’ and victims’ rights to “[e]qual and effective access to justice” and “[a]ccess to relevant information concerning violations”.<sup>2</sup> The Lead Co-Lawyers therefore encourage efforts to produce materials (in varied formats) about the proceedings and their results. Several actors have been involved in such work to date, including the Lead Co-Lawyers who produce material of specific relevance to civil parties. Collaboration and information sharing could enable efficiencies and form the basis for wider projects aimed at victims and communities as a whole. The Lead Co-Lawyers would also value initiatives which encourage and support victims to access the ECCC’s archive and related collections created by the LDC.

**Fourthly**, the Lead Co-Lawyers recall that many civil parties have long called for the **construction of stupas** to honor the victims of the DK and this has not yet been accomplished.

We hope that you find these recommendations useful and stand ready to provide any other input or support as may be required.

Sincerely,



Ang Pich  
National Lead Co-Lawyer



Megan Hirst  
International Lead Co-Lawyer

---

<sup>2</sup> [Basic Principles and Guidelines on the Rights to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law](#), A/RES/60/147, 16 December 2005, Articles 11, 12, 22 (b) (“Verification of the facts and full and public disclosure of the truth...”), 22 (g) (“Commemorations and tributes to the victims”), 22 (h) (“Inclusion of an accurate account of the violations that occurred in international human rights law and international humanitarian law training and in educational material at all levels.”).



**KINGDOM OF CAMBODIA**  
**NATION RELIGION KING**

Office of The Council of Ministers  
Legal Documentation Centre  
N°: 22/21.Is/LDC



Date: 13<sup>rd</sup> October 2021

**Dear Judge YOU Ottara and Judge Claudia FENZ**

**Subject: Contribution of Ideas on the Extraordinary Chambers in the Courts of Cambodia ( ECCC )  
Residual Functions related to Victims**

I have the honour to respond to the request for the Contribution of Ideas on the Extraordinary Chambers in the Courts of Cambodia ( ECCC ) Residual Functions related to Victims. The Legal Documentation Centre relating to the Extraordinary Chambers in the Courts of Cambodia ( LDC ) would like to contribute the following ideas to implement activities related to Residual Functions of ECCC including those relating to its role as a reparation project in Case 002/02:

**1. Legal instruments involving the Legal Documentation Centre relating to the Extraordinary Chambers in the Courts of Cambodia ( LDC )**

The Legal Documentation Centre relating to the Extraordinary Chambers in the Courts of Cambodia (LDC) was established and recognised before the law in the following documents:

1. The exchange of letters between the Government of Cambodia and the United Nations on 22 and 28 May 2015 confirming the Minutes of Understanding dated 25 March 2015 as "the basis on which to operationalize the Centre".

2. Sub-Decree No. 159 dated 16 November 2015 on the Organisation and Functioning of the Legal Documentation Centre relating to the ECCC

3. Memorandum of Understanding between the LDC and the ECCC of 18 October 2016, regarding transfer of public documents in Case 001, in both hard and soft format, with the option of extending to future cases by mutual agreement.

4. Decision and agreement in principle by the Royal Government to include the Centre as a proposed reparation project for Civil Parties in Case 002/02 on 13 December 2016

5. Recognition of the Legal Documentation Center as reparation to Civil Parties in Case 002/02 by the Trial Chamber on 16 November 2018

6. Exchange of Letters between the Royal Government of Cambodia and the United Nations on Supplementary Agreement in Case 002/02, 31 August and 6 September 2018

## **2. Contribution of Ideas**

After receiving the Call for Contribution of Ideas, the LDC has reviewed its roles and responsibilities as mandated in the Sub-Decree on establishing the centre as well as other related documents. In this respect, the centre would like to propose its contributions of ideas to cooperate with ECCC on its Residual Functions as below:

1. Formal agreement to transfer to the LDC all ECCC records and archives, including not only the Case File, but also administrative documents, books in the library, photographs, pictures, audio records, videos, posters, communication materials... etc. generated by each of the subordinate units of the ECCC, both hard and soft.
2. Establishment of galleries, a permanent exhibition hall to display the history and the processes of ECCC at LDC
3. Continue and extend the LDC's existing outreach program of communication and dissemination of the history and functioning of the ECCC, and relating to the Khmer Rouge regime.
4. Create a mobile application to upload all public case files for a comprehensive research database for the public and researchers
5. Make a video or document the ECCC hearing proceedings for research students
6. Create fictional hearings and mock courtroom at LDC for students or legal service providers

7. Establish close cooperation in the immediate future between LDC and ECCC so as to understand fully the process of reviewing classification of documents on the Case File and in managing, preparing and cataloging the ECCC's documents
8. Establish promotional activities and seminars related to the outcomes and Residual Functions of the Extraordinary Chambers in the Courts of Cambodia at LDC as part of the role outlined for the LDC as a reparation project in Case 002/02
9. Support the LDC in organising seminars and or short courses relating to the ECCC and the Khmer Rouge regime.
10. Conduct interviews with Civil Parties, as well as other victims or survivors of the Khmer Rouge Regime to share to the next generation.

### 3. Request

- Introduce information about the LDC, including its website and facebook pages, in any future publicity listing references relating to the Residual Functions of the Extraordinary Chambers in the Courts of Cambodia.

Therefore, please Judges YOU Ottara and Judge Claudia FENZ kindly review and decide.

Please accept, the assurances of my highest consideration.

Legal Documentation Centre relating to  
Extraordinary Chambers in the Courts of Cambodia

Director



**Chea Savon**

## **Ideas for the Extraordinary Chambers in the Courts of Cambodia (ECCC) Residual Functions Related to Victims**

*Marie Wilmet, PhD Researcher in International Criminal Law at the European University Institute, Research Affiliate at the Centre Thucydide University Paris II, Research Fellow at the Center for Khmer Studies.*

This contribution draws from 30 interviews conducted with civil parties who participated in Case 002/02 on the basis of the harms they suffered as a result of forced marriage, 18 interviews with current or former legal professionals working in and around the ECCC, as well as several informal discussions with key stakeholders. The interviews revealed four areas of undertakings which could be meaningful for civil parties, for victims of the Khmer Rouge and for the younger generations.

### **1. Mental and physical health services**

The civil parties who participated in the ECCC proceedings are on average in a very difficult financial condition and are reaching an old age. As a consequence of the crimes, the civil parties have suffered significant physical and psychological harms. Some of these harms are now materializing in different illnesses necessitating treatment which the civil parties cannot afford. To provide a practical example, some of the civil parties we interviewed must pay for the medication to help with their mental health problems. A three-month treatment costs around 100\$, a financial burden which is too high on the civil parties in light of their socio-economic situation. Civil parties also suffer from worsening physical conditions resulting from the crimes committed against them during the Democratic Kampuchea, but a visit to the hospital is above their means. Although further research is necessary, it appears that victims of the sexual and gender-based violence committed during the Khmer Rouge have seen their sexual and reproductive health significantly impacted which creates an additional financial burden for them to this day.<sup>1</sup>

The ECCC residual functions could therefore attempt to provide some relief for the civil parties' mental and physical health issues. This could be implemented by continuing and broadening the reparation project n°13 awarded in Case 002/02 with mobile clinics operating in several Cambodian provinces to reach all the civil parties. Alternatively, the civil parties could be provided with a health insurance card to pay for their mental and physical health issues. This could potentially be achieved in cooperation with the Cambodian government through its [IDPoor Card](#) program. Prior to implementing any of these ideas, it would be crucial to conduct a survey or a study to assess the number of civil parties who are still currently alive. Indeed, with the research team, we have been to 11 villages in 6 provinces to reach civil parties of forced marriage. When arriving in the village, we were informed that (on average) half of the civil parties had passed away or were severely ill.

### **2. Information about the ECCC, its proceedings and reparations**

The interviews revealed that the civil parties have not received information from the ECCC or their lawyers since 2017 or 2018. While they were generally positive about their civil party participation, a significant proportion of them expressed their frustration at the lack of information and follow-up in recent years. The majority of them did not know the status of their case (Case 002/02) and were wondering whether the ECCC had closed. Additionally, the majority of them were unaware of the reparations programs.<sup>2</sup> Problematically, some civil parties who had been consulted on their preferences regarding reparations never received information about the projects which were

---

<sup>1</sup> This has been pointed out in an interview with an expert who worked on several research with civil parties and victims of SGBV committed during the Khmer Rouge. The expert mentioned that although there does not seem to be data collected on this issue, her research has shown that there could be a high rate of sexually transmitted diseases among these victims.

<sup>2</sup> In some instances, the civil parties participated in projects endorsed by the Trial Chamber but were not aware that these programs were reparations.

## **Ideas for the Extraordinary Chambers in the Courts of Cambodia (ECCC) Residual Functions Related to Victims**

eventually endorsed by the Trial Chamber. Providing this information to the civil parties seems crucial, especially since several projects are in open access (for example the Khmer Rouge history app or the video of the project Phka Sla Krom Angkar). A possible measure for the residual functions would be to organise information sessions or workshops in the provinces, during which for example the reparations projects which are easily accessible could be presented.<sup>3</sup> These could be attended not only by the civil parties but also by the general public which would improve the level of knowledge about the ECCC in Cambodia.

### **3. Stupas and Buddhist ceremonies**

The civil parties expressed their wish for the construction of stupas in the pagodas close to their homes in order to honour their closed ones who died during the Khmer Rouge regime. When asked which reparations they originally wanted from the Court, the stupas were usually the first or second type of reparations mentioned (the other one being financial reparations). In view of the importance of Buddhism in the Cambodian society, building stupas would be extremely meaningful for the civil parties but also for other victims of the Khmer Rouge and their families (including the younger generations). Additionally, the civil parties who participated in the TPO reparation project involving a Buddhist ceremony at the Toul Tom Pong Pagoda all expressed that it had been very important for them. With the assistance of monks, the civil parties explained that they were able to help their loved ones, who died during the Khmer Rouge without a funeral ceremony. It could therefore be important to expand TPO's project and reach more civil parties and victims. The program would be even more meaningful if it was conducted in several provinces, including those located further away from Phnom Penh.

### **4. Documentation and dissemination of knowledge about the Khmer Rouge period**

Nearly all civil parties interviewed insisted on the importance of preserving the knowledge and evidence collected on the Khmer Rouge period. One of their main concerns was that no one would remember what happened after they pass away. Several undertakings could respond to this concern. First, a Chair could be created at one of the main Cambodian universities to produce research from an interdisciplinary perspective on the Khmer Rouge period broadly understood. It would be important to create PhD positions to encourage research and education on these issues.<sup>4</sup> Second, the ECCC's archives – and especially the extensive amount of evidence collected in the investigations – could be promoted and highlighted through a collaboration with the [Mapping Memories Cambodia Project](#). This project would also promote intergenerational dialogue as it involves the participation of Cambodian university students. Third and last, oral archives about the ECCC could be collected in order to keep the ECCC history 'alive'. A team could conduct interviews with the professionals who worked in the Court as well as with the civil parties about their experience of the tribunal proceedings. This would also respond to the demands of the civil parties that their stories be documented and told to the younger generations. This idea has been developed conjointly with Mr. Vincent Lansalot – archivist at the French National Archives, Project Manager of the World War II War Crimes Unit Archives.

---

<sup>3</sup> Some civil parties we interviewed shared their wish for the Court personnel to come to the provinces and not only for the civil parties to go to Phnom Penh.

<sup>4</sup> While there are currently a significant number of excellent Cambodian researchers who have been working on the Khmer Rouge and the ECCC, they lack opportunities to do a PhD in Cambodia.



**ECCC Call for Contribution of Ideas for Victim-Related Initiatives—Memorial in Phnom Penh with Names of Victims Deceased from the Khmer Rouge Genocide**

*Nathan J. CHAN*

1. **Idea:** a memorial—e.g. monolith, wall (but maybe not a religious structure<sup>1</sup>)—with the names of victims<sup>2</sup> who passed away from the Khmer Rouge Genocide
  
2. **Rationale/Meaningfulness:**
  - a. Khmer Rouge victims already suffered greatly before perishing. Being forgotten from history—or only being remembered as a statistic (i.e. the total number of people who died)—is a further indignity that can be avoided.
  - b. Khmer Rouge ideology was that everyone should be the same—classless in society but all equally poor and uneducated. They valued human life so little that it was not difficult for them to murder anyone, including babies and children. All of this led to the loss of victims’ individual uniqueness. This memorial is a way to preserve these victims in history and at least restore their individuality through one of the most basic identifying characteristics—their names.
  - c. Many of my Khmer wife’s younger relatives—our nephews/nieces and even some younger cousins—do not even know that some of their own ancestors were victims of the Khmer Rouge. Memories and knowledge about such victims will probably die with the generations born before and shortly after the genocide.
  - d. A free, public memorial is the best way to present victims’ names since the average person is not likely to seek this information on their own.
  
3. **Victims to be Included:**
  - a. **When Passed Away:**
    - i. From Khmer Rouge actions during Apr. 17/75 to Jan. 7/79
    - ii. Shortly after Khmer Rouge rule as a direct result of conditions during such rule (e.g. injuries, overwork, malnutrition)
  - b. **Where Passed Away:** only where the ECCC has conclusively determined that such crimes against humanity, war crimes, genocide, etc. occurred. Since the ECCC is implementing these victim-related initiatives, this memorial should respect the rule of law by being consistent with the Court’s judgments.
    - i. For example, in Case 002/01, the Supreme Court Chamber only went so far as to say that the crime against humanity of murder had *likely* been committed against 250+ LON Nol soldiers and officials at Tuol Po Chrey at the end of April 1975, so these soldiers/officials murdered at this location would not be considered “victims” for purposes of this memorial.

---

<sup>1</sup> <https://www.phnompenhpost.com/7days/memorial-plan-prompts-debate-about-victims-and-perpetrators-genocide>.

<sup>2</sup> E.g. <https://www.vvmf.org/About-The-Wall/>; <https://www.911memorial.org/visit/memorial/names-911-memorial/>; <https://rivcoda.org/victim-services/victims-memorial-wall>.

#### 4. **Possible Sources of Victims' Names:**

- a. Khmer Rouge records e.g. Tuol Sleng (S-21), the Santebal collection<sup>3</sup>
- b. ECCC records
- c. Documentation Center of Cambodia (DC-Cam)
- d. General public (the most important):
  - i. Disseminate a call for names however possible e.g. posts on Facebook and government websites, TV and radio ads, announcements by Cambodian embassies, local visits by commune/sangkat/village/etc. authorities.
  - ii. Give a period of up to 6 months for the general public to submit names of relatives who were victims.
  - iii. Create a website and a staffed call center for receiving names.
  - iv. One big issue will be verifying the authenticity of submitted victim information. Quality control measures could include:
    1. Requiring multiple submitters for each victim name for more corroboration.
    2. Requiring submitters to provide personal information e.g. Khmer ID card number.
    3. Setting and informing submitters of a penalty for submitting false information.

#### 5. **Construction of the Memorial:**

- a. **Builder:** Commissioning appropriately-skilled genocide survivors—or living descendants of victims—would also help honor the victims.
- b. **Location:** Phnom Penh—but not at Tuol Sleng (S-21), Choeung Ek (Killing Fields), or other specific genocide sites since this memorial is for genocide victims across all of Cambodia.
- c. If victims' names are arranged alphabetically (Khmer alphabet), they will be easier to locate.
- d. To make it easier to update the memorial later with more names, each name can be engraved on its own movable piece so all the names can be rearranged easily (though this may be impractical due to the large number of victims). The pieces can be affixed semi-permanently—e.g. by detachable screws/pegs/etc. from behind or covered with a transparent layer of plastic/glass/etc. in the front.
- e. It may be difficult to get/know and add victims' identifying personal information other than name—e.g. place of birth/death, age—but maybe a small space can be left beside each name for a photo if available (e.g. Tuol Sleng victims).
- f. Victims' names can be grouped if enough information is known about their place of death. Group labelling could also help with more controversial groups e.g. Khmer Rouge cadres killed during internal purges.<sup>4</sup>
- g. Since it is impossible to know the names of all of the victims, there should be one prominent space for “The Unknown Victim”—similar to memorials to “The Unknown Soldier”.

---

<sup>3</sup> <https://gsp.yale.edu/read-instructions-tuol-sleng-image-database>

<sup>4</sup> <https://www.phnompenhpost.com/7days/memorial-plan-prompts-debate-about-victims-and-perpetrators-genocide>.

# REDRESS

Ending torture, seeking justice for survivors

## Ideas for possible victim-related initiatives which could be implemented by the ECCC under the terms of Article 2 of the Draft Addendum

### 1. Background

The REDRESS Trust is partnering with Kdei Karuna (KdK) on conducting the [Global Survivors' Fund](#) (GSF) Multi-Country Study on Opportunities for Reparations for Survivors of Conflict-Related Sexual Violence (CRSV) in Cambodia. The study focuses on the status of and opportunities for reparations for CRSV survivors in over 20 countries. It aims to make recommendations for further action based on survivors' needs and aspirations. For the past 5 months REDRESS has carried out in-depth desk-based research, including a systematic review of relevant publications; background information about the conflict; a systematic review of existing information on the scope, scale, and nature of CRSV and reparations (including based on the Extraordinary Chambers in the Courts of Cambodia's court documents); an analysis of legal, institutional and policy frameworks relevant for CRSV survivors as well as data from survivors interviewed through KdK in Cambodia. REDRESS also conducted stakeholder interviews with former and current civil party lawyers, members of civil society, experts and academics in and outside of Cambodia. The study and survivor engagement is still ongoing, but KdK and REDRESS have reached preliminary findings and published a [country briefing](#) on Cambodia with the GSF. This proposal includes reparations programs that have been thought of with a specific focus on CRSV survivors but can be applied to survivors of the regime more broadly.

### 2. Preliminary findings of the research on the ECCC and reparations

- Many survivors were disappointed by the Court limiting its reparations to collective and moral measures as they continued to live in poverty.
- Reparations projects recognized by the ECCC lacked any recognition of State responsibility, and they lack State and political support as they were entirely donor-funded.
- Many projects were already ongoing or even almost completed when they were recognized by the ECCC as reparations project.
- Beneficiaries often did not even know that they were taking part in a reparations project. Moreover, the ECCC's focus on the larger group of civil parties meant that meeting CRSV survivors' specific needs was not a priority when awarding reparations.
- Since the reparations' projects were all donor-funded, their sustainability was not guaranteed and most of them have come to an end even though many survivors, especially those in rural areas, have not had sufficient, if any, access to services that the projects were providing.
- Since the ECCC only included forced marriages in the Case 002/2 indictment, but no other forms of sexual or gender-based violence, many CRSV survivors were not civil parties and were unable to advocate for the reparations they needed, or to access reparations projects.
- Survivors were not sufficiently consulted in the reparations process of the ECCC.
- Many survivors are elderly, live in poverty, are excluded from society, live in rural areas and are illiterate. Many have already passed away. Time is therefore of the essence if more assessments or studies are to be conducted before implementing reparations measures.
- Only one ECCC reparations' project specifically focused on forced marriages, which does not accurately reflect how rampant the practice was throughout Cambodia during the regime or the sheer number of people who were affected by it.

- The ECCC only addressed one form of CRSV, forced marriages, extensively in the court room (with the exception of one instance of rape that the accused was convicted of in case 001). Hence, the pool of survivors who were able to apply to be civil parties does not accurately reflect all types of CRSV committed during the Khmer Rouge era. Additional reparations' programmes and consultations need to go beyond those who were admitted as civil parties in the ECCC proceedings and should include other forms of sexual or gender-based violence.

### **3. Proposed undertakings**

#### **A. Support for a nationwide administrative reparations programmes**

The ECCC residual mechanism could provide technical expertise to the Cambodian Government to assist in putting in place an administrative reparations programme that survivors can access independently of the ECCC.

##### Rationale

CRSV and other crimes committed during the Khmer Rouge regime, for many reasons, caused material loss amongst survivors, whose lives were derailed by their experiences. Examples of this include property loss and disruption of employment or education. As a result, many survivors continue to experience poverty, which compounds the difficulty they face in accessing health, legal and other support services. Psychological trauma and damage to the socio-economic quality of life experienced by survivors also has a lasting impact on their families and communities. Such impacts are intergenerational and include poverty, low education levels, and unemployment. An administrative reparations program through which survivors of the Khmer Rouge era could access individual lump sum payments or a type of pension would allow them to respond to many needs linked to their victimhood. It would also be a way to recognise survivors' agency over their own lives as it would enable them to spend the money the way they see fit.

##### Target groups

Victims of the Khmer Rouge era, with a particular priority given to those who live below the poverty line. Qualifying for administrative reparations should not be linked to having been admitted as a civil party in an ECCC case.

##### Approximate timelines

The ECCC residual mechanism could assist the government in establishing the scheme and identifying ways to finance it with a view to ensuring that the Cambodian government can independently run the program beyond the initial three-year period.

#### **B. Support for a nationwide ID card programme linked to the reparations programme**

The ECCC residual mechanism could lend technical expertise to the Cambodian Government towards the establishment of a programme to issue ID cards for Khmer Rouge survivors to enable them to access free and adequate medical and psychosocial care and other forms of reparations.

##### Rationale

See rationale under A. above. Survivors still suffer from long-term physical and psychological ailments and often do not have access to sufficient or adequate care.

##### Target groups

Victims of the Khmer Rouge era, with a particular priority given to survivors of CRSV. Qualifying for administrative reparations should not be linked to having been admitted as a civil party in an ECCC case.

##### Approximate timelines

The ECCC residual mechanism could assist the government in establishing the programme and identifying ways to finance it with a view to ensuring that the Cambodian government can independently run the programme beyond the initial three-year period.

#### **C. Support to TPO and training of psychologists nationwide**

The ECCC residual mechanism could provide financial support to the [Cambodian Transcultural Psychosocial Organization \(TPO\)](#) to reach out to survivors in remote communities, to continue their work offering intergenerational therapy to families and providing further psychosocial support services to CRSV survivors. They could also finance trainings of more psychologists nationwide so as to ensure a broader access to psychosocial care for survivors.

#### Rationale

See rationales above. Survivors still suffer from long-term psychological problems and often do not have access to sufficient care, especially when they live in remote areas. TPO's Testimonial Therapy is a specific form of human rights-based therapy, that engages survivors in the narration and documentation of their traumatic experiences whilst providing opportunities to reconstruct traumatic memories and seek support in their families and communities.

#### Target groups

Victims of the Khmer Rouge era, with a particular priority given to survivors of CRSV and not limited to those admitted as civil parties in ECCC cases.

#### Approximate timelines

Ideally the ECCC residual mechanism should support TPO throughout its 3-year mandate.

#### D. Organise wedding ceremonies for survivors of forced marriage who desire them

The residual mechanism should support the work of [NGOs organising wedding ceremonies](#) for couples who were forcibly married during the Khmer Rouge era and decided to stay together afterwards. This would reduce some of the stigma the victims carry from not having had a traditional wedding ceremony. This is a creative and unconventional measure that responds to some of the needs expressed by survivors.

#### Rationale

Many couples who were forcibly married have decided to stay together after the end of the Khmer Rouge regime but suffer from societal stigma connected to not having had a traditional wedding ceremony. Many interviewees for this study mentioned that couples who were forcibly married during the Khmer Rouge regime and their children are still ostracized by their communities because their marriage ceremonies did not follow Cambodian traditions.

#### Target groups

Couples who were forcibly married and would like to have a traditional wedding ceremony. They can be identified with the help of the relevant NGOs. Approximately 500 weddings could be celebrated all over the country.

#### Approximate timelines

Ideally, the ECCC residual mechanism should support such ceremonies throughout its 3-year mandate.

#### E. Intergenerational Dialogue Programs

The Residual Mechanism should support intergenerational dialogue programmes (some of which were part of reparations projects, run by KdK, TPO and others) to work towards ensuring that the next generation, particularly children born of forced marriages, understand the stigma and trauma their parents carry.

#### Rationale

Forced marriages imposed significant emotional hardship and trauma onto the family dynamic, creating an environment conducive to abuse, such as domestic violence. Interviewees explained that, although divorce is possible in Cambodia, couples who were forcibly married and had children often remained together after the end of the Khmer Rouge regime. However, these couples sometimes lack an emotional connection, and the family dynamic may be permeated by feelings of resentment and anger. In addition, children born of forced marriages often are not aware that their parents were forcibly married, which exacerbates feelings of confusion. NGOs have found that intergenerational dialogue initiatives had a very positive impact on families that suffer from such dynamics. They were, however, unable to reach large parts of the population as funding ran out after the reparations projects were completed and many survivors live in hard-to-reach rural areas.

#### Target groups

Survivors of forced marriage and their families, especially those with children born from forced marriage. This initiative should not be limited to victims admitted as civil parties to ECCC cases.

#### Approximate timelines

Ideally, the ECCC residual mechanism should support such programs throughout its 3-year mandate.

#### F. Memorialization initiatives

While case 002/01 featured a reparations project that involved the publication of a booklet on facts adjudicated in Case 002/01, no such publication followed case 002/02, the only case that prominently featured widespread sexual violence in the form of forced marriage. The publication of such a booklet could fill that gap. Moreover, the ECCC residual mechanism should consider further supporting initiatives such as the Legal Documentation Center related to the ECCC (LDC), established as a reparations measure after the 002/02 judgment, to ensure that the public can consult public court documents, including evidence, for many years to come and that crimes related to conflict-related sexual violence are included and showcased in a sensitive manner in such initiatives. One should also mention other memorialisation efforts by civil society actors such as the Bophana centre and DC Cam, who could possibly be included in a memorialization strategy of the Residual Mechanism.

#### Rationale

Case 001 and 002 both included reparations projects that aimed at memorialization and preserving knowledge about the Khmer Rouge era. However, none of them particularly focused on sexual violence. Thus, a booklet on facts adjudicated in 002/02 is crucial to preserve the record and legacy of the Court. The ECCC has, in its reparations projects often emphasised the importance of remembering the past and teaching the next generation about it. The facts adjudicated in case 002/02, including forced marriage, are a crucial part of Cambodia's history.

#### Target Groups

The Cambodian public.

#### Approximate timeline

Ideally, the ECCC residual mechanism should support such initiatives throughout its 3-year mandate.

**From:** Lisa-Marie Rudi <Lisa-Marie@redress.org>

**Sent:** 22 December 2021 20:54

**To:** Sothie KEO <KEO.Sothie@eccc.gov.kh>; Sorya Sim <sorya.sim@un.org>

**Cc:** Alejandra Vicente <Alejandra@redress.org>; Julie Bardeche <julie@redress.org>; Director <director@kdei-karuna.org>

**Subject:** Re: REDRESS submission of ideas ECCC residual functions

Dear Sothie,

I hope this email finds you well. I saw that you submitted your report, congratulations! We look forward to following the process as you conduct consultations in May.

We recently presented our preliminary report findings to a group of 60 survivors and many of them mentioned that they would like to have a final large meeting between survivors and ECCC staff before the ECCC draws down. I wanted to mention it to you since the survivors asked us to communicate it to you and because it is something that we would have included in our submission to you if we had known it at the time.

KdK is going to organize a stakeholder consultation in January in Phnom Penh, during which they will share our preliminary findings and we will publish the report in the Spring of 2022 and make sure to share it with you.

My contract with REDRESS is finishing at the end of this year but everybody copied here will continue to implement the project.

Wishing you a peaceful end of the year.

Best,

Lisa

## **Idea on the “Call for Contribution of Ideas of the Extraordinary Chambers in the Courts of Cambodia (ECCC) Residual Functions Related to Victims”**

### **Research on the Mental Health Situation in Cambodia**

A Cambodian mental health survey was conducted in 2012 by the Department of Psychology (DP) [Schunert, T., Khann, S., Kao, S., Pot, C., Saupe, L. B., Sek, S., & Nhong, H.] (2012). *Cambodian Mental Health Survey Report*, Department of Psychology, Royal University of Phnom Penh, Phnom Penh, Cambodia. The DP believes that a ten-year follow-up is essential for a variety of reasons:

- Observing changes in the field of mental health in Cambodia over the last ten years
- Conducting a nationwide survey to reach a large number of people (with the need to explain what mental health means)
- Having data for science (e.g. requests from international mental health scientists, other studies)
- It will serve as a foundation for future advocacy, such as when the Ministry of Education incorporated basic mental health concepts into school curricula for a variety of ages after 2012, and school counseling was implemented, as well as providing psychological first aid to school teachers, and the Ministry of Health established a Department of Mental Health and Drug Abuse.
- The findings will aid in our understanding of the present mental health concerns in Cambodia, as well as people's understanding of mental health and the need for effective intervention.
- Furthermore, institutions and non-governmental groups might use the study's findings to establish a strategic strategy for promoting mental health in Cambodia.

The mental health survey should focus again, as it did in 2012, on the psychological impacts of trauma, such as anxiety, depression, and PTSD, so that it can better address Cambodia's psychological needs with all Khmer Rouge victims.

#### **I. Goal:**

The general purpose of this survey is to provide information to institutions and non-governmental organizations for program planning in order to establish a strategic plan for promoting mental health in Cambodia.

The survey's specific goals are as follows:

1. To match the existing circumstances, provide credible population-based indicators of mental health treatment consumption for planning purposes.



2. Provide reliable population-based indicators of significant mental-health-related issues in order to better deal with Cambodia's right psychological demands using all Khmer Rouge victims as a data foundation.
3. Assess significant themes such as anxiety, depression, and post-traumatic stress disorder (PTSD) as well as mental health needs among Cambodians to help alter programs and services.
4. Establish a baseline against which the long-term effectiveness and impact of the program may be evaluated.
5. Educate and advocate for psychological and mental health issues.

## **II. Methodology**

### **A. Location/Sample Size**

A total of 3000 household will be surveyed, with each household having one adult interviewed. Cambodia is made up of 24 provinces divided into four geographical regions: plain, coastal, plateau/mountain, and Tonle Sap. Two provinces per area will be chosen, with the exception of three provinces in the Tonle Sap region, for a total of nine provinces plus the capital of Phnom Penh.

### **B. Interview Questionnaire**

The questionnaires used in this survey are nearly same to those used in the previous mental health survey in 2012. Only some questionnaires will be changed or added to reflect the current state of mental health in Cambodia.

### **C. Informed Consent and Confidentiality**

Before the interview, informed consent will be requested for the questionnaire. The interviews would be conducted in complete confidence, with the names of the respondents not appearing on the interview forms, assuring anonymity. Only verbal questions are asked in the survey. No blood tests or other intrusive procedures will be performed, and no medicines will be administered. As a result, there is no risk of adverse effects.

### **D. Ethical issues**

Before the interviews, the survey will be evaluated and approved by the Cambodian National Ethics Committee for Health Research (NECHR).

**IDEAS FOR RESIDUAL PROJECTS**  
**By Sim Sorya, 15 October 2021**

Dear Judge You, Judge Fenz, Mr. Keo Sothie:

In response to the call for contributions of ideas, I am honored to submit the followings. There are two parts. Part I shapes as one short concept. Part II lists ideas which may not be closely connected.

Best regards,  
SIM Sorya

**I. FREE OF STIGMA**

Former Khmer Rouge-Victim Dialogue through skills of Alternative Dispute Resolution (ADR)

ECCC has shown that accountability and reconciliation are not mutually exclusive. The ECCC not only renders justice. It also identifies perpetrators in court discharging many others from stigma in the communities.

OBJECTIVE: This project aims to trace community members who feel healed or reconciled through engaging with or knowing of ECCC and to sustain communities in peace and development. The objectives are:

1. To maintain reconciliation through ADR-fashioned dialogue and healing stigma
2. To empower communities with ADR skills that both heal the past and enrich the present well-beings.
3. To have meaningful, tangible, and sustainable impact at grassroots by having victims represent themselves and by using visual media to engage communities.

ACTIVITY: Review of projects and materials of ECCC/VSS/PAS and CSOs have illuminated healing stories like from court visit, PAS outreach, VSS forum, and more. The best project that meets all objectives above shall be the current “free of stigma project,” in partnership with Kdei Karuna and Trans-Psychological Organization (TPO). Steps include 1. Identification and assessment of project participants. 2. Dialogues through video exchanges 3. Face to face dialogue 4. Tangible Results. Steps 1-3 follows mediation approaches comprising of getting consents, exploring fact and position (fear/stereotypes), exploring options and common interests. Dialogue facilitators are trained or to be trained so that later they train community members in step 4 results. Deliverables include a) training of community members with ADR skills helps effective communications, removing stigma from the past and discrimination at present/future. b) Film and media including c) a short video clip of the process and impact should be made and posted on social media to reach to maximum audience. d) a handbook of healing the past and using ADR skills to resolve the present disputes are sustainability actions of the project. e) A google feedback survey sites where target communities can express themselves, as means of evaluation for ongoing project improvement.

*The Existing Activities*

Victim-Former Khmer Rouge Dialogue Project (GIZ/Kdei Karuna/TPO, 2011) identified victims and former Khmer Rouge comrades who lived in a community. They assessed the need of the dialogue by letting people described the past incidents, expressed consents in joining the project, and their current feelings and percepts about those events and comrades. With permission of level of disclosure of identities, they videoed accounts and showed to relevant victims or Khmer Rouge. With Kdei Karuna facilitated dialogue, TPO took care of psychological support and intervention. One of the end results was communities working together to build a stupa. Overall, the assessment showed that communities better interacted with each other. This would be a means of having stereotype or stigma reduced if not removed.<sup>1</sup>

*The ADR approach to combine with existing therapy and dialogue*

ADR approach uses neutral languages and dispute resolving skills. It explores all facts of an account in closed/open sessions, then methodically let parties communicate directly thereby removing fear (prejudice/stereotype) to find out and accept a common interest. These skills can be introduced and built into victims and comrades. They not only can relieve from misunderstanding of the pasts but also will use this skill for their daily life---a dispute settlement skills in business and other interactions. In this way, a form of training of trainers could generate a project sustainability.

**SUCCESS AND CHALLENGE:** The success depends on whether project team can find stories of stigma. Assumption is that TPO/Kdei Karuna find them. If not, the backup plan is ECCC team reviews lists of former Khmer Rouge witnesses and interview them. This is achievable.

## **II. ACADEMIC AND LEGAL LEGACY**

1. ECCC Digest of key facts and legal issues. Use ECCC archive, have students do research, and produce publications.
2. International Criminal Law Moot Court project. Partner with existing Cambodian university moot programs, by providing the digest and access to resources, involve former officials of ECCC and other professionals to coach or share experience. Link this moot to other international university programs.
3. Cambodia Criminal Law class. Cambodian substantive and procedural laws find its precedence in ECCC. Organize this as part of the digest (1).
4. Technological and technical improvement of Cambodian courts by using the ECCC experience or similar resource. This can be done by first creating a committee to do feasibility study and planning. It should start one with one court, where a new court system (case management, courtroom presentation, for example) go through a separate digital or physical structure, registering a new case from start to end of proceeding and archive, without having to interrupt existing case number and legal procedure. When a new system is working, consideration can be done later whether to enter old cases into it, and to what extent. Again, former ECCC and other professionals can be useful in this regard.
5. A diplomatic and professional team tasked to campaign and promote locally and internationally for the use of ECCC as a model for other internationalized courts.

## **ENDNOTE**

---

<sup>i</sup> <https://www.kdei-karuna.org/publication>  
<https://www.youtube.com/watch?v=F-yVZup2xI&t=4s>

Rothany SRUN, TIM Minea, Judith STRASSER, Dr. MUNY Sothara, CHHAY Marideth, YOURN Sarath. Victim-Former Khmer Rouge Dialogue Project: Lessons Learned. Phnom Penh: International Center for Conciliation (Kdei Karuna) & Transcultural Psychological Organization, December 2011 (47 pages/Funded by GIZ) (Dialogue Report)

## Idea of psychological residual function

### Healing the wounds of Khmer Rouge

TPO considers the ECCC to be mainly responsible for the mental health of those that were closest to the ECCC and supported the purpose of the ECCC. Thus, the residual psychological functions are thought to be first for Civil Parties. They still need to heal their wounds. Nevertheless, healing capacities are used for all survivors in need of psychological service and families, other relatives and further people in society will certainly benefit indirectly and may at some stages in the process also receive direct support with their psychological problems or with the dealing with CPs and direct victims of the Khmer Rouge.

### Last psychological needs on the way to close the ECCC

1. If the ECCC is closing, first **psychological preparation before closing ECCC through workshop with Civil Party** (content of workshop such as self-care tips and others)
2. Furthermore, the **Representatives of Civil Party shall be accompanied during the closing event.** The simple company of trusted psychologists may help preventative.
3. **Onsite support/psychological debriefing at ECCC** Civil Parties at the closing event or other survivors may experience very strong emotions when being at a closing of such an institution. Professional psychological expertise and direct support is necessary for general harm reduction.

### Residual psychological needs

4. **Outreach activities at ECCC or community** Psychological service needs to loose stigma. The availability and normality of psychological service need to be spread at the ECCC and into the communities. A functioning referral of patients with psychological needs is crucial.
5. **Provide hotline counseling service** A hotline is easy to access from all over the country and thus easy accessible for everyone that needs psychological support. Many services can at least start on the phone
6. **Produce IEC materials to raise the many mental health services** TPO wants to establish simple IEC materials for certain issues (e.g. coping strategies of Trauma, Self Care or Self Help and Healing) and with this be able to inform, educate and communicate specific concerns with interested people nationwide.
7. **Provide psychiatric treatment and referral** Civil Parties are those that are most heavily affected by trauma. With very heavy symptoms, sometime additionally psychiatric treatment needs to be initiated for patients especially at the start of therapy.
8. **Provide trainings to NGOs partners, (and community council, religious or youth leaders) on PFA, Emotional support, stress management.** Victims of the Khmer Rouge benefit a lot if those that are working in the field know basic concepts of emotional support and stress as this brings harm reduction and spreads little ideas how to deal with psychological problems
9. **Crisis intervention:** From the experiences, some civil party feels disappointed with the closure of ECCC, they may find it lonely and that no support may not be available for them. One civil party member attempted suicide and was supported by TPO counselor ontime. Therefore, the crisis intervention team will be set up to response to this unforeseen event. This can be done via hotline or direct face to face consultation.

## Kingdom of Cambodia

### Nation Religion King

Department of Museums  
Tuol Sleng Genocide Museum

#### **The proposal of Ideas of the Extraordinary Chambers in the Courts of Cambodia (ECCC) Residual Functions Related to Victims**

**Tuol Sleng Genocide Museum** is a former detention center of torture, interrogation and murder during Democratic Kampuchea. Today, the museum plays an important role in conserving and preserving the evidences from that period, as well as educating the younger generation about crimes and peacebuilding. In addition, the museum also contributed to the trial of Khmer Rouge leaders by providing original documents in the museum's archives and facilitating student visits. Following the call for ideas of the Extraordinary Chambers in the Courts of Cambodia (ECCC) Residual Functions Related to Victims, Tuol Sleng Museum would like to provide some ideas as the following:

**1. Testimony Program:** A daily program at Tuol Sleng Genocide Museum that provides an opportunity for the public to listen to the childhood experiences of Khmer Rouge survivors and one surviving child from S-21. The program lasts 30 minutes from Monday to Friday. The Museum seeks to cooperate with the ECCC in facilitating five witnesses (in Case 001) to provide daily testimony at the museum due to the current limited number of witnesses and the limited information.

Duration: 2 years

**2. Public Lecture on Case 001/002:** Every year, Tuol Sleng Genocide Museum organizes 5 lectures by providing a forum for national and international researchers to disseminate and share their works. The museum is requesting 5 speakers for a lecture on "Cases 001 and 002". Although former S-21's chief, Kaing Guek Eav has been convicted, but the explanation interpretation of the verdict wasn't comprehensive, especially the provision of information about the verdict to officials working at the Tuol Sleng Museum.

Duration: 2 years (Case 001 5 times / year and 002 5 times / year).

**3. Genocide Trail:** A study tour package designed for national and international students to learn about the flow of the existence of prisons, torture, and killings of the Khmer Rouge regime. A study visit that connects the Tuol Sleng Genocide Museum to the Choeung Ek Killing Field and former M-13 in Kampong Speu province.

Duration: Study tour package lasts 2-3 days (option on package booker).

**4. Duplication of the remaining nearly 300,000 pages:** Amongst the 700,000 pages in the TSGM archive, the museum has digitized more than 400,000 pages. The museum is seeking financial and human resources support for the remaining duplicated 300,000-pages , which were not included in the previous project due to the fact that these are duplicates of other versions of the documents. However, they also have historical information which could be useful for the relatives of the victims, researchers, and students.

Duration: 3 years

**5. Accurate list of victims and full information/ TSGM archive website (follow up):** A list of victims is the basic document for recognizing the number and identity of the victims at S-21. The purpose of this proposal is to facilitate the searching the names (and photos) of victims, The challenge is, that the records of various types of documents on the TSGM archive website have not yet been merged, to combine all information about a prisoner into a single item. This makes it difficult to verify the number of victims and find complete data about a victim of S-21.

Duration: 3 years

**6. Preservation of archives:** Requests for coordination and financial support for human resource strengthening at museums or at specialized universities that may be involved in document preservation in the future. Preserving documents is a core task of the museum.

Duration: 2 years

**7. Search for other S-21 documents:** After the end of the Khmer Rouge era, some S-21 documents were kept in the Tuol Sleng Genocide Museum archives and some seem to have been removed or even perhaps have been lost or destroyed. The museum requests the Khmer Rouge tribunal to facilitate the search and retrieval of any surviving copies wherever they may be held. Although we believe that most S-21 documents are still held in the museum archives, we know that some documents are still kept in the ECCC and other relevant institutions. To gain the return of original S-21 documents to the museum archives is important for the preservation and research of the history of S-21 and the history of Democratic Kampuchea. In addition, it will be part of providing more complete and comprehensive information to the relatives of the victims.

Duration: 3 years

**8. Organizing a temporary exhibition:** To preserve the legacy of the tribunal with the aim of preserving the values of the tribunal for seeking justice for the Cambodian people who directly affected and their relatives who lost their lives during the Khmer Rouge regime, TSGM proposes to exhibit some material to help educate and disseminate to the many thousands of visitors to the museum from the national and international general public, and especially the younger generation , so they may learn about problems in the past and the content of the trial process against former leaders of this regime.

Duration: 2 years

**9. Outreach Project on the Importance of Khmer Rouge Historical Sites:** to organize an outreach on the importance of preserving Khmer Rouge historical sites in communities, schools, pagodas through lectures and discussion on the importance of preserving evidence and historical sites to local people, in order to raise awareness about the importance of preserving sites and artifacts in order to contribute to the preservation of historical sites that are vulnerable to loss by any factors.

Duration: 3 years.

**10. Project to update the location of the Khmer Rouge crime sites in cases 001 and 002:** to research and compile the history and story that took place at the locations included in the case that was tried in the court as part of the collective memory and preserve the historical sites of the Khmer Rouge period for local dissemination to the younger generation to find out more. Because some sites are vulnerable to the loss of any remaining historical evidence.

Duration: 3 years

**11. Preservation and objects storage:** more than 2,000 objects were piled up (objects were piled on top of each other) and severely damaged and corroded. The biggest challenges are overcrowded storage and the objects are severely damaged by atmospheric fluctuations, causing some objects to rust due to lack of skilled personnel, lack of equipment and so on. On the other hand, although the museum has a conservation lab but the materials used in the lab are very shortage, the capacity of officials and staff is still limited in carrying out conservation work.

Duration: 1-3 years

The museum hopes that the above proposals will be useful to assist the ECCC in carrying out its remaining work, which is meaningful to the victims and the Cambodian people as a whole.

Sincerely yours,



**Hang Nisay**

Tuol Sleng Genocide Museum

## Sorya Sim

---

**From:** Vannak Hang <Hang.Vannak@eccc.gov.kh>  
**Sent:** 16 October 2021 7:03 PM  
**To:** Sothie KEO; Sorya Sim  
**Subject:** My suggestions for residual function

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

Dear Both:

I am writing with the suggestions focusing on the two groups that deserves attentions for the future after the ECCC has come to a close.

I just bring up the idea in the email as I don't have time to write in a formal paper.

Best regards,

Vannak

---

### 1-Witnesses and Testifiers

In the process of hearings in the Courtroom, many witnesses and CPs were called on to testify and as far as I know most of them were not granted with protective measures. After testimonies at the ECCC, they went back to live in communities as normal, hoping that nothing will ever happen to them and that they are protected by law and authorities. Some of these people live in the same villages with former KR comrades.

However, with absence of the ECCC I think these people might feel insecure and the residual function office should work on this carefully.

Recently, I have received some information that CPs who testified at the ECCC, esp. with relation to forced marriage, are facing social stigmatization in their villages.

### 2- Civil Parties

Bay way of background, (around 2009) at early stage not so many people wanted to apply to become CPs or complainants as they were worried about their safety. Some CP applicants told me that when the VSS invited them to attend hearings or forums in Phnom Penh, they told their neighbors that they came to visit their relatives; and when I asked why they did that, they told me that they felt worried as some former KR comrades still lived in or near their villages.



In recent years, I came to villages to monitor projects, many CPs still told me that they were still worried about their safety as the ECCC was quiet and not so active as before. They told me that they regarded themselves a minority group as they were only a few people becoming CPs amongst the hundreds living in their villages.

## Research summary on Best Practice Recommendations for the Protection and Support of Witnesses before the ECCC

### 1. Objectives

The objectives of the research were:

- a) To evaluate the protection and support services provided by WESU.
- b) To identify systems and procedures which contribute to witnesses being able to testify in an international war crimes tribunal without experiencing any negative consequences.

### 2. Methodology

#### 2.1 Methodology considerations

In designing the research, the main considerations were:

- The tight time-scale for the completion of the project;
- The need to interview as many witnesses as possible who had testified at the ECCC;
- The varying skills and experiences of those WESU staff who would conduct the interview, and
- The need to cover all aspects of the witnesses' experience with the ECCC, and to balance this with a need to keep the interview relatively short.

#### 2.2 Interview schedule

Witnesses are being asked question about the following aspects of their experience:

- Their first contact with the ECCC (e.g. anxiety when first contacted);
- Their motivations for testifying;
- Pre-testimony contact with the ECCC (e.g. giving a statement to an investigator);
- The preparation they received for testifying;
- WESU services during the testimony period (e.g. accommodation, security, medical);
- The witness's experience of testifying (feelings before, during and after their testimony);
- Post-testimony services from WESU (e.g. security, maintaining contact with WESU);
- How their family was affected by their being a witness at the ECCC;
- How their community reacted to their being a witness, if their community was aware;
- The witness's opinions about the work of the ECCC (e.g. aims of the ECCC, confidence the ECCC will achieve its aims), and
- The witness's current situation (e.g. their current concerns and psychological well-being).

### 3. The best-practice recommendations

The recommendations are rooted solely on witnesses' evaluation of their own experience. Whilst this is a valid measure of the effectiveness of the protection and support offered, inclusion of the perspectives of the ECCC staff who work with

witnesses (primarily WESU staff, but also legal personnel) would supplement this understanding.



**Concept Note Submission of “Their History Our Future” Initiative to  
The “Call for Contribution of Ideas of the Extraordinary Chambers in the Courts of Cambodia  
(ECCC) Residual Functions Related to Victims”**

**Rational**

The perception of history affects how people at any given time view the world around them. History has the unique power to bring people together in a group that sees “us” as the result of shared background, struggles, national determination, and culture. It also has the potential to divide. When history separates groups, and the conceptualisation of “they” becomes stronger, protracted conflict can manifest itself for generations to come.

This concept note builds upon the important work in [Their History, Our Future: Exploring past conflict while eyeing the future through inter-ethnic creativity](#), carried out in 2020 to bring minority groups together in Cambodia to explore diverse perceptions of common historical narratives both during the dark period of the Khmer Rouge genocide years and beyond. In particular, it looks closer at the connection to the ECCC judgement on the genocide charge in the scope of ethnic Vietnamese and Cham/Khmer Islam victims and the contemporary perceptions that contribute to ongoing discrimination that exists in ethnic relations in Cambodia.

One of the major findings from the past work was the importance in how history is seen differently based on how events impacted certain communities versus others. This was revealed through deep intergenerational dialogue often between children and parents, or grandchildren and grandparents. Facilitative Listening Design (FLD), a Cambodian homegrown action-oriented participatory research approach that uses conflict transformation elements to leverage the process to develop better understand among groups at odds with each other, was used to investigate diverse perceptions. FLD is utilised to structure an inquiry approach that participants employ to explore their own curiosity and questions to better understand historical events while customising the tools and process to enhance dialogue between generations in diverse ethnic minority groups.

In addition, a significant observation in previous work showed that a therapeutic approach among participants throughout the journey was vital in providing the accompaniment needed to emotionally support those engaging on extremely difficult issues and post-generational trauma that persist today, even among those who did not directly experience certain historical events firsthand. Creative art therapy and therapeutic arts approaches have been successfully incorporated to allow participants to explore issues in a safe and non-traditional process. However, participants noted that the therapeutic work must extend to more beneficiaries engaged, not only direct participants. Particularly after engaging those who directly experienced traumatic events in a historical context, deeper accompaniment and clear therapeutic support must reach them after they have opened up and shared about their experiences, struggles, and personal trauma.



In *Their History Our Future* initiative, there are three main goals. Firstly, it aims to foster a more diverse public discourse about memory to ensure that memories and experiences by those from a broader range of ethnic groups are heard and shared through findings and activities among target communities. Secondly, this initiative also works to ensure that Khmer Rouge survivors are acknowledged and provided the space to discuss experience with the younger generation. Particularly, exposure to creative therapies allow younger generation to work through different aspects of trauma, including transgenerational trauma. Last but not least, we believe that the understanding of the past will directly help young leaders of diverse ethnic groups to consider the present, and provide them with the skills and leadership to positively reshape the future of their communities to ensure a “never again” of the violent past of Cambodia.

### Target groups

This initiative will work directly with community members including both Khmer Rouge survivors who experienced the traumatic events of the Khmer Rouge regime years as well as the subsequent generations who were raised in a post-conflict context but continue to experience the impact of historical trauma in multiple ways. It will also incorporate an interethnic lens to acknowledge the diversity of ethnic, religious, and cultural minority groups both in terms of their particular experiences in historical events as well as their current status and place in Cambodian society today.

### Timeline

No	Timeline	Description
1	Jan – Jun 2022	<i>Facilitative Listening Design Process</i> – Exploring the past and the diversity of perceptions of common historical narratives and fostering intergenerational dialogue on the KR history and ECCC process
2	Mar – Sept 2022	<i>Listener creative art therapy</i> – incorporating therapy for Listeners to explore issues directly related to post-generational trauma passed from one generation to the next
3	Jul – Dec 2022	<i>Sharer therapeutic arts accompaniment</i> – Bringing creative approaches to beneficiaries that incorporate arts to work on trauma and healing as a community.
4	Jul 2022 – Jun 2023	Interethnic youth actions – carving out the future through alliance and networking among youth dedicated to learning from the past, but owning the future.

END.

**Call for Contribution of Ideas of the Extraordinary Chambers in the Courts of Cambodia  
(ECCC) Residual Functions Related to Victims**



**SUBMISSION FROM YOUTH FOR PEACE**

**To: Judges YOU Ottara and Claudia FENZ, Co-Rapporteurs on Residual Functions  
Related to Victims**

Youth for Peace (YFP) is pleased to submit the following proposal on inter-generational dialogue in response to the ECCC's Call for Contribution of Ideas for Residual Functions related to Victims. As a renowned non-governmental organization in Cambodia, YFP has been conducting critical work in bringing about a society of peace and social justice in Cambodia by developing good role models and active citizenship of youth who understand and practice a culture of peace. Any residual function of the ECCC related to victims that facilitates dialogue, understanding, and learning across generations, will be crucial in ensuring the legacy of the ECCC, will serve to deepen the knowledge about the Khmer Rouge and accountability around it, and foster understanding and conversations in families and communities across Cambodia. Since 2007, YFP has been engaging in various projects, encouraging victims of the Khmer Rouge to share their stories and narratives, and projects fostering dialogue between victims of the Khmer Rouge and young people across Cambodia.

*Relevance of engaging with victims and youths*

In Cambodia, knowledge about the Khmer Rouge regime, and the accountability that the ECCC has been implementing, remains low. Cambodia also remains a country where dialogues on this period of time remain limited at best, and information transferred within families varies in contents and truths.

Engaging with not just victims but including youth in residual activities for victims by the ECCC ensures that the largest portion of Cambodian society is also included in the ECCC's work and legacy. YFP's inter-generational work and dialogue projects ensure the following:

- Victims and youths improve their understanding of the history related to the Khmer Rouge, the causes of genocide, and efforts around reconciliation
- Cambodia's youth, born well after the Khmer Rouge, and comprising the largest portion of its population, are engaged in Cambodia's search for justice, accountability, and reconciliation in a well-informed and peaceful manner,
- A safe space is provided for Cambodians to share their experiences between young and old, among families, and within communities, that promotes reconciliation and an understanding of the ECCC in Cambodia's transitional justice process
- To engage youth to take an active role in the transitional justice and reconciliation process as initiated by the ECCC

*Proposal*

In submitting this proposal, we acknowledge and understand that residual functions related to victims should fall within that set out in the Addendum to the Agreement between the United Nations and the Royal Government of Cambodia. The ECCC will have a direct implementation role in the proposed activities. The activities proposed here can be tailored to 3 years. The funding is secured for such activities and can have specific focus areas and target groups to suit the needs for a residual function for victims with the ECCC.

This proposal grows from projects that YFP has conducted and will use, for example, The Rescuers Project that YFP is implementing in 2022. The Rescuers Project is an outreach project that seeks to tell the stories of ordinary people who became "rescuers" during the Khmer Rouge Regime and promotes the importance of civil and moral courage in society (*Hien Klahan*). The 'Rescuer Project' will highly contribute to this process by sharing the stories of rescuers, providing positive examples of rescuing behavior, and encouraging moral courage while educating youth to be agents of dialogue and change in Cambodia. Interviewing and collecting these narratives is done by youths who have been trained by YFP and who develop relationships and trust with the victims to encourage an environment where such dialogue and conversation can take place. The target groups for this proposal are Cambodian youth, former rescuers and survivors of the Khmer Rouge Regime, and wider Cambodian civil society. Furthermore, in the next three years, YFP will continue with the conservation of the crime side. The ECCC should pay attention to the crime side from now till the end.

The legacy of the ECCC is connected to the discourses that emerge from its victim participation and outreach programs. The ECCC has sought, as one of its main objectives, to provide as much information as possible on the activity of the Court and educate the public, working transparently to build public confidence in the judicial process. This includes focusing on youth as a target group for outreach and educational activities. While establishing truth and accountability for the Khmer Rouge regime remains essential in recovering from the past and achieving reconciliation, this proposal can contribute positively to the future of Cambodia by being a positive pillar that focuses on the stories of survival and that focus on strengthening social and compassionate behavior, especially in future generations. Any residual function for victims will shape the legacy of the Court, and in doing so, younger generations must be invested in this work. Projects that focus on intergenerational dialogue are a clear way to facilitate this legacy while allowing victims and survivors to share their narratives and heal in the process.

We welcome any opportunity to clarify our submission and look forward to engaging in continuous dialogue with the ECCC on residual functions related to victims. We thank the ECCC and Judge You, and Judge Fenz for the opportunity to submit this proposal and for their commitment to victims.

Man Sokkoeun  
Executive Director, Youth for Peace  
*and*  
Sangeetha Yogendran  
Consultant, Youth for Peace and Researcher, Ghent University



**Response to the Call for Contribution of Ideas of the Extraordinary Chambers in the Court of Cambodia (ECCC) Residual Functions Related to Victims.**

Since 1992 YRDP is engaged in promoting peace and justice and sustainable development. Through its project “Youth Engagement in Historical Learning for Peace and Justice” (2007-present), YRDP inspires youth to learn about the Khmer Rouge history through in-house courses and exposure to mass-killing sites while using innovative learning methodologies. Learning about Cambodian history in real-life settings, allows the youth to realize and acknowledge past atrocities and initiates a deep reflection process about the root causes of the conflict. Younger generations then explore avenues to prevent recurrence, acquire critical thinking skills and reflect on their leadership styles.

Learning about Khmer Rouge history naturally leads the youth to question the impact of past events on their families and communities therefore, YRDP’s curricula equip the youth with tools and skills to understand trauma, basic counselling and deep listening to support healing through intergenerational dialogues. This cathartic process strengthens parents-children’s relations and the family dynamics in its entirety.

Besides learning, YRDP also aims at breaking the fear of the young generation to be politically and societally engaged. YRDP wants to give youth the possibilities to actively engage in the country’s process of reconciliation through trainings with youth’s transfer projects, radio talks-show and other critical reflection activities, the organization tackles topics like pluralism, nationalism, stereotypes, and prejudice. Learning through using critical thinking is used to reflect on nowadays socio-political contexts so that youth have the chance to critically rethink and draw the most important lessons from history to promote peace and reconciliation in current Cambodian society.

Against this background and considering the ECCC winding down operations, a residual function that warrants attention to strengthen socio-economic foundation, is the dissemination of information on transitional justice mechanism, its legal proceedings and its achievements to the younger generations. Using the ECCC and the Learning Documentation Center (LDC) as learning platforms for students will be essential to create impactful and holistic peace education courses, highlighting Cambodia’s commitment to peacebuilding and bringing justice to the Cambodian people. Equally, students’ exposure to the ECCC and the LDC will ensure the wider public’s access to archives. This is a critical residual function to foster wholesome reconciliation and reconstruction.

YRDP stands ready to support the dissemination of the ECCC’s work, its legacy and residual functions for the benefice of the victims, survivors and their descendants. Through the residual functions, the ECCC has the opportunity to strengthen cooperation and involvement of the next generation of Cambodian leaders who will inherit the ECCC’s legacy, and ultimately, consolidate reconciliation efforts.



Proposed activities 2022 to 2026

- Provide in house and on-site training on Khmer Rouge History and Reconciliation
- Exposure Trip to Anglong Veng
- Exposure Trip to the ECCC
- Exposure and research to the LDC
- Community Dialogue with the Khmer Rouge Survivors for Reconciliation and Peace
- Truth-Telling: Creative Family Exhibition
- Inter-generational Dialogue on Dealing with the Past
- Radio Talk show on Concerning Issues (Break the Silence)