

**BEFORE THE TRIAL CHAMBER  
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**CIVIL PARTY LEAD CO-LAWYERS' FINAL CLAIM FOR REPARATION IN  
CASE 002/02**

**WITH CONFIDENTIAL ANNEXES**

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**Before:**

**Trial Chamber**

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Judge Jean-Marc LAVERGNE  
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## I. INTRODUCTION

1. The Civil Party Lead Co-Lawyers (“Lead Co-Lawyers”) filed the Civil Party Lead Co-Lawyers’ Closing Brief in Case 002/02 (“Closing Brief”) on 2 May 2017, in which they provided an overview of civil party participation in Case 002/02 and presented the harms suffered by civil parties in relation to each trial segment within the scope of Case 002/02.<sup>1</sup> As directed by the Chamber, the Lead Co-Lawyers hereby file the Final Claim for Reparation, in which they request 17 projects to be endorsed by the Trial Chamber as judicial reparation awards for the benefit of civil parties for harm suffered as a result of crimes tried in Case 002/02.<sup>2</sup> The International Lead Co-Lawyer submits that one additional project be endorsed by the Trial Chamber.<sup>3</sup>
2. The Closing Brief and Final Claim have been designed to be read together: the Closing Brief demonstrates the link between the harm suffered as a result of the crimes within the scope of Case 002/02 and the Final Claim presents reparation projects that address those harms. The Lead Co-Lawyers also invite readers to review the overview of civil party participation at the ECCC contained in the Closing Brief, particularly as to the second prong of the civil party action with respect to the ability to seek collective and moral reparations for the harm suffered as a result of the crimes tried.<sup>4</sup>

### A. Legal framework

3. Internal Rule 23 *quinquies* (1) provides that “[i]f an Accused is convicted, the Chambers may award only collective and moral reparations to Civil Parties. Collective and moral reparations for the purpose of these Rules are measures that: a) acknowledge the harm suffered by Civil Parties as a result of the commission of the crimes for which an Accused is convicted and b) provide benefits to the Civil Parties which address this harm. These benefits shall not take the form of monetary payments to Civil Parties.”

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<sup>1</sup> Civil Party Lead Co-Lawyers’ Closing Brief in Case 002/02, E457/6/2, 2 May 2017.

<sup>2</sup> Trial Chamber Memorandum, Closing Briefs and Closing Statements in Case 002/02, E449/1, 16 December 2016; Trial Chamber Memorandum, Co-Prosecutor’s Request for extended deadline for Closing Briefs and delayed start of Closing Statements in Case 002/02, E457/6, 28 April 2017.

<sup>3</sup> See, *infra* Part III.

<sup>4</sup> Civil Party Lead Co-Lawyers’ Closing Brief in Case 002/02, E457/6/2, 2 May 2017, Part I(B)(2).

4. The Lead Co-Lawyers highlight that individual monetary compensation is expressly precluded by the ECCC legal framework.<sup>5</sup> The Lead Co-Lawyers also describe in the Closing Brief how the Internal Rules provide for two mutually exclusive modes of implementation for reparation awards, such that awards are either awarded against and borne by the convicted person, or reparation awards are developed and funded by external actors without the award being directed against the convicted person.<sup>6</sup> All reparation requests contained in the Final Claim are sought through this second mode of implementation.

## **B. Methodology**

5. The Lead Co-Lawyers have followed three main principles in the design and implementation of potential reparation projects. First and foremost, the Lead Co-Lawyers have been guided by the requests and feedback of civil parties themselves. Second, the Lead Co-Lawyers have followed the Trial Chamber's view that while projects must provide benefits to civil parties, they may also benefit the wider community of unrepresented victims. Finally, the Lead Co-Lawyers have been mindful of the presumption of innocence and its effects on the implementation of projects prior to the judgement.<sup>7</sup> The Lead Co-Lawyers noted that "any projects that are ready for implementation prior to the conclusion of proceedings would be implemented as proposals until there is a final conviction, if any."<sup>8</sup>
6. First, the Lead Co-Lawyers, after extensive consultations with civil parties and stakeholders as described in the Closing Brief,<sup>9</sup> have designed and developed potential reparation projects in response to the requests of civil parties, dating from the filing of the Civil Party Applications in 2007. During the course of Case 002/02,

<sup>5</sup> Civil Party Lead Co-Lawyers' Closing Brief in Case 002/02, E457/6/2, 2 May 2017, para. 37.

<sup>6</sup> Civil Party Lead Co-Lawyers' Closing Brief in Case 002/02, E457/6/2, 2 May 2017, paras 38-44.

<sup>7</sup> Trial Chamber Memorandum, Indication of priority projects for implementation as reparation (Internal Rule 80bis(4)), E218/7, 3 December 2012, para. 2 ("Noting the challenges in bringing reparations to fruition described by the International Lead Co-Lawyer in the recent Trial Management Meeting, the Chamber wishes to clarify that implementation of these measures may begin prior to the verdict in Case 002/01. This is in keeping with the purposes for which Internal Rule 23 *quinquies* (3)(b) was adopted, which were to enable, with donor assistance and that of external collaborators, the realization of meaningful reparations within a reasonable time. It follows that the Lead Co-Lawyers and the Victims Support section should identify on an urgent, priority basis funds available to support those projects which will be sought as reparations.").

<sup>8</sup> Civil Party Lead Co-Lawyers' Closing Brief in Case 002/02, E457/6/2, 2 May 2017, paras 38-44.

<sup>9</sup> Civil Party Lead Co-Lawyers' Closing Brief in Case 002/02, E457/6/2, 2 May 2017, paras 18-19, 45-48.

1,265 civil parties were consulted for their views on the design of reparation projects for their benefit at Civil Party Forums organized by the Victims Support Section (“VSS”), 609 civil parties were consulted at LCL/VSS Reparations Consultations & Information Forums on Case 002 Proceedings, and 68 civil parties were consulted at a LCL/JPLC Information and Consultation Sessions on Case 002 Proceedings.<sup>10</sup> Implementing partners were also invited to attend some of these events in order to present their projects and seek the views of the civil parties in attendance. These consultations are highlighted in the project descriptions throughout the Final Claim. The consultations described above and throughout the Final Claim have been held in addition to consultations held between Civil Party Lawyers and their individual clients.

7. Second, the Lead Co-Lawyers have followed the jurisprudence of the Chamber that collective and moral reparations should primarily benefit the consolidated group of civil parties, “but also collaterally benefit a large number of unrepresented victims who have suffered harm as a result of the commission of the crimes for which the Accused are convicted.”<sup>11</sup> The Lead Co-Lawyers have considered the benefits that would be provided to civil parties by potential projects to be the overarching factor in distinguishing between a potential ECCC reparation award and an NGO project relating to the DK.
8. Third, the Lead Co-Lawyers have also been mindful that the content of projects often present and discuss events that are the subject of ongoing proceedings, and of the Trial Chamber’s discussion in the Case 002/01 Judgement in which they emphasized that “the determination of the criminal responsibility of the Accused and the factual findings are the sole prerogative of the ECCC and depend upon an assessment of witness and civil party credibility.”<sup>12</sup> The Trial Chamber then directed that a disclaimer be attached to a book chapter on the history of Democratic Kampuchea.<sup>13</sup> The Lead Co-Lawyers have endeavored to ensure, insofar as possible, that the

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<sup>10</sup> Civil Party Lead Co-Lawyers’ Closing Brief in Case 002/02, Annex B: Civil Party Forums and Consultations in Case 002/02, **E457/6/2.2.3**, 2 May 2017.

<sup>11</sup> Case 002/01 Trial Judgement, **E313**, para. 1114, footnote 3210.

<sup>12</sup> Case 002/01 Trial Judgement, **E313**, para. 1157.

<sup>13</sup> Case 002/01 Trial Judgement, **E313**, para. 1157 and footnote 3296.

“content of these projects has been developed in consideration of the right of the accused to be presumed innocent, such that the subject matter is derived from the experiences suffered by the civil parties and is in line with the crimes for which the accused are being tried in Case 002/02.”<sup>14</sup>

9. Similar to the letters sent to project partners following the rendering of the Case 002/01 Appeal Judgement requesting that the project partners update project materials with the verdict, particularly in relation to Tuol Po Chrey,<sup>15</sup> the Lead Co-Lawyers have sent letters to project partners who may be similarly situated in this case.<sup>16</sup> The Lead Co-Lawyers are prepared to send additional letters to project partners if the Trial Chamber considers that they should be sent in relation to the content of other proposed projects.

### C. Overview of submission and related request to fundraising

10. In compliance with the requirements of the Chamber,<sup>17</sup> twelve projects have secured sufficient external funding and provide meaningful benefits to civil parties for the harm they suffered as a result of crimes alleged in Case 002/02. Eleven of these projects are supported by both the National and International Lead Co-Lawyer and appear in Part II. One project is supported by only the International Lead Co-Lawyer and is presented in Part III. Two projects are put forward by the Victims Support Section and described in Part V.
11. The Lead Co-Lawyers note that not every project proposal received is included in the Final Claim.<sup>18</sup> The Lead Co-Lawyers have considered the feasibility of project proposals, whether a project would provide sufficient benefits to civil parties in

<sup>14</sup> Civil Party Lead Co-Lawyers’ Submission Relating to Reparation Projects for Implementation in Case 002/02, **E352/2/1**, 15 July 2016, para. 5.

<sup>15</sup> Civil Party Lead Co-Lawyers’ Submission on the Implementation of Judicial Reparation Awards for Case 002/01, **E218/7/9**, 1 March 2017, paras 14, 19 and Annex 2: Letter from the Civil Party Lead Co-Lawyers, Case 002/01 Judicial Reparation Projects, *Permanent Exhibitions on forced transfer in five provincial museums* and the additional chapter on Forced Transfer in *Teachers’ Guidebook: Teaching the History of Democratic Kampuchea (1975-1979)* (to include Tuol Po Chrey killing site), dated 16 December 2016, **E218/7/9.1.2**.

<sup>16</sup> Annex 1.8: App-Learning on Khmer Rouge History, Letter from LCL to Bophana Center relating to Disclaimer; Annex 14.6, Public Education Forums & Permanent Exhibitions on the History of Democratic Kampuchea, Letter from LCL to DC-Cam relating to Disclaimer. Both projects will reach a wide audience and could be considered to be permanent in nature.

<sup>17</sup> Case 002/01 Trial Judgement, **E313**, para. 1122.

<sup>18</sup> The Lead Co-Lawyers received 14 project proposals that are not included in the Final Claim.

- relation to topics within the scope of Case 002/02, whether the project was sufficiently specific, whether the potential project has or could secure all required documentation, and whether a consensus was reached amongst the Lead Co-Lawyers, in consultation with Civil Party Lawyers, and the VSS.<sup>19</sup>
12. Internal Rule 23 *quinquies* (2) provides that in relation to each project is a description of the award sought and a “reasoned argument as to how they address the harm suffered and specify, where applicable, the Civil Party group within the consolidated group to which they pertain.” As previously submitted, all awards are sought through Internal Rule *quinquies* (3)(b).<sup>20</sup>
  13. Owing to fundraising delays, the VSS sought to extend the fundraising deadline to 30 November 2017.<sup>21</sup> The Lead Co-Lawyers therefore request the ability to file supplemental submissions at that time if funding is secured for four projects put forward in Part IV and two projects in Part V. If this request for extension is granted, and if documentation demonstrating fully secured funding is not provided at that time, this request should be considered to be withdrawn. Similarly, if the request for the extension is not granted, the Lead Co-Lawyers’ withdraw the projects from consideration.
  14. The confidential annexes accompanying each project contain the letters of engagement between project partners, the Lead Co-Lawyers, and the VSS, the reparation project overviews, a description of the partners implementing the project, the details and budgets of the projects, proof of secured funding, relevant agreements and permissions from third parties, and implementation reports from project partners where available.<sup>22</sup>

## II. PROJECTS THAT ARE FULLY FUNDED AND ARE SUPPORTED BY THE NATIONAL AND INTERNATIONAL LEAD CO-LAWYERS

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<sup>19</sup> The only project that has not obtained consensus is Legal and Civic Education for Minority Civil Parties which is included on the request of the International Lead Co-Lawyer and further explained in Part III. Two Civil Party Lawyers participated in the design of the project and represent the affected civil parties.

<sup>20</sup> Civil Party Lead Co-Lawyers’ Interim Report on Reparations in Case 002/02 and Related Request, **E352**, 17 June 2015, para. 17; Civil Party Lead Co-Lawyers’ Submission Relating to Reparation Projects for Implementation in Case 002/02, **E352/2/1**, 15 July 2016, para. 4.

<sup>21</sup> Annex 19: Letter from the Victims Support Section.

<sup>22</sup> All documentation received is completed and/or submitted by project partners.



## A. Guarantees of non-repetition

15. As a reparation measure, guarantees of non-repetition promote mechanisms for preventing and monitoring social conflicts and promoting their peaceful resolution.<sup>23</sup>

Civil parties have consistently identified intergenerational dialogue, including through media and artistic projects, as a way to prevent the recurrence of mass atrocity in Cambodia. As described in the Harm sections following each Chapter in Part IV of the Closing Brief,<sup>24</sup> and in their questions to the Accused,<sup>25</sup> civil parties have repeatedly raised their wish for their experiences not to be repeated in the future by educating the younger generation about the past.

16. The Lead Co-Lawyers consider that the following projects give effect to the reparation measure of guarantees of non-repetition and provide benefits to the civil parties for the harm suffered as a result of alleged crimes within the scope of Case

<sup>23</sup> Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, Resolution 60/147, UN General Assembly, 16 December 2015, Article 23.

<sup>24</sup> See, e.g., Oral Testimony of Civil Party SEANG Sovida, T., 2 June 2015, **E1/308.1** [Corrected 1], p. 90 line 25 – p. 92 line 2 (“...please allow the Cambodian younger generation to understand the truth, to understand the history of what happened...”); Oral Testimony of Civil Party RY Pov, T., 12 February 2015, **E1/262.1** [Corrected 1], p. 74 line 20 – p. 75 line 4 (“As for the suffering in the genocidal period, I do not want anything for myself. However, nowadays I have remorse. I felt very pity for my parents, my siblings, my relatives. When they undergone the suffering and also the <brutal and unjust> killing by the Khmer Rouge period. And my family members went through that misery. So I <> ask the United Nations and the Khmer Rouge tribunal to help prevent the recurrence of the atrocity. And I appeal to the Chamber to adjudicate and try the <ringleaders> of the Khmer Rouge period according to their acts committed against Cambodians all across the country.”).

<sup>25</sup> Civil Party Lead Co-Lawyers’ Closing Brief in Case 002/02, Annex E, **E457/6/2.2.6**, May 2 2017; Oral Testimony of Civil Party SEANG Sovida, T., 2 June 2015, **E1/308.1** [Corrected 1], p. 88 lines 1-3 (“please tell us the truth, tell us what happened and this is part of the Cambodian history so that the young generation can understand”); Oral Testimony of Civil Party SAY Sen, 25 March 2015, T., **E1/282.1**, [Corrected 1], p.118 lines 15-20 (“I myself do not <gain any personal> benefit from my testimony, but it is <merely for> the <interest of> the young <generations> and also for those lost souls who would reincarnate in the next life and without having to go through such heinous crimes again. <I do not want to see any society with such crimes again.>”); Oral Testimony of Civil Party PREAP Sokhoeurn, 24 October 2016, T., **E1/488.1**, p. 81 line 23 – p. 84 line 2 (“And I’d like to advise our compatriots not to have such leaders in the regime. <People had suffered a lot.> People were used to engage in hard labour <without sufficient food>; people were separated from their relatives and family members and we do not want to see such a regime return.”); Oral Testimony of Civil Party PEN Sochan, T., 13 October 2016, **E1/483.1**, p. 69 lines 17-22 (“I would like to ask for reparations to have the pagodas and schools built so that the younger generation are informed of what had happened. And I do not want <> the authoritarian regime to come back in this country.”); Oral Testimony of Civil Party YOS Phal, 25 August 2016, T., **E1/464.1**, p. 62 lines 20-21 (“And, please, Mr. President, I urge you to prevent such occurrence, to prevent the return of such a regime.”); Oral Testimony of Civil Party SOS Min, 9 September 2015, T., **E1/344.1**, [Corrected 2], p. 64 lines 5-10 (“I cannot express all, everything from my heart. However, I have told the Court and I have expressed what I came across during the period. Now I appeal -- now I am appealing to this Court, the National Court and the International Court and also United Nations to stop the regime from controlling the country once again.”).

002/02. The Lead Co-Lawyers therefore request that Chamber endorse these projects as judicial reparation awards for the civil parties in Case 002/02.

### **(1) App-Learning on Khmer Rouge History**

17. Bophana Audiovisual Resource Center, in cooperation with the Lead Co-Lawyers and the VSS, designed and is currently implementing “App-Learning on Khmer Rouge History” as a proposed judicial reparation award.<sup>26</sup> The project has compiled accurate and standardized information on Khmer Rouge history in order to make this information accessible through an innovative multimedia application that incorporates contemporaneous audio-visual materials and civil party accounts.<sup>27</sup> The application will be disseminated widely online and through social media, free of charge, and has been formally endorsed by the Ministry of Education, Culture and Sports so that it may be incorporated into schools nationwide. The project’s duration is 24 months.<sup>28</sup> Chapters of the Application were presented to the public on 28 April 2017 and the Application itself will be released on 25 July 2017 at an official public launching ceremony.
18. The project benefits civil parties by educating Cambodian youth and the public about civil party experiences and Khmer Rouge history. The project further encourages intergenerational dialogue between survivors and youth in to order prevent future recurrence of such crimes in Cambodia. Through its educational and dialogue components, the project also benefits a larger number of unrepresented victims. The

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<sup>26</sup> Annex 1: App-Learning on Khmer Rouge History. *See also*, Civil Party Lead Co-Lawyers’ Interim Report on Reparations in Case 002/02 and Related Request, **E352**, 17 June 2015, para. 21, and Confidential Annex 1 (Project 10), **E352.2**; Civil Party Lead Co-Lawyers’ Second Submission Relating to Reparation Projects for Implementation in Case 002/02, **E352/2/1**, 15 July 2016, paras 16-18 and Annex 3: Prioritized Projects (Project 1), **E352/2/1.2.3**.

<sup>27</sup> Annex 1.2: App-Learning on Khmer Rouge History, Reparation Project Overview; Annex 1.4: App-Learning on Khmer Rouge History, Verification of Secured Funding, UNOPS Grant Support Agreement (includes project budget and project details); Annex 1.6, App-Learning on Khmer Rouge History, Table of Contents for App. The main topics of the Application cover: how the Khmer Rouge came to power, the fall of Phnom Penh, how the Khmer Rouge framed everyday life (including life in cooperatives and the Cham rebellion), Khmer Rouge policies and ideologies, the Democratic Kampuchea Government and Security System (including S-21 Security Centre), the route to justice.

<sup>28</sup> Annex 1.2: App-Learning on Khmer Rouge History, Reparation Project Overview; Annex 1.4: App-Learning on Khmer Rouge History, Verification of Secured Funding, UNOPS Grant Support Agreement (includes project budget and project details); Annex 1.7: App-Learning on Khmer Rouge History, Memorandum of Understanding between Ministry of Education, Youth and Sports and Bophana Audiovisual Resource Center on App-Learning on Khmer Rouge History.

project conducted interviews with 7 civil parties about their experiences related to crimes within the scope of Case 002/02 to be incorporated into project materials. On 24 June 2016, representatives from Bophana Centre attended a Civil Party Forum in Phnom Penh and presented the project to 110 civil parties and received their feedback. App-Learning on Khmer Rouge History was presented to the public at the Bophana Center in Phnom Penh on 26 August 2016 and 12 civil parties were in attendance. On 6 October 2016, Bophana presented the project to 230 civil parties at another Civil Party Forum to seek their views. The Application itself was presented to 136 civil parties at an LCL/VSS Reparations Consultation & Information Forum held in Kampong Cham on 9 February 2017.

19. The project is fully funded by the European Union through UNOPS and by the Rei Foundation.<sup>29</sup>

**(2) Khmer Rouge History Education through Teacher and University Lecturer Training and Workshops**

20. The Documentation Center of Cambodia (“DC-Cam”), in collaboration with the Lead Co-Lawyers and VSS, has designed and is implementing the proposed reparation project “Khmer Rouge History Education through Teacher and University Lecturer Training and Workshops.”<sup>30</sup> With the involvement of civil parties, the project will hold two Commune Teacher Trainings and one University Lecturer Training, and conduct 15 classroom forums for students, including a presentation, group activities, and dialogue. Implementation of the project has begun, and its time-frame is 36 months.<sup>31</sup> As part of its implementation, one commune teacher training took place over five days, beginning on 3 April 2017. Over 100 trainees from Kampong Cham, Tbong Khmum, Kratie, Stung Treng, Rattanakiri, and Monduliri attended the

<sup>29</sup> Annex 1.4: App-Learning on Khmer Rouge History, Verification of Secured Funding, UNOPS Grant Support Agreement (includes project budget and project details); Annex 1.5, Verification of Secured Funding, Amended and Restated Agreement between REI Foundation and the Bophana Audiovisual Center.

<sup>30</sup> Annex 2: Khmer Rouge History Education through Teacher and University Lecturer Training and Workshops. *See also*, Civil Party Lead Co-Lawyers’ Second Submission Relating to Reparation Projects for Implementation in Case 002/02, E352/2/1, 15 July 2016, paras 19-21 and Annex 3: Prioritized Projects (Project 2), E352/2/1.2.3.

<sup>31</sup> Annex 2.2: Khmer Rouge History Education through Teacher and University Lecturer Training and Workshops, Reparation Project Overview.

program. The Ministry of Education, Youth and Sports has approved the project's trainings and curriculum for use in schools and universities.<sup>32</sup>

21. The project benefits civil parties by educating Cambodia's youth about Khmer Rouge history and civil party experiences in order to prevent the future recurrence of crimes. On 10 December 2016, DC-Cam launched the proposed project in Phnom Penh in an event attended by 4 civil parties. On 16 December 2016, representatives from DC-Cam attended an LCL/VSS Reparations Consultation & Information Forum in Phnom Penh and presented the project to 147 civil parties and received their feedback.
22. Funding for the project has been fully secured from the European Union through UNOPS.<sup>33</sup>

**(3) The Turtle Project: Innovative Cross Media Project, promoting historical awareness and civil courage in Cambodia**

23. The Cambodian-German Cultural Association and Khmer Art Action, with the support of the Lead Co-Lawyers and the VSS, has designed and is implementing "The Turtle Project: Innovative Cross Media Project, promoting historical awareness and civil courage in Cambodia" as a proposed judicial reparation project in Case 002/02.<sup>34</sup> Youth for Peace also participated in components of the project in its first phase. The project incorporates multi-media cultural and educational activities during workshops with high school and university students.<sup>35</sup> The project also incorporates film screenings, photo exhibitions, and intergenerational dialogue such that civil parties have the opportunity to engage with the younger generations and share their experiences during the Democratic Kampuchea regime.<sup>36</sup> The project began activities in 2015 and will continue activities through the end of 2017 with the support of the

<sup>32</sup> Annex 2.5: Khmer Rouge History Education through Teacher and University Lecturer Training and Workshops, Memorandum of Understanding between the Ministry of Education, Youth and Sport and DC-Cam.

<sup>33</sup> Annex 2.4: Khmer Rouge History Education through Teacher and University Training and Workshops, Verification of Secured Funding, UNOPS Grant Support Agreement.

<sup>34</sup> Annex 3: The Turtle Project: Innovative Cross Media Project, promoting historical awareness and civil courage in Cambodia. *See also*, Civil Party Lead Co-Lawyers' Interim Report on Reparations in Case 002/02 and Related Request, **E352**, 17 June 2015, para. 21 and Confidential Annex 1 (Project 11), **E352.2**; Civil Party Lead Co-Lawyers' Submission Relating to Reparation Projects for Implementation in Case 002/02, **E352/2/1**, 15 July 2016, paras 22-25 and Annex 3: Prioritized Projects (Project 3), **E352/2/1.2.3**.

<sup>35</sup> Annex 3.2: The Turtle Project, Reparation Project Overview; Annex 3.4: The Turtle Project, UNOPS Grant Support Agreement.

<sup>36</sup> *Ibid.*

Ministry of Education, Youth and Sport.<sup>37</sup> Through the end of 2017, 34 nation-wide events will have taken place in high schools, universities, and at Meta House in Phnom Penh.<sup>38</sup> The photo exhibition has been approved by the Ministry of Culture and Fine Arts to be displayed at Tuol Sleng.<sup>39</sup>

24. The project benefits civil parties by educating the younger generation about civil party experiences and creating a forum for intergenerational dialogue following each performance. The project conducted seven consultations with 269 civil parties as the content of the play was developed. The Youth Resource Development Program also held a consultation in relation to design and development of this project, and two other projects, in which 8 civil parties participated. An estimated 150 civil parties and over 10,000 students have seen the play and engaged in dialogues following the performance. Two civil parties will continue to be invited to schools and universities each time a performance is held. As part of the projects activities, an exhibition was held in Siem Reap displaying 100 photos of civil parties together with their messages for the younger generation, in which 10 civil parties attended.<sup>40</sup>

25. The project is fully funded by the Institut für Auslandsbeziehungen (ifa) of the German Federal Foreign Office through the “zivik” fund and the European Union through UNOPS.<sup>41</sup>

## **B. Guarantees of Non-Repetition – benefiting specific groups of civil parties and victims**

26. Three projects have been designed to address the harms suffered by of specific groups as a result of crimes within the scope of Case 002/02. These projects have sought to provide benefits for civil parties affected by the treatment of the Cham,<sup>42</sup> the

<sup>37</sup> Annex 3.6: The Turtle Project, Memorandum of Understanding between the Cambodian-German Cultural Association and the Ministry of Education, Youth and Sport.

<sup>38</sup> Annex 3.8: The Turtle Project, Implementation Report.

<sup>39</sup> Annex 3.7: The Turtle Project, Letter from Ministry of Culture and Fine Arts relating to Exhibition at Tuol Sleng.

<sup>40</sup> See also, Annex 3.8: The Turtle Project, Implementation Report.

<sup>41</sup> Annex 3.4: The Turtle Project, Verification of Secured Funding, UNOPS Grant Support Agreement; Annex 3.5: The Turtle Project, Verification of Secured Funding, IFA Documentation 2015-2017.

<sup>42</sup> See, for example, Oral Testimony of Civil Party MEU Peou, T., 29 February 2016, **E1/393.1**, [Corrected 1], p. 7 lines 15-18 (“[w]e were forced to abandon our <religion> and not to use our Cham language. If anyone spoke our language, Angkar would take that person away and executed him or her, and that terrified us. We had

treatment of the Vietnamese,<sup>43</sup> and civil parties affected by the regulation of marriage during the Democratic Kampuchea.<sup>44</sup> The Lead Co-Lawyers consider that the following projects give effect to the reparation measure of guarantees of non-repetition and address the harms suffered by these groups of civil parties and victims and promote awareness of crimes that particularly affected these segments of the population. The Lead Co-Lawyers therefore request that these projects be acknowledged as judicial reparation awards in Case 002/02.

#### **(4) Community Media Project: The Cham People and the Khmer Rouge**

27. The Cambodian-German Cultural Association, in cooperation with the Lead Co-Lawyers and the VSS, designed and implemented “Community Media Project: The Cham People and the Khmer Rouge”<sup>45</sup> for the benefit of Cham civil parties, their

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nothing to hang onto during the regime.”); Oral Testimony of Civil Party MEU Peou, T., 29 February 2016, **E1/393.1**, [Corrected 1], p. 8 lines 22 – p. 9 line 1 (“[t]he Khmer Rouge forced the Cham people to eat pork and to force the Cham people to do whatever the Khmer people did. And that was the most difficult thing for the Cham people, as we lost our own identities, lost our religion.”); Oral Testimony of Civil Party MAN Sles, T., 29 February 2016, **E1/393.1**, [Corrected 1], p. 65 lines 3-9 (“[w]hen the Khmer Rouge regime fell the religious elders passed away as well, so younger children actually went to study abroad at Arab-Saudi countries or in Malaysia who continued their religious practice and then there were Chams that -- rather, there were tuons who are Cham teachers who started teaching the language as well as the Khmer and the English languages to the people.”);

<sup>43</sup> See, Civil Party Lead Co-Lawyers’ Closing Brief in Case 002/02, **E457/6/2**, 2 May 2017, Part II, Chapter 7 (D) and, for example, Oral Testimony of Civil Party CHOEUNG Yaing Chaet, T., 8 December 2015, **E1/364.1**, [Corrected 1], p. 27 lines 2-3 (our house was <being> burned down along with our <family record book>.” “All my belongings <in my house> were burnt<.”); Oral Testimony of Civil Party CHOEUNG Yaing Chaet, T., 7 December 2015, **E1/363.1** [Corrected 1], p. 72 line 25 – p. 73 line 3 (“My memory doesn’t serve me well now. Whenever I feel anxious <and frustrated>, I cannot recall anything. When I think of the pain, it is very difficult for me to bear. I have to speak it out.”).

<sup>44</sup> See, for example, Oral Testimony of Civil Party CHEA Dieb, T., 30 August 2016, **E1/466.1**, p. 78 lines 4-16 (“it is absolutely different. During the Khmer Rouge we were matched up in five or 10 couples each time <or sometimes there were 100 couples each time>, but at present it is very different. Only a couple is celebrated the marriage during one ceremony and they are surrounded by their relatives, parents and grandparents who all bless them. <There are traditional procession and blessing.> And if you compare to what happened under the Khmer Rouge it’s like you compare the earth to the sky. Of course I felt upset when I thought of the way that I was married to the current practice. <I am upset with my destiny.>”); Oral Testimony of Civil Party MOM Vun, T., 20 September 2016, **E1/477.1**, p. 24 lines 15-19 (“After the marriage, I was forced to consummate my marriage. <I had been raped. I was looked down by others. I had suffering in my life. Nothing could compare. Even I die, I still remember about the injury and the mistreatment that was inflicted upon me.”); Oral Testimony of Civil Party YOS Phal, T., 25 August 2016, **E1/464.1**, p. 61 lines 14-17, 19-21 (“I felt so sorrowful that I could not marry my fiancée whom I loved and I wanted to live with her for life. It was like the fruit was about <to ripen> and then it was picked and taken away from me and I had no right to protest against that”; “I felt a heavy pain in my chest, and even now when I think about it it’s beyond belief. And I scolded myself, how come I was born during such a terrible period of time.”).

<sup>45</sup> Annex 4: Community Media Project: The Cham People and the Khmer Rouge. See also, Civil Party Lead Co-Lawyers’ Interim Report on Reparations in Case 002/02 and Related Request, **E352**, 17 June 2015, para. 21 and Confidential Annex 1 (Project 13), **E352.2**; Civil Party Lead Co-Lawyers’ Submission Relating to Reparation

families, and the younger generations by educating the public about the experiences of the Cham community during the Democratic Kampuchea regime.<sup>46</sup> Through the project's activities, young photographers, filmmakers, and researchers from Cham communities developed the personal stories of Cham civil parties into two films.<sup>47</sup> The project began implementation in early 2016. On 7 December 2016, the Cambodian-German Cultural Association launched the documentary, "The Cham Rebellion of Svay Khleang," and multimedia exhibition, "The Cham People and the Khmer Rouge." In 2017, this multimedia package will be compiled on video in Cham, Khmer, and English. A website and blog will accompany and complement the project to increase access to Cambodia's younger generation.<sup>48</sup>

28. The project benefits civil parties, and addresses the harm suffered by Cham civil parties in particular, by educating communities about the treatment of the Cham during the DK and documenting their experiences for the younger generations. The documentary features several civil parties and also involves their children in the development and production of the project.<sup>49</sup> Seven civil parties and youth from the Cham community were invited to attend the launch of the project.

29. The project is fully funded through the Embassy of Switzerland in Bangkok and the Heinrich Böll Foundation.<sup>50</sup>

#### **(5) Phka Sla Kraom Angkar**

30. The Khmer Arts Academy, in collaboration with Kdei Karuna, the Bophana Center, and the Transcultural Psychosocial Organization, has designed and is implementing

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Projects for Implementation in Case 002/02, **E352/2/1**, 15 July 2016, paras 27-29 and Annex 3: Prioritized Projects (Project 4), **E352/2/1.2.3**.

<sup>46</sup> Annex 4.2: Community Media Project: The Cham People and the Khmer Rouge, Reparation Project Overview.

<sup>47</sup> Annex 4.2: Community Media Project: The Cham People and the Khmer Rouge, Reparation Project Overview; Annex 4.7: Community Media Project: The Cham People and the Khmer Rouge, Implementation Report.

<sup>48</sup> Annex 4.2: Community Media Project: The Cham People and the Khmer Rouge, Reparation Project Overview; Annex 4.7: Community Media Project: The Cham People and the Khmer Rouge, Implementation Report.

<sup>49</sup> Annex 4.7: Community Media Project: The Cham People and the Khmer Rouge, Implementation Report.

<sup>50</sup> Annex 4.5: Community Media Project: The Cham People and the Khmer Rouge, Verification of Secured Funding, Agreement between the Embassy of Switzerland in Bangkok and the Cambodian-German Cultural Association; Annex 4.6: Community Media Project: The Cham People and the Khmer Rouge, Agreement between Cambodian-German Cultural Association and Heinrich Böll Foundation.

“Phka Sla Kraom Angkar” as a proposed judicial reparation project in cooperation with the Lead Co-Lawyers and the VSS.<sup>51</sup> The project developed a classical dance production and a related exhibition addressing the regulation of marriage during the DK. The project further incorporated public performances and community and intergenerational dialogue in order to promote public discussion and awareness of how marriage was regulated during the Democratic Kampuchea regime.<sup>52</sup> Implementation of the project began in May 2016 and activities are expected to conclude in March 2018.<sup>53</sup> On 20, 21, and 22 January 2017, the implementing partners launched the classical dance production and related exhibition of “Phka Sla Kraom Angkar” in Phnom Penh.<sup>54</sup> One additional performance and exhibition took place in Battambang on 6 May, and another is scheduled in Kampot in July 2017.

31. The project benefits civil parties by addressing the harm suffered by civil parties as a result of the regulation of marriage during the DK. The project also stimulated discussion to gain a greater understanding of these experiences. Through consultations with 150 civil parties on 22 October 2016, 28 November 2016, and 20 December 2016, the project incorporated the views of civil parties in the design and development of the classical dance performance and related exhibition. Approximately 140 civil parties attended the launch of the performance and exhibition in January 2017 and participated in project activities before and after the performance. Fifty civil parties were in attendance at the performance and exhibition in Battambang, and another 50 civil parties are expected to attend the performance and exhibition in Kampot.

32. The project is fully funded by the Swiss Development Cooperation, the German Ministry for Economic Cooperation and Development through Deutsche Gesellschaft

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<sup>51</sup> Annex 5: Phka Sla Kraom Angkar. *See also*, Civil Party Lead Co-Lawyers’ Interim Report on Reparations in Case 002/02 and Related Request, **E352**, 17 June 2015, para. 21 and Confidential Annex 1 (Project 17), **E352.2**; Civil Party Lead Co-Lawyers’ Submission Relating to Reparation Projects for Implementation in Case 002/02, **E352/2/1**, 15 July 2016, paras 30-33 and Annex 3: Prioritized Projects (Project 5), **E352/2/1.2.3**.

<sup>52</sup> Annex 5.2: Phka Sla Kraom Angkar, Reparation Project Proposal.

<sup>53</sup> Annex 5.2: Phka Sla Kraom Angkar, Reparation Project Proposal.

<sup>54</sup> Annex 5.8: Phka Sla Kraom Angkar, Phka Sla Flyer.



für Internationale Zusammenarbeit (GIZ) GmbH, and the United States Agency for International Development (USAID).<sup>55</sup>

**(6) Voices from Ethnic Minorities: Promoting public awareness about the treatment of ethnic Vietnamese and Cham living in Cambodia during the Khmer Rouge regime**

33. Kdei Karuna, in collaboration with the Lead Co-Lawyers and the VSS, designed and is implementing “Voices from Ethnic Minorities: Promoting public awareness about the treatment of ethnic Vietnamese and Cham living in Cambodia during the Khmer Rouge regime” as a proposed judicial reparation project.<sup>56</sup> The project has been designed to benefit Cham and ethnically Vietnamese civil parties by documenting and presenting their experiences and providing opportunities for intergenerational dialogue about their treatment during the DK. The project enhances public awareness of the causes and consequences of ethnic violence and discrimination against ethnically Vietnamese civil parties through mobile exhibitions, intergenerational dialogue, the publication of a graphic novel, and forum theatre. The project began implementation in January 2016 and will continue through December 2017.<sup>57</sup>

34. The project benefits civil parties, particularly those who are Cham or ethnically Vietnamese, and addresses the harm they suffered as a result of crimes within the scope of Case 002/02 by enhancing public awareness, addressing stereotypes and promoting anti-discrimination, providing opportunities for public dialogue, and documenting the experiences of these minority groups. On 20 November 2016, Kdei Karuna launched the mobile exhibition component of the project in Phnom Penh, with 12 civil parties participating in the event. On 8 and 9 December 2016, 14 civil parties attended the mobile exhibition held in Kampong Chhnang and on 30

<sup>55</sup> Annex 5.5: Phka Sla Kraom Angkar, Verification of Secured Funding, Contract between the SDC and Khmer Arts Academy; Annex 5.6: Phka Sla Kraom Angkar, Verification of Secured Funding, Contract between GIZ and the ECCC; Annex 5.7: Phka Sla Kraom Angkar, Verification of Secured Funding, Modification of Assistance, USAID.

<sup>56</sup> Annex 6: Voices from Ethnic Minorities: Promoting public awareness about the treatment of ethnic Vietnamese and Cham living in Cambodia during the Khmer Rouge regime. *See also*, Civil Party Lead Co-Lawyers’ Interim Report on Reparations in Case 002/02 and Related Request, **E352**, 17 June 2015, para. 21 and Confidential Annex 1 (Project 15), **E352.2**; Civil Party Lead Co-Lawyers’ Submission Relating to Reparation Projects for Implementation in Case 002/02, **E352/2/1**, 15 July 2016, paras 34-36 and Annex 3: Prioritized Projects (Project 6), **E352/2/1.2.3**.

<sup>57</sup> Annex 6.2: Voices from Ethnic Minorities: Promoting public awareness about the treatment of ethnic Vietnamese and Cham living in Cambodia during the Khmer Rouge regime, Reparation Project Overview.

December 2016, five civil parties attended the launch of the graphic novel and related consultation in Phnom Penh. On 9 February 2017, Kdei Karuna was invited to a Civil Party Forum held in Kampong Cham, where 136 civil parties were presented with the project. From 6 to 9 March 2017, four civil parties attended the mobile exhibition held in Prey Veng.

35. The project is fully funded by the German Ministry for Economic Cooperation and Development through the Civil Peace Service (ZFD) of Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH and the Embassy of Switzerland in Bangkok.<sup>58</sup>

### C. Satisfaction

36. Satisfaction as reparation includes, *inter alia*, the verification of facts and full and public disclosure of the truth, commemorations and tributes to victims, and the inclusion of an accurate account of violations that occurred in educational materials at all levels.<sup>59</sup> Civil parties have consistently requested that memorials be built, ceremonies be organized, and that they are provided with the opportunity to share their experiences through truth-telling activities. As described in the Harm sections following each Chapter in Part IV,<sup>60</sup> and in their questions to the Accused,<sup>61</sup> civil parties repeated these desires during their testimony in court.

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<sup>58</sup> Annex 6.5: Voices from Ethnic Minorities: Promoting public awareness about the treatment of ethnic Vietnamese and Cham living in Cambodia during the Khmer Rouge regime, Verification of Secured Funding, Agreement between the Embassy of Switzerland in Bangkok and Kdei Karuna; Annex 6.6: Voices from Ethnic Minorities: Promoting public awareness about the treatment of ethnic Vietnamese and Cham living in Cambodia during the Khmer Rouge regime, Verification of Secured Funding, Agreement between GIZ and Kdei Karuna.

<sup>59</sup> Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, Resolution 60/174, UN General Assembly, 16 December 2015, Article 22.

<sup>60</sup> See, e.g., Oral Testimony of Civil Party BENG Boeun, T., 2 April 2015, **E1/287.1** [Corrected 1], p. 66 lines 9-12 (“[W]hy were we not allowed to go and see someone who was ill? <In relation to my father-in-law case, why> weren't we allowed to go see someone who was about to die?”); Oral Testimony of Civil Party HUN Sethany, T., 27 May 2015, **E1/306.1** [Corrected 1], p. 19 lines 20-21 (“We had no time and rights to celebrate any funeral ritual for my younger sibling.”); Oral Testimony of Civil Party SEANG Sovida, T., 2 June 2015, **E1/308.1** [Corrected 1], p. 90 line 22 – p. 91 line 2 (“I urge them to tell the truth and not just to give lies or pretext to lies. [...] please allow the Cambodian younger generation to understand the truth, to understand the history of what happened...”); Oral Testimony of Civil Party YUN Bin, T., 15 August 2016, **E1/457.1**, p. 14 line 16 - p. 15 line 3 (I told all the souls of the dead bodies in the <pit> that when I -- if I managed to escape from <there>, I would find justice for them.”); Oral Testimony of Civil Party CHUM Mey, T., 18 April 2017,

37. The Lead Co-Lawyers consider that the following two projects give effect to the reparation measure of satisfaction and provide benefits to civil parties for harm suffered as a result of crimes alleged in Case 002/02 and request that the Chamber endorse these projects as judicial reparation awards.

**(7) The Unheard Stories of Civil Parties Participating in Case 002/02 at the ECCC**

38. The Cambodian Human Rights Action Coalition (“CHRAC”), in cooperation with the Lead Co-Lawyers and the VSS, designed and is implemented “The Unheard Stories of Civil Parties Participating in Case 002/02 at the ECCC” as a proposed judicial reparation project.<sup>62</sup> The project produced an illustrated book of the accounts of civil parties who experienced the range of crimes and topics addressed during Case 002/02. The project began collecting the stories of civil parties in June 2015 and completed production in June 2016.<sup>63</sup>

39. The project benefits civil parties by affording them with the opportunity to provide an account of their experience for public dissemination and acknowledgment, as well as to empower civil parties and create a sense of justice and relief through recognition of their suffering. During the course of the project’s implementation, 30 civil parties were interviewed for the book about their experiences related to the regulation of

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**E1/417.1**, p. 50 lines 11-12 (“At that time, I suffered severely. I thought that if I survived, I would tell the world about <the truth>.”).

<sup>61</sup> Civil Party Lead Co-Lawyers’ Closing Brief in Case 002/02, Annex E: Questions to the Accused, **E457/6/2.2.6**, May 2 2017; *see, e.g.*, Oral Testimony of Civil Party OU Dav, T., 11 November 2016, **E1/499.1**, p. 22 lines 17-20 (“When this hybrid tribunal was formed, I lodged my complaint as a civil party in order to find justice for my parents, <siblings and >relatives as well as for more than two million Cambodians who disappeared and lost their lives during Democratic Kampuchea.”); Oral Testimony of Civil Party PEN Sochan, T., 13 October 2016, **E1/483.1** p. 69 lines 17-20 (“I would like to ask for reparations to have the pagodas and schools built so that the younger generation are informed of what had happened. I would like them to be educated, to have education not to be in the same situation like me that I am not educated.”); Oral Testimony of Civil Party of CHOU Koemlan, T., 27 January 2015, **E1/253.1** [Corrected 1], p. 86 lines 6-7 (“Please, I implore the Court to find justice and to clarify all my doubts in mind.”); Oral Testimony of Civil Party KUL Nem, T., 29 June 2016, **E1/488.1**, p. 116 lines 15-25 (“I don’t have any additional opinion to make. I only request to my lawyer <to help> and to the two accused, Khieu Samphan and Nuon Chea, to tell us about the truth <whether or not they really did it>.”).

<sup>62</sup> Annex 7: The Unheard Stories of Civil Parties Participating in Case 002/02 at the ECCC. *See also*, Civil Party Lead Co-Lawyers’ Interim Report on Reparations in Case 002/02 and Related Request, **E352**, 17 June 2015, para. 20 and Confidential Annex 1 (Project 9), **E352.2**; Civil Party Lead Co-Lawyers’ Submission Relating to Reparation Projects for Implementation in Case 002/02, **E352/2/1**, 15 July 2016, paras 38-40 and Annex 3: Prioritized Projects (Project 7), **E352/2/1.2.3**.

<sup>63</sup> Annex 7.2: The Unheard Stories of Civil Parties Participating in Case 002/02 at the ECCC, Reparation Project Overview.

marriage, treatment of Buddhists, treatment of minorities, security centers, worksites, or cooperatives. Five hundred copies have been printed to be distributed to civil parties and educational institutions.<sup>64</sup>

40. The project is fully implemented with funding provided by the Heinrich Böll Foundation.<sup>65</sup>

**(8) A Time to Remember: Songwriting Contest 2016, Involving youth in the creating of Cambodia's Song of Remembrance**

41. The Youth Resource Development Program ("YRDP") has designed and fully implemented as a proposed reparation project, "A Time to Remember: Songwriting Contest 2016, Involving youth in the creating of Cambodia's Song of Remembrance,"<sup>66</sup> in cooperation with the Lead Co-Lawyers and the VSS. The project acknowledged the experiences of survivors by fostering intergenerational dialogue between civil parties and the younger generation in order to communicate about the suffering civil parties experienced as a result of the crimes tried in Case 002/02.<sup>67</sup> Project activities took place between March and December 2016 and had the support of the Ministry of Culture and Fine Arts.<sup>68</sup> The final concert took place on 25 December 2016 before an audience of almost 400 people.<sup>69</sup>

42. The project provided benefits to civil parties by providing acknowledgement and commemoration of their suffering, particularly from youth who participated in the project through song and performance, as well as through intergenerational dialogue. In February 2016, YRDP held a consultation in relation to the design and

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<sup>64</sup> Annex 7.6: The Unheard Stories of Civil Parties Participating in Case 002/02 at the ECCC, Implementation Information Received from CHRAC.

<sup>65</sup> Annex 7.5: The Unheard Stories of Civil Parties Participating in Case 002/02 at the ECCC, Verification of Secured Funding, Cooperation Agreement between Heinrich Böll Foundation and CHRAC.

<sup>66</sup> Annex 8: A Time to Remember: Songwriting Contest 2016, Involving youth in the creating of Cambodia's Song of Remembrance. *See also*, Civil Party Lead Co-Lawyers' Interim Report on Reparations in Case 002/02 and Related Request, **E352**, 17 June 2015, para. 20 and Confidential Annex 1 (Project 4), **E352.2**; Civil Party Lead Co-Lawyers' Submission Relating to Reparation Projects for Implementation in Case 002/02, **E352/2/1**, 15 July 2016, para. 13 and Annex 2: Projects under Consideration (Project 3), **E352/2/1.2.2**.

<sup>67</sup> Annex 8.2: A Time to Remember: Songwriting Contest 2016, Reparation Project Overview.

<sup>68</sup> Annex 8.2: A Time to Remember: Songwriting Contest 2016, Reparation Project Overview; Annex 8.8: A Time to Remember: Songwriting Contest 2016, Summary Report of Project; Annex 8.7: A Time to Remember: Songwriting Contest 2016, Letter of Support from the Ministry of Culture and Fine Arts.

<sup>69</sup> Annex 8.8: A Time to Remember: Songwriting Contest 2016, Summary Report of Project.

development of this project, and two other projects, in which 8 civil parties participated. Between March and May 2016, YRDP organized three consultation workshops with 12 civil parties and 79 youth in order to receive their feedback on the design of the project. Forty-one civil parties attended the final concert and two civil parties served as judges.<sup>70</sup>

43. The project was fully funded by the German Ministry for Economic Cooperation and Development through the Civil Peace Service (ZFD) of Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH.<sup>71</sup>

### **(9) Memory Sketches of Kraing Ta Chan**

44. Youth for Peace (“YFP”) and the Peace Institute of Cambodia (“PIC”) designed and has fully implemented “Memory Sketches of Kraing Ta Chan” in cooperation with the Lead Co-Lawyers and the VSS as a proposed reparation project for the benefit of civil parties in Case 002/02.<sup>72</sup> The project created an exhibition of memory sketches of the security centre with university students and in consultation with civil parties. The drawings are now publicly displayed, and a booklet was produced to commemorate the process of making the Memory Sketches to accompany the display. The project was officially launched on 6 December 2016 with 115 community members, youth, monks, representatives from local authorities, and victims/survivors in attendance.<sup>73</sup>
45. The project benefits civil parties by commemorating their experiences and providing recognition of their suffering as a result of crimes alleged at the Kraing Ta Chan Security Centre. The project further offered the opportunity for university students to engage with civil parties and victims about their experiences with the Kraing Ta Chan Security Center. On 15 August 2016, Youth for Peace hosted a consultation workshop

<sup>70</sup> Annex 8.8: A Time to Remember: Songwriting Contest 2016, Summary Report of Project.

<sup>71</sup> Annex 8.6: A Time to Remember: Songwriting Contest 2016, Verification of Secured Funding.

<sup>72</sup> Annex 9: Memory Sketches of Kraing Ta Chan. *See also*, Civil Party Lead Co-Lawyers’ Interim Report on Reparations in Case 002/02 and Related Request, **E352**, 17 June 2015, para. 20 and Confidential Annex 1 (Project 5), **E352.2**; Civil Party Lead Co-Lawyers’ Submission Relating to Reparation Projects for Implementation in Case 002/02, **E352/2/1**, 15 July 2016, para. 13 and Annex 2: Projects under Consideration (Project 4), **E352/2/1.2.2**.

<sup>73</sup> Annex 9.2: Memory Sketches of Kraing Ta Chan, Reparation Project Overview; Annex 9.6: Memory Sketches of Kraing Ta Chan, Final Report.

on the sketches produced by a group of young students from different backgrounds as part of the project. The event took place at Kraing Ta Chan Museum located in Takeo Province and four civil parties were in attendance. Three civil parties participated in the launch of the project.<sup>74</sup>

46. The project is fully funded by International Coalition of Sites of Conscience.<sup>75</sup>

**(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)**

47. The Lead Co-Lawyers and the VSS initiated discussions in 2013<sup>76</sup> with the Royal Government of Cambodia, through the ECCC Office of the Administration, resulting in the Council of Ministers of the Kingdom of Cambodia proposing the project, “Access to the Judicial Records of the Khmer Rouge Trials and Civil Party Materials at the Legal Documentation Center related to the ECCC (LDC),” as a proposed judicial reparation award in Case 002.<sup>77</sup> The LDC has created a repository of publicly available documents, free of charge, related to proceedings and civil party participation at the ECCC. Public events will be held to raise awareness of the history of Democratic Kampuchea through civil party experiences. A full list of civil parties in Case 002 will be displayed, and their oral testimonies and public documents will be made available.<sup>78</sup>

<sup>74</sup> Annex 9.6: Memory Sketches of Kraing Ta Chan, Final Report.

<sup>75</sup> Annex 9.4: Memory Sketches of Kraing Ta Chan, Letter Verifying Full Implementation with Financial Report; Annex 9.5: Memory Sketches of Kraing Ta Chan, Verification of Secured Funding, Letter from International Coalition of Sites of Conscience Approving Grant.

<sup>76</sup> Demande définitive de réparations des co-avocats principaux pour les parties civiles en application de la règle 80bis du règlement intérieur et annexes confidentielles, Annexe 1: Documents relatifs au premier projet: Journée Nationale de Mémoire, **E218/7/6.1.1**, ERN (KH) 00950869.

<sup>77</sup> Annex 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). *See also*, Civil Party Lead Co-Lawyers’ Interim Report on Reparations in Case 002/02 and Related Request, **E352**, 17 June 2015, para. 11; Civil Party Lead Co-Lawyers’ Submission Relating to Reparation Projects for Implementation in Case 002/02, **E352/2/1**, 15 July 2016, paras 41-43, and Annex 1: Memorandum from Civil Party Lead Co-Lawyers and Victims Support Section to His Excellency Dr. SOK An, Deputy Prime Minister for the Office of the Council of Ministers entitled Civil Party Lead Co-Lawyers’ and Victims Support Section’s Joint Proposals for Government Involvement with Respect to Reparations Projects for Case 002/02, 25 April 2016, **E352/2/1.2.1**, and Annex 3: Prioritized Projects (Project 8), **E352/2/1.2.3**.

<sup>78</sup> Annex 10.1: Access to the Judicial Records of the Khmer Rouge Trials and Civil Party Materials at the Legal Documentation Center related to the ECCC, Reparation Project Overview.

48. The project benefits civil parties by providing access to the judicial records related to the Khmer Rouge trials and by facilitating access and dissemination of publicly available civil party and court documents to the public and younger generations, consistent with victims' right to satisfaction and access to justice as provided for by the Basic Principles on Remedy and Reparation, thereby also benefitting a larger number of unrepresented victims. On 6 October 2016, the Director of the LDC was invited to present the project to 230 civil parties at a Civil Party Forum and received their views. On 17 March 2017, 150 civil parties were invited to the LDC for a Civil Party Forum where they were provided the opportunity to tour the facility and were introduced to the project's activities.
49. The project is fully funded by the Royal Government of Cambodia through the national budget.<sup>79</sup> The LDC facility has already been constructed through funding provided by the Embassy of Japan.<sup>80</sup>

#### **D. Rehabilitation**

50. Rehabilitation as a reparation measure includes access to medical and psychological care.<sup>81</sup> Civil parties have repeatedly indicated that access to psychological and physical health services was one of their main concerns. As presented in the Harm sections following each Chapter in Part IV of the Closing Brief,<sup>82</sup> civil parties

<sup>79</sup> Annex 10.4: Access to the Judicial Records of the Khmer Rouge Trials and Civil Party Materials at the Legal Documentation Center related to the ECCC, Verification of Secured Funding, *Sub-decree on the Organization and Functioning of the Legal Documentation Centre Relating to the Extraordinary Chambers in the Courts of Cambodia* (No. 159 ANKR-BK), Article 4.

<sup>80</sup> Annex 10.4: Access to the Judicial Records of the Khmer Rouge Trials and Civil Party Materials at the Legal Documentation Center related to the ECCC, Verification of Secured Funding.

<sup>81</sup> Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, Resolution 60/147, UN General Assembly, 16 December 2015, Article 22.

<sup>82</sup> See, e.g., Oral Testimony of Civil Party IEM Yen, T., 1 April 2015, **E1/286.1** [Corrected 2], p. 64 lines 9-10 ("[H]ealth-wise I am not that strong. During the regime I was still young and I was forced to overwork."); Oral Testimony of Civil Party OEM Saroeurn, T., 26 March 2015, **E1/283.1** [Corrected 1], p. 19 lines 21-23, p. 20 lines 6-9 ("<When> I came to apply <> to be a civil party, I could not sleep well, <I had headache,> and I could not breathe well, and I <kept> thinking about this matter." And, "I recall my memory is good at the moment. Now, I could have good sleep. I receive some drugs and medicine from TPO and it make me better now, and I could sleep well and I could recall some of the events of the past."); Oral Testimony of Civil Party OEM Saroeurn, T., 26 March 2015, **E1/283.1** [Corrected 1], p. 22 lines 5-11 ("I received IV injection and I was given the medicine made up – made from cassava. The IV was made from coconut juice. <It was injected into my leg. It made my leg become handicapped and I have not walked properly since.> And at that time, I was told <by a grandfather that if I left it like that, my leg would wither away. He told me to find big red ants, punlei (phonetic) or a kind of ginger, and liquor to apply to it>."); Oral Testimony of Civil Party HUN Sethany, T., 27 May 2015,

described their desire for mental and physical health care as a result of the crimes indicted in Case 002/02.

51. The Lead Co-Lawyers consider that the following project gives effect to the reparation measure of rehabilitation and provides benefits to the civil parties for the harm suffered as a result of alleged crimes in Case 002/02 and request that the Chamber endorse the project as a judicial reparation award.

## **(11) Healing and Reconciliation for Survivors of the Khmer Rouge Regime**

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**E1/306.1** [Corrected 1], p. 5 lines 12-14, p. 82 lines 4-6, 16 (“And> as a result of overwork at that worksite, I still have my back pain and lumbago at the moment. Whatever I did at that time was to survive.” And, “I lost everything as I said. I underwent sufferings. I am so lonely, and for those who are so lonely as me, they understand my situation. [...] I am so terrified. I have PTSD and trauma.”); Oral Testimony of Civil Party KONG Siek, T., 17 June 2015, **E1/318.1** [Corrected 2], p. 92 lines 5-13 (“I could not carry that cement because it was too heavy and my physical strength was not strong enough to carry it. <I walked in lower and bent posture like a duck>, but they had to make me do it, that's why it affects my body. I had suffered, and now I am still suffering from that overwork. I am on regular medication <such as high blood pressure and blood vessel>, that's why I can live until today.”); Oral Testimony of Civil Party CHOEUNG Yaing Chaet, T., 8 December 2015, **E1/364.1**, [Corrected 1], p. 13 lines 22-24, p. 14 lines 3-4 (“When I work hard, I feel the tension on the nape of my neck. And sometimes, I become dizzy. <In such a case, I just went temporarily blind.>” And, “[i]t's due to the injury that I was hit three times with an axe. That's the main cause”); Oral Testimony of Civil Party SIENG Chanthly, T., 29 February 2016, **E1/393.1** [Corrected 1], p. 98 line 5 – p. 100 line 17 (“While I <am> describing this story to you, this experience to you, <>I feel <like> it is <a> fresh <occurrence> in front of me now. <It is like a movie screening about the miseries that I experienced in Pol Pot regime. I lost my beloved father and my two elder brothers who suffered miserably from the tortures.>”); Oral Testimony of Civil Party UCH Sunlay, T., 1 March 2016, **E1/394.1** [Corrected 2], p. 100 lines 9-19 (“I felt hopeless after the regime fell <I could turn to no one to whom I could depend>. Why? Because my family members, <and> my father died. They disappeared <forever>. My father-in-law disappeared. Sometimes I felt like I wanted to kill myself in order that I could see them in the next life, but at the time I <recalled a French saying that goes ‘Life> is a struggle.’ <I have learned from this saying that I had to do my best to live my life in any given situation, and I could not just give up things easily>. We have to bear the situation to see – to have the life going forward.”); Oral Testimony of Civil Party DOUNG Oeurn, T., 25 January 2016, **E1/381.1**, [Corrected 2], p. 70 lines 10-13, p. 72 lines 8-11 (“I was mistreated <at that time>. I was forced to do hard labour, to <carry and> transplant seedlings in the rice fields and my body physically deteriorates until the present time. The older I get, the weaker I become.” And, “I would like to seek some assistance <> since I am very poor. I could hardly afford myself with food on a daily basis. I am old and I cannot use my physical strength to earn my living. I also have difficulty in walking.”); Oral Testimony of Civil Party 2-TCCP-1040, T., 17 August 2016, **E1/459.1**, p. 92 lines 13-25 (“after I was arrested I was tied in order that they could take me to be killed and, as a result, I was injured and I became a disabled person. One of my arms was injured and the injury <remains> today. I have been going to different hospitals <that have> treatment <for> my injured arm, but it is in vain. And because of my disabled arm, <it is difficult for me> to make a living.”); Oral Testimony of Civil Party CHUM Mey, T., 19 April 2017, **E1/418.1**, p. 20 lines 14-18, p. 47 lines 17-20 (“It is quite difficult for me [to read] for some reasons. One is my limited knowledge in education, and the second thing is I had -- I have poor eyesight as a result of electrocution <using> electrical wire<; I cannot see anything anymore out of my eye on one side>.” And, “now <on> one side my <ear> is damaged. I <can> hear the ringing in my ear when I lightly <knock> on my head and I also <am> hard <of> hearing <in> my other ear. <At the time,> I believed I would not survive because <I was unconscious>.”).



52. The Transcultural Psychosocial Organization Cambodia (TPO) designed the proposed reparation project “Healing and Reconciliation for Survivors of the Khmer Rouge Regime”<sup>83</sup> in collaboration with Kdei Karuna, and with the support of the Lead Co-Lawyers and the VSS. The project will provide trauma healing to civil parties and survivors of the Khmer Rouge Regime in 15 provinces.<sup>84</sup> The project will: (i) provide access to mental health services; (ii) provide interventions using truth-telling and reconciliation events; and (iii) provide capacity development for project staff and local facilitators in each target community. Trauma healing will include on-site and telephone counseling, self-help groups, and testimonial therapy. Truth-telling and reconciliation activities (including community dialogues, memory initiatives/forum theatre, and youth outreach activities) aim to both educate and to enhance empathy for survivors of torture.<sup>85</sup> The project is to be implemented for a period of three years, beginning in August 2016 and concluding in August 2019.
53. The project will provide direct benefits to civil parties who have suffered from torture – including Cham Muslims, survivors of gender-based violence, and survivors of forced labor. For example, and elaborated in Annex 11.2, 45 civil parties are estimated to receive direct benefits from testimonial therapy and 50 civil parties are estimated to benefit from self-help groups.<sup>86</sup> TPO presented the project to 150 civil parties at a Civil Party Forum held at the LDC on 17 March 2017.
54. Funding for the project has been fully secured by USAID.<sup>87</sup>

### **III. PROJECT THAT IS FULLY FUNDED AND IMPLEMENTED AND SUPPORTED BY THE INTERNATIONAL LEAD CO-LAWYER**

<sup>83</sup> Annex 11: Healing and Reconciliation for Survivors of the Khmer Rouge Regime. *See also*, Civil Party Lead Co-Lawyers’ Interim Report on Reparations in Case 002/02 and Related Request, **E352**, 17 June 2015, para. 19 and Confidential Annex 1 (Project 2), **E352.2**; Civil Party Lead Co-Lawyers’ Submission Relating to Reparation Projects for Implementation in Case 002/02, **E352/2/1**, 15 July 2016, para. 13 and Annex 2: Projects under Consideration (Project 1), **E352/2/1.2.2**.

<sup>84</sup> Kampong Chhnang, Battambang, Kampong Thom, Kandal, Kep, Kampot, Takeo, Prey Veng, Svay Rieng, Tbong Khmum, Kampong Cham, Pursat, Siem Reap, Kratie, and Monduliri.

<sup>85</sup> Annex 11.2: Healing and Reconciliation for Survivors of Torture during the Khmer Rouge Regime, Reparation Project Overview.

<sup>86</sup> Annex 11.2: Healing and Reconciliation for Survivors of Torture during the Khmer Rouge Regime, Reparation Project Overview.

<sup>87</sup> Annex 11.5: Healing and Reconciliation for Survivors of Torture during the Khmer Rouge Regime, Verification of Secured Funding, Letter from USAID.

55. The International Lead Co-Lawyer considers the following project to give effect to the reparation measure of guarantees of non-repetition and addresses the harms suffered by ethnically Vietnamese civil parties.<sup>88</sup> The International Lead Co-Lawyer submits that the Chamber should consider this project and endorse it as a judicial reparation award in Case 002/02.

**(12) Legal and Civic Education for Minority Civil Parties**

56. The Minority Rights Organization (MIRO) designed and implemented “Legal and Civil Education for Minority Civil Parties” as a proposed reparation project that provided civil and legal education to civil parties, their families, and communities.<sup>89</sup> The project was fully implemented between July and December 2016, consisting of one legal and civic education pilot project, one community consultation event, and the production of outreach materials in languages accessible to civil parties. The project further conducted three community-based outreach and education workshops taking place in communities where civil parties reside.<sup>90</sup>

57. The project provided benefits to civil parties as it allows them to better understand their legal status in accordance with Cambodian law. Approximately 39 civil parties and community members who were affected by the treatment of the ethnically Vietnamese during the Democratic Kampuchea regime were consulted in Kampong Chhnang in August 2015 on this project and supported its further development. Twenty-nine civil parties participated in and directly benefited from project activities in three different locations. More than 60 other family and community members also participated in the project. The outcomes of the project indirectly benefited the wider

<sup>88</sup> See, Civil Party Lead Co-Lawyers’ Submission Relating to Reparation Projects for Implementation in Case 002/02, Annex 2: Projects under Consideration, **E352/1.1.2** (Project 9). See also, Oral Testimony of Civil Party CHOEUNG Yaing Chaet, T., 8 December 2015, **E1/364.1**, [Corrected 1], p. 27 lines 2-3 (before eventually going to Vietnam, “our house was <being> burned down along with our <family record book>.” “All my belongings <in my house> were burnt<.>”).

<sup>89</sup> Annex 12: Legal and Civic Education for Minority Civil Parties. See also, Civil Party Lead Co-Lawyers’ Interim Report on Reparations in Case 002/02 and Related Request, **E352**, 17 June 2015, para. 21 and Confidential Annex 1 (Project 18), **E352.2**; Civil Party Lead Co-Lawyers’ Submission Relating to Reparation Projects for Implementation in Case 002/02, **E352/2/1**, 15 July 2016, para. 13 and Annex 2: Projects under Consideration (Project 9), **E352/2/1.2.2**.

<sup>90</sup> Annex 12.2: Legal and Civic Education for Minority Civil Parties, Reparation Project Overview; Annex 12.2: Legal and Civic Education for Minority Civil Parties, Completion Report on the Implementation of the Proposed Collective Reparations Project in Case 002/02.

community of ethnic Vietnamese survivors of the Khmer Rouge regime, in Kampong Chhnang province and beyond, who suffered harm similar to that suffered by civil parties in Case 002/02.<sup>91</sup>

58. The project was fully funded by the German Ministry for Economic Cooperation and Development through the Civil Peace Service (ZFD) of Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH.<sup>92</sup>

#### IV. PROJECTS THAT ARE NOT FULLY FUNDED

59. The Lead Co-Lawyers request that the following four projects be considered by the Trial Chamber under the condition that funding is fully secured by 30 November 2017.<sup>93</sup> If the Trial Chamber declines to grant the request for extension, the Lead Co-Lawyers withdraw the projects from consideration. If the extension is granted, and if no further information in relation to the funding status of these projects is provided to the Chamber by that date, the Lead Co-Lawyers withdraw the projects from consideration.

#### **(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**

60. HelpAge Cambodia, with the support of the Lead Co-Lawyers and the VSS, has developed “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” as a reparation project for the benefit of civil parties.<sup>94</sup> The project seeks to assist aging civil parties by increasing their access to physical and mental health

<sup>91</sup> Annex 12.2: Legal and Civic Education for Minority Civil Parties, Reparation Project Overview; Annex 12.2: Legal and Civic Education for Minority Civil Parties, Completion Report on the Implementation of the Proposed Collective Reparations Project in Case 002/02.

<sup>92</sup> Annex 12.5: Legal and Civic Education for Minority Civil Parties, Verification of Secured Funding, Agreement between GIZ and MIRO.

<sup>93</sup> See, *supra* para. 13.

<sup>94</sup> Annex 13: Improving Health and Mental Wellbeing and Reducing Rise of Poverty and Social Exclusion of Some Civil Parties and other Vulnerable Older People in Cambodia. See also, Civil Party Lead Co-Lawyers’ Interim Report on Reparations in Case 002/02 and Related Request, **E352**, 17 June 2015, para. 19 and Confidential Annex 1 (Project 1), **E352.2**; Civil Party Lead Co-Lawyers’ Submission Relating to Reparation Projects for Implementation in Case 002/02, **E352/2/1**, 15 July 2016, paras 45-47 and Annex 3: Prioritized Projects (Project 9), **E352/2/1.2.3**.

care services by establishing mobile health camps to provide basic primary health care and check-ups, and to provide mental health education at the community level. The project also seeks to train medical staff and volunteers, and expand the capacity of Older Person Association Networks in order to reach civil parties and target communities. The project's duration is expected to be 2.5 years.<sup>95</sup>

61. The project will provide meaningful benefits to civil parties, as it will increase their access to health care, particularly considering the lasting physical and mental harm that many civil parties endured as a result of crimes within the scope of Case 002/02.<sup>96</sup> This project has received overwhelming support from civil parties during consultations, particularly when representatives from HelpAge Cambodia presented the project to 110 civil parties and received their feedback on 24 June 2016 during a Civil Party Forum. On 6 October 2016, HelpAge was also invited to present the project to 230 civil parties at a Civil Party Forum and received their views on the project. The Civil Peace Service/Forum Ziviler Friedensdienst e. V. (forumZFD) organized a consultation with 63 civil parties in Battambang, in which HelpAge presented the project to the civil parties and received their feedback on the project.

62. Funding for this project has not yet been secured.

#### **(14) Public Education Forums & Permanent Exhibitions on the History of the Democratic Kampuchea**

63. DC-Cam, in collaboration with the Lead Co-Lawyers and the VSS, has designed “Public Education Forums & Permanent Exhibitions on the History of the Democratic Kampuchea” as a proposed reparation project in Case 002/02.<sup>97</sup> The project will develop permanent and mobile exhibitions on the history of the Khmer Rouge regime in five provinces and will focus on the historical narratives of alleged crime sites within the scope of Case 002/02. The project also seeks to incorporate the experiences of civil parties and victims, including those of the Cham and the ethnic Vietnamese.

<sup>95</sup> Annex 13.2: Improving Health and Mental Wellbeing and Reducing Rise of Poverty and Social Exclusion of Some Civil Parties and other Vulnerable Older People in Cambodia, Reparation Project Overview.

<sup>96</sup> See, *supra* note 82.

<sup>97</sup> Annex 14: Public Education Forums & Permanent Exhibitions on the History of Democratic Kampuchea. See also, Civil Party Lead Co-Lawyers' Submission Relating to Reparation Projects for Implementation in Case 002/02, **E352/2/1**, 15 July 2016, para. 13 and Annex 2: Projects under Consideration (Project 6), **E352/2/1.2.2**.

An exhibition catalogue will also be developed and published to maintain records of the exhibitions and to expand upon information related to alleged crimes sites and experiences of civil parties and victims during the DK. The catalogue will be published in Khmer and English in order to reach wider audiences. The project also seeks to hold 25 Public Education Forums in 25 provinces, which will be led by three local history teachers, a civil party, and DC-Cam staff. Civil parties, students, villagers, and history teachers will be invited to attend the forums. As part of the forums, DC-Cam will distribute copies of *A History of Democratic Kampuchea (1975-1979)* and link the textbook material with the particular stories of each community and civil parties. The project's duration is three years (2016-2019).<sup>98</sup> The project is supported by the Ministry of Education, Youth and Sport.<sup>99</sup>

64. Civil parties will benefit from the project through its incorporation of civil party voices into its story-telling activities and from the project's emphasis of educating the public about topics and decisions of the ECCC through these survivor stories. DC-Cam presented the project to 150 civil parties at a Civil Party Forum held at the LDC on 17 March 2017. The project, through its exhibitions and catalogue, will further benefit a larger number of unrepresented victims.

65. Funding for the project has not yet been secured.

#### **(15) Cambodia's Indigenous People and Pol Pot**

66. The Cambodian-German Cultural Association, in cooperation with the Lead Co-Lawyers and the VSS, has designed and seeks to implement its project "Cambodia's Indigenous People and Pol Pot" as a judicial reparation project in Case 002/02.<sup>100</sup> The project seeks to produce three documentaries, and a set of video testimonials of civil parties, about the experiences of Cambodia's indigenous minorities during the Khmer

<sup>98</sup> Annex 14.2: Public Education Forums & Permanent Exhibitions on the History of Democratic Kampuchea, Reparation Project Overview.

<sup>99</sup> Annex 14.5: Public Education Forums & Permanent Exhibitions on the History of Democratic Kampuchea, Letters from the Ministry of Education, Youth and Sport; Annex 14.4: Public Education Forums & Permanent Exhibitions on the History of Democratic Kampuchea, Letter from Municipal Office of Education.

<sup>100</sup> Annex 15: Cambodia's Indigenous People and Pol Pot. *See also*, Civil Party Lead Co-Lawyers' Interim Report on Reparations in Case 002/02 and Related Request, E352, 17 June 2015, para. 21 and Confidential Annex 1 (Project 14), E352.2; Civil Party Lead Co-Lawyers' Submission Relating to Reparation Projects for Implementation in Case 002/02, E352/2/1, 15 July 2016, para. 13 and Annex 2: Projects under Consideration (Project 7), E352/2/1.2.2.

Rouge regime. The documentaries and videos will be produced by indigenous filmmakers and students, in close cooperation with civil parties. The screenings of the documentaries and videos will be accompanied by a photo exhibition and intergenerational dialogues. The project's duration is one year.<sup>101</sup>

67. The project benefits civil parties by providing knowledge to Cambodia's indigenous and ethnic Khmer youth, and by providing a forum for intergenerational dialogue. The project seeks to engage indigenous communities to ensure broad community support and to co-facilitate intergenerational dialogues.

68. Funding for this project has currently not yet been secured.

**(16) Access & Dissemination of Legal & Historical Archives related to the Khmer Rouge**

69. DC-Cam, with the support of the Lead Co-Lawyers and the VSS, proposes to establish four legal and historical educational resource centers as part of its proposed reparation project entitled "Access & Dissemination of Legal & Historical Archives related to the Khmer Rouge."<sup>102</sup> The educational resource centers will contain the records and materials of DC-Cam and publically accessible documents related to the ECCC. The educational resource centers will tentatively be located in Battambang, Kampong Chhnang, Kratie, and Takeo, and will cover a set number of provinces. Each educational resource center will be associated with local teacher training centers.<sup>103</sup> These teacher training centers are operated by the Ministry of Education, Youth and Sport, which has authorized DC-Cam to use the locations for education related activities.<sup>104</sup>

70. The project will further use mobile education platforms, comprised of a team of teachers equipped with an educational package in order to engage with communities that would not otherwise have access. The project will also produce a book of memory that identifies those who died during the DK period, and will create an on-

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<sup>101</sup> Annex 15.2: Cambodia's Indigenous People and Pol Pot, Reparation Project Overview.

<sup>102</sup> Annex 16: Access & Dissemination of Legal & Historical Archives related to the Khmer Rouge.

<sup>103</sup> Annex 16.1: Access & Dissemination of Legal & Historical Archives related to the Khmer Rouge, Reparation Project Overview.

<sup>104</sup> Annex 16.4: Access & Dissemination of Legal & Historical Archives related to the Khmer Rouge, Letter from the Ministry of Education, Youth and Sport.

line family-tracing tool for use by civil parties, survivors, and their families, in order to research their loved ones. Through the implementation of the project's activities, DC-Cam estimates that it will be able to reach 36,660 people. The project will be implemented over an 18 month period.<sup>105</sup>

71. The project will provide benefits to civil parties and a larger number of unrepresented victims by preserving and promoting the legacy of the ECCC, and will serve as a means of remembrance, education, and scholarship of the history of Democratic Kampuchea.
72. The project is not yet fully funded.

#### **V. PROJECTS PROPOSED BY THE VICTIMS SUPPORT SECTION**

73. The Lead Co-Lawyers request that the following two projects, designed by the VSS, be considered by the Trial Chamber under the condition that funding is fully secured by 30 November 2017, and that further required documentation is received in relation to the Phnom Sampoeu Community Peace Learning Center and Treatment of Buddhists during the Khmer Rouge regime.<sup>106</sup> If the Trial Chamber declines to grant the request for extension, the Lead Co-Lawyers withdraw the projects from consideration. If the extension is granted, and if no further information in relation to the funding status of these projects is provided to the Chamber by that date, the Lead Co-Lawyers withdraw the projects from consideration.

#### **(17) Publication and Distribution to Civil Parties of the Case 002/02 Trial Chamber Judgement in Full and Summary Form**

74. The Victims Support Section, with the support of the Lead Co-Lawyers, has collaborated with the Public Affairs Section<sup>107</sup> in order to publish and distribute the Case 002/02 Trial Judgement and summary to all civil parties in Case 002 as a

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<sup>105</sup> Annex 16.1: Access & Dissemination of Legal & Historical Archives related to the Khmer Rouge, Reparation Project Overview.

<sup>106</sup> See, *supra* para. 13. For example, the authorization for the use of the land and the design/construction details for the Learning Center are pending.

<sup>107</sup> Annex 17.3: Publication and Distribution to Civil Parties of the Case 002/02 Trial Chamber Judgement in Full and Summary Form, Letter from the Public Affairs Section.

reparation project for judicial acknowledgement.<sup>108</sup> The project seeks to satisfy the right of civil parties, as participants in the proceedings, to be informed of and understand the outcome of the case. The project's timeframe for implementation is two years.<sup>109</sup>

75. The publication and distribution of the judgement will benefit civil parties by providing them with information about the case in which they were participated, and by creating opportunities for their families, friends, communities, and a larger number of unrepresented victims to discuss Khmer Rouge history and the outcome of Case 002/02. The Public Affairs Section has undertaken to print and provide 3,867 copies of the Trial Judgement and the summary in Case 002/02 for distribution to civil parties.<sup>110</sup>

76. The project is partially funded.<sup>111</sup>

**(18) Phnom Sampeou Community Peace Learning Center and Treatment of Buddhists during the Khmer Rouge regime**

77. The Victims Support Section, in collaboration with Youth for Peace and the Peace Institute of Cambodia, and in cooperation with the Lead Co-Lawyers, seeks to develop as a proposed reparation project “Phnom Sampeou Community Peace Learning Center and Treatment of Buddhists during the Khmer Rouge regime.”<sup>112</sup> The project proposes to construct a peace learning center at Phnom Sampeou mountain in order to create a safe space for civil parties and community members for intergenerational dialogue, truth telling, and commemoration. The project seeks to

<sup>108</sup> Annex 17: Publication and Distribution to Civil Parties of the Case 002/02 Trial Chamber Judgement in Full and Summary Form. *See also*, Civil Party Lead Co-Lawyers' Submission Relating to Reparation Projects for Implementation in Case 002/02, **E352/2/1**, 15 July 2016, para. 13 and Annex 2: Projects under Consideration (Project 10), **E352/2/1.2.2**.

<sup>109</sup> Annex 17.1: Publication and Distribution to Civil Parties of the Case 002/02 Trial Chamber Judgement in Full and Summary Form, Reparation Project Overview.

<sup>110</sup> The Public Affairs Section has included the printing costs in its budget submission for fiscal year 2018. At this of the budget process, any and all commitments are subject to budget approval and subsequent financial approval by the Office of Administration. *See*, Annex 17.3: Publication and Distribution of Judgement, Interoffice Memorandum from the Public Affairs Section.

<sup>111</sup> Annex 17.3: Publication and Distribution of Judgement, Interoffice Memorandum from the Public Affairs Section.

<sup>112</sup> Annex 18: Phnom Sampeou Community Peace Learning Center and Treatment of Buddhists during the Khmer Rouge regime.



emphasize in its activities the treatment of Buddhists during the DK through documentation and educational activities. The project's duration is expected to be 36 months.<sup>113</sup>

78. The project seeks to benefit civil parties through educational activities and intergenerational dialogue. The project will involve civil parties who live near Phnom Sampeou and document their experiences about the treatment of the Buddhists during the Khmer Rouge as eighty-seven civil parties were admitted on the basis of the treatment of Buddhists during Democratic Kampuchea.

79. The project is not yet fully funded and certain documentation is pending.

## VI. REQUEST

80. The Lead Co-Lawyers recall their request in the Closing Brief in which they seek the Trial Chamber to acknowledge the harm suffered by the civil parties as a result of the commission of the crimes for which the Accused are convicted.<sup>114</sup>

**WHEREFORE**, the Civil Party Lead Co-Lawyers respectfully request that the Trial Chamber:

*With respect to Projects put forward in **Part II**,*

- (1) **ACKNOWLEDGE** that each project put forward in Part II addresses the harm suffered by the civil parties as a result of the commission of the crimes for which the Accused are convicted;
- (2) **ENDORSE** each project put forward in Part II as appropriately giving effect to the award sought by the Lead Co-Lawyers.

*With respect to Projects put forward in **Parts IV and V**,*

- (1) **GRANT** the request for the extension of the fundraising deadline to 30 November 2017 for the six projects contained in Parts IV and V and accept documentation of fully secured funding by that date;

<sup>113</sup> Annex 18.1: Phnom Sampeou Community Peace Learning Center and Treatment of Buddhists during the Khmer Rouge regime, Reparation Project Overview.

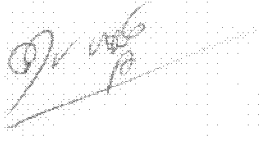
<sup>114</sup> Civil Party Lead Co-Lawyers' Closing Brief in Case 002/02, E457/6/2, 2 May 2017, Dispositive.

- (2) *If the extension is granted and proof of secured funding is obtained, **ACKNOWLEDGE** that the each project put forward in Parts IV and V, which has obtained fully secured funding by that date, addresses the harm suffered by the civil parties as a result of the commission of the crimes for which the Accused are convicted, and **ENDORSE** each project as appropriately giving effect to the award sought by the Lead Co-Lawyers;*
- (3) *If the request for extension is not granted or if fully secured funding is not provided at that time, **CONSIDER** the projects contained in Parts IV and V as withdrawn.*

*With respect to the Project put forward in **Part III**, the International Lead Co-Lawyer respectfully requests that the Trial Chamber,*

- (1) **ACKNOWLEDGE** that the project put forward in Part III addresses the harm suffered by the civil parties as a result of the commission of the crimes for which the Accused are convicted;
- (2) **ENDORSE** the project put forward in Part III as appropriately giving effect to the award sought by the Lead Co-Lawyer.

Respectfully submitted,

Date	Name	Place	Signature
30 May 2017	PICH ANG National Lead Co-Lawyer	Phnom Penh	
	Marie GUIRAUD International Lead Co-Lawyer	Phnom Penh	