



**ឯកសារដើម**  
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL

ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/date de reception):  
.....15/12/2017.....

ម៉ោង (Time/Heure) :.....11:00.....

មន្ត្រីទទួលបន្ទុកសំណុំរឿង / Case File Officer/L'agent chargé  
du dossier:.....SAM RADA.....

**ព្រះរាជាណាចក្រកម្ពុជា**

**ជាតិ សាសនា ព្រះមហាក្សត្រ**

**អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា**

Extraordinary Chambers in the Courts of Cambodia

Chambres Extraordinaires au sein des Tribunaux Cambodgiens

Kingdom of Cambodia  
Nation Religion King  
Royaume du Cambodge  
Nation Religion Roi

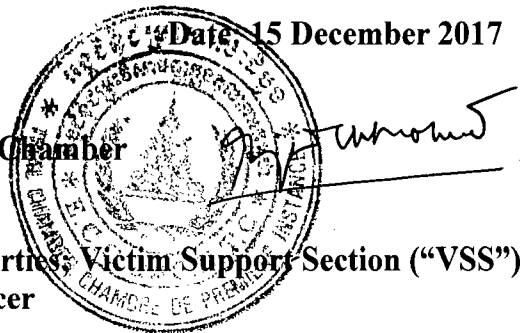
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**TRIAL CHAMBER**

**TO: Civil Party Lead Co-Lawyers**

Date: 15 December 2017

**FROM: NIL Nonn, President of the Trial Chamber**



**CC: All Trial Chamber Judges; All parties; Victim Support Section ("VSS");  
Trial Chamber Senior Legal Officer**

**SUBJECT: Memorandum Responding to the Lead Co-Lawyers' Request for  
Guidance Regarding Additional Funding and Activities for Certain  
Reparation Projects**

1. The Trial Chamber is seised of a request by the Lead Co-Lawyers for guidance with respect to additional funding and activities for Projects 1, 2, 3, 5, 6 and 9 that have been proposed in Case 002/02 (E457/6/2/4). Therewith, the Lead Co-Lawyers also filed proof of secured funding with respect to Projects 13 (E457/6/2/4.2, ERN (En) 01547838-01547865) and 15 (E457/6/2/4.3, ERN (En) 01547882-01547904), and stated their withdrawal of Projects 14, 16, 17 and 18 (E457/6/2/4, para. 3).

2. On 30 May 2017, the Lead Co-Lawyers filed their Final Claim for Reparation in Case 002/02 (E457/6/2/1), which included a total of eighteen proposed reparation projects. Projects 1 through 12 had fully secured funding, while Projects 13 through 18 were not yet fully funded. The Final Claim for Reparation thus also included a request for an extension of time in order to file supplemental submissions containing proof of secured funding for the six reparation projects for which funding was yet to be secured completely. The Chamber granted this extension of time on 7 July 2017 (E457/6/2/2). It allowed the Lead Co-Lawyers to file supplemental submissions containing proof of secured funding by 30 November 2017, reminding them that the filing of supplemental submissions is not aimed at amending the Final Claim for Reparation projects but rather at providing final information on ongoing efforts to secure funding (E457/6/2/2, para. 3).

3. The Trial Chamber hereby acknowledges receipt of proof of secured funding for Projects 13 and 15. Furthermore, the Trial Chamber notes the Lead Co-Lawyers' withdrawal of Projects 14, 16, 17 and 18, and will no longer consider these projects for endorsement by the Chamber.

4. The Chamber recalls it will not assess the merits of the proposed reparation projects until the appropriate time. The Chamber will rule on reparation project endorsements in its Judgement in Case 002/02 (E457/6/2/2, para. 3). Furthermore, the Chamber clarifies that such assessments will be exclusively based on the information provided in the Final Claim for Reparation of 30 May 2017, including annexes, and the supplemental submissions of 30 November 2017, including annexes, insofar as the latter pertain to proof of secured funding (E457/6/2/2, para. 6).

5. With respect to the Lead Co-Lawyers' request for guidance regarding additional funding and activities for Projects 1, 2, 3, 5, 6 and 9, the Chamber finds that if a project is expanded upon while remaining substantially the same as it was described in the Final Claim for Reparation and applicable annex, and the changes only affect a project's duration or reach without adding new substantive elements, the Chamber will treat such minor changes as part of the originally proposed project. Conversely, the Chamber considers the development of new substantive content and the addition of novel, unforeseen elements to a project as a deviation from the originally proposed project. Consequently, such additions and extensions are beyond the reach of endorsement by this Chamber. However, by no means should this be interpreted as the Chamber discouraging additional reparation efforts. Extensions to projects are a welcome development, yet at this point in time simply beyond the reparation framework laid down in Internal Rule 23 *quinquies*. In this respect, the Chamber reminds there is room for programs and measures addressing the broader interest of victims pursuant to Internal Rule 12 *bis* (4).