

**BEFORE THE TRIAL CHAMBER
EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA**

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**CIVIL PARTY LEAD CO-LAWYERS' RESPONSE TO THE TRIAL
CHAMBER'S MEMORANDUM E218/7/2 CONCERNING REPARATIONS
PROJECTS FOR CIVIL PARTIES IN CASE 002/01, WITH CONFIDENTIAL
ANNEXES**

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Before:

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I. PROCEDURAL BACKGROUND

1. On 29 June 2011, pursuant to Internal Rule 80*bis*, the Civil Party Lead Co-Lawyers presented to the Chamber their initial indications of the kinds of reparations that they intend to request. Upon the Chamber's request for further clarification,¹ the Civil Party Lead Co-Lawyers reiterated their arguments during the hearing of 19 October 2011.² On 4 December 2012, the Chamber asked the Lead Co-Lawyers to provide a list of prioritized projects, along with some complementary information.³ On 12 February 2013, the Lead Co-Lawyers filed their brief including a tentative list of prioritized projects and supplementary information on the current status of funding for those projects.⁴
2. On 1 August 2013, the Chamber sent the Lead Co-Lawyers a memorandum requesting specific information on each of the projects being proposed within the various categories.⁵ The Chamber also stipulated a timetable according to which some of the information was to be provided by 23 August 2013.
3. The Lead Co-Lawyers address the Chamber's specific requests in the present submission. They point out that new projects have been added to the original seven. They understand that the feasibility of such projects is not for discussion at this stage, it being a matter that the Chamber alone has the discretion to determine in its final decision.

II. RESPONSES TO THE CHAMBER

In the first category: “**Remembrance and Memorialization**”:

¹ **E125**, Memorandum from the Trial Chamber: “Initial specification of the substance of reparations awards sought by the Civil Party Lead Co-Lawyers pursuant to Internal Rule 23 *quinquies* (3)”, 23 September 2011.

² **E1/11.1**, Transcript of Hearing on Specification of Civil Party Reparations Awards, 11 January 2012, pages 5-59.

³ **E218/7** Memorandum from the Trial Chamber: “Indications of priority projects for implementation as reparation (Internal Rule 80*bis* (4))”, 3 December 2011.

⁴ **E218/7/1** Lead Co-Lawyers' indication to the Trial Chamber of the priority projects for implementation as reparations (Internal Rule 80*bis* (4)), 12 February 2013.

⁵ **E218/7/2** Trial Chamber's Response to the Lead Co-Lawyers' Initial Specification of Civil Party Priority Projects as Reparations pursuant to Rule 80*bis* (4), (E218/7/1).

4. In this category, the Lead Co-Lawyers are able to present several projects following the last update provided to the Chamber, some of which are being introduced for the first time and are in keeping with legal requirements.
5. With respect to a **National Remembrance Day (first project)**, the Lead Co-Lawyers had accepted that, bearing in mind the Chamber's position in Cases 001 and 002/01, the onus was on them to make sure that the Government would support the project and give it its approval. The Lead Co-Lawyers are now ready to place on file the letter which the Government sent them in response to their own.⁶ The Government makes clear in the conclusion to its letter that a Remembrance Day will be held every year on May 20. The Government adds that there will be implementing legislation to enshrine this decision and set out the parameters for implementation. There is thus no further obstacle to the Chamber recognizing this project as a reparations measure. The Lead Co-Lawyers also submit that the establishment of this Remembrance Day does not in itself require any funding.
6. With respect to a **Public Memorials Initiative (second project)**, the Lead Co-Lawyers advise that several monuments will be built on various sites to be chosen after consulting the Civil Parties and local authorities, in conjunction with the organizations in charge of implementing the projects. This project will be implemented by the non-governmental organizations *Youth for Peace* and *Kdei Karuna*, which have confirmed their commitment. The project is set to last 24 months, but this may be shortened if funding proves insufficient. At present, funding has yet to be guaranteed. Nevertheless the Government letter stated clearly that it will instruct its ministries and all competent authorities to take the decisions necessary to determining the sites, and to facilitating the construction of these monuments.⁷
7. Another project will be the creation of a **Memorial in remembrance of victims entitled "those who are no longer with us" (third project)**, by the French-Cambodian artist, *Séra*, who has confirmed his commitment to the project. So far, this project has been partially funded by France in the amount of 50 000 Euros, and discussions are also under way with the municipality of Phnom Penh to select a suitable site in the city for the memorial.⁸

⁶ See Annex A: "[TRANSLATION] Government's Response to the Letter Sent by the lead Co-Lawyers to the Prime Minister of the Kingdom of Cambodia"

⁷ *Idem.*

⁸ See Annex B: Letter from the Embassy of France in Cambodia addressed to his Excellency Mr Tony Kranh.

In the second category, “**Rehabilitation**”:

8. With respect to **Testimonial therapy (fourth project)** and **Self-Help Groups (fifth project)**, the organization responsible for implementation, and that has already confirmed its commitment, will be the *Transcultural Psychosocial Organization (TPO)*.⁹ At this stage, the duration of these projects is expected to be 36 months, which may be shortened depending on the level of funding secured. To date, these projects have received partial funding in the amount of 125 000 Euros¹⁰ from the German Federal Ministry of Economic Development and Cooperation (BMZ).¹¹

In the third category of projects, “**Documentation and Education**”:

9. As regards the **permanent exhibition (sixth project) mainly on forced population transfers under the Khmer Rouge**, the Documentation Center of Cambodia (DC-CAM) will be responsible for implementation. DC-CAM has already confirmed its commitment with the Lead Co-Lawyers.¹² DC-Cam has also committed to seeking funding for this project, which has an expected duration of 5 years, and will be staged in DC-Cam’s Museum of Memory in Siem Reap. The project also involves 24 other provincial museums for which DC-CAM has Ministry of Culture and Fine Arts authorisation to hold exhibitions relating to the Democratic Kampuchea era.¹³ At present, the project has funding in the amount of 80 000 Euros from BMZ, which will pay for five permanent exhibitions in the provincial museums of Battambang, Banteay Meanchey, Takeo, Svay Rieng and Kampong Thom.
10. With respect to the **Mobile Exhibition (seventh project) on the Khmer Rouge regime, and in particular the crimes considered in Case 002/01**, the organizations responsible for implementation are *Kdei Karuna* and *Youth for Peace*, which have already confirmed their commitment and the manner in which the budget and implementation will be shared between the two organisations. Other organizations, namely ADHOC, CDP and CHRAC, may provide some support, but will not have authority over the project’s implementation. The duration of the project is initially set at 24 months,

⁹ See Annex C: Letter of Engagement between TPO, Lead Co-Lawyers and the Victims’ Support Section.

¹⁰ *Idem*.

¹¹ See Annex D: Letter from the Cambodian Representative of the German Federal Ministry of Economic Cooperation and Development to His Excellency Mr. Tony Kranh.

¹² See Annex E: Letter of Engagement from the Director of DC-CAM.

¹³ See Annex F: Letter from the Ministry of Culture and Fine Arts to the Director of DC-CAM.

but may be shortened based on the funding obtained. To date, this project has received funding worth 100 000 Euros from BMZ.¹⁴

11. The Lead Co-Lawyers can now disclose a project to write a **specific chapter on forced population movement and execution site of Tuol Po Chrey (eighth project)**. This chapter will appear in the teachers' manuals used for teaching the history of Democratic Kampuchea, which are currently published by DC-CAM in collaboration with the Ministry of Education.¹⁵ The Government's letter also states that the teaching of the history of Democratic Kampuchea will now be officially included in school curricula.¹⁶ As part of the implementation of this reparations project, a new and updated edition of the manual including the new chapter will be published. The duration of this project is 15 months. DC-Cam has already accepted to implement this project¹⁷ and to secure adequate funding.
12. The Lead Co-Lawyers emphasize that at this stage, the present submission serves the sole purpose of addressing, with as much detail as possible, the specific requests made by the Chamber in its memorandum E218/7/2. In no circumstance should this brief be considered the final request for reparations pursuant to Internal Rule 80*bis* 4 and 5, which will be filed as a more detailed brief at a later stage. The Lead Co-Lawyers reserve the right to present other projects in future reparations requests in Case 002/01, provided such projects satisfy the criteria set out by the Trial Chamber.

¹⁴ See Annex D: Letter from the Cambodian Representative of the German Federal Ministry of Economic Cooperation and Development to His Excellency Mr Tony Kranh.

¹⁵ See Annex G: Document on cooperation between the Ministry of Education, Youth and Sport and the Director of DC-Cam.

¹⁶ See Annex A: Response from the Government to a letter send from the Lead Co-Lawyers to the Prime Minister of the Kingdom of Cambodia.

¹⁷ See Annex E: Letter of Engagement from DC-CAM.

FOR THESE REASONS, THE CIVIL PARTY LEAD CO-LAWYERS AND CIVIL PARTY LAWYERS:

- Request the Chamber to take note of the foregoing current list of reparations projects as provided for under Internal Rule 23 *quinquies* (3) b.
- Request the Chamber to take note of the information provided in response to memorandum E218/7/2, and to declare it satisfactory at this stage of the proceedings.

Date	Name	Place	Signature
23 August 2013	PICH Ang Civil Party Lead Co-Lawyer	Phnom Penh, 23 August 2013	[Signed]
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