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មន្ត្រីទទួលបានឯកសារ (Case File Officer/L'agent chargé du dossier): Sann Bada

E218/7/7



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

សាធារណៈ / Public

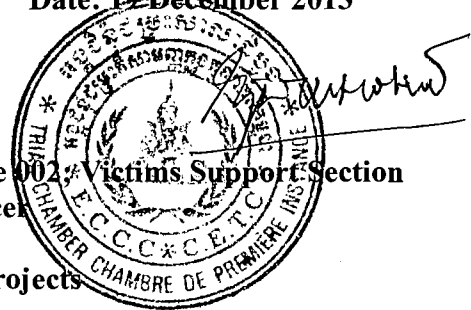
TRIAL CHAMBER

Date: 19 December 2013

TO: Civil Party Lead Co-Lawyers

FROM: NIL Nonn, President, Trial Chamber

CC: All Trial Chamber Judges; All parties, Case 002 ("VSS"); Trial Chamber Senior Legal Officer



SUBJECT: Request for Clarification on Reparations Projects

1. The Chamber fixed a deadline of 26 September 2013 for the Civil Parties to file their final submissions on reparations (E218/7/2, E218/7/4). Having granted the Co-Lawyers for the Civil Parties a two-week extension of time (E218/7/5), the Lead Co-Lawyers filed their final submissions on reparations on 8 October 2013 in French, including 10 annexes, and on 14 October 2013 in Khmer (E218/7/6, E218/7/6.1.1 *et seq.*)

2. The Chamber recalls that its memoranda E218/7/2 and E218/7/4 required the Lead Co-Lawyers to include in their request for reparations: (1) Proof of consent and cooperation of any involved third party; (2) proof that funding has been fully secured; and (3) any necessary additional information, including detailed descriptions, sketches or pictures and budget plans of proposals (E218/7/4, para. 3).

3. The Chamber notes the Lead Co-Lawyers have not fully secured funding for a number of projects. They have indicated that they will provide supplemental information on funding (E218/7/6, para. 241) and in fact have filed further information regarding additional funding on certain projects (E218/7/6/1).

4. The Chamber also notes that certain project proposals appear to lack sufficiently detailed descriptions or to lack proof of consent and cooperation of any involved third party. For example, the project proposal for the Public Memorials Initiative (E218/7/6.1.2) indicates that it will consist of the construction of memorials in *approximately* 5 target locations with one memorial in Phnom Penh and identifies seven "potential investigation sites" and five provinces where memorials could be located. The selection of memorial sites is to be made through participatory decisions of the communities, which have yet to be finalized. The proposal also indicates that "memorials should be constructed on public land if possible". There is no indication of the specific plots under consideration and whether municipal approval has been

provided. Two different total budget figures are provided: \$450,000 USD and \$454,954 USD. There is no specific itemization of the budget and no designs or schematics. As to project 3, the construction of a memorial in Phnom Penh to honour the victims of forced evacuations, the Chamber notes that there is no proof of the Phnom Penh Government's permission to build the memorial on the proposed location, which is public property.

5. The Chamber cautions the Lead Co-Lawyers that project proposals that are insufficiently precise cannot be recognized by the Chamber. In order to provide the Civil Parties with every opportunity to meet the requirements of the Internal Rules, the Chamber will accept supplemental information regarding any previously proposed project, including more precise descriptions, third party agreements, or proof of financing until 31 March 2014. This shall include information regarding the Public Memorials Initiative or any other project that may be lacking in the requirements previously set forth by the Chamber. Any information received after this date will not be considered. Furthermore, no additional project proposals will be considered apart from those filed on 8 October 2013.