

**Report on the May 2022 Workshop on Victim-Related Activities
during the Implementation of the ECCC's Residual Mandate**

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Glossary of Terms

CMS	Court Management Section
CPK	Communist Party of Kampuchea
CPL	Civil Party Lawyer(s)
CPLCL	Civil Party Lead Co-Lawyer(s)
CRSV	Conflict-Related Sexual Violence
CSO	Civil Society Organization
DK	Democratic Kampuchea
ECCC	Extraordinary Chambers in the Courts of Cambodia
ICC	International Criminal Court
ICIJ	International Co-Investigating Judge
ICP	International Co-Prosecutor
ICTR	International Criminal Tribunal for Rwanda
ICTY	International Criminal Tribunal for the former Yugoslavia
IGO	Intergovernmental Organization
IR(s)	Internal Rule(s) of the ECCC
ITU	Interpretation and Translation Unit
KR	Khmer Rouge
KRT	Khmer Rouge Tribunal
NGO	Non-Governmental Organization
OCIJ	Office of the Co-Investigating Judges
OCP	Office of the Co-Prosecutors
PAS	Public Affairs Section
PTC	Pre-Trial Chamber
RAK	Revolutionary Army of Kampuchea
RGC	Royal Government of Cambodia
SCC	Supreme Court Chamber
SCSL	Special Court for Sierra Leone
SGBV	Sexual and Gender-Based Violence
TC	Trial Chamber
UN	United Nations
UNAKRT	United Nations Assistance to the Khmer Rouge Tribunal
VSS	Victims Support Section
WESU	Witness and Expert Support Unit

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List of Participating Civil Parties and Victim-Survivors

1. Mr. CHAN Sath, Civil Party in Case 002, Pursat
2. Mr. CHAU Ny, Civil Party in Case 002, Takeo
3. Mr. CHE Heap, Civil Party in Cases 001 and 002, Kampong Thom
4. Ms. HONG Savath, Civil Party in Cases 001 and 002, Kandal
5. Ms. HUN Sethany, Civil Party in Case 002, Kampong Cham
6. Ms. IM Vannak, Civil Party in Case 002, Takeo
7. Ms. KAUN Sunthara, Civil Party in Cases 001 and 002, Kampong Speu
8. Mr. MAM Chantha, Victim-Survivor, Kampong Chhnang
9. Ms. MEAS Phally, Civil Party in Case 002, Kampong Thom
10. Mr. MORN Sothea, Civil Party in Cases 001 and 002, Kampong Thom
11. Ms. NHOEM Kim Hoeurn, Civil Party in Cases 001 and 002, Kampong Cham
12. Ms. PECH Srey Phâl, Civil Party in Case 002, Pursat province
13. Ms. SIENG Chanthay, Civil Party in Case 002, Svay Rieng
14. Mr. SOUM Rithy, Civil Party in Case 002, Phnom Penh
15. Ms. YIM Sovann, Civil Party in Case 002, Phnom Penh
16. Mr. BOU Meng, Civil Party in Case 001 and 002 and Victim-Survivor of S-21 Security Center, Phnom Penh, attended opening ceremony
17. Mr. CHUM Mey, Civil Party in Case 001 and 002 and Victim-Survivor of S-21 Security Center, Phnom Penh, attended opening ceremony
18. Mr. NORNG Chanphal, Child Victim-Survivor of S-21 Security Center, Phnom Penh, attended opening ceremony

List of Participating Organizations in Workshop and Consultations

ADHOC	Cambodian Human Rights and Development Association
ASRIC	Applied Social Research Institute of Cambodia
AUPP	American University of Phnom Penh
BAKC	Bar Association of the Kingdom of Cambodia
Bophana Center	Bophana Audiovisual Resource Center
CCHR	Cambodian Center for Human Rights
CKGC	Choeung Ek Genocidal Center
CKS	Center for Khmer Studies
CJA	Center for Justice and Accountability
CPS	Civil Peace Service (of the GIZ)
CSHL	Center for the Study of Humanitarian Law
CWP	Cambodian Women Peacemakers
DC-Cam	Documentation Center of Cambodia
Future Forum	Future Forum
GADC	Gender and Development Cambodia
GD Alliance	GD Alliance
GIZ	German Corporation for International Cooperation
GSF	Global Survivors Fund
HelpAge	HelpAge Cambodia
KDK	Kdei Karuna Organization
LAC	Legal Aid Cambodia
LDC	Legal Documentation Center of the ECCC
MCFA	Ministry of Culture and Fine Arts
MOEYS	Ministry of Education, Youth and Sport
NGOF	The NGO Forum on Cambodia
OSJI	Open Society Justice Initiative
PUC	Paññāsāstra University of Cambodia
REDRESS	REDRESS
RULE	Royal University of Law and Economics
RWI	Raoul Wallenberg Institute
SNB	SNB and Associates Law Firm
Sneha Center	Sneha Center
Stanford Center	Stanford Univ. Center for Human Rights & International Justice
Swisspeace	Swisspeace
TPO	Transcultural Psychosocial Organization
TSGM	Tuol Sleng Genocide Museum
UNESCO	UN Educational, Scientific and Cultural Organization
UNOHCHR	UN Office of the High Commissioner for Human Rights
UNWOMEN	UN Entity for Gender Equality and the Empowerment of Women
UYFC	Union of Youth Federations of Cambodia
YFP	Youth For Peace
YRDP	Youth Resource Development Program

List of Annexes

- I. Text of Addendum to UN-RGC Agreement
- II. Calls for Expressions of Interest for Moderator, Coordinator, and Facilitator
- III. Final Agenda for May 2022 Workshop
- IV. Two Press Releases (in both languages) for the May 2022 Workshop
- V. Transcripts of Speeches from Public Sessions of May 2022 Workshop
- VI. All Submissions in Response to the Co-Rapporteurs' October 2021 Call
- VII. All Submissions to the Secretariat After the May 2022 Workshop

Executive Summary

With final judicial proceedings at the Extraordinary Chambers in the Courts of Cambodia (ECCC) due to conclude by the end of 2022, the institution stands at a major moment of transition. A new chapter awaits in the institution's residual functions mandated by the addendum to the agreement of the Royal Government of Cambodia (RGC) and the United Nations (UN). In the final months before the Tribunal transitions to that residual phase, the ECCC has begun undertaking new public efforts at gathering ideas from and sharing information with the public, civil society stakeholders, and victim-survivors and their representatives. This report summarizes the recent months of consultations and preparations for the imminent residual phase, including the recent workshop on victims held from 3 to 5 May 2022.

In the Addendum to the UN-RGC Agreement on the ECCC which entered into force in August 2021, Article 2 calls for, in relevant part, activities that, “provide for the protection of victims and witnesses; ... disseminate information to the public regarding the Chambers; and monitor the enforcement of reparations awarded to Civil Parties, as required.” The four groups encompassed by these clauses — victims, witnesses, Civil Parties, and the public — form the constituency of the broad spectrum of victim-related activities that would emerge from the December 2021 Report of the Co-Rapporteurs engaged by the ECCC to recommend possible programs implementing that aspect of the residual functions.

The victim-survivors of the DK regime have been a driving force throughout these processes over the last 15 years. Whether through their procedural involvement in the investigations and trials as complainants or Civil Parties, or through their engagement in civil society initiatives building reconciliation and seeking the truth outside the courtroom, victim-survivors have shared their stories and made their voices heard. Their testimonies, as well as documentary evidence gathered by investigators interviewing victim-survivors, have been made available throughout the trials and now may be used as educational and informational resources for future generations to learn more about the suffering of the past. In response to specific requests from Civil Parties, a total of 26 reparations project have been recognized and implemented during the three trials which took place at the ECCC. Victim-survivors across Cambodia and its global diaspora will continue to be a foundational pillar of the next phase of the ECCC.

Two ECCC judges, YOU Ottara and Claudia FENZ, were appointed by the Office of Administration in July 2021 as “Co-Rapporteurs on Residual Functions related to victims.” Among other things, the Advisory Report they published in December 2021 called for the ECCC to engage in dialogues with stakeholders. Adopting this recommendation of the Co-Rapporteurs, the ECCC decided to organize a Victims Workshop to be held in May 2022, organized by three independent, outside consultants who are the authors of this report. The challenge for the organizers was to create a framework that fit within the parameters of the Addendum’s mandate, but that would also ensure as broad participation of civil society and Civil Parties as possible so that all voices, stakeholder groups, and interested parties, both national and international, would be represented in submissions to take part. The overarching goal was to encourage and facilitate the active and constructive development of proposals for projects and initiatives that would both identify the most important needs and opportunities for victim-related activities and also provide a platform through which realistic and fundable proposals might best be developed.

The Co-Rapporteurs’ recommendation of “dialogue” was thus interpreted broadly to encompass productive dialogue among the stakeholder groups as well as dialogue with the ECCC and with the potential funders as represented by RGC institutions, international funding organizations, and embassies representing member-states of the “Friends of the ECCC” donor group. The workshop provided an opportunity to continue the deep previous engagement of the ECCC with victims, witnesses, and Civil Parties through its many years of activities around reparations, community outreach, and witness and victim protection.

The Workshop organization was initially guided by three principal themes related to victims: recognition, remembrance, and reconciliation. In recognition of suffering and victimhood, there are definitional questions of victim status; in reconciliation within society today, there are dynamics to consider not only between traditional notions of victims and former perpetrators but also within families and communities or across generations; and with acts of remembrance, how can we exhibit history beyond [much-needed] physical structures alone, or recall the past without retraumatizing victims or forcing them to remain stuck in their past misery?

These three principal themes became a starting point for the workshop and were referenced throughout the keynotes and working group discussions.

In order to provide information about the upcoming Workshop and to begin discussions on potential programs related to victims, the Workshop Coordinator first undertook consultations with key civil society organizations (CSOs), state institutions, and longtime victim advocates or researchers attentive to the ECCC process. The aim was to build engagement and optimism for the workshop and the ECCC residual phase, to try to set expectations for the upcoming event, and to encourage participants to begin preparing for the event well in advance. These consultations also provided a chance to reframe the long-held claim that the ECCC had not done enough for victims with a new starting question: what do victims and their representatives want from the ECCC in this residual phase? How could past disappointment be turned into a new victim-centered agenda? Even with a healthy dose of skepticism, the participants consulted — particularly the local NGOs which have long been leading in the work of responding to victim requests — continually voiced a great deal of optimism and excitement as well. In the end, it was not particularly challenging to build interest in the workshop and the residual phase.

After many years of wondering if the Court would involve them and after two years of pandemic separation, it seemed that longtime stakeholders and practitioners were brimming with ideas and plans to share at the upcoming event and in planning for making the most of the imminent residual mandate of the ECCC. However, this subject also led to other key challenges that were repeatedly raised: the obstacles of re-traumatization, the need for a “do-no-harm approach”, and matters of privacy and protection for survivors and witnesses or Civil Parties. Others took issue with the Court’s poor communications and public information efforts in recent years. One lawyer emphasized the need to follow a “Three C’s strategy” to communicate, coordinate, and cooperate, and called for the Court to share all its materials as much as possible in this important moment of transition. This optimism must be met with clarity and transparency regarding what the residual phase can and cannot achieve. Victims’ expectations must not be raised now only to further disappoint them.

Based on such conversations, it seemed that most CSOs were eager to learn about one another’s proposals and ideas, especially after two years of the pandemic

had made the arbitrary separations between the like-minded organizations feel even wider. Multiple organizations have now begun to place greater emphasis on developing transformational changes, both for youth to imagine a transformed future founded on the peace and post-conflict situation they have grown up in, and for surviving elderly generations, many of whom are stuck in poverty or challenging circumstances. Even as CSOs hope to transform society with generational change, others emphasized the need to transform the challenging situations in which many older victim-survivors find themselves.

The ECCC ultimately held the “Workshop on Victims and Dissemination of the Advisory Report on Victim-Related Activities of the ECCC during the Residual Phase” over three full days, from 3 to 5 May 2022, at the Hyatt Regency in Phnom Penh. The workshop began and ended with publicly accessible opening and closing sessions, with public access permitted through livestreams online, and with members of the press in attendance. The 3 May opening ceremony featured approximately 120 guests, including several dignitaries from the RGC, diplomatic missions in Phnom Penh, and international organizations. Honorary speakers at the opening and closing ceremonies included H.E. Mr. Kranh Tony, Acting Director of Administration of the ECCC; H.E. Mr. Jacques Pellet, Ambassador of France and Co-Chair of the Friends of the ECCC; and H.E. Mr. Keo Remy, Delegate Minister attached to the Prime Minister, President of the Cambodian Human Rights Committee, and Permanent Vice Chairman of the Royal Government Task Force on the ECCC Proceedings; Dr. David Cohen, Workshop Moderator; H.E. Dr. Beth Van Schaack, United States Ambassador-at-Large for Global Criminal Justice (via video message); Mr. Hang Vannak, Chief of VSS; Mr. Chan Sath, Civil Party; Ms. Pech Srey Phâl, Civil Party; H.E. Mr. Mikami Masahiro, Ambassador of Japan and Co-Chair of the Friends of the ECCC; and, Mr. Knut Rosandhaug, Deputy Director of Administration of the ECCC. The Workshop also featured five keynote speakers throughout the three days of proceedings: Ms. Yim Sotheary; Mr. Karim A.A. Khan, QC; Dr. Christoph Sperfeldt; Dato' Shyamala Alagendra; and, H.E. Mr. Ly Chantola. All five keynotes were asked to reflect upon their experience as it specifically pertained to important themes and issues that the workshop would take up.

More than 90 regular participants, including 15 Civil Parties, attended all three days of the Workshop. They included representatives of local NGOs and

international organizations, state institutions and museums, Civil Party lawyers, independent academics, lawyers and researchers, and ECCC parties and staff. The Workshop Secretariat formed and organized eight working groups in an effort to promote in-depth discussions covering eight separate thematic issues across the three days of the event. Participants were thus grouped not by their organization but by their interests and expertise related to eight thematic groupings. This was also done in a way to ensure that organizations represented by multiple participants were distributed among the groups. The eight themes included: a group made up solely of Civil Parties; mental health, healing, aging and duties to victims; victim-centered archives and documentation and witness and victim protection; historical sites, monuments and acts of remembrance; ethnic and religious minorities; access to justice and legal aid; intergenerational dialogues, youth, and oral histories; recognition and reparation for sexual and gender-based violence. In bringing together representatives of different organizations in these eight working groups, the Secretariat hoped to enable discussions on common ambitions. The mixed composition of each group ensured that civil society advocates could speak directly with state institutions or international organizations, in promotion of greater dialogue and possibly eventual cooperation between different kinds of organizations.

Following a fuller account of the Workshop itself, the discussion groups, and the keynote speakers, this report then summarizes in great detail the submissions which have been received over the last year of consultations. We first discuss each of the 20 submissions made in response to the October 2021 call of the Co-Rapporteurs, and we integrate these earlier submissions within this report. All of those submissions which preceded the May 2022 Workshop are included in full in *Annex VI*. We then summarize the comments and outputs of the eight thematic working groups which undertook extensive discussions during the three-day Workshop, and we explain and summarize the final proposals shared by the eight groups at the closing plenary session of the Workshop held on 5 May 2022. We then discuss all submissions which were received after the May 2022 Workshop, including six submissions from key stakeholders: Bophana Center, the Documentation Center of Cambodia (and Michael Karnavas), Kdei Karuna, Tuol Sleng Genocide Museum, Youth for Peace, and Youth Resource Development Program. Finally, the report also summarizes the additional submissions which

resulted from continued discussion with individuals and organizations that were not able to fully participate in the May 2022 Workshop: first, an additional group of 60 Civil Parties engaged during a VSS-CPLCL Forum on 13 May 2022 which resulted in four submissions; second, a focus group of overseas observers, researchers, and advocates who met for a discussion separately, and which submitted a total of three different submissions; and, finally, voices from the Cambodian diaspora who were not actively included in the May 2022 Workshop, which led to two additional submissions, including a comprehensive proposal for a program developing Cambodian cultural studies and building a more positive sense of identity for younger generations, from the Applied Social Research Institute of Cambodia, based in Long Beach, California. These submissions are also annexed to the report in full, in *Annex VII*. We thus summarize submissions from a total of approximately 50 organizations, individuals, or groups of individuals before, during, and after the May 2022 Workshop.

It was clear that the submissions presented many opportunities for collaborations, and most of the proposals have already identified partner organizations for collaboration, built up from conversations had before, during, and after the workshop. In particular, several of the proposals speak to similar topics of preserving local sites as places of remembrance and learning, and incorporating intergenerational dialogue with younger generations within these programs. Most proposals also speak to the need to engage with the government in collaboration on these projects, with the view to longer-term sustainability and ownership in Cambodia. Civil Parties consistently asked that support for survivors and survivor-centered initiatives do not cease with the end of judicial hearings at the ECCC. They reiterated their universal suffering and trauma from the DK regime, and they expressed their desire for non-recurrence and their hope that future generations would never again allow such atrocities to take place. Most were focused on the next generation, asking for their stories to be shared with young people as much as possible to reveal the truth and strengthen reconciliation. Most groups and submissions called for the ECCC to quickly improve its dissemination of public information and communications strategy, noting the near silence of the last three years which has led to disappointment and even resentment among victim-survivors.

Many called for regular consultations to continue beyond the workshop, in quarterly meetings on a smaller scale or on particular technical issues or subject matters.

In addition to those individuals who directly suffered at the hands of the Khmer Rouge, whether as adults or children, the proposals submitted to the Co-Rapporteurs, shared and developed at the Victims Workshop, and submitted to us thereafter all make clear that the intergenerational aspects of victimhood must be fully addressed in order to achieve the goals appropriate to a residual phase of victim-related activities.

These intergenerational aspects include the trauma which continues to affect Cambodian families and individuals within the approximately 70% of the population born after the Khmer Rouge regime. This need was broadly recognized in the Workshop as of central importance and highlighted as a priority for the residual phase. As also emphasized in keynote speeches, all groups must benefit from such programming, and truth-seeking, reconciliation, and related activities must be “localized” if they are to be effective. Submissions and proposals, as well as the December 2021 Co-Rapporteurs’ report, also generally called for a “Do No Harm” approach and to ensure that programs in the residual phase do not lead to re-traumatization of victim-survivors. Keynote Yim Sotheary offered examples of how harm may occur when victims of sexual violence and forced marriage are encouraged to speak of what they suffered as a path to “healing,” but the result is stigmatization. As she said, they must be afforded a “safe space to speak” and this can only occur if the preconditions and preparations required for ensuring such safety are met by interlocutors who have the skills and experience required.

Numerous participants and submissions also emphasized the need for bringing victim-related programs directly to local communities. This need was perhaps most often expressed in the call for stupas, understood not as mere physical “monuments” but as focal points, perhaps with an adjacent community center, where discussion, truth-seeking, and remembrance can take place among those who live together in “face to face” communities rather than in the relative urban anonymity of Phnom Penh. It must be stated clearly: every working group at the Workshop, every statement by Civil Parties and their lawyers as their representatives, and every submission from the 13 May 2022 VSS Forum called for

the construction of stupas and memorials in localities nationwide. This near unanimity is important and should be acknowledged and given a response.

As was most eloquently put by the Civil Parties who spoke of their own experiences at the Workshop, local ownership is essential if programming is to be successful. Ownership, as their remarks made clear, arises from listening to their voices and including them as partners in the process. This manner of proceeding is also one of the important factors in achieving sustainability. Localization should not follow a “one-size-fits-all” model but must respond to the needs and possibilities of each context.

Another element of sustainability involves the integration of programming and the building of collaborative frameworks. Integration manifests itself in a two-fold manner: first, it mandates the integration of similar or related programs among CSOs and institutions already working on the relevant issues and topics or program areas to support collaboration and avoid redundancy or duplication of projects. Second, it is integration with the relevant government institutions or programs which would enable sustainable attention to these matters in the longer run. It should also be noted that in some cases integration might entail building cooperative relationships with international institutions rather than only with RGC institutions, but of course it depends on the situation or topic involved.

Given the limited funding resources available for residual activities, and the ambitious scope of work indicated in the Workshop presentations and the submissions, competition among stakeholders will only have a negative impact on the opportunities as a whole and will likely also lead to a fragmentation of programming that will undermine sustainability in the long run. As stated by Group 7 in the Plenary, it is to the advantage of all stakeholders, as well as to the population they hope to serve, to derive strength from combining knowledge, experience, and resources in initiatives that take advantage of the relative strengths of all participants. They called for the creation of a collaborative platform, encompassing civil society and government institutions to promote long term sustainability.

Another common issue raised was how to deal with the situation that occurs in many communities where victims and perpetrators live together but not, as Group 8 put it, in harmony with each other. This of course relates to the theme of localization mentioned above, but also raises the deeper issue of how this can best

be achieved. VSS Chief Mr. Hang Vannak proposed that education can focus on creating a Cambodian post-Khmer Rouge identity that promotes harmony and prevent recurrence of violence. This aligns with the cultural studies and positive identity which ASRIC calls for in their transnational submission from the diaspora.

Perhaps the need most broadly expressed by the Workshop groups, the Civil Parties, and many submissions is the dire need for care of elderly victims, need which grows greater with every passing year. This need was forcefully expressed in the closing remarks of the group of Civil Parties at the workshop. They called for the establishment of an association for elderly victims that works collaboratively with partners to develop programming to establish elderly centers in each community and with local pagodas playing a key role; to include those victims not recognized by or participating directly with the ECCC; to provide health care; and, to enable the transfer of knowledge and educate a generation of young people who do not believe the stories they hear of the Khmer Rouge.

Finally, Civil Parties, both as a group and as individuals, hold a lot of leverage. They are widely respected and admired, and their groundbreaking position of speaking out and sharing the truth of their suffering has endowed them with a great deal of moral and persuasive power. This ought to be institutionalized as an important resource to carry forward and sustain the community and victim-oriented work of the Tribunal. The Civil Parties in Group 2 suggested that Civil Parties could ask for support for specific programs from their local provincial governors. A real victim advocacy organization or association could powerfully advocate for victims' needs on a wider, long-term scale.

This possibility gained support at the Workshop and in consultations thereafter, with some detailed proposals for the ECCC's VSS to transform into a permanent victim's advocacy institution. It could be treated as a public advocate or an ombudsperson working on behalf of victims throughout every segment of the public and private sectors. This institution would need to remain politically independent while receiving recognition, and potentially funding, from the RGC. Further funds could be raised through local and international philanthropic efforts as well as international donor funding in its earlier foundational stages. For this transformation to be possible, VSS however needs greater resources now, including a fully resourced staff and an updated mission and scope of work. The residual

period should be used to lay the foundations for this permanent victim advocacy institution, which would continue to exist independently from the ECCC after the residual phase concludes.

With these ideas already collected, and the opportunities for continued consultation in the development of relevant programs, what is less clear still is the plan for funding and administering the worthy activities and programs proposed within these pages summarizing the Workshop and submissions before and after that event. The voice of victims and relevant stakeholders ought to be included in any such discussions. The ECCC should be upfront and transparent about its planning. As emphasized throughout this report, there will not be any "one-size-fits-all" approach to funding and administering any of the proposed programs or projects, and the best modalities will need to be determined for each program. Implementing organizations and institutions, victims and Civil Parties, external donors, the RGC, and the ECCC itself ought to openly consider the best modalities to serve the needs of victims. Transparency and accountability should be built into this process.

Ahead of the announcement of the final judgment in Case 002/02 and the conclusion of the ECCC's judicial phase, it is vital that the ECCC begin mapping out and sequencing the programs discussed here and elsewhere. The ECCC and its donors must examine which programs are ready to be implemented immediately, and which programs necessitate some period of continued research or planning. Many of the programs presented at the workshop and in supplementary submissions include pilot phases which could begin as soon as the residual phase begins, such as in early 2023, and then are intended to expand into scalable, potentially nationwide programs for the second and third years of the residual phase. We encourage possible national or international donors who are unable to review this report in full to closely examine the detailed proposals listed *in Annexes VI and VII*. Two clear immediate needs, which came up throughout the Workshop and in submissions before and after the event, and which will impact other programs, must also be highlighted and be addressed immediately.

First, the ECCC through the VSS and the CPLCLs must undertake a comprehensive campaign to track down every single Civil Party who was recognized in Cases 001 and 002 and who applied in Cases 003, 004, 004/01, and 004/02. They must be informed about the outcome for those proceedings and the reparations

projects conducted thus far, and they should be given the chance to make any decision regarding their private information in relation to eventual reclassification of case file materials. This is no small undertaking, and should begin immediately rather than waiting the commencement of a residual phase. There should be a similar undertaking for complainants as well. Compilation of all victim information should have begun already, as many survivors' telephone numbers or addresses may have changed. If the VSS and the CPLCLs need more resources to undertake this effort, those resources should be provided. This effort is necessary to respect the rights of the victims who engaged in the proceedings and also to demonstrate to them that their participation and experiences have not been forgotten. This is a necessary step before the ECCC expands its mission toward other victim-centered activities or efforts toward reconciliation and healing. This is also a process which only the ECCC — not the outside, relevant CSOs — can manage and undertake.

Secondly, a more effective and meaningful residual phase would be aided by better baseline data on the perceptions of the ECCC and Cambodia's transitional justice process. This data should target not only victim-survivors or Civil Parties but also young people. Population-based surveys have not been conducted in many years, and both the ECCC and civil society stakeholders would benefit from a wider range of data to draw upon. Such efforts could also be used to query the public about programs or principles which they would like to see during the residual phase.

In the meantime, an open, consultative process which engages with victims and their representatives on their proposals and on questions of funding and administration will strengthen the eventual programs and ensure political and social "buy-in". More decisions will eventually have to be made; that is a reason for more workshops, technical working groups, or consultations. It is ultimately up to the civil society or state actors to determine what they want to do and how they are going to do it. Collective convenings, initiated by the ECCC and always centering the perspectives of victims themselves, would better serve all these organizations, inspire collaboration rather than competition, and structure a successful and productive three years of the ECCC's residual phase.

What has emerged over the past months' experience of engaging stakeholders of victim-related activities is the extraordinary potential for building upon the legacy of the ECCC. As the Court enters its residual phase, it has the

opportunity to mobilize the energy, commitment, and expertise that has been displayed in the process that led from the Co-Rapporteurs' call for proposals to the Workshop. The submissions to the Co-Rapporteurs, the initiatives discussed at the Workshop, and the proposals and submissions that developed during and afterwards, collectively represent the product of 16 years of civil society engagement with the Court and with RGC institutions. Reflecting on what we have learned and observed leaves us with no doubt about what might be achieved if this wealth of experience can be effectively channeled to address the needs, goals, and key themes identified in the Workshop. The challenge is how to enable this potential to come to fruition. This Workshop is only a start, but because of the substantive participation and spirit of collaboration displayed by the participants it offers the promise of a way forward that can infuse the residual phase with programs whose benefits for Cambodian society will continue long after. This would represent a durable and valuable legacy for all that the ECCC has achieved in its highly successful community outreach programs and engagement with Civil Parties. This is an opportunity that should not be missed.

As emphasized throughout this report, the voices of the victims and Civil Parties must occupy a central place in shaping and implementing the victim-related program discussed above. Given the opportunity to participate in a meaningful way in the Workshop, they spoke with eloquence and force of the needs of their communities. Listening to them and involving them is not only important in itself but is also the best way to ensure that programmatic needs are properly formulated and effectively addressed. At the close of the May 2022 Workshop, Civil Party Pech Srey Phâl gave closing remarks on behalf of Civil Parties and other victim-survivors. If the ECCC residual phase is effective, she explained, survivors "will be coming together to lift the rock they have held in their chests for the last 40 years." The ECCC, the RGC, and international donors now have the ideas, tools, resources, and networks before them to ensure this residual phase is most effective in promoting and establishing the programs discussed in this report and its annexed submissions. This is an opportunity to seize, on behalf of victim-survivors and the next generations.

We hope this report offers a roadmap for the ECCC in its residual phase and a concrete framework for funders to provide the support to build on past achievements, to create a real legacy for the ECCC of enduring value for Cambodia.

I. Background

More than 15 years since its establishment, the Extraordinary Chambers in the Courts of Cambodia (ECCC) stands at a major moment of transition. The Tribunal's final judicial proceedings are due to conclude by the end of 2022, with the Supreme Court Chamber's impending announcement of the final judgment in Case 002/02 against Khieu Samphan, the last surviving senior leader of the Democratic Kampuchea (DK) regime, which ruled Cambodia from 1975 to 1979. Two other convicted accused, Kaing Guek Eav *alias* Duch and Nuon Chea, have passed away, two others did not live to be convicted at trial, and five others did not see their initial investigations and charges lead to trials. The victim-survivors of the DK regime have been a driving force throughout these processes over the last 15 years. Whether through their procedural involvement in the investigations and trials as complainants or Civil Parties, or through their engagement in civil society initiatives building reconciliation and seeking the truth outside the courtroom, victim-survivors have shared their stories and made their voices heard. Today, as the ECCC considers the close of its judicial processes, a new chapter awaits, in the institution's residual functions mandated by the agreement of the Royal Government of Cambodia (RGC) and the United Nations (UN). Victim-survivors across Cambodia and its global diaspora will continue to be a foundational pillar of this next phase. In the final months before the ECCC transitions to that residual phase, the ECCC has begun undertaking new public efforts at gathering ideas from and sharing information with the public, civil society stakeholders, and victim-survivors and their representatives. This report summarizes the recent months of consultations and preparations for the imminent residual phase, including the recent workshop on victims held in May 2022. The report aims to provide insight, analysis, and a roadmap, with clear project proposals developed by active stakeholders and victims themselves in a consultative process, to ensure the ECCC residual mandate meets the high standard that Cambodian victim-survivors most certainly deserve.

1. A Residual Mandate for the ECCC

On 22 December 2018, the General Assembly of the UN requested the Secretary General to begin a process of consultation with the ECCC and the RGC as to the development of a residual phase of activities following the close of judicial

proceedings.¹ The Secretary General submitted his Report to the General Assembly, describing plans for the residual phase and detailing, among other things, the process by which a draft Addendum to the Agreement was developed.² The developed framework, in the form of the Draft Addendum to the Agreement between the United Nations and the Royal Government of Cambodia concerning the prosecution under Cambodian law of crimes committed during the period of Democratic Kampuchea on the Transitional Arrangements and the Completion of Work of the Extraordinary Chambers, was commended for approval to the General Assembly by the Secretary General on 7 July 2021. That Draft Addendum was adopted and entered into force when signed by representatives of the United Nations (UN) and the RGC respectively on 11 August 2021 and 26 August 2021. The full text of the Addendum is included in *Annex I* of this report.

Article 2 of the Addendum, “Residual Functions,” provides the framework for all residual activities in relation to victims. The terse formulations of Article 2, as will be seen, require considerable interpretation if meaningful victim-related residual activities are to in fact result from the Addendum’s mandate.

As the Report of the Secretary General indicates, “It is envisaged that the Extraordinary Chambers would continue to carry out, for an initial period of three years,” residual functions.³ In regard to possible victim-related residual functions, Article 2 calls for, in relevant part, activities that, “provide for the protection of victims and witnesses; [...] disseminate information to the public regarding the Chambers; and monitor the enforcement of reparations awarded to Civil Parties, as required.” The four groups encompassed by these clauses — victims, witnesses, Civil Parties, and the public — form the constituency of the broad spectrum of victim-related activities that would emerge from the December 2021 Report of the Co-Rapporteurs engaged by the ECCC to recommend possible programs implementing that aspect of the residual functions.

¹ United Nations General Assembly (UNGA) resolution 73/279 A, *Special subjects relating to the programme budget for the biennium 2018-2019* (22 December 2018), pp. 3-4; see also the subsequent resolutions continuing that process of consultation: UNGA resolution 74/263, *Special subjects relating to the proposed programme budget for 2020* (27 December 2019), pp. 2-3; UNGA resolution 75/257 A, *Extraordinary Chambers in the Courts of Cambodia — residual functions* (30 December 2020); and, UNGA resolution 75/257 B, *Extraordinary Chambers in the Courts of Cambodia — residual functions* (7 July 2021).

² UNGA, *Extraordinary Chambers in the Courts of Cambodia — residual functions: report of the Secretary-General*, A/75/809 (19 March 2021).

³ *Ibid.*, pp. 7-8.

It is worth considering an aspect of Article 2 that might not appear to be immediately linked to victims: archival functions. Article 2 of the Addendum also mandates the ECCC to, “maintain, preserve, and manage its archives...and respond to requests for access to documents.” While Article 2 itself does not connect the archival residual function to victims, Civil Parties, and the public, it does not require a significant stretch of interpretative analysis to see how such groups would make requests for documents as part of victim-related initiatives. Indeed, they are likely to be the groups that this provision was intended to cover. Even more clearly, the core residual function of “**dissemination** of information to the public” could, and should, include the “access to documents” mandated in Article 2. Indeed, Article 3 of the Addendum, “Archives,” explicitly states that for purposes of promoting the ECCC’s legacy, the archives should be “as broadly accessible as possible.” It further states that as part of its residual functions, the ECCC should, “provide electronic access to, and printed copies of, the public archives to the public.” Resting on this part of the residual mandate, the dissemination of the archival records of the ECCC came to be recognized as **resources** for victim-related activities because of the importance and relevance of the information they contain for the victims, their families, their communities, and for the Cambodian public, present and future.

2. Role for Victims in the ECCC Judicial Process and Reparations Scheme

A major innovation of the ECCC is the enhanced recognition of victims in its proceedings – victims of crimes that fall under ECCC jurisdiction are given a fundamental role. A victim is defined by the ECCC as a natural person or legal entity that has suffered harm as a result of the commission of any crime within the jurisdiction of the ECCC.⁴

The protection and safeguarding of the interests of victims lies at the heart of the ECCC’s mandate, and the Internal Rules state that the applicable ECCC Law, Internal Rules, Practice Directions and Administrative Regulations shall be interpreted to safeguard the interests of victims as well as the Accused.⁵

⁴ Extraordinary Chambers in the Courts of Cambodia (ECCC), *Internal Rules (Rev. 9)* (16 January 2015) [hereinafter referred to as “ECCC Internal Rules”], Glossary.

⁵ ECCC Internal Rules, Rule 21.

1. VSS and the Civil Party scheme at the ECCC

The participation of victims as Civil Parties originates in Cambodian domestic law, which is based on the French legal code, and which allows victims to apply to intervene in proceedings as Civil Parties. The Cambodian Code of Criminal Procedure states, “The purpose of a civil action is to seek compensation for injuries to victims of an offense and with this purpose to allow victims to receive reparation corresponding with the injuries they suffered.”⁶

The ECCC established the Victims Support Section (VSS) and Civil Party Lead Co-Lawyers’ Section for the organization of victims’ participation.⁷ While the VSS is not mentioned in the ECCC’s earlier foundational documents such as the ECCC Law or the ECCC Agreement, the Internal Rules provide guidance on the organization of victim participation and the role of the VSS, along with the Civil Party Lead Co-Lawyers. The specific rule relating to the VSS was adopted into the Internal Rules following the Plenary Session in February 2010.

2. Purpose of the VSS

The role of the VSS is to:

- a) Assist victims in lodging complaints, with the supervision of the Co-Prosecutors;
- b) Assist victims in submitting Civil Party applications, with the supervision of the Co-Investigating Judges;
- c) Maintain a list of lawyers, both foreign and national, that are registered with the Bar Association of the Kingdom of Cambodia (BAKC) who want to represent victims or victims associations before the ECCC;
- d) Receive, verify, and translate applications from foreign lawyers who wish to represent Civil Parties, and to forward completed applications to the BAKC for registration;
- e) Administer applications for admission to the list of victims associations that have been approved to act on behalf of Civil Parties;
- f) Provide general information to victims and especially Civil Parties;

⁶ Code of Criminal Procedure of the Kingdom of Cambodia (2007), Article 2.

⁷ ECCC Internal Rules, Rule 12.

- g) Present lists of and information on lawyers and victims associations to victims or Civil Parties, with the supervision of the Co-Investigating Judges or the Pre-Trial Chamber, and facilitate legal representation;
- h) Assist with and support Civil Parties and complainants' attendance at court proceedings;
- i) Undertake outreach activities related to victims, especially Civil Parties, in consultation with the Public Affairs Section and the Civil Party Lead Co-Lawyers; and,
- j) Adopt administrative regulations as required to give the above effect.⁸

The VSS is the central point of contact between the ECCC, the victims, and their representatives. Although not explicitly mentioned in the Internal Rules, the VSS also serves as a meeting organizer and convener for victims, lawyers, intermediary organizations and those from other units of the Court.⁹

3. Victim Applications Received in Cases 001 and 002

Over the course of the ECCC's judicial proceedings, the legal findings and the breadth of the case files have necessitated changes to the original Civil Party scheme. This was partially a result of the large increase in the number of Civil Parties between Case 001, with one Accused and mostly concentrated on one crime site, and Case 002, with four Accused initially and crime sites located nationwide. The number of Civil Party applications and admitted Civil Parties also grew significantly between the two cases. The table below lays out the distinctions between the number of Civil Party applicants in Cases 001 and 002.

Case	Number of Civil Party applications
001	93 Civil Parties participated in Case 001 proceedings - Three Civil Parties withdrew, so the Trial Chamber decided on the admissibility and reparations requests of 90 Civil Parties - Of these 90, the Trial Chamber confirmed the admissibility of 64 out of the 90.

⁸ ECCC Internal Rules, Rule 12 *bis*.

⁹ Extraordinary Chambers in the Courts of Cambodia, Victims Support Section (last viewed 15 July 2022), accessible at: <<https://www.eccc.gov.kh/en/victims-support-section>>.

002	VSS sent the CIJs 4,128 Civil Party applications. The CIJs found 3,866 applications admissible. - 133 applicants lived abroad, 104 applicants changed their status to complainants, 11 withdrew their applications, 19 were duplicate applications, and six were re-submitted at the request of the victims. - CIJs had to rule on the admissibility of 3,988 applications, and at that point, 18 applicants had passed away.
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In Case 001, 93 Civil Parties participated in the proceedings. Before changes were made to the rules around participation, which are further discussed in the section below, Civil Party admissibility was decided by the Trial Chamber during judgment. Three Civil Parties had withdrawn by this point, so the Trial Chamber was tasked with deciding the admissibility and reparations requests from 90 Civil Parties. The Trial Chamber had only confirmed 64 out of the 90 Civil Parties that had originally been admitted in Case 001.

22 Civil Party applicants appealed the Trial Chamber's rejections of their applications in the Trial Judgment. The Supreme Court Chamber (SCC) considered whether the Trial Chamber had erred in its determination of the merits of their applications. The SCC noted that there was a fundamental misunderstanding between the Trial Chamber and the Civil Party appellants about the merits and legal effect of the initial review of their applications. They further concluded that, "Having regard to the novel character of the Civil Party framework before the ECCC and the conceivable lack of clarity as to its specific arrangements as discussed above, the Supreme Court Chamber acknowledges the possibility that some among the Civil Party Appellants may have been confused as to whether submission of evidence was still expected of them."¹⁰ The SCC further noted that the Trial Chamber refusal to grant appellants their Civil Party status would have caused anguish and frustration given their practical and emotional investment in the proceedings.¹¹

The SCC, in order to remedy any missed opportunity, therefore decided to grant the appellants' motions to submit additional evidence. However, the SCC maintained the Trial Chamber's criterion of special bonds of affection or dependence with direct victims in determining the admissibility of applications from indirect

¹⁰ Supreme Court Chamber, Summary of Appeal Judgement: Case File 001/18-07-2007-ECCC/SC (KAING Guek Eav) (3 February 2012), F26/3, para. 59.

¹¹ *Ibid.*

victims. It found that the “criterion of special bonds of affection or dependence connecting the applicant with the direct victim captures the essence of inter-personal relations, the destruction of which is conducive to an injury on the part of indirect victims.”¹² The SCC clarified that this applied to all persons who claimed to be indirect victims, regardless of whether they were family or not.

The SCC accepted the appeals of 10 out of the 22 Civil Parties whose claims the Trial Chamber had rejected. This brought the final number of admitted Civil Parties in Case 001 to 74, including the 64 admitted by the Trial Chamber, and the additional 10 admitted on appeal by the Supreme Court Chamber.

These developments in Case 001 necessitated changes before the start of Case 002 in order to avoid a situation where Civil Party applications would be rejected after years of proceedings, especially considering that applicants in the latter case numbered over 4,000. Therefore, the Plenary amended the rules in February 2010 such that Civil Party admissibility would now be determined at the end of the judicial investigation by the Pre-Trial Chamber.

4. Lessons from Case 001 and the Civil Party Lead Co-Lawyers

To become a Civil Party, a person must show that they have suffered some type of harm as a direct result of crimes alleged in a particular case before the ECCC. Once a person is recognized as a Civil Party, that person becomes a “party” to the proceedings.

While the participation of victims as Civil Parties originates in Cambodian domestic law, this system as provided for in domestic procedure was not designed for large trials dealing with mass crimes such as those at the ECCC. The ECCC’s Plenary has modified the Internal Rules several times to address such challenges. The Rules have been revised nine times as of writing, and the most significant revisions concerning Civil Parties occurred during the Plenary in February 2010.

A major challenge in Case 001 was balancing the right of victims to participate with that of the Accused to a fair trial. Civil Parties relied upon their rights to ask questions to witnesses and the Accused, which had previously considerably lengthened the duration of the proceedings, and the Trial Chamber gradually limited

¹² *Ibid*, para. 53.

the capacity for Civil Party lawyers to intervene in Case 001.¹³ Other challenges, as noted by Trial Chamber Judge Jean-Marc Lavergne in his dissenting opinion on 9 October 2009,¹⁴ argued that the ECCC mandate was limited in time, that the ECCC does not have a trust fund, that the proof of mass crimes is different from the proof of thousands of individual crimes, that conducting a trial in a reasonable time is incompatible with the involvement of large numbers of Civil Parties, and that it was important to ascertain the admissibility of a potentially large number of applications.

At the Plenary in February 2010, several amendments were implemented to ensure more effective and streamlined Civil Party participation.¹⁵ The Internal Rules therefore saw the introduction of Rule 12 *ter* and Rule 23 *ter*. The new procedures were intended to “balance the rights of all parties, to safeguard the ability of the ECCC to achieve its mandate while maintaining Civil Party participation, and to enhance the quality of Civil Party representation.”¹⁶ The changes introduced a distinction between individualized Civil Party participation during the preparatory phases and the trial stage, where all the Civil Parties would form one, consolidated group whose interests would be represented by the Lead Co-Lawyers for Civil Parties (CPLCLs). This shift was further confirmed by the Trial Chamber at the outset of Case 002, when it found:

Under the applicable legal framework, Civil Parties no longer participate individually on the basis of their particular harm suffered, but instead comprise a consolidated group whose collective interests are represented by the Civil Party Lead Co-Lawyers during the trial stage and beyond. Limiting the scope of facts to be tried during the first trial accordingly has no impact on the nature of Civil Party participation at trial, and their formulation of reparations claims made on their behalf by the Lead Co-Lawyers.¹⁷

¹³ Trial Chamber, Transcript of Trial Proceedings - Kaing Guek Eav “Duch” (Public) (22 June 2009), E1/35.1, p. 98.

¹⁴ Trial Chamber, ‘Dissenting Opinions of Judge Lavergne, Judge of the Trial Chamber’, Decision on Civil Party Co-lawyers’ joint request for a ruling on the standing of Civil Party lawyers to make submissions on sentencing and directions concerning the questioning of the accused, experts and witnesses testifying on character (9 October 2009), E72/3, pp. 13-26.

¹⁵ ECCC, Press Release: 7th Plenary Session of the ECCC Concludes (9 February 2010), accessible at: <https://www.eccc.gov.kh/sites/default/files/media/Press_Release_Conclusion_7th_Plenary_Session_%28ENG%29.pdf>.

¹⁶ *Ibid.*

¹⁷ Trial Chamber, Severance Order Pursuant to Internal Rule 89*ter* (Case 002) (22 September 2011), E124, para. 8.

According to the adjusted rules, Civil Parties, in order to participate in proceedings, continue to be represented by a Civil Party lawyer at all times, from the issuance of the Closing Order onwards.¹⁸ Where Civil Parties choose to, they may form groups and choose to be represented by a common lawyer drawn from the list held by the VSS. The VSS, along with either the Co-Investigating Judges or the Chambers, will take all reasonable steps to ensure that in this selection of common lawyers, the interests of Civil Parties are represented and that any conflict of interest is avoided.¹⁹ During the pre-trial stages, Civil Parties participate in the ECCC proceedings individually, and they have the right to be represented by Civil Party Lawyers. According to the rules revision however, once a case reaches the trial stage, Civil Parties will form one “consolidated group,” whose interest will be represented as a single entity by two Civil Party Lead Co-Lawyers (CPLCLs). From this point, the Civil Party Lawyers support the work of the CPLCLs, and they also serve as a contact point for the individual Civil Parties.

Under the amended rules, the CPLCLs represent the interests of the “consolidated group” of Civil Parties. The Lead Co-Lawyers comprise one Cambodian and one international CPLCL, who are selected and funded by the ECCC.²⁰ The CPLCLs carry out their duties in close consultation with the Civil Party Lawyers who are representing the admitted Civil Parties. The Civil Party Lawyers support the CPLCLs in the representation of the interests of the consolidated group. Such support may include oral and written submissions, examination of their clients and witnesses, and other procedural actions. The CPLCLs endeavor to seek the views of the Civil Party Lawyers to reach consensus in order to coordinate the representation of Civil Parties at trial.²¹ The CPLCLs bear ultimate responsibility to the Court for the overall advocacy, strategy, and in-court presentation of the interests of a consolidated group of all recognized Civil Parties, who are subsequently treated as a single entity. Their functions take effect once the Trial Chamber is seized of a case, and they must act jointly in all matters, unless they have decided jointly to delegate authority to a single CPLCL for handling a particular matter.²² The CPLCLs, in ensuring the effective organization of Civil Party representation during the trial

¹⁸ ECCC Internal Rules, Rule 23*ter* (1).

¹⁹ ECCC Internal Rules, Rule 23*ter* (3)(c).

²⁰ ECCC Internal Rules, Rule 12*ter* (4).

²¹ ECCC Internal Rules, Rule 12*ter* (3).

²² *Ibid.*

stage and beyond, aim to balance the rights of all parties and the need for an expeditious trial.²³

During the trial, the CPLCLs can present preliminary objections and respond to preliminary objections that have been raised by the parties,²⁴ and request the Chamber to summon or hear any witness, and receive any new evidence they deem necessary.²⁵ The CPLCLs may question the accused person, witnesses, and experts, with the President of the Chamber deciding on the order of appearance of the parties.²⁶ Furthermore, they can make written submissions,²⁷ make closing statements at the end of a case, and appeal the verdict and the decision on reparations.²⁸ Where the Co-Prosecutors have appealed, Civil Parties acting through the CPLCLs can appeal the verdict but may not appeal the sentence.²⁹

Outside of the CPLCLs' rights at trial, they have chosen to issue requests and on occasion press releases on certain issues. In Case 002/01, the Trial Chamber refused to allow the CPLCLs the opportunity to make a brief opening statement, during which they hoped to account for the composition of the consolidated Civil Party group. In response, the Civil Party Lawyers and the international Lead Co-Lawyer at the time issued a press release deploring the position of the Chamber, and emphasizing the symbolic value that their intervention could have had.³⁰

Civil Parties are entitled to give documentary evidence and testimony in the courtroom like other fact witnesses or experts. Across both trials in Case 002, a total of 278 individuals testified in the trial proceedings, including 95 Civil Parties, or about 34% of all testimonies.³¹ They testified in every segment of the trial, including with regards to the charges of genocides of ethnic and religious minorities and acts of gender-based violence in the form of forced marriages. The lengthy, detail-oriented process of judicial investigations — including in Cases 003 and 004 which did not proceed to trial — necessitated the gathering of hundreds of thousands of pages of

²³ ECCC Internal Rules, Rule 12*ter* (1).

²⁴ ECCC Internal Rules, Rule 89.

²⁵ ECCC Internal Rules, Rule 87(4).

²⁶ ECCC Internal Rules, Rule 90(2).

²⁷ ECCC Internal Rules, Rule 92.

²⁸ ECCC Internal Rules, Rule 105(1).

²⁹ *Ibid.*

³⁰ Civil Party Lawyers and International Lead Co-Lawyer, Press Release: Civil Parties silenced once again before the ECCC (16 November 2011), discussed in Marie Guiraud, *Victims' Rights Before the ECCC: A Mixed Record for Civil Parties* (November 2012), FIDH, p. 47.

³¹ Caitlin McCaffrie and Daniel Mattes, *Another Trial: A Review of Case 002/02* (14 November 2018), WSD HANCA Center for Human Rights and International Justice at Stanford University and the East-West Center, p. 26.

documents, including testimonies of victim-survivors participating as fact witnesses, Civil Parties, or complainants. These testimonies, as well as documentary evidence gathered by investigators interviewing victim-survivors, have been made available throughout the trials and now may be used as educational and informational resources for future generations to learn more about the suffering of the past.

5. Approved ECCC Reparations Projects and VSS Non-Judicial Measures

A total of 26 reparations project have been recognized, and implemented in the three trials which have concluded at the ECCC. In Case 001, two reparations projects were accepted and implemented. In Case 002/01, 11 reparations projects were acknowledged and implemented, and in Case 002/02, 13 projects were ultimately recognized and implemented. The summary of Dr. Christoph Sperfeldt's keynote speech at the May 2022 workshop later in this report also covers these projects in greater detail. These 26 projects are detailed in the tables below, along with the organizations or institutions which implemented each of them, as well as the donors who funded each project.

Case 001			
	<i>Reparations Projects</i>	<i>Implementing Partner</i>	<i>Donor</i>
1	Inclusion of Civil Parties' names in the Case 001 verdict	ECCC	n/a
2	Compilation and Publication of Kaing Guek Eav's statements of apology and acknowledgements of responsibility	ECCC	German Federal Foreign Office / GIZ
Case 002/01			
	<i>Reparations Projects</i>	<i>Implementing Partner</i>	<i>Donor</i>
1	National Day of Remembrance	Royal Government of Cambodia	n/a

2	Memorial for Khmer Rouge Victims: "For Those Who Are No Longer Here"	Sera ING, ANVAYA Association, Embassy of France, OUBA SAS, ACYC SARL Architects	Republic of France, Ms. Catherine Quere (French MP), Mr. Avi Assouly (French MP), ANVAYA Association, Embassy of France, OUBA SAS, ACYC SARL Architects
3	Testimonial Therapy	Transcultural Psychosocial Organization	BMZ/GIZ, Stiftung Kriegstrauma Therapie, Commonwealth of Australia
4	Self-Help Groups for Rehabilitation		
5	Permanent Exhibition on Forced Transfer & Tuol Po Chrey	Documentation Center of Cambodia	BMZ/GIZ
6	Mobile Exhibition on Forced Transfer & Tuol Po Chrey	Kdei Karuna and Youth for Peace	BMZ/GIZ, German Institute for Foreign Relations, Narrowcasters Pty. Ltd.
7	New Chapter on Forced Transfer & Tuol Po Chrey in Teacher's Guidebook	Documentation Center of Cambodia	BMZ/GIZ
8	Community Peace Learning Center in Samraong Knong	Youth for Peace	Swiss Agency for Development and Cooperation
9	Illustrated Civil Party Storybook	Cambodian Human Rights Action Committee	BMZ/GIZ
10	Publication and Distribution of Case 002/01 Judgement	VSS, Public Affairs Section	BMZ/GIZ, Public Affairs Section, Ambassador David Scheffer
11	Publication of Civil Party Names on ECCC Website	VSS, Public Affairs Section	n/a

In the most recent trial in Case 002/02, 14 reparations projects were proposed finally, based on external funding sources and many were implemented even before

the issuance of that case's trial judgment.³² These 14 projects focused on several themes, relating to commemoration, rehabilitation, guarantees of non-repetition in the form of education, and memorialization. On 16 November 2018, the Trial Chamber issued its judgment finding Nuon Chea and Khieu Samphan guilty, and sentencing them each to life imprisonment. In the judgment, 13 of the 14 proposed reparations projects were approved. The only project not approved was one focused on the experience of indigenous people under the DK regime, which the Trial Chamber did not relate enough to the crimes for which the Accused were convicted in Case 002/02. Other projects which were proposed at earlier stages of the trial were removed from the final claims by the CPLCLs, primarily because fully project funding could not be adequately secured.

Case 002/02			
	<i>Recognized Reparations Projects</i>	<i>Implementing Partner</i>	<i>Donor</i>
1	App-Learning on Khmer Rouge History	Bophana Center	EU through UNOPS, Rei Foundation
2	Khmer Rouge History Education through Teacher and University Lecturer Training and Workshops	DC-Cam	EU through UNOPS
3	The Turtle Project: Innovative Cross Media Project, promoting historical awareness and civil courage	Cambodian-German Cultural Association	EU through UNOPS, German Institute of Foreign Relations (IFA)
4	Community Media Project: The Cham People and the Khmer Rouge	Cambodian-German Cultural Association	Embassy of Switzerland in Bangkok, Heinrich Böll Foundation

³² In consultations with relevant civil society representatives before, during, and after the May 2022 workshop, the report's authors were made aware that Reparation Project 12 listed in the table below, titled, "Legal and Civic Education for Minority Civil Parties" has not been implemented. The ECCC has obligations in its residual phase, according to Article 2 of the Addendum, to undertake a review and follow-up of all court-ordered reparations projects, including Case 002/02 Reparation Project 12.

5	Phka Sla Kraom Angkar: Forced Marriages under the Khmer Rouge Regime	Khmer Arts, KDK, TPO, Bophana	Swiss Development Cooperation, BMZ/GIZ, USAID
6	Voices from Ethnic Minorities: Promoting Public Awareness about the treatment of ethnic minorities during the Khmer Rouge regime	KDK	GIZ-CPS, Embassy of Switzerland in Bangkok
7	The Unheard Stories of Civil Parties participating in Case 002/02 at the ECCC	CHRAC	Heinrich Böll Foundation
8	A Time to Remember: Songwriting Contest 2016, Involving Youth in the Creating of Cambodia's Remembrance Song	YRDP	GIZ-CPS
9	Memory Sketches of Kraing Ta Chan project	YFP and PIC	International Coalition of Sites of Conscience
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)	Council of Ministers of RGC	RGC, with building funded by Embassy of Japan
11	Promoting Healing and Reconciliation in Cambodia through Psychosocial Interventions	TPO	USAID
12	Legal and Civic Education for Minority Civil Parties	Minority Rights Organization	GIZ-CPS
13	Improving the health and mental wellbeing and reducing the risk of poverty and social exclusion of some Civil Parties and other vulnerable older people in Cambodia [recognized only partially]	HelpAge Cambodia	EU through UNOPS, Swiss Development Cooperation

The VSS has also implemented several non-judicial measures as outlined in the Internal Rules. These measures are initiatives and programs that have been identified and implemented for the broader benefit of victims of the Khmer Rouge, and are implemented outside of the ECCC's judicial proceedings. Therefore they are

distinct from the reparations projects proposed by Civil Parties, which are approved by the Trial Chamber when deciding the verdict of a case.

One such project, “Promoting Gender Equality and Improving Access of Justice for Female and Gender-based Violence (GBV) Survivors of the Khmer Rouge Regime,” ran from 2016 to 2019. This project was implemented by the VSS in cooperation with the Transcultural Psychosocial Organization (TPO), and was financially supported by the UN Trust Fund to End Violence of Women. The project focused on access to justice and victims’ participation, psychological interventions, awareness raising, and capacity building on gender. In total, the project helped 2,200 female Civil Parties and other GBV survivors to participate in the ECCC’s judicial proceedings, provided psychological treatments to around 300 GBV survivors, conducted outreach and educational activities to thousands of people, especially from younger generations, and provided training on gender sensitivity to hundreds of lawyers, legal officers, and NGO staff.³³

The ECCC also signed a Memorandum of Understanding in 2014 with the Ministry of Culture and Fine Arts, for the establishment of a memorial located at Tuol Sleng Genocide Museum (TSGM), commemorating the victims who died there during the Khmer Rouge. The memorial was inaugurated in March 2015, with funding from the German Ministry of Economic Cooperation and Development and the GIZ, through the VSS.³⁴

3. Origins and Goals for a Workshop on Victims

This prominent role for victims in the judicial proceedings — from their applications through to the reparations and non-judicial measures — is the foundation for continued work in support of victims as the Court’s judicial processes come to a close and the transition to the ECCC’s residual mandate begins. In order to implement the residual mandate articulated in the Addendum, the ECCC instituted a process which eventually resulted in the Victims Workshop which is the subject of

³³ Julian Poluda, Sineth Siv, and Sotheary Yim, Final Evaluation Report: Promoting Gender Equality and Improving Access to Justice for Female Survivors and Victims of Gender-Based Violence under the Khmer Rouge Regime: Final Evaluation of the ECCC Non-Judicial Gender Project (Phase 2) (September 2019), VSS/ECCC, accessible at: <https://eccc.gov.kh/sites/default/files/reports/UNTFVAW_Cambodia_VSS_TPO_Final%20Evaluation%20Report%20Oct2019.pdf>.

³⁴ ECCC, Press Release: Inauguration of the Memorial to Victims of the Democratic Kampuchea Regime at Tuol Sleng Genocide Museum (24 March 2015), accessible at: <<https://www.eccc.gov.kh/sites/default/files/media/VSS%20Press%20Release%20TuolSleng%20Memorial%20EN.pdf>>.

this report. That process followed a number of phases of careful preparation in order to ensure both transparency and the broadest possible consultation within the limits of time and resources. Beyond internal planning, the first of these was the commissioning of a report with recommendations for the aspect of the residual phase that will deal with victim-related issues.

Thus, in anticipation of the projected completion of judicial work at the ECCC in the fourth quarter of 2022, two ECCC judges, YOU Ottara and Claudia FENZ, were appointed by the Office of Administration on 2 July 2021 as “Co-Rapporteurs on Residual Functions related to victims.” In relevant part, their mandate was to develop recommendations for activities and initiatives in the residual phase of the ECCC that would be “appropriate to and meaningful for victims encompassed in the jurisdiction of the Extraordinary Chambers.” Because of its generality, this formulation left the two judges considerable leeway as to how to implement such a mandate. Among other things, it left to the judges how to define key terms such as “victim” or “initiatives.” These terms were in fact defined by the judges in such a way as to create a broad opportunity for CSOs to engage with the residual phase. The word “victim,” the invitation for proposals stated, was to be “interpreted broadly” and “not limited to those who participated in legal proceedings before the ECCC.”³⁵

To implement their mandate, the Co-Rapporteurs, in September 2021, invited civil society organizations, academic researchers, and individuals to make submissions that would both inform their report and also provide a starting point for concrete project proposals that might be implemented through the process detailed in their recommendations. The challenge posed to those making submissions was to explain how their proposals “would be meaningful and of lasting assistance for Civil Parties, victims of the Khmer Rouge regime, and the general public.”³⁶ These three groups go well beyond the literal scope of the “victims” mentioned in the mandate and, indeed, of the even more restrictive language of Article 2 of the Addendum, referenced above. It is to the credit of the Co-Rapporteurs that, in seeking to engage civil society through the solicitation of submissions, they did so in a manner that could provide for a robust framework that could be of enduring importance, not only

³⁵ ECCC, Co-Rapporteurs on Victims: Call for Contribution of Ideas (2 September 2021), accessible at: <https://www.eccc.gov.kh/sites/default/files/publications/Co-RapporteursVictimsCallForContribution_compressed.pdf>. p. 2.

³⁶ *Ibid*, p. 1.

for the generation of Cambodians that endured the suffering caused by the Khmer Rouge, but also for their families and Cambodian society writ large.

In order to encourage participation and to make clear the broad range of proposals that might be submitted, the co-rapporteur judges enumerated a set of factors that those making submissions “might wish to keep in mind.” Even a brief consideration of the factors indicates the way in which the judges opened the door for a full range of engagement with the legacy of the Khmer Rouge as it continues to impact Cambodians. The factors to be kept in mind include (*emphasis added*):

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

Among other points that stand out from this formulation is the inclusion of existing reparations. As if to underscore and further expand the desired breadth of submissions, the call for submissions further provides that, “Possible target groups of the initiatives might include, but are not limited to direct victims and their descendants, teachers, domestic and international students and academics of various disciplines, the general public, and the media.”³⁷ This language fleshes out the three groups (civil society, victims, and the public) previously mentioned in the call for proposals and in particular makes clear that international and national educational institutions as well as media are encompassed within the projected residual activities directed towards victims.

While the submissions themselves and the Report of the Co-Rapporteurs will be considered in detail below, it is the broad framework established by the Co-Rapporteurs that informed the design of the Victims Workshop, to which we shall now turn.

The Report of the Co-Rapporteurs was submitted on 1 December 2021. On 17 March 2022, the ECCC published the Advisory Report by the Co-Rapporteurs on

³⁷ *Ibid*, p. 2.

Residual Functions related to Victims. The Advisory Report, along with its annex containing the contributions from stakeholders, can be found in full at the footnoted link.³⁸ The submissions to the Co-Rapporteurs are also discussed in detail later in this report *in III.1*, and they are annexed in full in this report *in Annex VI*.

Among other things, the Advisory Report called for the ECCC to engage in dialogues with stakeholders. Adopting this recommendation of the Co-Rapporteurs, the ECCC decided to organize a Victims Workshop to be held in May 2022. The design of the Workshop was thus informed by the Report of the Co-Rapporteurs and the submissions that the Co-Rapporteurs had received following their call for proposals. In order to provide independent input for the development of the Workshop structure and agenda the ECCC solicited applications for three consultant positions: Moderator, Coordinator, and Facilitator (*see Annex II* for the original calls for expressions of interest for the three positions). As a result of this open application process, David Cohen, Daniel Mattes, and Sangeetha Yogendran were selected for these three positions, respectively. The Coordinator, Daniel Mattes, had primary responsibility for day-to-day preparation of the workshop, interface with the ECCC administration, ongoing consultation with NGOs, Civil Parties, and other groups and individuals planning to participate. The Facilitator, Sangeetha Yogendran, building upon her deep experience with Cambodian civil society and Civil Parties at the ECCC, was also significantly engaged in the preparation process and oversaw a team of eight in-house facilitators who would lead the group discussions during the workshop. At this stage, the Moderator, David Cohen, engaged mainly in discussions of agenda setting, selection of keynote speakers, and refining the articulation of the goals of the workshop and how they could best be achieved.

The immediate purpose of the Workshop was to implement the recommendation of the Co-Rapporteurs for opening a dialogue with stakeholders regarding their engagement in the residual phase of the ECCC pertaining to victims as defined above. The framework for such engagement was the terms of the Mandate that have already been discussed. The challenge for the organizers was to create a framework that fit within the parameters of the Mandate, as interpreted by the Co-Rapporteurs, but that would also ensure as broad participation of civil society

³⁸ Judges You Ottara and Claudia Fenz, Advisory Report: Victim-Related Activities of the ECCC during the Residual Phase (1 December 2021), ECCC, accessible at: <https://eccc.gov.kh/sites/default/files/publications/EN-Advisory-Report-2022_web_2.pdf>.

and Civil Parties as possible so that all voices, stakeholder groups, and interested parties, both national and international, would be represented in submissions to take part. The overarching goal was to encourage and facilitate the active and constructive development of proposals for projects and initiatives that would both identify the most important needs and opportunities for victim-related activities and also provide a platform through which realistic and fundable proposals might best be developed. A concomitant goal was to design the workshop in such a way that the various stakeholder groups would work together rather than compete with each other in the identification of needs and development of proposals to address them.

The Co-Rapporteurs' recommendation of "dialogue" was thus interpreted broadly to encompass productive dialogue among the stakeholder groups as well as dialogue with the ECCC and with the potential funders as represented by RGC institutions, international funding organizations, and embassies representing member-states of the "Friends of the ECCC" donor group. In order to provide for the dialogue, and the Workshop overall, to be as constructive and productive as possible, the Moderator, Coordinator, and Facilitator worked closely and continuously with the ECCC Administration. This work encompassed all aspects of preparation and design, including selection of the venue, the seating arrangements most conducive to discussion, the key themes around which to frame the groupings of participants, the keynote speakers, the ways in which to engage external stakeholders (e.g. government officials, embassies, etc.) and so on. The decision of the ECCC to engage outside parties to take the lead in preparation and design of the workshop resulted in robust deliberation and discussion over how best to meet the articulated goals and fulfill the mandate of dissemination of information with the participation and for the benefit of the victims, Civil Parties, witnesses, and the public as interpreted and defined in the Report of the Co-Rapporteurs.

From this perspective, the workshop provided an opportunity to continue the deep previous engagement of the ECCC with victims, witnesses, and Civil Parties through its many years of activities around reparations, community outreach, and witness and victim protection. The scope of the reparations implemented on the basis of the projects recognized by the Trial Chamber in Cases 001, 002/01, and 002/02, and their resonance in the Workshop will be considered below. Beyond the ECCC's reparations scheme and its integration of victims and Civil Parties into its

proceedings, unique among previous tribunals, the ECCC since its earliest phase instituted the most effective program of community outreach yet achieved by any of the international or hybrid tribunals. Over 500,000 members of the public have attended a public hearing, study tour, or school lecture organized by the ECCC's Public Affairs Section (PAS) during the course of trial proceedings at the ECCC.³⁹ The ECCC thus already had extensive experience in dissemination of its proceedings to the Cambodian public and engagement with Civil Parties.

Because many of the activities in these areas were carried out through collaborations and partnerships between the ECCC and civil society organizations, the Workshop could benefit from and rest upon a significant foundation of experience in relevant areas. The Moderator, Coordinator, and Facilitator have all been heavily involved in such activities over the course of the ECCC's proceedings, thus providing a solid basis for cooperation on the Workshop design and implementation. The results of this cooperation are reflected in the details of the design and agenda of the Workshop, as well as in its proceedings, to which we will now turn.

³⁹ ECCC, Public Affairs Outreach Figures 2009 - 2017 (30 September 2017), accessible at: <<https://www.eccc.gov.kh/sites/default/files/Outreach%20statistics%20as%20of%20September%202017.pdf>>.

II. The May 2022 Workshop on Victims: Designs and Activities

As has already been discussed, Co-Rapporteur Judges You Ottara and Claudia Fenz's call for the ECCC to undertake an open, consultative process in developing victim-related activities ahead of its imminent residual mandate led to the ECCC's decision to organize a three-day workshop with victims, their representatives in civil society and the courtroom, and other key stakeholders. The ECCC determined that the Addendum tasked it with responding to the needs of victims of the Khmer Rouge regime and to disseminate information about the transitional justice process to the public. This workshop was organized as the starting point for a process to develop new programs and strengthen existing or prior ones centered on the needs of victims. In an effort to ensure the event's organization was impartial and open, the ECCC hired three external consultants to design the program, organize the event itself, and report on the submissions and outcome. The ECCC ultimately held the "Workshop on Victims and Dissemination of the Advisory Report on Victim-Related Activities of the ECCC during the Residual Phase" over three full days, from 3 to 5 May 2022, at the Hyatt Regency in Phnom Penh.

1. First Steps: Instructions, Scheduling, Venues, Covid-19 Contingencies

Workshop Coordinator Daniel Mattes began working full time on the event's organization in tandem with the ECCC Office of Administration in the last days of February 2022. He was provided with a desk at the ECCC, full access to ECCC resources, and support from various ECCC and UNAKRT staff, for the purpose of coordinating the workshop. Although based overseas, Moderator David Cohen and Facilitator Sangeetha Yogendran remained in close contact with the Coordinator by online means, and through regular weekly meetings with the Workshop Coordinator and with the Office of Administration (OA), represented by Knut Rosandhaug, Deputy Director of Administration, and Milan Jovančević, Programme Management Officer. Additional meetings took place on a more occasional basis with the national side of the OA, although the national side relayed its perspective to the Coordinator through the international side of the OA. The Moderator and Facilitator began in-person work upon their arrival in Phnom Penh the weekend before the workshop in early May.

Although the OA remained involved through regular coordination meetings, it was emphasized at an early stage and repeatedly thereafter that it was incumbent

upon the Workshop Moderator and Coordinator (in particular) to determine all of the plans and details for the event. There was never any undue pressure or dictate from the OA regarding the design or management of the workshop. The OA repeatedly referred to its desire for transparency and impartiality in its reasoning for hiring external consultants to organize the workshop. The OA handled administrative, budgetary, and procurement processes itself. However, the OA outsourced the event's planning in the hope that such impartiality might result in greater "buy-in" from key civil society partners and victim representatives. The Workshop Coordinator, Moderator, and Facilitator (hereinafter the "Secretariat") relied on their networks among civil society actors working around the ECCC, and they sought to build on the trust they had developed in their personal and professional relationships. Instructions from the OA were simple: the goal of the event was to enable "free, open-minded, and genuine discussion which would provoke the audience to think." The goal was to "organize voices" and "not to be a filter." It was made clear that workshop attendees would be treated not as guests but as active participants sharing in the process and making their voices heard at this critical juncture.

The OA also proposed three principal themes related to victims: recognition, remembrance, and reconciliation. These thematic prompts for the workshop design developed some underlying questions of inquiry which the Secretariat would draw upon in the planning and the actual running of the workshop: in *recognition* of suffering and victimhood, there are definitional questions of victim status; in *reconciliation* within society today, there are dynamics to consider not only between traditional notions of victims and former perpetrators but also within families and communities or across generations; and with acts of *remembrance*, how can we exhibit history beyond [much-needed] physical structures alone, or recall the past without re-traumatizing victims or forcing them to remain stuck in their past misery? These three principal themes thus became guideposts for the Secretariat in planning and facilitating the event. Although the OA raised the three themes initially, the Secretariat also was given complete freedom to draw upon the themes as it saw fit. As such, it was determined that the three days of the event would not be separated under each of the three themes, as the Secretariat felt that the three principles were cross-cutting and interrelated and preferred not to constrain participant discussions to hew too closely to a single principle on each of the days. Furthermore, the themes

carried with each of them a certain subjective meaning on which all participants might not always agree. Rather, the three themes became a starting point for the workshop and were referenced throughout the keynotes and working group discussions.

Regarding the final report herein, the Secretariat was informed at the outset that this final report should provide as much detail as possible as a take-away summary of the workshop and of the projects related to victims which lay ahead. Outcomes from the submission of this final report remain to be seen, but we are hopeful that the ECCC, the RGC, and international donors understand the present opportunity to build upon the networks developed at the workshop and the program ideas detailed in this report.

1. Scheduling

Given this dual task of “organizing voices” and developing projects with “as much detail as possible” from a diverse range of victims, civil society organizations, and state institutions, it was quickly determined that the workshop would need to take place over the course of three days. This lengthy duration was needed to provide time for discussions and projects to develop and occur with time to digest and consider ideas from one another and from the event speakers. It was also meant to provide enough time for discussions while also leaving space in the schedule for multiple honorary speakers and keynote speakers to provide general remarks, thematic expositions, or ceremonial comments on the Court’s impending residual mandate.

Furthermore, the organizers determined that this workshop, acting as a launchpad for the new residual phase, would serve an important symbolic purpose in three ways which necessitated it be given adequate time and space. First, the workshop would be a chance to highlight and celebrate the work that victims, Civil Parties, and their representatives and advocates in civil society had accomplished in parallel with the 15+ years of judicial proceedings at the ECCC. Secondly, this workshop would be the first opportunity for many of the participating stakeholders to be able to meet together again in an in-person conference following the two-year hiatus imposed on them by the Covid-19 pandemic. Finally, this event marked the very first time in its 15-year history that the ECCC itself organized a public workshop

specifically focused on the needs of victims and on initiatives of both civil society and state institutions.

It was quickly determined that the event would need to take place in the first week of May 2022, due to the schedules of the workshop organizers and in an effort to hold the event before the mid-May public holidays in Cambodia and well ahead of the country's scheduled 5 June 2022 commune elections. The workshop was thus set for three days from Tuesday, 3 May 2022, to Thursday, 5 May 2022. Working backwards, the Coordinator determined that an agenda would need to be largely planned by mid-March, a guest list would need to be finalized by the end of March, and invitations for national or international dignitaries would be delivered in early April, ahead of the lengthy Khmer New Year holiday. Digital invitations for other participants would be sent by late April at the very latest.

2. Venue Selection

The procurement process for the workshop venue began right away as well. It was clear that the vast majority of the participating audience would be largely based in Phnom Penh, but that there would be long-time observers, advocates, and researchers interested in joining the event from abroad. It was therefore determined that the venue would need to meet minimum standards for internet speeds and for information technology capabilities which would work with the equipment of the Court's audiovisual (AV) and information and communication technology (ICT) units. This was also necessary as a contingency in light of the Covid-19 pandemic situation, which, although it was improving significantly in Cambodia as of March 2022 due to the country's very successful vaccination campaign, remained a liability for the planning of a large-scale, multiple-day, in-person, and indoor event. With plans afoot for high-level dignitaries due to attend the workshop as honorary speakers or keynotes (more below), it also became clear that security protocols for the venue would need to be evaluated during the procurement process. Beyond those exceptional needs for ICT and security, the venue would also need to provide seating capacity for up to 150 attendees and meals and refreshments typical for a day-long business conference. It was ultimately determined that the smaller working-group discussions would be held at round tables in the same hall as the plenary events, but during the planning stages, the Secretariat was considering the need to

find venues with separate ‘breakout rooms’ in addition to the main conference halls. Finally, it was determined that the workshop ought to be held in the center of Phnom Penh, to ensure that attendees would be willing and able to join the event for all three days of the workshop. For this reason, the Secretariat determined that the ECCC campus, located on the outskirts of the capital, would not be an adequate venue.

After an initial round of research by the Secretariat, the UNAKRT procurement process began, following its standard operating procedure. Ultimately, it was decided that the Hyatt Regency Phnom Penh submitted the best bid and best met all the needs of those hotels responding to the request for proposals. While the Secretariat wondered at first whether the luxurious space would overshadow or intimidate the workshop’s participants, the Secretariat also heard from multiple participants that the Hyatt Regency’s central location, recent establishment, and service quality made them more interested in attending the workshop for all three days rather than just one. The surrounding neighborhood with many affordable guesthouses also ensured that attendees coming to Phnom Penh from the provinces, including the participating Civil Parties hosted by the ECCC VSS, would be able to find a more economical accommodation in short walking distance.

Ultimately, the Hyatt venue was an ideal space for this particular workshop: multiple hotel staff were attentive to any needs; high-quality, brand new ICT equipment ensured minimal disruptions (with the exception of the final hours on the final day) and continued remote broadcast of the event; brand new ventilation systems meant that the room was properly clean and sanitary during an ongoing pandemic situation; the nearby location of the refreshments area, the hotel restaurant, and the restrooms ensured that elderly attendees did not need to walk long distances between the event spaces; and, the conference hall itself provided enough room, even with proper spacing, to switch seating formats from the plenary’s lecture seating to the working groups’ round-table discussions.

3. Contingencies related to the Covid-19 Pandemic

As mentioned above, the RGC has overseen a nationwide vaccination campaign of all Cambodian citizens and residents, resulting in an impressive rate of about 95% of the population fully vaccinated with at least two doses of the Covid-19

vaccine. As the pandemic situation began worsening in Cambodia in February 2021, the RGC also mandated a variety of changing regulations and standard operating procedures regarding large indoor events such as weddings, conferences, and business meetings. It also tightened and loosened regulations over time in relation to the entry of Cambodians and foreigners from overseas. Although the Covid-19 situation and the changing regulations added some hurdles to planning this large-scale event featuring over 100 participants, including international guests, high-level dignitaries, and elderly Civil Parties, the situation was fortunately improving steadily as the event dates drew closer and regulations were loosened. Nonetheless, contingencies were prepared for a potential online event using the KUDO platform described in the next section on information technology. Fortunately, this was unnecessary.

By March 2022, the RGC had begun to allow larger indoor events to take place provided that social distancing and mask-wearing was respected, and the Khmer New Year holiday events in mid-April 2022 took place without a significant spike in Covid-19 cases. By May 2022, fully vaccinated international guests were able to enter Cambodia without quarantine or proof of a negative PCR test or special Covid-19 insurance. Indoor events of this size were permissible as long as guests respected social distancing and wore masks while indoors, unless they were speaking, eating, or drinking. The hotel also mandated its own policies, provided multiple hand sanitizer stations, and ensured respect for standard operating procedures on social distancing inside the hall. As an additional precaution given the high-level nature of the event and the presence of elderly Civil Parties, all the participants were required to show proof of vaccination upon registration. The ECCC's Security and Safety Section, led by UNAKRT's Covid-19 focal point Leo Fetiza, worked commendably and fastidiously in this regard. All participants were also recommended to perform a Covid-19 rapid antigen self-test on their own before and after the workshop. As far as the Secretariat is aware at the time of writing in July 2022, there were no incidents of Covid-19 reported among the participants and no spread of Covid-19 took place at the event.

2. Event Coordinator's Consultations before the Workshop

In order to provide information about the upcoming Workshop and to begin discussions on potential programs related to victims, Coordinator Daniel Mattes first

undertook consultations with key civil society organizations, state institutions, and longtime victim advocates or researchers attentive to the KRT process. The Coordinator also met with ECCC parties and with diplomatic representatives during these consultations. The aim was to build engagement and optimism for the workshop and the ECCC residual phase, to try to set expectations for the upcoming event, and to encourage potential participants to begin preparing for the event well in advance.

Those consultations at an early stage of planning allowed the Coordinator to hear and observe some key questions which continually recurred among civil society organizations which had not heard directly from the ECCC in a long time. Many voiced a similar kind of skepticism: “Why the sudden interest in victims? Why now?” The official response was that the negotiation process culminating in the Addendum to the UN-RGC Agreement had been a long one, filled with interest in supporting victims and public information-sharing but unable to undertake it until a final agreement was reached. It was made clear that this moment in mid-2022 would offer the first juncture in the ECCC’s history to hold an event like this, as the prior mandate of the Court was always focused on the judicial process and needed to ensure complete neutrality and respect for that process. The Coordinator attempted to relay this message, but he also sought to move beyond it by emphasizing the opportunities that victims’ representatives and civil society organizations now held before them.

This transitional period into the residual phase of the ECCC provides key stakeholders the chance not only to look back at lessons learned over the last 15+ years of the ECCC, but also to develop a shared vision of programs responding to the needs of victims which many felt had been forgotten or minimized. It was also a chance to reframe the long-held claim that the ECCC had not done enough for victims with a new starting question: what then do victims and their representatives want from the ECCC in this residual phase? How could that past disappointment be turned into a new victim-centered agenda?

Even with a healthy dose of skepticism, the participants consulted — particularly the local NGOs which have long been leading in the work of responding to victim requests — continually voiced a great deal of optimism and excitement as well. In the end, it was not particularly challenging to build interest in the workshop

and the residual phase. After many years of wondering if the Court would involve them and after two years of pandemic separation, it seemed that longtime stakeholders and practitioners were brimming with ideas and plans to share at the upcoming event and in planning for making the most of the imminent residual mandate of the ECCC.

This section now summarizes the notable findings during those consultations which took place before the Workshop, either in person in Phnom Penh or online. We have synthesized points of common agreement across the consultations rather than summarizing each individual or organization with whom the Coordinator met.

First, there was a real excitement and awareness of the opportunity to expand the definition of victimhood beyond the legal definitions underpinning the Civil Party scheme of the judicial proceedings. With the conclusion of the ECCC's judicial process and the development of new programs for the upcoming residual phase, civil society representatives and ECCC parties both remarked on the opportunity to involve other "victims" beyond those recognized as Civil Parties in the cases. Some called for greater attention to be given to complainants in the cases and the coordination of a follow-up with them specifically. Others noted that young people suffer secondary and inherited trauma passed down from their parents and grandparents, particularly in families where the parents were forced to marry during the DK regime. Some advocates observed that lower-level perpetrators, and their children or grandchildren in particular, could be included in programs in a continued movement toward greater reconciliation between individuals and nationwide.

However, this subject also led to other key challenges that were repeatedly raised: the obstacles of re-traumatization, the need for a "do-no-harm approach", and matters of privacy and protection for survivors and witnesses or Civil Parties. Suyheang Kry, director of Cambodian Women Peacemakers (CWP), commented on the secondary trauma she observes in young people her organization works with. She explained that CWP is now developing guides on trauma, secondary trauma, and self-care for distribution, and building peer mediation program in schools, with some collaboration with the Ministry of Education, focusing first in high schools in Prey Veng, Kandal, and Phnom Penh. An international Civil Party lawyer working overseas noted his concern that the announcement of a new residual phase might raise the hopes of his clients and other survivors that the ECCC will undertake more

satisfactory programs, only to disappoint them later. He emphasized the need for the Court to follow through on its announced plans and build guardrails into any programs to ensure that no further harm is done to victim-survivors who have already suffered. Megan Hirst and Pich Ang, the Civil Party Lead Co-Lawyers (CPLCLs) in Case 002, have also undertaken extensive filings on the subject of reclassification of Court records and the need for a comprehensive review of all documents in the case file pertaining to Civil Parties and witnesses.⁴⁰ They have pushed for every Civil Party to be contacted and specifically asked if there is any private information in their applications or victim information forms — such as names, addresses, telephone numbers, or factual statements — which they would like to be redacted before the records are made public. They observe that many victims mention former perpetrators who now live nearby in the same communities. The CPLCLs' recent filings before the Supreme Court Chamber are due to be resolved later this year along with the announcement of the appeal judgment in Case 002/02, however the lawyers argue that more could be done now to jumpstart that heavy workload well in advance of the judgment. We spoke to multiple other Court parties, ECCC observers, and victim advocates in civil society who agree.

The reclassification issue is tied also to the open question of what will happen to the ECCC archives and where they will be placed. This question was raised by multiple institutions, ECCC parties, and Court observers. However, the OA explained repeatedly to the Coordinator that such questions on the long-term location and management of the archives would be determined separately from the Victims Workshop and the development of new residual phase programs on victims. Determinations on the archives are outside the scope of the workshop and this report. Although the Legal Documentation Center (LDC), Tuol Sleng Genocide Museum (TSGM), and the Documentation Center of Cambodia (DC-Cam) were all consulted and invited to the Workshop, they were invited in relation to their work on victim engagement and outreach, not on determining the long-term plans for the archives. Nonetheless, the consultations before the workshop and the discussions during the workshop demonstrated the importance of the archives not only to the longtime observers and practitioners, but also to the victims themselves, who see the

⁴⁰ Civil Party Lead Co-Lawyers, Request for Directions Regarding the Reclassification of Civil Party Documents (14 December 2021), F71.

archives as the embodiment of their memory, as a national heritage, and as a resource for education for future generations.

This lack of clarity regarding the archives is not the only area where advocates who were consulted took issue with the Court's communications and information-sharing. Multiple NGO representatives commented that they were not even aware that the ECCC was still active. It should be noted that if these NGOs which work on Khmer Rouge-related issues were not aware, it is even more unlikely the general public was aware that the ECCC was still completing its judicial process or about to open its residual phase. Two civil society advocates who work on peace-building across minority communities noted that the Case 002/02 trial judgment was a missed opportunity for sharing groundbreaking findings on the Khmer Rouge's targeting of the ethnic Vietnamese or the Cham Muslim communities. One NGO leader noted that Nuon Chea's final statements in the Case 002/02 trial were actually misused as propaganda to stir up anti-Vietnamese sentiments on a viral social media post. The ECCC failed to make any public comments in that moment and thus missed an opportunity to educate the public about the past as well as about its own findings. Independent researcher Laura McGrew observed that victims and Civil Parties in the rural parts of the country whom she had met on a recent visit had not heard any updates from the ECCC in such a long time that they were growing increasingly frustrated and angry with the Court. Multiple researchers and observers commented that this lack of public information — particularly during the two years of the Covid-19 pandemic since early 2020 — had handicapped the Court's eventual legacy as it concludes Case 002/02 and enters its residual phase. One Court lawyer emphasized the need to follow a "Three C's strategy" to communicate, coordinate, and cooperate, and called for the Court to share all materials with as many people as possible in this important moment of transition. This optimism must be met with clarity and transparency regarding what the residual phase can and cannot achieve. Victims' expectations must not be raised now only to further disappoint them.

However, it must also be clarified that public information and outreach-based work is distinct from the legal information owed to Civil Parties by their lawyers representing them. This was raised in particular by Civil Party Lead Co-Lawyer Megan Hirst, but it was also reiterated by multiple others, including Court observers and monitors, international donors, and other lawyers, researchers, or staff working

on rule of law issues. As parties to the proceedings and clients with legal representation in the proceedings, all nearly 4,000 Civil Parties (or their successors if they have passed away) are owed conversations with their lawyers. This effort must be undertaken as soon as the Case 002/02 judgment is handed down, but many observed the missed opportunity over the last three years to keep more survivors informed of the legal process underway in their case. Complainants also need to be given the follow-up they deserve, and it was unclear to many observers what has happened to them or how to find them. While the VSS has responsibility to manage and keep track of Civil Parties, it is unclear who has done or will do the same for complainants.

When it comes to the closed investigations in Cases 003, 004, 004/01, and 004/02, none of which moved to trial due to varied procedural reasons, many observers noted that they have heard of disappointment and confusion over the outcomes of these cases. It is unclear if the Civil Parties who were encouraged to apply to join those cases as recently as 2017 have been informed that they will not be proceeding to trial or that Case 002/02 will be the final judicial process of the Court. A representative of ethnic Khmer Krom communities noted that many Vietnamese or Khmer Krom Civil Parties feel regret that those cases are not proceeding, and that is only among the few of them who know the cases' outcomes. They feel isolated, lonely, and stressed. The ethnic Vietnamese community also raised issue with follow-up on a recognized reparation project from Case 002/02 which was meant to support the provision of identification documents for ethnic Vietnamese born and/or residing in Cambodia (Project 12, discussed above in footnote 33). Many of them are now at risk of statelessness, and the ECCC has not followed up to ensure this reparation project recognized by the Trial Chamber in that case is fully carried out. All of these examples have led to diminished trust that the ECCC will leave a lasting legacy or achieve a different outcome in its residual phase as it seeks to become more involved in the needs of victims.

Multiple parties from within the ECCC as well as international donors consulted suggested that the Court should build accountability, transparency, and oversight into its residual functions. One external observer asked if it could be possible to keep the residual function as minimal as possible and limit such a broad reading of its scope in the Addendum. In addition to presenting more proactive and

public displays of its own accountability, observers and advocates called for the ECCC to be more involved in programs or initiatives from their start. Although many often remark on the redundancy or duplication of many Cambodian civil society projects, this siloing and separation could be resolved if a central institution like the ECCC would utilize its convening power and share its resources and insight at an early development stage. The ECCC, they said, sometimes forgets the adage to “not let the perfect be the enemy of the good.”

According to such views, the ECCC sometimes misses the opportunity to be involved in a smaller-scale, initial phase or pilot project because the program may not yet be applied nationwide or institutionally integrated with RGC partnerships or initiatives. This, however, misapprehends the opportunities and value which CSOs believe the ECCC could very much add. Rather than waiting for the *perfect* program to fall into its lap for its approval, the ECCC ought to go out and work with multiple *good* programs to strengthen them and provide the resources (human, technical, or financial) which they most need to succeed. The ECCC could better utilize its convening power to bring together NGOs with state entities or build collaborations across multiple like-minded CSOs. The NGO Kdei Karuna called for regular, scheduled consultations with all relevant stakeholders. Perhaps the Victims Workshop should just be the first of multiple, smaller-scale events for regular information-sharing in a spirit of cooperation. This might reduce the kinds of redundancies or lack of sustainable continuity which often plague civil society networks, including in Cambodia.

Observers also remarked on the necessity of building good institutions and relationships with existing institutions in this search for sustainability and synergy. One organization explained how easy it was for them to work with the Bar Association of the Kingdom of Cambodia (BAKC), but that it was mostly because the current president, H.E. Ly Chantola, is especially interested and proactive. How then could CSOs build sustainable relationships beyond the interest of one entrepreneurial or effective leader alone? Multiple organizations are now shifting their interest toward the younger generations, and they therefore are eager to build or grow their relationships with the Ministry of Education, Youth, and Sports (MOEYS). CWP, TSGM, KDK, and DC-Cam are all just some of the organizations or institutions which have established relationships with the MOEYS. Others rely on

international donors like the Raoul Wallenberg Institute (RWI) which are willing to fund gradual efforts at strengthening academia and civil society engagement on the rule of law. Nonetheless, the more that the ECCC talks about synergizing work across CSOs or between CSOs and state institutions, the more it helps with the momentum of change and greater cooperation. The director of Youth for Peace (YFP) was eager to see whether the Victims Workshop might motivate some potential partners to begin the collaborations which they have long planned together.

Based on such conversations it seemed that most CSOs were eager to be exposed to one another's proposals and ideas, especially after two years of the pandemic had made the arbitrary separations between the like-minded organizations feel even wider. KDK suggested a quarterly meeting with state and civil society actors involved in Khmer Rouge history education. In November 2021, that NGO also brought together such organizations in an initial discussion about the potential establishment of a Memory and Learning Center which would be a safe space for intergenerational dialogues and a joint program to gather oral histories across CSOs working in that area. Many other organizations, such as KDK, YFP, and Bophana Center, have developed or are developing relationships with the TSGM as a central hub for Khmer Rouge related history education, research, and outreach. However, TSGM noted that, even as it has developed more relationships with other organizations and deepened its position within the Ministry of Culture and Fine Arts (MCFA) as a resource for DK-era archeological matters nationwide, it suffers from the basic challenge of a lack of human resources. TSGM has the interest and skills to widen its reach and its impact, but how could the residual phase of the ECCC assist them in finding and hiring more staff to undertake their much-needed research programs? DC-Cam's Anlong Veng Peace Center meanwhile has successfully established ties not only with their major funder, USAID, but also with ASEAN Ambassadors, and six key RGC ministries: Defense, Tourism, Culture and Fine Arts, Public Works, Rural Development, and Land Management. What insights have they experienced which could be shared with other organizations?

In their efforts to build relationships with state institutions or other collaborators, many stakeholders with whom the Coordinator consulted also emphasized their attention to the needs of youth and a movement focusing more on needs today than the past. This again harkened back to the earlier discussion on the

expanding definition of ‘victimhood’, as greater emphasis is now being placed on the evolving needs of multiple generations of victims and their kin. CWP has stressed their efforts to build critical thinking into their education curricula on history, genocide, and peace. CWP explained that, in order to meet the repeated demand from survivors that atrocities “never again” take place, it is essential to build diverse historical narratives, peace education, and alternative dispute resolution at an earlier school level.

YFP observed the wide gap between young people and older victim-survivors, even as it found in prior surveys that older people felt relieved after sharing their stories at the various historical sites where YFP centers its work. This also gave young people the opportunity to ask questions and understand better why historical events took place. YFP also noted that localizing their work in specific communities and locations where crimes historically took place heightened interest in the past in those communities. This also aligned with the intensive work of DC-Cam in the Anlong Veng community, to build peace and greater understanding of the past not only nationwide but with particular attention to the former Khmer Rouge stronghold and with the involvement of the children and grandchildren of former Khmer Rouge cadres living there. Leaders from Bophana Center and DC-Cam described this similarly, and they provided examples of their programs, from film trainings to public civic education, which sought to engage young people in examining their history. A representative of the Youth Resource Development Program (YRDP) explained that young people he works with are no longer willing to sit through a lecture from the ECCC about its trial proceedings or its arcane legal findings. He explained that CSOs and stakeholders seeking to engage youth in educational work or outreach programs bringing them together with victim-survivors must speak to them in a language, and with the innovative tools and media, which appeal to them.

Greater attention was thus given by multiple organizations toward developing transformational changes, both for youth to imagine a transformed future founded on the peace and post-conflict situation they have grown up in and for surviving elderly generations — many of whom are stuck in poverty or challenging circumstances. Even as CSOs hope to transform society with this generational change, others emphasized the need to transform the challenging situations in which many older

victim-survivors find themselves.⁴¹ KDK and the international advocacy organizations REDRESS and the Global Survivors Fund, which have undertaken a survey of victim-survivors of SGBV crimes in Cambodia, called for social services responding to the needs of elderly survivors. They request monetary contributions or access to the government's "IDPoor" card scheme which waives medical costs and lowers food costs for the country's poorest citizens.⁴² Expanding these programs to survivors of SGBV and to survivors of the Khmer Rouge regime more generally would depend very much on institutional support from key RGC institutions such as the Ministry of Social Affairs, Ministry of Women's Affairs, National Social Protection Council, or the National Social Security Fund. These kinds of longer-term initiatives also respond more effectively to the criticism of small-scale "projectification" of the ECCC's judicial reparations scheme, an issue discussed in academic research,⁴³ which also was referenced in our consultations.

Even as the expansion of these institutional forms of social security or welfare programs remain out of reach, some CSOs have already taken on some of the work on their own shoulders in smaller pilot programs. KDK has conducted a pilot project on community self-care and training on basic counseling and mental health issues for groups of survivors. The Battambang-based organization HelpAge Cambodia has continued to develop and support the establishment of older people associations (OPAs) as a parallel to victims associations encouraging younger generations to take care of their elders and fight ageism in intergenerational self-help communities. Similarly, DC-Cam has developed what it calls the "CamboCorps" of voluntary youth networks nationwide who conduct health checks and surveys of survivors and help to refer them to medical attention as needed.

The development of such similar programs across civil society with wide-ranging idealistic goals for future transformative change is important and inspiring, yet it remains an opportunity demanding greater synergy and integration. As

⁴¹ Melanie Hyde, Emma Palmer, and Sarah Williams, *Transformative Reparations for Sexual and Gender-Based Violence at the ECCC: Reflections, Recommendations and Next Steps* (2014), Australian Human Rights Centre and the Asian International Justice Initiative.

⁴² REDRESS, Cambodia: Opportunities for Reparations for Survivors of Conflict-Related Sexual Violence (pending publication as of 15 July 2022); REDRESS, Global Survivors Fund, and Kdei Karuna, *Reparations for Survivors of Conflict-Related Sexual Violence: Country Briefing: Cambodia* (September 2021), accessible at: <https://drive.google.com/file/d/1dm1XHmUg_tp8YTFTb4kDIDrJmn5tlzcQ/view>.

⁴³ Christoph Sperfeldt and Rachel Hughes, *The Projectification of Reparation*, *Journal of Human Rights Practice* 12(3) (November 2020), pp. 545-565.

Sopheap Chea from Bophana Center explained in our consultation meeting, reconciliation may just be a “dream” for some survivors, and forgiveness is a whole different question, but these are “real possibilities” for the younger generation. With all these discussions completed, the Coordinator and the rest of the Secretariat moved toward the May 2022 Workshop with a great deal of momentum and intention.

3. Workshop Secretariat and ECCC Support Team

In addition to these ongoing consultations which preceded and shaped the three days of the Workshop, both the national and international sides of the OA supported the Workshop Secretariat in the final weeks before the workshop with the assignment and secondment of 34 staff from within the ECCC to support the event. A key coordination briefing and meeting with the Acting Director and Deputy Director of the Office of Administration and the full support team was held about two weeks before the workshop, and the team actively undertook all final preparations from that point onward in a very cooperative and supportive manner.

Hang Vannak, chief of the Court’s Victims support section (VSS), co-chaired the plenary sessions of the workshop alongside the Moderator and Lead Facilitator. The VSS also arranged the attendance and participation of 11 Civil Parties for all three days, as well as the attendance of the three surviving victims of S-21 Security Center at the workshop’s opening ceremony. Keut Sokha, normally the officer-in-charge of the Court’s Witness and Expert Support Unit (WESU), became a co-coordinator who worked closely with workshop coordinator Daniel Mattes to handle all major organizational details before and during the event. Eight facilitators were seconded from different offices of the ECCC to each help to lead and support discussions in the eight thematic working groups which met throughout the three days of the workshop (more on the working groups below). These eight facilitators prepared discussion methods, questions, and prompts under the leadership and oversight of Lead Facilitator Sangeetha Yogendran.

Staff from the national side of the Office of Administration assisted with registration and undertook an essential protocol plan for dignitaries joining the opening and closing sessions, to ensure that all participants were seated in a seamless and respectful manner. Three courtroom interpreters joined each day of the Workshop to translate between Khmer and English for all plenary sessions, and

to rotate between the smaller working groups during discussion sessions to provide Khmer and English interpretation as needed. They also provided interpretation when necessary for spontaneous needs, such as during lunch-break meetings. Their interpretation was also needed for the online broadcast of the event, as described below in the section on information technology. The Court's translators and transcribers have also provided essential support before and after the workshop, as have the team of the General Services Section who ensured the provision and transport of key equipment between the ECCC campus and the hotel venue.

The Public Affairs Section (PAS) handled the media strategy for the event. PAS chief Neth Pheaktra opened the workshop as the emcee for the opening session featuring the honorary speakers from the RGC, the ECCC, and the diplomatic community. PAS organized a press conference via Zoom on 2 May 2022, one day before the workshop opened, in order to brief the local media on the Addendum, expected dates for the announcement of the final judgment in Case 002/02, plans for the residual phase, and the goals for the Workshop on Victims. VSS Chief Hang Vannak and Workshop Coordinator Daniel Mattes joined the conference to summarize the goals for the event and answer any questions. PAS staff also arranged the attendance of local media, photojournalists or video crews to join the workshop's public sessions at its opening and close. Approximately ten journalists, photographers and videographers from the media and the public joined the workshop's opening sessions on 3 May 2022, and three returned for the closing sessions on 5 May 2022. PAS staff also photographed the full event for the pool, and they managed regular updates to the ECCC's website and Facebook and Twitter pages to keep the public informed on the event's activities. PAS also worked closely with the Coordinator to deliver press releases after the first and the last days of the Workshop, in both Khmer and English (all of which are included in this report's *Annex IV*), which resulted in media coverage of the workshop in local news outlets.

In addition to the Covid-19 safety planning and vaccination registration described earlier, the Court's Security and Safety section undertook an additional assessment of the security protocol of the venue, and made preparations for RGC representatives, ambassadors, and other high-level dignitaries and diplomatic staff to attend both the opening and closing sessions of the Workshop. Ten members of their

team were present all three days and assisted with the registration of participants, the provision of participant badges, and the flow of participants at the venue.

Four members of the Court's audiovisual (AV) and information and communication technology (ICT) units prepared for weeks before the event and managed the very complex on-site information-technology needs of the workshop. The AV unit arranged and coordinated the provision of 200 handheld simultaneous interpretation devices and the infrared sensors required for their use. The AV and ICT units also managed the placement and relay of three cameras throughout the conference hall to ensure full recording of the event for the Court's records. These audiovisual recordings were also broadcast on livestreams during the workshop's public opening and closing sessions on the ECCC's Youtube and Facebook pages, and they continued to be broadcast to invited participants joining the event online via the online web-conference platform, KUDO. The AV and ICT units also ensured that the two keynote speakers joining the event from overseas would be able to provide their live speeches to the audience through the KUDO platform.

The AV and ICT units prepared for weeks in advance to prepare and test the system to ensure that the keynotes would not have major technical problems, and they ensured that the event itself proceeded seamlessly. The AV unit also "stage-managed" the event to make sure that the three cameras captured any speaker — whether standing at the podium on the stage or at a table in the audience. Such speakers would then be displayed on the four LCD projector screens in the venue hall, recorded for the event's records, and shown on KUDO to the invited online viewers. The AV unit also managed any videos or presentations which needed to be displayed on-screen during the week's events. Thanks to the impressive work of the Court's AV and ICT units, the Workshop had very limited technical malfunctions, and the Workshop was able to reach a cumulative 86 additional viewers on the KUDO online platform who joined for all or part of the three-day event. These units also enabled the PAS to draw upon audiovisual content for future public affairs needs, and also ensuring the Workshop would be recorded for posterity.

Although some equipment and materials were provided by the hotel venue, auxiliary equipment used for language interpretation or for AV and ICT needs came from the ECCC's inventory and was effectively utilized at the workshop to avoid

adding costs to the event's overall budget. The subscription with KUDO preceded the event as well, so added costs for the use of that online platform were limited.

4. Agenda and Participants

The agenda of the Workshop was formulated so as to address the needs and goals articulated in this report thus far. The event was held from 3 to 5 May 2022, from approximately 9:00AM to 5:00PM each day. The workshop was bookended by publicly accessible opening and closing sessions. Public access was permitted through the livestreams of the event online, and members of the press were invited to attend. The opening ceremony of the event on 3 May featured approximately 120 guests, including several dignitaries from the RGC, from diplomatic missions in Phnom Penh, and from international organizations. The Workshop organizers selected invited honorary speakers who represented key stakeholders in the ECCC's residual phase and who could address issues relevant to the implementation of victim-related programming pursuant to the framework of the Addendum and the Co-Rapporteurs' Report. The opening ceremony included welcoming remarks from H.E. Mr. Khanh Tony, Acting Director of Administration of the ECCC, H.E. Mr. Jacques Pellet, Ambassador of France and Co-Chair of the Friends of the ECCC, and H.E. Mr. Keo Remy, Delegate Minister attached to the Prime Minister, President of the Cambodian Human Rights Committee, and Permanent Vice Chairman of the Royal Government Task Force on the ECCC Proceedings. The Workshop Moderator, Dr. David Cohen, also introduced himself to the participants and then introduced a special video message from H.E. Dr. Beth Van Schaack, United States Ambassador-at-Large for Global Criminal Justice. In her brief video remarks, Ambassador Van Schaack noted, "With the establishment of residual functions of the ECCC, and with the encouragement laid out in the advisory report recommendations, you have a rare opportunity to ensure that efforts continue to be made to heal the wounds of those who have suffered."⁴⁴

The three days of the workshop were attended each day by more than 90 regular participants, including 15 Civil Parties. There was very little attrition among the participants overall; almost everyone joined the workshop for all three days. Following the opening ceremony on 3 May, the workshop went into closed session,

⁴⁴ The video recording of Ambassador Van Schaack's full remarks are available to view on the ECCC's Youtube page here: <https://youtu.be/8PW14gKI_WY>.

with no live-streaming on the ECCC website or social media channels and with access only for those invited to the workshop. The sessions were closed in order to facilitate intensive discussions between participants in the smaller working groups, to ensure that victim-survivors attending the event felt comfortable and safe in sharing their stories, and to provide some privacy for keynote speakers to speak more freely.

Although the workshop's main outputs would stem from the discussions in the working groups, it was also seen as important to provide the participants with insight from individuals independent of the workshop and with deep experience at the ECCC and other institutions related to the themes defining the workshop agenda. The five individuals selected as keynote speakers were asked to reflect upon their experience as it specifically pertained to important themes and issues that the workshop would take up. The underlying idea was that these distinguished keynote speeches would provide additional or new perspectives and inspiration for the participants that might assist them in their group work. The keynote speakers and their presentations will be discussed below *in II.6*. In order to integrate the keynote speeches and the breakout group work the keynotes were followed by the work sessions of the thematic groups. In all, five working sessions of the groups took place and each session had an assigned goal designed to lead to the final formulation of each group's presentation of its results. The discussion groups came together first for a midpoint plenary session on the afternoon of 4 May, to mark the halfway point of the workshop and share ongoing discussions and questions with all the attendees in brief presentations from each of the working groups. Two more keynotes and two more discussion sessions followed that midpoint plenary, before the final plenary on the afternoon of 5 May.

Although closed to most of the public, all the live keynotes and the midpoint plenary presentations were viewable on the KUDO platform for limited international participants who were invited by the Secretariat. There were cumulatively 86 viewers on the KUDO online platform across the three days, including a large number of Cambodian students of law, history, and human rights at Paññāsāstra University of Cambodia (PUC) and at the Royal University of Law and Economics (RULE). Guests also joined online from leading relevant international organizations and institutions, including the American Bar Association Rule of Law Initiative, Swisspeace, Global Survivors Fund, REDRESS, GD Alliance, Asia Justice Coalition, University of

Melbourne, La Trobe University, European Union Institute, Harvard Law School, USAID, and the Embassy of Switzerland in Bangkok.

On the afternoon of 5 May, the workshop proceeded to its final plenary session wherein the discussion groups were asked to make final presentations of their discussions and share any project proposals to be submitted for consideration for the ECCC's coming residual phase. These submissions are discussed in detail below *in II.5*. This afternoon session was opened back up to the public with an online livestream again and the attendance of additional guests, including several representatives from diplomatic missions in Phnom Penh as well as a few journalists. The Workshop Secretariat decided to open up the closing plenary session to members of the diplomatic corps and the public in order to highlight the important proposals which the participants would be sharing, and to invite representatives of potential donors to hear directly from the potential partners or implementing organizations among the workshop's participants. The closing plenary was followed by final remarks from Moderator Dr. David Cohen, plenary Co-Chair and VSS Chief Mr. Hang Vannak, and closing speeches from two Civil Parties attending the workshop: Mr. Chan Sath and Ms. Pech Srey Phâl. The workshop then closed with a warm speech of support from H.E. Mr. Mikami Masahiro, Ambassador of Japan and Co-Chair of the Friends of the ECCC, and final remarks from Mr. Knut Rosandhaug, Deputy Director of Administration of the ECCC. These closing sessions were also attended by the President of the Bar Association of the Kingdom of Cambodia (BAKC), Ly Chantola; British Ambassador Tina Redshaw; and, French Ambassador Jacques Pellet. Representatives of the embassies and diplomatic offices of Australia, the United States, Germany, the European Union, Switzerland, Turkey, Thailand, and Vietnam joined, as did representatives of UNESCO, UNOHCHR, and UNWOMEN.

The 90 participants who joined and participated in each day of the workshop included representatives of local NGOs and international organizations, state institutions and museums, Civil Party lawyers, independent academics, lawyers and researchers, and ECCC parties and staff. They represented a wide range of organizations and institutions listed at the outset of this report. Most NGOs working on ECCC-related issues attended with two to four team members. If more than one representative of an organization or institution attended, they were split up among the different working groups to ensure that each group heard from a variety of voices

and perspectives. Approximately 29 of the participants came from local or international NGOs, six came from academic backgrounds (primarily the Center for the Study of Humanitarian Law at RULE), and eight were independent researchers, consultants, or lawyers. 16 attended from state institutions, including the Tuol Sleng Genocide Museum (TSGM), Choeung Ek Genocidal Center (CKGC), the BAKC, and the Legal Documentation Center of the ECCC (LDC). Her Excellency Thun Sa Im, Undersecretary of State at the Ministry of Education Youth and Sports also joined extensive discussions on the second and third days of the workshop. GIZ Civil Peace Service also sent a large contingent of regular participants who contributed a great deal of advice and support throughout the event.

13 parties or staff of the ECCC joined all three days of the Workshop, including International Co-Prosecutor Brenda Hollis, National Deputy Co-Prosecutor Srea Rattanak, Civil Party Lead Co-Lawyers Pich Ang and Megan Hirst, and Civil Party Lawyers Hong Kimsuon, Lor Chunthy, Sin Soworn, Ty Srinna, and Ven Pov. These 13 ECCC staff were invited and joined the event as full participants alongside the other 80 or so individuals. They were spread across the eight working groups, and they took an active role in their discussions.

Another overarching aim in organizing the Workshop was to ensure that the voices of victim-survivors and Civil Parties were heard in every phase of the workshop. It was also of prime importance to avoid including them only as a kind of tokenism, but rather to create a role for them that would ensure their substantive input in the discussions and output of the groups. A total of 14 Civil Parties and one additional victim-survivor took an active part in the workshop. Their names are listed at the start of this report in recognition of their active contributions. 11 Civil Parties were invited from across the country and supported by the VSS, which provided them with accommodations, transport, and food. Four other victim-survivors, including three Civil Parties, were invited and supported by the local NGO Kdei Karuna (KDK). The three surviving victims of S-21 Security Center, Mr. Bou Meng, Mr. Chum Mey, and Mr. Norng Chanphal, also were invited to attend the opening ceremony of the workshop on 3 May.

The Workshop Secretariat had sought from an early point to consider the attendance and participation of Civil Parties in the workshop so as to ensure that they could speak for themselves regarding what they wanted to see during the

impending ECCC residual phase. The in-person event offered a more comfortable and casual format to include victim-survivors' voices than the more formalized submission process for either the Co-Rapporteurs' advisory report or this report. This intent to involve the Civil Parties directly in the event was cemented following the Coordinator's consultations with local and international stakeholders described above. In particular, it stemmed from the submission of the international organization REDRESS, which has undertaken a report on reparations for victims of conflict-related sexual violence in Cambodia in partnership with KDK. In consultations before the workshop, REDRESS emphasized to the Coordinator that the involvement of victims themselves would lend legitimacy to the overall outcomes of the workshop. This viewpoint was further supported in discussions with leading civil society advocate and psychotherapist Yim Sotheary and academic researcher Christoph Sperfeldt, who also joined the event as two of the five keynote speakers.

Thanks to the technical and financial support of VSS and KDK, 15 Civil Parties were able to join the workshop and fully take part in the event. Hearing from the Civil Parties directly and repeatedly left a greater impression on the event participants than had there been only victim representatives in a room with no victims themselves.

5. Discussion Groups

As discussed already, eight working groups were formed and organized by the Workshop Secretariat in an effort to promote in-depth discussions covering eight separate thematic issues across the three days of the event. Each working group's discussion was facilitated by a different ECCC staff member who was seconded to assist in this special event, and each group was asked to pick a notetaker who provided summary notes which were utilized in drafting this report. The groups were also given flip-charts for writing up their ideas, which have been transcribed for use in writing this report as well. The facilitators worked closely with the Secretariat, and their primary task was to ensure that all participants were heard during the discussions, and to observe and gather points of commonality and difference, as well as challenges and surprises.

On the one hand, the overarching priority was to encourage and facilitate participation, discussion, and collaboration as much as possible by giving the

participants a central and active role. On the other hand, because of the diversity of groups and proposals represented by the participants, it was also important to identify common themes and provide a format that would center the discourse around them. This resulted in the decision to group participants not by their organization but by their interests and expertise related to eight thematic groupings. This was also done in a way to ensure that organizations represented by multiple participants were distributed among the groups. The aim was both to avoid an individual organization dominating a group according to its own interests and also to ensure that their input was shared among different groups rather than confined to only one. The inter-related nature of the themes commended itself such an approach.

One of the eight groups was made up entirely of seven Civil Parties joining the workshop, while the other eight victim-survivors in attendance joined different working groups on thematic issues. It was decided to ensure that one entire working group would be made up solely of Civil Parties in order to give them a comfortable space to develop ideas for victim-centered initiatives and from which they could provide feedback and commentary on the other working groups' proposals during the plenary session. This arrangement succeeded in ensuring they played a central role in the Workshop's discussions and output. Two VSS staff facilitated this group's discussions.

The other seven working groups were constituted from the diverse range of participants attending from across civil society, academia, international organizations, state institutions, and the ECCC. These seven groups were designed to each discuss a different thematic area of focus for present and future victims' initiatives. The thematic topics were drawn from an initial analysis of the submissions to the Co-Rapporteurs' report (summarized later *in III.1*) and through the consultations which the Coordinator undertook in the weeks before the Workshop.

The Secretariat purposefully selected the members for each of the groups from the confirmed guest list in order to bring together representatives of different organizations, groups and institutions working in similar areas and topics. The goal was to build complementary groups which would uplift new voices while also centering and relying on the expertise of long-time and leading practitioners and stakeholders as well. Some in each group were familiar with one another or had

collaborated before; others have long worked separately yet in parallel with one another on similar issues. The Secretariat hoped to bring participants together from disparate backgrounds and spread multiple representatives from particular organizations across multiple small groups, in order to support a more innovative and collaborative discussion.

Participants were divided into the following eight groups, with the listed organizations and institutions represented in each group as follows:

No.	Theme	Organizations Represented
1	Civil Parties focus	Seven Civil Parties
2	Mental health, healing, aging, and longer-term duties to victims	TPO, YFP, HelpAge, NGOF, GADC, GIZ-CPS, two Civil Parties
3	Victim-centered archives and documentation, and witness and victim protection	TSGM, CKGC, LDC, BAKC, CSHL/RULE, KDK, LAC, GIZ-CPS, ECCC parties/staff
4	Historical sites, monuments, and acts of remembrance	TSGM, CKGC, LDC, CSHL/RULE, RWI, YFP, DC-Cam, ECCC parties/staff, two Civil Parties
5	Ethnic and religious minorities	CWP, DC-Cam, KDK, CSHL/RULE, MOEYS, GIZ-CPS, ECCC parties/staff, multiple independent researchers, two Civil Parties
6	Access to justice and legal aid for victims and survivors	BAKC, RWI, CCHR, LAC, SNB, GD Alliance, CSHL/RULE, ECCC parties/staff
7	Intergenerational dialogues, youth, and oral histories	TSGM, LDC, CWP, Bophana, KDK, YFP, YRDP, UYFC, Future Forum, ECCC parties/staff, two victim-survivors
8	Recognition and reparation for sexual and gender-based violence	KDK, ADHOC, UNWOMEN, BAKC, CWP, GADC, REDRESS, AUPP, UNOHCHR, ECCC parties/staff

Although these groups were constituted according to individual thematic topics, all the groups were also asked to speak across these themes as well, recognizing how many issues are interrelated. Participants across all groups were asked to examine their discussions through a complex lens sensitive to gender, ethnicity, religion, (dis)ability, sexuality, and age. Recognition and remembrance of

the genocide of minority groups, or of acts of a sexual or gender-based nature during the DK regime cut across multiple issue areas and required a multilateral approach. However, it was noted in the prior consultations with CSOs that victims of these crimes have also called for distinct and separate recognition of their experiences which have long gone unnoticed or unmentioned. This point also surfaced in some submissions to the Co-Rapporteurs. The Secretariat thus decided to create two discussion groups focused specifically on the experiences of minority groups and on recognizing and responding to the crimes of SGBV in DK, to highlight those experiences and give their victims and survivors the attention they too deserve.

All the groups, regardless of subject area, were asked to follow similar general prompts across each of the five sessions. They were also asked to try to develop together one or more project proposals centered on their thematic issue area. Over the five sessions, they were expected to piece together the details of a program that would fit into the residual mandate of the ECCC and align with their own goals and aspirations. With the midpoint plenary on 4 May for checking in and updating one another, and by the final plenary on 5 May, the Secretariat aimed to hear and discuss at least eight distinct and detailed projects covering distinct program areas. These discussions, and the subsequent plenaries, also presented an opportunity for each of the organizations and institutions in attendance to share with one another what they hope to achieve on their own or together, on behalf of victims, over the next three or more years as the ECCC begins winding down.

In bringing together representatives of different organizations in these eight working groups, the Secretariat hoped to enable discussions on common ambitions. The mixed composition of each group ensured that civil society advocates could speak directly with state institutions or international organizations, in promotion of greater dialogue and possibly eventual cooperation between different kinds of organizations. The Secretariat, as well as many participants themselves, had observed sometimes redundant or duplicative projects undertaken in ECCC-related work in the past. The development of new programs timed with the ECCC residual phase presents an opportunity to come together across potential partner organizations rather than to remain siloed, separated, and in competition with one another for program funding. Thus, the Secretariat attempted to highlight the need for greater synergy between like-minded organizations and integration with

institutions that would ensure sustainability of these programs in the longer term. The importance of this approach for sustainability will be discussed in some detail below.

The implementation of this organizational schema resulted in very active discussion and participation in each of the breakout groups. On the morning of Days 2 and 3 almost all the participants were in their groups and working together well before the official start of the proceedings at 9:00AM. Likewise, at the end of Day 2, very few participants left at 5:00PM when the final session of the day had closed. They remained in their groups, continuing their discussions and working on the group presentations well into the evening. The same enthusiasm was also reflected in the general discussions and Q&As that followed the keynote talks. The result was that in the plenary at the end of Day 3, all of the groups were ready with a well-formulated presentation of their results, recommending specific kinds of programs and initiatives to the broader audience that included members of the diplomatic community, the RGC, and other stakeholders. Summary of the actual prompts, topics, and content of the discussions across the five working group sessions is found later in this report, *in section III.2* summarizing submissions from the workshop participants.

6. Keynote Speakers

The Workshop organizers selected keynote speakers based upon their extensive engagement with victims and Civil Parties at the ECCC or with other experiences that could inform and inspire the discussions of the breakout groups and plenaries. The keynote speakers also agreed to participate in Q&A sessions following their presentations so as to enable participants to engage directly with them. The speakers, are described below in the order in which they spoke.

1. Ms. YIM Sotheary

Ms. Yim Sotheary is an accomplished psychologist, psychotherapist, and facilitator on conflict and peace-building. With over 18 years of experience in her field at the intersection of trauma, healing and reconciliation she also has extensive professional experience with survivors of trauma from the Khmer Rouge regime. Her work with victims has also focused on gender-based violence, a topic of significance for the Workshop. Sotheary was instrumental in producing the comprehensive

guidebook entitled “Understanding Trauma in Cambodia,” and she also wrote, “The Past and the Present of Forced Marriage Survivors: Experience toward Healing,” after reflecting on her work with survivors of forced marriage. She also co-authored the evaluation report on the second phase of the ECCC VSS’s Non-Judicial Measure supported by the UN Trust Fund to End Violence against Women. Because of her expertise and extensive experience working with many of the organizations and individuals participating in the workshop, she was particularly well-suited to give the first keynote address, which was held in public session on the morning of 3 May.

Ms. Yim addressed central questions that shape the experience of victims and their families. She began by recounting her earliest engagement with victims as a young assistant psychologist whose own life had been impacted by the Khmer Rouge. At these meetings, victims raised questions and comments such as, “What does reconciliation mean? Do I have the right to claim it? It’s an unfortunate, bad karma in my life. I will just take it with me.” She was struck by their sense of hopelessness and inability to justify or explain their pain and suffering. She explained in some detail how the creation of the ECCC changed this and created an opportunity to give voice to feelings long repressed: “We heard sounds of crying, aggression, the blame, the shouting, the words of revenge, the forgiveness, the silence, and the thank you to let them speak.”

An important lesson she drew from her experience was the need to engage with victims in a way that enabled them to break their silence and tell a story of the violence they had witnessed: “It was often the story of witnessing the killing – or the death – of the loved one being sexually assault[ed], abuse[d] and/or rape[d].” She used this example to introduce an important theme that echoed throughout the Workshop and grounded some of the recommendations voiced by victims, Civil Parties, and NGOs. What continues to impact the lives of victims and their families is that, “In some cases, the perpetrators are there as their neighbors.” Living side by side in this way, she explained, contributes to the trauma, and this trauma is passed on to the next generation. Dealing with such intergenerational trauma was an important theme in her presentation and it continued to resonate through the next days of the Workshop.

Another key theme Ms. Yim addressed was the central importance of having victims and Civil Parties engage at every stage of this healing process, and of

listening to their understanding of what justice, healing,, and reconciliation mean and require. This was a theme that was also carried throughout the Workshop through the voices of the victims and Civil Parties who participated at every stage. She also emphasized, however, that all engagement with victims and Civil Parties must be “trauma-informed” through appropriate training and preparation.

Among the other important points that Ms. Yim focused attention upon was the aftermath of sexual and gender-based violence under the Khmer Rouge. This topic had been hidden for so long in silence or misunderstood, and for several reasons had not been extensively investigated, so when research revealed how extensive these kinds of SGBV had been, this too often negatively impacted the victims. As she explained, “Instead of receiving care and support, victim-survivors receive criticism and stigmatization. Instead of holding perpetrators responsible, victims had to hold the burden of responsibility to justify [themselves].” She noted that victims of forced marriage and its consequences were among the participants of the Workshop, and they in fact did later speak and address through their own experience what Ms. Yim had articulated. She concluded her remarks by pointing to the importance of not just focusing on their pain and suffering when dealing with victims, but rather on their strengths and resiliency as survivors, in order to avoid re-traumatization and to instead work to promote self-healing.

2. Mr. Karim A.A. KHAN, QC

Mr. Karim A. A. Khan, QC was elected as Chief Prosecutor of the International Criminal Court (ICC) at the 19th session of the Assembly of States Parties to the Rome Statute in New York in February 2021. Mr Khan was sworn in on 16 June 2021, having previously served as an Assistant Secretary-General of the United Nations and as the first Special Adviser and Head of the United Nations Investigative Team to promote accountability for crimes committed by Da'esh/ISIL in Iraq (UNITAD) between 2018 to 2021. His professional experience includes work at the ICC, International Criminal Tribunal for Rwanda, International Tribunal for the Former Yugoslavia, the Special Court for Sierra Leone, the Special Tribunal for Lebanon, and the ECCC. At the ECCC, he served as a Civil Party Lawyer in Case 001. He was invited to give keynote remarks to the workshop on the afternoon of the workshop’s

first day via live online feed, and he was asked to reflect upon his representation of Civil Parties from the perspective of his broad international experience.

Mr. Khan began his remarks by reflecting upon his first days in Cambodia as counsel for the largest group of Civil Parties in Case 001. He recalled what a new experience it was to be representing such a group as *parties* to the proceedings and how, even in his first encounter with them, he sensed the importance they attached to this historic opportunity. He recounted how, after an early hearing before the substantive proceedings had begun:

I had so many people come running up to me with tears in their eyes, [...] and people would hug me and there'd be crying and suddenly I realized, even if I didn't understand what they were saying [...] I could see that it was extremely important for them and it made a difference. For so many, they said this is the beginning of closure. This is the beginning. We have hope justice is going to be vindicated [...] there was this keen sense, from the people, from the Civil Parties that I spoke to, that something momentous was happening.

In continuing his account of the importance of the Civil Parties' role in the proceedings he also noted that while it made a valuable contribution, it could not fully meet the needs of the Civil Parties. For this reason, he explained, "Always in international criminal justice, we have to be very cautious about raising expectations too high and then not fulfilling those expectations in practice ... Anybody who thinks international criminal justice can solve everything is going to set it up for failure." What we need to do, he continued, is to make clear what international criminal law can do and what it cannot. This, as emerged from his and other remarks, is what necessitates initiatives outside of the courtroom and beyond the end of judicial proceedings if the needs of victims are to be addressed.

Another key theme Mr. Khan developed in his presentation was the need for the international community and the practitioners of international criminal law to continually reflect upon what has been learned from the shortcomings and failures as well as the successes that inevitably shape the legacy of all of the attempts to achieve justice and reconciliation in the aftermath of mass atrocity. Reviewing some of the issues that arose after the Trial Chamber's Judgment in Case 001 and the limited scope of reparations in that case, he also underscored the importance of

what has been achieved at the ECCC. This is the legacy from which we must learn and improve. Thus, he concluded:

I think the effort that's been put in by the Cambodians, by the international community, by victims and defense and prosecutors, and most of all – most of all, by a long way – by the Cambodian people, to understand, more than anybody else, the importance of justice, it really gives one hope that if we can keep clinging to that and working for [it], justice tomorrow will be better than yesterday.

3. Dr. Christoph SPERFELDT

Dr. Christoph Sperfeldt is a Fellow at the Center for Human Rights and International Justice at Stanford University and Adjunct Professor at the Center for the Study of Humanitarian Law at the Royal University of Law and Economics, Cambodia. He most recently was an Honorary Fellow at the Peter McMullin Center on Statelessness at Melbourne Law School. Prior to joining academia he worked for more than 15 years on human rights and transitional justice in Cambodia, Indonesia, and ASEAN more broadly. As senior advisor with the German development agency (GIZ) for five years in Cambodia, he advised the Cambodian Human Rights Action Committee (CHRAC) and the ECCC VSS. Building upon his many years of engagement with the ECCC and civil society in Cambodia, he has become a leading scholar on reparations at the Khmer Rouge Tribunal, as well as in his other main area of publications on statelessness in Southeast Asia and beyond. He was asked to give a detailed keynote presentation on the morning of 4 May.

Dr. Sperfeldt began his presentation by emphasizing that the main point he wanted to convey was that when designing victim-oriented work in the residual phase, “We should draw on past lessons and experiences of past programs, and existing programs around the ECCC.” He illustrated this point by focusing on reparations projects and non-judicial measures that have been implemented in past years in connection with the ECCC.

He pointed out the shortcomings in the reparations measures implemented in Case 001 in relation to the demands made by the Civil Parties. He immediately noted, however, that in light of the criticisms of the outcome in Case 001, “We have then experienced a quite significant reform of that reparation scheme at the ECCC that allowed for external funding to projects that the Victims Support Section could design, in collaboration, with civil society actors.” As a result, he continued, 24

reparations projects were recognized in the two parts of Case 002. In addition, the VSS was “given the mandate to implement non-judicial measures, outside of its reparations function, where it was free to implement measures for the broader benefit of victims, not only the Civil Parties.” Two important such measures that resulted were the memorial at Tuol Sleng Genocide Museum, and a multi-phase project led by the VSS addressing the consequences of the SGBV that occurred under the Khmer Rouge regime. He also observed the Court’s procedural emphasis on collective and symbolic measures, as compared to more individualized measures for victims. In Case 002/01, the initial proposals were categorized into thematic areas: memorialization and remembrance, rehabilitation, documentation, education, and other awards.

He next provided comments on the many projects connected to the three Workshop themes of recognition, remembrance and reconciliation. While the points he made in this connection are too numerous to address fully, a few stand out for the particular emphasis he attached to them. He noted, for example, the “significant advancements in psychosocial support and mental health services, as compared to what existed prior to the ECCC.” He stressed in particular the role of the Transcultural Psychosocial Organization (TPO) that advanced “both conceptually and practically” mental health services for many survivors of the violence perpetrated by the Khmer Rouge regime. The role of TPO also highlights the central contribution of NGOs to the recognized reparations projects. 20 of the 24 reparations measures have been led by NGOs, he stated, 16 of which involved Cambodian NGOs.

The contribution of NGOs has extended beyond the specific projects they have implemented or contributed to. This overall experience, he noted, “has expanded the opportunities for victim assistance and contributed to further localizing the ECCC justice process.” This has not been achieved in other tribunals located remotely from the population they were established to serve. Another overall benefit arises from the way in which 15 years of NGO activities around the ECCC have given rise to a significant pool of Cambodian experts in a variety of areas related to transitional justice and to addressing the needs of victims. This latter point led to some consideration of a related issue that also proved to be a subject of discussion in many aspects of the Workshop and is discussed later in this report: how to define who is a “victim.”

Dr. Sperfeldt referred to surveys indicating that “the vast majority of people who lived under the Khmer Rouge regard themselves as victims. But, interestingly, also more than half of the people who have not lived under the Khmer Rouge regard themselves as a victim of the Khmer Rouge. So, we see this very strong inter-generational dimension in Cambodia in terms of perceptions of victimization.”⁴⁵ This intergenerational aspect and the question of how to address the needs of individuals and communities to which it gives rise continued to play an important part in Workshop discussions.

Because the ECCC necessarily focused primarily upon the Civil Parties, it has been a challenge to involve the voices of the larger population of victims. There is a need for the support of more victims’ associations and better organization of the ways to identify and respond to victims’ needs. In addition to emphasizing “two-way” communication with victims, there is an even more pressing need for “a more structured involvement of survivors in [...] project design and implementation.” He noted how victim-survivors should be treated as active stakeholders involved in program design and not merely passive beneficiaries of programs made for them by others. He emphasized the need for regular communication with survivors, and also the opportunity and necessity for developing meaningful programs which respond to Cambodia’s population largely born after the fall of the Khmer Rouge regime. This was, of course, a goal of the Workshop’s structured involvement of Civil Parties to conceive projects and implement them.

Turning to the theme of remembrance, Dr. Sperfeldt emphasized the innate connection between remembrance, education, and truth-seeking. Here he again touched on an idea that emerged as central to many of the contributions of participants in this area: the need to localize remembrance in individual communities rather than primarily through memorialization in Phnom Penh. This also means preserving the voices and experiences of victims in local communities, a goal vital for truth-seeking. As he stated, “Most people in Cambodia believe it is necessary to find the truth about what happened. Most people also believe you cannot reconcile

⁴⁵ This was stated in reference to: Phuong Pham, Patrick Vinck, Mychelle Balthazard, and Sokhom Hean, *After the First Trial: A Population-Based Survey on Knowledge and Perception of Justice and the Extraordinary Chambers in the Courts of Cambodia* (2011), Human Rights Center, University of California Berkeley School of Law, accessible at: <https://www.law.berkeley.edu/files/HRC/Publications_After-the-First-Trial_06-2011.pdf>.

without knowing what has happened, and most people also say they cannot feel better without knowing what happened to their loved ones.”

Concluding his keynote presentation with comments on the theme of reconciliation, he noted that in addition to the idea of national reconciliation that is a focus of both the RGC and the ECCC, it is important to understand the individual and communal levels of reconciliation. This point links to a theme already touched upon, which is the challenge of reconciliation where victims and perpetrators live together in the same communities. This point was raised again and again by the Civil Parties and victims when they made presentations or participated in Workshop plenary and group discussions.

4. Dato' Shyamala ALAGENDRA

Currently occupying senior roles in UN investigative mechanisms for crimes against humanity in Myanmar and Sri Lanka, Dato' Shyamala Alagendra is a distinguished international lawyer originally from Malaysia. She has prosecuted leading cases at the Special Panels for Serious Crimes in East Timor, the Special Court for Sierra Leone (SCSL) and at the ICC, including the cases against Charles Taylor, the former President of Liberia, and Omar Al-Bashir, the President of Sudan. She also acted as Defense Counsel representing the Deputy President of Kenya on charges of crimes against humanity before the ICC. She also represents groups of victims of gross human rights violations in several jurisdictions and is a leading expert on investigations of SGBV and the protection of women and children in the aftermath of conflict. She thus brought a broad international and comparative perspective to victim related issues at the ECCC. Dato' Alagendra spoke to the workshop on the afternoon of the second day via live online feed.

Reflecting upon her more than 20 years of experience in international criminal justice involving cases in South and Southeast Asia, Africa, and Europe, Dato' Alagendra underscored the importance of the ECCC beyond Cambodia:

“When we speak of the possibility and importance of accountability in the ASEAN region today, the ECCC is our reference point, standing tall as [...] a tremendous achievement. What stands out the most is that it is the only court where victims have been able to directly participate as parties in the proceedings at the investigation, trial, and appeal stages. Victims have had a

voice in all these stages and have had the very real possibility to influence the outcomes of these trials.”

She then offered observations and suggestions based upon her own work involving victims in a variety of settings. Acknowledging that the principal objective of an international justice process is to establish the guilt or innocence of the Accused beyond a reasonable doubt, she went on to say that such a trial also, “represents an opportunity — a critical opportunity — for victims and Civil Parties. Their role, their voice, and their interests are the lifeblood of any legal model that hopes to engender public confidence in the rule of law and to live up to the promise of never again and non-repetition.” As a result, she continued, “We must do our best to ensure that, at the outset of our work, a wide group of victims are represented and have a role.” She also emphasized that all groups of victims must be treated with equal respect, and that we must avoid assuming that the experience of all members of a class of victims, for example children or women, are the same.

Building upon these insights, she offered a recommendation to the audience: “As you design this next residual phase, please think about whose voices were not recognized.” Following upon this point, she addressed an issue that was also frequently discussed in the Workshop, “that understanding trauma and the psychological effect of having one’s story and suffering feed into a judicial accountability narrative can be profound for those who are affected.” Those whose voices were heard in this way, “said they no longer felt invisible simply by being listened to and being represented.” However, she also asked that stakeholders “be aware of the risk of prolonging victimhood through residual processes. Allow [victims] to move on.” This was an important point which referenced the challenges of remembrance efforts discussed above: how can programs related to past atrocities ensure that victims take an active part while also being able to make real progress in their own healing?

Explaining how such involvement can be particularly challenging for victims of sexual violence, she elaborated upon a theme already addressed by Ms. Yim in her keynote the day before. Building upon her many years of investigating sexual and gender based violence, Dato’ Alagenda talked about the factors, such as shame, stigma, or other issues that inhibit women from participating in investigations. Rather than assuming, however, that they are unwilling to come forward, “Instead, we

should consult as widely as possible to understand their values, and we must put in place methodologies that ensure victims are able to have access to us and to participate in our processes safely, comfortably, and confidentially if they wanted to.”

Again echoing major themes of Workshop discussion, she commented on how such individuals who do participate should also be involved in the design of programs for the residual phase so that they can, “give input on what would be most meaningful for them, [...] how to help them come to terms with their past and to move on decisively.” Finally, she concluded, their voices, contributions, experiences, and testimonies should not only be preserved in archives but also be made readily accessible to inform future generations, both of Cambodians as well as those beyond Cambodia’s borders. She concluded by reminding participants that although it may be the last chapter, the residual phase is not the least important phase of the ECCC’s process.

5. H.E. LY Chantola

His Excellency Ly Chantola serves as President of the Bar Association of the Kingdom of Cambodia (BAKC). He has a great deal of personal and professional knowledge of the ECCC after having spent part of his career there as a greffier in the Office of Co-Investigating Judges. He was elected President of the BAKC for its 13th mandate on 16 October 2020. Based upon his experience at the ECCC and beyond, his keynote speech encompassed how to enhance the sense of justice among victims and how to integrate the professional legal principles enshrined by the ECCC within the Cambodian judicial and legal system. His perspective provided insights into building sustainable, integrated institutions by developing longer-term strategies.

H.E. Ly addressed three points in his keynote on the morning of the Workshop’s final day: “First, the major legal principles related to the participation of victims in the ECCC trial process. Second, the use of knowledge and experience gained from the ECCC for leading the Bar Association of the Kingdom of Cambodia in relation to the provision of services to victims. Third, the experiences of the ECCC related to victims, which should be considered for inclusion in the national legal system.”

In regard to the first point, H.E. Ly stated, “In addition to the fundamental right to justice, victims within the ECCC framework have the right to be represented

before the law. They are recognized as Civil Parties at the ECCC and represented by Civil Party lawyers.” He opined that because of this recognition of Civil Parties, the ECCC has developed a body of relevant jurisprudence that distinguishes it from other international or hybrid criminal tribunals.

Addressing his point as to how the ECCC framework for victims should be incorporated into the national legal system, he pointed to the provision of services by the VSS. Based upon that experience, he continued, “Victims and witnesses support offices should be established in national courts with the aim of protecting victims, including women, girls, children, people with disabilities, or the elderly, who are entitled to protection.” Such offices should be established in all Cambodian courts and, observing the presence of TPO during the ECCC proceedings, should provide psycho-social services to those seeking help and support. He added that in addition, the courts should apply protective measures for witnesses, following the experience of the ECCC.

III. Summary of Submissions Received

This report now discusses in great detail the submissions which have been received over the last year of consultations. We first discuss and analyze the December 2021 advisory report of the Co-Rapporteurs which prompted the organization of the Workshop on Victims in May 2022. We organize and summarize each of the 20 submissions made in response to the October 2021 call of the Co-Rapporteurs, and we integrate these earlier submissions within this report. All of those submissions which preceded the May 2022 Workshop are included in full in *Annex VI*. We then summarize the comments and outputs of the eight thematic working groups which undertook extensive discussions during the three-day Workshop, and we explain and summarize the final proposals shared by the eight groups at the closing plenary session of the Workshop held on 5 May 2022.

We next discuss all submissions which were received after the May 2022 Workshop, including six submissions from key stakeholders: KDK, YFP, YRDP, Bophana Center, TSGM, and DC-Cam. During the Workshop, the Secretariat set a deadline for any additional submissions on specific proposals for the ECCC residual phase to be submitted to the Secretariat within ten days, by 15 May 2022. This deadline was flexible for those who needed additional time. Finally, this section also summarizes the additional submissions which resulted from continued discussion with individuals and organizations which were not able to fully participate in the May 2022 Workshop: first, an additional group of 60 Civil Parties engaged during a VSS-CPLCL Forum on 13 May 2022 which resulted in four submissions; second, a focus group of overseas observers, researchers, and advocates who met for a discussion separately, and which submitted a total of three different submissions; and, finally, voices from the Cambodian diaspora who were not actively included in the May 2022 Workshop, which led to two additional submissions.

We thus received submissions from a total of 15 organizations, individuals, or groups of individuals following the May 2022 Workshop. All are found in full without redactions in *Annex VII*. We have asked the ECCC Administration to publish these submissions, as well as those from the Co-Rapporteurs' report in *Annex VI*, alongside this report to ensure easy access and review of the original submissions. They should not be separated by a QR code or a weblink, but should be considered an integral part of this report and its recommendations.

1. Submissions to Co-Rapporteurs and Findings of Co-Rapporteurs

As noted above *in 1.3*, the Co-Rapporteurs issued a call for proposals with a deadline of 15 October 2021 for submission. The call informed parties making submissions that the “ideas” collected through this process would be “considered and represented” in the Co-Rapporteurs’ report with recommendations. It is important to note that the Co-Rapporteurs attached significant qualifications to the way in which submissions would be treated, underscoring the significance of their statement that the purpose of the exercise was to collect “ideas.” The Call provided that, “It is possible that ideas are expanded upon, adapted, or co-mingled, therefore there shall be no expectation of ownership of any initiative, if implemented.” In order to see the results of this framework for submissions, we turn now to an overview of the submissions and the recommendations of the Co-Rapporteurs.

Ultimately, the Co-Rapporteurs did not expand on or rework the submissions so as to define in some detail a set of proposed initiatives. Their advisory report’s text does not discuss any of the submissions or any of the projects and initiatives they propose in particular detail. Instead, the report briefly summarizes what the Co-Rapporteurs see as some general “categories” in the submissions and then adds some brief further suggestions as to activities not covered in the submissions. They close their “Discussion” section of the Report with four bullet points of recommendations that they “endorse.” The Annex to the Co-Rapporteurs’ report “collects” the ideas found in the 20 submissions received. The distillation, assessment, and expansion upon these ideas into “initiatives” that go beyond the terms of individual submissions and hence are not “owned” by those making submissions, seems to have fallen by the wayside. Without delving into the Annex and reading through the many interesting submissions, a reader would have little idea what kinds of concrete activities have actually been proposed or by whom. Given the extraordinary range and depth of experience of many individuals and organizations making submissions, this omission is puzzling. A real discussion of actual proposals never takes place.

We now turn to a summary of the submissions themselves in the table below, and then to a discussion of the brief assembly of “categories” identified by the Co-Rapporteurs.

Submissions in Response to the Co-Rapporteurs' October 2021 Call (included in full in Annex VI)		
	<i>Submitter</i>	<i>Theme / Subject</i>
1	Ambassador David Scheffer	<ul style="list-style-type: none"> • Cambodia Tribunal Monitor to be recorded, translated from English to Khmer, and digitally preserved in the ECCC archives and university and public libraries in Cambodia
2	Anlong Veng Peace Center / Documentation Center of Cambodia	<ul style="list-style-type: none"> • Dissemination of information; • Protection of victims and survivors; • Management and preservation of the archives of the ECCC.
3	Civil Party Lead Co-Lawyers	<ul style="list-style-type: none"> • Allocation of funds “for the legal representatives of Civil Parties to meet with their clients”; • Where initiatives are based on reparation projects already implemented, that consideration be given to whether there is added value in expanding or further developing those projects; • Production of materials enabling and projects accessing, explaining and preserving the ECCC’s work • Meaningful access of Civil Parties to the LDC and archives; • Construction of stupas
4	GIZ Civil Peace Service	<ul style="list-style-type: none"> • Documenting achievements of Civil Parties during the ECCC through interactive exhibition; • Institutional higher education peace studies curriculum at the National University of Battambang through the GIZ-CPS backed Southeast Asian University Partnership (SAUP) program; • Engagement of peace students with the ECCC residual phase; • Creation of a nationwide database on missing persons plus a media campaign; • Pilot program to support youth; • Student-designed ECCC information Center; • Capacity building at the archives of the LDC; • Preservation of the ECCC’s compound and convert to an education center; • Community reconciliation

5	Helen Jarvis	<ul style="list-style-type: none"> • Preparation for transfer of documents from the ECCC to the LDC, to support archives and information to go through the LDC; • Review of the current status of all reparations projects
6	Kdei Karuna Organization	<ul style="list-style-type: none"> • Inter-generational dialogue; • Create center for dialogue facilitation; • Continued oral history collection and conservation; • Vocational skills training; • Community self-care for SGBV survivors; • Research on the impact of SGBV trauma on children and grandchildren; • Dialogue between survivors and state actors
7	La Trobe University	<ul style="list-style-type: none"> • Building on past or existing initiatives; • Learning from past experience; • Contributing to enhancing the ECCC's educational legacy for Cambodia; • Promote Collaboration between the residual function and academic researchers; • Enshrine principle of Cambodia-led work
8	Legal Documentation Center	<ul style="list-style-type: none"> • Formal agreement to transfer all ECCC records and archives to the LDC; • Galleries and permanent exhibition hall; • Expanded outreach program; • Mobile app with comprehensive research database for all public case files; • Fictional hearings and mock courtroom at the LDC; • Cooperative framework for the LDC and ECCC for the review and cataloging of document; • Establish promotional activities and seminars; • Support for the LDC to organize seminars and short courses; • Conduct interviews with Civil Parties and other victims
9	Marie Wilmet, European University Institute	<ul style="list-style-type: none"> • Mental and physical health services; • Information about the ECCC, proceedings and reparations; • Stupas and Buddhist ceremonies; • Documentation and dissemination of knowledge about the Khmer Rouge period
10	Nathan J. Chan	<ul style="list-style-type: none"> • A memorial—e.g. monolith, wall with the names of victims who passed away from the Khmer Rouge Genocide

11	REDRESS	<ul style="list-style-type: none"> • Nationwide administrative reparations program; • Nationwide ID card program linked to reparations program; • Support to TPO and training of psychologists nationwide; • Wedding ceremonies for survivors of forced marriage who desire them; • Intergenerational dialogue programs; • Memorialization initiatives
12	Royal University of Phnom Penh (Department of Psychology)	<ul style="list-style-type: none"> • “Research on Mental Health Situation in Cambodia”: Mental health population-based survey to provide information to institutions and NGOs to establish a strategic plan for promoting mental health in Cambodia, to better assess the needs of Khmer Rouge victims and understand the impact of trauma.
13	Sim Sorya	<ul style="list-style-type: none"> • “Free of Stigma” promoting reconciliation through victim-perpetrator dialogue; • “Healing the Wounds” through nine enumerated psychosocial programs; • Developing the Academic and Legal Legacy of the ECCC through five enumerated projects, including ECCC Digest of key facts and legal issues, international criminal law moot court, Cambodian criminal law class, technological and technical improvement of Cambodian courts
14	Transcultural Psychosocial Organization	<ul style="list-style-type: none"> • Closing event/workshop with Civil Parties, and with psychological preparation. Onsite support and psychological befriending at the ECCC; • Hotline counseling service; • Psychiatric treatment and referral for Civil Parties; • Producing IEC materials to raise awareness of mental health; • Trainings for NGO partners on PFA, emotional support, stress management
15	Vannak HANG, Victims Support Section, ECCC	<ul style="list-style-type: none"> • Protective measures for witnesses and others who testified in the Court proceedings • Protection of Civil Parties

16	Witness and Expert Support Section, ECCC	<ul style="list-style-type: none"> • Research to evaluate the protection and support services provided by WESU; • Identify systems and procedures which contribute to witnesses being able to testify in international war crimes tribunals without experiencing negative consequences
17	Tuol Sleng Genocide Museum	<ul style="list-style-type: none"> • Daily testimony program at TSGM by KR survivors; • Annual public lectures on Case 001 and Case 002; • “Genocide trail”, connecting TSGM, Choeung Ek and M-13 archeological site; • Completion of digitization of remaining 300,000 pages in TSGM archive (out of 700,000 total); • Verification of the list of victims and full information on the TSGM archive / website; • Preservation of archives, including building maintenance and staff support; • Search for other S-21 documents; • Organizing a temporary exhibition on the legacy of the ECCC; • Outreach project on importance of KR historical sites, and updating location of KR crime sites and their preservation; • Preservation and conservation of objects of historical importance
18	Women Peace Makers	<ul style="list-style-type: none"> • “Their History Our Future” initiative to foster public discourse about memory, working with KR survivors and providing the space to discuss experiences with younger generations, and helping young leaders of diverse ethnic groups and providing them with skills and leadership training; • Creative arts therapy
19	Youth for Peace	<ul style="list-style-type: none"> • Intergenerational dialogue, with students/youths collecting and sharing survivor narratives; • Conservation of crime sites; • Seven projects including history trainings; exposure trips to Anlong Veng, to the ECCC, and to the LDC; community dialogue with Khmer Rouge survivors for reconciliation and peace-building; truth-telling programs within families; radio talk show

20	Youth Resource Development Program	<ul style="list-style-type: none"> • In-house and on-site trainings on KR history and reconciliation; • Exposure trips to the ECCC, Anlong Veng, and the LDC; • Community dialogue with KR survivors; • Intergenerational dialogue; • Family exhibitions; • Radio talk show on issues of concern
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As enumerated above, 20 organizations and individuals responded to the call for proposals. In total their submissions encompassed approximately 85 distinct proposed projects. There was wide variance in the scope and detail of the submissions, ranging from brief, general descriptions to detailed project documents. The submissions came from individuals, government officials, international NGOs and institutions, Cambodian organizations and institutions, and universities. They also ranged in ambition, duration, scope, cost, feasibility, and practicality. Together they reflect a broad interest in ensuring that the work of the ECCC is carried over into a long-term legacy that will benefit victims and their families today and in the future. They also represent a wealth of experience and human resources that, if properly supported and channeled, can play an important role in implementing the aims of the residual phase of the ECCC as outlined in the Addendum, interpreted in the Co-Rapporteurs Report, and embodied in the current Workshop.

The Co-Rapporteurs' brief overview of the submissions identified eight general categories into which, on their account, all of the submissions fall under:

1. Guiding principles for victim-related initiatives in the residual phase;
2. Education about transitional justice and the ECCC;
3. Information through various media of/to the general public about the ECCC;
4. Data organization, evaluation, and preservation;
5. Community reconciliation, testimony, mediation/alternative dispute resolution;
6. Mental health initiatives;
7. Academic research in various fields; and,
8. Monuments, stupas, ceremonies.

Suffice it to say that, although these categories do, in a general way, encompass most of the submissions, they do not do justice to the substantive aspects that differentiate and distinguish many of them. For example, the first category, "Guiding principles for victim-related initiatives," does not reflect the way in

which submissions articulate principles but then focus upon creative ways in which they can actually be implemented. The same is true about the categories of “education,” “mental health initiatives,” and others. If the Co-Rapporteurs aimed to synthesize the proposals into a set of initiatives that would represent both a way forward and a framework for future residual activities, then a much more nuanced and detailed analysis and discussion of the impressive array of submissions would have been appropriate and necessary.

In regard to what the Co-Rapporteurs refer to as “general recommendations” contained in the submissions, their Report endorses four specific ones:

1. Implementation of the principle of “do no harm” reflected in avoidance of re-traumatization and respect for the privacy of victims;
2. Prioritization of projects that build upon previous work;
3. Encouragement of cooperation between academic institutions and community-based projects; and,
4. Consolidation, preservation, and publication of all available information about victims to ensure that it is preserved.

These recommendations identify important issues that the submissions and the Workshop demonstrate need to be addressed in designing and implementing the residual phase. It would have been helpful if the Co-Rapporteurs had fleshed them out and integrated them into an analysis of the actual content of the submissions. The analysis of the submissions made during and after the Workshop below will discuss how such issues were carried over into the Workshop and the recommendations that it gave rise to.

2. Discussions and Plenary Submissions from Groups at the Workshop

During the workshop, the approximately 90 participants — including Civil Parties, lawyers and parties of the ECCC, representatives of NGOs, international organizations, and academia — were split into eight different working groups to focus on different issue areas with opportunities for developing and strengthening programs centered on victims. Participants were deliberately split up into different groups and thematic areas so as to allow active participation and to bring participants to focus on their thematic area, and to think beyond their individual and organizational work.

Participants were grouped according to the eight following core themes:

1. Civil Parties only
2. Mental Health, Healing, Aging & Longer-term Duties to Victims
3. Archives & Documentation & Witness and Civil Party Protection
4. Historical Sites, Monuments & Acts of Remembrance
5. Ethnic and Religious Minorities
6. Access to Justice and Legal Aid
7. Intergenerational Dialogues and Youth
8. Recognition and Reparation for Conflict-Related Sexual Violence (CRSV)

There were five group-work sessions in total throughout the three workshop days. Each session was guided by a facilitator from the ECCC, and they were provided with a facilitation guide with questions and issues to raise during each session to ensure a structured discussion.

In the first group work session on the afternoon of 3 May, groups were asked to introduce themselves, and share initial backgrounds, projects and organizations. Following introductions and icebreakers, participants were asked to discuss the three themes of recognition, remembrance, and reconciliation. This first session was also provided for the Civil Parties attending to meet first with their lawyers and with the CPLCLs who were in attendance, to have a chance to gather as a group and also to hear from their lawyers about the goals for the week's workshop and for some background on the ECCC's new residual mandate.

After the subsequent keynote address from Mr. Karim A.A. KHAN, QC, Chief Prosecutor of the International Criminal Court, participants had an opportunity to gather again in their groups for the second group-work session, which focused on lessons learned from previous experiences working with victim-survivors and with the ECCC, and developing a set of shared principles and values for future programs.

Participants were asked to consider how we remember, and how we avoid repetition and give meaning to the phrase "Never Forget." Participants listed what they thought victims needed most, or what they would most want to see for their group's issue area. Participants were well-equipped to do so given their extensive years of working with victims and survivors in many capacities, both with and outside the ECCC. Participants discussed not only what victims would like to achieve, but also how to make that happen, and what common challenges they have faced in

implementing this work so far. They were also asked to consider what could be done better, and from that, what shared principles and values should be imbued into future programs.

On the second day of the workshop, the participants continued conversations in their working groups related to different goals and topics for designing victim initiatives for the residual phase of the Extraordinary Chambers. Following the keynote by Dr. Christoph Sperfeldt, groups resumed their group-work sessions, focusing on driving sustainability, synergy, and longer-term integration of civil society efforts at wider reconciliation. Participants were asked to consider how to build Cambodian institutions so that these institutions could have staying power and set an example for the region and the world. The discussion focused on building on the needs and wants discussed in the second group work session the day before, and participants were asked to think about what types of programs or proposals could respond to the needs listed. They were also requested to consider whether some of the existing programs identified in the earlier group work session could be expanded to meet these needs.

In this session, participants were additionally tasked with drafting a purpose statement for a proposal based on their group theme. This brief statement should include a paragraph on what contribution this makes to Cambodia as a whole, and how it can set an example for the region and the world. This was in preparation for the first plenary session that took place after the lunch break on Day 2.

That afternoon, participants took part in the “midpoint plenary session,” where they briefly presented what their groups had discussed so far and addressed the main needs and concerns within their thematic areas. They updated one another, and began to present their suggestions for programs, perspectives on shared principles and values, and comments on one another’s presentations. Civil Parties shared their suggestions and reactions as well.

In the fourth group-work session, on Day 2, participants resumed discussions on their proposals, and in particular, were asked to think about gender mainstreaming and how to include marginalized voices in their proposals. This session focused on the theme of inclusion and recognition of all victims and survivors. The emphasis here was on bringing attention to ethnic and religious minorities, and amplifying the involvement of and outcomes for younger generations.

On 5 May 2022, the first half of this final day of the Workshop focused on preparations for the final group presentations which took place that afternoon in a lengthy plenary session. In the afternoon, the seven groups focused on the seven specific topics took to the stage to make their final presentations of proposals on their thematic areas, based on their active group-work discussions over the three days of the Workshop. The eighth group of Civil Party attendees were then given the floor to respond to these proposal and in general share their feelings and hopes for the ECCC Residual Phase going forward. The Civil Parties' active participation in their groups' discussions and in the plenary proved to be invaluable in providing insight into what victims and Civil Parties would hope to see through the Residual Phase, ensuring their voices were heard and directly shaped the proposals suggested here. In the next part of this report, we will detail each group's discussions, from their group-work sessions, into the plenary sessions, and into their final group presentations on the last day of the Workshop. We first summarize the proposals from the different groups in the table below (and in the case of the first group comprising Civil Parties, a list of their needs and ideas which they collected):

Proposals made by thematic groups during ECCC Victims Workshop		
<i>N.</i>	<i>Theme</i>	<i>Proposal Subject</i>
1	Civil Parties	<ul style="list-style-type: none"> · Establish association for victims of the KR regime which supports policies for aging survivors and must be sustainable for the longer term. · Equitable cards to be distributed to CPs – a card for free or discounted health services/treatments · Participate in any workshop about victims and CPs - ideally two or three times a year · Commemoration of 20 May Remembrance Day. · Information must be given to CPs – including life skills training for children of CPs · CP stories must be included in school curricula · Medical treatment in relation to mental health issues, especially for the older aged CPs · Traditional medicine and treatments to be written into a handbook (e.g. using fruit and herbs etc.) · Protect legacy of ECCC testimonies and documents

2	Mental Health, Healing, Aging & Longer-term duties to Victims	<ul style="list-style-type: none"> · Promoting health and life quality of Khmer Rouge victims/survivors through strengthening social support structures and Cambodian SDGs · Collaborations with Ministry of Health, Min. of Social Affairs, Veteran and Youth Rehabilitation, Min. of Labor and Vocational Training, Min. of Interior, National Committee for Democratic Development · Work together with Older People Associations which already exist, organized and established by Ministry of Social Affairs, available at grassroots level · Exploring existing framework, mechanisms, integration, gender and minority mainstreaming
3	Archives, Documentation, Witness & CP Protection	<ul style="list-style-type: none"> · ECCC archives must be organized in user friendly way to allow broadest possible access to widest range of users, with inclusion of largest number of documents possible depending on reclassification by the judges, with assistance of legal officers and technicians directly supervised by the judges, and must be part of the broader archive linkage project. · Creating links to existing archives, to ensure access to all. Adding and linking testimonies and stories of CPs with NGO initiatives for interactive projects · Reclassification for broadest possible access to ECCC documents – with Do No Harm principle · Support WESU/VSS in resuming/continuing protection programs for CP and witnesses · Support CP Lawyers, CPLCLs, VSS to reach out to all CPs and other victims about end of ECCC's work
4	Historical Sites, Monuments & Acts of Remembrance	<ul style="list-style-type: none"> · Mapping Khmer Rouge sites in Cambodia (developed further after workshop, see next section for proposals received after workshop) · Collection of history and stories from the survivors, including from former detainees at security centers · Promote legacy of the ECCC – based on experience with Nuremberg, preserved as a historical site and museum so what about ECCC. · LDC can play an important role on remembrance.
5	Ethnic and Religious Minorities	<ul style="list-style-type: none"> · Documentation Center focusing on Khmer Krom and Vietnamese – focusing on crime sites closer to them in Takeo, in Wat Prateap – closer to their communities · Survivor association for former KR victims · Social protection, access to identification documents · Intergenerational dialogue on peace education, to develop skills to nonviolently address conflict

6	Access to Justice and Legal Aid	<ul style="list-style-type: none"> · Establishment of victim association · Research institution and legal center to promote research activities · Building of stupas in all provinces and municipalities · Medical treatment and mental health support to be made free to all survivors.
7	Intergenerational Dialogues and Youth	<ul style="list-style-type: none"> · A Center for intergenerational dialogue where each partner (NGOs and state institutions) can bring their knowledge, skills, and field expertise and support each other based on different sectors. · Responsive program for mental health support and trauma debriefing for both survivors and youth
8	Recognition and Reparation for Conflict-Related Sexual Violence	<ul style="list-style-type: none"> · Education on KR history – integrating into school curriculum, but need to include focus on SGBV · Intergenerational dialogue at the community and family level with a focus on skills and capacity building

1. Group 1 – Civil Parties

During the Midpoint Plenary Session on Day 2 of the workshop, the Civil Parties were first and foremost given the floor to share with everyone their discussions up until that point in the Workshop. While they were not expected to prepare a specific project nor work towards a presentation, it was critical to hear directly from them about their needs and wants, and aspirations from being part of this Workshop. The group took the opportunity to share with the whole conference an organized list of eight priority areas and needs that they were hoping would be addressed as a result of the Workshop and ensuing developments through the ECCC Residual Functions.

Firstly, they wished to see the establishment of a victim association for victims of the Khmer Rouge regime. They acknowledged that Civil Parties are getting older and many feel like they may not have received justice, and have continued to live in doubt about whether they would. They asked to have a victims association be formally registered (perhaps with the government for example), for the purposes of providing a platform for Civil Party voices to be heard. They shared that any policy had to be sustainable in the longer-term, given their older age.

Secondly, Civil Parties called for “equitable cards” to be distributed to all Civil Parties. The idea was that this card would be used for health services and medical treatments, at a reduced cost or for free. Such an ID card system was also

mentioned in several submissions received prior to the Workshop, as contained in the Co-Rapporteurs' report. The Civil Party group acknowledged that in order for such an initiative to happen, there would be a need for financial support or a budget package, that could provide the framework for such assistance for Civil Parties. The Civil Parties shared that such an initiative would further encourage them, given the contributions they have made as Civil Parties and with sharing their stories of survival.

The third idea shared was to continue participating in workshops about victims and Civil Parties. They shared their enthusiasm in being able to join the workshop and to use it as a platform to represent Civil Party needs, and would like to see more of such workshops occur, especially throughout the residual mandate. Ideally, they suggested that such workshops take place two or three times a year, as this would provide the opportunity for regular engagement, and allow for more participants to join the workshops. It was also suggested that this could be tied to opportunities to participate in 20 May Remembrance Day commemorations.

Civil Parties also shared that they wanted to receive more information. In general, they showed eagerness to be more connected to the ECCC, their lawyers, and related NGOs. Due to Covid and other factors, they had not had much engagement with the ECCC in the last few years and were keen to be continually engaged. Within this engagement, the Civil Parties also shared that they wanted to see more opportunities for their children, acknowledging the importance of the next generation given their old age. They suggested organizing life skills training for the children of Civil Parties as an example.

As their fifth suggestion, Civil Parties asked that their stories be included in school curricula. This again showed their eagerness to tell their stories, especially as it would reach the younger generations of Cambodians who were born well after the fall of the Khmer Rouge. They hoped to see, beyond the existing curriculum that focuses on the history of the Khmer Rouge era, for their personal narratives to be incorporated in the school curriculum, so that students around the country would be able to learn from their stories.

The sixth need that the Civil Party group expressed was to have medical treatment, and unlike the second suggestion listed above, for this treatment to focus on mental health issues, especially for the Civil Parties who are older and more

aged, as they are more in need of such services. Some expressed that they had spoken with TPO during times they had visited the Tribunal, or they had spoken with others, and that this was very important for them to understand their experiences as survivors and to deal with the issues they continue to face.

The seventh request was to create a handbook that would document traditional and herbal medicine that is commonly used in Cambodia. The motivation behind this was to have such a handbook tailored for older people in Cambodia, making it easy for them to use, and making any herbs or fruits used in such treatments more accessible to older people around the country.

Lastly, the eighth suggestion was about maintaining the legacy of the ECCC. As Civil Parties who have made filings to the ECCC, filled in Civil Party applications, and shared their testimonies, they shared that they would like to see this legacy maintained, and organized. They suggested cooperating with the Ministry of Culture and Fine Arts to do so. This legacy would acknowledge them as “living treasures,” which is the appropriate localized term.

Finally, the Civil Party group shared some reflections, on top of the list of needs they identified. They asked about their role as Civil Parties beyond the three-year mandate of the residual mechanism. They also spoke about how the government has established commune-level associations, however due to a lack of implementation and engagement, they did not seem to be effective. They suggested that they could help other grassroots officials in coming up with the association of victims as mentioned above, in their first suggestion. As participants in workshops such as this, the Civil Parties felt that they could be more effective in helping to implement such commune associations, and they would like to involve both the government and organizations to engage in work at the grassroots levels, knowing that grassroots levels have limited capacity.

2. Group 2 – Mental Health, Healing, Aging & Longer-term duties to Victims

In the first group-work session, Group 2 reflected on what recognition, remembrance, and reconciliation meant to them, and what it meant for the victims. This group also included two Civil Parties who participated in the group discussions and provided insights into this topic that helped shape the group’s views and final project presentation at the plenary on 5 May.

On the topic of recognition, participants shared that to them, this meant recognizing events that had occurred in the past, and the recognition of the painful experiences that survivors experienced. This also meant a need to acknowledge and accept what had happened, and this recognition also needed to come from legal institutions. Recognition also included sharing individual stories of the past and the sharing of verdicts of the past with the rest of Cambodian society. This recognition also needed to reach more local levels, including recognition by families as well, and the opportunity to share what they, the victims, wanted to share. Recognition for participants in this group also meant an official form of recognition through victim identity cards from the government and through victim certificates from the ECCC, for example.

For this group, reconciliation signified healing and fixing issues such as being disconnected with ourselves, and our family members for example. Healing in this regard meant communicating with survivors and keeping this healing aspect for the younger generations as well. They explained that reconciliation could help to reunite people, and allow them to live together peacefully. On an individual level, it meant self-reconciliation and family reconciliation, but also on a larger scale, national reconciliation. Reconciliation also meant achieving a peace between the past and present, and ensuring that this peace is a lasting one, through focusing on a positive understanding or peace and harmony. The group also noted the need to include perpetrators in dialogue, if that would help to ease the suffering of victims and to support the understanding of past actions better.

On the topic of remembrance, the group discussed that this meant memories of the past, and this could include both good and bad memories. Remembrance starts when long term memories are made, but this can also create suffering and trauma, when remembering these bad memories. Group members shared that remembering memories should also include knowledge and the need to heal from certain memories. Remembrance also meant sharing these feelings from the past and using it to remember the past, and sharing that knowledge with the younger generations.

The group's participants discussed what they could do for victims, and turned to the Civil Parties in the group to share what they would like to see in terms of shared principles and values for future programs. The two Civil Parties in this group

(Pech Srey Phâl and Morn Sothea) shared that they would like to see more outreach to remote areas to create sustainability, and that any program should be friendly with victims, which would compel them to share their stories more. The Civil Parties also shared that they could help inform victims about the ECCC and its justice process. An important need of victims they identified was that of their health care and well-being. Improving the standard of living for victims was highlighted as this improves their daily circumstances and can provide them with a sense of peace and the opportunity to enjoy life again.

The Civil Parties in this group also mentioned the need for victims to have some form of acknowledgement, especially if they participated as Civil Parties. The example of how the Civil Parties in Case 001 received letters from the Court proved to be some form of acknowledgement, and it would be good to repeat this acknowledgement in Case 002. This could be followed with meetings arranged with the government to meet and express this acknowledgement for victims, especially at the grassroots level. They recommended the continued collection and documentation of Civil Party and victim testimonies, and the need to advocate for other institutions to focus on the content of these stories, to ensure the preservation of their experiences. This documentation was important as the Civil Parties noted that the younger generation does not often believe these survivor stories, and such preservation of stories would help them believe and then understand what happened. Supplementing these stories with photos would be helpful, and ensure that their stories are not forgotten.

Other participants added to this discussion and shared that activities during the residual mandate could focus on senior health care services for victims, and that could accompany other initiatives such as social assistance measures (for example cash transfers). The group also identified the need to document and share victim stories, similar to what the Civil Parties shared, and to further develop the curriculum with the inclusion of more lively aspects, such as with pictures (if they are not [re-]traumatizing). Similar again to what the Civil Parties shared, they emphasized the importance of assisting victim-survivors with general health care and with psychological treatment, especially in remote area, and the need to help victims deal with bad memories so that they may heal mentally.

In determining a set of principles and shared values for future programs, the participants identified the following. As a principle, there was a need to support the process of the ECCC's exit or winding down for the victims, given that not all expectations would have been fulfilled. There was a need to consider future generations and that the residual functions needed a strong focus on sustainability. Mental health support was also identified as an important shared value, and the need for it to be available even after the ECCC. In order to achieve this, the group identified boosting the public health sector's potential, the need for widespread outreach and education about mental health, and easy access to such materials for anyone to be able to do some form of self-care exercises for themselves.

Furthermore, the group addressed a key point in this process, that of communication. They highlighted that listening to victims remains crucial, and that the way and style of communication with survivors must be very sensitive and impactful, for example in how to speak with them, inform them, listen to them, respond to their request and needs, and even in how we speak about them. Communication was also important in reaching relevant organizations, and in this group, some NGOs that had not responded to the earlier call in the Co-Rapporteur's report shared that they felt excluded, or that the group topics to which they were assigned in the workshop did not always seem suitable to their capacities and interest in supporting the process.

On what future programs could look like, the group brainstormed several ideas. The first idea was on improving livelihoods, as an accompaniment for mental health. For example, Civil Party Morn Sothea expressed that his living standards would have been (hypothetically) improved if his parents had survived, thus an improved living standard would provide him with justice for his losses and at least provide him a bit of peace. Such a livelihoods program could be accompanied by social assistance to make it especially relevant, however participants nevertheless stated that it should also include the middle class. An alternative was to make such a program available for victims if they acquired a special status or identification as such, following from the parallel to the "IDPoor" scheme.

On the issue of healing, the group brainstormed that focusing on healing was important to respond to Cambodian suffering, and that healing especially for chronic issues, like panic attacks that cannot be cured sustainably for many, requires

assistance with medication from time to time to be eased. This was in reference to panic attacks, but also noting that other psychiatric needs would arise.

On continuity after the ECCC, the group suggested lawyer outreach as a new program, and potentially with new people. One of the Civil Parties shared that in her region of Pursat, there are 114 Civil Parties, and they really benefited from a peace-building program, to reach a peaceful society and healing through the acknowledgement of more victims. For example, she shared that the visit of a lawyer that respects the fact that Civil Parties contributed largely to healing was important, and in such meetings, the provision of an allowance and food during the meeting was important. Continuing such visits like this is very important (including visits from others who are not only lawyers), as that creates a sense of not being forgotten for the Civil Parties. The group also asked to consider the feelings of survivors that were never given the opportunity to open up in front of the Court, noting only 380 spoke at the court while many thousands still did not speak in such an official setting.

In ensuring sustainability in any of these programs, the group shared that this required the sustainable participation of other relevant actors. The group identified that the Ministry of Health, Ministry of Education, National Social Security Fund, Ministry of Labor, National Social Protection Council, and others would be relevant examples.

The group also reflected on best practices for mental health that would be pertinent for the group's discussions. Reflecting on TPO's model of parallel work for mental health practitioners who work alongside TPO, the group suggested that this could serve as a model to further involve state hospitals, and in the training of other clinical workers, doctors, nurses for example. They also reflected on using TPO's methodologies, such as testimonial therapy.

The group started to develop their project at this point on mental health, considering the sustainable development of such a project for victims of the Khmer Rouge. They focused on history, memory, the delivery of services (TPO currently stands alone but cannot be sufficient), and how collaboration is necessary, especially with the Ministry of Health. A project on this topic needs to also focus on intergenerational dialogue and how it supports mental health, and the need for education and outreach so that victims and survivors know how to help themselves and are educated on physical and mental self-care. They identified a need for a

synergy of the issues, with more support from the government of Cambodia, and such that development agencies are more engaged, therefore maximizing the roles of the government to increase support to the survivors.

The two Civil Parties shared that reaching out to all 24 provinces in Cambodia is very important, as is the integration of activities in any development plans for communities, therefore also involving the government. They sought a common goal for the next three years, as part of the residual mandate, specifically on health support consultations and physical rehabilitation particularly for the older victims. They stressed the need to ensure ownership in the process, by laying out clearly when and how Civil Parties can express their needs, and have some influence in terms of budget (e.g. through the VSS, or through an investment committee), and to allocate the budget according to the size of community and integrate it into the development plan of the community. Successful implementation could also include local community activities such as the building of stupas or conducting rituals at these stupas.

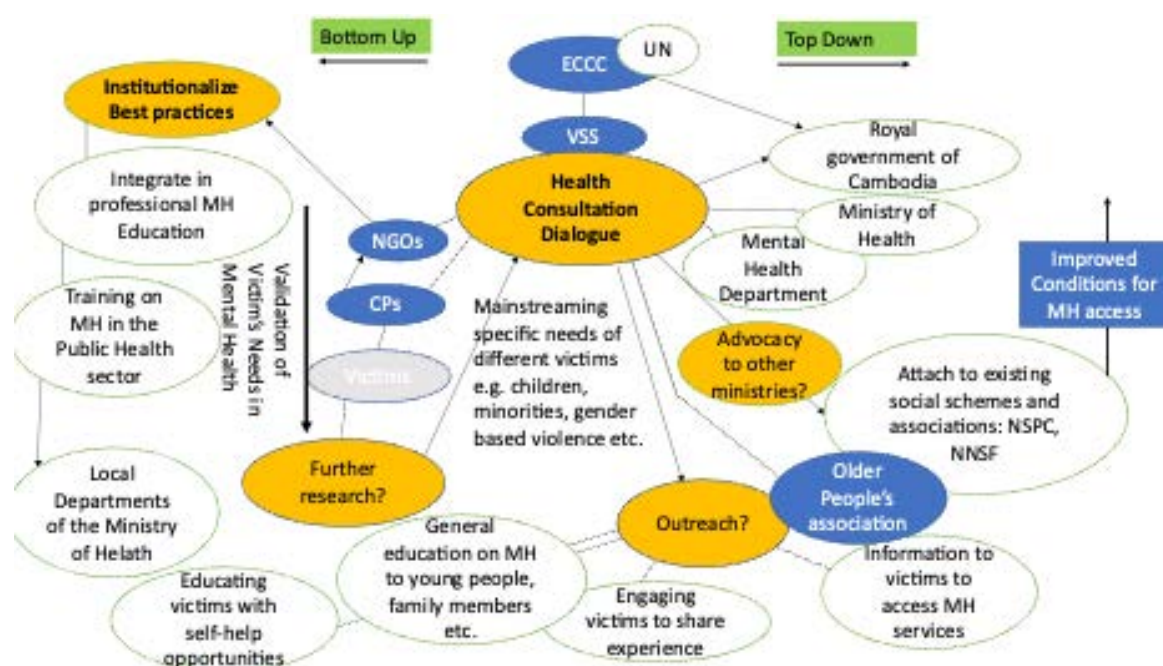
The group then discussed the salient points of their proposal on this topic, and agreed that the target group would include victims and survivors, which meant for them the whole population of Cambodia which experienced and went through the Khmer Rouge regime. It would also include their family members. They identified the need to have a formal agreement, in which the government's engagement is outlined, and for the ECCC to collaborate with both international and national government institutions. In particular, engaging the government through the Ministry of Health was identified as a key point in this discussion, along with the National Social Protection Committee. There would also be a need to involve the support from various NGOs, especially those working to already support Civil Parties and victims. Before rolling out such a project, it would be necessary to conduct some pilot research, and any advocacy plans could include poverty reduction as well.

The group broke down their goals into four topics, integrating all group member's suggestions:

1. Extending government roles in rehabilitation, supporting and promoting elderly human development to Khmer Rouge victims and survivors;

2. Promoting and embedding mental health, psychosocial and physical care in a needs-based social support structure for the future of Khmer Rouge victims and survivors in the 24 provinces of Cambodia;
3. Implementing a sustainable and governmental program to promote mental health and healing through developing peace building, social assistance and psychosocial support for Khmer Rouge victims and survivors and for next generations;
4. Sustainable development for Khmer Rouge victims and survivors through recognition, remembrance, reconciliation and rehabilitation

The group also drew up the helpful chart below, which provides a rough overview (with some structural explanations) of the core project ideas developed. The diagram also shows the potential impact of this project or potentially added needs, as marked with question marks:



CSOs, the ECCC, and VSS are important in providing support to victims, on mental and physical health issues as well as poverty, and this should be tackled, through dialogue to discuss needs and requirement of victims, advocacy for old and senior people, dialogue with all stakeholders, engagement and highlighting of the responsibilities of state institutions (especially the Ministry of Health), self-help groups for older people, and a focus on sustainability.

The group also identified gaps that would need addressing. These included a need to understand existing health structures, identifying how to involve the public, how to include a livelihood program within this larger health program structure, how to define broadly self-help that would benefit many, how to reach beneficiaries at local levels, and how to ensure access to such programs and to provide information campaigns doing so as well.

In the final group-work session, this group also considered some final thoughts, such as ensuring equality among communities in addressing such mental health issues, and the need for focal points to help disseminate information. This could be through the older people's associations, and working together with Civil Parties to ask for support from local governors. The Civil Parties emphasized the importance of including the government in this process, but to keep the role of Civil Parties to provide engagement on the local level and empowering them through this involvement.

In ensuring access to such services for all, the group also identified the need for some kind of platform or mechanism to integrate these plans into communal plans. Such a platform could also be in the form of a place for victims and survivors to access services. They decided it might be helpful to establish a list of victims and Civil Parties who can work closely with health services to ensure access and that this could be shared with the provincial governors to combine with allowances for those over 60 years old. One Civil Party in the group emphasized that having Civil Parties as Civil Parties would help engage people and provide information points for others. There was a risk acknowledged, that sometimes when meeting in groups, Civil Parties have been accused of engaging in political work, but often at the district level they were trusted and known, and this risk was less.

3. Group 3 – Victim-centered archives, documentation and witness protection

Group 3 focused on victim-centered archives and documentation and the protection of witnesses and Civil Parties. The participants in this group pointed out early on that they would ideally like to see a multiplicity of archives, without just one in particular, which would be focused on achieving a common objective to provide information and data on Khmer Rouge history. Instead they proposed a system

where the ECCC archives could be linked to other archives, supporting coordination efforts between different archiving entities.

Group 3 focused on not creating more archives or archiving entities, but to coordinate between existing NGOs and archive holders. Participants suggested creating and establishing a permanent body or forum discussing archival content, organization and access, documentation and other issues relevant to NGOs working on Khmer Rouge issues. This would also involve including the relevant authorities, given the three-year mandate for the residual functions of the ECCC.

They felt that the most effective way to ensure access to all relevant information across the different existing archives was to create links and networks of archives that focused on the Khmer Rouge. The focus was to rely on existing internet networks and learning centers across the country as hubs for access to the archives, therefore making hubs in the provinces to access archives as well. To the extent they are created, this could also mean using memorial sites as such gathering places, with archival link access, and making these gatherings and existing places as meeting places to include educational elements too. This would also provide a central location for the provision of services and information about sources of services and how to gain access to them.

On operationalizing coordination, Group 3 discussed coordinating between the ECCC, NGOs and the RGC, to share links relevant to archives. NGOs, the ECCC and other relevant organizations could also give a copy of their archives to the government on a longer-term basis, while still retaining the original archives in their respective organizations. If those involved were less concerned with ownership issues, the group also considered the possibility of creating a “super” archive on the Khmer Rouge, with locations in provinces as mentioned above, with internet access, so that individuals with no alternate access would still have places to access them.

A concern that arose during group discussions was the need to clarify privacy and consent issues for victims and Civil Parties regarding ECCC archives. The group agreed that the goal should be broadest possible access to a maximum number of Court documents, as long as this was consistent with privacy and other interests such as copyright. This therefore meant that reclassification is critical to achieving this goal and should be considered high priority for judges after the Case 002/02 appeal judgment is delivered. Such reclassification should be based on a systematic,

consistent analysis of documents currently classified as confidential, in order to properly balance maximum public access to the largest possible number of documents with privacy and other legitimate interests. This should be conducted by legal officers and technicians working under the direct supervision of the judges.

They further reasoned that cases which did not go to trial and have been “sealed” should be “opened” by judges to allow for analysis and reclassification as public of the largest number of documents in those cases as possible, and that submissions from the parties, including Civil Parties, should also be part of the process.

The guiding principle throughout should be the “Do no harm” principle, to ensure that Civil Parties and victims are empowered in this process. They considered the possibility that Civil Parties and victims might want parts of their testimonies, statements and applications which have been kept confidential so far (for example, with stories of sexual violence, or accusations against community members) to remain confidential. Therefore it was important to seek their consent or, if that was not possible to do, systematically redact identifying information, before making all such documents public. Civil Party lawyers, CPLCLs, VSS, and WESU may be best placed for this contact with Civil Parties and victims.

To finance the project, the group considered short term and longer-term solutions. Consistent with the residual functions, they considered that the ECCC should be involved, perhaps in the role of advocating in favor of financing other projects beyond that of the residual function. They recommended the inclusion of such archive-related activities in the five-year national financial action plan, with the ECCC’s facilitation. They also identified the need to create or reinforce legal frameworks and agreements for the sustainability of archives, and to coordinate with the Ministry of Culture and Ministry of Education to do so. The group suggested organizing archive-focused meetings to explore options on how to link archives, and suggested also involving, for example, the UN Trust Fund in Support of Victims of Sexual Exploitation and Abuse, the UN Voluntary Fund for Victims of Torture and the UN Trust Fund to End Violence Against Women.

The group supported structuring, organizing, and regulating access to all Khmer Rouge archives to be inclusive and user-friendly for all levels of users. The group discussed that this translated to involving the victims in the design of the

archives in terms of what additional types of information should be captured and preserved, such as more personal stories. This could involve conducting a baseline study with the victims, therefore considering what is victim-centered.

There is also a high priority to ensure the archives are available in Khmer. This also meant that there was a need to acquire IT programs which read Khmer scanned documents and could translate documents into Khmer. Having decentralized access for archives means making them available online for individuals and also in various places for those with no individual access and for any hard copy archives. Hard copy archives could be kept at the ECCC or Legal Documentation Center (LDC). This would ensure the broadest possible access to the archives for the entire public. Within such access, there should be various user-oriented access levels for the archives (for example related to children or the elderly). The archive of the International Criminal Tribunal for the former Yugoslavia (ICTY) was referenced as an example here for how to ensure user-friendly simple or advanced access.

To ensure engagement with the archives, the group suggested adding to and linking testimonies and stories of Civil Parties with NGO initiatives for interactive projects. There could also be projects launched to attract different segments of the public, especially youth, to material in the archives. Engagement with the archives could also be included in school discussions of the DK period, or youth activity groups could be formed.

In terms of organizing content, the group identified the following needs: to ensure availability of both digital and physical content, to create exhaustive indexes of existing materials and to the extent possible organize the archives based on this index, to create a user-friendly searchable website or webpages to the archives, to define broad search criteria which ensure maximum access, and lastly to ensure regular updates.

The group also briefly discussed protection measures for witnesses and victims, and identified the need to clarify the scope of assessment and criteria that is used for the protection of victims and witnesses, and how to assess any security threat (objective and subjective assessments), along with concerns for privacy, wellbeing and dignity. This could be linked to archives too. They identified the need to support WESU and VSS in protection programs for CPs and witnesses, and to

support Civil Party Lawyers, Civil Party Lead Co-Lawyers and VSS in reaching out to all Civil Parties and other victims about the end of the court's work.

Finally, the group addressed the fact that they believed that many of the identified victim-oriented programs could be beyond the control and residual mandate of the ECCC. There was a need to avoid "mission creep." They identified that the role of the ECCC in many of these projects may be advocating for funding and expansion of the activities of other entities. For example, the ECCC can advocate with the government for expanded services and for allowing links to relevant government archives to be part of a broader archive linkage project and including those other links in its archives, and compiling lists of victim identified needs and providers of those needs and contact information of those providers. In terms of archives, the ECCC archives need to be organized in a user-friendly way to allow the broadest possible access to the widest range of users, with inclusion of the largest number of documents possible depending on reclassification by the judges, with assistance from legal officers and technicians directly supervised by the judges, and must be part of a broader archive linkage project.

4. Group 4 - Historical Sites, Monuments, and Acts of Remembrance

This group initially shared their expectations for their topic. Some sought to create sustainable education in Cambodia on the history of the Khmer Rouge regime, and to recognize the value of Khmer Rouge historic sites. They also wanted their discussions and proposal to encourage young people to study Khmer Rouge history and also the work of the ECCC.

In the first session, the group's participants described what the "three Rs" meant to them. Recognition meant, for them, that the ECCC recognizes crimes committed in Cambodia, and the historical facts surrounding this are acknowledged as well. This would lead to what they termed "historical empathy." This would also allow for the recognition of Civil Parties and survivors as "living heritage," a recognition that Civil Parties also shared in their sharing during the first plenary session and noted above. As for reconciliation, the group noted that this would be where intergenerational dialogue was important, as was dialogue between victims and perpetrators. Psychotherapy was also important in reconciliation as it would provide mental health support for victims still struggling with the toll of what they

suffered. On the topic of memory, group participants noted that this was manifested in how survivors still suffered from both physical and emotional pain. It was therefore important to compile, present and publish victim testimonials, and observe and commemorate the Day of Remembrance. The construction of stupas was highlighted as an important site of memory, and that it was important to maintain and preserve Khmer Rouge historic crime sites.

This group suggested that in remembering the DK regime and its history, the 20 May Day of Remembrance should be reinstated as a national holiday, and on this day, ceremonies could be held at crime sites and other monuments. These crime sites could also provide a space for establishing outreach programs, and there is a need to allocate a budget for annual outreach programs. These programs could also incorporate lessons of legacy from Khmer Rouge history, and should also be included into the national education curricula. Crime sites also need to be preserved through labelling physical evidence and properly updating crime locations. A proposal on this topic could focus on some priority areas and the preservation of remains and locations. Doing any of this would also involve mobilizing both the relevant communities and government in such crime site conservation. There was also a need to publicly emphasize the importance of remembering the victims of the Khmer Rouge and to establish memorials in all provinces and municipalities around Cambodia. In particular, attention should be paid to remembrance for indigenous communities as well. On documentation, the group discussed the importance of continuing to collate and send documents related to the regime to the LDC.

In order to operationalize their proposal, participants suggested starting with updating existing crime locations around the country. They noted that there were 196 prison sites during the DK regime, and that these and other locations need to be actively mapped. Maintaining and protecting these locations is important and could be done in joint cooperation with the Ministry of Culture and other relevant institutions that work on the conservation of crime sites. There is a need to cooperate with local authorities, and not to establish a location just for the sake of it. This can be achieved by involving people in the communities and training those in the community to preserve the locations established.

There was a desire to make these locations into museums and exhibition centers where dissemination events could be held for target groups. This would

provide the space for a sustained dissemination campaign that would ensure their sustainability, and not be one-off events. The group also noted the need to mainstream gender awareness in any future program, and to pay attention to ethnic and religious minorities. To consider gender mainstreaming, they highlighted the need to take into account the challenge of time management and how much women and caretakers could spare, to ensure their participation (for example by bringing their children along). In considering ethnic and religious minorities, such crime sites and commemoration events can provide opportunities for ethnic minorities and religions to participate in the implementation of various activities at crime sites. Their participation could be encouraged by selecting community representatives to participate in the crime site conservation process. Youth should also be included in work on crime sites, through providing training on Khmer Rouge history and to encourage young people to work voluntarily on the preservation of crime sites.

In conclusion, the group decided to title their project, “Remembrance of the Khmer Rouge victims: identification and preservation of Khmer Rouge historic sites for reconciliation and recognition.” The group also suggested the preparation of a list of victims names from S-21 and a Khmer Rouge book of remembrance. Participants spoke about providing history and information about crime sites at the local, commune level, and documenting these sites as a way of recognizing the stories of survivors. The Ministry of Culture and Fine Arts was identified as a possible implementing partner that could help with the mapping of sites and a national register of victims names. Other NGOs would ideally collaborate on documenting the sites as well, along with training youth and teachers, and integrating the stories of these sites into educational programs. They identified the need to update the existing sites and build memorials at some of these sites based on what victims and Civil Parties need. They also suggested a national dialogue on how to manage remains such as bones and other skeletal remains. Finally, participants suggested having a ceremony for Civil Parties with the King of Cambodia, providing an important form of acknowledgement for their status as Civil Parties.

5. Group 5 – Ethnic and religious minorities

Group 5 spent the workshop discussions focusing on ethnic and religious minorities. Several of the group’s participants had worked closely with minority

groups and were able to bring their great perspective and experience to the discussions. They spoke about how they have been reflecting on these communities and the ECCC since 2006 when the process of establishing the ECCC began, and that it was important to understand what to expect after the Court ends as it was not possible to expect the Court to resolve everything.

Acknowledging that the ECCC made great strides in this aspect in its findings of genocide against the Cham and Vietnamese people, other communities such as the Khmer Krom were not addressed within the Court's ultimate judgments. There was collective knowledge in the group, including from two Civil Parties in the group and from an Undersecretary of State at the Ministry of Education, regarding what happened in these communities as well. The group noted that there are crime sites close to the minority groups and that some documentation centers already exist in some sites like Krang Ta Chan. These existing sites can also serve as locations for gatherings and remembrance days. Some group members shared that there are individuals willing to donate plots of land for the construction of future memorial sites. Other needs identified related to health services to benefit victims, and the need for education, rehabilitation and social services for minority groups. The group further identified the need for equal social services and the need to focus on cultural reconstruction with regard to community schools and encouraged the Ministry of Education to accept open-school applications.

The group's final proposal focused on developing a community-based documentation center that would incorporate physical and mental health programs, along with programs on Khmer Rouge history for youth. They selected a target area in Takeo and as such their proposal was for a Documentation Center focusing on Khmer Krom and Vietnamese community members, and focusing on crime sites closer to them in Takeo province. They identified the location as well, that of Preah Theat pagoda in Kbal Domrei village, in Kok Prich commune, in Kirivong district, Takeo province. Having such a site close to their communities meant that it could also serve as a site to preserve oral history, be a place for dialogue, serve as a place for remembrance day on May 20, and can be used for younger generations to study and do research and for intergenerational dialogue. Such a site would also serve as a community place for psychological support and as an exhibition space for the general population and also for ethnic minorities. This would avoid prioritizing any

particular group, and instead ensure a focus on the public. This would require working together with local authorities and youth and religious leaders. There was also a need to include schools to facilitate any field visits and educational programs. The proposal estimated a timeline of three years from construction, and the estimated start-up budget was \$150,000USD as well as \$50,000 in overhead costs.

Sustainability for the space was also important, and since it would be located in a local pagoda, it could also welcome contributions from the local community. A survivors' association could also help encourage support for the site and could also help generate funding.

The group further spoke about risk management in their final presentation, and the need to ensure trust and transparency in how the project would be funded and in its management. They encouraged the need for internal regulations to manage any problems or issues that might arise and the need for funding sustainability. The group also briefly touched on another project focusing on access to education and cultural restoration. The rationale for this project was due to the current lack of access to education for ethnic minority groups, and that such a project would help ensure a fair chance for education for everyone involved and access to education. This could be done in collaboration with the Ministry of Education and local communities, and the textbooks would be created and published also in the language of these communities. The identified beneficiaries would be at least 1,000 people and the target areas would be Kampong Chhnang, Kampong Cham, and Mondulhiri.

6. Group 6 – Access to Justice and Legal Aid

Early on, Group 6 was able to benefit from participants who worked directly on access to justice and legal aid and focused their discussions on how to expand existing services and address any gaps, as there was not necessarily a need to come up with a new institution or idea given the institutions currently in place.

They discussed expectations for what happens even after a case ends, and the need for survivors and victims to understand this and to manage expectations. The group identified certain needs that Civil Parties and survivors had and proposed several ideas to address these needs. They suggested the building of stupas across the country, and that these could serve as places for gatherings and for reconciliation

and remembrance. Funding was an obstacle in constructing more stupas and memorial sites, and the group identified the need for government support in doing so. They suggested that stupas could be funded with a mix of both government support but also with fundraising from people and communities.

Participants also suggested that 20 May Remembrance Day celebrations should continue and that such stupas could be used as places for commemoration and gathering for victims and Civil Parties. These gatherings could also occur regionally. Participants also recognized the need for victims to receive free medical treatment. It was suggested that this could be done by issuing cards for those who were poorer and therefore unable to access treatment for financial reasons. This could be done in collaboration with the National Social Security Fund, and such a card could be extended to not just victims but elderly people in general who would need health care and services. Such access to services could be extended to provide mental health and healing services, with TPO's support.

On the issue of atrocity prevention, the participants shared that the needs for healing and mental health remain crucial, and that the ECCC is a lesson for the next generation and provides many lessons learned. This should be shared in a published platform so that others could learn from the ECCC. Discussions and talk shows could be organized to discuss and exchange ideas on atrocity prevention as well. Such a learning platform could also be established and coordinated in universities to enhance learning opportunities for young people.

The group's proposal presentation focused on several ideas, especially their suggestion to establish a foundation for victims and one that could also generate and provide fundraising opportunities in the longer term. Participants suggested taking the existing "ECCC Friends" network of international donors and transforming it into "Victim Friends." Legal Aid of Cambodia could support the creation of such an association, and the LDC has rooms that could be used as the association's room and meeting place. The creation of a new association for victims can also continue to provide opportunities and jobs.

On the issue of legal aid itself, the group participants acknowledged that while it is available, the government should make it a reality for more victims, so that more are entitled to legal representation. This is especially after the ECCC closes, as legal

aid may still be needed for survivors, and access to justice needs to be available even if the ECCC is no longer in the picture.

Participants also suggested having a legal clinic, possibly within existing universities and their law schools, to consult on legal research, even from the victims themselves. This would provide opportunities to train and engage the next generation, including law students.

7. Group 7 – Intergenerational Dialogue and Youth

For participants discussing intergenerational dialogue and youth, there were many benefits that had emerged from Civil Party participation, and one such benefit involved intergenerational dialogue. They acknowledged that an issue in this regard was that many youth still do not believe what happened under the Khmer Rouge, with some still considering it merely a theoretical issue, and not something that actually happened in real life. Civil Parties in this group shared that they wanted this theory to become reality through such intergenerational dialogue, bringing students to participate in research on KR history. The Civil Parties shared that such studies for students should include topics not usually covered like forced marriage and sexual violence, and on minority victims, as their participation is still limited.

On remembrance, participants shared the importance of collecting survivor and victim stories and the need to preserve them. They also recognized the need to preserve former crime sites and build memorial stupas at crime sites (similar to the suggestions made by Group 4). Participants also suggested the building and creation of a memory and learning center where children and grandchildren of survivors could be recruited to work. This is further elaborated in the KDK submission received after the workshop, which can be found in the next section below. Exhibitions should also be conducted which involve Civil Parties and survivors, and a 20 May for Remembrance Day was given as an example.

Participants discussed the importance of collecting survivors' stories and preserving them. Disseminating them for students and in schools would provide the basis for intergenerational dialogue, and would allow remaining survivors who have not had opportunities to share yet the chance to explore possibilities for them to share their stories as well. Sustainability for intergenerational dialogue and engaging with youth would involve collaboration among NGOs to avoid redundant work and to

avoid any competition amongst one another. To address this, participants suggested creating a platform for collaboration between NGOs, and that this in itself could provide a type of dialogue or a platform for dialogue.

In their presentation on the final day of the conference, participants in this group shared the focus of their proposal, which was to create a center for inter-generational dialogue where each partner — NGOs and state institutions — could bring their knowledge, skills, and field expertise and support each other in different sectors. Developing a more responsive program meant providing mental health support and trauma debriefings to both survivors and young generations too. Their target groups would be Civil Parties and survivors of the Khmer Rouge, youth, high school and university students and teachers, community leaders (including youth, religious and women leaders), local council members and local health workers. To ensure sustainability, the group identified relevant line ministries to seek cooperation with such as MOEYS, MCFA, Ministry of Women's Affairs, Ministry of Social Affairs, Veterans and Youth Rehabilitation, Ministry of Health, MoJ and Ministry of Commerce, along with cooperating with sub-national level authorities. They suggested establishing a knowledge management mechanism to transfer knowledge to state institutions to continue after the three-year residual mandate. Their proposed center could also generate income that could then feed back into its own activities and projects. Lastly, the group suggested establishing a victim trust fund through local fundraising efforts.

8. Group 8 – Recognition and Reparation for survivors of SGBV

Participants in group 8 first began by identifying SGBV victim-survivors' needs. They argued that victims need justice, and responsibility taken by the accused and perpetrators. They need reparations that are fully implemented, and they want to see the integration of Khmer Rouge history into the public school curriculum. Victims need legal, mental and counseling support, along with a safe space or shelter for meeting and gathering. Multimedia educational materials were also mentioned as a need, along with the need to inform the public about the ECCC and its winding down, in a timely manner.

While the participants acknowledged that there is some education currently about Khmer Rouge history, and it is being integrated into the school curriculum,

there was a greater need to focus on SGBV during the Khmer Rouge. There was not much room for survivors of such crimes to reveal their stories, and only some survivors appeared before the court. The group considered a broader group of victims beyond the small numbers that appeared before the Court, and acknowledged that certain victims who testified were limited to some geographical areas. Therefore having a space for victims to reveal their stories was important. Victim's children and grandchildren also needed the opportunity to gain life skills or conflict resolution skills.

In developing ideas and initiatives to address needs, the group came up with the following suggestions. First, to integrate Khmer Rouge history into the public school curriculum and integrate survivors' stories, while ensuring the do-no-harm principle is maintained throughout and also making sure to adopt a child-friendly approach. The group also suggested the need for a public acknowledgement of the harm suffered and 'confessions' by the direct perpetrators. This would allow for reconciliation, but a space was needed for this, such as a space for a truth-seeking and telling mechanism to enable conversations and apologies from individual perpetrators. Another initiative identified was to provide legal and mental counseling services and support, and to conduct further research efforts on the impact of forced marriage and SGBV on both men and women, to identify and address their specific needs.

Further initiatives suggested were providing access to health care for women who suffered SGBV and physical harm from forced marriages, and conducting intergenerational dialogue (with a focus on a general level, on the inclusion of minorities, and subject-specific dialogue such as focusing on SGBV, or on forced marriages for instance), and ensuring this be recorded through other means and included in exhibition spaces. Doing so would help develop a habit of dialogue as a means to bridge gaps between people and to export these skills to other types of dialogues. This systematization of dialogue would ensure sustainability.

As a set of guidelines, the group agreed that initiatives and programs should not only focus on the survivors themselves but on the younger generations also affected by the Khmer Rouge even today. For sustainability, a focus of the residual mechanism should be on ensuring that these skills are embedded in communities (for instance, this should be the focus of initiatives linked to intergenerational

dialogue and history collection). Programs should ensure skill-building within them and actions to enable them to sustain themselves. Partnership between the government and the NGOs was also necessary to ensure sustainability of the programs, although sole responsibility should not be given to the government to implement projects, as this should be done in partnership with other collaborators. Before developing any program, there is a need to first survey and identify the existing government aid programs and how to link survivor-related initiatives to those to ensure sustainability. Survivor associations should engage in all of the above activities. On a general note, participants mentioned that there could be a centralized body to take on the role of coordinating and facilitating all the Khmer Rouge-related initiatives and ensuring implementation beyond the residual phase of the ECCC.

Challenges and barriers to consider included needing to further build trust in public institutions as that was lacking, and that aging survivors were less and less able to pass on their knowledge and experience.

In their final presentation, Group 8 identified three proposed programs and activities. The first program presented was on intergenerational and interpersonal dialogue at family and community levels. This program would ensure the inclusion of groups on SGBV and forced marriages. Such dialogue would also include gendered groups, including ethnic and minority-specific groups (LGBTQI). This program would build on non-violent conflict resolution skills. To initiate dialogue, the group suggested coming up with creative ways to do so through using images and photos, or using an app. Furthermore, the group suggested that explaining the ECCC's verdicts on sexual violence was a way to end impunity and that there was a need to learn to share stories in a way that would not cause harm within families and communities. Skills building was also identified as an aspect of this program, as a way to ensure sustainability. In the event there is originally limited funding, this program could first focus on Civil Parties, and then broaden the program to pass it on to a wider group.

The second program presented was that the residual mechanism should connect with the work that is already being done to support victims of SGBV in communities. For example, the Bar Association of the Kingdom of Cambodia (BAKC) has a legal aid scheme for women and children. This could be further expanded to ensure that legal aid is also channeled to victims of forced marriages who are still in

forced marriages and want to divorce or are faced with domestic violence. Existing programs on providing assistance (legal, psychological, health, and economic and social) to women victims of SGBV can be expanded to see how Conflict-Related Sexual Violence can be addressed through these already existing schemes.

Thirdly, education and awareness-raising activities should be conducted among the younger generations and the general public about SGBV under the DK regime. This can be done using existing tools, methodologies and products such as mobile exhibitions, shows, films, theater productions, and all reparations projects. This should be embedded in local communities and schools to ensure continuity and sustainability. Lastly, such education and awareness-raising activities can be achieved through permanent exhibitions and ensuring memory centers and existing bodies (such as Bophana, LDC, DC-Cam, Tuol Sleng, and universities) continue to use these tools.

3. Submissions After the Workshop

Participants and NGOs were given the opportunity to continue sending in submissions even after the workshop. This was especially in response to enthusiasm expressed at the workshop by some participants who wanted to continue refining submissions and ideas based on workshop discussions, for participants who wanted to submit submissions they had not shared up until that point, and also to provide another opportunity for anyone who was interested to but had not been able to provide a submission in time for the Co-Rapporteur's 2021 advisory report. It was also an opportunity for the NGOs and institutions which attended the Workshop and had been split across the eight discussion groups to then come back together and submit proposals representing the efforts and goals of their respective organizations. A further six submissions were received after the workshop, by the 15th of May, the deadline that the Workshop Secretariat had set in place.

The table below briefly summarizes the six submissions received, which are also included in full in *Annex VII*:

Submissions Received in May 2022 after ECCC Victims Workshop		
	<i>Submitter</i>	<i>Theme/ Subject</i>
1	Bophana Center	<ul style="list-style-type: none"> To increase youth awareness of Khmer Rouge history through the use of innovative, project-based multimedia educational experiences that prompt truth-seeking and intergenerational dialogues to advance reconciliation, healing, and transitional justice, aligned with the goals of the ECCC and the MOEYS.
2	DC-Cam and Michael Karnavas	<ul style="list-style-type: none"> Preservation of historic crime sites, as a basis for remembrance and education (DC-Cam) Provision of nationwide scheme of health care and mental health care for survivors of the KR regime (Michael Karnavas, in a paper published by DC-Cam)
3	Kdei Karuna	<ul style="list-style-type: none"> Creating a Memory & Learning Center to provide space for learning, reflection and healing for a range of target groups such as victims and the next generation of youth, students, and teachers, organizations working on transitional justice, researchers, journalists and the general public
4	TSGM	<ul style="list-style-type: none"> Mapping Khmer Rouge sites in Cambodia Memory Trail Project for university students, visiting Tuol Sleng, Choeung Ek, ECCC/LDC and M-13 Support of S-21 research at TSGM Visitor center and offices at TSGM National Youth program on learning about KR regime
5	Youth for Peace	<ul style="list-style-type: none"> Preserving Khmer Rouge historical sites in the former Northwest Zone, through reconciliation, memorialization and education. This provides opportunities and places to reconnect with the past, share experiences and create an open dialogue.
6	Youth Resource Development Organization	<ul style="list-style-type: none"> An increasingly sustainable vision over ten years should be envisaged and facilitated, firstly by the ECCC before transitioning to the most relevant UN Agency with a coordination mandate, once the ECCC phases out; possibly the Office of the Resident Coordinator. A transitional funding structure including a gradual and partial budget shift to the Royal Government of Cambodia on a number of topics.

The submissions received after the workshop generally build on ideas and discussions had during the workshop. All the submissions were received from participants who actively joined all three days of the workshop and built on several of the ideas that had been proposed during the event. This is encouraging as these submissions show the potential for great collaboration between the organizations that have suggested them. They also address several key areas that have been highlighted from the start of this process, in the Co-Rapporteurs' report, and through the course of the Workshop.

1. Bophana Audiovisual Resource Center

Bophana's proposal focuses on increasing knowledge for the younger generations in Cambodia, who were born after the fall of the Khmer Rouge, and have very limited knowledge of the regime and lack accessible sources and initiatives for learning. Their project objective is to increase youth awareness of Khmer Rouge history through the use of innovative, project-based multimedia educational experiences that prompt truth-seeking and intergenerational dialogues to advance reconciliation, healing and transitional justice, aligned with the goals of the ECCC and the MOEYS. Specifically, they wish to do this by creating an interactive participatory, open-source public archive within Bophana's existing Khmer Rouge history app that promotes intergenerational dialogue between youth and survivors. They also identified the need to update and upgrade this smartphone app — a reparation project recognized in Case 002/02 — to enhance user engagement. Further, Bophana identified the opportunity to train Cambodian youth in documentary filmmaking and innovative multimedia, and to provide them with an in-depth understanding of Khmer Rouge history by engaging with and documenting the past through intergenerational conversations and community dialogues. Lastly, to maximize the use of the Khmer Rouge history app and public archive platform, they suggest running large-scale outreach, and training teachers and high school and university students via workshops and mobile education initiatives throughout Cambodia, with a particular emphasis on indigenous communities.

Bophana has identified four expected results from this proposal: firstly, that a participatory public archive platform is established on the Khmer Rouge history app; and secondly, the creation of 400 quiz questions and 150 push notifications for the

app based on historical dates and sites. Short videos and a digital guidebook will provide instructions on how to use the archive, engage in intergenerational dialogue, and produce documentation of the dialogue to upload to the archive. A third expected result is the production of 30 videos of intergenerational dialogues, research reports on six crime sites, and 15 short documentary films about Khmer Rouge history, produced by 15 student filmmakers after long-term, intensive training by Bophana and Youth for Peace. These youth films will be used as tools for community dialogue. Fourth, Bophana intends to host workshops training 240 teachers from 120 schools in using the public archive component of the app, and for a mobile education team to conduct outreach campaigns engaging 12,000 students in using the public archive. This will allow them to receive at least 1,200 submissions of student-produced content, generated from dialogue with family and/or community members, uploaded to the public archive.

2. DC-Cam and Michael Karnavas

DC-Cam submitted a proposal in the form of a paper written by Michael Karnavas, former defense counsel at the ECCC for Ieng Sary and Meas Muth, about providing remedy to victims of Khmer Rouge crimes with sustainable healthcare through reparations or transitional justice principles. The impact of the DK period on the Cambodian population and healthcare system continues until today. The RGC remains reliant on foreign funding for adequate health provision, and unfortunately the quality of healthcare services, especially in rural areas, remains low with significant and persistent inequities. The paper speaks to the right to an effective remedy for victims of mass atrocities through individual or collective reparations, and that internationalized criminal courts and tribunals cannot order the provision of healthcare as a reparations measure often due to the indigence of the Accused. Therefore healthcare for victims in Cambodia is more realistic as a separate transitional justice measure. For this to be sustainable, it need not be state-led but does require state assistance, and NGOs also play a key role. Therefore it is suggested that firstly, there needs to be an assessment of needs and partnerships should be explored and formed with organizations that deliver mental health services in Cambodia (such as TPO). The paper also notes that it is important to consider how Cambodians already seek help for themselves, and in doing so incorporate

traditional and spiritual ways of addressing psychological trauma, in order that services are adaptable to Cambodians' understanding of health. The proposal also asks for the establishment of Khmer Rouge-specific mental health training programs, for instance by providing free workshops and classes on basic mental health aid. These programs should also incorporate an educational component to them, to inform victims of their rights to benefits, of the trauma faced by other victims, and value of expressing their needs to healthcare officials.

Separately, DC-Cam also submitted Mr. Youk Chhang's previously written proposal to construct a Khmer Rouge memorial near the Independence Monument in Phnom Penh.

3. Kdei Karuna

The proposal submitted by Kdei Karuna is for a Memory and Learning Center for Civil Society Initiatives. Noting that the ECCC is in the process of establishing its residual functions and that the judicial processes are coming to an end, KDK identified the need for non-judicial processes for reparations to continue to exist in Cambodian civil society. Building up from the needs mentioned during the workshop, KDK identified that survivors still need to share their experiences and continue to suffer from their experiences in silence. This results in behavior that is often not understood by younger generations, and therefore there is a need to close the gap of knowledge and mutual understanding between survivors and the next generations. Youth also need to build their own capacities to start having conversations with survivors about what happened in their families and communities, and although youth are interested in learning about the past, they are reluctant to have these conversations within their families. KDK noted that survivors expressed the need for places of remembrance within their provinces, and the desire to preserve the ECCC building as a memorial for local and international learning. Direct reparations at an individual level were also identified, through the improvement of living conditions, medical and psychosocial care. Survivors also express a need to repair the negative impact on the second and third generations, for instance by supporting good vocational education and job security. The need to focus on non-recurrence from a local perspective was also identified, to prevent history from repeating itself. Acknowledging that while many oral histories have been collected, there still remains

a need to document more hidden survivor experiences, such as those from marginalized groups and from former Khmer Rouge cadres, as well as the impacts on their children and grandchildren.

The aim for creating a Memory and Learning Center is to provide a space for learning, reflecting, and healing for several target groups, especially victims and their kin, Cambodian youth, students, teachers, organizers, researchers and journalists, and the general public. KDK has also conducted two consultation sessions on this project proposal recently, with a group of Khmer Rouge survivors and with a group of NGOs and state organizations, both of which brought positive feedback for such a center's establishment. Several organizations have formed a working group for this proposal, and the working group members are KDK, TSGM, CKGC, and YFP. GIZ-Civil Peace Service is supporting the development process for the creation of this Memory and Learning Center.

The Center could provide a space for documentation and research, such as a space to preserve the over 100 oral histories that KDK has collected through their intergenerational projects, making them accessible to the public, students and researchers. KDK further suggests that such a center can support others in the methodology and practice of oral history using different tools and practices, including art-based ones, and methods that were used in Cambodia. The Center will also be a space for exhibition and learning, and a space for KDK's mobile exhibitions and exhibiting resources by organizations that no longer exist. Lastly, the space will be used for dialogue and reflection through conducting further intergenerational dialogue work, and KDK envisions a Memory and Learning Center that provides a basis for dialogue process facilitation across the country. Groups from all over Cambodia could visit the Center and engage in dialogue activities guided by trained facilitators. The Memory and Learning Center could also provide a meeting space for community-based dialogue facilitators.

They identified a project timeline of up to two years, an outreach program for three years, and an estimated budget of 1.5 million USD over the three years.

4. Tuol Sleng Genocide Museum

TSGM provided five submissions in May following the Victims Workshop. We briefly describe all five proposals.

The first proposal is titled “Mapping Khmer Rouge Sites in Cambodia.” In the mid-1990s, Yale University and later DC-Cam did a long-term mapping project to document information on Khmer Rouge prisons, mass graves, and memorial sites. This database has not been updated since 2005. A few former prison sites or sites related to the Khmer Rouge are known and taken care of by some NGOs such as DC-Cam (Anlong Veng) and YFP (Kraing Ta Chan). The MCFA has decided to create a section within the Tuol Sleng Genocide Museum, to take care of issues related to Khmer Rouge historical sites nationwide. The best known site is the former M-13 prison at Amleang in Kampong Speu province. The government has acknowledged the national importance of these sites, by approving the serial site application of the former M-13 (under TSGM), Tuol Sleng Genocide Museum, and Choeung Ek Genocidal Center to be registered together as a UNESCO World Heritage site. However, there has been no recent attempt to register other former Khmer Rouge related sites. Many of them are in decay and will soon not be recognizable anymore. The prior approach to map the crime and killing sites needs to be extended. To foster the understanding about the Khmer Rouge period, other sites like dams, communal eating areas, airports, and “fabrication sites” need to be included for example. The most important Khmer Rouge related sites need to be registered and protected as sites of national heritage. Therefore the proposed project will work with local communities in the surroundings of relevant sites, teachers and students near these sites, and interested NGOs to take part in the mapping and research work. TSGM has also identified other relevant partners such as the MCFA, the UNESCO National Committee, and other NGOs working in this field, especially KDK and YFP. This project’s timeline is an estimated six months for the preparation phase, and another three years for the mapping phase, with an estimated budget of \$150,000 USD over three years. The long-term goal is to not only to enrich knowledge about the Khmer Rouge period and to support local knowledge about this time, but to also create a national register of Khmer Rouge related sites and support for their preservation.

The second proposal is entitled the Memory Trail Project, in order to participate in the preservation of historical sites left over from the Khmer Rouge regime. TSGM has organized a workshop under the theme "Memory Trail" in order to inspire the younger generation to learn about the value of preserving detention facilities that reflect the brutality of the Khmer Rouge regime. This project is part of

encouraging the participation of people in local communities to take part in historical preservation. The site of a former prison or killing field recognizes the importance of conservation and turns it into a monument for the education of students in their local community. This project's purpose is to educate young people about what happened during the DK era, and to encourage young people to understand the importance of studying this history and participate in such learning and understanding. This proposal will target 15 university students from the faculties of history, Khmer literature, and archaeology as the organizers of the workshop, and the target groups will be high school students. Key partners that have already been identified are the ECCC and the LDC, CKGC, and diverse schools and universities. The aim is that the Memory Trail will be held during the school vacation period and will consist of a two-day workshop covering the history of the Khmer Rouge and of S-21, and a two-day study tour visiting TSGM, the killing fields at Choeung Ek, the ECCC and LDC, and M-13. The goal is to conduct three workshops each year, over a three-year period. The estimated budget is \$150,000 USD over three years.

The third proposal is titled "Support of S-21 related research at Tuol Sleng Genocide Museum." The ECCC has added substantial additional knowledge about S-21 through Cases 001 and 002. This knowledge is not yet fully accessible to the team at TSGM. Although the Museum's archives have been digitized and made available by a UNESCO-KOICA funded project from 2018 to 2020, and now the archives are accessible online for the TSGM team to use internally as well, the total number of documents that S-21 Security Center produced is unknown. Therefore, it is unknown how high the percentage of missing documents is. The thousands of prisoner photos from S-21 at TSGM have not yet been cross-checked with the biographies. Until today, TSGM is not able to tell relatives searching for a family member if a photo exists. Neither the ECCC nor TSGM could organize a research project yet about the missing S-21 documents. This is overdue, as witnesses are getting older or are not alive anymore. To offer more access to the documents, a process of redaction would also be necessary. The team at TSGM lacks professional knowledge on how to analyze the photographs or how to investigate further. Therefore this project seeks to collaborate with various national and international researchers, and would operate under the Ministry of Culture and Fine Arts. It is estimated that to achieve all the project goals, several teams of two to four people

would be needed over three years. This project would therefore contribute significant additional knowledge and allow for the Museum's collections to be better shared with relatives of S-21 victims. This additional knowledge and the long-term preservation of the archives is of national and international interest.

The fourth proposal is for the establishment of a visitor center and offices outside the grounds of the TSGM. The museum is lacking an appropriate welcome center for national and international visitors (before the pandemic, this was around 500,000 visitors per year). A welcome center outside the current TSGM compound would offer the chance to inform visitors about the larger size of the former S-21 prison, to prepare them for their visit, and to offer adequate visitor facilities including a proper bookshop with relevant literature. On upper floors, the building could host offices for staff, and a conservation laboratory, to reduce the use of the former prison rooms for museum needs. The management and the staff of TSGM have worked inside the former prison rooms since the Museum opened in 1979. This is not only distressing for the staff, but every use of the rooms for current offices risks destroying historical traces and influences the ability of visitors to imagine how the site looked during the prison's time. In order to operationalize this proposal, TSGM proposes working with UNESCO, as TSGM is currently applying to be nominated as a world heritage site. This project also estimates an approximate timeline of three years and would require working together with neighbors around TSGM in the search for land, building construction, and including the neighborhood in decision-making. The estimated budget for this project depends on the price of land and the size and equipment needed for the eventual construction, but is estimated at 3 to 6 million USD.

The fifth proposal by TSGM is titled "National Youth Program on Learning about the Khmer Rouge." Given Cambodia's young population, many people no longer have a survivor in their family alive to talk to about the past. Even in cases that do, not all survivors are willing to talk about what happened under DK. Education about Khmer Rouge history is limited to a few hours in the school curricula. The MOEYS is currently revising the history textbooks with the aim to add more information about the Khmer Rouge period, but this is a long-term project. Therefore, many youth do not receive adequate information about the Khmer Rouge period, including knowledge about S-21 and the entire prison system, or about the

juridical process at the ECCC. In cases where the teachers do engage and want to teach students as best as possible, they lack the means of transport or budget to arrange travels to Phnom Penh in order to visit TSGM, CKGC, and the ECCC (or later, the LDC or any Khmer Rouge learning center in the capital or in the region). The visits need to be well-prepared and organized in a sensitive manner, and not to have too short a time at the sites that could lead to missing out on reflection and learning. The visits have to be accompanied by experienced staff from the memory institutions. Therefore, this proposal suggests working with history teachers and youth from all provinces in Cambodia, and collaborating with CKGC, the ECCC, and the LDC, and other NGOs working in this field such as KDK and YFP. Key program activities and stages include developing and planning the budget, an application system within the MOEYS, developing a concept of the visits at the memorial sites, informing schools nationwide about the possibility to apply, and accompanying the visits during a pilot phase of three years. After two years, a solution should be envisaged that the MOEYS would carry out the program on their own. An approximate budget is estimated at \$50,000 USD per year.

5. Youth for Peace

The proposal submitted by YFP focuses on preserving former Khmer Rouge sites in the former Northwest Zone, and providing spaces for reconciliation, memorialization and education. They identified that there is minimal physical evidence remaining at the vast majority of Khmer Rouge crime sites, including former prisons, forced labor camps, and mass graves. Of the few memorials that were erected in the past, many have not been integrated into local communities' practices of remembrance and have fallen into decay. Most former Khmer Rouge sites of mass atrocities go largely unmarked and are only identifiable by local survivors and residents. For visitors who pass by the sites, and more importantly members of the younger generation born after the atrocities of the Khmer Rouge, these sites of past violence remain invisible and their potential to be memorialized unused.

YFP cites researcher and MOEYS secretary of state, Dy Khamboly, who wrote in 2007 that nationwide in Cambodia, there are around 388 mass killing sites with 19,744 mass killing graves, and 196 former prison sites. Some of the sites have

seen memorials built to commemorate the deaths and the suffering. There were 81 stupas erected after the collapse of the Khmer Rouge regime. However, there are still many problems regarding those memorials. The conditions of the skeletons and bones are not maintained well, and some others are exposed to sun and rain and are gradually dissolving. YFP also identified that the history of local memorials and mass killing sites has not been recorded, documented, or compiled, so they will be lost soon. Even those living around these mass killing sites often are not aware of them, and the stories of survivors and heroes are not documented well enough to allow for a healing process and an understanding of the past.

YFP has identified that there is a lack of opportunities and places to reconnect with the past, mourn, and share experiences. They recognize a need to have open dialogue and to engage youths to be “agents” of peaceful social change. The project’s overall goal therefore is to promote social reconciliation and conflict transformation through dealing with the past, to ensure the non-recurrence of mass crimes and human rights violations in present-day Cambodian society. It is designed in a participatory way to open spaces for the younger and older generations to enter a dialogue about the violent past and work towards preserving Khmer Rouge history sites and establishing community memorialization and remembrance through capacity building, documentation, and community consultation, art, and exhibitions.

YFP has identified target locations in the former Northwest zone, including in Pursat, Battambang, and Banteay Meanchey provinces, and YFP estimates this project will benefit 600 direct beneficiaries (comprising youth, monks, Civil Parties and victim survivors, and community memorial committee members) and 1,000 indirect beneficiaries (communities at large, including local authorities, teachers) over a period of three years.

YFP has also already planned to cooperate on this project with TSGM, which has also agreed to work on preserving such historical sites and promoting genocide history education. The stages of the project involve conducting research and documentation to update information on historical sites, training students to conduct field research to interview victim-survivors, witnesses, and community members, and the development and nationwide consultation on a “memory book” on Khmer Rouge historical sites. Furthermore, YFP and TSGM will conduct national and provincial-level consultations with the Ministry of Culture and Fine Arts on how to preserve

these historical sites. The proposal also suggests the construction of five memorials and the creation of a permanent display of exhibition materials at the sites to provide a space for learning and understanding. These sites will be accompanied by public opening ceremonies. Lastly, public education programs will complement this project, focusing on history and reconciliation workshops, intergenerational dialogues, trips to local sites of memory, testimonial therapy and truth-telling ceremonies, capacity-building of memory committees and youth groups, upgrading of local learning centers, a mobile exhibition on the history of crime sites, and visits by high school students and survivors to these historical sites.

The proposed timeline is for three years from 2023 to 2025, and has an estimated budget of \$450,000 USD for the three-year period.

6. Youth Resource Development Organization

YRDP submitted a proposal focused on sustainability during and beyond the ECCC's three-year residual mandate. They suggested that in order to create valuable outcomes for civil society, an increasingly sustainable vision over ten years should be envisaged and facilitated, firstly by the ECCC, before transitioning to the most relevant UN agency with a coordination mandate once the ECCC phases out. This could possibly be through the UN Office of the Resident Coordinator. They believe that the ECCC Victims Workshop should be seen as a stepping stone toward the creation and implementation of a long-term action plan and work plan on the legacy of the ECCC and continuing transitional justice, placed under the leadership of the government. This process should be supported by the UN and steered by a committee, including relevant ministries, civil society, the UN, and other key stakeholders. YRDP also suggested discussing a transitional funding structure including a gradual and partial budget shift to the RGC on a number of topics.

YRDP proposes creating coordination mechanisms, in the form of thematic-based technical working groups (TWGs), to foster dialogue between stakeholders and facilitate initiatives that meet the needs of various groups among the population (for example youth, Civil Parties, survivors, and ethnic minorities). To keep key concerns at the top of the political agenda and create tangible gains, the TWGs, in the form of UN-led multi-stakeholder platforms, should convene government representatives, civil society organizations, the diplomatic community and

international organizations. To operationalize this, the TWGs need to be mandated to develop thematic-based action plans and cost work plans.

As a final note on this section, it is clear that the submissions provided after the workshop present many opportunities for collaboration, and most of the proposals have already identified partner organizations for collaboration, built up from conversations had before, during, and after the workshop. In particular, several of the proposals speak to similar topics of preserving local sites as places of remembrance and learning, and incorporating intergenerational dialogue with younger generations within these sites. Most proposals also speak to the need to engage with the government in collaboration on these projects, with the view toward longer-term sustainability and ownership in Cambodia.

4. Beyond the Workshop: Continued Consultations After the Event

In the weeks following the May 2022 Workshop, Coordinator Daniel Mattes also engaged with many others who were unable to physically attend the Workshop. This effort was undertaken beyond the scope of the Workshop, in order to ensure that the consultations surrounding this event would be as comprehensive and wide-ranging as possible in the limited time and capacity available. The Coordinator sought to share news of the Workshop with those interested, including (1) additional Civil Parties beyond the 15 who participated in the event; (2) international observers, a few of whom were able to watch the workshop proceedings remotely via the online KUDO platform discussed above; and, (3) the often overlooked Cambodian diaspora community overseas which was not originally incorporated in the event's design, in an oversight which the Coordinator acknowledges.

1. Additional Civil Parties joining the 13 May 2022 VSS-CPLCL Forum

Since 2009, the VSS and the CPLCLs have conducted regular outreach activities, to disseminate information about the ECCC and its ongoing trials, and to connect Civil Parties to each other and the Court. The VSS has conducted dozens of regional forums for Civil Parties, together with the CPLCLs or their representatives and the other Civil Party lawyers, across the country. After a two-year delay and hiatus due to the Covid-19 pandemic, the VSS and CPLCLs have planned to hold four Civil Party fora in 2022. These fora are financially supported by the GIZ Civil

Peace Service. The first forum since 2019 was held in Phnom Penh on 13 May 2022, one week after the Victims Workshop. Normally, past fora have welcomed hundreds of Civil Parties, however, due to continued concerns over the risk of spread of Covid-19, the VSS invited approximately 60 Civil Parties from across the country to Phnom Penh for this one-day event. Only three of the Civil Parties at this forum had also joined the Workshop one week earlier; the rest were new attendees. This event provided an opportune moment not only to share an update on the discussions which took place at the workshop one week earlier, but also to engage with a wider pool of Civil Parties to hear comments and ideas from them regarding the ECCC residual mandate as well.

The morning session of the VSS-CPLCL Forum provided a long-awaited opportunity for CPLCLs Pich Ang and Megan Hirst to speak directly to the attending Civil Parties, first with a briefing on Case 002/02, explaining that the final judgment in that case is expected by the end of 2022. The CPLCLs also discussed the victims' rights to privacy, raising the issue of reclassification of the documents within the ECCC case files before they are made fully public at the conclusion of the judicial proceedings. This matter was also discussed above in the section on pre-workshop consultations above, in //2. Following the lunch break, VSS Chief Hang Vannak invited Coordinator Daniel Mattes to provide an update to the attending Civil Parties on the Workshop on Victims, and to take this opportunity to ask them to share their opinions, reactions, or questions on the residual mandate and the development of new schemes to assist and support the needs of victims. The Coordinator made clear that their ideas or submissions would be incorporated into the report herein. Civil Party Mr. CHAN Sath, who spoke extensively at the Victims Workshop, was also in attendance at the VSS Forum and encouraged his fellow Civil Parties attending to share their ideas frankly and clearly.

Civil Parties consistently asked that support for survivors and survivor-centered initiatives do not cease with the end of judicial hearings at the ECCC. They reiterated their universal suffering and trauma from the DK regime, and they expressed their desire for non-recurrence and their hope that future generations would never again allow such atrocities to take place. One Civil Party expressed his gratitude to his lawyers and the Court for the justice he said he has received, noting he felt a greater peace of mind and reduced anger and resentment. Others observed

that the process of justice was still underway and the trial proceedings were only one part of that process, but that they felt more empowered to speak up than they used to. Most were focused on the next generation, asking for their stories to be shared with young people as much as possible to reveal the truth and strengthen reconciliation.

One Civil Party bluntly asked why it has taken so long to see memorial stupas constructed across the country after years of the Civil Parties asking for them repeatedly. He noted the memorial built at TSGM, but he called for “more impressive” memorials to be built which represent the experiences of all victims, not just those at S-21, and preferably listing the names of more victims too. He was mindful of the next generations too: he stressed that any memorial space be “attractive” to young people to ensure that they “feel” the memory of past suffering.

Civil Party Chan Sath took this opportunity to call on his fellow Civil Parties to take greater individual ownership of the work of memory and reconciliation. He explained that they could each do more individually in their own communities to develop ideas and raise money to fund their implementation, without waiting on the ECCC or others to do it for them. He noted that in the 1980s, soon after the fall of the DK regime, many local communities built stupas and memorials on a small scale, and he asked why they no longer do that today. Looking at his own community in Pursat province, he recalled the Tuol Po Chrey massacre site where former Lon Nol soldiers were killed, as addressed in Case 002/01. He suggested to build flood protections to preserve the site, and to build a community rest hall (in Khmer, “*sala samnak*”) as a sign of its significance. He stressed that the hall does not need to be explicitly marked as a memorial, suggesting that simply creating a space for the community today on this former site of atrocity would benefit reconciliation. He explained: “Go look at your own community...If you want a legacy, it has to come from you. That will also help with your own relief and personal process too.”

After the wider discussion between the Coordinator and the Civil Parties attending, the approximately 60 Civil Parties split off into four groups led by four Civil Party lawyers: Hong Kimsuon, Ty Srinna, Ven Pov, and Nuon Socheata. These lawyers then submitted each group’s suggestions for the residual phase to the Secretariat through the VSS. These four groups’ submissions are summarized here, and they are included in full within *Annex VII*. Each group broke down their

submissions into four thematic areas: remembrance, rehabilitation, education, and documentation.

On remembrance, the groups requested the construction of nationwide memorials and stupas for the victims who lost their lives during the Khmer Rouge regime. One group asked for at least one memorial to be built in each province of the country, with names engraved and with photos of victims as possible, while another group asked for at least one stupa in every commune or province. The latter group also suggested support for religious ceremonies to be held at these stupas in tandem with their construction. Another group requesting stupas in each province specified that they should be uniformly built at dimensions of 10 by 10 meters. One group mentioned that the stupas should be constructed within the names of the victims, specifically noting that names of Khmer, Vietnamese, and Cham victims should all be included. All four groups also asked that 20 May be made or “re-endorsed” as a national holiday for celebrating nationwide ceremonies at these sites for the memory of victims.⁴⁶ All the groups specifically asked for the ECCC Administration and the RGC to collaborate in constructing that network of memorials or stupas during the residual period.

One group also asked for a “joint meeting program” to take place each year at TSGM on 20 May, with the participation of Civil Parties, their representatives, the government, and NGOs. It was also requested that crime sites nationwide should be maintained and preserved so that the victims of the regime could learn the locations where their relatives were killed and go to mark ceremonies at those sites. Specific mention was made to massacre sites at Bropei Phnom and at Me Sang district hall in Prey Veng province. Another group also asked for large gatherings three times per year in tourist areas in Battambang or Siem Reap, although it was unclear whether

⁴⁶ The 20th of May has been unofficially marked as a “Day of Anger” and as a “Day of Remembrance” since the 1980s and has seen annual ceremonies that normally convene at memorial sites of forced labor, killing and torture (see Rachel Hughes, *Remembering May 20 Day of Anger* (2000), *Searching for the Truth*, 12). The ECCC Trial Chamber recognized the “Day of Remembrance” as a reparation, as Civil Parties in Case 002/01 requested. For that decision, see Trial Chamber, Case 002/01 Judgement (7 August 2014), E313, p. 604. accessible at: <https://www.eccc.gov.kh/sites/default/files/documents/courtdoc/2014-08-07%2017%3A04/E313_Trial%20Chamber%20Judgement%20Case%20002_01_ENG.pdf>. This reparation was implemented by the RGC over three years later, when the Prime Minister signed a sub-decree on 14 February 2018 declaring the National Day of Remembrance on May 20 (see Royal Government of Cambodia, Sub-Decree No. 19 OrNkr.BK dated 14 February 2018 on National Day of Remembrance). However, after just two years of officially marking the public holiday, in 2018 and 2019, this public holiday was cut in a general downsizing of annual public holidays from 28 per year to 22 (see Royal Government of Cambodia, Sub-Decree No. 112 ANK.BK dated 2 August 2019 on the Calendar of Paid Public Holiday Calendar for Employees and Workers in 2020).

this would be for a memorial ceremony or an organized activity or outing for elderly victim-survivors. One group also asked for the establishment of a victims' network of all Civil Parties to receive regular communications from the ECCC, and another group requested that the ECCC organize more gatherings at the Court before it closes in the next three years in order to share more information about the Tribunal.

On rehabilitation, all four of the groups requested the provision of "equity cards" (or "PoorID" cards) to enable Civil Parties and all elderly survivors to access medical and mental health care free of charge. They suggested that the RGC begin implementing such a program during the three years of residual functions. The groups also cited TPO, asking for that NGO to continue helping to treat the trauma of victim-survivors of the DK regime, with the support of the government. One group asked for the creation of entertainment programs which would invite Civil Parties to join meetings and allow them to alleviate their grief and reconcile their feelings. One group specifically asked for the RGC to provide access to justice to Civil Parties to help them with legal aid and build respect for the rule of law. Two groups asked the ECCC Administration to issue a certificate of encouragement or appreciation to every Civil Party. This suggestion was similar to one group's request for a joint ceremony to be held in celebration of all Civil Parties and survivors at the close of the judicial proceedings.

On education, all the groups asked that Khmer Rouge history be incorporated into state school curricula for students to learn, and they specifically asked that the stories of survival and of Civil Parties be included in the curricula too. It was clear that they expected the ECCC and the Government to take up this role. One group specifically requested that Buddhist monks and other religious leaders receive historical training on past atrocities in order to use their platforms to disseminate that information to the public. The same group also called for the ECCC to upload photographs and video clips related to the DK regime to platforms like TikTok and YouTube, to share information targeted at younger generations. Another group specifically requested that the "Courageous Turtle" reparations project recognized in Case 002/02 be implemented again in another edition.

On the final matter of documentation, the groups asked for the ECCC and government to publish and disseminate a variety of materials, both for their own recollection of their testimonies and the trials and for future generations. They

specifically suggested documents related to victims and Civil Parties' testimonies, as well as detailed stories of security centers. They asked that these various materials be preserved for the long-term and distributed to libraries, universities, secondary schools, and private schools. One group specifically mentioned the need to upload all documents onto a digital system or the Internet. One group asked for the publication of a book collecting the painful experiences of victims and Civil Parties under the DK regime, and also for the broadcast of victim testimonies from the trial proceedings on state and private television channels. One group also asked for the ECCC to provide them with a copy of the judgment, and another group asked that a set of their original complaints and Civil Party documents be shared with them.

The table below summarizes the VSS Forum's submissions by thematic area.

Submissions from 60 Civil Parties at 13 May 2022 VSS-CPLCL Forum		
	<i>Thematic Area</i>	<i>Details</i>
1	Remembrance	<ul style="list-style-type: none"> • Construction of nationwide memorials and stupas; • Support for religious ceremonies at these sites; • Re-endorsement of 20 May as a public holiday for remembrance of all Khmer Rouge victims; • Maintenance, preservation of crime sites nationwide; • Establishment of victims' network for regular communications and gatherings run by the ECCC.
2	Rehabilitation	<ul style="list-style-type: none"> • Provision of "equity cards" to enable medical and mental health care access free of charge; • Access to justice and legal aid for Civil Parties; • Attention to trauma and healing; • Provide official certificates to every Civil Party.
3	Education	<ul style="list-style-type: none"> • Incorporate KR history into all state school curricula, and provide special attention to stories of survival and CPs; • Create social media resources to target younger generations with historical info; • Undertake a new edition of the "Courageous Turtle" reparation program.
4	Documentation	<ul style="list-style-type: none"> • Publish and disseminate materials, for CPs to review their own testimonies and for future generations; • Make these documents available to schools, libraries; • Upload and maintain access to documents online; • Provide all Civil Parties with copy of the judgment and also their original complaints and forms.

2. Overseas Advocates and Researchers

As mentioned above in *II.4*, 86 external guests cumulatively attended the workshop via the online KUDO platform. This included at least 25 guests joining from outside Cambodia. However, due to time differences, many were unable to join all the sessions and others were unable to join any sessions at all. A sizable number of the submissions made in response to the Co-Rapporteurs' October 2021 call came from overseas researchers and advocates. Many of these individuals and others have long been involved in transitional justice work in Cambodia, in some cases well before the ECCC was established. It was important therefore to take this opportunity to hear their thoughts and allow them the chance to discuss some of the same questions raised at the May 2022 workshop. Ultimately, an overseas focus group was organized via Zoom on 18 May 2022.⁴⁷ This provided adequate time for a very brief assessment and summary of the workshop to be shared with the overseas focus group participants, to allow them to respond to any particular points raised or align themselves with the submissions and discussions covered in the Workshop's smaller working groups. A total of 12 individuals based in North America and Europe joined the discussion.

The participants then sent a formal submission as a group, and participants Laura McGrew and Mychelle Balthazard each made additional submissions as individuals. Leakhena Nou, who also joined the group discussion, made a separate submission, which is discussed below in the subsequent section on diaspora voices, on behalf of her organization, the Applied Social Research Institute of Cambodia (ASRIC). All of these submissions are also included in full in *Annex VII*.

The overseas focus group appears to have held a wide-ranging discussion which resulted in a detailed submission of eight "cross-cutting" recommendations. Their submission emphasizes the need for funding for Civil Parties and victim-survivor projects and services to be prioritized and for their input to be valued. As an

⁴⁷ We would like to thank Laura McGrew, a longtime researcher and expert on transitional justice in Cambodia, for her incredible support and facilitation in organizing this online group discussion for overseas participants. Her dedication ensured that the Secretariat heard perspectives from overseas participants to supplement what we discussed at the Workshop, and she also impressively brought together a diverse network of important stakeholders and experts, including key diaspora voices, to make the most of this opportunity to share their inputs and suggestions for the ECCC as it enters its residual phase. She also centered and uplifted the voices of Civil Parties and other victim-survivors she met during her field work in rural Northwestern Cambodia on a recent visit. We would also like to thank the rest of the overseas focus group participants for their active participation in this process and for taking that time to meet and share their views.

example, the overseas focus group notes that Civil Parties have repeatedly asked for stupas to be built, to no avail, just as we heard at the Workshop and in the VSS-CPLCL Forum thereafter. To ensure projects meet the Civil Parties' priorities, the focus group recommends the creation of "a carefully and transparently selected" Advisory Board to assist in the selection of programs for the residual phase. The group also emphasizes the need to link health care with mental health care, and consider ways to develop Cambodian systems to treat trauma which continues until this day among survivors in both Cambodia and overseas. As will be discussed in the next section, they also recommend that diaspora Civil Parties and victim-survivors be included in such consultations, planning, and project implementation.

The focus group raises the need to resolve survivors' sense of isolation as a necessary step in the process of healing and reconciliation. They suggest a potential program to offer free genetic testing to help separated family members find one another, and they offer their support for the GIZ-CPS submission (to the Co-Rapporteurs) for the establishment of a "list of the missing". The group emphasizes the need to pay attention to the needs and desires of survivors of SGBV and to broaden the accounts gathered and open the door to future conversations beyond the ECCC's findings on the matter. The group also calls attention to the need to promote reconciliation with communities of former Khmer Rouge, such as Pailin and Anlong Veng, to break the social stigma for past perpetrators and their next of kin, and engage in those communities in the longer term. The group recommends the involvement of all generations, from youth to the elderly, in this process.

This leads to the submission's extensive discussion on the future of the ECCC archives and access to the archives, particularly for the longer term when, they explain, "The archives will be the most important legacy." One participant suggests the National Archives of Cambodia would be a more welcoming location to ensure public access. Regardless, they again emphasize that Cambodians themselves should have ownership over the archives, particularly the Civil Parties or witnesses who are featured in the sources. They emphasize the archives need to be widely and publicly available and accessible. The group calls for the ECCC archives to be linked to all other Khmer Rouge archives, including those at other institutions in Cambodia (TSGM, DC-Cam) and abroad (Cornell, Yale Cambodia Genocide Project). The group does not reserve their concerns solely to the national side of the archives, as

they also observe that the UN Office of Legal Affairs (OLA), which will be involved in decisions regarding the international side's copy of the archives, "does not have a history of maintaining open archives."

Finally, the group also addresses a lack of transparency or information sharing from the ECCC, and they submit that this has led Cambodians to lose trust and hope in the ECCC. The group call for the CPLCLs to be fully funded and involved in all discussions in order to advocate for their clients, and they comment that the imminent announcement of the Case 002/02 appeal judgment later this year could present a "great opportunity" to share information with victim-survivors in Cambodia and abroad. They also note that Civil Party applicants in Cases 003 and 004 require follow-up information on the status of their applications and those cases.

In her separate submission, Laura McGrew shares that, during a recent informal research visit in Cambodia in early 2022, she found "a marked decrease in knowledge of, support for, and satisfaction with the ECCC" from her long-time informants. She observes that the ECCC has recently gone silent, with little dissemination of information or follow-up with the public or with Civil Parties in recent years. She calls for the ECCC and the RGC to publicize the final proceedings of the Tribunal and related activities as widely as possible, on TV, radio, and elsewhere. She calls for "a full-time, fully-staffed and funded, and dedicated public information unit or NGO" to be "re-established." Further, she emphasizes the need for regular coordination between the ECCC, UNAKRT, LDC, government, donors, and NGOs.

McGrew further observes the regular requests from survivors for the provision of health care and social services, and a potential extension of the "IDPoor" card to survivors. She also notes that the submissions shared in the Co-Rapporteurs' advisory report follow upon previous similar activities which have been accomplished, commenting, "There is no need to recreate the wheel." She calls for the involvement of healthcare-related CSOs, including HelpAge and NGO-Forum, both of which joined the May 2022 Workshop, as well as Cooperation Committee for Cambodia (CCC), which was invited but unable to join, and the Dhammayietra Mongkol Borei, which may be worth approaching.

She also emphasizes the need for enhanced transparency and a wider circulation of all information about the residual phase process. Noting the lack of public information and the rumors circulating about funding and plans for the residual

phase, she calls for the mechanisms for determining those plans to be shared publicly. She suggests some tools for best practices on funding transitional justice programs, and she calls for an advisory committee or panel to be established to review all proposals, monitor programs, and ensure accountability. She also observes that the lack of information about access to the archives needs to be resolved, and she calls for the inclusion of NGOs, Civil Parties, and all ECCC organs to be involved in the development of access policies at the archives. She notes that there must be clear and permanent legal support for Civil Parties, including those across all trials or cases, and she comments that victims' rights, minority rights, intergenerational inclusion, conflict sensitivity, and gender sensitivity must be incorporated into all the proposals for the residual phase.

As a final point, she notes that there has not been a widespread, broad-based survey conducted in too long. She suggests the gathering of data “to assess survivors' views” as well as “updated studies of effects on second generations” of both victim-survivors and former Khmer Rouge. She explains that such assessments are essential to understanding the perceptions of reconciliation or justice.

In her separate submission, Mychelle Balthazard of the Harvard Humanitarian Initiative similarly calls for an assessment of the contributions of the ECCC and relevant transitional justice projects. She proposes a qualitative and quantitative survey first focused on victims and later possibly on the general population of Cambodia. She suggests that a proper assessment would allow comparison of the findings to prior research conducted since the establishment of the ECCC, and would examine the needs of victims in the short, medium, and long-term. The research assessment, from initial concept through to final dissemination, would take about six months. She explains that the data gathered would aid in the provision and implementation of programs which are more satisfactory to victim-survivors and would “maximize planning” of the residual phase.

The table below summarizes the three overseas submissions.

Submissions Received in May 2022 from Overseas Participants		
	<i>Submitter</i>	<i>Theme/ Subject</i>
1	Overseas Focus Group (US & Europe)	<ul style="list-style-type: none"> • Funding for CP and victim/survivor projects should be prioritized, through a carefully and transparently selected Advisory Board could assist to ensure that projects are chosen based on Cambodians' concerns and interests. • Diaspora Civil Parties (CP) and victim/survivors should be included in consultations and projects • Transparency and information sharing from the ECCC, including funding for Civil Party Lead Co-Lawyers • Link healthcare and mental health and provide more services • Attention to reconciliation especially in former KR areas • Assess needs and desires of SGBV survivors • Education of all generations, and digitization of documents to make them widely available • ECCC archives need to be widely and publicly available
2	Mychelle Balthazard	<ul style="list-style-type: none"> • Survey/focus groups to assess ECCC's contributions, related projects on justice and reconciliation, determine victim's needs, assess effects of already implemented projects, and assess feasibility of addressing victims needs in the short, medium and long-term.
3	Laura McGrew	<ul style="list-style-type: none"> • Outreach, Networking, and Information Sharing must be a Priority. A full-time, fully-staffed and funded, and dedicated public information unit or NGO must be re-established. • Support for existing projects as well as additional proposals. Health care and social services (including for SGBV survivors) and in particular, government provision of the "IDPoor Card" are also needs often mentioned by survivors and are mentioned in some of the proposals. • Legal support for Civil Parties, with a clear and permanent institutional structure with appropriate resourcing • Transparent, conflict-sensitive funding processes • Continued monitoring of projects to protect victims' rights • Inclusion in mechanisms to ensure victims' rights, minority rights, inclusion of both youth and elderly, conflict sensitivity, and gender sensitivity. • Updated survey on perceptions of justice, reconciliation and reparations • Archives and access must be ensured and communicated

3. Diaspora Communities: Their Role at the ECCC and in the Residual Phase

During the extensive planning and consultations for the May 2022 Workshop described elsewhere in this report, one significant group was largely left out: the Cambodian diaspora living overseas, most notably in the United States, France, Australia and Canada. This oversight is in fact indicative of the way that the ECCC has treated much of that population in its institutional history: as an after-thought. While there are challenges in including them in a productive and fair manner at a long distance, such efforts must be made in the future. Cambodian diaspora communities do not live in a vacuum, isolated from events or communities in Cambodia or from the activities of the ECCC and the transitional justice programs underway in Cambodian civil society. The diaspora exists primarily due to the very conflict, regime, and atrocities which necessitated the creation of the ECCC as an institution. They continue to have a great deal of connections with Cambodia, particularly through family links and also among the younger generations of overseas-born Cambodians who have settled in Cambodia and taken up leading roles in the country's commercial, social, and cultural sectors.

The failure to involve diaspora voices in the Workshop can be rectified immediately by actively involving them in all consultations and planning for the residual phase going forward. While proposed programs such as the expansion of a social security scheme like the "PoorID" card may not apply to Cambodian victim-survivors residing overseas, those diaspora communities may play a vital role in organizing acts of remembrance, developing educational tools, and engaging in intergenerational dialogues. Diaspora survivors also suffer from immense trauma, sometimes worsened by the isolation they feel after years or decades living at great distance from the country of their birth.⁴⁸ They deserve freedom from this weight of the past as much as survivors living in Cambodia do. All these aims led hundreds of diaspora victim-survivors to apply to be Civil Parties in all four cases before the ECCC, but the continued failure to include them in a significant or meaningful manner risks causing greater dissatisfaction with the ECCC process. It also risks subjecting these survivors to feelings of worthlessness, isolation, and even retraumatization.

⁴⁸ Leakhena Nou, *Beyond Silent Suffering and Trauma Half a World Away: Participation of Cambodian Diaspora Genocide Survivors in the ECCC*, *Asia Pacific World* 4(1) (Spring 2013), pp. 56-79.

The failure to involve diaspora voices is also a missed opportunity: incorporating the diaspora could widen the networks and reach of transitional justice work emanating from the ECCC proceedings, and possibly attract greater overseas resources interested in responding to the interrelated situations and needs in Cambodian communities in Long Beach, the Paris suburbs, or Melbourne. By building and relying on such direct and natural connections with diaspora voices worldwide, the ECCC could also amplify its message — both in the findings of the judicial decisions and in the imminent work of the residual phase — on an international scale. Such outreach and involvement is especially relevant to the increasingly globally-minded younger generations, which have grown up separated from their ancestral homeland, unsure about the depths of their parents' trauma, and sometimes suffering from secondary trauma in turn.

The Secretariat has been able to engage in continued dialogue with Dr. Leakhena Nou, professor at California State University Long Beach (CSULB) and founder of ASRIC, who has provided extensive comments related to the residual phase and has also submitted a project proposal on an international program, included in full in *Annex VII*. The Secretariat has also received an additional submission from Dr. Samphoas Huy, who is currently based in France after many years at Rutgers University in the United States and before that within the VSS at the ECCC and at DC-Cam.

In the Coordinator's engagement with Leakhena Nou and Sansitny Ruth, her representative based in Cambodia, it was necessary first to understand the role which the diaspora has already played in the ECCC proceedings. This is well summarized with data in the submission of the overseas focus group discussed above, which was also joined by Leakhena Nou:

Although Cambodians overseas are limited in comparison to those in Cambodia there are still significant numbers, estimated to be 339,000 in the US as of 2019,⁴⁹ 500,000 in France, and 66,000 in Australia. While only 3.3% of [Civil Party] and Complainant applications came from outside of Cambodia, in Case 002, the Applied Social Research Institute of Cambodia (ASRIC) assisted Cambodians in the US to submit Victim Information Forms (VIF), and 170 of those were accepted, 41 [Civil Party] applications and 129 Complainant applications

(four additional [Civil Parties] joined ASRIC when their legal counsel could no longer represent them). The Center for Justice & Accountability initially took on as clients 41 [Civil Parties] that had been recruited by ASRIC through a community participatory process, and now represents a total of 105 Cambodian-American [Civil Party] clients across Cases 002/1, 002/2, 003, 004 and 004/2.

In repeated consultations since the May 2022 Workshop, Leakhena Nou repeatedly emphasized the unique role of ASRIC in the history of the ECCC process, noting that the 174 victim information forms collected in Case 002 under ASRIC's Cambodian Diaspora Victims Participation Project represented the largest collection of testimonials from any country outside of Cambodia. She further noted that all 174 forms were accepted as Civil Parties or complainants, or "an unprecedented 100% success rate." However, she explained, survivors have not received what they asked for in those early victim information forms, and many survivors have since passed on. She explained that she and the victim-survivors who participated in the ECCC process have "no more trust," and that the Tribunal process often now triggers anger and disappointment. She summarized: "The Court doesn't exist anymore for many of the survivors." She explained that there has been no effective outreach from the very beginning, and she called for a detailed needs assessment and greater youth involvement, and for the spreading of responsibility and ownership in this process of justice, so it is determined by more than just a few individuals. In calling for greater consultation with victim-survivors from the diaspora, she mentioned a few specific programs for reparations and reconciliation raised by such victim-survivors:

- Drawing upon the arts, film, dance, and music as a form of therapy to sketch out what life was like before the Khmer Rouge;
- Greater involvement in universities and academia, and more attention to youth;
- Particular attention to the descendants of perpetrators, citing research she did engaging with the surviving son of Kaing Guek Eav, alias Duch, who suffers from the stigma and secondary trauma of his associations with his convicted father;⁵⁰
- Regular consultations with survivors in comfortable spaces, typically religious centers such as *wats* or mosques; and,
- Holistic approach to both physical and mental health that avoids stigmatization.

⁵⁰ Leakhena Nou, *Living in His Father's Shadow: Exploring Healing Justice and Reconciliation in Cambodia with Duch's Son*, *Asian Journal of Social Science* 41(1) (January 2013), pp. 56-79.

Much of these suggestions in our consultations are thematically incorporated into ASRIC's comprehensive and detailed project proposal in their submission included in *Annex VII*. ASRIC calls for the creation of a multi-faceted program which they call the "Kambuja Evolution Project" (KEP). It includes a transnational academic program on Khmer cultural studies which draws upon the networks and resources of academic institutions in the United States (such as CSULB) and Cambodian-American academics in an effort to engage younger generations of Cambodians growing up in Cambodia and overseas in an exploration of their own cultural identity and history. In developing this intercultural and international program, ASRIC ties the lack of awareness of Cambodian culture or a positive sense of identity to a lack of individual self-awareness and pervasive sentiment of helplessness among younger Cambodians. Sansitny Ruth, a Cambodian-Canadian who represents ASRIC in Phnom Penh, drew on his own personal experience in explaining the need for this kind of program. He felt the effects of Cambodia's past atrocities in certain inexplicable ways from a young age: a feeling of sadness or an invisible weight upon entering a diaspora home; a sense of perpetual foreignness; a lack of mentors or examples of success among the Cambodian community growing up; and, the constant feeling like something was missing that could aid in the healing process. ASRIC has therefore proposed a needs assessment and the development of a curriculum and educational resources which use culture to heal, which build and thrive on the transnational relationships of the diaspora, and which deal with the intergenerational trauma of the Khmer Rouge. The KEP proposal also aims to support greater access to health care and mental health care for intervention and prevention. They also plan to build a web platform that is accessible to and targeted especially toward younger generations of Cambodians worldwide, featuring artistic contributions as well as professional and technical learning tools. Their submission includes a variety of possible institutional and academic partners, both in the United States and Cambodia, including relationships which have been established with the Royal University of Phnom Penh, among others. This project, and the comprehensive, years-long work which lies behind its proposal, exemplifies the resources and benefits which greater engagement with the diaspora could provide to the success of the ECCC's residual phase. It would ensure that the fruits of this long process are borne across borders and across generations.

In addition to the extensive discussions held since the Workshop with ASRIC, the Coordinator also received a submission from Dr. Samphoas Huy, a Cambodian-born academic now based in France. With her previous experience working at the ECCC's VSS, her submission — which, she notes, emanates from her discussions with an informant who is a Civil Party based in France — focuses on the need to transform the VSS into an established institution which advocates for the needs of victim-survivors and the next generations for the long term. Her submission repeatedly emphasizes the need for this institutionalized form of the VSS to remain fully independent from the government, even if she also suggests it receive support from the RGC, such as land office space, other equipment, or even some possible funding. She specifies the need for the permanent form of the VSS to work with victims' associations overseas, and also suggests that it could eventually open branch offices in Cambodian provinces. This submission relates to some of the submissions heard at the Workshop, in which Civil Parties and stakeholders called for the longer-term institutionalization of a victims' advocate.

The table below summarizes the two submissions from the diaspora.

Submissions Received from Diaspora after ECCC Victims Workshop		
	<i>Submitter</i>	<i>Theme/ Subject</i>
1	ASRIC	<ul style="list-style-type: none"> • Diaspora voices have been central to the ECCC, with hundreds of Civil Parties and complainants from overseas communities sharing their experiences, with 174 such victim information forms collected by ASRIC in the United States alone; • Greater involvement in universities and academia and with youth focus is necessary both in Cambodia and for diasporic groups in the USA and elsewhere; • Regular consultations with survivors necessary; • Kambuja Evolution Project (KEP), building up trans-national academic connections on Khmer cultural studies in both the USA and Cambodia, to support growth of cultural studies and development of a more positive Khmer identity, enable young Cambodians to learn from past generations and find inspiration, worth, mentorship, and facilitate culture of healing and address intergenerational trauma passed on.
2	Dr. Huy Samphoas	<ul style="list-style-type: none"> • Transform the VSS into an established, independent institution which advocates for the needs of victim-survivors and the next generations for the long term.

IV. Observations, Common Themes, and Recommendations

In the process of the last months, the Secretariat has had the chance to engage with so many thoughtful, comprehensive stakeholders and with many survivors themselves who have continued to develop and share a variety of wide-ranging ideas and proposals. These project ideas are planned for every province of Cambodia and some have significant International connections as well. The landscape of potential programming appears to be multi-faceted and holistic, with careful attention paid intentionally to often stigmatized matters related to gender, minority status, or mental health. Following our review of the May 2022 workshop's program and our detailed summary of the dozens of proposals which have been shared since the Co-Rapporteurs' October 2021 call for submissions, we now turn to reviewing some of the notable themes and points of commonality which we observe. We then attempt to lay out the effort to establish a framework for the next three years of the residual phase, describing potential modalities for the ECCC to implement the projects discussed in this report thus far.

1. On Victimhood

As noted above, the Report of the Co-Rapporteurs envisaged a broader category of individuals who would benefit from victim-related activities than had been put forth in the Addendum. They called for proposals that, “would be meaningful and of lasting assistance for Civil Parties, victims of the Khmer Rouge regime, and the general public.”⁵¹ As the ECCC enters its residual phase, it is indeed appropriate to reconsider the categories of individuals whose needs should be addressed under the rubric of “victim-related activities.” As the Report of the Co-Rapporteurs makes clear, they understood that for purposes of residual phase activities, the conceptualization of “victim” should no longer be limited to those identified as such by the judicial process of the ECCC which was described above in 1.2. In addition to those individuals who directly suffered at the hands of the Khmer Rouge, whether as adults or children, the proposals submitted to the Co-Rapporteurs, shared and developed at the Victims Workshop, and submitted to us thereafter all make clear that the intergenerational aspects of victimhood must be fully addressed in order to achieve

⁵¹ ECCC, Co-Rapporteurs on Victims: Call for Contribution of Ideas, p. 1.

the goals appropriate to a residual phase of victim-related activities. These intergenerational aspects include the trauma which continues to affect Cambodian families and many individuals within that approximately 70% of the population born after the Khmer Rouge regime. This need was broadly recognized in the Workshop as of central importance and highlighted as a priority for the residual phase.

Another aspect of victimhood that repeatedly emerged from Workshop discussions, as well as from submissions, was the situation of local communities where former Khmer Rouge, victims, and perpetrators who became victims live side by side. The multiple contributions to discussions and proposals that addressed this situation made clear that in such cases the entire community is affected by the legacy of the Khmer Rouge atrocities. For this reason, Civil Parties who described the impact on their lives of unresolved trauma and resentment called for the establishment of centers of remembrance, often to be associated with a stupa, not as “monuments” but rather as places where communities could move beyond silence and collectively come to terms with the past. The need for establishing such local sites was echoed by many of the civil society participants in the Workshop and was also put forward in proposals to the Co-Rapporteurs. From this perspective, such communities could all be considered as collective victims because whether as former perpetrator, victim, or perpetrator-victim, their lives and those of their children have been shaped by a communal destiny that is a product of the Khmer Rouge regime and the long aftermath whose effects are still felt by many millions of Cambodians today, including in the diaspora.

One may also recall here the legacy of sexual and gender-based violence, where, as indicated in Workshop discussions and the keynotes of Ms. Yim and Dato' Alagendra, it is not only the direct victims, but also their children who will experience its effects. As the scope of Cases 001 and 002 reveal, they hardly encompass all of the suffering inflicted upon the Cambodian people in every part of the country, suffering still felt today by victims and their families. What then, as the ECCC closes its judicial operations, can be the justification for limiting the scope of “victim” to that very limited number of persons who were officially identified as complainants or Civil Parties by their involvement in those cases? As was recognized in keynote presentations, in the words of the victims who spoke at the Workshop, and of other participants, to do so while attaching the title of “victim-related activities” to the

residual phase of activities would surely be to deny to so many who in substance deserve the title of victim the recognition and justice which they too deserve.

The need for such a re-conceptualization of “victim” also appears from a consideration of the goals of the ECCC as an institution and in particular of its residual phase. If reconciliation, healing, and response to the needs of those whose minds and bodies bear the scars of the Khmer Rouge is to be achieved, how can that occur unless victim-related programming embraces Cambodian society as a whole at the local, national, and transnational levels? As so many submissions and interventions in discussion underscored, it is “nationwide” programming that is required, and that concept of “nation” must be inclusive. As also emphasized in keynote speeches, all groups must benefit from such programming and truth-seeking, reconciliation, and related activities must be “localized” if they are to be effective. These are preconditions for the “journey of healing” proposed by Ms. Yim Sotheary and the provision of resources that will help victims not to “be locked” in their victimhood as proposed by Dato’ Shyamala Alagenda.

2. “Do No Harm” and Avoiding the Re-Traumatization of Victims

As noted earlier, the Co-Rapporteurs’ recommendations included the specific endorsement of the principle that, “Any initiative has to prioritize the principle to “do no harm.” This point was made in several of the submissions to the Co-Rapporteurs and was also highlighted by keynote addresses and in the discussions and presentations of the working groups. The concern here of course arises from the fact that well-meaning interventions of individuals or organizations that lack requisite knowledge, training, and experience may engage with victims or communities in ways that result in harmful consequences, even if unintended. There is also the concern that a large institution like the ECCC may promise too much or set expectations too high when it gets more directly involved with responding to victims’ needs or requests, only to disappoint them later. This disappointment could lead to greater isolation or a sense of helplessness for the victims who hoped for more from the Court and its residual phase. A related point made in the same passage of the recommendations of the Co-Rapporteurs is to avoid re-traumatization, one of the most likely consequences of interventions by under-qualified persons with individuals or groups that have experienced trauma or any of the related psychological phenomena described by Ms. Yim Sotheary.

The Co-Rapporteurs attach to their call for the avoidance of re-traumatization the need to respect the privacy of victims or others who experience trauma. Harm may be done by violations, even if unintended, of the strict requirements of confidentiality, data privacy, and related protocols. Avoidance of these forms of harm also require adequate training, knowledge, and experience. As also pointed out by Dato' Shyamala Alagendra, it cannot be assumed that all groups or individuals who have suffered similar forms of violence may be treated in the same way. Her point is that practitioners must approach a situation without presuppositions that methods they have successfully employed elsewhere will necessarily produce the same consequences in a different context. As she indicated, appropriate preparation, knowledge, and assessment of each situation is required in order to "do no harm."

These ideas also informed discussions in the Workshop and were particularly reflected in the remarks and submissions of organizations such as TPO, who have deep and broad experience working in the Cambodian context to address the psychosocial needs of witnesses, victims, Civil Parties, and communities. ASRIC also grounds its submitted proposal related to transnational ethnic and cultural studies and youth engagement in Dr. Leakhena Nou's extensive research into stress and trauma within Cambodian and Cambodian-American populations. The issue also came up repeatedly in relation to potential innovative uses of the Court's immense archival resources, in that the wider dissemination of and engagement with archived victim information forms may reveal information which those victims had not intended to be made public. That is why a careful review of all victim-related records is so important, and why it must be undertaken with the involvement of those victims or their successors and their lawyers.

Ms. Yim Sotheary offered examples of how harm may occur when victims of sexual violence and forced marriage are encouraged to speak of what they suffered as a path to "healing," but the result is stigmatization. As she said, they must be afforded a "safe space to speak," and this can only occur if the preconditions and preparations required for ensuring such safety are met by interlocutors who have the skills and experience required. However, even where there is space in which it may be safe to speak, there must be adequate protocols, training, and resources to ensure that their identities and words remain safe when carried over into written form, whether in archives, databases, research publications, or reports.

3. Individual and Local Ownership, Integration, and Sustainability

As already discussed above, numerous participants have emphasized the need for bringing victim-related programs directly to local communities. Memorials or remembrance centers in Phnom Penh also have their role, and they have the potential to become national hubs for memory-related, historical work. But they are unlikely to address the needs of local communities. This need was perhaps most often expressed in the call for stupas, understood not as mere physical “monuments” but as a focal point, perhaps with an adjacent community center, where discussion, truth-seeking, and remembrance can take place among those who live together in “face to face” communities rather than in the relative urban anonymity of Phnom Penh. It must be stated clearly: every working group at the Workshop, every statement by Civil Parties and their lawyers as their representatives, and every submission from the 13 May 2022 VSS-CPLCL Forum called for the construction of stupas and memorials in localities nationwide. This near unanimity is important and should be acknowledged and deserves a response.

As also reiterated in the previous section, localization should not follow a “one-size-fits-all” model but must respond to the needs and possibilities of each context. What this necessarily requires is, as keynote speakers and many others pointed out, the involvement of the communities themselves in the design and implementation of programs, whether education, remembrance, memorialization, or reconciliation. The Workshop’s discussion group on historical sites and sites of memory, for example, called for the creation of local village or commune-level committees to work in partnership with any NGO or institution establishing a memorial at a former crime site. The group on healthcare submitted that victim-survivors should have some influence on the budget and implementation strategies of these programs being developed on their behalf. Dr. Sperfeldt emphasized in his keynote that survivors and Civil Parties must be engaged as stakeholders and partners, not as mere passive participants. The central role that they played in the Workshop illustrates how important their contribution can be if their words are given the recognition they deserve.

As was most eloquently put by the Civil Parties who spoke of their own experiences at the Workshop, local ownership is essential if programming is to be successful. Ownership, as their remarks made clear, arises from listening to their

voices and including them as partners in the process. This manner of proceeding is also one of the important factors in achieving sustainability. As participants in the Workshop clearly stated, the work of the residual phase will be wasted if it is not sustained beyond the three years indicated by the Addendum. Whatever the term of the residual phase may be, sustainability will require ownership and capacity building if its results are to endure. This theme was addressed in substance in the keynote of Dr. Sperfeldt who also made the important point that in programs with international participation there must be provision for a transfer of leadership and responsibility to Cambodian partners. It is they who in the long run will ensure sustainability. This, he noted, will also require ongoing programs to increase the number and capacity of Cambodian experts. This is also proposed in a detailed submission sent after the Workshop's conclusion by the Youth Resource Development Program, which lays out a ten-year timeline which starts with the phasing out of the ECCC during the residual phase and the gradually increasing responsibility and ownership of victim-centered programs by the RGC, with the close involvement of victim-survivors, youth, and civil society represented through technical working groups.

Another element of sustainability involves the integration of programming and the building of collaborative frameworks. This need was articulated by Dr. Sperfeldt and instantiated in the organization of the Workshop itself that brought together individuals from disparate groups to work together to define common goals and initiatives for the residual phase. The buzz in the conference hall throughout the three days of the Workshop indicated a real desire to get back to the drawing board, meet one another, and develop best practices and detailed programs responding to the needs and desires of victims. This spirit of collaboration must be seized upon.

Integration manifests itself in a two-fold manner: First, it mandates the integration of similar or related programs among CSOs and institutions already working on the relevant issues and topics or program areas to support collaboration and avoid redundancy or duplication of projects. Second, it is integration with the relevant government institutions or programs which would enable sustainable attention to these matters in the longer run. An example of the first form of integration might be the effort by Kdei Karuna to create a Memory and Learning Center, which they have proposed in their post-workshop submission (see *Annex VII*), and which would serve the needs of multiple organizations which have been involved in

consultations since the original development of the proposal. Similarly, KDK hopes to provide a central space and entity that would integrate and collect all the work of those CSOs working on oral histories, intergenerational dialogues, and memory recordings.

An example of the second form of integration would be the need to seek out relationships with the MOEYS to build research outputs or curricula modules into official educational curricula so they can be uniformly used for students across universities or secondary schools. An example that incorporates both aspects of integration might be found in the NGO Youth for Peace, which is interested in collaborating with the TSGM to draw upon their knowledge and capacities in maintaining historical sites and to create an interconnected network of historical sites beyond just TSGM or Choeung Ek, but also including various crime sites which need to be reviewed, organized, and then maintained in provinces across the country. YFP already maintains such sites of memory at two locations mentioned in Case 002: Kraing Ta Chan security center in Takeo province and Samraong Knong in Battambang province. It should also be noted that in some cases integration might entail building cooperative relationships with international institutions rather than only with RGC institutions, but of course it depends on the situation or topic involved.

4. Overall Themes, Principles, and Areas of Agreement

As stated by H.E. Kranh Tony in his opening address, the goal of the Workshop is to ensure the maximum participation of victims, civil society, and other stakeholders in developing victim-related activities for the residual phase. As His Excellency added, “The victims and Civil Parties are the voices that must be heard.” This sentiment was echoed in the opening session by the French Ambassador and other speakers and was taken up as a leitmotif throughout the Workshop.

As emphasized by Dr. Sperfeldt and other speakers, it is important to recognize what has already been done or is underway and build upon these efforts to avoid duplication rather than “reinventing the wheel.” The same point was made in the recommendations of the Co-Rapporteurs’ Report and in the submissions of Laura McGrew and the overseas focus group which she organized. This highlights the need for collaborative frameworks, such as the Workshop, and recalls the recommendation of the Co-Rapporteurs that such dialogues and convenings be held

on a regular basis, perhaps every three months. This point was also made at the midpoint plenary on Day 2 by Civil Party Mr. Chan Sath, speaking on behalf of the Civil Parties' group, who stated that the Civil Parties want to participate in such an event two to three times per year. Given the limited funding resources available for residual activities, and the ambitious scope of work indicated in the Workshop presentations and the submissions, competition among stakeholders will only have a negative impact on the opportunities as a whole and will likely also lead to a fragmentation of programming that will undermine sustainability in the long run. As stated by Group 7 in the Plenary, it is to the advantage of all stakeholders, as well as to the population they hope to serve, to derive strength from combining knowledge, experience, and resources in initiatives that take advantage of the relative strengths of all participants. They called for the creation of a collaborative platform, encompassing civil society and government institutions to promote long-term sustainability.

Another theme that enjoyed broad agreement involves the various ways in which serving the victims must focus on the local level. Group 1 thus proposed that victims' associations at the local level must be made more viable and should be instituted throughout the country to "engage the grassroots level." Group 2 raised the same issue in regard to the pressing need articulated by all the Civil Parties for health care (mental and physical) for the elderly in their local communities. Group 4 proposed that acts of remembrance and memorialization must be localized through centers for victims and sites where memory can be preserved, organized through cooperation of government and community at the local level. Group 5 (echoed by Group 2) made a similar proposal in regard to the needs of ethnic minorities, whose experience should be documented in community memory centers and in crime sites where their oral histories can be preserved and used for intergenerational peace education and remembrance. Group 6 advocated for a stupa to be built in every Cambodian community as a memory site and for mental and physical health needs of victims to be served at the community level as well.

The need to preserve memory and put it to use in the education of present and future generations through educational curricula, museums, and other means was articulated by many of the groups and speakers as well as in submissions. Group 4 thus called for an extensive network of historic crime sites to be preserved

across the country, while Group 6 said that the ECCC's trials must be a vehicle for remembrance and education of the next generation. Group 7 formulated this point in terms of promoting dialogue across generations and using education to make remembrance of the Khmer Rouge credible and meaningful to a generation that is often disposed not to believe the stories they are told by relatives and others. Group 8 placed this issue in the context of sexual and gender-based violence, including forced marriage. Those who experienced such violence want their stories to be preserved and believed. YFP, TSGM, and Bophana Center's submissions sent after the Workshop built on this, with the proposal of a number of specific projects related to thorough documentation of the past and that historical work's dissemination through various means, whether in exhibitions, records preservation, documentary film workshops, or in the support for an educational mobile-app.

Another common issue raised was how to deal with the situation that occurs in many communities where victims and perpetrators live together but not, as Group 8 put it, in harmony with each other. This of course relates to the theme of localization mentioned above, but also raises the deeper issue of how this can best be achieved. VSS Chief Mr. Hang Vannak proposed that education can focus on creating a Cambodian post-Khmer Rouge identity that promotes harmony and prevent recurrence of violence. This aligns with the cultural studies and positive identity which ASRIC calls for in their transnational submission from the diaspora. As Hang Vannak stated, if youth are not educated adequately, "Our history will just become a 'tale' that no one will believe."

Perhaps the need most broadly expressed by the Workshop groups, the Civil Parties, and many submissions is the dire need for care of elderly victims, need which grows greater with every passing year. This need was forcefully expressed in the closing remarks of the group of Civil Parties at the workshop. They called for the establishment of an association for elderly victims that works collaboratively with partners to develop programming to establish elderly centers in each community and with local pagodas playing a key role; to include those victims not recognized by or participating directly with the ECCC; to provide health care; and, to enable the transfer of knowledge and educate a generation of young people who do not believe the stories they hear of the Khmer Rouge. Two submissions discussed in this report provide tangible pathways to responding to this clear need and demand from

survivors. First, the presentation of Group 2 which mapped out a strategy involving key CSOs like TPO and HelpAge Cambodia as well as state institutions like the National Social Protection Council. The second presentation of a remedy for this matter was found in Michael Karnavas' paper which was submitted to the Secretariat by DC-Cam in the days after the Workshop.

Finally, Civil Parties, both as a group and as individuals, hold a lot of leverage. They are widely respected and admired, and their groundbreaking position of speaking out and sharing the truth of their suffering has endowed them with a great deal of moral and persuasive power. This ought to be institutionalized. The Civil Parties in Group 2 suggested that Civil Parties could ask for support for specific programs from their local provincial governors. A real victim advocacy organization or association could powerfully advocate for victims needs, like the provision of an equitable health card similar to the "PoorID" which so many suggested during the Workshop and surrounding consultations. Victim-survivors also asked for the ECCC to undertake two final, specific acts of recognition of their experiences: first, the provision of certificates affirming their participation as Civil Parties, and secondly, a national, high-level ceremony with them, presided over by the King of Cambodia. Beyond these specific proposals, Civil Parties need an advocate to help them organize and coordinate that process, or to develop a Victims Association. This may indeed be a role for the VSS in a future form, as discussed at the Workshop and in the submission by Dr. Huy Samphoas.

Indeed, could the ECCC's VSS transform into a permanent victim's advocacy institution? There is no single CSO which can take up this mission on its own, both due to reasons of funding and logistical limitations and also due to a lack of universal buy-in from across civil society. However, the VSS could potentially take on this role, given its history as a "known quantity" for the state and civil society alike, its experience working on internationally funded programs, and its name recognition among victims and their advocates. The future institution could be treated as a public advocate or an ombudsperson working on behalf of victims throughout every segment of the public and private sectors. This institution would need to remain politically independent while receiving recognition from the RGC, and potentially some state funding too. Eventually, this institution ought to have branch offices in every province of the country. Further funds could be raised through local and

international philanthropic efforts as well as international donor funding in its earlier foundational stages. For this transformation to be possible, VSS however needs greater resources now, including a fully resourced staff and an updated mission and scope of work. The residual period should be used to lay the foundations for this permanent victim advocacy institution, which will continue to exist independently from the ECCC after the residual phase concludes.

The common themes and points of agreement may perhaps be summarized in the following catalog of needs and goals:

- Listen to and engage the voices of victims and include them as partners in residual phase program development;
- Preserve their voices for future generations and education today through oral histories and other means, and promote intergenerational dialogue;
- Develop educational programs for schools and universities that incorporate the resources of the LDC, TSGM, leading CSOs, and remembrance centers;
- Promote engagement with local communities and provide a focal point for dialogue, remembrance, and reconciliation;
- Widen the scope of victimhood, by taking into account the secondary trauma carried by younger populations, including the children of former perpetrators, and recalling the trauma which weighs on diaspora communities overseas;
- Recognize and respond to the specific experiences and needs of marginalized victim-survivors, from survivors of SGBV to members of marginalized groups like ethnic, religious, sexual minorities;
- Address the continuing need for psychosocial services and health care for elderly victim-survivors; and,
- Promote sustainability through the development of collaborative platforms, the institutionalization of key programs, capacity building, and the centralization of resources to serve long term programming for victims as well as transgenerational needs.

5. Strategic Planning for Victim-Centered Initiatives in the Residual Phase

It is clear that victims and relevant stakeholders and representatives wish to be involved in the imminent process of determining which programs will be supported and implemented as part of the ECCC residual phase. Their ideas have

already been collected, and there are now existing channels to ensure continued consultation in the development of relevant programs. What is less clear still is the plan for funding and administering the worthy activities and programs proposed within these pages summarizing the Workshop and submissions before and after that event. The voice of victims and relevant stakeholders ought to be included in any such discussions. The ECCC should be direct and transparent about its planning. Its budgeting process for the residual phase could draw upon resources which exist for participatory budgeting in general and also guides for funding transitional justice programs in particular.⁵²

As we have engaged in the consultation and workshop process thus far, the Secretariat has come to understand there are likely three potential modalities for organizing and funding the programs of the ECCC residual phase. It is likely that the actual outputs in the residual phase will be organized drawing upon multiple modalities and not just one uniform rule for all programs of the residual functions. The three possible modalities are as follows:

1. **An “in-house” model**, where the ECCC manages and funds all programs directly itself. This does not work for most of the programs discussed in the report herein, because the ECCC’s staff will be limited in the residual phase, and its civil society and state partners have greater expertise in project implementation such as this. Further, the ECCC is funded partially by the Cambodian national budget and by voluntary international donations, so the ECCC relies on the budget and funding it receives from external actors and decision makers. The residual phase is expected to see a winding down of activities directly run, funded, and managed by the ECCC itself, so this model seems unlikely to succeed in most programs.
2. **A “joint venture” model**, where the ECCC works in tandem with local partner organizations or institutions as implementing partners, with the ECCC providing support either as a funding vehicle and/or in terms of human resources, materials, or access and networking. This could include the secondment of ECCC staff to actively work on a project being implemented by the residual functions alongside a partner organization, or it could be the provision of significant resources to support the development of a partner’s archive or

⁵² Paige Arthur and Christalla Yakinthou, *Funding Transitional Justice: A Guide for Civil Society Engagement*, Public Action Research, 2015. See also Laura McGrew, “Cambodia,” chapter in *Transitional Justice, International Assistance, and Civil Society: Missed Connections*, Eds. Paige Arthur, P and Christalla Yakinthou, Cambridge University Press, 2018.

technical capacities. It could also include the implementation of a program entirely by a partner organization, but with funding provided through the ECCC as a fiduciary vehicle. While that would incur added UN overhead costs, it might ensure less risk for a donor if the funds pass through a legitimate UN institution rather than directly to the implementing organization.

3. **A “seal of approval” model**, where the ECCC publicly lists, supports, and recognizes projects or programs which fit into the mission of the residual phase. The ECCC assists in finding connections for funding or support, and the ECCC also provides any materials it may have in its archives, provides space on its campus, or through its minimal staff’s engagement in publicity and promotion, but it does not finance the implementer or actively involve itself in the programs. The ECCC would draw upon its convening power and its networks within the RGC and among international donors to support the implementation of such programs. This modality could also be considered an extension of the way the ECCC managed the reparations projects in Case 002, where projects were symbolically supported by the Court, entirely funded by external donors, and implemented by outside partners under the umbrella of the reparations scheme. Even then, however, we would suggest that the ECCC make an effort to be more proactively involved in the implementation of such programs than it was with the reparations.

Workshop Group 3 also raised the need to avoid “mission creep” and suggested that the best role for the ECCC in many of these projects may be advocating for funding from the RGC or international donors and expansion of the activities of other entities. The YRDP submission after the Workshop again shows the need for the ECCC to plan its eventual exit even as it enters its residual phase. Integration and synergy across governmental and non-governmental institutions should inform these questions of funding and administration.

We do not endorse or reject any one of the above modalities, but we lay them out here in this report in a transparent way, so that all involved in the planning for the residual phase begin to seriously consider not just what they will support but how they will do it. As has been emphasized throughout this report, there will not be any “one-size-fits-all” approach, and the best modalities will need to be determined for each program. Implementing organizations and institutions, victims and Civil Parties, external donors, the RGC, and the ECCC itself ought to openly consider the best

modalities to serve the needs of victims. Transparency and accountability should be built into this process. We support the involvement of victims and their representatives in this planning process, as described above and as exemplified by the organization of the Victims Workshop itself. We also note the suggestion by many at the Workshop and in the submission of the overseas focus group that there should be an oversight body involved in the decision-making processes on the question of funding in this residual phase.

We also suggest that all stakeholders from civil society, state institutions, and the ECCC draw upon the optimism and productivity of the busy May 2022 Workshop. That event displayed the energy that still exists after more than 15 years of work at and around the ECCC, and it demonstrated what innovations can grow out of greater collaboration and openness and more frequent gatherings. It appears that the ECCC recognizes the limits of its own capacities and intends to continue to seek out Cambodian and international expertise, evidenced by the very recent call for expressions of interest to contribute to the ECCC residual initiatives, which seeks input from professionals of diverse backgrounds on an ongoing basis.⁵³ We encourage victims and their representatives to take advantage of these opportunities for greater input and involvement, and to enter the residual phase with the same sense of possibility they brought to the Workshop.

To ensure that this energy and optimism is carried forward, it is vital that a framework be established for collaboration, consultation, and, as much as possible, consensus. As stated in the submission of the overseas focus group in *Annex VII*, “A carefully and transparently selected Advisory Board could assist to ensure that projects are chosen based on Cambodians’ concerns and interests.” Any framework initially should prioritize the planning and oversight of the ECCC residual functions’ engagement with victims and relevant stakeholders, but in the longer term it may enable the creation of a permanent and independent victims’ advocacy institution, an independent ombudsperson of sorts with centralized representation of aging victim-survivors and with a network of offices nationwide. This oversight body could also contribute to the potential establishment of a permanent victim advocate institution, as a board of trustees or advisors. If a truly open, consultative framework is

⁵³ UNAKRT, “Expressions of interest to contribute to ECCC residual initiatives” (28 June 2022), accessible as of 15 July 2022 at: <http://www.unakrt-online.org/sites/default/files/EOICMS202202_0.pdf>.

established, then this residual phase can entrench the spirit of collaboration, participation, and solidarity which the Workshop participants asked for. To support this effort and the efforts of those CSOs and institutions attempting to respond to the requests and needs of victims, the ECCC can rely on its convening power and unique political role in bringing together both the RGC and international community.

Ahead of the announcement of the final judgment in Case 002/02 and the conclusion of the ECCC's judicial phase, it is vital that the ECCC begin mapping out and sequencing the programs discussed here and elsewhere. The ECCC and its donors must examine which programs are ready to be implemented immediately, and which programs necessitate some period of continued research or planning. Many of the programs presented at the workshop and in supplementary submissions include pilot phases which could begin as soon as the residual phase begins, such as in early 2023, and then are intended to expand into scalable, potentially nationwide programs for the second and third years of the residual phase. The modalities described above must be considered, to determine which of these funding or administrative models is best suited for immediate, rapid implementation of projects now as pilots or quickly at the start of the residual phase in early 2023. If a funding cycle for a major donor takes time to process or does not sync with the commencement of the residual phase, then the ECCC should find ways — through the RGC, its networks of international donors, or through any discretionary budget it retains — to ensure that a series of victim-centered projects can begin now or soon after the official start of the residual phase.

In addition to other recommendations made elsewhere thus far, we would highlight two clear immediate needs, which came up throughout the Workshop and in submissions before and after the event, and which will impact other programs. These are just two examples of necessary undertakings which must occur soon if the residual phase is to be most effective.

First, the ECCC through the VSS and the CPLCLs must undertake a comprehensive campaign to track down every single Civil Party who was recognized in Cases 001 and 002 and who applied in Cases 003, 004, 004/01, and 004/02. They must be informed about the outcomes in those proceedings and the reparations projects conducted thus far, and they should be given the chance to make any decisions regarding their private information in relation to eventual reclassification of

case file materials. Civil Parties in Cases 001 and 002 should be informed in detail of the final outcomes of their cases. Victims who applied as Civil Parties in Cases 003 and 004 should be informed that their testimonies and evidence were heard, they were recognized as factual findings in the indictments issued by the International CIJ and confirmed by the international judges of the Pre-Trial Chamber, and their experiences were in fact heard and recognized even if those cases did not proceed to trial. This is no small undertaking, and should begin immediately rather than waiting the commencement of a residual phase. There should be a similar undertaking for complainants as well. Compilation of all victim information should have begun already, as many survivors' telephone numbers or addresses may have changed. If the VSS and the CPLCLs need more resources to undertake this effort, those resources should be provided. With the recent unfortunate withdrawal of international CPLCL Megan Hirst, it is reassuring to see that the ECCC still intends to fill the position even as it nears the close of judicial activities and the start of the residual phase.⁵⁴ Her statement that the ECCC has until now not provided the necessary support for her team's engagement with Civil Parties⁵⁵ must be addressed with greater transparency moving forward and with a substantial public outreach campaign. Any new CPLCL will need to be ready to undertake a wide-ranging, nationwide public information campaign updating their clients with legal findings and outcomes. This effort is necessary to respect the rights of the victims who engaged in the proceedings and also to demonstrate to them that their participation and experiences have not been forgotten. This is a necessary step before the ECCC expands its mission toward other victim-centered activities or efforts toward reconciliation and healing.

Secondly, a more effective and meaningful residual phase would be aided by better baseline data on the perceptions of the ECCC and Cambodia's transitional justice process. This data should target not only victim-survivors or Civil Parties but also young people. The submissions from La Trobe University and Marie Wilmet in the Co-Rapporteurs report, as well as the submissions from Mychelle Balthazard and the overseas focus group provide some details to potential opportunities for

⁵⁴ UNAKRT, "Vacancy Announcement: International Civil Party Lead Co-Lawyer" (1 July 2022), accessible as of 15 July 2022 at: <<http://www.unakrt-online.org/sites/default/files/VA-CPLC-2022-02.pdf>>.

⁵⁵ Withdrawal Letter of International CPLCL Megan Hirst to ECCC Supreme Court Chamber, dated 16 June 2022, and publicly accessible as of 15 July 2022 through *Voice of America*, see: <<https://docs.voanews.eu/en-US/2022/07/08/2f3efa31-49d1-4815-9c9f-5e93fd6bf738.pdf>>.

undertaking such an effort. Population-based surveys have not been conducted in many years, and both the ECCC and civil society stakeholders would benefit from a wider range of data to draw upon. Such efforts could also be used to query the public about programs or principles which they would like to see undertaken during the residual phase. A research effort which begins by late 2022 could issue its findings by mid-2023 and result in new programs or adjustments to existing programs by the start of 2024, at the outset of the residual mandate's second year.

In the meantime, an open, consultative process which continues to engage with victims and their representatives on their proposals which will flow from the decisions made about those questions of funding modalities and programmatic sequencing will strengthen the eventual programs and ensure political and social “buy-in.” More decisions will eventually have to be made; that is a reason for more workshops, technical working groups, or consultations. It is ultimately up to the CSOs to determine what they want to do and how they are going to do it. Collective convenings, initiated by the ECCC and always centering the perspectives of victims themselves, would better serve all these organizations, inspire collaboration rather than competition, and structure a successful and productive three years of the ECCC's residual phase.

V. Conclusion and the Way Forward

A summary of the main points of this Report can be found in the Executive Summary which begins on page vii. Rather than tediously repeating what is already stated there, we offer our observations and conclusions from our participation in the Workshop and the process that led up to it.

What has emerged over the past months' experience of engaging stakeholders of victim-related activities is the extraordinary potential for building upon the legacy of the ECCC. As the Court enters its residual phase, it has the opportunity to mobilize the energy, commitment, and expertise that has been displayed in the process that led from the Co-Rapporteurs' call for proposals to the Workshop. The submissions to the Co-Rapporteurs, the initiatives discussed at the Workshop, and the proposals and submissions that developed during and afterwards, collectively represent the product of 16 years of civil society engagement with the Court and with RGC institutions. Reflecting on what we have learned and observed leaves us with no doubt about what might be achieved if this wealth of experience can be effectively channeled to address the needs, goals, and key themes identified in the Workshop. The challenge is how to enable this potential to come to fruition. This Workshop is only a start, but because of the substantive participation and spirit of collaboration displayed by the participants it offers the promise of a way forward that can infuse the residual phase with programs with benefits for Cambodian society which will continue long after. Needless to say, there are challenges to be met if the ambitious goals and undertakings advanced in the Workshop are to be realized. In this concluding section, we offer a few suggestions as to some of the requirements for productive follow-on steps.

First, the momentum gathered in the past months must not be allowed to dissipate. As recommended by the Co-Rapporteurs and participants in the Workshop, there must be regular follow-on meetings to provide a space for continuing the discussions and realizing the proposed collaborations and initiatives that emerged from them. A constant theme in the Workshop and in the engagement with the Co-Rapporteurs was sustainability. Sustainability will require a continuity of engagement between the various groups of stakeholders represented at the Workshop. It must be the role of the ECCC to enable that continuity throughout its residual phase by serving, as it has recently, as an organizing entity.

Second, it cannot be left to individual stakeholders to pursue individual proposals. One of the most important themes echoed throughout the Workshop was the need for collaborative platforms to avoid duplication and competition among stakeholders and to facilitate a process by which they can work together to develop and implement projects. The ambitious scope of many, if not most, of the proposed projects will require joint efforts leveraging the networks, experience, and varied capacities of participating organizations. Throughout the process, from submissions to the Co-Rapporteurs until today, the need for a nationwide scope of engagement in key areas of victim-related work has been repeatedly recognized. Such scope requires collaboration and the prerequisite for such collaboration is an effective mechanism that can enable and facilitate it. Instituting a regular series of workshop meetings will provide a basis for developing such collaborative platforms and ensuring that the discussions begun already continue and bear fruit. Participants in the Workshop discussions called for further developing collaborations between academia, NGOs, RGC institutions, and other stakeholders. These groups do not necessarily interact in the ordinary course of things, but the Workshop has shown that they will enthusiastically engage with one another if provided with the right space and opportunities for doing so.

Third, the continuation of the Workshop process should evolve in ways that promote focused engagement of organizations with common interests, expertise, and goals. This will require identifying priority areas for initiatives and organizing sub-groups and focused convenings for the purpose of generating, funding, implementing, and evaluating proposals and projects in those areas. That is, the suggestion here is not to repeat the same workshop over and over again but rather to develop a systematic work-plan for smaller thematic workshops that bring together stakeholders already identified as having common interests in an area. As noted above in this report, there are significant cross-connections and overlaps between the various themes and area of initiatives. Accordingly, the specialized groups should report back to the larger “Workshop community” two to four times per year to coordinate initiatives, identify synergies and opportunities for leveraging accomplishments and connections, and develop strategies for funding of projects.

Fourth, if the promise represented by the submissions and the cooperative energy generated at the Workshop is to be realized, then, clearly, adequate funding

mechanisms will have to follow. *Section IV.5* above provides a view of what some of the different modalities could be. What underlies them all, however, is the political will on the part of the donor community, the RGC, and other relevant stakeholders to see that the potential represented here does not go to waste. If individual CSOs are all left to their own devices to search for funding, then the opportunity for a systematic and cooperative approach to building out the legacy of the ECCC will be lost. The collaborative platforms discussed above, and the sustainability that such a systematic approach alone can produce, require a structured commitment to providing the financial support needed to achieve even just the most important of the initiatives proposed.

Fifth, as has been emphasized throughout this report, the voices of the victims and Civil Parties need to occupy a central place in shaping and implementing the victim-related program discussed above. Given the opportunity to participate in a meaningful way in the Workshop they spoke with eloquence and force of the needs of their communities. Listening to them and involving them is not only important in itself but is also the best way to ensure that programmatic needs are properly formulated and effectively addressed. Any other “top-down” approach, so frequently employed in so much international development work, is likely both to squander precious resources and fall short of the desired outcomes. A concomitant requirement is making sure that the expertise now at hand in Cambodian civil society thanks to the past 16 years of ECCC engagement is continuously renewed and supported so that whenever the residual phase comes to an end, it leaves behind a community of organizations that will carry the work begun here forward into the future.

At the close of the May 2022 Workshop, Civil Party Ms. Pech Srey Phâl gave closing remarks on behalf of the Civil Parties and other victim-survivors. She spoke of the optimism and hope that another three years could ensure sustainable, long-lasting programs which respond to the requests of victims and involve civil society and state institutions alike. If the ECCC residual phase is effective, she explained, survivors “will be coming together to lift the rock they have held in their chests for the last 40 years. Never have they taken their pain and suffering out of their chests for the last 40 years! [...] They would feel warm and think that all of us have not abandoned them; we still support them, and help them carry on.” The ECCC, the

RGC, and international donors now have the ideas, tools, resources, and networks before them to ensure this residual phase is most effective in promoting and establishing the programs discussed in this report and its annexed submissions. This is an opportunity to seize, on behalf of victim-survivors and the next generations.

In closing, now this report will go to the ECCC Administration. It will be published and disseminated to Workshop participants and all stakeholders, and, we hope, it will provide a roadmap for the ECCC in its residual phase and a concrete framework for funders to provide the support to build on what has already been achieved, to create a real legacy for the ECCC that is of enduring value for Cambodia.

Annexes

- I. Text of Addendum to UN-RGC Agreement
- II. Calls for Expressions of Interest for Moderator, Coordinator, and Facilitator
- III. Final Agenda for May 2022 Workshop
- IV. Two Press Releases (in both languages) for the May 2022 Workshop
- V. Transcripts of Speeches from Public Sessions of May 2022 Workshop
- VI. All Submissions in Response to the Co-Rapporteurs' October 2021 Call
- VII. All Submissions to the Secretariat After the May 2022 Workshop

ANNEX I
Text of Addendum to UN-RGC Agreement

Addendum to the Agreement
between the Royal Government of Cambodia and the United Nations
concerning the prosecution under Cambodian law of crimes committed
during the period of Democratic Kampuchea
on the Transitional Arrangements and the Completion of Work
of the Extraordinary Chambers

RECALLING the Agreement between the United Nations and the Royal Government of Cambodia concerning the prosecution under Cambodian law of crimes committed during the period of Democratic Kampuchea, done on 6 June 2003 at Phnom Penh (hereinafter the “Agreement”);

WHEREAS the parties to the Agreement agree that upon the completion of all judicial proceedings under Article 1 of the Agreement, the Extraordinary Chambers will need to carry out a number of essential residual functions identified in this Addendum;

WHEREAS the parties to the Agreement are convinced that in view of the substantially reduced nature of the residual functions, the Extraordinary Chambers should be comprised of such number of staff that is commensurate with its reduced functions;

WHEREAS the parties to the Agreement have engaged in consultations on transitional arrangements for the completion of the work of the Extraordinary Chambers and on the performance of residual functions;

NOW THEREFORE the United Nations and the Royal Government of Cambodia have agreed as follows:

Article 1
Transitional Arrangements

Upon the completion of proceedings before any chamber of the Extraordinary Chambers, all judges of that Chamber shall be de-installed from the Extraordinary Chambers. Following their de-installation, the judges shall be remunerated on a pro-rata basis for any work performed, and they shall work remotely except when required to be present at the Extraordinary Chambers at the request of the President of the Chamber.

Article 2
Residual Functions

1. Upon the completion of the proceedings under Article 1 of the Agreement, including any appeals related thereto before the Supreme Court Chamber, the Extraordinary Chambers shall continue to carry out the following functions for an initial period of three years: review applications and conduct proceedings for revision of final judgments; provide for the protection of victims and witnesses; sanction or refer to the appropriate authorities any wilful interference with the administration of justice or provision of false testimony; supervise the enforcement of sentences as well as monitor the treatment of convicted prisoners; maintain, preserve and manage its archives, including the declassification of documents and materials; respond to requests for access to documents; disseminate information to the public regarding the Extraordinary Chambers; and monitor the enforcement of reparations awarded to Civil Parties, as required.
2. The United Nations and the Royal Government of Cambodia shall review the progress of these functions after the initial three-year period, following which the Extraordinary Chambers will continue to perform these functions, or some part thereof, for a further period to be determined between the parties.
3. An application for revision of final judgment may only be filed during the lifetime of the convicted person by the convicted person or the co-prosecutors.

4. If a convicted person is eligible for commutation of sentence, early release, or parole, the Royal Government of Cambodia shall notify the Extraordinary Chambers accordingly. There shall only be a commutation of sentence, early release, or parole if the Supreme Court Chamber so decides on the basis of the interests of justice and general principles of law.
5. Judges, co-prosecutors, defence counsels and Civil Party Lead Co-Lawyers shall be remunerated on a pro-rata basis when required to perform the functions identified in paragraph 1 of this article, and they shall work remotely except when their functions require their attendance in person at the Extraordinary Chambers. In the case of the judges, this would be at the request of the President of their respective chambers. Any judicial plenary sessions shall be conducted remotely and amendments of the Internal Rules shall be decided remotely by written procedure.
6. Upon the commencement of the functions identified in paragraph 1 of this article, the Secretary-General shall undertake to provide a list of nominees for international judges further to paragraph 5 of Article 3 of the Agreement to ensure that there are a sufficient number of international judges available to carry out the functions under paragraph 1 of this article should any appointed international judge be unavailable to serve when required. The Royal Government of Cambodia shall similarly ensure the availability of Cambodian judges should any appointed Cambodian judge be unavailable to serve when required.

Article 3

Archives

1. The United Nations and the Royal Government of Cambodia agree that it is vital to ensure that the archives of the Extraordinary Chambers are preserved in accordance with international standards and that they are as broadly accessible as possible.

2. For the purpose of preserving and promoting the legacy of the Extraordinary Chambers, as part of its residual functions, the Extraordinary Chambers shall provide electronic access to, and printed copies of, the public archives to the public.
3. The United Nations and the Royal Government of Cambodia shall each have a complete set of the archives of the Extraordinary Chambers, including all documents and materials. Upon the completion of the proceedings under Article 1 of the Agreement, the United Nations and the Royal Government of Cambodia shall each receive a complete set of the public archives. Upon the completion of the residual functions under Article 2 of this Addendum, the United Nations and the Royal Government of Cambodia shall each receive any additional public documents and materials, as well as a complete set of classified documents and materials.

Article 4

Approval

To be binding on the parties, the present Addendum must be approved by the General Assembly of the United Nations and ratified by the Kingdom of Cambodia. The Royal Government of Cambodia will make its best endeavors to obtain this ratification by the earliest possible date.

Article 5

Application within Cambodia

The present Addendum shall apply as law within the Kingdom of Cambodia following its ratification in accordance with the relevant provisions of the internal law of the Kingdom of Cambodia regarding competence to conclude treaties.

Article 6
Entry into force

The present Addendum shall enter into force on the day after both parties have notified each other in writing that the legal requirements for the entry into force have been complied with.

Done at New York and Phnom Penh on 11 August 2021 and 26 August 2021, respectively, in two originals in both the Khmer and English languages. In a case of divergence, the English text shall prevail.

For the Royal Government of Cambodia



Bin Chhin

Standing Deputy Prime Minister
Minister in charge of the Office of the
Council of Ministers

For the United Nations



Miguel de Serpa Soares

Under-Secretary-General for Legal Affairs
and United Nations Legal Counsel

ANNEX II
Calls for Expressions of Interest for Moderator, Coordinator, and
Facilitator



CALL FOR EXPRESSIONS OF INTEREST

Moderator (Consultant) for Victims Workshop

Reference number:	EOI/CMS/2021/07
Office:	Office of Administration
Date issued:	02 December 2021
Deadline for expressions of interest:	31 January 2022
Duty Station	Phnom Penh
Assignment duration	60 days (commencing March 2022)
Assignment classification:	This assignment requires extensive relevant experience and the highest level of expertise
Consultancy fee:	Commensurate with experience and in accordance with applicable UN rates

General Background

The United Nations Assistance to the Khmer Rouge Trials (UNAKRT) provides technical assistance to the Extraordinary Chambers in the Courts of Cambodia (ECCC), which is a domestic judicial institution established in accordance with Cambodian law. The ECCC has jurisdiction to bring to trial senior leaders of Democratic Kampuchea and those who were most responsible for the crimes and serious violations of Cambodian penal law, international humanitarian law and custom that were committed during the period from 17 April 1975 to 6 January 1979.

The Office of Administration plans to facilitate an inclusive workshop to discuss the findings and recommendations of the Co-Rapporteurs on Residual Functions related to Victims. The purpose of the event – which will bring together victims and their representatives, possible implementing partners, a range of civil society members and interested stakeholders – is to gather priorities, consider options and chart a way forward for initiatives within the mandate of the ECCC which will be meaningful to victims of the Khmer Rouge regime and the general public.

In this regard, the Office of Administration seeks the expertise of one (1) **Moderator** on a consultancy basis to oversee and moderate the workshop event, which is envisaged to take place in May 2022. The Moderator is expected to prepare and present a final report to the Office of Administration within one month of the workshop, detailing a summary and conclusions of discussions at the event, and actionable recommendations arising therefrom. The report must include comprehensive terms of reference for victim-related initiatives considered appropriate for the ECCC to implement, including identifying possible implementing partners, funding sources, cost and delivery schedules.

Duties and responsibilities



Under the overall supervision of the Programme Management Officer, Office of Administration, the Moderator will be responsible for the following duties:

- Oversee the development of the programme and choreography of the workshop, including identifying participants, keynote speakers, sub-events and logistics;
- Moderate the workshop event in person and actively facilitate its overall conduct;
- Establish and maintain contact with external stakeholders, including media, government and non-government representatives;
- Assist to secure financial contributions for the workshop and other victim initiatives;
- Finalize, with the support of the Event Coordinator, Event Facilitator and secretariat (which will be provided), a report to the ECCC Office of Administration containing comprehensive terms of reference for the implementation of appropriate victim-related initiatives; and
- Perform other duties as required.

Assignment outputs

The Moderator is expected to deliver the following outputs:

Output	Deadline	Instalment
Final event programme (in collaboration with Event Coordinator and Event Facilitator)	15 April 2022	20%
In-person moderation and facilitation of workshop event	Mid-May 2022	35%
Final report to ECCC containing comprehensive terms of reference for victim-related initiatives, including possible implementation partners, funding sources, cost and a delivery schedule	Mid-June 2022 (within one month of event)	45%

Competencies

Professionalism: Shows pride in work and in achievements, is conscientious and efficient in meeting commitments, observing deadlines and achieving results; is motivated by professional rather than personal concerns; shows persistence when faced with difficult problems or challenges; remains calm in stressful situations. Takes responsibility for incorporating gender perspectives and ensuring the equal participation of women and men in all areas of work.

Planning and Organizing: Develops clear goals that are consistent with agreed strategies; identifies priority activities and assignments; adjusts priorities as required; allocates appropriate amount of time and resources for completing work; foresees risks and allows for contingencies when planning; monitors and adjusts plans and actions as necessary; uses time efficiently.

Accountability: Takes ownership of all responsibilities and honours commitments; delivers outputs for which one has responsibility within prescribed time, cost and quality standards; operates in compliance with organisational regulations and rules; takes responsibility for own work.



Qualifications

Education: University degree or equivalent in Event Management, Business Administration, Public Administration, Law, Political Science, Public Relations, International Relations or related field.

Experience: A minimum of ten (10) years of experience at the national and international level including experience in organizing events. Previous experience in organizing or moderating international projects/conferences and coordinating numerous stakeholder groups is desirable. Experience with, or in-depth knowledge of the ECCC is an asset.

Language: The official working languages of the ECCC are Khmer, English and French. For this consultancy, fluency in English is required. Knowledge of Khmer is an asset.

Computer skills: Good knowledge of relevant computer applications, e.g. Microsoft Word.

Special Notice

For this assignment UNAKRT is only accepting applications from candidates not currently serving at, or contracted by, the ECCC or UNAKRT.

The consultancy fee is all-inclusive. Please note that no allowance, including DSA, other than the consultancy fee is available. In-person presence in Phnom Penh is required at the event. If the consultant needs to travel to Phnom Penh to perform his or her assignment, UNAKRT will provide a ticket (economy class) from his or her place of residence at the commencement of the assignment, and from Phnom Penh to the place residence upon completion of the event.





CALL FOR EXPRESSIONS OF INTEREST

Event Coordinator (Consultant) for Victims Workshop

Reference number:	EOI/CMS/2021/05
Office:	Office of Administration
Date issued:	02 December 2021
Deadline for expressions of interest:	31 January 2022
Duty Station	Phnom Penh
Assignment duration	5 months (commencing February 2021)
Assignment classification:	This assignment is of broad scope and considerable depth, requiring specialized knowledge and skills
Consultancy fee:	Commensurate with experience and in accordance with applicable UN rates

General Background

The United Nations Assistance to the Khmer Rouge Trials (UNAKRT) provides technical assistance to the Extraordinary Chambers in the Courts of Cambodia (ECCC), which is a domestic judicial institution established in accordance with Cambodian law. The ECCC has jurisdiction to bring to trial senior leaders of Democratic Kampuchea and those who were most responsible for the crimes and serious violations of Cambodian penal law, international humanitarian law and custom that were committed during the period from 17 April 1975 to 6 January 1979.

The Office of Administration plans to facilitate an inclusive workshop to discuss the findings and recommendations of the Co-Rapporteurs on Residual Functions related to Victims. The purpose of the event – which will bring together victims and their representatives, possible implementing partners, a range of civil society members and interested stakeholders – is to gather priorities, consider options and chart a way forward for initiatives within the mandate of the ECCC which will be meaningful to victims of the Khmer Rouge regime and the general public.

In this regard, the Office of Administration seeks the expertise of one (1) **Event Coordinator** on a consultancy basis, to plan, design, coordinate and facilitate the workshop event, which is envisaged to take place in May 2022. The Event Coordinator will also assist the Event Moderator to prepare and present a final report to the Office of Administration within one month of the workshop, detailing a summary and conclusions of discussions at the event, and actionable recommendations arising therefrom. The report must include comprehensive terms of reference for victim-related initiatives considered appropriate for the ECCC to implement, including identifying possible implementing partners, funding sources, cost and delivery schedules.



Duties and responsibilities

Under the overall supervision of the Programme Management Officer, Office of Administration, the Event Coordinator will be responsible for the following duties:

- Develop and refine the programme and choreography of the workshop;
- Engage with a range of stakeholders to identify, coordinate and convene victims, their representatives, possible implementation partners, civil society representatives, interested stakeholders and other participants;
- Establish and maintain contact with external stakeholders, including media, government and non-government representatives, to facilitate collaboration and exchange of information for the purpose of planning the workshop;
- Serve as the primary focal point for all event preparations and facilitate logistical and coordination matters;
- Liaise with external suppliers and provide on-site coordination at the workshop;
- Assist the workshop Moderator to prepare and finalize a comprehensive recommendation report to the Office of Administration (with the assistance of a secretariat, which will be provided); and
- Perform other duties as required.

Assignment outputs

The Event Coordinator is expected to deliver the following outputs:

Output	Deadline	Instalment
Preliminary event programme	15 March 2022	15%
Final event programme	1 April 2022	15%
Workshop event	Mid-May 2022	35%
Final report to Office of Administration	Mid-June 2022 (within one month of event)	35%

Competencies

Professionalism: Shows pride in work and in achievements, is conscientious and efficient in meeting commitments, observing deadlines and achieving results; is motivated by professional rather than personal concerns; shows persistence when faced with difficult problems or challenges; remains calm in stressful situations. Takes responsibility for incorporating gender perspectives and ensuring the equal participation of women and men in all areas of work.

Planning and Organizing: Develops clear goals that are consistent with agreed strategies; identifies priority activities and assignments; adjusts priorities as required; allocates appropriate amount of time and resources for completing work; foresees risks and allows for contingencies when planning; monitors and adjusts plans and actions as necessary; uses time efficiently.

Accountability: Takes ownership of all responsibilities and honours commitments; delivers outputs for which one has responsibility within prescribed time, cost and quality standards; operates in compliance with organisational regulations and rules; takes responsibility for own work.



Qualifications

Education: University degree or equivalent in Event Management, Business Administration, Public Administration, Law, Political Science, Public Relations, International Relations or related field.

Experience: A minimum of five (5) years of experience at the national and international level including experience in organizing events. Previous experience in organizing international projects/conferences and supporting the coordination of numerous stakeholder groups is desirable. Experience with, or in-depth knowledge of the ECCC is an asset.

Language: The official working languages of the ECCC are Khmer, English and French. For this consultancy, fluency in English is required. Knowledge of Khmer is an asset.

Computer skills: Good knowledge of relevant computer applications, e.g. Microsoft Word.

Special Notice

The consultancy fee is all-inclusive. Please note that no allowance, including DSA, other than the consultancy fee is available. In-person presence in Phnom Penh is mandatory. If the consultant needs to travel to perform his or her assignment, UNAKRT will provide a ticket (economy class) from his or her place of residence to Phnom Penh at the commencement of the assignment, and from Phnom Penh to the place residence upon the completion of the assignment.



CALL FOR EXPRESSIONS OF INTEREST

Event Facilitator (Consultant) for Victims Workshop

Reference number:	EOI/CMS/2021/06
Office:	Office of Administration
Date issued:	02 December 2021
Deadline for expressions of interest:	31 January 2022
Duty Station	Phnom Penh
Assignment duration	Up to 40 days (commencing May 2021)
Assignment classification:	This assignment is of broad scope and considerable depth, requiring specialized knowledge and skills
Consultancy fee:	Commensurate with experience and in accordance with applicable UN rates

General Background

The United Nations Assistance to the Khmer Rouge Trials (UNAKRT) provides technical assistance to the Extraordinary Chambers in the Courts of Cambodia (ECCC), which is a domestic judicial institution established in accordance with Cambodian law. The ECCC has jurisdiction to bring to trial senior leaders of Democratic Kampuchea and those who were most responsible for the crimes and serious violations of Cambodian penal law, international humanitarian law and custom that were committed during the period from 17 April 1975 to 6 January 1979.

The Office of Administration plans to facilitate an inclusive workshop to discuss the findings and recommendations of the Co-Rapporteurs on Residual Functions related to Victims. The purpose of the event – which will bring together victims and their representatives, possible implementing partners, a range of civil society members and interested stakeholders – is to gather priorities, consider options and chart a way forward for initiatives within the mandate of the ECCC which will be meaningful to victims of the Khmer Rouge regime and the general public.

In this regard, the Office of Administration seeks the expertise of one (1) **Event Facilitator** on a consultancy basis, to facilitate the workshop event, which is envisaged to take place in May 2022. In particular, the Event Facilitator will assist workshop participants to develop terms of reference for victim-related initiatives considered appropriate for the ECCC to implement, including identifying possible implementing partners, funding sources, cost and delivery schedules. The Event Facilitator will further assist the Event Moderator and Event Coordinator to prepare and present a final report to the Office of Administration within one month of the workshop, detailing a summary and conclusions of discussions at the event, and actionable recommendations arising therefrom.

Duties and responsibilities

Under the overall supervision of the Programme Management Officer, Office of Administration, the Event Coordinator will be responsible for the following duties:

- Facilitate thematic discussions at the event between participants during plenary discussions or sub-events;
- Assist groups to prepare their concepts for presentation at the last day of the event;
- Assist participants to develop and record actionable recommendations through project terms of reference, including identifying possible implementing partners, funding sources, cost and delivery schedules;
- Assist the event Moderator and Coordinator to prepare and finalize a comprehensive recommendation report to the Office of Administration (with the assistance of a secretariat, which will be provided); and
- Perform other duties as required.

Assignment outputs

The Event Facilitator is expected to deliver the following outputs:

Output	Deadline	Instalment
Facilitation of participants and groups at workshop event	Mid-May 2022	45%
Preliminary report containing conclusions from event and terms of reference of appropriate initiatives	Within one week of conference	10%
Final report to Office of Administration	Mid-June 2022 (within one month of event)	45%

Competencies

Professionalism: Shows pride in work and in achievements, is conscientious and efficient in meeting commitments, observing deadlines and achieving results; is motivated by professional rather than personal concerns; shows persistence when faced with difficult problems or challenges; remains calm in stressful situations. Takes responsibility for incorporating gender perspectives and ensuring the equal participation of women and men in all areas of work.

Planning and Organizing: Develops clear goals that are consistent with agreed strategies; identifies priority activities and assignments; adjusts priorities as required; allocates appropriate amount of time and resources for completing work; foresees risks and allows for contingencies when planning; monitors and adjusts plans and actions as necessary; uses time efficiently.

Accountability: Takes ownership of all responsibilities and honours commitments; delivers outputs for which one has responsibility within prescribed time, cost and quality standards; operates in compliance with organisational regulations and rules; takes responsibility for own work.

Qualifications



Education: University degree or equivalent in Event Management, Business Administration, Public Administration, Law, Political Science, Public Relations, International Relations or related field.

Experience: A minimum of five (5) years of experience at the national and international level including experience in organizing events. Previous experience in organizing international projects/conferences and supporting the coordination of numerous stakeholder groups is desirable. Experience with, or in-depth knowledge of the ECCC is an asset.

Language: The official working languages of the ECCC are Khmer, English and French. For this consultancy, fluency in English is required. Knowledge of Khmer is an asset.

Computer skills: Good knowledge of relevant computer applications, e.g. Microsoft Word.

Special Notice

The consultancy fee is all-inclusive. Please note that no allowance, including DSA, other than the consultancy fee is available. In-person presence in Phnom Penh is mandatory. If the consultant needs to travel to Phnom Penh to perform his or her assignment, UNAKRT will provide a ticket (economy class) from his or her place of residence at the commencement of the assignment, and from Phnom Penh to the place residence upon the completion of the assignment.



ANNEX III
Final Agenda for May 2022 Workshop

Workshop on Victim-related Activities during
the Implementation of the ECCC Residual Mandate

Hyatt Regency Phnom Penh, Tuesday 3 to Thursday 5 May 2022

All sessions will be conducted in Khmer and English with simultaneous interpretation
Dress code: business attire or traditional dress for 03 and 05 May, business casual for 04 May

FINAL AGENDA (as of 05.05.2022)

Day	Time	Program	Theme - Title - Detail	Remarks	
DAY 1 TUESDAY 3 MAY 2022	08:30 - 09:00	Registration		Public sessions	
	09:00 - 09:15	Welcome, National Anthem, Introductions	H.E. Mr. NETH Pheaktra, Chief of Public Affairs Section, ECCC		
	09:15 - 09:30	Opening remarks	H.E. Mr. Mr. KRANH Tony, Acting Director of Administration, ECCC		
	09:30 - 09:45		H.E. Mr. Jacques PELLET, Ambassador of France and Co-Chair, Friends of the ECCC		
	09:45 - 10:00		H.E. Mr. KEO Remy, Delegate Minister attached to the Prime Minister, President of the Cambodian Human Rights Committee, and Permanent Vice Chairman of the Royal Government Task Force on the ECCC Proceedings		
	10:00 - 10:05	Group photo call	<i>All guests remain standing at their seats</i>		
	10:05 - 10:30	Break			
	10:30 - 10:40	Welcome remarks	Dr. David J. COHEN, Workshop Moderator and Director, Center for Human Rights and International Justice, Stanford University		
	10:40 - 10:45		H.E. Dr. Beth Van SCHAACK, United States Ambassador-at-Large for Global Criminal Justice (delivered via recorded video)		
	10:40 - 11:40	Keynote #1 - Ms. YIM Sotheary (Psychotherapist, Peace and Conflict Consultant, and Founder and CEO of Sneha)	<i>A Journey of Healing: Working Closely with Victim-Survivors and Best Practices and Strategies for the Future</i>		
	11:40 - 13:10	Working Lunch			
	13:10 - 14:00	Group work - session #1	Introduction and icebreakers in each group, initial sharing of backgrounds, projects, and organizations, and discussion of Recognition, Remembrance, and Reconciliation		
	14:00 - 15:00	Keynote #2 - Mr. Karim A.A. KHAN, QC (Chief Prosecutor, International Criminal Court)	<i>From Case 001 to the International Stage, Experiences Representing the Voices of Victims in the Courtroom and in the Public Sphere</i> (delivered via live remote video from overseas)		
	15:00 - 15:20	Break			
15:20 - 16:50	Group work - session #2	Lessons learned from previous experiences working with victim-survivors and with the ECCC, and developing a set of shared principles and values for future programs: How do we Remember? How do we avoid repetition and Never Forget?			
16:50 - 17:00	Wrap-up and plans for tomorrow	Comments from the Workshop Moderator, Dr. David J. COHEN			
DAY 2 WEDNESDAY 4 MAY 2022	08:30 - 09:00	Registration		Closed sessions — (no media access, online streaming, or TV broadcast)	
	09:00 - 09:10	Start-up	Welcome and housekeeping from the Workshop Moderator, Dr. David J. COHEN		
	09:10 - 10:10	Keynote #3 - Dr. Christoph SPERFELDT (Honorary Fellow, Melbourne Law School)	<i>Lessons from the ECCC Reparations Scheme and Non-Judicial Measures for Future Victim-Oriented Work</i>		
	10:10 - 10:30	Break			
	10:30 - 11:45	Group work - session #3	Driving sustainability, synergy and longer-term integration of civil society efforts at wider reconciliation — Building Cambodian institutions with staying power and setting an example for the region and the world		
	11:45 - 13:00	Working Lunch			
	13:00 - 14:30	Plenary session - updates and feedback from working groups	Sharing initial perspectives, raising questions and ideas for the Secretariat and the Plenary to consider, and highlighting areas of agreement or new findings. Co-Chairs: Dr. David J. COHEN, Workshop Moderator, and Mr. HANG Vannak, Head of VSS/ECCC		
	14:30 - 15:30	Keynote #4 - Dato' Shyamala ALAGENDRA (Advocate and Solicitor, Malaysia; Gender and Child Rights Advisor, United Nations)	<i>The Centrality of Victims in Successful Transitional Justice Processes: A Comparative Perspective</i> (delivered via live remote video from overseas)		
	15:30 - 15:50	Break			
15:50 - 16:50	Group work - session #4	Recognizing and listening to all Victim-Survivors: Mainstreaming gender sensitivity in future programs, bringing attention to ethnic and religious minorities, and amplifying the involvement of and outcomes for younger generations			
16:50 - 17:00	Wrap-up and plans for tomorrow	Comments from the Workshop Moderator, Dr. David J. COHEN			
DAY 3 THURSDAY 5 MAY 2022	08:30 - 09:00	Registration		Public sessions	
	09:00 - 09:10	Start-up	Welcome and housekeeping from the Workshop Moderator, Dr. David J. COHEN		
	09:10 - 10:10	Keynote #5 - H.E. Mr. LY Chantola (President, Bar Association of the Kingdom of Cambodia)	<i>How to Enhance the Sense of Justice among Victims and How to Integrate the Professional Legal Principles enshrined by the ECCC within the Cambodian Judicial and Legal System</i>		
	10:10 - 10:30	Break			
	10:30 - 11:45	Group work - session #5	Final preparations for the Closing Plenary Session, with focused discussions on questions of implementation, financing, and longer-term sustainability		
	11:45 - 13:00	Working Lunch			
	13:00 - 14:20	Final Plenary Sessions (all times listed are approximate)	Final presentations of working groups, 10 minutes each on their discussions, from general principles to specific program proposals.		
	14:20 - 14:40	Co-Chairs: Dr. David J. COHEN, Workshop Moderator, and Mr. HANG Vannak, Head of VSS/ECCC	Responses from Civil Parties (Group 1 or otherwise)		
	14:40 - 15:20		Further plenary discussion — additional opportunity for individuals or organizations to present suggestions and proposals		
	15:20 - 15:40	Break			
	15:40 - 16:00	Summary and Take-home comments	Observations on lessons and strategies, from Dr. David J. COHEN, Workshop Moderator, and Mr. HANG Vannak, Head of VSS/ECCC		
16:00 - 16:15	Closing remarks	Mr. CHAN Sath, Case 002 Civil Party and Case 004 Civil Party Applicant			
16:15 - 16:30		Ms. PECH Srey Phâl, Case 002 Civil Party and Case 004 Civil Party Applicant			
16:30 - 16:45		H.E. Mr. MIKAMI Masahiro, Ambassador of Japan and Co-Chair, Friends of the ECCC			
16:45 - 17:00		Mr. Knut ROSANDHAUG, UNAKRT Coordinator and Deputy Director of Administration, ECCC			

ANNEX IV
Two Press Releases (in both languages) for the May 2022
Workshop



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

Extraordinary Chambers in the Courts of Cambodia
Chambres extraordinaires au sein des tribunaux cambodgiens

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

Kingdom of Cambodia
Nation Religion King

Royaume du Cambodge
Nation Religion Roi

Phnom Penh, 04 May 2022

PRESS RELEASE

THE OPENING DAY OF THE VICTIMS WORKSHOP ORGANIZED BY THE EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA (ECCC)

Yesterday, 3 May 2022, the Extraordinary Chambers in the Courts of Cambodia (ECCC) held the opening ceremony of the Workshop on “Victims and Dissemination of the Advisory Report on Victim-Related Activities of the ECCC during the Residual Phase.” The Workshop is taking place over the course of three days from 03 to 05 May 2022 at Hyatt Regency Phnom Penh.

Following the call from Co-Rapporteur Judges You Ottara and Claudia Fenz for the ECCC to undertake an open, consultative process in developing victim-related activities ahead of and at the outset of its imminent residual mandate, the ECCC has decided as a first step to organize this three-day workshop with victims, their representatives in civil society and the courtroom, and other key stakeholders. As the ECCC nears its three-year mandate for residual functions to respond to the needs of victims of the Khmer Rouge regime and to disseminate information about the transitional justice process to the public, this workshop begins a timely and valuable process to develop new programs and strengthening existing or prior ones centered on the needs of victims.

Yesterday morning’s opening ceremony featured welcoming remarks from H.E. Mr. KRANH Tony, Acting Director of Administration of the ECCC, H.E. Mr. Jacques PELLET, Ambassador of France and Co-Chair of the Friends of the ECCC, and H.E. Mr. KEO Remy, Delegate Minister attached to the Prime Minister, President of the Cambodian Human Rights Committee, and Permanent Vice Chairman of the Royal Government Task Force on the ECCC Proceedings.

Following the opening remarks from these esteemed guests, the program’s activities began in more detail. Stanford University professor, Dr. David J. COHEN, who is functioning as moderator of the three-day workshop, gave some brief remarks and then introduced a video message sent to the workshop participants from H.E. Dr. Beth VAN SCHAACK, United States Ambassador-at-Large for Global Criminal Justice. In her brief video remarks, Ambassador Van Schaack noted, “With the establishment of residual functions of the ECCC, and with the encouragement laid out in the advisory report recommendations, you have a rare opportunity to ensure that efforts continue to be made to heal the wounds of those who have suffered.” The video recording of Ambassador Van Schaack’s full remarks are available to view on the ECCC’s Youtube page here: https://youtu.be/8PW14gKl_WY

Following the video, Ms. YIM Sotheary was introduced to give the workshop’s opening keynote speech. Ms. YIM Sotheary, a psychotherapist, peace and conflict consultant, and founder and CEO of Sneha enter, gave a speech about her experiences working closely with victim-survivors of the Khmer Rouge regime over the last 18 years. She spoke about the

importance of focusing on healing, and developing new tools and ways of discussing the past with victim-survivors who may suffer from trauma due to their historical experiences. She explained that after hearing many negative stories from the past, she started asking some new questions to survivors: “What made them survive? Where did they find the strength to cope with the situation? What are their dreams?”.

In the afternoon sessions yesterday, the approximately 90 participants — including Civil Parties, lawyers and parties of the ECCC, representatives of NGOs, international organizations, and academia — were split into eight different working groups to focus on different issue areas with opportunities for developing and strengthening programs centered on victims.

The participants also had the honor of hearing from a second keynote speaker, Mr. Karim A.A. KHAN, QC, Chief Prosecutor of the International Criminal Court. The Prosecutor spoke about his experience as a Civil Party lawyer working on behalf of victims in Case 001 at the ECCC. He spoke extensively about his surprises and lessons from working with victims as direct participants in the proceedings, recalling memories such as Civil Party NETH Phally sharing a photograph of his deceased brother and speaking to his brother’s spirit from the witness stand. He emphasized the importance of including and involving the voices of victims in trial proceedings and in the upcoming residual functions of the ECCC.

The events continues this morning with further keynote speakers and discussion sessions.

For further information, please contact:

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Chief of Public Affairs Office, Press Officer
Mobile: +855 (0) 12 488 156
Email: neth.phektra@eccc.gov.kh



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

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ជាតិ សាសនា ព្រះមហាក្សត្រ**

Kingdom of Cambodia
Nation Religion King

Royaume du Cambodge
Nation Religion Roi

ថ្ងៃទី៤ ខែឧសភា ឆ្នាំ២០២២

**សេចក្តីប្រកាសព័ត៌មាន
ពិធីបើកសិក្ខាសាលាទាក់ទងនឹងជនរងគ្រោះ
ដោយអង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា (អ.វ.ត.ក)**

កាលពីថ្ងៃទី៣ ខែឧសភា ឆ្នាំ២០២២ អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា (អ.វ.ត.ក) បានប្រារព្ធពិធីបើកសិក្ខាសាលាស្តីពី «ជនរងគ្រោះ និងការផ្សព្វផ្សាយរបាយការណ៍ប្រឹក្សា ស្តីពីសកម្មភាពនានាពាក់ព័ន្ធនឹងជនរងគ្រោះរបស់ អ.វ.ត.ក នៅក្នុងអំឡុងដំណាក់កាលដែលនៅសេសសល់»។ សិក្ខាសាលានេះត្រូវរៀបចំឡើងរយៈពេលបីថ្ងៃ ចាប់ពីថ្ងៃទី០៣ រហូតដល់ថ្ងៃទី០៥ ខែឧសភា ឆ្នាំ២០២២ នៅសណ្ឋាគារ Hyatt Regency រាជធានីភ្នំពេញ។

បន្ទាប់ពីមានសំណើសុំពីសហចៅក្រមរបាយការណ៍ គឺលោកចៅក្រម យូរ ឧត្តរា និងលោកស្រីចៅក្រម Claudia Fenz ដើម្បីចាប់ផ្តើមដំណើរការប្រឹក្សាជាចំហរ ក្នុងការបង្កើតឡើងនូវសកម្មភាពនានា ពាក់ព័ន្ធនឹងជនរងគ្រោះ នៅមុនពេល និងនៅពេលចាប់ផ្តើមការងារដែលនៅសេសសល់នោះ អ.វ.ត.ក បានសម្រេចថា ជំហានដំបូងបំផុតគឺការរៀបចំសិក្ខាសាលារយៈពេលបីថ្ងៃ ជាមួយជនរងគ្រោះ អ្នកតំណាងរបស់ពួកគាត់នៅក្នុងសង្គមស៊ីវិល និងនៅសាលាសវនាការ ព្រមទាំងអ្នកពាក់ព័ន្ធសំខាន់ៗផ្សេងទៀត។ ដោយសារតែ អ.វ.ត.ក កាន់តែខិតជិតដល់ការបំពេញការងារនៅសេសសល់ រយៈពេលបីឆ្នាំរបស់ខ្លួន ដើម្បីឆ្លើយតបចំពោះតម្រូវការរបស់ជនរងគ្រោះនៃរបបខ្មែរក្រហម និងដើម្បីផ្សព្វផ្សាយព័ត៌មានអំពីដំណើរការយុត្តិធម៌អន្តរកាល ជូនដល់សាធារណជននោះ សិក្ខាសាលានេះបានចាប់ផ្តើមដំណើរការដ៏មានតម្លៃ និងទាន់ពេលវេលា ក្នុងគោលបំណងដើម្បីបង្កើតកម្មវិធីថ្មី និងពង្រឹងទៅលើកម្មវិធីដែលមានស្រាប់ ឬមានពីមុន ដែលផ្តោតជាចម្បងទៅលើតម្រូវការជនរងគ្រោះ។

ពិធីបើកកាលពីព្រឹកមិលមិញ គឺមានការចូលរួមជាពិសេស នូវសុន្ទរកថាស្វាគមន៍របស់ ឯកឧត្តម ក្រាញ៉េ តូនី ប្រធានការិយាល័យរដ្ឋបាលស្តីទី អ.វ.ត.ក ឯកឧត្តម Jacques PELLET ឯកអគ្គរដ្ឋទូតបារាំង និងជាសហប្រធានក្រុមមិត្តរបស់ អ.វ.ត.ក និងឯកឧត្តម កែវ វេមី រដ្ឋមន្ត្រីប្រតិភូអមនាយករដ្ឋមន្ត្រី ប្រធានគណៈកម្មការសិទ្ធិមនុស្សកម្ពុជា និងជាអនុប្រធានអចិន្ត្រៃយ៍ នៃក្រុមការងាររាជរដ្ឋាភិបាល ទទួលបន្ទុក អ.វ.ត.ក។

បន្ទាប់ពីសុន្ទរកថាបើករបស់ភ្ញៀវកិត្តិយសទាំងអស់នេះហើយ កម្មវិធីបានចាប់ផ្តើមសកម្មភាពលម្អិតរបស់ខ្លួន។ សាស្ត្រាចារ្យសាកលវិទ្យាល័យ Stanford គឺបណ្ឌិត David J. COHEN ដែលដើរតួនាទីជាអ្នកសម្របសម្រួល សិក្ខាសាលារយៈពេលបីថ្ងៃនេះ បានចាប់ផ្តើមថ្ងៃដោយសង្ខេប ហើយបន្ទាប់មកបានបង្ហាញនូវសារតាមរយៈខ្សែវីដេអូ របស់លោកជំទាវបណ្ឌិត Beth VAN SCHAACK ឯកអគ្គរដ្ឋទូតគោចរសហរដ្ឋអាមេរិក ទទួលបន្ទុកយុត្តិធម៌ព្រហ្មទណ្ឌសាកល ធ្វើរដ្ឋនរណាចម្មតសិក្ខាសាលាទាំងអស់។ នៅក្នុងការថ្លែងដោយសង្ខេបតាមវីដេអូនោះ លោកជំទាវឯកអគ្គរដ្ឋទូត បានកត់សម្គាល់ថា៖ «ការបង្កើតនូវមុខងារដែលនៅសេសសល់របស់ អ.វ.ត.ក រួមជាមួយការជំរុញលើកទឹកចិត្ត ដែលបានគូសបញ្ជាក់នៅក្នុងអនុសាសន៍របាយការណ៍ប្រឹក្សា អស់លោកលោកស្រីនឹងទទួលបានឱកាសដឹកនាំមួយ ក្នុងការធានាថា ការខិតខំប្រឹងប្រែងនឹងមានជាបន្តទៀត ដើម្បីព្យាបាលស្នាមរបួសអ្នកទាំងឡាយណាដែលបានទទួលរងការឈឺចាប់»។ ខ្សែវីដេអូនៃសុន្ទរកថាទាំងស្រុងរបស់លោកជំទាវឯកអគ្គរដ្ឋទូត VAN SCHAACK មាននៅលើគេហទំព័រយូធូបរបស់ អ.វ.ត.ក នៅ៖ https://youtu.be/8PW14gKI_WY

បន្ទាប់ពីខ្សែវីដេអូនេះហើយ គឺមានការណែនាំឱ្យលោកស្រី យឹម សុទ្ធាវី ឡើងថ្លែងសុន្ទរកថាគន្លឹះបើកកម្មវិធីសិក្ខាសាលា។ លោកស្រី យឹម សុទ្ធាវី គឺជាគ្រូពេទ្យចិត្តសាស្ត្រ ជាអ្នកផ្តល់ប្រឹក្សាលើបញ្ហាជម្លោះ និងសន្តិភាព និងជាស្ថាបនិក និងជាអគ្គនាយកប្រតិបត្តិមជ្ឈមណ្ឌលស្នេហា ដែលផ្តល់បទបង្ហាញអំពីបទពិសោធន៍របស់លោកស្រី ក្នុងការបំពេញការងារដោយផ្ទាល់ ជាមួយអ្នកនៅរស់រានមានជីវិត ពីរបបខ្មែរក្រហម នៅក្នុងរយៈពេលជាង ១៨ឆ្នាំចុងក្រោយនេះ។ លោកស្រីបានថ្លែងអំពីសារៈសំខាន់នៃការយកចិត្តទុកដាក់ ទៅលើការព្យាបាល និងការបង្កើតឧបករណ៍ថ្មី ព្រមទាំងវិធីសាស្ត្រ ក្នុងការពិភាក្សាអំពីអតីតកាលជាមួយជនរងគ្រោះ អ្នកនៅរស់រានមានជីវិត ដែលអាចទទួលរងការឈឺចាប់ ពីការប៉ះទង្គិចផ្លូវចិត្ត ដោយសារតែបទពិសោធន៍អតីតកាលរបស់ពួកគាត់។ លោកស្រីបានពន្យល់ថា បន្ទាប់ពីបានស្តាប់រឿងរ៉ាវអវិជ្ជមានជាច្រើនពីអតីតកាលមក លោកស្រីចាប់ផ្តើមសួរនូវសំណួរថ្មីៗមួយចំនួន ទៅកាន់អ្នកនៅរស់រានមានជីវិត ដូចជា៖ «តើពួកគាត់អាចនៅរស់បានដោយសារអ្វី? តើពួកគាត់រកកម្លាំងមកពីណា ដើម្បីសម្របខ្លួនជាមួយស្ថានភាពនេះ? តើពួកគាត់មានក្តីសុបិន្តអ្វីខ្លះ?»

នៅក្នុងកម្មវិធីនាពេលរសៀលម្សិលមិញ អ្នកចូលរួមប្រមាណ ៩០ នាក់ រួមមាន ដើមបណ្ឌិតរដ្ឋប្បវេណី មេធាវី និងភាគីនានានៃ អ.វ.ត.ក តំណាងរបស់អង្គការមិនមែនរដ្ឋាភិបាល អង្គការអន្តរជាតិ និងអ្នកសិក្សាស្រាវជ្រាវ ដែលត្រូវបានបែងចែកជាប្រាំបីក្រុមពិភាក្សា ដោយផ្តោតទៅលើផ្នែកផ្សេងៗគ្នានៃបញ្ហា រួមជាមួយឱកាសក្នុងការបង្កើត និងពង្រឹងទៅលើកម្មវិធី ដែលផ្តោតសំខាន់លើជនរងគ្រោះ។

អ្នកចូលរួមក៏មានកិត្តិយសបានស្តាប់វាក្លិនសំខាន់ទីពីរគឺលោក Karim A.A. KHAN QC ជាប្រធានរដ្ឋអាជ្ញា នៃតុលាការព្រហ្មទណ្ឌអន្តរជាតិ។ លោករដ្ឋអាជ្ញាបានថ្លែងអំពីបទពិសោធន៍របស់គាត់ ក្នុងនាមជាមេធាវីតំណាងដើមបណ្ឌិតរដ្ឋប្បវេណី ដែលធ្វើការក្នុងនាមជនរងគ្រោះនៃសំណុំរឿង ០០១ នៅ អ.វ.ត.ក។ គាត់បានបង្ហាញយ៉ាងលម្អិត អំពីការភ្ញាក់ផ្អើល និងមេរៀនដែលគាត់ទទួលបាន ពីការធ្វើការជាមួយជនរង

គ្រោះ ក្នុងនាមជាអ្នកចូលរួមដោយផ្ទាល់ នៅក្នុងកិច្ចដំណើរការនីតិវិធី ដោយរំលឹកឡើងវិញពីការចងចាំ ដូចជា ដើមបណ្តឹងរដ្ឋប្បវេណី នេត ផល្លី ដែលបានចែករំលែករូបថតបងប្រុសរបស់គាត់ ដែលបានស្លាប់ទៅហើយ និងការនិយាយរៀបរាប់ជាមួយព្រលឹងបងប្រុសគាត់ ពីកន្លែងអង្គុយជាសាក្សី។ លោករដ្ឋអាជ្ញាបានសង្កត់ធ្ងន់ អំពីសារៈសំខាន់នៃការបញ្ចូល និងគិតគូរដល់សម្លេងរបស់ជនរងគ្រោះ នៅក្នុងកិច្ចដំណើរការនីតិវិធីជំនុំជម្រះ និងនៅក្នុងមុខងារនៅសេសសល់ក្នុងពេលឆាប់ៗខាងមុខនេះរបស់ អ.វ.ត.ក។

ព្រឹត្តិការណ៍នេះនឹងបន្តនាព្រឹកនេះ ដោយមានវាគ្មិនសំខាន់ៗ និងកម្មវិធីពិភាក្សាបន្ថែមទៀត។

សម្រាប់ព័ត៌មានបន្ថែម សូមទាក់ទង៖

លោក នេត្រ ភក្រ្តា

ប្រធានផ្នែកកិច្ចការសាធារណៈ និងជាមន្ត្រីនាំពាក្យ

ទូរស័ព្ទ៖ +៨៥៥ (០) ១២ ៤៨៨ ១៥៦

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អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

Extraordinary Chambers in the Courts of Cambodia
Chambres extraordinaires au sein des tribunaux cambodgiens

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

Phnom Penh, 05 May 2022

PRESS RELEASE

**ON THE FINAL DAY OF THE VICTIMS WORKSHOP ORGANIZED BY THE
EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA (ECCC)**

Today, 5 May 2022, the Extraordinary Chambers in the Courts of Cambodia (ECCC) closed the three-day Workshop on “Victims and Dissemination of the Advisory Report on Victim-Related Activities of the ECCC during the Residual Phase.” The Workshop took place from 03 to 05 May 2022 at Hyatt Regency Phnom Penh.

The events were marked by the active presence of 19 Civil Parties and victim-survivors of the Democratic Kampuchea (DK) regime. They joined regular working group discussions with other participants, and they shared extensive opinions at the closing plenary session today. At the closing ceremony, they were represented by Civil Parties Mr. CHAN Sath and Ms. PECH Srey Phâl, who each made brief remarks and called for different government ministries and international organizations to do more to support aging victim-survivors in the coming years and to share their experiences with the public to ensure the conflict never occurs again.

The three-day workshop saw the attention and involvement of the international diplomatic community as well. The workshop was opened on 03 May with inspiring remarks from French Ambassador Jacques PELLET, H.E. KEO Remy, Delegate Minister attached to the Prime Minister, President of the Cambodian Human Rights Committee, and Permanent Vice Chairman of the Royal Government Task Force on the ECCC Proceedings and closed on 05 May with a warm speech of support from Japanese Ambassador MIKAMI Masahiro. The events were also joined by the British Ambassador, Tina REDSHAW. Representatives of the Embassies and diplomatic offices of Australia, the United States, Germany the European Union, Switzerland, Turkey, Thailand, and Vietnam also attended. Germany’s GIZ Civil Peace Service also sent a large contingent of regular participants who contributed a great deal of advice and support throughout the event. The Workshop was very grateful for their attendance and commitment to the ECCC as it approaches its residual phase.

Significantly, the workshop saw the active attention and dedicated involvement of more than 90 participants, including representatives of local NGOs and international organizations, state institutions and museums, Civil Party lawyers, independent academics, lawyers and researchers, and ECCC parties and staff, all of whom joined for three days and contributed a wide range of intensive and comprehensive details for the framework and programs of the ECCC’s coming residual phase.

As H.E. KRANH Tony, Acting Director of the Office of Administration of the ECCC, and Knut ROSANDHAUG, Deputy Director of the Office of Administration of the ECCC and UNAKRT Coordinator, made clear in their opening and closing remarks, respectively, this three-day workshop represents a first step as the ECCC, victims and Civil Parties, and their

representatives and stakeholders begin consideration and implementation of the residual mandate.

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អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

Extraordinary Chambers in the Courts of Cambodia
Chambres extraordinaires au sein des tribunaux cambodgiens

**ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ**

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

ថ្ងៃទី៥ ខែឧសភា ឆ្នាំ២០២២

សេចក្តីប្រកាសព័ត៌មាន

សិក្ខាសាលាស្តីពីជនរងគ្រោះរៀបចំឡើងដោយ

អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា (អ.វ.ត.ក) ធានាបិទបញ្ចប់

ថ្ងៃនេះគឺថ្ងៃទី៥ ខែឧសភា ឆ្នាំ២០២២ អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា (អ.វ.ត.ក) បានបិទបញ្ចប់សិក្ខាសាលារយៈពេលបីថ្ងៃស្តីពី «ជនរងគ្រោះ និងការផ្សព្វផ្សាយរបាយការណ៍ប្រឹក្សា ស្តីពីសកម្មភាពនានា ពាក់ព័ន្ធនឹងជនរងគ្រោះរបស់ អ.វ.ត.ក នៅអំឡុងដំណាក់កាលដែលនៅសេសសល់»។ សិក្ខាសាលានេះបានរៀបចំឡើងអស់រយៈពេលបីថ្ងៃ ចាប់ពីថ្ងៃទី០៣ រហូតដល់ថ្ងៃទី០៥ ខែឧសភា ឆ្នាំ២០២២ នៅសណ្ឋាគារ Hyatt Regency រាជធានីភ្នំពេញ។

ព្រឹត្តិការណ៍នេះបានប្រារព្ធធ្វើឡើងដោយមានវត្តមានយ៉ាងសកម្មរបស់ដើមបណ្ឌិតរដ្ឋប្បវេណី និងជនរងគ្រោះ ដែលជាអ្នកនៅរស់រានមានជីវិតពីរបបកម្ពុជាប្រជាធិបតេយ្យ ចំនួន ១៩ នាក់។ ពួកគាត់បានចូលរួមយ៉ាងទៀងទាត់ ក្នុងកិច្ចពិភាក្សាក្រុមការងារ ជាមួយអ្នកចូលរួមដទៃទៀត ហើយពួកគាត់បានចែករំលែកគំនិតយ៉ាងច្រើននៅវគ្គពេញអង្គបិទបញ្ចប់នាថ្ងៃនេះ។ នៅក្នុងកម្មវិធីបិទសិក្ខាសាលា ពួកគាត់ត្រូវបានតំណាងដោយដើមបណ្ឌិតរដ្ឋប្បវេណីលោក ចាន់ សាត និងលោកស្រី ពេជ្រ ស្រីផល ដែលពួកគាត់បានធ្វើការកត់សម្គាល់ដោយសង្ខេប ហើយបានស្នើសុំឱ្យក្រសួងស្ថាប័ន នៅក្នុងរាជរដ្ឋាភិបាលកម្ពុជា និងអង្គការអន្តរជាតិនានា ផ្តល់ការគាំទ្របន្ថែមទៀត ដល់ជនរងគ្រោះដែលជាអ្នកនៅរស់រានមានជីវិត ដែលមានវ័យចំណាស់ នៅពេលខាងមុខ ហើយឱ្យពួកគាត់អាចចែករំលែកបទពិសោធន៍ពួកគាត់ ជាមួយសាធារណជនទូទៅ ដើម្បីធានាថាមិនមានការកើតឡើងសារជាថ្មី នូវជម្លោះបែបនេះឡើយ។

សិក្ខាសាលាបីថ្ងៃនេះ ក៏ទទួលបាននូវចំណាប់អារម្មណ៍ និងការចូលរួមរបស់សហគមន៍ការទូតអន្តរជាតិផងដែរ។ សិក្ខាសាលានេះបានប្រារព្ធធ្វើកាលពីថ្ងៃទី៣ ខែឧសភា ឆ្នាំ២០២២ ដោយមានសុន្ទរកថាបើក ដ៏គួរឱ្យចាប់អារម្មណ៍របស់ឯកឧត្តម Jacques PELLET ឯកអគ្គរដ្ឋទូតបារាំង ប្រចាំនៅប្រទេសកម្ពុជា និងឯកឧត្តម កែវ វ៉េមី រដ្ឋមន្ត្រីប្រតិភូអមនាយករដ្ឋមន្ត្រី និងជាអនុប្រធានអចិន្ត្រៃយ៍នៃក្រុមការងាររាជរដ្ឋបាលជួយអ.វ.ត.ក ហើយត្រូវបានបិទបញ្ចប់នៅថ្ងៃទី៥ ខែឧសភា ឆ្នាំ២០២២ ដោយសុន្ទរកថាដឹកក្តៅ ស្តីពីការគាំទ្រពីឯកឧត្តម MIKAMI Masahiro ឯកអគ្គរដ្ឋទូតជប៉ុន ប្រចាំនៅប្រទេសកម្ពុជា។ ព្រឹត្តិការណ៍នេះក៏មានការ

ចូលរួមផងដែរ ពីសំណាក់ឯកអគ្គរាជទូតចក្រភពអង់គ្លេស ប្រចាំនៅប្រទេសកម្ពុជាគឺលោកជំទាវ Tina REDSHAW ។ តំណាងស្ថានទូត ការិយាល័យការទូត ប្រទេសអូស្ត្រាលី សហរដ្ឋអាមេរិក អាណ្លឺម៉ង់ សហភាពអឺរ៉ុប ស្វីស ទួរគី ថៃ និងវៀតណាម ក៏បានចូលរួមផងដែរ។ ការិយាល័យសន្តិភាពស៊ីវិល GIZ របស់ប្រទេសអាណ្លឺម៉ង់ ក៏បានបញ្ជូនសិក្ខាកាមធម្មតាយ៉ាងច្រើន ដែលពួកគេបានចូលរួមចំណែកយ៉ាងលើសលប់ ជាយោបល់ និងការគាំទ្រ នៅក្នុងកម្មវិធីសិក្ខាសាលាទាំងមូល។ អង្គសិក្ខាសាលាសូមថ្លែងនូវអំណរគុណយ៉ាងជ្រាលជ្រៅចំពោះការចូលរួមទាំងអស់នេះ ព្រមទាំងការប្តេជ្ញាចិត្តជាមួយ អ.វ.ត.ក ក្នុងពេលដែល អ.វ.ត.ក ឈានដល់ដំណាក់កាលនៅសេសសល់របស់ខ្លួន។

អ្វីដែលជាការសំខាន់នោះ គឺអង្គសិក្ខាសាលាមានការចូលរួមយ៉ាងសកម្ម និងដោយយកចិត្តទុកដាក់ ពីសិក្ខាកាមជាង៩០នាក់ ដែលក្នុងនោះរួមមាន តំណាងអង្គការមិនមែនរដ្ឋាភិបាលក្នុងស្រុក អង្គការអន្តរជាតិ ស្ថាប័នរដ្ឋនិងសារមន្ទីរ មេធាវីតំណាងដើមបណ្តឹងរដ្ឋប្បវេណី អ្នកសិក្សាឯករាជ្យ មេធាវី និងអ្នកស្រាវជ្រាវ ព្រមទាំងភាគីនានានៃ អ.វ.ត.ក និងបុគ្គលិក អ.វ.ត.ក ផងដែរ ដែលពួកគាត់ទាំងអស់បានចូលរួមរយៈពេលបីថ្ងៃ ហើយបានចូលរួមចំណែកនូវព័ត៌មានលម្អិតយ៉ាងច្រើន និងសំបូរបែប សម្រាប់ក្របខណ្ឌនិងកម្មវិធីនៃដំណាក់កាលនៅសេសសល់ ដែលនឹងឈានចូលមកដល់របស់ អ.វ.ត.ក។

ដូចដែលឯកឧត្តម ក្រាញ់ តូនី ប្រធានការិយាល័យរដ្ឋបាលស្តីទី និងលោក Knut ROSANDHAUG អនុប្រធានការិយាល័យរដ្ឋបាលនៃ អ.វ.ត.ក បានបញ្ជាក់យ៉ាងច្បាស់ នៅក្នុងសុន្ទរកថាបើក និងសុន្ទរកថាបិទ របស់ពួកគាត់ហើយថា សិក្ខាសាលារយៈពេលបីថ្ងៃនេះ គឺជាជំហានដំបូងបំផុតដែល អ.វ.ត.ក ជនរងគ្រោះ និងដើមបណ្តឹងរដ្ឋប្បវេណី និងអ្នកតំណាងរបស់ពួកគាត់ និងអ្នកពាក់ព័ន្ធនានា ចាប់ផ្តើមធ្វើការពិចារណា និងអនុវត្តនូវអាណត្តិការងារនៅសេសសល់។

សម្រាប់ព័ត៌មានបន្ថែម សូមទាក់ទង៖

លោក នេត្រ ភក្រ្តា
ប្រធានផ្នែកកិច្ចការសាធារណៈ និងជាមន្ត្រីនាំពាក្យ
ទូរស័ព្ទ៖ +៨៥៥ (០) ១២ ៤៨៨ ១៥៦
អ៊ីមែល៖ neth.phektra@eccc.gov.kh

ANNEX V
Transcripts of Speeches from Public Sessions of May 2022
Workshop

**Remarks by H.E. NETH Pheaktra
At the Opening Ceremony of the Victims Workshop
Organised by Extraordinary Chambers in the Courts of Cambodia
On 3-5 May 2022
At Hyatt Regency Hotel, Phnom Penh**

Excellencies, ladies and gentlemen, NGO representatives, those who are the victims of the Khmer Rouge regime present at our today's workshop. Today is another historic event for the victims of the Khmer Rouge regime and another achievement of the Extraordinary Chambers in the Courts of Cambodia (ECCC) that organised the Workshop on "Victims and Dissemination of Advisory Report on Victims-Related Activities during the Implementation of the ECCC's Residual Mandate." The ECCC is a Cambodian-UN hybrid tribunal that, to date, is over 16 years old in its noble mission of seeking truth and justice for the victims of the Khmer Rouge regime that ruled the country from 17 April 1975 to 7 January 1979. At least 1.7 million Cambodians are believed to have died due to the forced movement of the population, torture, killings, forced labour at worksites, forced marriage, internal purge and other inhumane acts.

H.E. KEO Remy, Delegate Minister attached to the Prime Minister, President of the Cambodian Human Rights Committee and Permanent Vice-Chairman of the Royal Government Task Force on the Khmer Rouge Trials, is presiding over the opening ceremony of the Workshop on "Victims and Dissemination of Advisory Report on Victims-Related Activities during the Implementation of the ECCC's Residual Mandate" this morning. Let's give him a clap!

H.E. Jacques PELLET, Ambassador of France to Cambodia and Co-Chair of the ECCC's Friends Group. Let's give him a clap!

At the same time, let's also welcome H.E. MIKAMI Masahiro, Ambassador of Japan to Cambodia and Co-Chair of the ECCC's Friends Group, and H.E. KRANH Tony, Secretary of State, Office of the Council of Ministers and Acting Director of the ECCC Office of Administration. Let's give him a clap!

Before the workshop begins, I would like to invite Excellencies, ladies and gentlemen to rise in order to respect the national anthem of the Kingdom of Cambodia. Let's get ready!

Please respect the national anthem of the Kingdom of Cambodia!
(All rise to respect the national anthem.)

Thank you. Please be seated.

To get our important workshop started now, I would like to invite H.E. KRANH Tony, Secretary of State, Office of the Council of Ministers and Acting Director of the ECCC Office of Administration, to deliver a welcoming speech.

Remarks by H.E. KRANH Tony
At the Opening Ceremony of the Victims Workshop
Organised by Extraordinary Chambers in the Courts of Cambodia
On 3-5 May 2022
At Hyatt Regency Hotel, Phnom Penh

H.E. KEO Remy, Delegate Minister attached to the Prime Minister, President of the Cambodian Human Rights Committee and Permanent Vice-Chairman of the Royal Government Task Force on the Khmer Rouge Trials.

H.E. Jacques PELLET, Ambassador [of France] and H.E. Mikami MASAHIRO, Ambassador of Japan and Co-Chairs of the ECCC's Friends Group. Excellencies National and International Judges and Co-Prosecutors present in this workshop! Excellencies Royal Ambassadors, Ambassadors and all diplomatic representatives to the Kingdom of Cambodia. Mr Knut ROSANDHAUG, UNAKRT Coordinator and Deputy Director of the ECCC Office of Administration. All national and international guest speakers; Excellencies, ladies and gentlemen, distinguished national and international guests, the civil parties representing the victims of the Khmer Rouge regime, especially Mr CHUM Mey, Mr BOU Meng and Mr Nong Chanphal who are present here!

On behalf of the Extraordinary Chambers in the Courts of Cambodia (ECCC), aka the Khmer Rouge Tribunal, I am pleased to welcome the noble presence of Your Excellencies, ladies and gentlemen, for partaking in the workshop on "Victims and Dissemination of Advisory Report on Victims-Related Activities during the Implementation of the ECCC's Residual Mandate" today.

The ECCC has successfully concluded, in compliance with judicial proceedings, six case files, and its last one is an appeal in Case 002, a final phase. [Its appeal judgment] against the Accused Khieu Samphan is scheduled to be delivered by the fourth quarter of 2022. Its legacy is considered to be the most important aspect that must be preserved and given to the next generation, including national reconciliation, remembrance and non-recurrence of the genocidal regime, and education on the Khmer Rouge history. The ECCC is the first tribunal that recognises the significant participation of victims as witnesses and civil parties before it.

I would like to inform you that today's workshop focuses on the collection of input, including ideas, comments and views from victims and civil parties, based on the implementation of the extended mandate set forth in the Addendum to the Agreement in which Article 2 requires that the ECCC shall "... continue to provide for the protection of victims", "disseminate information to the public regarding the Extraordinary Chambers", and "monitor the enforcement of reparations awarded to Civil Parties". An initial period for the ECCC to perform its residual functions is projected to be three years after the conclusion of all court proceedings.

What is wanted in today's workshop is the maximum participation of victims and stakeholders and the main focus on the interests of victims. It is the victims and civil parties themselves who determine what is most important for themselves for the coming period and should present those needs in this workshop.

Therefore, the entire workshop is requested to participate in small group discussions and synergies in a large group during these three days.

Taking this opportunity, I would like to inform you that we have the report of two Co-Rapporteurs: Judge YOU Ottara and Judge Claudia FENZ whom Mr Knut ROSANDHAUG and I requested to prepare this report concerning initiatives which may be of interests for victims.

Excellencies, ladies and gentlemen, distinguished national and international guests! Allow me to remind the workshop that the participation of victims in the trial process is one of the ECCC major innovations in which their rights are fully recognised as Civil Parties and they are allowed to claim moral and collective reparations. Such recognition reflects the ECCC's commitment to its mandate to help the Cambodian people seek justice and national reconciliation, as prescribed in the preamble to the Agreement between the United Nations and the Royal Government of Cambodia.

To date, all civil parties and victims of Democratic Kampuchea have actively and successfully participated in implementing a total of 26 moral and collective reparation projects: 02 in Case 001, 11 in Case 002/01, and 13 in Case 002/02.

Excellencies, ladies and gentlemen, distinguished national and international guests! In conclusion, in order to comply with the spirit and content of the Addendum to the Agreement and the Co-Rapporteurs' recommendations, the Office of Administration is organising a three-day workshop from 3-5 May 2022 for victims' initiative dialogue to allow inclusive discussions among victims, partners, and all stakeholders, to explore an approach for the purpose of developing victim support projects aimed at the timely and sustainable implementation of the ECCC's residual mandate which is scheduled to start from the early 2023 onwards.

Once again, I would like to call upon victims, civil parties and stakeholders to actively participate in this 3-day workshop, with the aim of achieving fruitful results!

To conclude, I wish Excellencies, ladies and gentlemen, distinguished national and international guests the four gems of Buddha's blessings: Longevity, Nobility, Health and Strength.

Thank you!

Remarks by H.E. KEO Remy
At the Opening Ceremony of the Victims Workshop
Organised by Extraordinary Chambers in the Courts of Cambodia
On 3-5 May 2022
At Hyatt Regency Hotel, Phnom Penh

Thank you all!

Before I begin to deliver my opening speech today, we all are aware that, at the end of this year, the ECCC trials will come to an end; that reminds me of two individuals, who are very important, i.e. the first one being the late former Deputy Prime Minister SOK An, or Samdech SOK An, who was in charge on behalf of Samdech Decho Prime Minister HUN Sen, during the period of the negotiations and preparation of tasks related to the Khmer Rouge Tribunal, and the second one being David Scheffer who is my counterpart. We both have shared memories during the fundraising campaigns. We travelled together to ASEAN countries to raise fund for the Khmer Rouge Tribunal. Besides, we always cooperate and meet the diplomatic community in Cambodia. Frankly speaking, the cool-and-hot water episode during our work has left behind memories. Also, I would like to inform you that those who could work with David Scheffer should be proud of themselves because he works fast, and I informed H.E. KRANH Tony and H.E. THAUNG Socheat [about this] who might have proposed to Samdech SOK An that I would be the best match since we both work fast. We travelled fast, from one country to another. At the airports we did not have time for proper meals, except for burger, French fries, and a can of Coke. Then we continued our journey very fast, from one country to another, nine ASEAN countries in total, to raise fund. Every year, [I] recall that budget issues, namely shortcomings in budget, occurred. Therefore, we needed to raise [fund] by meeting with various ambassadors in order to ensure the smooth operation of the Khmer Rouge Tribunal. [Whenever I] recall seeing David Scheffer, [I] recall seeing Samdech SOK An. So we are grateful for their work, because the success of the Khmer Rouge Tribunal does not attribute to any single individual; it is a success for all, both the national and international components, National and International Judges and Co-Prosecutors; all of us will have produced fruitful results by the end of this year.

H.E. KRANH Tony, Acting Director of the ECCC Office of Administration and Mr Knut ROSANDHAUG, UNAKRT Coordinator and Deputy Director of the ECCC Office of Administration. H.E. Jacques PELLET, Ambassador of France and H.E. Mikami MASAHIRO, Ambassador of Japan, who are Co-Chairs of the ECCC's Friends Group! National and International Judges and Co-Prosecutors present in this workshop! Excellencies Royal Ambassadors, Ambassadors, and all diplomatic representatives to the Kingdom of Cambodia. All national and international guest speakers present in this workshop in-person and online.

Excellencies, ladies and gentlemen, distinguished national and international guests, especially the representatives of the victims of the Khmer Rouge regime!

Today, on behalf of H.E. Dr BIN Chhin, Standing Deputy Prime Minister, Minister in charge of the Office of the Council of Ministers and Chairman of the Royal Government Task Force on the Khmer Rouge Trials at the Extraordinary Chambers in the Courts of Cambodia, aka the Khmer Rouge Tribunal, I am honoured and pleased to preside over the workshop on "Victims and Dissemination of Advisory Report on Victims-Related Activities during the Implementation of the ECCC's Residual Mandate." Recognising the meaningful rights of the victims of the Khmer Rouge regime in the trial process, the ECCC is organising a three-day workshop from 3 to 5 May 2022 to extend to victims and

related stakeholders the additional opportunity to discuss and develop ideas on how the ECCC should include meaningful victim-related initiatives as an integrated part of its residual work after all trials to seek justice for victims conclude.

On behalf of the Royal Government Task Force on the Khmer Rouge Trials, and in my own name, I admire and highly value the ECCC Office of Administration led by H.E. KRANH Tony, Acting Director of the Office of Administration and Mr Knut ROSANDHAUG, Coordinator of United Nations Assistance to the Khmer Rouge Trials and Deputy Director of the Office of Administration, as well as all national and international colleagues who have been tasked with implementing the Agreement between the Royal Government and the United Nations, made considerable effort and physical, mental and intellectual sacrifices and overcome all major politically sensitive obstacles.

Kindly be informed that during the initial phase of the process, honestly speaking, there were something, some groups trying to cause the Government trouble with the UN, which hindered [...] they did not want the tribunal to run smoothly. Allow me to appreciate the significance of the efforts made by H.E. KRANH Tony and H.E. THAUNG Soheat representing the national component (the Government), along with Knut ROSANDHAUG representing the international component (the UN) and our officials who managed to work together, enabling the court process to go ahead smoothly, even though it was very sensitive. What I'd say is working to get today's results is something we can all think the process is like that! It looks as if there were no problems! Because sometimes being calm, without problems, is an art in which mental and physical sacrifices are made by both the national component (the Royal Government) and the United Nations. We strive to make our court process a success; and success in this court is ours.

I would like to express my gratitude to the National and International Co-Prosecutors, Judges, Co-[Investigating] Judges for their independent work, i.e. acting in compliance with the law, and for anything, because our ECCC has served as a model court for some countries. This is a source of pride for today at the opening of the workshop.

Allow me to inform you that over the past 16 years, starting from early 2006 until now, the ECCC has made remarkable achievements, and complied with international standards, including judicial and non-judicial achievements – a unique ECCC legacy in Cambodian society. In particular, the ECCC has directly contributed to legal and judicial reforms through the development and enhancement of judicial and legal officers' capacities, and the transfer of knowledge, know-how and experiences from the ECCC to the national judicial system and other relevant institutions.

Meanwhile, in view of the documented ECCC procedural and trial processes, I am proud to mention that the ECCC trial model has not only fulfilled its mandate to deliver justice for the victims and contributed to the maintenance of peace and national reunification, but also created the following five unique or striking features as compared to other international criminal tribunals. First, this hybrid court has brought the senior leaders of the Khmer Rouge regime to trial (former head of state and president of the People's Representative Assembly) in the country where they committed the crimes. This is the first time in the history of the international criminal tribunals. Second, it has allowed victims to participate in the legal proceedings as the civil parties, which is an important step forward as compared to other international criminal tribunals. Third, its activities, in the form of raising awareness in localities, inviting the public to the court, disseminating lectures, and radio and television broadcasting, were live shown to over 650,000 studying visitors and millions of people having access to its information via the latest

social media platforms. Fourth, its trial model is internationally recognised in maintaining Cambodia's full sovereignty through ownership and leadership.

In addition, as I said earlier, other countries (Bangladesh, Sri Lanka, Senegal, Central Africa) have adopted this model and set up similar courts to adjudicate genocidal crimes and mass murder. Fifth, it is a hybrid court that has convicted the accused and delivered justice for all victims of the Khmer Rouge genocidal regime, achieved its ultimate goals of the national reconciliation, and spent less, approximately USD22 million per annum, than other international criminal tribunals that have spent about USD100 million annually.

Taking this opportunity, I would like to express my deepest gratitude to Samdech Akka Moha Sena Padei Techo Hun Sen, Prime Minister of the Kingdom of Cambodia, who has been very supportive of the tribunal process since its inception and has provided financial and in-kind support for the cause of historical memory, as well as the strengthening and maintenance of peace, national unification and reconciliation, and the development of a strong and long-lasting Cambodian society. I am also grateful to all donors who have funded the ECCC until the present time.

Excellencies, ladies and gentlemen, distinguished national and international guests! Although all the ECCC casefiles have almost come to an end, it is important to allow the victims of Democratic Kampuchea to participate as the civil parties and receive moral and collective reparation, which is not individual, monetary compensation. The Royal Government of Cambodia has received five reparation project proposals requested by Lead Co-Lawyers for Civil Parties, for review of their implementation possibilities, in which the Legal Documentation Centre (LDC) related to the Extraordinary Chambers in the Courts of Cambodia is one of them. Japan that built and equipped the LDC with technology infrastructure also supports and agrees with the Royal Government to put it forward as part of the reparation project in Case 002/02, by providing a hall for civil parties and victims to meet and hold meetings.

In its judgement of 16 November 2018, the ECCC Trial Chamber ruled on the access to the judicial records of the Khmer Rouge trials and civil party materials at the Legal Documentation Centre related to the ECCC.

Excellencies, ladies and gentlemen, distinguished national and international guests! While the ECCC work is nearing completion, at the end of this year, and based on experiences and work practices of other international criminal tribunals, following the conclusion of all court proceedings, the Royal Government of Cambodia and the United Nations have agreed to prepare and establish the Addendum to the Agreement between the United Nations and the Royal Government of Cambodia concerning the prosecution under Cambodian law of crimes committed during the period of Democratic Kampuchea on the "Transitional Arrangements and the Completion of Work of the Extraordinary Chambers."

This Agreement entered into force on 22 December 2021, which shall continue to carry out its residual functions for a period of three years from 2023 to 2025. Judicial functions are main standards which are generally required to be implemented and monitored following the conclusion of final judicial proceedings like other international tribunals, namely: revision of final judgements, review of enforcement of sentence of convicted persons, reclassification of casefiles from non-public to public, archives management and so on. Non-judicial functions focus specifically on disseminating the achievements and legacy of the ECCC and monitoring reparations awarded to civil parties.

The last two functions are special for the Cambodian hybrid court that the Royal Government and the United Nations have agreed to carry out because it is important to ensure that the victims of the Khmer Rouge regime are not forgotten or are attended to following the completion of the ECCC's mandate and to create various projects to support them. The Royal Government marks the National Day of Remembrance, an annual event, on the 20th May and regularly celebrates it throughout the country for the purpose of remembering and recalling the barbarous tragedy of Democratic Kampuchea during the period of three years, three [eight] months, and twenty days. I believe that the workshop, which will be centred on the three distinctive yet interrelated themes of recognition, remembrance, and reconciliation, will be moderated by Dr David J. COHEN, Director of the Centre for Human Rights and International Justice at Stanford University, the United States of America; in particular, distinguished national and international guest speakers will also be delivering their lectures, sharing their regional and international experiences with the workshop, and [the significant work] will be done in thematic breakout group discussions conducted in private in order to provide an opportunity for open and frank exchanges of ideas and refine possible initiatives and projects for the ECCC to make a lasting difference to victims during the implementation of its residual functions from early 2023 onwards.

Separately, all civil parties present in this workshop are requested to express their views and propose realistic projects to be implemented in their localities, recalling their memories of the barbarous regime.

Finally, I declare this workshop open and wish Excellencies, ladies and gentlemen, distinguished national and international guests prosperity, a COVID-free environment and happiness in your families.

Thank you!

**Welcome Remarks by of French Ambassador Jacques Pellet
At the Opening Ceremony of the Victims Workshop
Organized by Extraordinary Chambers in the Courts of Cambodia
On 3 May 2022
At Hyatt Regency Hotel, Phnom Penh**

Excellencies, Ladies and Gentlemen, let me first thank His Excellency, Mr. Keo Remy, His Excellency, Sir Tony Kranh, Mr. Knut Rosandhaug and the co-ordinator of the victim workshop, Mr. Daniel Mattes, for organising this most needed gathering for the victims of the Khmer Rouge regime.

It's an honour for me to be with all of you today at this opening session, along with my Japanese dear colleague, His Excellency Mikami Masahiro. As you know, Japan and France hold the co-presidency of the Group of Friends of the ECCC which bring donors, group or-, which bring together donor states and the European Commission. Usually meeting twice a year, this group discusses the progress of the work of the Tribunal and any funding problems. Fully committed to the fight against impunity and the rule of law, the Group of Friends has supported the work of the, of the Khmer Rouge Tribunal since its establishment in 2006.

This three-day workshop aims at listening to your voices -- all of you who have been actively involved for many years into the necessary but not easy process of recognition, remembrance and reconciliation. Looking back at the Tribunal experience in working with victims and survivors is an important step in order to draw lessons and to ensure shared principles and values for future programmes in Cambodia -- but not only -- as your experience can also set example for the region, the region and the world.

What reunites us today is the deep belief that the voices of the victims and survivors are key in any successful transitional justice process. In that sense, despite shortcomings and frustrations, the process that has been followed in Cambodia needs to be reflected on and shared with those who are also having similar hybrid jurisdiction associating international and national judges as it is, for example, today the case in Central African Republic.

For my country, fight against impunity is the top priority. That the reason why, in addition to the voluntary contribution provided to the Tribunal since 2005, France has also continuously and largely contributed to the representation and participation of civil parties in the various proceedings -- completed or in progress.

Substantial progress has been made towards fulfilling the mandate of the Tribunal. The last case of the Extraordinary Chambers is projected to be completed by the end of this year, with the finalisation of appeals before the Supreme Court Chamber in Case 002/02 against the former President of the Presidium Democratic Kampuchea, Khieu Samphan. During its last meeting, the Group of Friends of the Khmer Rouge Tribunal stressed that the ECCC should smoothly and swiftly transition to its new residual mandate, soon after the judicial work of the Tribunal is terminated, and should provide some more concrete ideas on how to proceed.

Within its residual function mandate, it's important that the Tribunal continue the essential work of recognising the suffering of the victims of the Khmer Rouge regime and providing essential contribution to the reconciliation following this tragic time of the Cambodian history. And, once again, I welcome the organisation of today's workshop which will,

which will contribute to the discussion around the determination of the residual function of the ECCC.

Among those residual functions, let me stress the importance the Group of Friends is giving to the preservation and access to the ECCC's archives. This is key if we want to enable sound academic researches and large education programmes.

Cambodia is not only facing its past but is also engaged with the international community to fight against impunity. It signed the Rome Statute in 2000 and ratified it in 2002. I have to underline that Cambodia is one of the rare countries in Asia to have ratified the Rome Statute that created the International Criminal Court -- the ICC.

The creation of the ICC to try those responsible for the most serious crimes represented a major milestone and I do believe that, by adding the goodwill of many countries and civil societies, we are together progressing in the fight against impunity. I see progress when, while it took Cambodia decades to gather evidence, listen to the voices of the victims and bring the perpetrators to justice, we see, today, in Ukraine the ICC already on the ground collecting evidence of mass acts of violence reported on Ukrainian territory in areas previously occupied by Russian forces, such as in the town of Bucha.

France is resolutely committed, alongside the Ukrainians, its international partners and international courts, to preventing impunity for intolerable acts which might constitute war crimes or crimes against humanity. We are supporting the ICC by sending two judges and ten investigators and making an exceptional extra financial contribution, in addition to the annual funding it provides to the ICC. I mention this because I do believe that the way the international justice is behaving today in Ukraine constitutes a progress and we all have to learn about what this Cambodian experience can teach us.

Let me finish by announcing that, on the sidelines of this workshop, we have decided to screen in the French Institute of Cambodia, the recently released documentary movie *Irradié* directed by Rithy Panh. The Cambodian famous director stages a history of wars in the 20th century. This film shows that, despite the horror of the Khmer Rouge regime, other horrors have been also committed all along the 20th century. You are most welcome to join on presentation of your badges access. This screening is free of charge.

I thank again those who made this workshop possible and wish all participants a most fruitful discussion. I thank you.

**Welcome Remarks by Video Message of Amb. Beth Van Schaack
U.S. Ambassador-at-Large for Global Criminal Justice
In the Opening Ceremony of the Victims Workshop
Organized by Extraordinary Chambers in the Courts of Cambodia
On 3 May 2022
At Hyatt Regency Hotel, Phnom Penh**

Thank you, David, for your very kind introduction, and thank you to the ECCC Administrators, His Excellency Tony Kranh and Knut Rosandhaug, and Hang Vannak, director of the ECCC's Victims Support Section, for organizing this important workshop. Thank you to Judges You Ottara and Claudia Fenz for your thoughtful advisory report and recommendations to keep a victims-centered approach as the ECCC moves forward, and thank you Daniel for your invitation.

It is truly an honor to join you all this morning. Pursuing justice for victims and survivors of the Khmer Rouge regime has been a part of my life since 1995, when I began working with Youk Chhang and the Documentation Center of Cambodia as a young law student, passionate about human rights. The office I now lead has a special connection to the pursuit of justice for the people of Cambodia. Former Ambassador David Scheffer first led our office. He went on to help establish this Tribunal, advise the United Nations Secretary-General on assistance to the ECCC, and was a contributor to the advisory report that recommended this workshop you are attending today.

We care deeply about the legacy of the ECCC. This includes not only the valuable role it has played investigating and prosecuting those most responsible for the Khmer Rouge's atrocities and developing important jurisprudence. Equally vital is the role it has played in establishing the truth and enabling some measure of healing among the survivors, their families and their communities. This combination of justice, truth, and healing will, it is hoped, reassure the people of Cambodia, and the world, that this country will never experience such terrible violence again.

As you begin to develop ideas on how the ECCC can include meaningful victim related initiatives as an integrated part of its residual work, I would like to recognize some of the impact that Civil Parties, comprised of and representing victims and survivors, and their representatives' victim-centered approach have made already.

First, you've played an unprecedented role in the ECCC's process of justice. Although the participation of victims other than as witnesses was not initially envisioned in the agreement that established the ECCC, the internal rules incorporated the concept of victim participation from Cambodian domestic criminal procedure. Rules governing Civil Parties evolved over time as the Court adapted to the realities of implementing a more victim-centered approach. It is this adaptability and the willingness to respond positively to experiences and lessons learned that also makes this precedent a positive model for others.

Second, you've exerted a lasting impact on jurisprudence. It was the Civil Parties' ability to request investigative acts that led to the inclusion of forced marriages in the indictments against Nuon Chea and Khieu Samphan, and as you know these two defendants were convicted of these crimes in Case 002/02.

Third, you've been instrumental in ensuring victim reparations. Following the insufficient reparations provided for in Case 001, the internal rules were significantly amended to include the establishment of a system of consultations with Civil Parties on reparations.

The broad range of reparations subsequently proposed, including memorialization projects, educational outreach programs, and the unprecedented provision of psychosocial support for victims, demonstrate that the goals of achieving recognition, remembrance, and reconciliation are achievable.

I want to acknowledge the disappointment caused by the ECCC's long delays in delivering justice that resulted in only three convictions, and the disappointment around the closing of the last three cases without their going to trial. These concerns are legitimate and understandable. I hope that the ongoing work of the ECCC's residual functions, especially to preserve the Tribunal archives and ensure their accessibility, and to continue its victim-centered approach, will help to alleviate some of this disappointment.

I would like to quote Benjamin Ferencz, the last surviving prosecutor of the World War Two Nazi War Trials, who said that "To avoid revenge and retaliation, victims of oppression must know that their oppressors have been brought to justice, and efforts must be made to heal the wounds of those who have suffered."

I do believe that the record of the ECCC, the thousands and thousands of pages of closing orders, transcripts, verdicts, and appeals are a form of truth-telling, and truth-telling can be a form of justice. The record of the ECCC will continue to play a critical role in telling the story of what happened in Cambodia and identifying who was responsible. With the establishment of residual functions of the ECCC, and with the encouragement laid out in the advisory report recommendations, you have a rare opportunity to ensure that efforts continue to be made to heal the wounds of those who have suffered.

I wish you all the best in your endeavors at this workshop, knowing that you are proceeding with the same compassion and dignity that has informed all of your engagements with the Tribunal to date, and I look forward to learning more about your progress.

**Impressions of the Civil Parties Mr. Chan Sath and Ms. Pech Srey Phâl
At the Closing Ceremony of the Victims Workshop
Organized by Extraordinary Chambers in the Courts of Cambodia
On 5 May 2022
At Hyatt Regency Hotel, Phnom Penh**

Mr Chan Sath

Once again, I would like to extend my warmest welcome to Excellencies Ambassadors of Japan, France, and the United Kingdom and to all the participants in the Workshop! I, Chan Sath, a Civil Party from Pursat Province, would like to make the following remarks:

On behalf the Civil Parties who are present here and those who are not, as well as the Cambodian people who went through the sufferings during the Khmer Rouge regime for 3 years, 8 months, and 20 days, I am very delighted to attend the Workshop. I am so excited when the ECCC is organising this forum which is an opportunity for civil parties together with the Khmer Rouge Tribunal, as well as civil society organisations to understand the shortcomings and needs of all civil parties, as well as the Cambodian people who faced excutions during the Khmer Rouge regime. Definatly, we have received a lot of inputs, all of which are important, and we hope that all projects, all our efforts during the three-day workshop will become fruitful to support all victims all over the country, in different areas, and in particular the elderly in the countryside who are hungry for the needs, as well as justice before they pass away, that is for them to know when the justice starts and when it ends. This can let us feel relieved, get rid of the pain and the resentment against our own Cambodian people. We want to confirm and you may also know that this tragedy is an issue between Khmer people. Even we are Cambodians, we do not know what to say! We have heard of one nation persecuting another. It was unfortunate for Cambodians; due to the ideology, it has caused division, fraction, resentment, inhumane killings for Cambodian people. To put it simply, during that era, it was like living in hell. We are very pleased that the Royal Government and the international community established the Khmer Rouge Tribunal. It is a hybrid tribunal that is operational and is now nearing completion, and to us the results are acceptable. I remember what Madam was saying yesterday: "No justice is perfect." We share the same view, but we will continue the healing process in Cambodian society. I am very thankful to the international community, as well as the cooperation of the Royal Government, the staff, both national and international judges and lawyers for having come along and made achievements thus far; and especially today, we have received a lot of inputs that will result in fruitful achievements in the next three years.

Finally, I, on behalf of the Civil Parties, would like to make a request. If it is appropriate, we should proceed to obtain pleasing outcomes. Today we have achieved very good results. However, I think if specialised institutions and ministries, whose work is related to ours, namely the Ministry of Health and the Ministry of Education whose roles are to educate the younger generation, the Ministry of Health which has a role in expanding the scope of psychological counselling, as well as physical therapy, the Ministry of Social Affairs, the Ministry of Labour, and the Ministry of Cult, participated, [...]. We should collaborate and work together to gather ideas and make them consistent for the purpose of moving to the grassroots and especially rural areas. This is the first point.

The second point is that in our Workshop we have discussed extensively about the Legacy Centre. I am of the opinion that the Civil Parties are firmly asking for intervention and requesting the Royal Government to preserve the locations that we have worked on so far, that is, as the legacy for the Cambodian nation, and for students or the Cambodian community throughout the country to learn, as well as national, international or international universities to do research, because this Court is the first ever hybrid one, and I heard its very good experience in Cambodia. I think it is necessary we should preserve everything at that Center called “Cultural Legacy”. It is the reputation for Cambodia and this is to reflect the tragedy in Cambodia. So we have to contribute to preserving and making the Center better even beyond what we think it should be.

And another issue, for the future, for the next few years, I think I want the whole forum to consider closing the history chapter when the Khmer Rouge Tribunal ends. For now, we are in a process called “Residual Functions”, but I think, in the end, I would like to ask the top national leaders to publicly announce that we have closed the chapter of the trials against the Khmer Rouge leaders, as well as the national reconciliation, so that those bearing considerable resentment could feel relieved and avoid rancour and hostility towards each other because perpetrators are living at the grassroots and sometimes we see each other day and night. So far, the ECCC has prosecuted only the senior leaders, while former chiefs of cooperatives or security guards sometimes mingle with us at the grassroots. This is part of the pain that remains in our minds, even if there were medicine to treat it, it would not be curable. However, we can find ways to reduce it.

To conclude, I would like to wish Excellencies Ambassadors, ladies and gentlemen who are present here, four gems of Buddha’s blessings: Longevity, Nobility, Health, and Strength.

Thank you.

Ms. Pich Srey Phâl

Excellencies, ladies and gentlemen, all NGO members, and Civil Parties! First of all, I am grateful for the Workshop. My name is Pich Sreyphal, a Civil Party representative in Pursat Province. Thank you very much for having this Workshop! I am very hopeful and excited because during these three days, after the whole Workshop and having heard each of the eight groups, and the interactive consultation, we have received fruitful outcomes on the third day. It is because these eight groups have similar facts and content, and the only direction is to bring peace to the civil parties across the 25 municipality-provinces. At first, I felt nervous because when I arrived, I heard the Workshop announce that “the ECCC is closed.” Well, I think it is over for the civil parties – I want to say all of the warm feelings have gone. Minutes later we learned that the ECCC is closed by the end of 2022; however, we will continue for another three years, working together to support and promote civil parties in areas of rehabilitation, counselling, remembrance, reconciliation, primary healthcare, economic and legal supports, and protection of the victims of the Khmer Rouge regime.

Esteemed guests of honor!

All the information we have received for these three days must be conveyed to the Royal Government of Cambodia, particularly our top leader. If Samdech Techo Hun Sen, Prime Minister of the Kingdom of Cambodia, receives this message, he should pass it on to his subordinate units such as the National Social Protection Council involved in the rehabilitation of victims, the Ministries of Economy and Social Affairs involved in cash assistance [programmes] for victims, the Ministry of Health involved in the intervention to help the victims of the Khmer Rouge regime free of charge, and involved in some legal issues, for example, the issuance of civil registration documents or identity cards. For the past period, I noticed that civil registrations of some of our Civil Parties have not been recognised as Khmer because the leaders and those involved in this work were too strict; when we went to register, they demanded all the documents before they could issue. However, if they help facilitate this registration for civil parties, they will have a real identity as Khmer in their hands; and it could be used for any purpose it may serve as required by law.

I'm happy and hope that as we will continue for another three years and become sustainable and all of our civil parties have received messages that we have gradually [conveyed] to the top level, they will be coming together to lift the rock they have held in their chests for the last 40 years! Never have they taken their pain and suffering out of their chests for the last 40 years! They always hug them and wrap them inside. They still feel the pressure. However, if they understood and read all our messages we sent via the communication system - phones and online platforms - there is everything in the press - and if they got all the messages, they would feel warm and think that all of us have not abandoned them; we still support them, help them carry their hands, help them find happiness at their last minute because our civil parties are mostly 70, 80, 90 years old and pass away one after another. I have been here to study for three days and four civil parties in Pursat Province - a small area I handle - passed away. What about civil parties at other locations, how many? And if we do not really look into this, we still say that there are a lot of civil parties, but we do not know how many of them have gone. From 2007 to the present time, it is not known how many civil parties have passed away.

Please excuse me. I would be grateful if Your Excellencies, the presiding guests, ladies and gentlemen could help intervene together so that our civil parties can achieve mental and physical harmony.

Finally, I would like to express my gratitude and best wishes to Your Excellencies, ladies and gentlemen. All your aspirations come true.

Thank you.

**Closing Remarks of Japanese Amb. Mikami Masahiro
At the Closing Ceremony of the Victims Workshop
Organized by Extraordinary Chambers in the Courts of Cambodia
On 5 May 2022
At Hyatt Regency Hotel, Phnom Penh**

His Excellency Mr. Kranh Tony, Acting Director, and Mr. Knut Rosandhaug, Deputy Director of the ECCC, my dear colleague Mr. Jacques Pellet, Ambassador of France to Cambodia, Your Excellencies, Distinguished Guests, Ladies and Gentlemen, as a co-chair of the group of Friends of the ECCC, it is my great pleasure and a true honour to have attended this ECCC victim support workshop with other stakeholders, including the ECCC Secretariat, civil party and civil society representatives, academic people and developing partners. First of all, I would like to congratulate everyone on the successful conclusion of this workshop. Among the many unique and important features that the ECCC possesses, compared with other International Criminal courts, what stands out is the wide-ranging participation of the victims in the judicial process. This fact has its significance by itself but if we consider the wider and the long-term impact of the ECCC on the society of Cambodia, I think that their significance cannot, and should not, be limited to the judicial procedure. Therefore, I'd like to express my sincere appreciation to the ECCC officials and the two rapporteurs of the Advisory Report: Judge You Ottara and Judge Claudia Fenz for their active efforts for reflecting the voices of the victim and Cambodian stakeholders on the activities to be undertaken during the residual functions in order to make them more meaningful and effective. As it is projected that the last judicial case -- Case 2/2 -- will be completed by the end of this year and ECCC will then move to the residual phase, this workshop is particularly timely and useful.

Dissemination and the information and victim support are included in the addendum that this -- the expected residual functions. Considering that the residual activities of the ECCC will establish another new model for future international criminal tribunals, this component, including outreach activities and the sharing of the legacy, and the achievements of ECCC in relation to the tragic history of Cambodia, will continue to be a significant contribution to peace-building efforts in the region and the world. Also, it is important that the Cambodian people themselves consider how they pass on the memory of the tragedies that took place during the Khmer Rouge era to the younger generations.

The programme of the workshop was very impressive. For example, in the first keynote session which took place on the morning of 3 May, the first keynote speaker, psychotherapist, Ms. Yim Sotheary, talked about the victims' trauma and her own experiences. Furthermore, several survivors actively shared their experiences and thoughts. We really have a chance to hear about unspoken trauma directly from survivors and it has made us realise the importance of listening to victims and the specialists who carry out outreach and victim support activities in the community.

I hope that the valuable outcomes obtained from this workshop will be fully utilised when considering what activities should be conducted during the residual phase of ECCC and beyond that. For that purpose, frequent and effective communication between the various stakeholders will continue to be useful and important in considering what should be done in the future. The primary purpose of the International Criminal Courts is to prevent impunity of the most serious crimes of the international community and thus strengthen the rule of law. In that sense, the nature of their function is basically judicial but their socio-political significance goes much more than that. How to heal the wounds of the victims and the society as a whole is an extremely difficult but important question

for any society that has experienced mass atrocities. For this reason, Japan considers the successful conclusion of the ECCC at the final stage of the peace process in Cambodia. Now the judicial process is approaching its final stage, I hope that the ECCC legacy will be available to the future generations in a way that reflects the wishes of the Cambodian people and of the international community and that, in turn, it will greatly contribute to peace in Cambodia and throughout the entire world.

Thank you very much once again for your active participation in this workshop. I wish good health and happiness to all of you, particularly the victims of the tragic period of Cambodia. Thank you very much for your attention.

**Closing Remarks of Mr. Knut Rosandhaug
Deputy Director of Administration, ECCC
At the Closing Ceremony of the Victims Workshop
Organized by Extraordinary Chambers in the Courts of Cambodia
On 5 May 2022
At Hyatt Regency Hotel, Phnom Penh**

Excellencies, ladies and gentlemen, good afternoon. It's late. I promise not to be too wordy but I need to say I'm very honoured to be allowed to address you at the conclusion of this essential workshop. And having watched you from the sidelines, I am heartened by what I have seen and heard over the last three days; it touches me. So, before I go into a bit of substance I want, on behalf of ECCC, to offer our sincere appreciation to those of you who have made this happen, so obviously David and Daniel who have organised the three days, to the facilitators and staff who have made the days run smoothly, to Hyatt and their staff because we are an impossible client asking a lot, to keynote speakers and honourable guests for their inspiring contributions to the work of the ECCC, and most important to you -- the participants -- because of your heartfelt dedication and your sustained energy. I've seen you in the evenings here, long after we actually ended the official programme. But especially to the first table -- to the victims and civil parties -- for your endurance and willingness to share your stories with us. So, at the ECCC, we are immensely grateful for your commitment to make our work meaningful for those who are affected by the work. We are not being able to do that alone.

Now, continuing in the following, I will address two questions. One is: Why this workshop? And the second one: Why have a residual mandate? So, first why the workshop? So, over the last few years, the ECCC has had a reduced public footprint. This is mainly because of reduced courtroom activities -- we work in our offices now -- and as for everyone else because of the COVID-19 pandemic which has reduced our ability to meet. But, nevertheless, the ECCC machinery has been working at full speed, as alluded to the judicial operations are coming to an end, we project at the end of this year. And then the royal government and the UN has agreed on a residual mandate for us which is called the addendum. So, the addendum provides the scope of the residual activities in three parts. So, first we are going to wrap up in all outstanding judicial matters. We are going to preserve, manage and provide access to the ECCC archives and its documentation. And we are going to disseminate information regarding the ECCC to the general public. So that's the three tasks ahead of us. So, the judicial- and the archive-related tasks are other typical functions for a residual body. But not so for the dissemination task. This is quite a novel issue for work tribunals. So, then, what is the difference between providing access to the archives and disseminating information?

These are two different tasks. Simplistically, one is reactive; the other one is proactive. So, to disseminate information, we need to be proactive and reaching out to people -- to those who want to reach. And in there is the challenge and the opportunity, and the very reason for this workshop. Being the custodian for the dissemination mandate, we know that the archives contain information which may be highly painful. We know that the information is recorded for a more limited judicial purpose. But, yet, the information is so immensely important to all of us -- both inside and outside Cambodia -- the archives is likely the most comprehensive source of the information on the Khmer Rouge. So, this is why it is so critical to get the dissemination mandate right from the outset to ensure that the information within this documentation is widely available throughout the world, including inside Cambodia, to all in an understandable manner. So, we asked of ourselves, at the ECCC, how do we make the information meaningful since it is in a

legalistic format. How do we disseminate since there is so many documents? And who is the public? Because it's not one single entity. The public comprises of several groups and we defined it in many ways. It can be survivors. it can be victims. It can be by gender. It can be ethnicity. It can be by age. And it can be by geographical location. All that information can be disseminated in those ways. So, we knew early that we needed to differentiate the approach on how to reach the group -- the different groups -- with the information we sit on in a manner that makes sense to those who receives it. And in that way, so the question we asked us: "In what ways and in what formats can we do this in a meaningful manner?". So, we opted to consult -- to re-engage -- with those affected by the information -- with you. So that's why we are inviting for this workshop. We are now consulting. You're one of the groups that we tried to reach on how the ECCC can disseminate its information in the best way possible for you. So, for clarity, I like to stress that we are at the beginning of that consultation. Going forward, we will follow up with you and continue seeking your advice on how to do our work. And the next step will be to study the report from this workshop by David with input from all of you. We will present the report back to you and, again, ask for your comments and views. So, though there is no competition between the many different consultations that we will take upon ourselves going forward, they all complement each other with the aim of doing the best possible job. We have prioritised a victims focus from the outset of the residual mandate, recognising that the victims and the civil parties has a very unique standing, not only at the ECCC, but at all the tribunals throughout the world. For reach out to other groups, such as legal professionals and students, we will later invite to workshops focusing on learning -- learning about the Khmer Rouge period -- so history -- and learning about the judicial work of the ECCC -- skill set transfer. And just to emphasise, we will consult with you also when we get to the implementation phase of these activities to identify the best way to implement adopted projects and figure out how we can facilitate and help those projects -- those ideas -- which falls outside the narrow mandate of the ECCC.

Second question: What's the purpose of the residual function? So, to understand the next three years of the work of the ECCC, I would like to take you back in time -- almost 13 years actually -- to Monday 29 June 2009 and the Duch trial. Mr. Vann Nath testified, that day, before the trial chamber and was asked by a judge what he expected from that trial. And I was listening from my office that day and now this is in the Khmer audio, so for those of you who do not understand Khmer you need to put on your headset. So, then I invite you to listen to what I heard that day.

[video of Vann Nath's testimony plays]

"I want the general public and the younger generation to understand what happened to me. I want something which is intangible." I hope that, by the end of the ECCC, justice is tangible and can be seen by everybody. I not only hope this -- this is what I expect the ECCC to deliver. These are powerful words and today is the day of delivery. Since that day -- I've been here for 13 years -- those words have been with me. To make the intangible tangible. To make it understandable. To make it viewable. To make it meaningful. And, he may not have known it, but with his powerful message of hope and expectation, Vann Nath, in fact, put into words what should be the focus on the residual mandate for the next three years: to make the intangible tangible. So, in that spirit -- in our continued work -- we will make the victims' testimonies known to the general public and thereby continuing recognising the victims suffering. We will share the experiences of the Khmer Rouge victims with Cambodia's younger generations and thereby continuing the inter-generational dialogue. And by doing this and more, we hope to add to the reconciliation and the remembrance of the past so, to you all, I look very much

forward for us to be able to work together with you in making this very exciting period coming up now meaningful. Thank you very much.

ANNEX VI
All Submissions in Response to the Co-Rapporteurs' October 2021
Call

REPARATIONS AND NON-JUDICIAL MEASURES AT THE ECCC

Compiled by Victim Support Section, ECCC

Case 001 Reparations

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

Case 002/01 Reparations

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

Case 002/02 Reparations

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

Non-Judicial Measures

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

REFERENCE MATERIALS

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

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

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

<https://tpocambodia.org>

21. Documentation Center of Cambodia

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

22. Tuol Sleng Genocide Museum

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

23. Bophana Audiovisual Resource Center

<https://bophana.org/>

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15 October 2021

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

Proposal for Victims

Dear Judges You and Fenz:

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

Proposal:

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

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

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

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

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

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

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

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

With best regards,

Sincerely,

A handwritten signature in black ink, appearing to read "David J. Scheffer". The signature is fluid and cursive, written in a professional style.

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

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

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

MEMORANDUM

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

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

DATE: 14 October 2021

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

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

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

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

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

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

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

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

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

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

ECCC residual functions project idea

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

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

Context

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

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

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

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

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

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

Description of the project idea

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

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

Draft agenda

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

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

Objectives of the event

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

BUDGET

To be determined

Proposal Ideas for (ECCC) Residual Functions Related to Victims

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

Project Contact: Sadie O'Mahoney, GIZ CPS SAUP Regional Coordinator: sadie.omahoney@giz.de

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

Relevance:

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

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

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

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

Provisional timeline:

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

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

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

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

Rationale

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

Goals

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

Project Activities

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

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

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

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

Students are in Peace Curriculum:

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

Students are not in Peace Curriculum:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

E) Community Reconciliation

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

Southeast Asian University Partnership for Peacebuilding and Conflict Transformation

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

Our Objective

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

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

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

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

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



Left: University of Battambang, Cambodia

Right: Universidad de Paz, Timor-Leste

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SUSTAINABLE
DEVELOPMENT
GOALS



Initial Situation

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

Civil Peace Service Approach

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

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

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

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

1. Archives and Information

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

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

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

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

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

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

2. Reparations

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

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

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

Concluding Comment

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

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



Dr Helen Jarvis, Phnom Penh, 14 October 2021

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

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

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

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

Suggestions for interventions/activities/undertakings

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

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

3 – Continued oral history collection and conservation

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

4 – Vocational skills training

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

5 – Community Self-Care for SGBV survivors

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

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

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

7 – Dialogue between survivors and state actors

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



Submission in response to

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

ATT: Judge YOU Ottara
Judge Claudia FENZ

FROM: Dr Maria Elander¹
Dr Rachel Hughes²
Mr Kimsan Soy³
Dr Christoph Sperfeldt⁴

DATE: 15 October 2021

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

ANVAYA Association

Cambodian Human Rights and Development Association (ADHOC)

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

Bophana Audiovisual Resource Centre

Cambodian Defenders Project (CDP)

Cambodian Human Rights Action Committee

Center for Social Development (CSD)

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

Documentation Center of Cambodia (DC-Cam)

HelpAge Cambodia

Khmer Art Action

Khmer Institute of Democracy (KID)

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

KDKG (Cambodian German Cultural Association)

Ksaem Ksan

Legal Aid of Cambodia (LAC)

Transcultural Psychosocial Organisation (TPO) Cambodia

Minority Rights Organisation (MIRO)

Youth for Peace (YfP)

Youth Resource Development Program (YRDP)



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

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

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

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

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

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

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

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

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

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

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

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

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

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

05 October 2021

Dear Co-Rapporteurs on Residual Functions related to Victims,

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

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

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

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

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

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

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

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

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

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

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

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

Sincerely,



Ang Pich
National Lead Co-Lawyer



Megan Hirst
International Lead Co-Lawyer

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



KINGDOM OF CAMBODIA

NATION RELIGION KING

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



Date: 13rd October 2021

Dear Judge YOU Ottara and Judge Claudia FENZ

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

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

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

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

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

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

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

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

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

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

2. Contribution of Ideas

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

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

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

3. Request

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

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

Please accept, the assurances of my highest consideration.

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

Director



Chea Savon

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

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

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

1. Mental and physical health services

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

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

2. Information about the ECCC, its proceedings and reparations

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

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

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

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

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

3. Stupas and Buddhist ceremonies

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

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

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

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

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

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

Nathan J. CHAN

1. **Idea:** a memorial—e.g. monolith, wall (but maybe not a religious structure¹)—with the names of victims² who passed away from the Khmer Rouge Genocide

2. **Rationale/Meaningfulness:**
 - a. Khmer Rouge victims already suffered greatly before perishing. Being forgotten from history—or only being remembered as a statistic (i.e. the total number of people who died)—is a further indignity that can be avoided.
 - b. Khmer Rouge ideology was that everyone should be the same—classless in society but all equally poor and uneducated. They valued human life so little that it was not difficult for them to murder anyone, including babies and children. All of this led to the loss of victims’ individual uniqueness. This memorial is a way to preserve these victims in history and at least restore their individuality through one of the most basic identifying characteristics—their names.
 - c. Many of my Khmer wife’s younger relatives—our nephews/nieces and even some younger cousins—do not even know that some of their own ancestors were victims of the Khmer Rouge. Memories and knowledge about such victims will probably die with the generations born before and shortly after the genocide.
 - d. A free, public memorial is the best way to present victims’ names since the average person is not likely to seek this information on their own.

3. **Victims to be Included:**
 - a. **When Passed Away:**
 - i. From Khmer Rouge actions during Apr. 17/75 to Jan. 7/79
 - ii. Shortly after Khmer Rouge rule as a direct result of conditions during such rule (e.g. injuries, overwork, malnutrition)
 - b. **Where Passed Away:** only where the ECCC has conclusively determined that such crimes against humanity, war crimes, genocide, etc. occurred. Since the ECCC is implementing these victim-related initiatives, this memorial should respect the rule of law by being consistent with the Court’s judgments.
 - i. For example, in Case 002/01, the Supreme Court Chamber only went so far as to say that the crime against humanity of murder had *likely* been committed against 250+ LON Nol soldiers and officials at Tuol Po Chrey at the end of April 1975, so these soldiers/officials murdered at this location would not be considered “victims” for purposes of this memorial.

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

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

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

- a. Khmer Rouge records e.g. Tuol Sleng (S-21), the Santebal collection³
- b. ECCC records
- c. Documentation Center of Cambodia (DC-Cam)
- d. General public (the most important):
 - i. Disseminate a call for names however possible e.g. posts on Facebook and government websites, TV and radio ads, announcements by Cambodian embassies, local visits by commune/sangkat/village/etc. authorities.
 - ii. Give a period of up to 6 months for the general public to submit names of relatives who were victims.
 - iii. Create a website and a staffed call center for receiving names.
 - iv. One big issue will be verifying the authenticity of submitted victim information. Quality control measures could include:
 1. Requiring multiple submitters for each victim name for more corroboration.
 2. Requiring submitters to provide personal information e.g. Khmer ID card number.
 3. Setting and informing submitters of a penalty for submitting false information.

5. **Construction of the Memorial:**

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

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

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

REDRESS

Ending torture, seeking justice for survivors

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

1. Background

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

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

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

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

3. Proposed undertakings

A. Support for a nationwide administrative reparations programmes

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

Rationale

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

Target groups

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

Approximate timelines

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

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

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

Rationale

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

Target groups

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

Approximate timelines

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

C. Support to TPO and training of psychologists nationwide

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

Rationale

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

Target groups

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

Approximate timelines

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

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

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

Rationale

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

Target groups

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

Approximate timelines

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

E. Intergenerational Dialogue Programs

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

Rationale

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

Target groups

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

Approximate timelines

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

F. Memorialization initiatives

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

Rationale

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

Target Groups

The Cambodian public.

Approximate timeline

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

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

Sent: 22 December 2021 20:54

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

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

Subject: Re: REDRESS submission of ideas ECCC residual functions

Dear Sothie,

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

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

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

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

Wishing you a peaceful end of the year.

Best,

Lisa

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

Research on the Mental Health Situation in Cambodia

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

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

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

I. Goal:

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

The survey's specific goals are as follows:

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

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

II. Methodology

A. Location/Sample Size

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

B. Interview Questionnaire

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

C. Informed Consent and Confidentiality

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

D. Ethical issues

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

IDEAS FOR RESIDUAL PROJECTS
By Sim Sorya, 15 October 2021

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

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

Best regards,
SIM Sorya

I. FREE OF STIGMA

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

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

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

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

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

The Existing Activities

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

The ADR approach to combine with existing therapy and dialogue

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

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

II. ACADEMIC AND LEGAL LEGACY

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

ENDNOTE

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

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

Idea of psychological residual function

Healing the wounds of Khmer Rouge

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

Last psychological needs on the way to close the ECCC

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

Residual psychological needs

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

Kingdom of Cambodia

Nation Religion King

Department of Museums
Tuol Sleng Genocide Museum

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

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

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

Duration: 2 years

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

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

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

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

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

Duration: 3 years

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

Duration: 3 years

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

Duration: 2 years

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

Duration: 3 years

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

Duration: 2 years

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

Duration: 3 years.

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

Duration: 3 years

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

Duration: 1-3 years

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

Sincerely yours,

A handwritten signature in blue ink, appearing to be 'Hang Nisay', written over a horizontal blue line.

Hang Nisay

Tuol Sleng Genocide Museum

Sorya Sim

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

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

Dear Both:

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

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

Best regards,

Vannak

1-Witnesses and Testifiers

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

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

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

2- Civil Parties

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

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

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

1. Objectives

The objectives of the research were:

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

2. Methodology

2.1 Methodology considerations

In designing the research, the main considerations were:

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

2.2 Interview schedule

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

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

3. The best-practice recommendations

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

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



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

Rational

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

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

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

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



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

Target groups

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

Timeline

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

END.

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



SUBMISSION FROM YOUTH FOR PEACE

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

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

Relevance of engaging with victims and youths

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

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

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

Proposal

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

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

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

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

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



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

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

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

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

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

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

Proposed activities 2022 to 2026

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

ANNEX VII

All Submissions to the Secretariat After the May 2022 Workshop



Bophana Audiovisual Resource Center

Problem Statement: Seventy-percent of Cambodian society is under 35 years old, and yet many members of this younger generation have very limited knowledge of the Khmer Rouge regime and lack accessible sources and initiatives for learning. There exists only one short chapter on Democratic Kampuchea in the national curriculum, for twelfth graders. Youth do not have meaningful awareness of this history, and the older generation lacks opportunities to share their personal experiences with them, as there are few structured settings for meaningful intergenerational dialogue and a culture of silence within families and communities. Yet truth-seeking and intergenerational conversations that engage youth on a large scale in the processes of understanding Khmer Rouge History are essential for ensuring a sustainable peace-building and social reconstruction process. Likewise, the current lack of knowledge, education and pedagogical remembrance that links the Khmer Rouge past to the present poses a serious threat to a sustainable peace-building and social reconstruction process.

Primary Objective: To increase youth awareness of Khmer Rouge history through the use of innovative, project-based multimedia educational experiences that prompt truth-seeking and intergenerational dialogues to advance reconciliation, healing and transitional justice, aligned with the goals of the ECCC and the Ministry of Education, Youth and Sports.

Specific Objective 1: To create an interactive, participatory Public Archive within the existing [Khmer Rouge History App](#) that promotes intergenerational dialogue between youth and Khmer Rouge survivors and produces a sustainable platform for memory collection and sharing.

Specific Objective 2: To update and upgrade the existing Khmer Rouge History App, enhancing user engagement through push notifications and innovative educational resources and guidelines.

Specific Objective 3: To train Cambodian youth in documentary filmmaking and innovative multimedia; and provide them with an in-depth understanding of Khmer Rouge history by engaging with and documenting the past through intergenerational conversations and community dialogues.

Specific Objective 4: To maximize the use of the Khmer Rouge History App and Public Archive platform through large-scale outreach, training teachers and high school/university students via workshops and mobile education initiatives throughout Cambodia, with a particular emphasis on indigenous communities.

Rationale: Providing an innovative and dynamic educational experience that prompts thousands of Cambodian youth to engage more deeply with Khmer Rouge History and actively inquire about how that history has affected their own lives, through the experiences of their families and communities, will allow for a more transformative, organic and localized education and reconciliation process to unfold, complementing the work done on the national and international level by the ECCC. A participatory Public Archive integrated into high school and university classrooms, with the guidance and support of teachers, will engage students in conducting intergenerational dialogues with Khmer Rouge survivors, creating content based on these conversations with their mobile devices in a format aligned with social media (posting photos and multimedia content with detailed captions). This will ensure accessibility, inspire further discussions and interconnection, and provide an interactive

platform for truth-telling, healing and crowd-sourced memorialization efforts across Cambodia and in diaspora communities. Likewise, the resulting public archive component — a record of conversations, visual, auditory and written content — will create an evolving trove of primary sources for public access.

Expected result 1: A participatory public archive platform is established on the Khmer Rouge History App.

Expected result 2: A) The creation of 400 quiz questions and 150 push notifications for the App based on historical dates/sites. B) Short videos and digital guidebook providing instruction on how to use the Archive, engage in intergenerational dialogue and produce documentation of the dialogue to upload to the Archive.

Expected result 3: 30 videos of intergenerational dialogue, 6 crimes site research reports and 15 short documentary films about Khmer Rouge history are produced by the 15 student filmmakers after long-term, intensive training by Bophana and Youth for Peace and will be used as the tools for community dialogue.

Expected result 4: A) Host workshops training 240 teachers from 120 schools in using the Public Archive component of the App. B) Mobile education team conducts outreach campaigns engaging 12000 students in using the Public Archive. C) Receive at least 1,200 submissions of student-produced content, generated from dialogue with family and/or community members, uploaded to the Public Archive.

**REMEDYING VICTIMS OF KHMER ROUGE CRIMES WITH SUSTAINABLE
HEALTHCARE THROUGH REPARATIONS OR TRANSITIONAL JUSTICE
PRINCIPLES***

By Michael G. Karnavas**

“Nothing is settled permanently that is not settled right.”

– Anonymous proverb

Introduction

1. Victims of large-scale human rights violations have a fundamental right to reparations grounded in the Universal Declaration of Human Rights (“UDHR”)¹ and international human rights treaties such as the International Covenant on Civil and Political Rights (“ICCPR”).² Unfortunately, rarely, if ever, are mechanisms adopted and implemented that would meaningfully redress the victims. The Cambodian victims of the violations of human rights committed during the Democratic Kampuchea (“DK”) period of 1975 to 1979³ – many

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** International criminal defence lawyer with 40 years of experience, appearing before State and Federal courts in the United States of America, the International Criminal Tribunal for the former Yugoslavia, the International Criminal Tribunal for Rwanda, the Extraordinary Chambers in the Courts of Cambodia, and the International Criminal Court, reachable at michaelgkarnavas@gmail.com or info@michaelgkarnavas.net. The author gratefully acknowledges the invaluable assistance of former ECCC Senior Legal Consultant Mr. Noah Al-Malt, with whom he has had the honor and privilege to work with for the past eight years before various international(ized) criminal courts and tribunals.

¹ [Universal Declaration of Human Rights](#), Adopted by General Assembly Resolution 217 A(III) of 10 December 1948, Art. 8.

² [International Covenant on Civil and Political Rights](#), Adopted by General Assembly Resolution 2200 A(XXI) of 16 December 1966, Art. 3(a-b); Human Rights Committee, General Comment No. 31, The nature of the general legal obligation imposed on States Parties to the Covenant, UN Doc. No. [CCPR/C/21/Rev.1/Add.13](#), 26 May 2004, para. 16.

³ The DK period refers to the reign of the Communist Party of Kampuchea (“CPK”) over Cambodia from 1975 to 1979. The CPK had its origins in the Indochinese Communist Party (“ICP”), established in 1930, which was strongly influenced by Vietnamese communists. When the ICP dissolved in 1951, the newly created party in Cambodia was the Khmer People’s Revolutionary Party (“KPRP”), which tried to dominate groups fighting for independence. The KPRP was declared a “workers party” at its 1960 Congress and was identified by the Co-Investigating Judges in Case 002 as the “real starting point of the Cambodian communist movement.” The existence of the CPK was not officially announced until 1977, when the party had been in power in Cambodia for more than two years. *Case of NUON Chea et al.*, [002/19-09-2007-ECCC-OCIJ](#), Closing Order, 15 September 2021, D427, paras. 18-20. During DK period, the CPK leaders sought to implement a rapid socialist revolution through the “great leap forward,” which was to be achieved by implementing five policies: (a) movement of the population from towns and cities to rural areas; (b)

To view the rest of the submission and published article (71 pages total),

**REMEDYING VICTIMS OF KHMER ROUGE CRIMES WITH
SUSTAINABLE HEALTHCARE THROUGH REPARATIONS OR
TRANSITIONAL JUSTICE PRINCIPLES**

By Michael G. Karnavas

(11 May 2022)

Please view this link to the PDF via the DC-Cam website:

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Rong Chhorn
Head of the Victims Support Section (VSS)
Extraordinary Chambers in the Courts of Cambodia (ECCC)
National Road 4, Chaom Chau Commune, Dangkao District
Phnom Penh, Cambodia

March 9, 2011

Dear Mr. Rong,

I am writing to supplement my December 2010 letter suggesting reparations awards for victims should some or all of the ECCC Case 002 defendants be convicted. As you are well aware, the Court's Internal Rules were amended after the *Duch* case to give civil society the opportunity—and responsibility—to propose and secure funding for feasible and appropriate reparation projects and to work with the VSS to prepare a plan for their execution. Rule 23 *quinquies* gives the trial judges the authority to:

recognize that a specific project appropriately gives effect to the award sought by the Lead Co-Lawyers and may be implemented. Such project shall have been designed or identified in cooperation with the Victims Support Section and have secured sufficient external funding.

In my December letter I proposed four possible awards: (1) rebuilding the original wooden stupa at Tuol Sleng in the name of all S-21 victims; (2) supplying donation collection boxes to be placed in each pagoda in the country to which locals and visitors can contribute in the name of the victims from that area; (3) a national event at the end of trial proceedings at the old capital of Udong at which thousands of monks and other religious leaders could be brought to the top of the mountain to hold a ceremony dedicating their merit to victims of Democratic Kampuchea, helping the dead achieve peace and survivors find relief from their suffering; (4) the Court's backing in promoting attention to the mental health of KR victims through the support of a forthcoming proposal concerning improved access to services for trauma-related mental health problems throughout the country and increased resource allocation to improve the impact of the national mental health plan.

To these suggestions I would like to add one more. Yesterday, on the 100th anniversary of International Women's Day, I publically proposed that a statue of a young mother be built to commemorate the heroism and courage of female Khmer Rouge victims and as a memorial for all those who perished. Seventy percent of the survivors of the Khmer Rouge regime were women; most of them were widows. Since the collapse of the regime in 1979, women have been a central force in the reconstruction of the nation. They reshaped the nation's economy during the tumultuous decades of the 1980s and 1990s, when civil war with the Khmer Rouge ensued and economic

sanctions stunted chances for development. Furthermore, it was through their unwavering efforts that Cambodian culture, education, and traditions—which nearly vanished at the hands of the Khmer Rouge—were reinstated in the social fabric of daily life. Under these difficult circumstances, the women of Cambodia demonstrated great strength and resilience.

Standing 20 feet high, the statue will be of a woman holding her young child. This height, 20 feet, represents the 20th century; a period during which Cambodia suffered enormous political, social, and economic hardships. The body of the structure will be divided into seven parts. The bottom third of the statue will be buried beneath the soil, representing the three million who died in the genocide. The remaining four parts, located above the ground, symbolize the four million who survived.

Facing west, the direction of death according to Buddhism, the back of the statue will capture the rising sun's warmth. As the sun rises from the east, its shadow will appear in the same direction of the statue. As the sun travels westward across the sky, this shadow too will shift directions and begin to appear behind the statue. This moving but constant shadow symbolizes the souls of the three million people who have passed away.

At sunset, the golden rays of the sun will shine upon the statue's countenance; this glow represents eternal remembrance. Humans cannot live without memories; memories remind us of who we are and where we came from. Both the dark shadow and amber glow are symbols of the memories of genocide. The statue will evoke sorrow and compassion, not anger and revenge. It will be an artistic achievement that signifies peace and progress for Cambodia.

Appropriate locations for the statue are Samdech Hun Sen Park or Independence Monument Park. These are large public areas that will allow many visitors to view the statue. As survivors, young Cambodians and citizens of the world behold the statue of the proud Cambodian woman carrying her child, they will be reminded of the country's tragic past; a past that shall serve as both as a lesson against future atrocities, and as a lesson of survival.

Sincerely,

Youk Chhang
Director, Documentation Center of Cambodia

cc: Samdech Akka Moha Sena Padei Techo Hun Sen
H.E. Mr. Him Chhem, Minister of Culture and Fine Arts
Mr. Tony Kranch, Acting Director of Administration
Mr. Knut Rosandhaug, Deputy Director of Administration

PROPOSAL

Memory & Learning Center for civil society initiatives

developed by Kdei Karuna Organisation - May 2022

1. Background Context, Needs and General Goals

For many years, Kdei Karuna (KdK) has been part of the transitional justice and dealing with the past (DwP) landscape in Cambodia. Focusing on topics such as sexual and gender-based violence (SGBV), ethnic discrimination and inter-generation dialogue, KdK has employed participatory and community engaging approaches to implement several projects with different partners and target groups such as victims, former Khmer Rouge (KR), ethnic minorities and youth. Some of these projects were recognised as official reparation projects by the ECCC. As the ECCC is starting the process of establishing its residual functions, the judicial processes will come to an end in the near future. The need for non-judicial processes for reparation, however, will continue to exist in Cambodian civil society.

Specifically, KdK identified the following needs in Cambodian communities. Some of these needs were also explicitly mentioned during the ECCC victim's workshop in May:

- Survivor's needs to share their experiences. Being able to tell their life stories and being heard with compassion can have a healing effect, but survivors state that currently they lack the opportunity or the space to do so.
- Many survivors suffer from their experiences in silence and the behaviour that results from this is very often not understood by the younger generations. There is a need to close the gap of knowledge and mutual understanding between survivors and the second and third generations.
- There is a need for youth to build their capacities to start and conduct conversations about the KR past with survivors in their family or community. Youth are interested in learning about the past, but due to different reasons they are reluctant to ask their older relatives about it.
- Survivors expressed the need for places for remembrance in their province. Also, the need to preserve the ECCC building as memorial for local and international learning was mentioned.
- There is a need for direct reparation at the individual level. Besides improvement of living conditions, medical and psycho-social care, survivors also express a need to repair the negative impact on the second and third generations, for instance by supporting good (vocational) education and job security.
- The need to focus on non-recurrence from a local perspective. To prevent history from repeating itself, it is important that key skills, such as understanding history, dealing with the past, conflict analysis, non-violent conflict resolution etc. are embedded in Cambodian society
- Although many (oral) histories have been collected, there is a need to document the more 'hidden' experiences, such as experiences from marginalised groups

- (religion, ethnicity, sexual identity) and the experiences from former KR cadres, as well as the effects/impact on their children and grandchildren in the present time.
- Many survivors also raised roles and responsibilities of state actors to involve in the reparations, for instance through ID poor card, pension, other public services.

2. Target Populations and Locations

By creating a Memory & Learning Center, we aim to provide space for learning, reflection and healing for a range of target groups:

Victims and their next generations

Foremost the center will be open for all victims of the KR regime, their children and later generations. Victims and their families should be able to find space in the center to share their own experiences, learn about other people's experiences, meet people or institutions with whom they can interact to heal and move forward. It should be a space where people feel confident to be themselves and speak out or ask for support.

Cambodian youth, students and teachers

Currently over 70% of the Cambodian population were born after 1979, and this number will only grow in the coming decades. The center will provide an opportunity for young Cambodians to learn about their country's past. The center can provide materials, resources and support to teachers who are teaching the topic in their own schools or want to visit the center with their students.

Organisations working in the field of Transitional Justice & Dealing with the Past

Organisations who in one way or another focus on the field of transitional justice and work with local communities on dealing with the past can find inspiration and learning from previous initiatives in the center. The center can also provide a space where they can meet, share experiences and work on initiatives together.

Researchers & journalists

For national and international researchers and journalists who want to gain a better understanding of the transitional justice processes within Cambodia's civil society, the center can not only be a source of valuable resources, but also a starting point for new data collection.

General public

Besides the specific target groups, the center will also provide interesting information for general public, including international visitors who want to learn more about Cambodia's history and how society dealt with it. It can help visitors to add knowledge and a wider perspective to the information given at specific memorial sites, such as the Tuol Sleng Genocide Museum or the Choeung Ek Genocidal Center.

3. Partners and Collaborators

The idea of creating a Memory & Learning Center emerged a few years ago and has since been discussed with various stakeholders and partners. Most recently, in the fall of 2021, two consultation sessions were held to revive the idea and move it forward. One consultation session brought together a group of KR survivors who had been involved in community dialogue projects run by Kdei Karuna. In the online session, the survivors expressed their support for a center and specifically mentioned the expectation that “the center will be a place where we, the victim of KR can come and provide oral history, do remembrance, and also share with youth or researchers.”

A consultation session for NGOs and state organisations also brought positive feedback from participants. Although a number of questions were posed – for instance regarding sustainability, management, focus and mandate of such a center – many participants acknowledged the added value of a Memory and Learning Center within the landscape of existing documentation centers. Based on this consultation session, four organisations opted to actively participate in a working group to further develop and establish a center. Other organisations asked to be kept informed about the progress. Currently, the active working group members are: Kdei Karuna, TSGM, Choeung Ek Genocidal Center and Youth for Peace.

Several international stakeholders have expressed their interest in the idea for the creation of a Memory & Learning Center. The development process is supported by the GIZ-Civil Peace Service.

4. Key Program Activities and Stages

Based on more than a decade of working with survivors and youth in local communities, KdK observed a need for continued work to deal with the past, so that Cambodian society can continue to heal and strengthen a peaceful society. Creating a center that provides space for the following three areas will contribute to this process:

Firstly, a space for **documentation and research**. Many (reparation) projects in Cambodia, that dealt with people’s experiences during the KR regime have resulted in a wide range of resources. For instance, KdK has collected over 100 oral histories through their inter-generational dialogue projects. KdK aims to preserve these oral histories and make them accessible to the public, especially students, peace/development workers and researchers who want to learn more about this period.

Although many oral histories have already been collected, KdK believes that it is important to continue recording people’s lived experiences, to ensure a range of topics and perspectives from people with different backgrounds and geographical areas are documented, especially uncovering marginalised or hidden perspectives and topics. This specific need was also mentioned during the ECCC victim workshop, specifically within the working groups that discussed the topics of SGBV, intergenerational dialogue, remembrance, religious and ethnic minorities. A Memory & Learning Center can support this in various ways: by providing resources on the methodology and practice of oral

history using different (art-based) tools and methods that were used in Cambodia. By providing knowledgeable staff with experience in facilitating oral history collection processes and by supporting to rural communities through a strong network of local facilitators for national and international researchers.

Secondly, a space for ***exhibition and learning***. During the ECCC victims workshop, it was mentioned that many high quality resources were created through past (reparation) projects and it was recommended that they should be used for more education and outreach activities in the future. For example, KdK co-created three mobile exhibitions to educate youth on the topics of forced transfers, the treatment of ethnic and religious minorities and forced marriage during the KR regime. These exhibitions travelled to many communities in Cambodia and were part of community dialogue activities and were recognised as reparation projects. KdK would like to open a space to exhibit and use materials created by reparation projects and other transitional justice activities in Cambodian communities, including resources that were developed by civil society organisations that no longer exist. These combined materials will serve a double purpose. On the one hand it will provide ongoing education opportunities to different audiences on specific themes of KR history, such as teachers and students. On the other hand, it provides a platform and acknowledgment for the process and impact of reparation activities in civil society. The center will be open to national and international visitors who want to learn about non-judicial transitional justice activities implemented by and for Cambodian civil society. As such it will provide additional information and perspectives to the information presented by other existing memorial sites or documentation centers.

Thirdly, a space for ***dialogue and reflection***. Based on the experiences from inter-generational dialogue processes in families and many communities, KdK understands the continued need for dialogue, especially between generations and between different religions or ethnicities. During the ECCC victims workshop, the need for sharing stories and dialogue with others was not only mentioned by the Civil Party representatives, but came up in most working groups, as well as in the key note speeches and supporting research. By providing safe spaces for people to share their experiences and feelings and by ensuring an atmosphere of deep listening dialogue processes can have a double effect: contribute to healing and foster understanding. Eventually this contributes to more harmonious relations. KdK wants to continue and expand this process by creating space for reflection and dialogue and thus strengthening peacebuilding capacity in communities. KdK envisions a Memory & Learning Center that provides a basis for dialogue process facilitation in the country. Groups from all over Cambodia can visit the center and engage in dialogue activities guided by trained facilitators. The Memory & Learning Center can also provide a meeting space for community-based dialogue facilitators. In this hub they can share experiences, reflect on their work, and advance their skills. The information and insights gathered can then feed into the other parts of the center and thus support further study and learning of the different audiences.

5. Proposed Timeline

Establishing the center - aligning the different current initiatives, identifying possible partners and materials, setting up management systems etc - may take up to two years. Once a robust center is established and functioning, other functionalities and partners can be added to it. The outreach program will be implemented for three years focusing on healing, learning and reflection.

6. Sustainability and Long-Term Goals

The initial establishment of a Memory & Learning Center is a more or less defined project which can be completed within the ECCC residual function timeframe. The aim of the center however, is to be a long-lasting space for healing and learning, where people can bring (contribute) and take away according to their needs. As such the center will be a 'living' space that adapts and responds to the needs of society. Instead of solely relying on 'external' funding, the center will also aim to secure a funding base within society (for instance through a victim trust fund) and Cambodian government via the relevant line ministries. The center is also targets international tourists and international students or academics, who's visits and use of facilities and services can provide additional income.

7. General Budget Amount

It is estimated 1,500,000 USD over three years

8. Any additional comments?

THANK YOU!

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**Victims Initiatives for the ECCC Residual Phase
PROPOSAL TEMPLATE**

TUOL SLENG GENOCIDE MUSEUM - PROJECT 1

1. Working title: Mapping Khmer Rouge sites in Cambodia

(This project has been developed and proposed by the memorial sites working group at the ECCC victim's workshop.)

2. Background Context, Needs and General Goals — please describe the context for your activities, explain how your organization or institution has already worked in this area, and describe the goals or needs of victims which your project would seek to address.

Background:

- a) In the mid-90ties the Yale University and later DC-Cam did a long-term mapping project to document the information on Khmer Rouge prisons, mass graves and memorial sites. This database has not been updated since 2005.
- b) A few former prison sites or sites related to the Khmer Rouge are known and are taken care of by some NGOs: DC-Cam (Anlong Veng), YfP (Kraing Tha Chan), etc.
- c) The Ministry of Culture and Fine Arts has decided to create a section inside the Tuol Sleng Genocide Museum office, to take care of issues related to Khmer Rouge sites. The most known site is the former M-13 prison at Amleang.
- d) The government has acknowledged the national importance of these sites, by approving the serial site application of former M-13 (under TSGM), Tuol Sleng Genocide Museum and Choeung Ek Genocidal Center to be registered UNESCO World heritage.

Needs:

- a) There has been no recent attempt to register former (still existing) Khmer Rouge related sites. Many of them are in decay and will soon not be recognizable anymore. It is high time to address this issue.
- b) The former approach to only map the crime and killing sites need to be extended. To foster the understanding about the Khmer Rouge period other sites, need to be included like: dam sites, communal eating areas, airport, "fabrication sites", etc.
- c) The most important Khmer Rouge related sites need to be registered as national heritage and taken care of.

3. Target Populations and Locations — which kinds of individuals or group(s) are you targeting, and why? In which location(s) will your program take place, and why?

- a) The local communities in the neighborhood of former Khmer Rouge related sites
- b) The teachers and students nearby former KR sites for further learning all over Cambodia
- c) Interested NGOs to take part in the mapping and research work

4. Partners and Collaborators — does your program already have or seek to find partnerships/collaborators with other organizations, international partners or state institutions? If so, which ones? In what way would they contribute to the project?

- a) Ministry of Culture and Fine Arts
- b) National Committee of UNESCO (NatCom)
- c) Tuol Sleng Genocide Museum
- d) Other NGOs working in this field, specifically Kdk and YfP

- 5. Key Program Activities and Stages** — describe how you would actually run this program in as much detail as possible. Make sure to explain how or why each activity responds to the needs of the populations/locations which you listed above.
- Preparation phase to inform all provinces via the MCFA and to receive/analyze the relevant information.
 - Phase of three years to visit all provinces and to map the sites by a short documentation (former use/ current situation/ exact location/ interview partners available/ short information at the site)
 - Follow up by the NGOs to engage with the local community, to research together with local Youth the history of the site, to support any preservation needs, to organize days of remembrance (if appropriate).
- 6. Proposed Timeline** — how long would the project run for? And if possible, please share how you might consider sequencing your program activities (as listed in Item 2).
- Preparation: 6 months
 - Mapping phase: 3 years (by a team of 4 full time staff)
 - Meanwhile the NGOs can start working on the local level
- 7. Sustainability and Long-Term Goals** — what value does your program seek to add to the landscape of support for victims of the KR Regime? How will it remain relevant and continue adding value beyond the proposed timeline (Item 5) and beyond the ECCC residual phase (assuming it occurs for three years from 2023-2026, inclusive)?
- Enrich the knowledge about the Khmer Rouge period and information about the daily life under the regime. Additional knowledge about differences in different provinces.
 - Creation of a nation register of Khmer Rouge related sites and support to their preservation
 - Supporting local knowledge about the KR period and including survivors in outreach activities.
- 8. General Budget Amount** — how much funding do you estimate is needed, and over what period of time (e.g. \$150,000 over three years, or \$50,000 per year for three years)? Note : No need for a detailed budget or spending proposal.
- Preparation phase: 2 full time paid staff
 - Mapping phase: 4 full time paid staff and travel costs
 - Small grant project budget to support activities from NGOs for local projects

9. Any additional comments?

This project could be carried out and supported by various NGOs and would strengthen a working together experience between MCFA, TSGM and NGOs.

THANK YOU!
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**Victims Initiatives for the ECCC Residual Phase
PROPOSAL TEMPLATE**

TUOL SLENG GENOCIDE MUSEUM - PROJECT 2

1. Working title: [Memory Trail Project](#)

2. Background Context, Needs and General Goals — please describe the context for your activities, explain how your organization or institution has already worked in this area, and describe the goals or needs of victims which your project would seek to address.

Democratic Kampuchea was a regime that destroyed social infrastructure, rights, freedoms, religion, and the massacre for almost 4 years. After the fall of this regime, the government focused on collecting evidence of crime and preserving historical sites for the younger generation to learn about the tragic effects of war, the loss of relatives and human resources for national development. In order to participate in the preservation of historical sites left over from the Khmer Rouge regime, the Tuol Sleng Museum has organized a workshop under the theme "Memory Trail" in order to inspire the younger generation to learn about the value of detention facilities that reflect from the brutality of the Khmer Rouge regime, such as, human rights abuses, the destruction of national infrastructure, and the genocide of more than 2 million Cambodian. This project is part of encouraging the participation of people in existing communities.

The site of a former prison or killing field recognizes the importance of conservation and turns it into a monument to the education of students in their community.

Purpose:

- Educate young people about the devastation caused by war
 - Encourage young people to understand the importance of studying Khmer Rouge history
 - Encourage young people to participate in preventing the recurrence of the criminal regime in Cambodia
 - Encourage young people to participate in promoting the Khmer Rouge regime
- Understand the preservation of former prisons in order to turn them into monuments of memory
- Promote study to understand the importance of historical sites for community study

3. Target Populations and Locations — which kinds of individuals or group(s) are you targeting, and why? In which location(s) will your program take place, and why?

This workshop will be organized by 15 University students (year 1-2) from the Faculty of History, Khmer Literature and Archeology. The target groups are high school students.

4. Partners and Collaborators — does your program already have or seek to find partnerships/collaborators with other organizations, international partners or state institutions? If so, which ones? In what way would they contribute to the project?

Choeung Ek Genocidal Center, ECCC/LDC, RUPP, diverse schools

5. Key Program Activities and Stages — describe how you would actually run this program in as much detail as possible. Make sure to explain how or why each activity responds to the needs of the populations/locations which you listed above.

The workshop on "Memory Trail" will be held during the vacation (August-October).

Two days' workshop:

- The history of Khmer Rouge and S-21 history
- Mental healing for KR victims through the youth activity

Two days Study tour to KR's memorial site:

- Site visit Tuol Sleng Genocide Museum
- Site visit Killing field Choeung Ek
- Study tour ECCC/LDC
- Study tour to M-13 (former prison of KR in Kampong Speu 1970-75)

6. Proposed Timeline — how long would the project run for? And if possible, please share how you might consider sequencing your program activities (as listed in Item 2).

3 years (three workshops each year)

7. Sustainability and Long-Term Goals — what value does your program seek to add to the landscape of support for victims of the KR Regime? How will it remain relevant and continue adding value beyond the proposed timeline (Item 5) and beyond the ECCC residual phase (assuming it occurs for three years from 2023-2026, inclusive)?

Through the participation of participants in the above workshop program, the Museum hopes to achieve the following results:

- Strengthen the awareness of the younger generation about the history of crime in Cambodia.
- Connecting the history from KR's victims to the youth through oral history and research
- Disseminate the history of M-13 Detention Center to the public as evidence of the management, detention and killing of people in Democratic Kampuchea
- Contribution from the people in the community to preserve historical sites for the younger generation.

8. General Budget Amount —

\$150,000 over three years, or \$50,000 per year for three years

The workshop program cost a totally \$ 135.000 (One hundred and thirty-five thousand US dollars) in 3 years divide by three workshops a year.

9. Any additional comments?

THANK YOU!

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**Victims Initiatives for the ECCC Residual Phase
PROPOSAL TEMPLATE**

TUOL SLENG GENOCIDE MUSEUM - PROJECT 3

1. Working title: [Support of S-21 related research at Tuol Sleng Genocide Museum](#)

2. Background Context, Needs and General Goals — please describe the context for your activities, explain how your organization or institution has already worked in this area, and describe the goals or needs of victims which your project would seek to address.

Background:

- a) The ECCC has added substantial additional knowledge about S-21 in case 001 and case 002. This knowledge is not yet fully accessible to the team at TSGM.
- b) The S-21 archives have been digitized and made available by a UNESCO-KOICA funded project in 2018-2020. This has been a great step forward, as now the archives are online accessible for the TSGM team as well.
- c) The total number of documents the prison S-21 produced is unknown. Therefore, it is unknown how high the percentage of missing documents at TSGM archive is and what they would inform in addition about S-21.
- d) Since 2017 TSGM was able to employ with the support of the Civil Peace Service a number of history graduates, which increased the ability of research substantially at TSGM.
- e) In 2016-2017 the inscriptions on all walls at TSGM have been photographed by TSGM staff. It is a collection of 30.000 photos (graffiti project).

Needs:

- a) The OCP office at ECCC was not able to finalize the S-21 list project yet. Until today not everything possible was done to come closer to an evidence-based number of S-21 victims and their names. This project needs to be continued.
- b) The thousands of prisoner photos from S-21 at TSGM could not yet been cross-checked with the biographies (30% of them still having names and photo combined) to match as far as possible photos and names. Until today TSGM is not able to tell relatives searching a family member if a photo exists.
- c) Neither ECCC nor TSGM could organize a research project yet, about the missing S-21 documents. This is overdue, as witnesses are getting older or are not any more alive.
- d) As the confessions and biographies in most of the cases were obtained under torture, the access to these documents is restricted. To offer more access to the documents a process of redacting the documents would be necessary.
- e) Follow up with the graffiti project: The team at TSGM is lacking professional knowledge how to analyze the photographs and how to investigate further. Only after additional research, important inscriptions can be identified, preserved and made visible for the visitors.

3. Target Populations and Locations — which kinds of individuals or group(s) are you targeting, and why? In which location(s) will your program take place, and why?

- a) Visitors of TSGM
- b) Researchers about S-21 and TSGM
- c) Staff of TSGM

- 4. Partners and Collaborators** — does your program already have or seek to find partnerships/collaborators with other organizations, international partners or state institutions? If so, which ones? In what way would they contribute to the project?
- a) TSGM is operating under the Ministry of Culture and Fine Arts.
 - b) TSGM is contact with various national and international researchers.
 - c) In regard of funding no cooperation yet envisaged.

- 5. Key Program Activities and Stages** — describe how you would actually run this program in as much detail as possible. Make sure to explain how or why each activity responds to the needs of the populations/locations which you listed above.

Depending on if all steps can be included in a potential project or only parts, the project would need to be planned accordingly.

- 6. Proposed Timeline** — how long would the project run for? And if possible, please share how you might consider sequencing your program activities (as listed in Item 2).

Again depending on if all project parts are addressed it would need several teams of 2-4 persons each for about 3 years.

- 7. Sustainability and Long-Term Goals** — what value does your program seek to add to the landscape of support for victims of the KR Regime? How will it remain relevant and continue adding value beyond the proposed timeline (Item 5) and beyond the ECCC residual phase (assuming it occurs for three years from 2023-2026, inclusive)?

All described project parts are adding pieces to a yet far from sufficiently researched history of S-21 and the possible support which could be given to relatives of S-21 victims. The additional knowledge and long-term preservation of the archives (and the knowledge about the importance of the archives!) is of national and international interest.

- 8. General Budget Amount** — how much funding do you estimate is needed, and over what period of time (e.g. \$150,000 over three years, or \$50,000 per year for three years)? Note : No need for a detailed budget or spending proposal.

Not possible to estimate at this stage of planning.

- 9. Any additional comments?**

Thank you for considering!

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**Victims Initiatives for the ECCC Residual Phase
PROPOSAL TEMPLATE**

TUOL SLENG GENOCIDE MUSEUM - PROJECT 4

- 1. Working title:** [Visitor center outside of Tuol Sleng Genocide Museum plus offices](#)
- 2. Background Context, Needs and General Goals** — please describe the context for your activities, explain how your organization or institution has already worked in this area, and describe the goals or needs of victims which your project would seek to address.
 - a) The museum is lacking a appropriate welcome center for the national and international visitors (before the pandemic about 500.000 visitors per year). A welcome center outside(!) the current TSGM compound would offer the chance to inform visitors about the larger size of the former S-21 prison, to prepare them for their visit and to offer adequate visitor facilities including a proper book shop with relevant literature. On upper floors the building could host offices for staff, a conservation laboratory, etc. to reduce the use of the former prison rooms for museum needs.
 - b) The management and the staff of TSGM are since the beginning and ongoingly working inside of the former prison rooms. This is not only distressing for the staff, but every use of the rooms (for current office needs) is destroying historical traces and is influencing the ability of visitors to imagine how the site looked like during prison time.
- 3. Target Populations and Locations** — which kinds of individuals or group(s) are you targeting, and why? In which location(s) will your program take place, and why?
 - a) Survivors of TSGM and other survivors of DK (who want to see the site unchanged)
 - b) Visitors of TSGM
 - c) Staff of TSGM
- 4. Partners and Collaborators** — does your program already have or seek to find partnerships/collaborators with other organizations, international partners or state institutions? If so, which ones? In what way would they contribute to the project?
 - a) TSGM is operating under the Ministry of Culture and Fine Arts
 - b) UNESCO would need to be involved, as TSGM is applying as part of a serial nomination to be registered World heritage
 - c) No other partners yet involved.
- 5. Key Program Activities and Stages** — describe how you would actually run this program in as much detail as possible. Make sure to explain how or why each activity responds to the needs of the populations/locations which you listed above.
 - a) Search for land in the direct neighborhood of TSGM
 - b) Projecting the building and necessary budget

- c) Including the neighborhood in decision making
- d) Communication with the relevant ministries and potential donors
- e) Realizing the building

6. Proposed Timeline — how long would the project run for? And if possible, please share how you might consider sequencing your program activities (as listed in Item 2).

- a) To realize this project it would need around three years.

7. Sustainability and Long-Term Goals — what value does your program seek to add to the landscape of support for victims of the KR Regime? How will it remain relevant and continue adding value beyond the proposed timeline (Item 5) and beyond the ECCC residual phase (assuming it occurs for three years from 2023-2026, inclusive)?

- a) It will help to preserve long term the already fragile buildings of TSGM
- b) It will help to convince UNESCO about the strong will of the Government to preserve TSGM
- c) It will help to deal with a most likely increasing numbers of national and international visitors

8. General Budget Amount — how much funding do you estimate is needed, and over what period of time (e.g. \$150,000 over three years, or \$50,000 per year for three years)? Note : No need for a detailed budget or spending proposal.

- a) Depending of the land price and the size and equipment of the projected building: 3-6 million USD.

9. Any additional comments?

Thank you for considering!

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**Victims Initiatives for the ECCC Residual Phase
PROPOSAL TEMPLATE**

TUOL SLENG GENOCIDE MUSEUM - PROJECT 5

1. Working title: National Youth program on learning about Khmer Rouge

2. Background Context, Needs and General Goals — please describe the context for your activities, explain how your organization or institution has already worked in this area, and describe the goals or needs of victims which your project would seek to address.

Background:

- a) Cambodia's population is young. The majority do not have anymore a survivor in the own family. In those cases they might still have, not all survivors are willing to talk and the young generation does not want to ask.
- b) The teaching about the Khmer Rouge history is limited to a few hours in the school curricula. Many teachers are keeping their teaching strict to the few pages in the history textbooks as they need to prepare the students for the exam.
- c) The MoEYS is currently revising the history text books (precisely with the aim to add more information about the Khmer Rouge period), but this is a long-term project.

Needs:

- a) Far to many Youth do not receive adequate information about the Khmer Rouge period, including knowledge about S-21 (and the entire prison system) and the juridical process at the ECCC.
- b) In cases where the teachers do engage and want to teach their students as best possible, they are lacking means of transport/budget to arrange travels to Phnom Penh in order to visit TSGM, Choeung Ek and ECCC (or later LDC or any Khmer Rouge learning center in the capital or in the region).
- c) The visits need to be well prepared and organized in a sensitive manner, not to have too short time at the sites and miss out phases of reflection and learning. The visits have to be accompanied by experienced staff from the memory institutions.

3. Target Populations and Locations — which kinds of individuals or group(s) are you targeting, and why? In which location(s) will your program take place, and why?

- a) Youth from all provinces in Cambodia
- b) History teachers from all provinces in Cambodia

4. Partners and Collaborators — does your program already have or seek to find partnerships/collaborators with other organizations, international partners or state institutions? If so, which ones? In what way would they contribute to the project?

- a) Tuol Sleng Genocide Museum in cooperation with Choeung Ek and ECCC/LDC
- b) Other NGOs working in this field, specifically Kdk and YfP

- 5. Key Program Activities and Stages** — describe how you would actually run this program in as much detail as possible. Make sure to explain how or why each activity responds to the needs of the populations/locations which you listed above.
- a) Develop a budget planning and an application system within the MoEYS
 - b) Develop a concept of the visits at the memorial sites
 - c) Inform the schools about the possibility to apply
 - d) Accompany the visits during a pilot phase of three years
 - e) After two years a solution should be envisaged that the MoEYS would carry out the program on their own.
- 6. Proposed Timeline** — how long would the project run for? And if possible, please share how you might consider sequencing your program activities (as listed in Item 2).
- a) Preparation: 3 months
 - b) Pilot phase: 3 years
- 7. Sustainability and Long-Term Goals** — what value does your program seek to add to the landscape of support for victims of the KR Regime? How will it remain relevant and continue adding value beyond the proposed timeline (Item 5) and beyond the ECCC residual phase (assuming it occurs for three years from 2023-2026, inclusive)?
- a) Informing a high number of teachers and students about TSGM, Choeung Ek and ECCC/ LDC.
- 8. General Budget Amount** — how much funding do you estimate is needed, and over what period of time (e.g. \$150,000 over three years, or \$50,000 per year for three years)? Note : No need for a detailed budget or spending proposal.

Depending on the distance and the amount of Youth each one-day trip to Phnom Penh would cost between 100-250 USD. Approximate 200 schools per year would make use of the program. The project should start with a minimum budget of 50.000 USD per year.

9. Any additional comments?

This project could be carried out and supported by various NGOs and would strengthen a working together experience between MoEYS and NGOs.

THANK YOU!
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Project Proposal on

Preserving the Khmer Rouge History Sites in the former Northwest Zone: Reconciliation, Memorialization and Education

- 1. Background Context, Needs, and General Goals** — please describe the context for your activities, explain how your organization or institution has already worked in this area, and describe the goals or needs of victims that your project would seek to address.

The history of Cambodia is clearly stated by decades of civil war and followed by post-war recovery after the fall of the KR regime. During the communist KR regime from 1975 to 1979, 1.7 million Cambodian people died from starvation, diseases, forced labor, torture, and execution. The war and atrocity destroyed both human resources and the social fabric of Cambodian society. The aftermath of this violent conflict and tragedy left Cambodia with a culture of violence, traumatic memories, and poverty. The cycles of silence continue from generation to generation, and the memories continue to haunt all generations. The matter of truth has not been appropriately addressed and seriously through political reconciliation and criminal justice. Cambodian people, including the young generation, want to know the truth about why-did they were killed.

For the vast majority of Khmer Rouge crime sites, including former prisons, forced labor camps, and mass graves, there is minimal physical evidence. Many of the few memorials that were erected in the past have not been integrated into local communities' practices of remembrance and have fallen into decay. Most former Khmer Rouge sites of mass atrocities go largely unmarked and are only identifiable by local survivors and residents. For visitors who pass by the area and more importantly members of the younger generation born after the atrocities of the Khmer Rouge, these sites of past violence remain invisible and their potential to be memorialized unused. Though only the survivors who lived and worked among these sites can share their stories relating to what occurred in these places, their stories of the past and their experiences have yet to be closely examined and documented. Many Khmer Rouge survivors understand the urgency to educate youth about Khmer Rouge history to prevent the recurrence of mass atrocities in the future. However, survivor stories alone are inadequate as a means of preserving and transmitting narratives and knowledge of the past to young people. Since Khmer Rouge history education has yet to be integrated comprehensively and systematically into the Cambodian education system, it is crucial to make use of non-formal education and outreach to local communities to provide knowledge of the past as well as the verdicts and ongoing trials of the ECCC.

According to Khamboly (2007), there are around 388 mass killing sites with 19,744 mass killing graves, and 196 prisons. These locations of crime sites were used by Khmer Rouge to torture and kill nearly 2 million Cambodian people during the horror regime. Some of the places have been built as memorials for commemorating the deaths and the suffering. There were 81 stupas erected after the collapse of the Khmer Rouge regime.

However, there are still many problems regarding those memorials. The conditions of the skeletons and bones are not maintained well, and some others are exposed to sun and rain and are gradually dissolving. There have also been identified that the history of local memorials and mass killing sites are not recorded, documented, or compiled, so they will be lost shortly. Some mass killing sites are forgotten and abandoned. The people living around the killing sites are not aware of them and do not understand their value, even not to protect and maintain them. The stories of survivors and heroes are not documented to promote the healing process and understanding of the past.

Those memorials started in Cambodia after the fall of the KR regime, for example, the S-21 genocide museum, the Cheang EK killing field, and many other memorials across Cambodia, but the process with the initiatives of the political leader's so-called "Top-down approach." The state started the process of preserving the skulls and bones of the dead to show the world the atrocity that happened in Cambodia from 1975 to 1979. Through this process, there was not

enough participation of victims and survivors. The ideas were to respect the spirit of the dead and preserve them as evidence of the atrocity committed by the Khmer Rouge. Those memorials, including the S-21 genocide museum in Cambodia, were not designed for interactive dialogue or two-way conversation. It is for religious purposes and political propaganda.

The project tries to address the significant problem in the Cambodian reconciliation process, the lack of opportunities and places to reconnect with the past, mourn and share experiences. The Youth For Peace (YFP) recognizes the need to open such a dialogue through various activities, including conferences, research activities, and an exhibition that will involve civil parties sharing stories about these processes.

YFP stands apart from other organizations as it engages youth to be agents of peaceful social change. YFP has been working on issues of dealing with the past in the context of the ongoing Khmer Rouge Tribunal (KRT) for several years, aiming to involve youth in reconciliation efforts and engage them in breaking the silence about the Khmer Rouge past. The Youth for Justice and Reconciliation project results indicate that young Cambodians are interested in learning about KR history and want to be involved in reconciliation processes, peacebuilding, and genocide prevention.

The project's overall goal and objectives

The project's overall goal is to promote social reconciliation and conflict transformation through dealing with the past to ensure the non-reoccurrence of mass crimes and human rights violations in the present Cambodian society. It is designed in a participatory way to open spaces for the younger and older generations to enter a dialogue about the violent past and work towards preserving Khmer Rouge history sites and establishing community memorialization and remembrance through capacity building, documentation, and community consultation, art, and exhibitions.

2. Target Populations and Locations — which kinds of individuals or group(s) are you targeting, and why? In which location(s) will your program take place, and why?

YFP will work in the Northwest zone where locates in Pursat, Battambang, and Banteay Mean Chey provinces. This zone has six regions that had many historical sites including former prisons, forced labor camps, and mass graves.

YFP distinguishes between two types of target beneficiaries: direct and indirect. Women and men, and boys and girls are particularly empowered to participate and benefit from the project equally. The project will reach 600 direct beneficiaries and 1000 indirect beneficiaries for three years as various societal groups in five target areas.

1) Direct Beneficiaries

Youth: The project will involve youth (age16+ and monks) from different educational backgrounds in target areas. The project will reach 150 youth (direct beneficiaries) for three years from university and high school students who will receive capacity building and/ or will be trained in reconciliation and memorialization workshops to increase their knowledge and critical thinking on the Khmer Rouge history. Youth is the potential actor in the peacebuilding process. Investing in the education of youth is important because it expands their worldview and challenge stereotypes. By successfully doing so, youth can actively participate in shaping lasting peace and contribute to justice and reconciliation in their respective societies. The importance of empowering youth to engage and take an active role in non-violence, dialogue, and reconciliation was at the center of this conversation on the potential roles that youth can take in truth and reconciliation at both the local and national levels. For this project, youth will encourage to involve in the community transitional justice process so that they have an opportunity to initiate any project as peace, reconciliation, and remembrance to implement in their community.

Civil parties and victim-survivors: They are direct victims who get suffered from the genocide. They have trauma and they have rarely gotten treatment to heal their suffering. Their trauma has been transferred to their children in negative ways. Therefore, it is necessary that their suffering is reduced or treated. The project aims to support the victim-survivors need for emotional healing and reconciliation by creating memory as well as safe spaces for intergenerational dialogue and conducting truth-telling and religious ceremonies. The survivors

aged 45+ are invited to attend the project and share their memories. Especially women are encouraged to join and talk. Women had a significant role during KR time but are not given much voice until now in Cambodia. YFP wants to encourage them to talk more to find out more parts of the truth and to acknowledge their experiences. Women are important for family communication and can contribute a big part to the intergenerational dialogue. The project will reach 500 victim-survivors (direct beneficiaries for three years).

Community Memorial Committees members: The member of the memory committee who takes part in establishing memory network and attending in the implementation of the memory initiative projects are direct beneficiaries. YFP will reach 50 committee members and CSOs for three years. The memorial committee members will involve in project implementation.

2) Indirect Beneficiaries

The community at large (local authorities, teachers, and relevant stakeholders): The members of at least 5 communities in the targeted areas will benefit indirectly from the memorial sites with memorials and exhibition materials which include visits to crime sites as well as truth-telling ceremonies. YFP will reach 1000 indirect beneficiaries in three years.

Most of these beneficiaries will participate in several activities in this project, as several activities build on each other. Youth who participate in the History and Reconciliation workshop will continue to the community dialogue, art workshop/exhibition, and trip to local mass killing places, Truth Telling ceremony, etc. In this way, they gain a holistic understanding, and we achieve the greatest impact.

3. **Partners and Collaborators** — does your program already have or seek to find partnerships/collaborators with other organizations, international partners or state institutions? If so, which ones? In what way would they contribute to the project?

This project is planning to cooperate with the Toul Sleng Museum. After several discussions, both institutions agreed to work on preserving the KR history site and promote genocide history education in public education.

4. **Key Program Activities and Stages** — describe how you would run this program in as much detail as possible. Make sure to explain how or why each activity responds to the needs of the populations/locations which you listed above.

Project Activities

1. Research and Documentation-Updating the KR History Sites

- **Capacity Development for Young Peace Researchers:** 50 university students will be selected to participate in training on Khmer Rouge history, Transitional Justice, Arts and Memory, and Oral History. Five days of workshops will be organized within the project timeframe to research and develop booklets called "Updating the KR History Sites."
- **Field Research:** The trained students will join exposure visits or field research to the two provinces for two weeks to interview victim-survivors, community people, and witnesses. They can put together stories and sketch images of those crime sites through the research. There are ten KR history sites that will be documented and preserved.
- **Development of Crime Site Memory Book:** The story of KR history sites will compile, including art and photos of former survivors of the site and other evidence, and develop to be books called "Stories from the Ground." The books will explain the action of events in the sketch to understand better. Visitors can understand the sketch by viewing the books.

National Consultation on the KR History Site Memory Book: Three national consultation workshops will be organized in Phnom Penh by young peace researchers. The consultation workshop will include relevant ministries, historians, NGO partners, and representatives from relevant institutions to finalize the books before printing.

- **Printing Crime Site of Memory Books:** The final books will be printed for future dialogue and storytelling. It will be used to develop an exhibition of the sites.

2. Preserving Local Crimes

- **National Consultation with the Ministry of Culture and Art on How to Preserve the Khmer Rouge History Sites:** YFP and S21 will organize the consultation with the Ministry of Culture and Art to discuss the possibility to preserve the remaining local crime sites. There are 50 participants from different ministries and relevant stakeholders will be invited. The consultation aims to discuss how to promote the KR history site and increase the national budget to preserve and maintain those sites.
- **Provincial Consultation Meetings on the KR History sites:** Six consultation meetings with the relevant provincial departments and communities to discuss the remaining crime sites that we will update and find the appropriate ways to cooperate to document those sites.
- **Construction of Memorials:** Five memorials will be constructed with names of the sites, reconciliation messages, and dedication to the victims who perished during the KR time. The memorials will be a symbol of memory. To build the memorial, we will engage the community to contribute their resources. The memorials will also be launched during the opening event of each site.
- **Permanent Display of Exhibition Materials:** A permanent exhibition will be displayed at those Khmer Rouge history sites for visitors to learn and understand the sites. It is part of public awareness for history education.
- **Public Opening of Memory Sites:** Three official openings of memory sites will be organized after the memory book, permanent exhibits, and memorial are completed at those target sites. During the event, we will have a public dialogue about the places. The youth participants will perform youth Forum Theater during the public event.

3. Public Education Program

- **History and Reconciliation Workshop (HR):** The interactive two-day history and reconciliation workshops on “Understand, Remember, and Change” (URC). YFP will facilitate two-day seminars for high school youth/university students aiming at preparing them for a deeper engagement with contemporary witnesses of the KR regime. Students will learn facts about KR history, and the ECCC and TJ mechanisms in an interactive and reflective process.
- **Intergenerational Dialogues (ID):** The dialogue is an effective tool to invite victim-survivors/former KR to share and discuss experiences during wartime and atrocity. It is a space where a survivor can share their actual experience in life in wartime with the young generation. By learning and sharing experiences, youth and survivors from widely varying

backgrounds will begin to develop love, sympathy, and forgiveness. YFP applies creative methods, such as drawing and painting, enabling participants of the dialogues to visually express memories that are often difficult to verbalize.

- **Trip to Local Mass Killing Sites/Memory Sites:** The field trip is very important to re-enforce the stories told by individuals and bring back collective sentiment toward the traumatic place where killing and war happened. Both survivors and youth are supposed to visit the local mass killing sites of memory sites nearby their communities to understand more about the historical conflict that connects the stories of survivors to the past event and sites of memory.
- **Testimonial Therapy and Truth-Telling Ceremonies (TTC):** YFP will expand its testimonial interventions towards a stronger truth-telling focus in communities with a mixed population of former KR and victim-survivors and the involvement of youth. 24 victim-survivors will be invited to do testimony therapy. Participants will be invited to reconstruct their traumatic memories in cooperation with a YFP staff in one-to-one sessions over the course of 3-4 days, while one YFP youth volunteer will participate in documenting the story and convert it into a written testimony. After the Testimonial Therapy participants agree upon the final versions of their testimonies, and the testimonies will be read aloud and blessed in a public Buddhist ceremony. Local authorities, community workers, governmental officials, representatives from women's groups, and youth will be invited to participate in the public ceremonial event. The ceremony is complemented by a larger community celebration where youth will present their artwork.
- **Capacity Building of Memory Committees and Youth Groups:** YFP will provide ongoing capacity building to the two existing and five new Memory Committees and youth groups to increase knowledge and skills in conflict resolution, TJ, basic mental health, dialogue facilitation skills, video and oral history collection techniques, basic project management, and fundraising skills.
- **Upgrading Local Learning Centers and Providing Technical Support:** Memory Committees in newly targeted communities will be assisted in developing culturally suitable remembrance frameworks. Memory Committees of existing learning centers will be assisted in further developing their sites by integrating written and audio-visual testimonies as well as artworks from dialogue and truth-telling interventions under this Project. YFP and S21 will also assist the committees and youth groups in organizing activities such as exhibitions, film screenings, eyewitness encounters, etc. The project aims to establish five new memory committees at five sites.
- **Mobile Exhibition on History of Crime Sites:** The mobile exhibition events will be organized in the provincial city where we will select after updating those crime sites. The event includes other activities such as youth theater performances and arts activities.
- **High School Students and Victim-Survivor/CPs Visit Mass Killing Sites:** There are 15 schools that will invite to participate in the field visit with victim-survivor or CPs. The purpose of the tours is to have the chance to learn about the history of the local mass killing places and memorial sites and inspire both generations to have an active discussion about the past events at these places. The participants can remember more deeply and gain a better understanding of life under the KR. Instead of just talking about it, being at the places generally leaves a much greater impression and ensures an authentic historical

experience. During these activities, we will organize a religious ceremony. This is a healing concept that helps in remembering and praying for the victims of the genocide.

5. **Proposed Timeline** — how long would the project run for? And if possible, please share how you might consider sequencing your program activities (as listed in Item 2)

This project will run for three years that starting from January 2023 to December 2025.

6. **Sustainability and Long-Term Goals** — what value does your program seek to add to the landscape of support for victims of the KR Regime? How will it remain relevant and continue adding value beyond the proposed timeline (Item 5) and beyond the ECCC residual phase (assuming it occurs for three years from 2023-2026, inclusive)?

This project contributes to sustainable development as it focuses on young adults and conveys important knowledge on social and political issues. It sensitizes the target group on the root causes of conflicts, and the concept of justice and shows them how they can contribute to lasting peace. By establishing youth groups, the young adults active in their communities, act responsibly, and help the war generation to recover from their traumatic experiences. It presents a very important component of the restorative part of the transitional justice process and helps the ECCC to unfold its full potential in the search for justice and reconciliation.

Key community persons, such as local authorities, teachers, monks, nuns, acha, community workers, and representatives from youth and women's committees will be involved in the design and implementation of all interventions from the beginning. Capacity building on conflict management, human rights, and various other topics including managing micro projects will ensure the sustainability of the project. Knowledge on mental health and conflict resolution will be mainstreamed enabling local key persons to better address needs and conflicts. Strengthening local mechanisms and learning centers will provide a legacy for Cambodia's TJ process and a sustainable infrastructure for community-based informal education. The ECCC's mandate to provide non-judicial measures for victims of the KR regime and the emerging debate about the legacy of the ECCC provide windows of opportunity to advocate for funding and programs that address the needs of Cambodians in dealing with the past.

The local mass killing sites are under management by the commune. We expect that the annual budget of the commune will provide for memorial site programs. It will help memorial site programs to move forward. Mainly, community memorial committee members will mobilize the community resource through community festivals, and charity programs, and engage other relevant institutions to support the memorial site.

With respect to sustainability at the community level, YFP's decentralized empowerment and engagement tactics will focus on improving long-term senses of ownership, including participation in conflict transformation and peacebuilding and reconciliation processes, communal responsibility for the local crime site preservation, as well as self-advocacy for social justice.

7. **General Budget Amount** — how much funding do you estimate is needed, and over what period of time (e.g. \$150,000 over three years, or \$50,000 per year for three years)? Note: No need for a detailed budget or spending proposal.

There is \$450,000 for this three-year project, it is the amounts to \$150,000 per year. The project will start from January 2023 to December 2025.

8. **Any additional comments?**

Youth are key actors for social change – as they learn how to change their attitudes, they can change their behaviors and habits. From these changes, they can impact and make positive changes in their society. Those trained by various YFP programs continue to affect society through their changed lives.

In recent years, many youth organizations have emerged in Cambodia to fill the need for peer relationships and fill the void of wholesome social engagement. Some of these groups are related to specific faith organizations; many promote volunteerism. Each of these groups provides outlets for young people. YFP networks with like-minded organizations to conduct larger conferences, rallies, etc. Today YFP is recognized as a leader in peace education in Cambodia and abroad. Several staff has participated in well-known peace conferences and educational activities locally and internationally.

YFP stands apart from other organizations as it engages youth to be agents of peaceful social change. YFP has been working on issues of dealing with the past in the context of the ongoing Khmer Rouge Tribunal (KRT) for several years, aiming to involve youth in reconciliation efforts and engage them in breaking the silence about the Khmer Rouge past. The Youth for Justice and Reconciliation project results indicate that young Cambodians are interested in learning about KR history and want to be involved in reconciliation processes, peacebuilding, and genocide prevention.

Problem Identification

The recent history of Cambodia is marked by decades of civil war, political repression, foreign occupation, and subsequent post-war recovery. In the last 20 years, the country has seen rapid development, including double-digit economic growth, an UN-initiated political transition, and extensive social transformation. Despite significant improvements in economic wealth, immense gaps and cleavages remain within society, and most of the population benefits little from these developments.

The immensity of this mass atrocity of Khmer Rouge cadres has left Cambodians with deep wounds and psychological trauma. This violent past affects every sphere of people's lives and remains a political controversy and conflict. The legacies of the war include dehumanization, deep distrust, stereotypes, and divergent collective memories.

Furthermore, despite the high levels of trauma across generations, little attention has been given to trauma work practices. It was the period when the country experienced a dramatic political shock. The KR regime viewed schools and universities as useless for the revolution and the country's development. Eventually, it closed all educational institutions from primary to higher education. The educated and the professionals were systematically killed because they were regarded as influencers of injustice, corruption, and exploitation of society and making the country fall into foreign colonization and imperialism (Khamboly, 2007).

However, the post-war generation receives little formal education, relying on their parents' accounts, which often transmit trauma, uncertain identities, and victimization. Both children of the former Khmer Rouge and children of victim-survivors have limited knowledge about the root causes and functioning of the KR regime and their parents' experiences (Burcu, 2008). Young people are often marginalized; hierarchical social values that place more excellent value on elders' knowledge prevent youth from civic engagement. At the same time, many youths are socialized into an environment marked by structural and often physical violence.

The lack of formal education about the Khmer Rouge regime has resulted in Cambodia's young people experiencing conflicting narratives, primarily between the survivors' children and the perpetrators. These descendants depend on family narratives for information. Many youths simply do not believe that these large-scale atrocities happened (Münyas, 2005). Such confusion and misdirected anger reflect a dangerous potential for the legacy of Cambodia's transitional justice efforts to be erased.

Transitional Justice

The persisting political sensitivity of recent Cambodian history makes it challenging to address transitional justice issues on many levels comprehensively. The Extraordinary Chambers in the Courts of Cambodia (ECCC) suffer from constant financial shortages and political interference on the retributive side. Through extensive outreach, civil society NGOs and the Public Affairs and Victims Support Section have achieved that there is at least widespread awareness about

historical facts related to the history of Democratic Kampuchea and the ECCC proceedings.¹ It can be an entry point for a more pluralist debate on history, ethnic relations, and accountability. The fact that victims can act as civil parties to the proceedings (and around 4,000 have successfully applied to do so) has empowered victim groups and sowed the seeds for further civic engagement. The Victims Support Section (VSS) of the ECCC has the mandate to suggest collective and moral reparations and to initiate the implementation of non-judicial measures². They seek input from intermediary NGOs who transport the needs of the communities to the national level. It provides an opportunity for survivors and the post-war generation to engage in the process of designing adequate measures to acknowledge and remember the pain and to get a minimum of symbolic compensation for the suffering.³

Recent studies have shown that the efforts to memorialize and publicly address past atrocities remain limited in their transformative and pedagogical effects.⁴ A few local NGOs facilitate Truth-Seeking and intergenerational communication on related issues. Still, deep and critical analysis and social debate of past events are only accessible to a small educated elite. The lack of knowledge, education, and pedagogical remembrance that links the past to the present pose a severe threat to a sustainable peace-building and social reconstruction process. Due to its limited personal and temporal mandate, many of the social root causes of historical conflicts persist and are barely addressed through the ECCC proceedings. Many former mass graves and prisons were left to decay. As part of the reparations scheme at the ECCC, it is intended to preserve such sites in cooperation with civil society organizations.

Goal and Objectives

This project aims to preserve the KR history sites to promote social reconciliation and prevent human rights violations in a society recovering from mass atrocities throughout KR history. It focuses on updating the history of KR sites to preserve and heal victims through art therapy and educating the young generation for reconciliation. Involving young generations to create memory and in the recovery process are mechanisms for sustainability in building peace and reconciling divided communities.

Objective 1: To foster engaged participation of university students and victims survivors in memorialization processes through updating the KR crime site and arts.

Objective 2: To reconnect with the memory and to share experiences of the victim-survivors for the recognition of the harm caused by the Khmer Rouge regime around crime sites.

Objective 3: To raise awareness among young Cambodian people for them to have a better understanding of Khmer Rouge history, especially the history of mass killing sites.

Objective 4: To provide a safe space for victim-survivors to address the past through art therapy and dialogues and begin processes of healing.

¹ Sperfeldt, Christoph 2012. Cambodian Civil Society and the Khmer Rouge Tribunal. In: *The International Journal of Transitional Justice*, Vol. 6, 149–160.

² The Victims Support Section (VSS) and the Civil Party Lead Co-Lawyers of the KRT are in the process of requesting reparations to the Trial Chamber and are asked to provide a list of prioritized projects by 1 February 2013. These projects are moral and collective reparations specifically addressing the harm suffered by the Civil Parties and related to the crimes under investigation. As stated in the ECCC Internal Rules (Rev.8), the VSS further has the mandate to develop and implement “non-judicial programs and measures addressing the broader interests of victims”(Rule 12 *bis.*) in cooperation with NGOs and/or government institutions. The establishment of Learning Centers is listed among the 16 non-judicial measure projects and responds to the frequent request by civil party to educate future generations. Cp. Rule 12*bis* and Rule 23 in the Internal Rules of the ECCC (Rev. 8, available online <http://www.eccc.gov.kh/sites/default/files/legal-documents/ECCC%20Internal%20Rules%20%28Rev.8%29%20English.pdf>) (01.01.2013)

³ Different Studies by the War Crimes Studies Center of UC Berkeley have found that besides justice, victims place a great emphasis on truth and education of the post-war generation. Cp. After the first Trial 2011 and So we will never forget 2009 available online: <http://data.worldbank.org/country/cambodia> and <http://www.law.berkeley.edu/HRCweb/pdfs/So-We-Will-Never-Forget.pdf> (22.11.2012)

⁴ Chhim, Kristina 2012. *Pacifying vindictiveness by not being vindictive: Do memory initiatives in Cambodia have a role in addressing questions of impunity?* Impunity Watch Research Report. See also Bickford, Louis 2009. *Transforming a Legacy of Genocide: Pedagogy and Tourism at the Killing Fields of Choeung Ek*. New York: ICTJ.



Phnom Penh, 13 May 2022

Subject: YRDP comments and recommendations to the ECCC in relation to the 3-year residual function strategy

To whom it may concern,

We would like to thank the ECCC administration and workshop organizers for inviting YRDP to this important event and seeking further suggestions from us. We believe that the follow up process should be enriched to create meaningful benefits for survivors of the Khmer Rouge regime and the wider civil society. Therefore, we would recommend the following actions:

- To create valuable outcomes for the civil society, an increasingly sustainable vision over 10 years should be envisaged and facilitated, firstly by the ECCC before transitioning to the most relevant UN Agency with a coordination mandate, once the ECCC phases out; possibly the Office of the Resident Coordinator. The ECCC workshop should be seen as a steppingstone toward the creation and implementation of a long-term action plan and workplan on the legacy of the ECCC and continuing transitional justice, placed under the leadership of the government. This process should be supported by the UN and steered by a committee, including relevant ministries, civil society the UN, and other key stakeholders.
- To discuss a transitional funding structure including a gradual and partial budget shift to the Royal Government of Cambodia on a number of topics.

To operationalize the strategy:

- To create coordination mechanisms, in the form of thematic-based technical working groups (TWGs), to foster dialogue between stakeholders and facilitate initiatives that meet the needs of various groups among the population i.e.: youth, civil parties, survivors, and ethnic minorities. To keep key concerns at the top of the political agenda and create tangible gains, the TWGs, in the form of UN-led multi-stakeholder platforms, should convene government representatives, civil society organizations, the diplomatic community and international organizations.
- To mandate the TWGs to develop thematic-based action plans and costed workplans.

We hope our contribution is relevant and useful to the crucial work the ECCC is leading.

CHAN Ramy



Executive Director

Consultation result from CPs on 13 May Forum (Phnom Penh)

Present CPLs: 1. Hong Kimsuon

Total number of CPs: 4

I. Remembrance

1. Request the construction of a memorial for the victims who lost their lives during Khmer Rouge regime at least one place in each province, with engraving the names of the and if there is a picture also put there.
2. Request the ECCC administration to assist in the implementation of this above project with the collaboration from Government during this transitional period, in terms of activities and budget and construction sites.
3. Establish a victim network who are civil parties, to facilitate further communication with support from ECCC administration.
4. Request May 20 to be a national holiday for celebrating ceremony.

II. Rehabilitation

1. Request TPO to continue to help treat the trauma of civil parties and other victims of the Khmer Rouge regime, with the support of the government.
2. Request the Government and the ECCC administration to issue ID cards (equity cards) for accessing medical and mental health care to victims and Civil Parties.
3. Request the provision of financial assistance to victims by the government through an equity card for victims or elderly CPs.
4. Ask the ECCC administration to issue a certificate of encouragement or appreciation letter to all Civil Parties.

III. Education

1. Providing training to Buddhist monks or other religious leaders about the history related to the tragedy of the Khmer Rouge regime to help disseminate or explain to people.
2. Include the KR history into the state school for student.
3. Upload pictures or videos clips related to the recollection of the Khmer Rouge genocide to TikTok or YouTube for the purpose of educating, disseminating, and preventing such acts from reoccurrence.
4. Implementer: The ECCC and the government.

IV. Documentation

1. Request for the publication of a book compiling the painful stories that the victims, civil parties, encountered during the Khmer Rouge regime, either collectively or privately, with pictures included.
2. Ask the government to broadcast a clip of the victim, civil party of the Khmer Rouge tribunal on state and private televisions.
3. Place documents related to victims and civil parties of the ECCC to the libraries of universities, secondary schools, high schools of public and private schools for research.
4. Implementer: The ECCC and the government.

V. Others

☒ [REDACTED]

[REDACTED]

[REDACTED]

Consultation result from CPs on 13 May Forum (Phnom Penh)

Present CPLs: 1. Ty Srinna

Total number of CPs: 5

I. Remembrance

1. Request the construction of a stupa at least one place in each commune or province to celebrate religious ceremonies with appropriate size or according to the available budget.
2. Request that the crime sites be maintained or preserved so that the victims of the Khmer Rouge regime, who knew about the location of the killing of their relatives, could go and celebrate their annual ceremonies. These include AMPE Phnom (in Kampong Speu) and Mesang district hall in Prey Veng province, which were the sites of massacres during the Khmer Rouge regime.

II. Rehabilitation

1. Request the Equity Cards for over 3,000 Civil Parties to access medical and mental health care with free of charge because they are old aged now.

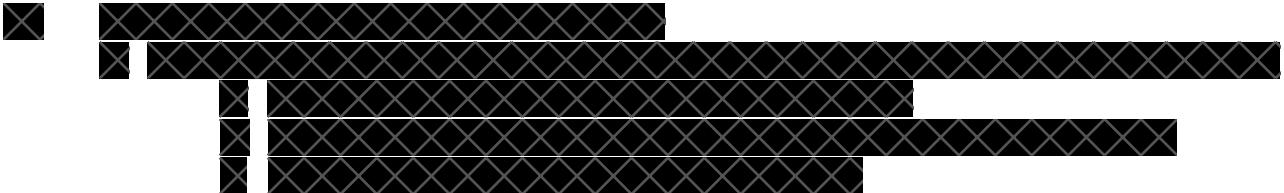
III. Education

IV. Documentation

1. Want a copy of the verdict or judgment for all Civil Parties.

V. Others

1. Request to attend the court's meeting or programs at least once before the court closes in the next three years because they want to know about the latest information about the tribunal.
2. Request for a joint ceremony to be celebrated for all civil parties.



៣. ពាក់ព័ន្ធនឹង ការអប់រំ

៤. ពាក់ព័ន្ធនឹង ការចងក្រងឯកសារ

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 បន្ថែមទៀតទេ

៥. ការសំគាល់ ឬផ្សេងៗ

* តើមានការបញ្ជាក់អ្វីមួយទៀតដែលបានលើកយកមក
 ពិភាក្សាទេ? (ឧទាហរណ៍ ឬ ទៀត)

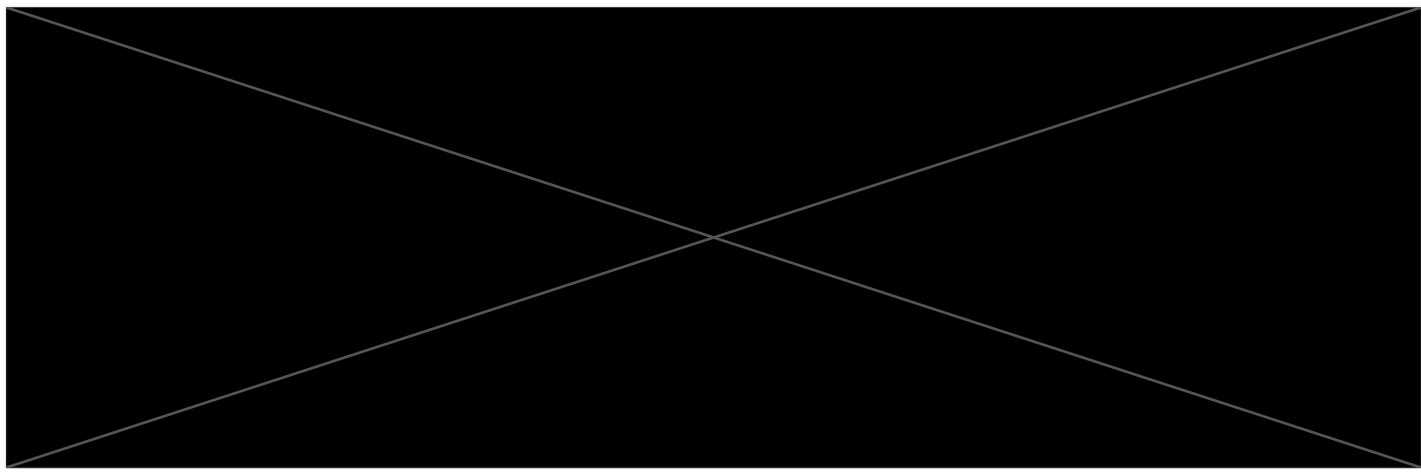
* តើមានការបញ្ជាក់អ្វីមួយទៀតដែលបានលើកយកមក
 ពិភាក្សាទេ?

មេធាវីពិគ្រោះយោបល់៖ ថៃ ក្រីស្តាន

ចំនួនដើមបណ្តឹងរដ្ឋប្បវេណី៖ ០៥៧៦

ការពិគ្រោះយោបល់ពាក់ព័ន្ធជុំវិញដើមបណ្តឹងរដ្ឋប្បវេណីចង់បាន

១. ពាក់ព័ន្ធនឹង ការចងចាំ



២. ពាក់ព័ន្ធនឹង ការស្តារនីតិសម្បទា

Consultation result from CPs on 13 May Forum (Phnom Penh)

Present CPLs: 1. Ven Pov

Total number of CPs: 23

I. Remembrance

1. Request the construction of a stupa at least one place in each province to celebrate religious ceremonies on 20 May and for the size is 10m x 10m.
2. Re-endorse Remembrance Day of May 20 to be a national holiday for celebrating joint ceremony national wide.
3. Implementer: Government

II. Rehabilitation

1. Request for Poverty Card to access health service freely.
2. Implementer: Government

III. Education

1. To include the stories of survival victims into the national curriculum to let next generation know and prevent the reoccurrence.

IV. Documentation

1. Place documents related to victims and civil parties of the ECCC to the libraries and preserve it for long time.

V. Others



មេតារីពិគ្រោះយោបល់៖ VEN POV

ចំនួនដើមបណ្តឹងរដ្ឋប្បវេណី៖ 23 ២៧

ការពិគ្រោះយោបល់ពាក់ព័ន្ធជុំវិញដើមបណ្តឹងរដ្ឋប្បវេណីចង់បាន

១. ពាក់ព័ន្ធនឹង ការចងចាំ

- ១) គ្រូប ១៧០២១១ ១៧៧ (ទំហំ 10m x 10m)
សំណុំរដ្ឋប្បវេណី 20/១៧០២ ចេញនៅ ១២/១២/១៧
- ២) 20/១៧០២ គ្រូប ១៧៧៧ ចេញនៅ ១២/១២/១៧
ចេញនៅ ១២/១២/១៧ ចេញនៅ ១២/១២/១៧
- ចេញនៅ ១២/១២/១៧ ចេញនៅ ១២/១២/១៧

២. ពាក់ព័ន្ធនឹង ការស្តារនីតិសម្បទា

- ស្តារនីតិសម្បទា ១២/១២/១៧ ចេញនៅ ១២/១២/១៧
ចេញនៅ ១២/១២/១៧ ចេញនៅ ១២/១២/១៧
- ចេញនៅ ១២/១២/១៧ ចេញនៅ ១២/១២/១៧

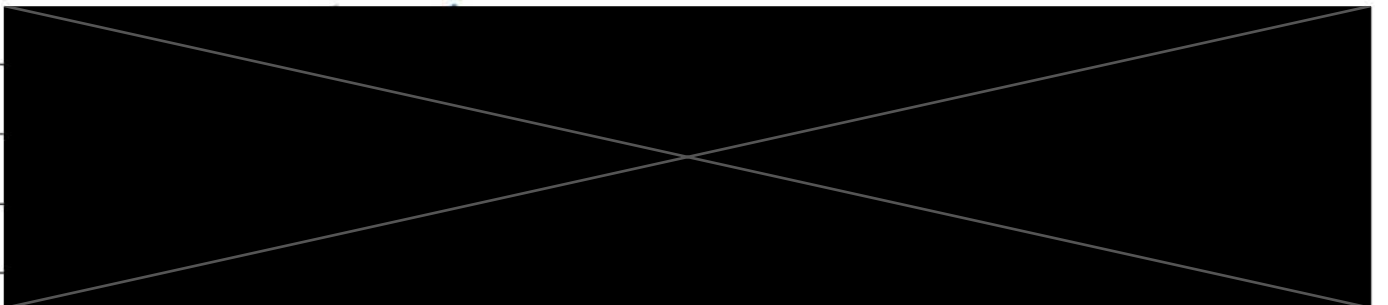
៣. ពាក់ព័ន្ធនឹង ការអប់រំ

- ស៊ីវិល/យោធា ត្រូវបង្កើនការងារ
ក្នុងការងារនេះ
លើកិច្ចការស្រាវជ្រាវ និងការស្រាវជ្រាវ
លើកិច្ចការស្រាវជ្រាវ

៤. ពាក់ព័ន្ធនឹង ការចងក្រងឯកសារ

- ស៊ីវិល/យោធា ត្រូវបង្កើនការងារ
ក្នុងការងារនេះ
លើកិច្ចការស្រាវជ្រាវ និងការស្រាវជ្រាវ
លើកិច្ចការស្រាវជ្រាវ
លើកិច្ចការស្រាវជ្រាវ

៥. ការសំគាល់ ឬផ្សេងៗ



Consultation result from CPs on 13 May Forum (Phnom Penh)

Present CPLs: 1. Nuon Socheata (CPL assistant at DSF Team)

Total number of CPs: 26

I. Remembrance

1. Request the construction of a stupa with engraving the names of the victims (Cambodian, Vietnamese, Cham minority victims).
2. Establish a joint meeting program on May 20 at the Tuol Sleng Museum every year with the participation of Civil Parties or Civil Party Representatives. The government and NGO partner are the organizers.
3. Re-endorse Remembrance Day of May 20 to be a national holiday because to this day, every year, the civil parties feel helpless and in pain.
4. Request for large gathering three times a year in tourist areas, such as in Battambang, Siem Reap. The NGO or Victim Support Unit is the organizer and supporter.

II. Rehabilitation

1. Request the Government to issue Health ID Cards for all Civil Parties (start implementing during these three years residual function and onward).
2. Ask the TPO to create entertainment programs for civil parties to alleviate their grief to reconcile their feelings. The program can be regional or invite civil party to join meetings at any place.

III. Education

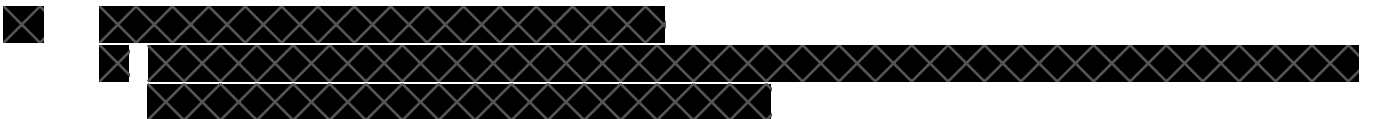
1. To include the stories of civil parties, stories that happened during the Khmer Rouge regime, such as genocide and other crimes, into the national curriculum in all schools throughout the country.
2. Request to continue the implementation of the "Courageous Turtle" reparation project, even though the court is over.

IV. Documentation

1. Documentation of all documents of CPs, witnesses etc. for young generation doing research.
2. Upload any documents related to the victim and the tribunal into the electronic system or the Internet.
3. Documentation of all stories happened in the security centres.
4. Ask for a set of their complaint documents because they have forgotten what they have said.

V. Others

1. Request the Royal Government to provide support in the field of justice to the civil parties (protect honor, legal in accordance with the law, to avoid injustice to them).
2. Ask for a certificate of appreciation for them.



មេត្រីពិគ្រោះយោបល់: ស្ថិតិសហគមន៍ ភ្នំពេញ

ចំនួនដើមបណ្តឹងរដ្ឋប្បវេណី: 26 សក

ការពិគ្រោះយោបល់ពាក់ព័ន្ធនឹងលើកដើមបណ្តឹងរដ្ឋប្បវេណីចង់បាន

១. ពាក់ព័ន្ធនឹង ការចងចាំ

- តំណាងត្រូវប្រើប្រាស់ឈ្មោះសម្រាប់ការពិគ្រោះយោបល់ (ឧទាហរណ៍: ខេត្តកណ្តាល...)
- បង្កើតឈ្មោះអាសយដ្ឋានសម្រាប់ការពិគ្រោះយោបល់ ១០ ឬច្រើនអាសយដ្ឋានត្រូវបានកំណត់ជាមុន ដើម្បីជៀសវាងការប្រកួតប្រជែងគ្នា ឬការប្រកួតប្រជែងគ្នាដើម្បីសម្រេចបាននូវលទ្ធផលដែលត្រូវបានរៀបចំឡើង។ (ឧទាហរណ៍: ខេត្តកណ្តាល ខេត្តកំពង់ចាម...)
- ក្នុងករណីដែលមានការប្រកួតប្រជែងគ្នា ១០ ឬច្រើនអាសយដ្ឋានត្រូវបានកំណត់ជាមុន លើកលែងតែករណីដែលមានការប្រកួតប្រជែងគ្នាតែមួយគត់។
- សិទ្ធិប្រកួតប្រជែងគ្នាត្រូវបានកំណត់ឱ្យមាន ៣ ខែ (ឧទាហរណ៍: ខេត្តកណ្តាល ខេត្តកំពង់ចាម...)

២. ពាក់ព័ន្ធនឹង ការស្តារនីតិសម្បទា

- ក្នុងករណីដែលមានការប្រកួតប្រជែងគ្នា ១០ ឬច្រើនអាសយដ្ឋានត្រូវបានកំណត់ជាមុន ត្រូវមានការសម្របសម្រួលនីតិសម្បទា។ (ឧទាហរណ៍: ខេត្តកណ្តាល ខេត្តកំពង់ចាម...)
- ក្នុងករណីដែលមានការប្រកួតប្រជែងគ្នា ១០ ឬច្រើនអាសយដ្ឋានត្រូវបានកំណត់ជាមុន ត្រូវមានការសម្របសម្រួលនីតិសម្បទា។ (ឧទាហរណ៍: ខេត្តកណ្តាល ខេត្តកំពង់ចាម...)

៣. ពាក់ព័ន្ធនឹង ការអប់រំ

- បង្កើនការចូលរួមរបស់សិស្សក្នុងការសិក្សាស្រាវជ្រាវ និងការប្រើប្រាស់ ភារកិច្ចការសិស្សសិស្សិនី បង្កើនការចូលរួមរបស់សិស្សក្នុងការសិក្សាស្រាវជ្រាវ និងការប្រើប្រាស់ ភារកិច្ចការសិស្សសិស្សិនី ។
- បង្កើនការចូលរួមរបស់សិស្សក្នុងការសិក្សាស្រាវជ្រាវ និងការប្រើប្រាស់ ភារកិច្ចការសិស្សសិស្សិនី ។

៤. ពាក់ព័ន្ធនឹង ការចងក្រងឯកសារ

- គ្រប់គ្រងឯកសារឱ្យបានត្រឹមត្រូវ និងមានភាពងាយស្រួលក្នុងការស្រាវជ្រាវ និងការប្រើប្រាស់ ភារកិច្ចការសិស្សសិស្សិនី ។
- បង្កើនការចូលរួមរបស់សិស្សក្នុងការសិក្សាស្រាវជ្រាវ និងការប្រើប្រាស់ ភារកិច្ចការសិស្សសិស្សិនី ។
- គ្រប់គ្រងឯកសារឱ្យបានត្រឹមត្រូវ និងមានភាពងាយស្រួលក្នុងការស្រាវជ្រាវ និងការប្រើប្រាស់ ភារកិច្ចការសិស្សសិស្សិនី ។
- បង្កើនការចូលរួមរបស់សិស្សក្នុងការសិក្សាស្រាវជ្រាវ និងការប្រើប្រាស់ ភារកិច្ចការសិស្សសិស្សិនី ។ (ការងារស្រាវជ្រាវ និងការប្រើប្រាស់ ភារកិច្ចការសិស្សសិស្សិនី) ។

៥. ការសំគាល់ ឬផ្សេងៗ

- បង្កើនការចូលរួមរបស់សិស្សក្នុងការសិក្សាស្រាវជ្រាវ និងការប្រើប្រាស់ ភារកិច្ចការសិស្សសិស្សិនី ។ (ការងារស្រាវជ្រាវ និងការប្រើប្រាស់ ភារកិច្ចការសិស្សសិស្សិនី) ។
- បង្កើនការចូលរួមរបស់សិស្សក្នុងការសិក្សាស្រាវជ្រាវ និងការប្រើប្រាស់ ភារកិច្ចការសិស្សសិស្សិនី ។

Contribution of Ideas:

Extraordinary Chambers in the Courts of Cambodia (ECCC) Residual Functions Related to Victims *US Focus Group¹ Draft 24 May 2022*

Introduction

The Co-Rapporteur's Report on Residual Functions² was released on 21 December 2021, with submissions /proposals from 20 individuals and organizations. None of the persons present at this US Focus Group had made a submission. As mentioned in the Report, a workshop held in Phnom Penh from 3-5 May 2022, was organized by short term consultants to the ECCC³. Since the workshop was difficult to attend by participants in the US (and also in Europe) due to time differences, a focus group was convened by Laura McGrew on 18 May to support additional submissions from other interested parties. The purpose was to review the main points raised by Cambodia-based community organizations and by Civil Parties (CP) directly (or through their representatives), to further expand upon or enhance their recommendations, and to include diaspora voices. Laura encouraged all participants to submit proposals to the Workshop organizers, which will be accepted until the end of the month. The Workshop report should be completed by the end of June, in time to present to the Principal Donors Group that will meet in July in Phnom Penh.

Cross-Cutting Recommendations

Cambodian people need to be fully engaged and their views valued

The Cambodian people need to be fully and actively engaged, their views need to be valued, and be put to the forefront of this whole legacy process and conclusion, especially elders in the countryside. Thus, funding for CP and victim/survivor projects and services should be prioritized. It has been repeatedly mentioned that Cambodians want stupas to be built but this has still not been done. Demands for socio-economic support, such as access to health care services, or establishment of a victims' foundation/fund for religious ceremonies in case of deaths or accidents has not yet been addressed. **A carefully and transparently selected Advisory Board could assist to ensure that projects are chosen based on Cambodians' concerns and interests.**

Diaspora Civil Parties (CP) and victim/survivors should be included in consultations and projects: projects can be linked to include both populations

Although Cambodians overseas are limited in comparison to those in Cambodia there are still significant numbers, estimated to be 339,000 in the US as of 2019⁴, 500,000 in France, and 66,000 in Australia. While only 3.3% of CP and Complainant applications came from outside of Cambodia, in Case 002, the [Applied Social Research Institute of Cambodia](#) (ASRIC) assisted Cambodians in the US to submit Victim Information Forms (VIF), and 170 of those were accepted, 41 CP applications and 129 Complainant applications (four additional CPs joined ASRIC when their legal counsel could no longer represent them).⁵ The [Center for Justice & Accountability](#) initially took on as clients 41 CPs that had been recruited by ASRIC through a community participatory process, and now represents a total of 105 Cambodian-American CP clients across Cases 002/1, 002/2, 003, 004 and 004/2.

Enhanced transparency and information sharing

There is a great need for transparency and information sharing from the ECCC: there has been so little in the past years that Cambodians have lost trust and hope in the ECCC. Even the CP lawyers have not been given any guidance on outreach which should be a priority. The Lead Co-Lawyers need to be funded and involved at all discussions in order to advocate for their clients. The Case 002/2 Supreme Court Chamber appeal judgment (estimated to take place in December 2022) remains a great opportunity for wide, broad, and deep information sharing, keeping in mind the needs of Cambodians both in Cambodia and in the diaspora, as well as former Khmer Rouge and their descendants. Rejected CPs and applicants in Cases 003 and 004 still need to be informed of the status of their applications.

Link health care and mental health and provide more services

One organization working on mental health, [Khmer Health Advocates](#) founded in 1982, works with Cambodian Americans and found strong links between trauma and health (diabetes, stroke, high

blood pressure, etc.). Many in the community are still suffering from their traumatic experiences before, during, and after the KR period and KHA emphasizes that this is a normal reaction to an abnormal situation, that their nervous system has literally changed. In the US, many older Cambodians, but also some younger people are isolated and stay at home. Much more research is needed including on genetic changes that are a result of trauma. Mental health services in Cambodia remain woefully lacking. Community health workers in the US have been in the past, and could in the future, be brought to Cambodia to work with their counterparts and to expand training programs in the countryside. For example, KHA has developed an “Eat, Walk, Sleep for Health program” which could be shared, and other health care providers in the US have other resources that should be gathered. As many people were separated from family during the KR, free genetic testing could be offered so that family members can find one another which can be an important part of healing. This could be linked with the German civil peace service submission to establish a list of the missing. Another idea is for isolated overseas Cambodians to be connected to people (via Facebook or other affordable method) in Cambodia.

Reconciliation remains a great need in Cambodia

Although the ECCC was supposed to promote reconciliation in Cambodia, there is a long way to go, especially in the west of the country and in Anlong Veng and other former Khmer Rouge areas. Until the social stigma of the KR period is broken, true healing will not happen. Reconciliation and healing are not one-time events, there needs to be a long term engagement.

Assess needs and desires of SGBV survivors

It is important that SGBV survivors and present generations desire to talk about the past, including in ways that are not segregating. There is a danger also about how the ECCC communicates to CPs, the communication needs to point to broader accounts gathered (e.g., sexual violence against men). It needs to be communicated that the ECCC is not the sole or final authority on this issue.

Educate all generations, including elders, youth, and middle-aged

Getting younger generations involved about their own history and their parents is key. In 10 or 30 years from now, the archives will be the most important legacy, the archives should be as accessible as possible. Digitization makes the documents widely available, including to children of former KR cadres. Those born just after the KR regime, now in their 30s-40s also want to learn about the past but did not learn about this in high school.

ECCC Archives need to be widely and publicly available

Several participants were concerned about access to archives, and in particular the accessibility for Cambodians in Cambodia as well as those overseas. Participants were unsure of the latest negotiations as to the location of the archives, but one person suggested that the National Archives would be the most appropriate location to ensure public access. The visuals of having the archives at the Legal Documentation Centre (LDC) located directly next to the imposing Council of Ministers was a concern, as many Cambodians would be intimidated to enter the location. Cambodians should have ownership of the archives, especially CPs or people who are featured in the sources, when decisions need to be made about access. Archives should be linked to other KR archives, both in Cambodia, as well as overseas (perhaps ECCC, Tuol Sleng, Cornell, DCCam, Yale CGP, etc.) making the resources in each available through the partner archives.⁶ At this time, there is no guidance from the ECCC or UN Office of Legal Affairs (OLA) regarding what will happen to the VIFs submitted and whether there is framework pursuant to which civil party lawyers should seek consent from their interested clients to have all or parts of their VIFs publicly accessible going forward. Anyone interested in archives should apply to access them on the [ECCC website](#) and should also contact the UN’s OLA to ask what the UN’s plans are, and to advocate for accessible archives, as the UN does not have a history of maintaining open archives.

¹ Participants included: Mychelle Balthazard, Julie Bernath, Sophal Ear, Craig Etcheson, Laura McGrew, Daniel McLaughlin, Leakhena Nou, Kosal Path, Mary Scully, Eve Zucker (and two other anonymous persons). Julie Bernath and Mychelle Balthazard took notes, and Laura McGrew wrote this summary submission.

² See <https://www.eccc.gov.kh/en/publication/co-rapporteurs-victims-advisory-report>

³ Consultants included David Cohen, Daniel Mattes, and Sangeetha Yogendran.

⁴ Pew Research Center. (2019) Cambodians in the U.S. Fact Sheet. April 29,2021. This number of 339,000 may be in accurate as many Cambodians are distrustful of the government and may have not participated in the census. Available at: <https://www.pewresearch.org/social-trends/fact-sheet/asian-americans-cambodians-in-the-u-s/>

⁵ See Nou, Leakhena (2013) “Beyond Silent Suffering and Trauma Half a World Away: Participation of Cambodian Diaspora Genocide Survivors in the Extraordinary Chambers in the Courts of Cambodia.” *Asia Pacific World* 4(1), Spring 2013: 56–79.

⁶ Sharing of archives has already been accomplished with Holocaust archives by using a common archive platform (Aviary). The collaborating archives including the Arolsen Archive, USC Shoah Foundation, (USHMM, Fortunoff Archive, and several others are all linked allowing searchability across archives from each archival portal. The participant also suggested using a archiving system such as “Archive-It” to record key websites such as the ECCC on the web over time as was done by the 9/11 Museum in the aftermath of the attack and Columbia University for Human Rights.

Contribution of Ideas:

Extraordinary Chambers in the Courts of Cambodia (ECCC) Residual Functions Related to Victims
Mychelle Balthazard, PhD, Project Manager, Harvard Humanitarian Initiative (HHI) – individual contribution

31 May 2022

- 1. Background Context, Needs and General Goals** — please describe the context for your activities, explain how your organization or institution has already worked in this area, and describe the goals or needs of victims which your project would seek to address.

Since the beginning of the ECCC, several projects have been implemented to address the needs/ concerns of the victims. Those range from mental health and psychological support, to arts, to education and much more. The workshop conducted in May 2022 has generated additional ideas from engagement of victims to information sharing, to health and mental health services, to name a few.

What I am proposing is a tool to determine what needs to be done next. The aim of the project is to assess the contribution of the ECCC and related projects on justice and reconciliation for the crimes committed during the Khmer Rouge among the Cambodian victims in Cambodia. More specifically, The objectives of the project are :

- 1) To monitor victims' knowledge and attitudes towards the ECCC and different implemented projects.
- 2) To assess the effects (positive and negative) of the already implemented projects for the victims (e.g. reparation projects).
- 3) To determine victims' current needs, concerns and priorities beyond people who were attending the workshop and/ or those who are regularly involved.
- 4) To assess the feasibility of addressing the needs/ concerns of the victims in the short, medium and long-term including actors that need to be involved, and step-by steps that need to be taken.
- 5) To identify victims who want to be involved in the residual phase and under which conditions.

This would be achieved through the implementation of quantitative and qualitative methods including a survey/ focus groups of victims (first) and if interested of the general population of Cambodia (tbd).

I (as part of HHI or individually) have collaborated to several population-based surveys related to the ECCC as well as many studies related to victims.¹ This would allow comparison over time and provide information of what was satisfactory for the victims as well as what has been missing since the implementation of several projects.

2. Target Populations and Locations — which kinds of individuals or group(s) are you targeting, and why? In which location(s) will your program take place, and why?

The target population would be all victims across Cambodia. This would require searching for victims to ensure that as many as victims as possible could be interviewed.

3. Partners and Collaborators — does your program already have or seek to find partnerships/ collaborators with other organizations, international partners or state institutions? If so, which ones? In what way would they contribute to the project?

We would work closely with all organizations that have implemented projects for victims as well as government officials especially in the feasibility assessment phase.

4. Key Program Activities and Stages — describe how you would actually run this program in as much detail as possible. Make sure to explain how or why each activity responds to the needs of the populations/locations which you listed above.

Each step will offer opportunities for consultation and revisions.² The different activities will include.

- **Study concept:** Desk review, contacts with the different implemented organizations, and identification of victims.
- **Design:** study design and protocol (data collection methods, sampling, limitation, ethical issues), questionnaire design.
- **Implementation plan:** logistic, timeline, detailed budget, feasibility assessment.
- **Implementation:** pilot, interviewers training, data collection.
- **Data analysis**
- **Reporting and dissemination.**

5. Proposed Timeline — how long would the project run for? And if possible, please share how you might consider sequencing your program activities (as listed in Item 2).

¹ Balthazard, Mychelle, Melanie Hyde and Christoph Sperfeldt. "Survey Report. Assessing Media Outreach and Survivor Engagement for Case 002 at the Khmer Rouge Trials," in *Voices for Reconciliation: Promoting a Nation-Wide Dialogue on the Khmer Rouge Past through the Mass Media and Community-level Survivor Networks*. Final Project Report, Melanie Hyde and Christoph Sperfeldt, Center for Cultural and Technical Interchange Between East and West, Inc. (EWC) /Asian International Justice Initiative (AIJI), December 2015; Balthazard, Mychelle and the Transcultural Psychosocial Organization Cambodia (TPO Cambodia). "Truth, Reconciliation and Healing in Cambodia. Baseline Survey Report," Transcultural Psychosocial Organization Cambodia, 2015. Balthazard, Mychelle. "Gender-Based Violence during the Khmer Rouge: A Forgotten Issue? Cambodian Defenders Project Gender-Based Violence Project 2010-2012. Evaluation Report," Cambodian Defenders Project, 2013; Kirchenbauer, Nadine, Mychelle Balthazard, Latt Ky, Patrick Vinck and Phuong Pham. "Victims Participation before the Extraordinary Chambers in the Courts of Cambodia," Cambodian Human Rights and Development Association (ADHOC) and Harvard Humanitarian Initiative, 2013; Pham, Phuong N., Patrick Vinck, Mychelle Balthazard, and Sokhom Hean. "After the First Trial: A Population-Based Survey on Knowledge and Perceptions of Justice and the Extraordinary Chambers in the Courts of Cambodia," University of California, Berkeley: Human Rights Center, June 2011; Pham, Phuong N., Patrick Vinck, Mychelle Balthazard, Sokhom Hean, Eric Stover. "So We Will Never Forget: A Population-Based Survey on Attitudes about Social Reconstruction and the Extraordinary Chambers in the Courts of Cambodia," University of California, Berkeley: Human Rights Center, January 2009

² Those steps have been developed by Phuong Pham and Patrick Vinck, Research Methods, teaching document, University of California, Berkeley 2008

This is a one-off that would last about 6 months from start to finish.

- 6. Sustainability and Long-Term Goals** — what value does your program seek to add to the landscape of support for victims of the KR Regime? How will it remain relevant and continue adding value beyond the proposed timeline (Item 5) and beyond the ECCC residual phase (assuming it occurs for three years from 2023-2026, inclusive)?

This is information gathering for the residual phase of the ECCC. Its focus is on the needs and concerns of the victims. The data would provide invaluable information to maximize planning of the residual phase of the ECCC.

- 7. General Budget Amount** — how much funding do you estimate is needed, and over what period of time (e.g. \$150,000 over three years, or \$50,000 per year for three years)? Note : No need for a detailed budget or spending proposal.

The total amount of the activities would depend on how many victims will be identified and reached. However, globally, a total amount of \$150,000 should cover personnel, travel and data collection. Nonetheless, the costs of the project could be discussed, if accepted.

- 8. Any additional comments?**

THANK YOU!

PLEASE RETURN TO MATTES.DANIEL@ECCC.GOV.KH BY 15 MAY 2022.

Contribution of Ideas:

Extraordinary Chambers in the Courts of Cambodia (ECCC) Residual Functions Related to Victims
Laura McGrew, PhD, Independent Researcher – 13 May 2022

Introduction

Outreach, Networking, and Information Sharing must be a Priority

Between January and February, 2022, I conducted informal research in Cambodia with informants whom I have been meeting repeatedly since 2006 (some since 1999) with ongoing research looking at truth, justice, reconciliation, and peace – including views on the ECCC.¹ I found a marked decrease in knowledge of, support for, and satisfaction with the ECCC, compared to interviews conducted in 2006-8, 2011, 2014, 2015, 2017, 2018, and somewhat less than in 2020. I agree with Marie Wilmet's submission to the Co-Rapporteurs summarizing research on civil parties: "The interviews revealed that the civil parties have not received information from the ECCC or their lawyers since 2017 or 2018. While they were generally positive about their civil party participation, a significant proportion of them expressed their frustration at the lack of information and follow-up in recent years."

After my recent visit to Cambodia, I was extremely dismayed at the lack of interest, support for, and hope in the ECCC, after these long years of justice-seeking through the ECCC and related NGO activities. I believe the victims should be the center of justice mechanisms and their current despondency is very disturbing. The lack of support from the ECCC for timely and adequate information dissemination both to the public and civil parties, support which has gradually decreased and become almost non-existent in recent years, could now be somewhat rectified in the current funding for Residual Functions. A great opportunity lies in the upcoming announcement of the Appeal for Case 002/02. The many years of experience gained by the ECCC's Public Information section, VSS, and other ECCC units, and by many NGOs, provides a strong basis for a widespread information campaign which should include TV, radio, and other audiovisual mechanisms – these have been extremely effective, and many best practices have been developed. This is crucial in order that all the accomplishments of the ECCC are not lost on the Cambodian public.² The Government should publicize on TV the appeal process as well as other ancillary activities, free of charge.

A full-time, fully-staffed and funded, and dedicated public information unit or NGO must be re-established. **Coordination between the UNAKRT, LDC, government, donors, and NGOs is essential for efficacy and sustainability. Outreach and information sharing must be a priority. Networks and meetings to share information with NGOs and others should be re-established.**

Cross-Cutting Recommendations

Support needed for projects proposed to date as well as additional proposals

The Co-Rapporteurs' report summarizes projects they received including for: education; information sharing; data organization, evaluation, and preservation; community reconciliation and mediation; mental health; memorials (monuments, stupas, ceremonies). These projects have been well established and supported in the past and are reflected in the proposals already received – there is no need to recreate the wheel. Although not mentioned in the co-rapporteur's summary, **health care and social services** (including for SGBV survivors) and in particular, government provision of the "IDPoor Card" are also needs often mentioned by survivors and are mentioned in some of the proposals. Relationships between youth and elderly are mentioned in several proposals, but additional emphasis should be placed on research on, and support for elderly as survivors age and pass away as well as second generation effects, and children of former KR. NGOs such HelpAge, the Dhammayietra Mongkol Borei³ have not submitted contributions, and others not normally included in discussions about the ECCC would have valuable inputs into care for survivors. The NGO Forum and the Cooperation Committee for Cambodia (CCC) should be consulted.

Support needed for Legal Support for Civil Parties

As the purpose of the Residual Function is for "undertakings appropriate and meaningful for victims", the submission from the Civil Party Lead Co-Lawyers' Section of 5 October 2021, emphasizes the need for a "clear and permanent institutional structure with appropriate resourcing", with victims

and their needs at the center, and suggests a “Do No Harm” approach preventing retraumatization, based on consent and respect for privacy. Civil parties from all trials should be included.

Enhanced Transparency and Conflict Sensitivity of Funding Processes Needed

Partly related to the lack of information and outreach from the ECCC noted above, but also the culture in which the ECCC/UNAKRT operates, is a need for greater transparency. The call for contributions to the Co-rapporteurs report was not circulated widely nor consistently, and although funding is said to be available the processes to obtain such funding are not public nor are parameters of the funding. Rumors exist that many of the projects have already been approved and decided upon, but who is deciding and how? Are victims’ voices included? What is the process for learning about and applying for funding? Should there not be an open call for proposals? What are the specific detailed goals for Residual Funding Mechanisms, how will they be prioritized and funded? Assuming that the UNAKRT Administration is in charge, should there not be a panel or advisory committee which provides various expertise needed to review the proposals including legal, mental health, international tribunals, outreach, reparations, health and social services etc.? Well established best practices for conflict sensitive and long-term sustainable recovery, development, and reconciliation include long-term (minimum 3 years) and flexible funding. Several studies on funding transitional justice mechanisms have been carried out and should be consulted.⁴ Funding processes should be expedited in order to ensure projects are well underway in the 3-year Residual Function period. Funding should include conflict analyses, ‘do no harm’, and evaluation costs.

Monitoring is Needed to Ensure Victims’ Rights Assured

NGOs should continue to monitor the various projects and make sure the promised Residual Functions are completed and victims’ rights are respected. Donors should fund monitoring.

Protect and Promote Human Rights

Although mentioned in many proposals, mechanisms are needed to ensure victims’ rights, minority rights, inclusion of both youth and elderly, conflict sensitivity, and gender sensitivity.

Revisit Legacy Issues

Legacy issues that have been discussed in many fora in the past, such as training of lawyers, court officials and administrative staff, police, and prison staff, should be revisited.

Survey of Justice, Reconciliation, Reparations

Although reconciliation is listed as a category of the proposals received by the Co-rapporteurs, and several of the proposals mention community reconciliation, mediation, dialogue, memorialization, testimony, oral histories, and other similar projects, there has not been a widespread, broad-based survey (such as those published by the Human Rights Center Berkeley in 2009 and 2014⁵ amongst others). A follow-up survey should be conducted to assess survivors’ views. My informal interviews suggest that although improved, there is still a great deal of mistrust, hatred, and fear at the community level, especially when victims and perpetrators are living side by side. Updated studies of effects on second generations are needed, including the situation of children of former Khmer Rouge who may be stigmatized due to their parents’ actions.

Access to Archives needs to be Ensured and Communicated

Although the Co-Rapporteurs report stated they were not addressing the issue of archives, the location, breadth, and access of archives are inextricably linked to outreach and information sharing, and are in several of the projects received by the Co-Rapporteurs. And while understandably the ongoing negotiations about the final location of the ECCC Archives prohibits some information sharing, there is none-the-less a lack of information about access to the archives, and there is no access policy available publicly. NGOs, civil parties, and all ECCC units should have inputs into deciding these policies. Information is needed for both the Government and UN plans for Archives.

¹ See <https://independent.academia.edu/LauraMcGrew>

² Bringing a few busloads of public and civil parties to the ECCC for a two-hour legal presentation is not cost effective, efficacious, or sufficient.

³ See for example: Dhammayietra Mongkol Borie's (DYMB) earliest work, beginning in 2000, was with people dying at home from chronic disease because of the AIDS epidemic but never limited its care only to those with AIDS. "Old age" remains the most common "diagnosis" for the home care program. As the years went on, DYMB added helping communities cope with chronic disease to its activities, primarily through peer groups and volunteers. DYMB used the HelpAge model for Older People Associations (OPAs) and has established 55 OPAs. Within the OPAs DYMB initiated its Home Helper program for villagers to assist the elderly living alone with their activities of daily living. DYMB set up a Chronic Disease Peer program to screen villagers for hypertension, to teach reduction of risk factors and to monitor blood pressure for hypertension patients. Decreased funding has limited DYMB's home care program but it continues to support OPAs and their activities as well as parallel activities with PLHIVs (people living with HIV/AIDS). The contact person for DYMB is Ms Yem Sopheap at Email dymb.mkbr@gmail.com Phone 012-924-248.

⁴ See "Funding Transitional Justice Mechanisms: A Guide for Supporting Civil Society Engagement" (2015) attached. Many other references can be provided if requested. See also McGrew, L. (2018) "Cambodia," chapter in *Transitional Justice, International Assistance, and Civil Society: Missed Connections*. Eds. Arthur, P. and Yakinthou, C. Cambridge: Cambridge University Press.

⁵ See Pham, Phuong and Vinck, Patrick and Balthazard, Mychelle and Hean, Sokhom and Stover, Eric, So We Will Never Forget: A Population-Based Survey on Attitudes about Social Reconstruction and the Extraordinary Chambers in the Courts of Cambodia (August 12, 2009). Available at SSRN: <https://ssrn.com/abstract=1447662> or <http://dx.doi.org/10.2139/ssrn.1447662> and Pham PN, Vinck P, Balthazard M, Hean S, (2011). After the First Trial: A Population-Based Survey on Knowledge and Perceptions of Justice and the Extraordinary Chambers in the Courts of Cambodia. Human Rights Center, University of California, Berkeley.



BACKGROUND

Founded by Cambodian medical sociologist Dr. Leakhena Nou, the Applied Social Research Institute of Cambodia (ASRIC) is devoted to restoring, distributing, and implementing procedural justice for Cambodian American victims and survivors of the Khmer Rouge in the diaspora. It is an entirely volunteer-driven enterprise, and a leading independent organization dedicated to increasing the cultural, individual, collective strengths of Cambodians in the diaspora. As an interdisciplinary research institute, ASRIC is committed to envisioning new initiatives that link scholars to communities, theories to practice, and local activism to global change, giving voice to Cambodians globally. As an applied medical sociologist-activist, Dr. Nou works to change our understanding of the impact of genocide and make contributions that can be used immediately and directly to help multiple generations of victims/survivors of the Khmer Rouge find justice, meaning, closure, and social recovery. Of particular importance in this work is her access to and collaboration with the now-adult children of the genocide's perpetrators; these individuals also struggle with a haunting past they cannot evade. For more information on ASRIC, please visit <http://www.asricjustice.com>. This document summarizes a detailed proposal, which is available upon request, along with Dr. Nou's curriculum vitae.

Although founded in 2008, ASRIC is perhaps best known for its work among Cambodians living in the US diaspora in the run-up to the ECCC's opening of Case 002. For this case, over a period of two years, Dr. Nou worked with legal experts from Harvard and UCLA to train and lead a team of volunteers to offer workshops with the goal of educating genocide survivors about their participatory rights in the ECCC, and then ensuring any survivors who wanted to file Victim Information Forms (VIFs) as civil parties had the assistance they needed to do so. Educational workshops were held in cities across the United States (Long Beach, Santa Ana, and San Jose, CA; Portland, OR; Lowell, MA; Philadelphia, PA; and the Washington DC, Maryland, and Virginia area), resulting in the largest collection of VIFs submitted to the ECCC from any single diaspora source. All 174 submitted VIFs (from 45 civil parties and 129 complainants) were accepted as testimonial evidence in Case 002. In June 2013, Dr. Nou and a small team of experts accompanied a group of survivors to support their participation in the ECCC's trials. It was on this trip that Dr. Nou reconnected (first met at the Opening of Case 002 in June 2011) with the eldest son of Kaing Guek Eav (alias "Duch") and began to explore the possibility of including the descendants of the Khmer Rouge itself in the search for justice. This groundbreaking work is documented in Michael Siv's widely acclaimed film, "Daze of Justice" (trailer at <https://vimeo.com/170215545>), and was officially recognized in the United States Holocaust

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Memorial Museum's Genocide Prevention Case Study: Cambodia (<https://www.ushmm.org/genocide-prevention/countries/cambodia/case-study/justice/justice-beyond-the-courts>).

CONCEPT PROPOSAL

ASRIC submits this concept proposal to the Victims Initiatives for the ECCC Residual Phase to fund its bold new programming designed for individual and collective healing of Cambodian society. As a natural progression of ASRIC's public sociology approach to addressing societal problems and public health, we seek funding to pursue the development of an outreach and education program that would supplement achievements in procedural justice resulting from the ECCC's proceedings.

This new initiative is called the **Kambuja Evolution Project (KEP)**, a multidisciplinary collaborative project between social scientists from various social-behavioral backgrounds (including but not limited to anthropology, sociology, economics, and political science); educators and practitioners in the arts, performing arts, and humanities; historians and legal experts; and multimedia and technology development professionals who will combine the creative process and innovative learning, multimedia, and social media tools and platforms to produce educational materials, promote healing, and rebuild and reimagine community for Cambodians anywhere they live. The project emphasizes ASRIC's mission of combating chronic multigenerational trauma symptomatology, hopelessness, and helplessness that continue to cripple Cambodian communities throughout the world.

As a Cambodian medical sociologist, Dr. Nou engages with often marginalized communities in Cambodia and the United States. Her work has demonstrated the power of effective educational outreach programs in addressing the needs of these populations. Programs driven by empirical research have the best chance of helping populations overcome longstanding challenges of unequal distributions of social power, opportunities, and resources. This logic guides this proposal.

PROJECT DESCRIPTION

Grounded in an indigenous Khmer theoretical framework, the **Kambuja Evolution Project (KEP)** celebrates and reimagines the strengths and resilience of Cambodian culture, heritage, and all forms of historical and contemporary identities as a mechanism for promoting and executing healing justice and reconciliation with support from transnational knowledge, talent, and other resources. *Kambuja* refers to an ancient ethnic concept that describes Cambodians from Southeast Asia. With KEP, ASRIC will identify and recruit Cambodian scholars, educators, artists, archival materials, and other resources to create programming to provide healing justice. KEP will draw on a deep understanding of customs, traditions, and religious practices, historical archeology, architecture, written and oral language, visual and musical artistic expressions, and more. KEP will strive to address the psychosocial needs and adjustment of Cambodians anywhere in the world in an effort to reverse the longstanding negative cultural association of Cambodia and Cambodians with the Khmer Rouge and the party's attempts to annihilate a positive Cambodian identity.

Using both virtual and in-person formats, KEP will host ongoing reconciliation, restorative, and reparative dialogues among Cambodians around the world about topical issues related to "being Kambuja," with the goal of healing the multigenerational trauma caused by the Khmer Rouge.

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Foundational work has already begun and will continue in the coming years. Dr. Nou will use an applied, indigenous approach in bringing the following projects forward to promote education and healing among all interested Cambodians, by transforming negative memories of destruction and horror into powerful messages of hope and resilience for Cambodian social health across generations and global regions. Key KEP projects (which complement additional, targeted projects detailed in the longer version of this proposal) include:

1. An interactive web platform featuring Cambodian historical content, healthcare information, resources for professional and technical training, indigenous art and cultural content, and topical presentations and spontaneous discourse.
2. Indigenously created online educational materials and activities to guide those touched by the genocide through creative healing processes, such as experiential writings and art.
3. A new Cambodian Studies curriculum and major at California State University, Long Beach (where Dr. Nou is a tenured professor). This curriculum, which is currently under development, will be designed for online accessibility, making it seamlessly transferrable to the KEP website noted in the first item on this list.
4. A supplemental online curriculum focused on Cambodian culture and heritage; this will build on the "toolkits" already developed for ASRIC's work with victims filing VIFs, and will serve as a way to engage survivors who did not file VIFs or who were born after the genocide.
5. Creation of online international study programs that connect Cambodian college students with their peers studying the same topic in different countries (for example, two Cambodian students, one studying philosophy in New York and one studying philosophy in Phnom Penh).

Although all of these projects are under discussion or in the preliminary stages of development, significant additional work on them requires funding. These projects include but are not limited to:

- a deeper dive into the current state of public knowledge among Cambodians of their own history *before* the genocide (which can be a source of positive sense of ethnic identity);
- rich development of content on Cambodian health, mental health, and epidemiology (with the intent of improving health and mental health awareness, disease prevention, and basic interventions);
- organizing and developing conferences and webinars to discuss and address the residual effects of the Khmer Rouge on Cambodian individual and community health;
- related research projects already in progress on Cambodian social health and recovery.

TARGET POPULATIONS, LOCATIONS, and RATIONALE

We have given exhaustive thought to our target populations, locations of our programming, optimal use of virtual and in-person formats, and sequencing of which programs to offer when, where, how, and to which audiences. In brief, our target populations are:

1. **WHO:** Surviving victims and their families. **WHY:** Survivors need to continually combat the effects of the genocide, both direct and residual. **WHERE:** Strategic Cambodian populations inside and outside of Cambodia.
2. **WHO:** Post-Khmer Rouge generations, particularly university students. **WHY:** To facilitate healing justice. Cambodian youth of today still face residual effects of the Khmer Rouge

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regime. It is important for these leaders of tomorrow to understand how they are affected, how to move forward, and how to reconstruct Cambodian identity in a meaningful way.

WHERE: University campuses in Cambodia and the diaspora.

3. **WHO:** Former perpetrators and their families. **WHY:** Sustainable, whole-society healing must involve the whole of society. **WHERE:** As appropriate, at workshops and interactive events, initially in Cambodia and then elsewhere in the diaspora.
4. **WHO:** Cambodian military veterans who fought against the Khmer Rouge regime. **WHY:** These veterans are living witnesses to life in Cambodia before, during, and after the genocide. **WHERE:** Strategic Cambodian populations inside and outside of Cambodia.
5. **WHO:** Incarcerated Cambodians in the United States. **WHY:** Rehabilitation involves rebuilding one's identity and sense of purpose in society. Offering our Cambodian life and culture programming to Cambodian inmates in the United States provides them with an opportunity to reassess and realign their identities and connect them to a historical, societal, and transnational view of meaningful contribution. **WHERE:** Inside US prisons.
6. **WHO:** Repatriated Cambodians from the US. **WHY:** Repatriated populations face both cultural and linguistic gaps. A cultural education program could help their reintegration into Cambodian society. **WHERE:** Larger communities of repatriated Cambodians in Cambodia.

Eventually, ASRIC hopes to offer age-appropriate programming in cultural education designed for K-12 classrooms, both in Cambodia and in major Cambodian communities across the diaspora.

ANTICIPATED PARTNERSHIPS

These projects, like all of ASRIC's previous successful initiatives, will benefit from close collaboration with numerous expert individuals and organizations in Dr. Nou's global, interdisciplinary networks. ASRIC anticipates forging partnerships with the following institutions, academics, and other partners, many of whom have already expressed their support. By the final phase of this project, we intend to have an enlarged global network of institutions that offer our programming.

Academic Institutions

California State University (Long Beach, Los Angeles, and Stanislaus campuses)

UCLA

Harvard University

Purdue University

University of Hawaii – Manoa

University of Melbourne (Australia)

Sorbonne University (Paris, France)

The Royal University of Phnom Penh

The Royal University of Fine Arts (Phnom Penh)

Pannasastra University of Cambodia (Phnom Penh)

Bophana Audiovisual Resource Centre (Phnom Penh)

Centre for Buddhist Studies (Phnom Penh)

Norton University (Phnom Penh)

Centre for Khmer Studies (Siem Reap, Cambodia)

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Academicians

Dr. Nou is compiling a list of leading Cambodian scholars targeted for collaboration. Out of respect to these individuals, we prefer not to list their names until funding becomes available. We are confident that many scholars will want to collaborate, and several have already agreed to do so.

Social Media Partners

Khmer Renaissance

Mealea Collection

Seen to Unseen

Death in Cambodia

All things Cambodian

Other Global Partners

Community service organizations in Long Beach and across the United States (ASRIC's past partnerships)

Cambodian student groups at partner universities

Correctional institutions

Civil society organizations (in Cambodia and internationally)

Grassroots organizations

PROPOSED TIMELINE FOR KEY TASKS

We anticipate needing three years to launch KEP and related projects. Once launched, programming will run indefinitely into the future, with periodic updates. Priority tasks for each year are:

The primary focus of **YEAR 1** will be completing background research (e.g., needs assessment), formalizing key partnerships, laying the foundation for KEP's online platform, obtain formal approval from CSULB for the collaborative programming described, and developing curricular content for the Cambodian Studies and Cambodian Life & Culture curricula.

Key tasks for **YEAR 2** include compiling all archival materials (new and old) into an online archive accessible worldwide; launching information-sharing networks and strategies between program partners; enrolling the first cohort in the Cambodian Life & Culture curriculum at CSULB; and creating and distributing two short podcast series: one on Khmer culture, and one about the genocide.

In **YEAR 3**, critical tasks will be making the Cambodian Life & Culture curriculum accessible online; enrolling the first cohort in this online curriculum at university campuses in Cambodia; gathering and incorporating key feedback from all students who have used this curriculum to date; and then releasing the updated curriculum to a global audience online.

SUSTAINABILITY AND LONG-TERM GOALS AND RELEVANCE

Our indigenously informed programming represents both a memorial of past experiences and a redefinition of our cultural identities as we move forward. Our aim is to provide inclusive programs and meaningful healing to all people negatively impacted by the Khmer Rouge. We strive to equip

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first-hand survivors of the genocide, as well as their children and grandchildren, with a strengthened sense of cultural identity that balances myriad triumphs over dismal odds and prepares them to navigate purposefully and successfully in a globalized world that has long dismissed, discredited, and devalued Khmer culture and history. We will realize this goal by creating, implementing, and distributing rich online programming available to anyone with internet access. Among many programs of impact, we are especially excited about those designed for younger Cambodians, who represent the generation most likely to redefine Cambodian cultural identity and address the pernicious health and mental health issues that have haunted our community for far too long.

ESTIMATED BUDGET AND TIMING

Although our anticipated financial needs will be greater, we are seeking a total grant of \$300,000 over the initial three years of the proposed initiative. This includes funding to “buy out” Dr. Nou’s salary at CSULB, freeing her to devote herself to this work. Additional funding is needed for predictable overhead and institutional costs, including paying various experts and consultants to ensure we create compelling, engaging, and effective programming. Budget estimates for the first three years are:

	Startup (9 mo.)	Fiscal Year 1	Fiscal Year 2	Fiscal Year 3
Operating Expenses (Total)	\$280,569	\$517,983	\$524,958	\$554,073
Publicity & Communication	5,132	9,964	10,661	11,407
Program & Administrative	275,437	508,019	514,297	542,665
Expected Income & Revenue (Total)	\$280,569	\$537,183	\$546,308	\$578,595
Internal Income & Revenue	0	6,000	8,150	11,323
External Grants & Donations	280,569	531,183	538,158	567,273

ADDITIONAL COMMENTS

ASRIC was founded and is directed by Leakhena Nou, PhD, one of the world’s few Cambodian medical sociologists. Dr. Nou, whose nuclear family left Cambodia shortly before the genocide, has devoted her life to helping Cambodians overcome its persistent negative impacts. The proposed work represents a unique opportunity to continue her groundbreaking work with Cambodian survivors, their families, and the families of the genocide’s perpetrators, expanding this work in new and impactful ways. The proposed initiatives aim to address underlying and unresolved trauma, mental health, and medical health conditions stemming from exposure to atrocities during the genocide. She has seen firsthand the critical importance of the ECCC’s work, as well as its limitations. Through her work with survivors, Dr. Nou has realized the need for multifaceted, far-reaching, indigenously informed initiatives in the ongoing struggle to overcome the genocide’s residual effects. She has done her best to create such programs and describe them here for funding consideration.

Submission of Samphoas HUY, Rutgers University

I add some ideas that I develop through my research and discuss with a Civil Party. We wish that when the ECCC ends its work, the VSS should not be ended its job. The VSS should be converted to an organisation that continue to work supporting the survivors and their next generations.

It is not difficult to organise the new VSS. The ECCC's equipment should be donated to the new VSS and the people who recruited to work at the new organisation should be free from political party. The staff should have good knowledge or experience related to KR. We can receive funding from outside and from the survivors if they would like to contribute to new organization.

Donor or even the government should support by providing land or office space for the new VSS, and office equipments can be transferred from the VSS or the ECCC. But, the government should not have influence on the organization.

The new organization should work with other associations oversea to help to improve the condition of the survivors, well being and also reconcile the nation through research, psychological intervention, and social support. Therefore, they would play important role in continuing the work of VSS, coordinating and adding other important works that you already mentioned regarding the education, health care, gender based violence, archives, and reconciliation. This new VSS should include , engage and consult with survivors; therefore, we will continue to empower survivors and make the memory of the KR survive. If it is possible, after the good operation in the city, we can have a branch in the big provinces to reach out to survivors better.

However, we need a leader who have experience working with survivors to be a leader of the new VSS. He or she should be a person who is neutral and make sure, he or she should take the interest of the victims and the people to consideration first.

This is just the draft idea that I received from my research, by talking to an informant and CP.

I hope you can include it in the report sending to the ECCC.

Best,

Samphoas Huy