

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

**FILING DETAILS**

**Case No:** 002/19-09-2007-ECCC/TC

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

**Filed to:** Trial Chamber

**Original Language:** English and Khmer

**Date of Document:** 01 March 2017

**CLASSIFICATION**

**Classification of the document:**

PUBLIC

**suggested by the filing party:**

សម្រាប់/Confidential

**Classification by Chamber:**

**Classification Status:**

**Review of Interim Classification:**

**Records Officer Name:**

**Signature:**




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**CIVIL PARTY LEAD CO-LAWYERS' SUBMISSION ON THE  
IMPLEMENTATION OF JUDICIAL REPARATION AWARDS FOR CASE 002/01**

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**Before:**

**Trial Chamber**

Judge NIL Nonn, President  
Judge YA Sokhan  
Judge Jean-Marc LAVERGNE  
Judge YOU Ottara  
Judge Claudia FENZ

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## I. INTRODUCTION

1. Internal Rule 23 (1) provides for the right of civil parties to seek collective and moral reparations for the harm they have suffered as a result of the crimes for which the Accused have been charged. Following the close of evidence in Case 002/01 and pursuant to Internal Rule 23 *quinquies*, the Lead Co-Lawyers filed their final claim for reparation on 8 October 2013 in which they requested that the Trial Chamber judicially recognize thirteen projects as reparations.<sup>1</sup>

2. The Trial Chamber in the Case 002/01 Trial Judgement acknowledged that eleven awards met “the requirements of Internal Rule 23*quinquies*(3)(b) [and] address the harm suffered by victims and provide moral and collective reparations to the Civil Parties. These projects appropriately give effect to the award sought by the Lead Co-Lawyers and may be implemented.”<sup>2</sup>

3. Now that the convictions are final with the rendering of the Appeal Judgement on 23 November 2016, the Lead Co-Lawyers hereby file this report in order to inform the Trial Chamber and the public as to the status of each project’s implementation.

## II. Status of Implementation of Reparation Awards

### a) National Remembrance Day

4. This project, in cooperation with the Royal Government of Cambodia, seeks to establish an official, government-recognized National Remembrance Day in order to honor the victims and acknowledge the crimes of the Khmer Rouge regime.<sup>3</sup>

5. On 12 January 2017, the Lead Co-Lawyers were notified by an Interoffice Memorandum of the forwarding of Letter No. 1312 SCN, the Government’s Decision on Reparation Projects, dated 13 December 2016.<sup>4</sup> The Letter indicates “the Royal Government has decided and agreed in principle as follows: To mark 20 May as the day to hold a public ceremony for

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<sup>1</sup> *Demande définitive de réparations des co-avocats principaux pour les parties civiles en application de la règle 80bis du règlement intérieur et annexes confidentielles*, E218/7/6, 8 October 2013.

<sup>2</sup> Case 002/01 Trial Judgement, E313, 7 August 2014, para. 1151.

<sup>3</sup> *Demande définitive de réparations des co-avocats principaux pour les parties civiles en application de la règle 80bis du règlement intérieur et annexes confidentielles*, E218/7/6, 8 October 2013, paras 82-90, and Annex 1: Supporting Documents for Project 1: National Remembrance Day, E218/7/6.1.1.

<sup>4</sup> See, Annex 1.

the Civil parties and members of the public regardless of religion to pay tribute to victims who lost their lives during the period of Democratic Kampuchea.”<sup>5</sup>

6. This project is awaiting the official Sub-decree from the Royal Government of Cambodia (Anukret) to be fully implemented.

**b) Construction of a Memorial in Phnom Penh to Honour the Victims of Forced Evacuations**

7. With the support of the French Embassy in Cambodia and the French-Cambodian Friendship Group of the French National Assembly, this project sought to create a memorial with sculptures by *Séra*, a French-Cambodian artist. The project sought to create the memorial at the Old Stadium roundabout in front of the Bun Rany Hun Sen High School in Phnom Penh. While funding had been fully secured, other delays arose with respect to the project’s realization.<sup>6</sup>

8. On 19 December 2016, the Lead Co-Lawyers wrote to the project partners in order to inform them of the finalization of the verdict in Case 002/01 and that this project was the only project put forward by a non-governmental organization that has yet to be implemented. On 18 January 2017, the Lead Co-Lawyers were notified the municipal authorities are to deliver the required construction permit in the next weeks. The French Embassy has assured the Lead Co-Lawyers that no administrative or financial hurdle could prevent the full implementation of the project.

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<sup>5</sup> See, Annex 1.

<sup>6</sup> *Demande définitive de réparations des co-avocats principaux pour les parties civiles en application de la règle 80bis du règlement intérieur et annexes confidentielles*, E218/7/6, 8 October 2013, paras 102-113 and Annex 3: Supporting Documents for Project 3: Memorial to Khmer Rouge Victims – “For Those Who Are No Longer Here”, E218/7/6.1.3. See also, *Deuxième complément d’informations à la demande définitive de réparations des co-avocats principaux pour les parties civiles en application de la règle 80bis du Règlement intérieur et annexes confidentielles*, E218/7/8, 31 March 2014, para. 16 and *Annexe Confidentielle 2: Documents supplémentaires relatifs au troisième projet: Édification d’un mémorial en hommage aux victimes du régime Khmer Rouge par SÉRA*, E218/7/8.1.2, 31 March 2014. *Civil Party Lead-Co Lawyers’ Submission on the Implementation of Judicial Reparation Awards for Case 002/01*

### c) Testimonial Therapy

9. This project, developed by the Transcultural Psychosocial Organization, provided civil parties with the opportunity to talk about and to document their traumatic experiences with the support and assistance of mental health professionals.<sup>7</sup>

10. The Testimonial Therapy project has been fully implemented. As a result of this reparation award, 144 civil parties have benefited directly from testimonial therapy. Funding for the project was provided by the German Federal Ministry for Economic Cooperation and Development, *Stiftung Kriegstrauma-Therapie*, and the Commonwealth of Australia.

### d) Self-Help Groups for Rehabilitation

11. The Transcultural Psychosocial Organization also developed Self-Help Groups for Rehabilitation, a project that created six locally-based and professionally facilitated self-help groups that were composed voluntarily in order to help themselves and each other increase their level of well-being, develop coping mechanisms and to help each other overcome traumatic suffering.<sup>8</sup>

12. This project is fully implemented, with 77 civil parties having participated in the self-help groups. The project was made possible with funding from the German Federal Ministry for Economic Cooperation and Development, *Stiftung Kriegstrauma-Therapie*, and the Commonwealth of Australia.

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<sup>7</sup> *Demande définitive de réparations des co-avocats principaux pour les parties civiles en application de la règle 80bis du règlement intérieur et annexes confidentielles*, E218/7/6, 8 October 2013, paras 124-142 and Annexes 5&6: Supporting Documents for Projects 5 & 6: Testimonial Therapy and Self-Help Groups, E218/7/6.1.5. See also, *Deuxième complément d'informations à la demande définitive de réparations des co-avocats principaux pour les parties civiles en application de la règle 80bis du Règlement intérieur et annexes confidentielles*, E218/7/8, 31 March 2014, para. 21 and Annex Confidentielle 4: Documents supplémentaires relatifs aux cinquième et sixième projets: Témoignages thérapeutiques et Groupes d'entraide, E218/7/8.1.4.

<sup>8</sup> *Demande définitive de réparations des co-avocats principaux pour les parties civiles en application de la règle 80bis du règlement intérieur et annexes confidentielles*, E218/7/6, 8 October 2013, paras 143-147 and Annexes 5&6: Supporting Documents for Projects 5 & 6: Testimonial Therapy and Self-Help Groups, E218/7/6.1.5. See also, *Deuxième complément d'informations à la demande définitive de réparations des co-avocats principaux pour les parties civiles en application de la règle 80bis du Règlement intérieur et annexes confidentielles*, E218/7/8, 31 March 2014, para. 27 and Annex Confidentielle 4: Documents supplémentaires relatifs aux cinquième et sixième projets: Témoignages thérapeutiques et Groupes d'entraide, E218/7/8.1.4. *Civil Party Lead-Co Lawyers' Submission on the Implementation of Judicial Reparation Awards for Case 002/01*

### e) Permanent Exhibitions

13. The Permanent Exhibition on Forced Transfer and Tuol Po Chrey was fully implemented by the Documentation Center of Cambodia with funding provided by the German Federal Ministry for Economic Cooperation and Development. The project is comprised of eight permanent exhibitions located in the provincial museums of Battambang, Takeo, Svay Rieng, Banteay Meanchey, Sihanoukville, Kampong Thom, Siem Reap, and Kratie.<sup>9</sup> Thirteen civil parties were invited to each of the eight exhibition launchings.

14. Following the rendering of the Case 002/01 Appeal Judgement, the Lead Co-Lawyers wrote a letter to the Documentation Center of Cambodia informing them of the reversal of certain convictions and proposing that they include a disclaimer to the exhibits and related materials in order to reflect the final convictions of the Accused, as the exhibitions address events at Tuol Po Chrey and are permanent in nature.<sup>10</sup>

### f) Mobile Exhibition on Khmer Rouge History and the ECCC

15. Kdei Karuna and Youth for Peace developed an interactive multimedia mobile exhibition that educates Cambodians about Khmer Rouge history, the ECCC and personal experiences of civil parties, particularly those in relation to forced transfers. The project was funded the

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<sup>9</sup> *Demande définitive de réparations des co-avocats principaux pour les parties civiles en application de la règle 80bis du règlement intérieur et annexes confidentielles*, E218/7/6, 8 October 2013, paras 159-173 and Annexes 7 & 9: Supporting Documents for Projects 7 & 9: Permanent Exhibitions in Five Provincial Museums and Redaction of a Chapter on Forced Transfer and the Tuol Po Chrey Execution Site, E218/7/6.1.6. See also, *Deuxième complément d'informations à la demande définitive de réparations des co-avocats principaux pour les parties civiles en application de la règle 80bis du Règlement intérieur et annexes confidentielles*, E218/7/8, 31 March 2014, para. 30.

<sup>10</sup> See, Annex 2 (Letter to DC-Cam), proposing the following language to be included in project materials: This [exhibit/material] is based upon civil party and witness testimony before the ECCC. The Appeal Judgement in Case 002/01 is the sole legally binding account of the events relayed in this [exhibit/material]. On 23 November 2016, the Supreme Court Chamber affirmed the convictions of Nuon Chea and Khieu Samphan for the crimes against humanity of murder, persecution on political grounds and other inhumane acts as they relate to Population Movement Phase One, and for the crimes against humanity of murder and other inhumane acts as they relate to Population Movement Phase Two. The Supreme Court Chamber reversed the convictions against Nuon Chea and Khieu Samphan for the crime against humanity of extermination as it relates to Population Movement Phase One, the crimes against humanity of extermination and persecution on political grounds as it relates to Population Movement Phase Two, and the crimes against humanity of extermination, murder and persecution on political grounds as they relate to events taking place at Tuol Po Chrey. See also, Case 002/01 Trial Judgement, E313, para. 1157 and footnote 3296. While the disclaimer requested applies to a different project, the Lead Co-Lawyers note that a similar reasoning applies, particularly as convictions for Tuol Po Chrey have been reversed and the exhibitions, which were created prior to the rendering of the Case 002/01 Appeal Judgement, are permanent in nature.

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German Federal Ministry for Economic Cooperation and Development, the German Institute for Foreign Relations, and Narrowcasters Pty. Limited.<sup>11</sup>

16. The project has been fully implemented, with exhibitions taking place in 12 sites.<sup>12</sup> One hundred and seventeen civil parties and the public were invited to participate in the inaugurations of the exhibitions.

**g) Chapter on Forced Transfer & Tuol Po Chrey in Teacher's Guidebook**

17. The Documentation Center of Cambodia, in collaboration with the Cambodian Ministry of Education, Youth and Sport, developed as a reparation project an additional chapter on forced transfer and the Tuol Po Chrey execution site in its Teacher's Guidebook: The Teaching of A History of Democratic Kampuchea (1975-1979), which is used in all DC-Cam education programs. The project was funded by the Civil Peace Service of *Deutsche Gesellschaft fuer International Zusammenarbeit* (GIZ), and the German Federal Ministry for Economic Cooperation and Development.<sup>13</sup>

18. The project has been fully implemented in the new edition of DC-Cam's book and the training of teachers is ongoing. The personal accounts of four civil parties were included in the Chapter.

19. Following the rendering of the Case 002/01 Appeal Judgement, the Lead Co-Lawyers wrote a letter to the Documentation Center of Cambodia informing them of the reversal of

<sup>11</sup> *Demande définitive de réparations des co-avocats principaux pour les parties civiles en application de la règle 80bis du règlement intérieur et annexes confidentielles*, E218/7/6, 8 October 2013, paras 174-188 and Annex 8: Supporting Documents for Project 8: Mobile Exhibition on Forced Transfer, E218/7/6.1.7. See also, *Deuxième complément d'informations à la demande définitive de réparations des co-avocats principaux pour les parties civiles en application de la règle 80bis du Règlement intérieur et annexes confidentielles*, E218/7/8, 31 March 2014, paras 32-34 and Annexe Confidentielle 5: Documents supplémentaires relatifs au huitième projet: Exposition itinérante, E218/7/8.1.5.

<sup>12</sup> The sites are: Kampot, Stung Treng, Kampong Speu, Pursat, Tboung Khmum, Rattank Kiri, Kampong Thum, Prey Veng, Siem Reap, Kampong Chhnang, Kandal, and Svay Rieng.

<sup>13</sup> *Demande définitive de réparations des co-avocats principaux pour les parties civiles en application de la règle 80bis du règlement intérieur et annexes confidentielles*, E218/7/6, 8 October 2013, paras 189-198 and Annexes 7 & 9: Supporting Documents for Projects 7 & 9: Permanent Exhibitions in Five Provincial Museums and Redaction of a Chapter on Forced Transfer and the Tuol Po Chrey Execution Site, E218/7/6.1.6. See also, *Deuxième complément d'informations à la demande définitive de réparations des co-avocats principaux pour les parties civiles en application de la règle 80bis du Règlement intérieur et annexes confidentielles*, E218/7/8, 31 March 2014, paras 38-40 and Annexe Confidentielle 6: Documents supplémentaires relatifs au neuvième projet: Rédaction d'un Chapitre spécifique relatif aux transferts forcés de personnes et au site d'exécution de Tuol Pol Chrey, E218/7/8.1.6.

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certain convictions and proposing that they include a disclaimer to the Chapter in order to accurately reflect the final convictions of the Accused.<sup>14</sup>

#### **h) Community Peace Learning Center in Samrong Khnong**

20. As a reparation project, Youth for Peace constructed, and is maintaining, a Community Peace Learning Center in Samrong Khnong village, Battambang Province at a historical site where mass killings of the Khmer Rouge Regime took place. The Community Peace Learning Center consists of an information center, a museum, and a dialogue room.<sup>15</sup> Ten civil parties were invited to participate in the Civil Party Forum, where they were invited to share their experiences during the Khmer Rouge regime and their participation in the trial proceedings for Case 002/01. Additionally, the project gave them the opportunity to take part in the healing and truth-telling process through dialogue, art, a Buddhist ceremony, and documentation of crime sites.

21. The project is fully implemented with activities ongoing. The project was made possible through funding by the Swiss Agency for Development and Cooperation.

#### **i) Civil Party Stories – An Illustrated Storybook of the Khmer Rouge Victims Participating at the ECCC**

22. The Cambodian Human Rights Action Coalition (CHRAC) produced a storybook of civil party personal accounts as a reparation project. The project sought to transform civil parties into narrators, providing an opportunity to tell their stories both in written narratives and

<sup>14</sup> Annex 2 (Letter to DC-Cam), proposing the following language to be included in project materials: This Chapter is based upon civil party and witness testimony before the ECCC. The Appeal Judgement in Case 002/01 is the sole legally binding account of the events relayed in this Chapter. On 23 November 2016, the Supreme Court Chamber affirmed the convictions of Nuon Chea and Khieu Samphan for the crimes against humanity of murder, persecution on political grounds and other inhumane acts as they relate to Population Movement Phase One, and for the crimes against humanity of murder and other inhumane acts as they relate to Population Movement Phase Two. The Supreme Court Chamber reversed convictions for the crime against humanity of extermination as it relates to Population Movement Phase One, the crimes against humanity of extermination and persecution on political grounds as it relates to Population Movement Phase Two, and the crimes against humanity of extermination, murder and persecution on political grounds as they relate to events taking place at Tuol Po Chrey. *See also*, Case 002/01 Trial Judgement, **E313**, para. 1157 and footnote 3296.

<sup>15</sup> *Demande définitive de réparations des co-avocats principaux pour les parties civiles en application de la règle 80bis du règlement intérieur et annexes confidentielles*, **E218/7/6**, 8 October 2013, paras 199-211 and Confidential Annex 10: Supporting Documents for Project 10: Community Peace Learning Center at Samrong Khnong, **E218/7/6.1.8**. *See also*, *Deuxième complément d'informations à la demande définitive de réparations des co-avocats principaux pour les parties civiles en application de la règle 80bis du Règlement intérieur et annexes confidentielles*, **E218/7/8**, 31 March 2014, para. 41 and Annexe Confidentielle 7: Documents supplémentaires relatifs au dixième projet: Édification d'un centre d'apprentissage de la paix, **E218/7/8.1.7**. *Civil Party Lead-Co Lawyers' Submission on the Implementation of Judicial Reparation Awards for Case 002/01*



illustrative artworks. The project was funded by the Civil Peace Service of *Deutsche Gesellschaft fuer International Zusammenarbeit* (GIZ), and the German Federal Ministry for Economic Cooperation and Development.<sup>16</sup>

23. The project has been fully implemented with 2,030 copies published, and 1270 copies distributed to civil parties and schools. The personal accounts and narratives of 29 civil parties are included in this book.

#### **j) Publication of the Judgment**

24. As reparation, the Civil Party Lead Co-Lawyers Section, the Victims Support Section and the Public Affairs Section of the ECCC sought to provide civil parties with a printed copy of the Case 002/01 Judgment in either its full text or a summary version.<sup>17</sup> This project has been fully implemented. The Trial Judgment has been distributed to 3522 civil parties during Civil Party Forums and when they visit the court to attend proceedings.<sup>18</sup>

#### **k) Publication of Civil Party Names**

25. The ECCC has published the names of all civil parties and their basic identifying information in the Trial Chamber's written judgement in Case 002/01 and on the ECCC website as a means to recognize the harm suffered by civil parties and to acknowledge their participation in the proceedings.<sup>19</sup> This project has been fully implemented.

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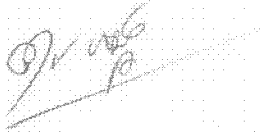
<sup>16</sup> *Demande définitive de réparations des co-avocats principaux pour les parties civiles en application de la règle 80bis du règlement intérieur et annexes confidentielles*, E218/7/6, 8 October 2013, paras 212-221 and Confidential Annex 11: Supporting Documents for Project 11: Civil Party Stories – An Illustrated Storybook of the Khmer Rouge Victims Participating at the ECCC, E218/7/6.1.10. See also, *Deuxième complément d'informations à la demande définitive de réparations des co-avocats principaux pour les parties civiles en application de la règle 80bis du Règlement intérieur et annexes confidentielles*, E218/7/8, 31 March 2014, para. 43.

<sup>17</sup> *Demande définitive de réparations des co-avocats principaux pour les parties civiles en application de la règle 80bis du règlement intérieur et annexes confidentielles*, E218/7/6, 8 October 2013, paras 223-226 and Confidential Annexes 12 & 13: Supporting Documents for Projects 12 & 13: Publication of the Judgment and Publication of Civil Party Names, E218/7/6.1.9. See also, *Deuxième complément d'informations à la demande définitive de réparations des co-avocats principaux pour les parties civiles en application de la règle 80bis du Règlement intérieur et annexes confidentielles*, E218/7/8, 31 March 2014, paras 49-50 and Annexe Confidentielle 8: Documents supplémentaires relatifs au douzième projet: Édition et diffusion du Jugement à venir en intégralité et en résumé, E218/7/8.1.8.

<sup>18</sup> See, Annex 3.8 ECCC – Distribution Judgment, List provided by the Victims Support Section.

<sup>19</sup> *Demande définitive de réparations des co-avocats principaux pour les parties civiles en application de la règle 80bis du règlement intérieur et annexes confidentielles*, E218/7/6, 8 October 2013, paras 227-229 and Confidential Annexes 12 & 13: Supporting Documents for Projects 12 & 13: Publication of the Judgment and Publication of Civil Party Names, E218/7/6.1.9.

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