



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, 02 September 2021

Call for Contribution of Ideas
Extraordinary Chambers in the Courts of Cambodia (ECCC) Residual Functions Related to Victims

The Draft Addendum to the Agreement between the United Nations and the Royal Government of Cambodia envisages an initial period of 3 years—starting upon completion of the judicial proceedings (including any appeals)—during which the ECCC shall continue to carry out various residual functions. (For further information see: United Nations General Assembly Resolution [A/RES/75/257B](#) dated July 7, 2021,¹ which approved the Addendum to the Agreement on the Transitional Arrangements and the Completion of Work of the Extraordinary Chambers; and Report of the Secretary-General [A/75/809](#)).²

The current completion plan projects the end of judicial activity to be after the fourth quarter of 2022.

We, Judges YOU Ottara and Claudia FENZ, have been appointed Co-Rapporteurs on Residual Functions *related to Victims* by the Office of Administration. We are requested to provide a shared advisory report by December 1, 2021 at the latest to allow for timely strategic planning for the Residual Phase.

The overall mandate for the purposes of this report is the provision of “... *explanations for and recommendations on possible undertakings appropriate to and meaningful for victims encompassed in the jurisdiction of the Extraordinary Chambers.*”

As part of our mandate, and in the interests of collecting as broad a variety of ideas as possible, we hereby reach out to all stakeholders of the ECCC to submit, in writing, ideas for possible victim-related initiatives which could be implemented by the ECCC under the terms of Article 2 of the Draft Addendum. While we would have preferred in-person workshops and interactive idea-sharing, the prevailing Covid-19 pandemic unfortunately does not make this possible at this time.

Contributions should contain: a broad outline (not exceeding two (2) pages in English and/or three (3) pages in Khmer) explaining how the proposed initiatives would be meaningful and of lasting assistance for civil parties, victims of the Khmer Rouge regime, and the general public. Contributions should summarise key features of the

¹ <https://digitallibrary.un.org/record/3931979?ln=en>
² <https://undocs.org/A/75/809>

proposal including rationale, target groups, and approximate timelines. A detailed implementation plan or proposed budgets are not required at this stage.

The term “initiatives” is not meant to limit the format and content of any proposal.

The term “victim” should be interpreted broadly and is not limited to those who participated in legal proceedings before the ECCC.

Among the factors contributors might wish to keep in mind are:

- 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.³
- The initial period for the residual functions is envisaged as being three years.

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.

**Proposals should be submitted in English or Khmer by October 15, 2021 to
Mr. SIM Sorya (sorya.sim@un.org) and Mr. KEO Sothie (keo.sothie@eccc.gov.kh).**

Please feel free to distribute this document widely among interested stakeholders in your network.

Notice

Ideas collected as part of this informal exploratory process shall be considered and presented in our report, along with our views and recommendations, to the Office of Administration. It is possible that ideas are expanded upon, adapted, or comingled, therefore there shall be no expectation of ownership of any initiative, if implemented. Vetting and final decision on the implementation of any initiative rests with the Office of Administration.

Contributors shall be given due credit in our report to the Office of Administration, which we will request to be published.

Financial compensation for contributions is not available.

For questions, please contact: Mr. SIM Sorya (sorya.sim@un.org) and Mr. KEO Sothie (keo.sothie@eccc.gov.kh).

³ For further information, see below:

1. List of Reparations and Non-Judicial Measures at the ECCC.
2. List of reference materials.

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.
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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](#). USA: University of California, Berkeley, June 2011
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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.dccam.org>

22. Tuol Sleng Genocide Museum

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

23. Bophana Audiovisual Resource Center

<https://bophana.org/>

