ECCC REPARATION PROGRAM 2013-2017
FOR THE VICTIMS OF THE KHMER ROUGE REGIME 1975-1979

EXECUTIVE SUMMARY

PREPARED BY THE
VICTIMS SUPPORT SECTION (VSS) AND
CIVIL PARTY LEAD CO-LAWYERS (LCLs) OF THE
EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA (ECCC)

PHNOM PENH, 14 January 2013
VERSION 1.6
ECCC REPARATION PROGRAM 2013-2017
FOR THE VICTIMS OF THE KHMER ROUGE REGIME 1975-1979

1. Introduction
2. ECCC Reparation Program 2013-2017
3. Funding and Implementation Mechanism
4. Cooperation and Funding Proposal
Dealing with the Past. Building the Future

From 1975-1979 more than 1.7 Mio. people were killed in Cambodia under Pol Pot and the Khmer Rouge Regime. More than thirty years later, Cambodia and the United Nations are currently on the path to finally bringing justice to the victims and reconciliation to the whole nation.

ECCC allows Victims Participation and Reparations

For the first time ever in the history of International Criminal Courts, the ECCC allows direct victims participation and foresees collective and moral reparations for victims. In Case 002, 3,866 victims participate as Civil Parties in the proceedings before the ECCC and will request reparations.

Introduction to the ECCC Reparation Program 2013-2017

The Victims Support Section (VSS) and Civil Party Lead Co-Lawyers (LCLs) of the ECCC – together with all relevant stakeholders – have developed an extensive scheme for the redress of Civil Party and victim harm. This presentation gives detailed information about the planned scheme as well as opportunities for major donors / development agencies to support its initiatives.
Executive Summary
ECCC Reparation Program 2013-2017

ECCC Reparation Program 2013-2017
The ECCC Reparation Program is planned for a five year period from 2013 to 2017 in order to offer sustainable reparations for Civil Parties and victims and to promote reconciliation among the people of Cambodia. Identified by the Lawyers for the Civil Parties through an extensive process of Civil Party consultations, the Program consists of sixteen meaningful reparation projects and is divided into four main categories: Remembrance, Rehabilitation, Documentation and Education.

Victims Foundation of Cambodia
A Victims Foundation of Cambodia shall be established to support the Victims Support Section of the ECCC in securing funding for the ECCC Reparation Program 2013-2017. The foundation will be established by the Royal Government of Cambodia (RGC) with international support and independent supervision (International Board of Trustees).

Major Funding and Cooperation Opportunities
Through the end of 2013, the German Federal Foreign Office has generously financed the VSS and its operations, while the German Ministry of Economic Cooperation and Development through the German development agency GIZ is supporting the implementation of reconciliation projects. There are numerous additional opportunities for major donors/development agencies to support the set up of the Victims Foundation and the implementation of the ECCC Reparation Program.
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Novelty in the History of International Criminal Courts

The Victims Support Section and the LCLs are mandated to cooperate in the identification, design and implementation of reparations and to facilitate non-judicial measure projects. In this process, the VSS and the LCL collaborate closely with partner organizations as well as to seek external funding. The roles of the VSS and the LCL in the areas of direct victims participation and reparations are unique in the history of international criminal courts.

Mandate for Victims Reparations

The ECCC distinguishes between the following two mandates:

(1) Collective and Moral Reparations

3,866 victims have been admitted as Civil Parties by the ECCC who are represented by Civil Party Lawyers in the proceedings at the ECCC. These Civil Parties can seek for collective and moral reparations, which could be granted by the judges in the final verdict.

(2) Non-Judicial Measures

Besides the judicial process, the Victims Support Section shall be entrusted with the development of Non-Judicial Measures (NJM) together with external partners addressing the broader interests of victims.
Reparations based on the needs of Victims
ECCC Reparation Program 2013-2017

Reparation requests by Civil Parties / Civil Party Lawyers
Victims who have been admitted as Civil Parties at the ECCC are requesting various reparations through their Lawyers seeking moral and collective reparation. In addition to that, the VSS is in contact with Victims Associations and NGOs to further identify non-judicial measure projects addressing the broader interests of victims.

All Stakeholders involved in Development of Reparations
The VSS has installed four Technical Working Groups in close cooperation with the Lawyers for the Civil Parties and with participation of all relevant stakeholders (Victims Associations, NGO’s, Government Agencies, Donors, Development Agencies etc.) to develop further the reparation projects and non-judicial measures.

Meaningful Redress for Civil Parties and Victims
The VSS and the LCL together with its partners have developed a comprehensive reparation scheme in order to rehabilitate the victims and to relieve their suffering. The implementation of the ECCC Reparation Program 2013-2017 would leave a meaningful legacy for everybody involved: the Civil Parties and victims, the ECCC, the Royal Government and the people of Cambodia.
Roadmap for the Development of Reparations

In order to transfer the reparation mandate of the VSS into feasible and transparent actions, the VSS introduced a Roadmap which contains concrete activities, timelines and responsibilities of partners in order to lead successfully a complex judicial and management process for the development of the ECCC Reparation Program 2013-2017.

Description and Designing of Reparation Projects

The reparation requests by Civil Parties as well as Non-Judicial Measures were elaborated further in Technical Working Groups (moderated by the VSS), designed in order to allow stakeholders to support the best possible project set up, and to ensure external funding and readiness for implementation.

Planning of ECCC Reparation Program completed

The VSS Roadmap was essential to lead this complex multi-stakeholder process and to steer and monitor the development of the ECCC Reparation Program. Due to the very good contribution of all relevant stakeholders, the planning of the ECCC Reparation Program could be completed in August 2012, but is still subject to future changes.
## ECCC Reparation Program 2013-2017

### Overview

<table>
<thead>
<tr>
<th>Category</th>
<th>Projects (9 Reparations, 7 NJMs)</th>
<th>Mandate</th>
<th>Partner</th>
<th>Timing</th>
<th>USD*</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Remembrance</strong></td>
<td>1. National Remembrance Day</td>
<td>Reparation</td>
<td>RGC</td>
<td>ASAP</td>
<td>250,000</td>
</tr>
<tr>
<td></td>
<td>2. Community Memorials Initiative</td>
<td>Reparation</td>
<td>RGC, NGO</td>
<td>ASAP</td>
<td>475,000</td>
</tr>
<tr>
<td><strong>Rehabilitation</strong></td>
<td>5. Testimonial Therapy Initiative</td>
<td>Reparation</td>
<td>NGO</td>
<td>ASAP</td>
<td>275,000</td>
</tr>
<tr>
<td></td>
<td>6. Self Help Groups for Rehabilitation</td>
<td>Reparation</td>
<td>NGO</td>
<td>ASAP</td>
<td>275,000</td>
</tr>
<tr>
<td></td>
<td>8. National Reconciliation Event</td>
<td>NJM</td>
<td>RGC, NGO</td>
<td>2013</td>
<td>250,000</td>
</tr>
<tr>
<td><strong>Documentation</strong></td>
<td>9. Forced Transfer Exhibition</td>
<td>Reparation</td>
<td>RGC, NGO</td>
<td>ASAP</td>
<td>550,000</td>
</tr>
<tr>
<td></td>
<td>10. Victims Register</td>
<td>Reparation</td>
<td>RGC, NGO</td>
<td>2013-2017</td>
<td>250,000</td>
</tr>
<tr>
<td></td>
<td>11. Publication of ECCC Verdict</td>
<td>Reparation</td>
<td>ECCC</td>
<td>2014</td>
<td>50,000</td>
</tr>
<tr>
<td></td>
<td>12. ECCC Documentation Center</td>
<td>NJM</td>
<td>RGC, ECCC</td>
<td>2013-2017</td>
<td>500,000</td>
</tr>
<tr>
<td><strong>Education</strong></td>
<td>13. Chapter on Victims Participation in a National History Textbook</td>
<td>Reparation</td>
<td>RGC, NGO</td>
<td>ASAP</td>
<td>500,000</td>
</tr>
<tr>
<td></td>
<td>14. ECCC Virtual Tribunal</td>
<td>NJM</td>
<td>ECCC</td>
<td>2013-2017</td>
<td>180,000</td>
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<td></td>
<td>15. Community Peace Learning Centers</td>
<td>NJM</td>
<td>NGO</td>
<td>2013-2017</td>
<td>550,000</td>
</tr>
<tr>
<td></td>
<td>16. Victims Foundation of Cambodia</td>
<td>NJM</td>
<td>RGC, ECCC</td>
<td>2013-2017</td>
<td>2,000,000</td>
</tr>
</tbody>
</table>

* ECCC Reparation Program 2013-2017 including estimated project budget allocation in USD; subject to change

5 years | 7,000,000
<table>
<thead>
<tr>
<th>Category</th>
<th>Projects</th>
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<th>Partner</th>
<th>Timing</th>
<th>USD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Remembrance</td>
<td><strong>1. Advocacy Project to Establish a National Remembrance Day</strong>&lt;br&gt;• Establish an official, national Remembrance Day in cooperation with RGC&lt;br&gt;• May include additional commemoration or educational initiatives</td>
<td>Reparation</td>
<td>RGC</td>
<td>ASAP</td>
<td>250,000</td>
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<tr>
<td></td>
<td><strong>2. Community Memorials Initiative</strong>&lt;br&gt;• Restore and construct public memorials (shrines) in local communities&lt;br&gt;• May include inauguration/dedication ceremonies with Civil Parties and victims</td>
<td>Reparation</td>
<td>RGC, NGO</td>
<td>ASAP</td>
<td>475,000</td>
</tr>
<tr>
<td></td>
<td><strong>3. Preservation of Crime Sites</strong>&lt;br&gt;• Provide for the sustainable documentation, preservation and protection of the crimes sites identified in Case 002 in line with the RGC circular of 2002&lt;br&gt;• May include development of community management plans and visitor resources for sites (e.g. informational brochure and on-line information portal, informational signage, etc.)</td>
<td>Reparation</td>
<td>RGC, NGO</td>
<td>2013-2017</td>
<td>400,000</td>
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<tr>
<td></td>
<td><strong>4. Tuol Sleng Stupa Project</strong>&lt;br&gt;• (Re-)Construction of a new Stupa at Tuol Sleng&lt;br&gt;• Inauguration ceremony with Civil Parties / Victims&lt;br&gt;• Tuol Sleng Victims Register Book</td>
<td>NJM</td>
<td>RGC, Vict. Ass.</td>
<td>2013-2017</td>
<td>70,000</td>
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* ECCC Reparation Program 2013-2017 including estimated project budget allocation in USD; subject to change
# ECCC Reparation Program 2013-2017
## Category: Rehabilitation

<table>
<thead>
<tr>
<th>Category</th>
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<th>USD</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Rehabilitation</strong></td>
<td><strong>5. Testimonial Therapy Initiative</strong>&lt;br&gt;• Provide culturally appropriate, short-term trauma treatment for Civil Parties in their communities&lt;br&gt;• Includes public ceremony and documentation/archiving components</td>
<td>Reparation</td>
<td>NGO</td>
<td>ASAP</td>
<td>275,000</td>
</tr>
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<td></td>
<td><strong>6. Self Help Groups for the Rehabilitation of Civil Parties</strong>&lt;br&gt;• Provide local community-level self-help/discussion groups aimed at trauma healing, reconciliation and victim empowerment/involvement&lt;br&gt;• Includes train-the-trainer, educational and follow-up components</td>
<td>Reparation</td>
<td>NGO</td>
<td>ASAP</td>
<td>275,000</td>
</tr>
<tr>
<td></td>
<td><strong>7. Gender &amp; Transitional Justice Project</strong>&lt;br&gt;• Continuation of current UN Women GBV Project and implementation of its recommendations&lt;br&gt;• Workshops on Gender and Transitional Justice</td>
<td>NJM</td>
<td>NGO</td>
<td>2013-2017</td>
<td>425,000</td>
</tr>
<tr>
<td></td>
<td><strong>8. National Reconciliation Event</strong>&lt;br&gt;• National reconciliation ceremony with participation of royal, political and religious representatives and Civil Parties / Victims</td>
<td>NJM</td>
<td>RGC, NGO</td>
<td>2013</td>
<td>250,000</td>
</tr>
</tbody>
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Collective and moral reparations intended to restore the mental and physical health of Civil Parties / Victims, or at least mitigate the harm resulting from the trauma suffered.
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<tr>
<td><strong>Documentation</strong></td>
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</tr>
<tr>
<td>Collective and moral reparations</td>
<td>9. Forced Transfer Exhibition • Permanent exhibition(s) detailing the</td>
<td>Reparation</td>
<td>RGC, NGO</td>
<td>ASAP</td>
<td>550,000</td>
</tr>
<tr>
<td>aiming at documenting the history of the Khmer Rouge regime with a focus on the victims and the harms they suffered as well as ECCC jurisprudence, contributing to a nationwide reconciliation • Mobile exhibition and outreach activities in local victim communities • May include permanent exhibitions in provincial museums, educational materials and multi-media components</td>
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<td>10. Victims Register</td>
<td>• Develop virtual and print registries which include victim narratives in written and audio/visual formats • Includes outreach and dissemination initiatives</td>
<td>Reparation</td>
<td>RGC, NGO</td>
<td>2013-2017</td>
<td>250,000</td>
</tr>
<tr>
<td>11. Publication of ECCC Verdict</td>
<td>• Produce and broadly disseminate hardcopy, softcopy and online versions of the full text and, especially, written summary versions of the judgment • May include ceremony, outreach, dissemination and local language initiatives</td>
<td>Reparation</td>
<td>ECCC</td>
<td>2013</td>
<td>50,000</td>
</tr>
<tr>
<td>12. ECCC Documentation Center</td>
<td>• Gallery about the ECCC • Archive of ECCC hard and soft documents • Work stations for studying / analysis of ECCC documents</td>
<td>NJM</td>
<td>RGC, ECCC</td>
<td>2013-2017</td>
<td>500,000</td>
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<td>Education</td>
<td>13. Chapter on Victim Participation in National History Textbook</td>
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<td>RGC, NGO</td>
<td>ASAP</td>
<td>500,000</td>
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<td>• Prepare a chapter on the ECCC emphasizing Civil Party participation and the crimes of Case 002/01 for inclusion in national history textbook</td>
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<td></td>
<td>• Includes teacher training and dissemination components</td>
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<td>14. ECCC Virtual Tribunal</td>
<td></td>
<td>ECCC</td>
<td>2013-2017</td>
<td>180,000</td>
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<tr>
<td></td>
<td>• Website about ECCC with all relevant documents, materials, pictures, videos</td>
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<td></td>
<td>• Update and maintenance of the website</td>
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<td></td>
<td>• Portal for education of the youth</td>
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<td></td>
<td>15. Community Peace Learning Centers</td>
<td></td>
<td>NGO</td>
<td>2013-2017</td>
<td>550,000</td>
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<tr>
<td></td>
<td>• Transforming mass killing sites of the Khmer Rouge regime into sites of history education, remembrance, intergenerational dialogue and peace-building activities. This is a combination of stupa, religious hall, museum and information/education center (library) at community level</td>
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<td></td>
<td>• Community engagement, infrastructure support, sustainable Program</td>
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### Funding and Implementation Mechanism

#### 16. Victims Foundation of Cambodia

**a) Victims Support Section**

- The VSS could be the main Coordination and Implementation Unit for the funding and implementation of the ECCC Reparation Program 2013-2017

**b) Victims Foundation of Cambodia**

- Establishment of a Victims Foundation for the commemoration of the victims of the Khmer Rouge regime and to promote sustainable reconciliation in Cambodia
- Main purpose of Foundation: to finance, coordinate and implement the ECCC Reparation Program 2013-2017
- Active fundraising will be pursued by the Victims Foundation for securing its own long-term funding and for the extension of the ECCC Reparation Program
- Independent and international advice and supervision during the set up and operation of the Victims Foundation; including participation of Victims Associations, NGOs etc.

<table>
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<tr>
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<td>16. Victims Foundation of Cambodia</td>
<td>NJM</td>
<td>RGC, ECCC</td>
<td>2013-2017</td>
<td>2,000,000</td>
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</tbody>
</table>

* ECCC Reparation Program 2013-2017 including estimated project budget allocation in USD; subject to change
**Sample Project Description (in development)**

**ECCC Reparation Program 2013-2017**

<table>
<thead>
<tr>
<th>Name</th>
<th>Inclusion of a chapter in a National History Textbook about Victim’s Participation at the ECCC</th>
</tr>
</thead>
</table>

| Legal Context | Moral and collective reparation request regarding the education about the crimes committed during the KR regime, particularly the crime of forced transfer / movement of Civil Parties and their participation in the Trial. |
| Components | • Additional chapter in DC-Cam's textbook about the judicial process and the victims participation at the ECCC  
• Publishing of revised edition of the textbook and countrywide distribution of textbook to relevant schools/universities  
• Training of teachers and inclusion in school curriculum which is approved by the government |
| Objectives | • Obtaining permanent, official recognition for CP's/victims and promote collective documentation/education  
• Educating the younger generations about the crimes of the KR, to prevent their recurrence and to make them become responsible citizens.  
• Documentating ECCC jurisprudence / direct victims participation and its positive legacy for Cambodia |
| Implementation | Planning Phase: March 2012 until submission of reparation requests to Trial Chamber  
Implementation Phase: The dissemination of the book will be directly after Verdict of Case 002/01 |
| Partners | Lead Partner: Ministry of Education and DC-Cam  
LCL/VSS will liaise with DC-Cam in order to design/implement this project. |
| Costs | Total funds required: USD 500,000  
VSS currently seeks for external funding to be confirmed latest by submission of reparation request to Trial Chamber |
| Endorsements | ECCC / LCL-Section: Yes  
ECCC / VSS: Yes  
Sub-Working Group III: Yes  
DC-Cam: Pending  
Donor: Pending |

* Example only: Not yet finally approved by Civil Party Lead Co-Lawyer Section (LCL)
Reparations are part of Legal Process

The ECCC Reparation Program 2013-2017 was developed by the VSS for and on behalf of the Civil Parties and Victims, in close cooperation with Lead-Co Lawyers (LCLs) of the ECCC. The LCLs will submit the reparations on behalf of the Civil Parties and Civil Party Lawyers to the Trial Chamber Judges potentially as early as 2013. Until then, some of the listed reparations may be still adapted by the LCLs and are subject to change.

Reparations may be granted by Judges in the final Verdict

The judges may grant reparation awards to Civil Parties in their final verdict when certain requirements are fulfilled such as:

• Only collective and moral Reparations may be granted
• Funding of Reparations must be secured before submission of the reparations request
• Where the involvement or agreement of the Royal Government of Cambodia (RGC) is required in order to implement a reparations project, such approval must be obtained prior to the submission of the project to the court.

In any case, these projects can go forward

To ensure the implementation of the complete ECCC Reparation Program 2013-2017 independent from Judges approval of granting Reparations, the requested Reparations could also be implemented as Non-Judicial Measures once funding has been secured. With an eye on the needs of the Civil Parties / Victims this could be an appealing approach to be considered deeply by all partners involved.
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Funding and Implementing Mechanism

- **States / Organizations**
  - Major Donor & Cooperation Programmes
- **Foundations**
  - Corporate Social Responsibility
- **Companies**
  - Individual Donations & Givings
- **Individuals**

**Implementation Unit**
*(Victims Support Section / Victims Foundation of Cambodia)*

**Funding**

**Implementation and Financing**

**ECCC Reparation Program 2013-2017**

- Remembrance
- Rehabilitation
- Documentation
- Education
A Foundation for Commemoration and Reconciliation

A Foundation shall be established to commemorate the victims of the Khmer Rouge regime and to promote reconciliation in Cambodia in order to build a peaceful future for the benefit of all Cambodians.

The VSS and its wealth of experience in direct victims participation and reparations could be transferred into the operative management of the Foundation (once ECCC closed its doors) which would guarantee a smooth transition of identified tasks.

Implementation of ECCC Reparation Program 2013-2017

The main purpose of the Victims Foundation would be to support the Victims Support Section to finance the implementation of the ECCC Reparation Program and to secure its long-term funding by pursuing an active fundraising strategy.

It is planned to seek for national and international funds to finance the Victims Foundation and the ECCC Reparation Program. The Royal Government of Cambodia will contribute assets and in-kind contributions.

Independent and International Advice and Supervision

The German Federal Foundation “EVZ – Remembrance, Responsibility and Future“ will contribute technical advice and consultancy during the set up of the Victims Foundation of Cambodia, ensuring that an independent Board of Trustees and an Advisory Board (with international participation) will be established to guarantee expertise and satisfactory transparency.
Yesterday. Today. Tomorrow.

The Victims Foundation of Cambodia promotes reconciliation among the people of Cambodia; to deal with the horrifying past in order to build a healthy, harmonious and peaceful future for the benefit of all Cambodians. Remembering yesterday and building a better tomorrow.

Don’t let them be forgotten. Donate now to ensure our work can continue. Find out how.

Get Involved
Support the work of the Victims Foundation of Cambodia by getting involved. Find out more.

Vital Work
We are building a healthy and peaceful future for the benefit of all Cambodians. Find out how.
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## Cooperation and Funding Proposal

### ECCC Reparation Program 2013-2017

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<tbody>
<tr>
<td>Timing</td>
<td>ECCC Reparation Program Duration: 2013-2017 (5 years) (For the prioritized reparation projects, funding is needed ASAP)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Cooperation Opportunities</th>
<th>Fixed: Lead Partner / Implementing Unit: VSS / ECCC on behalf of the Royal Government of Cambodia (or a successor organization to the VSS such as the Victims Foundation of Cambodia) Technical Advice / Supervision for the Set Up of the Victims Foundation: German Federal Foundation “EVZ – Remembrance, Responsibility and Future” Implementation of the ECCC Reparation Program: 1) Authorities / Agencies of the Royal Government of Cambodia (RGC) 2) NGOs (DC-Cam, Youth for Peace, CDP, Kdei Karuna, TPO Cambodia etc.)</th>
</tr>
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<tr>
<td></td>
<td>Open: Technical Advice / Support for the Implementation of the ECCC Reparation Program Development Agencies / Integrated Experts</td>
</tr>
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<table>
<thead>
<tr>
<th>Funding Opportunities</th>
<th>Fixed: The Royal Government of Cambodia will contribute assets (e.g. office rooms for the Victims Foundation, Exhibition space for the ECCC Documentation Center) and in-kind contributions</th>
</tr>
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<td>Open: <strong>Major Donor Agreement USD 7,000,000</strong></td>
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Moving forward through Justice
Direct victims participation in the judicial proceedings, the development of a comprehensive reparation scheme for the victims and the establishment of a Victims Foundation – all these elements are meaningful and innovative elements at the ECCC, which need national and international support.

Reconciliation as a Basis for Cambodia's Prosperity
The ECCC is finally bringing transparency and justice to the people of Cambodia, while the ECCC Reparation Program would give collective and moral reparation to the victims for the harms they have suffered under the Khmer Rouge regime. Support the ECCC Reparation Program and contribute to the national reconciliation which is an inevitable basis for the future prosperity of Cambodia.

Dealing with the Past. Building the Future
The proceedings at the ECCC are also for the new generation – to educate Cambodia's youth about the darkest chapter in the country’s history. By supporting the ECCC Reparation Program, we could all contribute to a positive construction of the society and the enforcement of human rights in order to guarantee that such a dark chapter will never ever happen again in Cambodia – or anywhere else on this world.
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