

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

អង្គការសហមេធាវីជាតិ
គំណាងដើមបណ្តឹងរដ្ឋប្បវេណី
Civil Party Lead Co-Lawyers' Section
Section des co-avocats principaux
des parties civiles

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

Date: Phnom Penh, 07th March 2013
Ref.: LCL-2013-0014

TO: Samdech Akka Moha Sena Padei Techo Hun Sen
Prime Minister of the Kingdom of Cambodia

- SUBJECT:** Request for Royal Government of Cambodia's Decision on the Development of Reparation Projects for Civil Parties before the Extraordinary Chambers in the Courts of Cambodia in Case 002
- REFERENCE:** Rule 23 *quinquies* of the Internal Rule of Extraordinary Chambers in the Court of Cambodia related to Reparation Claims of Civil Parties
- Through:** The Office of Administration of Extraordinary Chambers in the Court of Cambodia

Per above subject and reference, we, Lead Co-Lawyers and Co-Lawyers for the Civil Parties in Case 002 of the Extraordinary Chambers in the Courts of Cambodia (ECCC), have the honour of informing **Samdech Akka Moha Sena Padei Techo Prime Minister** that we in cooperation with organisation partners are in the process of developing judicial reparation projects under the framework of Case 002.

The projects and measures, as reparation, aim to restore the honour and dignity of the Civil Parties and other Victims, remedy their mental and material prejudices, commemorate the deceased, raise awareness and understanding of the Khmer Rouge history, and endeavour that Khmer Rouge-era experiences will not reoccur in Cambodia. Reparation is a right for civil parties. The Internal Rules of the ECCC (Rule 23 *quinquies*) allows Civil Parties to file a claim for moral and collective reparations before the Chambers for the first time in international justice. The Reparation shall be recognized by the Chamber if one or several Accused are convicted. Reparation awards shall be implemented with either the cost borne by the convicted persons or through projects which have secured sufficient external funding and can be readily and externally implemented.

For some of the reparation projects which involve the competency of governmental authorities, a prior permission from the Royal Government of Cambodia is required before the chambers could envisage approving any of such implementable and well-designed reparation projects. As a number of our projects are within the competence of the Government authorities, we respectfully request **Samdech Akka Moha Sena Padei Techo Prime Minister** to provide directions or decisions to the concerned governmental authorities and to consider the following proposals:

- a. Allowing us to give more information about the contents of the proposal elaborated in Point A of the attached Annex if necessary and issuing a sub-decree on the establishment of a Remembrance Day;
- b. Providing necessary directions to the provincial/municipal authorities and line ministries to collaborate with the ECCC and any other involved organisation in the identification of locations for preservation of former crime sites or killing fields, construction of stupas or monuments, establishment of small libraries, documentation centres, museums or exhibitions, and more generally to collaborate in any project which could be added as a reparation project in case 002 and to approve and participate in the implementation of those reparation projects.
- c. Providing necessary instruction to the Ministry of Education, Youth and Sports to officially incorporate the Khmer Rouge history in the national school curriculum.
(Details on each reparation project and crime site are attached as Annex).

May **Samdech Prime Minister** examine the proposals and decide accordingly.

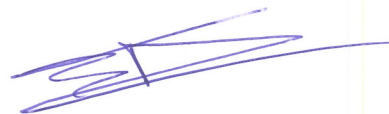
Please **Samdech Akka Moha Sena Padei Techo Prime Minister** accept the assurances of our highest respect.

Done in Phnom Penh on the 7th day of the month of March of the year 2013

Lead Co-Lawyers for Civil Parties in Case 002



PICH Ang



Elisabeth SIMONNEAU FORT

ANNEX: DETAIL DESCRIPTION OF REQUESTED PROJECTS

- a. **The National Remembrance Day:** A reparation project that requires an issuance of a sub-decree.

The Civil Parties propose that a specific day be designated as an official public holiday for the entire nation to commemorate the suffering of the victims, the souls of the dead and pay tribute to the victims who died during the Khmer Rouge regime. This day should be named the “Remembrance Day” and can be any appropriate day. Among the potential dates the Co-Lawyers for Civil Parties propose any date such as **20 May, 17 April or 30 March or any other appropriate date for all victims.** This measure may be put in place by a **Sub-Decree on Establishing the Remembrance Day of the Khmer Rouge Tragedy.**

Reasons for each proposed day are as follows:

- **20 May:** 20 May 1975 marks the day when the Khmer Rouge began to announce and implement its eight-point policy. This policy, including a forced transfer 2 and collectivization policy, inflicted an immense of mass destruction on Cambodia. The Date is already celebrated (informally) as the “Day of Hatred” or the “Day of Remembrance” since 1984. . This date may have more immediate significance to Civil Parties and Victims because most of the people, including those experienced forced transfer I have experienced the 8 policies of Khmer Rouge ruling. .
- **17 April** marks the day when the Khmer Rouge defeated the Phnom Penh administration came to power and the official start of the greatly destructive regime. This date is well-known, has broad significance for Civil Parties and victims alike, and its importance will be clear nationally and internationally. Moreover, the 17th April is a nexus to Case 002/01 as it is the start of forced transfer I, but also has broader significance to all victims as the beginning of Khmer Rouge ruling of the country.
- **30 March:** A decision of the Central Committee of the Democratic Kampuchea relating to the “Right to smash inside and outside the rank” was issued on 30 March 1976. This Decision led to a tragic loss of life of the citizens, both civil population and Cadres in the Democratic Kampuchea regime.

- b. **Cooperation and Site Designation:** Measures that require an instruction or decision of the Royal Government of Cambodia

The following projects could be implemented only if there is a decision or an instruction issued by the Royal Government of Cambodia to make concerned authorities cooperate with the ECCC and involved organisations in the course of implementation:

- Construction of Stupas and Monuments:** The Civil Parties propose that stupas or monuments be constructed especially in locations under the scope of the investigation as described in the following part of this annex and including particularly the locations linked to Forced transfers 1 and 2. Their proposal includes a stupa construction in Tuol Sleng museum. The proposed locations concern competent authorities of provinces and Phnom Penh capital such as the Ministry of Culture and Fine Arts, the Ministry of Cults and Religion, the Ministry of Tourism and the Ministry of Land Management, Urban Planning and Construction. As the proposed locations are situated on public premises, a directive or authorization from the Royal Government of Cambodia is required to ensure cooperation in implementation of Reparation Projects.
- Preservation of Former Crime Sites or Killing Fields:** As preserving the crime sites and killing fields is within the competency of the provincial and municipal authorities, the Ministry of Culture and Fine Art, Ministry of Tourism and Ministry of Land Management, Urban Planning and Construction, we propose that these authorities cooperate with the ECCC and involved organisations to identify and preserve the former crime sites pursuant to the Royal Government’s Circular No. 13 dated 14 December 2001 on “Preservation and Storage of bone of Victims of Genocide in Democratic Kampuchea (1975-1979) and Management of Anlung Veng area as historical tourism site”. These sites are listed in the Closing Order, including 11 security centres and four execution sites as well as six worksites and cooperatives. (Details of these sites are provided below).
- Establishment of Libraries , Documentation Centres, Museums:** The Civil Parties propose that small libraries and documentation centres be established in a public place or pagoda, at least one in each district according to available funding for implementing the Reparations Projects. On the other hand, such a library and documentation centre may be built near the stupa or monument dedicated to commemorating the deceased victims and at a former crime site or killing field as listed in the Closing Order.

The construction of stupas and monuments, the preservation of former crime sites or killing fields, and the establishment of small libraries or documentation centres may be undertaken at the same location, one of the sites described in the Co-Investigating Judges’ Closing Order as followings:

Security Centres:

1. S-21 Security Centre, Phnom Penh

2. Ou Kansaeng Security Centre, Phum Prammuoy Village, Labanseik Commune, Banlung District, Ratanak Kiri Province
3. Koh Khyang Security Centre, Koh Khyang Village, Ou Chrov Commune, Prey Nob District, Preah Sihanouk Province
4. Kouk Kduoch Security Centre, Kaeng Prasat Village, Sambour Commune, Sambou District, Kratie Province
5. Krang Ta Chan Security Centre, Kus Commune, Tram Kak District, Takeo Province
6. Northeast Zone Security Centre, Siem Reap City, Siem Reap Province
7. Prey Damrei Srot Security Centre, Chrak Sangkae Village, Svay Chuk Commune, Samaki Meanchey District, Kampong Chhnang Province
8. Phnom Kraol Security Centre, Srae Sangkom Commune, Koh Nheaek District, Mondul Kiri Province
9. Sang Security Centre, Trapeang Sva Village, Trea Commune, Kandal Stung District, Kandal Province
10. Wat Kirivong Security Centre atop the Phnom Kirirom Mountain, Phnom Sampov Commune, Banan District, Battambang Province
11. Wat Thlok Security Centre, Thlok Village, Thlok Commune, Meanchey Thmey District (currently Svay Chrum District), Svay Rieng Province

Execution Sites

1. Cheung Ek Execution Site, Khan Dongkor, Phnom Penh
2. District 12 Execution Site, Prey Trapeang Ampil Village, Prey Trapeang Pring Village and Krang Leav Villages, Krang Leav Commune, Samaki Meanchey District, Kampong Chhnang Province
3. Tuol Pou Chrey Execution Site, Kdei Chhvit Village, Srae Sdok Commune, Kandieng District, Pursat Province
4. Stung Tauch Execution Site, Ta Hiev Kraom Village, Kak Commune, Ponhea Kraek District, Kampong Cham Province

Cooperatives and Worksites

1. Tumnub Trapeang Thmar Worksite, Phnom Srok District, Banteay Meanchey Province
2. Kampong Chhnang Airport Worksite, Pat Lang village, Krang Leav Commune, Rolea B'ier District, Kampong Chhnang Province
3. Stung Chinit-Tumnub Muoy Makara Worksite adjacent to the Chinit River, Baray and Santuk Districts, Kampong Thom Province
4. Srae Ambil Worksite, Srae Ambil Village, Srae Ambil Commune, Kampot District, Kampot Province

5. Tram Kak Cooperative, Tram Kak District, Takeo Province
6. Office S-24, Ta Lai Village, Chek and Bakou Communes, Dangkao District, Phnom Penh City

c. Measures requiring actions by the Ministry of Education: Officially incorporating the history of the Democratic Kampuchea regime into their curriculum.

The Civil Parties propose that this history be officially incorporated into the national school curriculum for at least from Grade 7 to Grade 12 at state and private schools as well as the foundation course of higher education institutions. This incorporation aims to make students aware of and spread the tragedy happened during Khmer Rouge regime and prevents the cruel acts in Cambodian Society.