



សមាគមជនរងគ្រោះក្នុងរបបខ្មែរក្រហមនៅកម្ពុជា

26 June 2011, Phnom Penh

Civil Parties of Orphans Class' Open Letter to Co-Lead Lawyers ANG Pich and Elisabeth Simmoneau-Fort re Reparations of ECCC Inventory (Physical Assets) and Provincial Learning Centers-Memorials

Dear Civil Party Co-Lead Lawyers ANG Pich and Elisabeth Simmoneau-Fort:

On the advent of the historic opening trial hearing of Case 002 against senior Khmer Rouge leaders Nuon Chea, Khieu Samphan, Ieng Sary and Ieng Thirith, we, the **Civil Parties of Orphans Class**—the only class in the Extraordinary Chambers (“ECCC”) with official rights to reparations in Case 002—renew our call to you, our official public voice in the criminal proceedings at the ECCC, for the inventory / physical assets of the ECCC upon the closing of its operations and that Learning Centers-Memorials in all 24 provinces of Cambodia be established and furnished with this inventory.

We are renewing this call now, first publicly made in July 2010, because we understand that during these coming days of preliminary hearings this topic of reparations will be argued.

The Civil Parties of Orphans Class, a sub-group within the Association of Khmer Rouge Victims in Cambodia, has the *right to reparations as a party to the ECCC* criminal proceeding against the senior Khmer Rouge leaders, should they be found guilty.

After initial review of the ECCC website and communications with ECCC officials, it is our understanding that the ECCC has *at minimum* these basic items of inventory for its 500 personnel (350 of these Cambodian):

- 24 vehicles
- 200 desktop and laptop computers
- 25 photocopy machines
- 50 printers and scanners
- Telecommunications and communications systems (property of UN, according to Art. 1.3 of Supplementary Agreement Re Utilities, Facilities and Services)
- Air conditioners
- Televisions, screens, LCD projectors, video-conferencing equipments
- Transcription equipments
- Video cameras
- Office desks, chairs, tables, cabinets, bookshelves

It is also our understanding that (i) the Chambers may award only “collective and moral reparations to Civil Parties”, (ii) Article 39 of the ECCC Law to “be awarded against, and be borne by convicted persons” not to exclude the Cambodian government and the United Nations, parties to the laws and agreements establishing the ECCC in the provision of this collective and moral reparation as owners of the inventory (see ECCC Law Art. 44.1, 44.2, 44.4 New; Internal Rules 9.3 New), and (iii) any sensitive materials and data can be easily removed and protected before the handing over of the inventory.

In addition, we demand that provincial Learning Centers-Memorials be established in each of the 24 provinces of Cambodia as part of our right to reparation and the legacy of memorializing and education. With all due respect, Phnom Penh was not the only crime scene; memorializing and resources need to include and respect the 85% of Cambodian victims who reside in the provinces.

These provincial Learning Centers-Memorials **must** be the joint efforts of local and national government with civil society, artists and all the victims associations. Local government can donate land and office space while civil society and victims associations work to maintain and operate these Learning Centers-Memorials.

The Learning Center-Memorial being established at Wat Samroung in Battambang with the involvement of the local community, assisted by the Center for Justice & Reconciliation (now a component of CIVICUS: Center for Cambodian Civic Education) and funded by the Australian Embassy is one existing example. The ECCC documents, the Virtual Tribunal, public forums and outreach materials produced by civil society and victims associations, art works are but some of the materials which can be made available at these provincial Learning Centers-Memorials. These provincial Learning Centers-Memorials would be furnished with the above-mentioned equipment and inventory.

The management of these provincial learning centers-memorials must include a diverse range of voices and interests of local/national government, traditional human rights NGOs with arts association, national/international stakeholders, all victims associations etc.

Our demand for the ECCC inventory does not burden the ECCC with a new budget as they are items already financed and purchased. No one else has a greater moral and legal right to these equipment and inventory than the civil parties **for the welfare of all the victims**, of which you are the official voice in the court proceeding, including the new generation born after the Khmer Rouge who lost grandparents and other loved ones in addition to limited opportunities produced by the genocide.

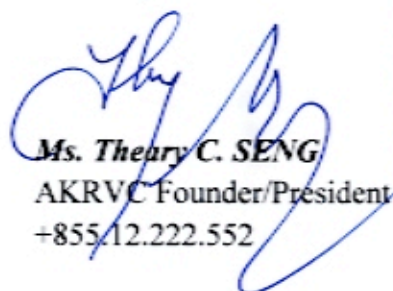
Moreover, the provincial Learning Centers-Memorials do not pose a heavy financial burden, if at all, a fraction of a fraction of a fraction of the national budget which can easily be legislated by the National Assembly. The benefits which these reparations of inventory and provincial Learning Centers-Memorials impart toward reconciliation and legacy for the current and future generation are priceless.

The logic of these demands is extremely practical and reasonable in that their objections will pose serious questions and incalculable reactions of “why not?”

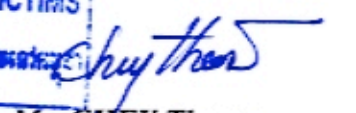
It is we the Orphans Class who are requesting, but we are requesting for the benefit of all civil parties as well as the other victims generally, e.g. 1,200,000 other orphans who did not apply to the Extraordinary Chambers.

As our public, official voices fighting for our interests in the ECCC criminal proceeding, you are our only official vehicle to making these demands. We look forward to our most minimal rewards.

Sincerely,


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Cc: H.E. Prime Minister Hun Sen and H.E. Sok An, Council of Ministers
UN Secretary General Ban Ki-Moon
Mr. Tony Kranh and Mr. Knut Rosandhaug, ECCC Office of Administration
40+ Civil Party Lawyers
Mr. Rong Chhorn, Chief of ECCC Victims Support Section

The Association of Khmer Rouge Victims in Cambodia—the first association based in Cambodia to be registered with the Ministry of Interior and the first to be recognized by the ECCC Victims Support Section and independent of any political or religious affiliation—is a network of survivors of the 1975-79 killing fields who are joined in the fellowship of suffering, in the demand for justice, and in the work for a just peace. The members of the Victims Association are from overseas and spread across the provinces and capital of Cambodia, coming together as a result of the public forums conducted by its Founder, and now its president Ms. Theary C. SENG and Victims Outreach Manager Mr. SOK Leang since 2007. They include widows and orphans; former child soldiers and former prisoners; hard-working farmers and middle-class city-dwellers; well-known actresses playwrights, authors and journalists; as well as teachers, translators, security guards, taxi drivers, *inter alia*. Among the other members of the Victims Association is the **Civil Parties of Orphans Class**, a special grouping pre-dating the AKRVC founding when introduced officially in the Pre-Trial Chamber hearing of Nuon Chea in Feb. 2008, and since officially recognized by the ECCC Victims Support Section and a party to the Extraordinary Chambers Case File No. 002 against the senior Khmer Rouge leaders.

www.akrvictims.org