



MEDIA BRIEF

“Civil Society Considers Reparations for Victims of the Khmer Rouge”

Phnom Penh, 20 November 2009

In November 2008, CHRAC and the ECCC Victims Unit organized the first wide-ranging conference on reparations and the ECCC. One year later, CHRAC, together with REDRESS organized a workshop on 18 November 2009 in Phnom Penh and released a discussion paper to take stock of how the situation has evolved, and to encourage debate on the next steps for all stakeholders to take to make the vision of reparation for victims of the Khmer Rouge a practical reality.

The judges of the ECCC specifically entrusted themselves with a reparations mandate through the adoption of the Internal Rules which ‘allow victims to seek collective and moral reparations’. The Court has an important role as a catalyst to the reparations process, though there are a range of other stakeholders who would necessarily need to be involved: the Government, victims and their associations, civil society, and the range of potential contributors.

At their last Plenary Session in September 2009, the ECCC Judges announced that they would introduce fundamental changes to the Court’s victim participation scheme. These changes will most likely also affect existing rules on reparations. CHRAC and REDRESS wish to remind that the Court is a key symbolic body which is there, precisely to do justice to victims, and there is a need for the Court to interpret all aspects of its mandate (including reparations) with this in mind. Victims are a key to a positive legacy for Cambodia.

Some important recommendations of the CHRAC/REDRESS discussion paper are the following:

1. With the upcoming conclusion of Case 001 there is an urgent need for Judges to prepare for future reparations orders by further clarifying their mandate on “collective and moral reparations” and elaborating on their practical implementation.
2. The Court should widely consult and involve victims at any stage of the reparations process.
3. Any reparations, even the most symbolic forms, require funding. The Court needs to seriously explore this – it has a duty to ensure that its awards are practical and effective, and capable of implementation. The Court should explore the range of possible funding instruments, both internal and external to the Court, and capable of receiving the smallest possible contributions from local Cambodian communities, to governments, business and other private sources.

2010 is a critical year for the ECCC to reflect upon its work to date and prepare for the challenges ahead. Judges should use the time following the Case 001 judgment to consult with stakeholders, experts and others on future directions for a feasible and meaningful reparations scheme.

The *Cambodian Human Rights Action Committee (CHRAC)* is a coalition of currently 21 local non-governmental organizations in Cambodia working mainly in the field of human rights, rule of law and democracy. For more information see at www.chrac.org

REDRESS is an international human rights organization based in the UK which supports survivors of torture and related international crimes to seek justice. For more information see at www.redress.org