

ABOUT LEGAL AID OF CAMBODIA

Legal Aid of Cambodia is a non-governmental Khmer-administered organization of lawyers dedicated to serving the legal needs of Cambodia's poor. Legal Aid of Cambodia is funded by: Novib, the East-West Management Institute, International Bridges to Justice, the Open Society Institute, Save the Children Norway, the European Union through DanChurch Aid, and Forum Syd.

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CONTRIBUTORS

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Together with three friends he decided to rob a woman of her necklace. Whilst they were attempting to rob the woman they were apprehended by the police and were later charged with robbery by the prosecutor. M.L. was subsequently placed in detention. After eight months of pre-trial detention, his case finally came to trial. After finding M.L. guilty the judge sentenced him to five years in prison.

M.L. had been held in detention for an excessive period of time before being tried. In this case the duration of pre-trial detention was eight months, even though - according to the law - a juvenile may be held for only two months for a crime such as robbery.

Thus M.L.'s detention was a violation of article 37(c) of the UN Convention on the Rights of the Child (UNCRC) which states that the arrest, detention or imprisonment of a child shall be in conformity with

Cambodian law states very clearly the maximum duration of pre-trial detention ... the laws are largely ignored'

the law and shall be used only as a measure of last resort and for the shortest appropriate period of time. Cambodia ratified this Convention on October 15, 1992, with no reservations. This means that Cambodia agreed to implement all the protections and rights for children in the CRC with no exceptions.

UNTAC law article 14 (1) states that only the judge, if so petitioned by the prosecutor, may decide to keep an accused person in prison, and only if there is a risk of escape or non-appearance due to the absence of such factors as a job, a family, a home, or if there is reason to believe that the accused will influence witnesses or the conduct of the investigation. In M.L.'s case there was no apparent reason for the judge to decide to keep him in detention for this excessive period of time. Firstly, there had been no real danger of escape or non-appearance, as M.L.'s mother had been contacted and she had guaranteed that M.L. would have shown up for his trial. Secondly, he had a job and family to look after; he was attending school regularly and had never been accused of a crime before.

It has been this way for a long time. Cambodia faces immense problems with excessive pre-trial detention. Pre-trial detention means the duration of time the accused is held in detention until the date of the trial. The case mentioned above is only one of many examples in which the suspect has been held in pre-trial detention for an excessive period of time.

Even though Cambodian law states very clearly the maximum duration of pre-trial detention for adults and minors, in practice unfortunately the laws are largely ignored and suspects are held much longer in pre-trial

ព្រះរាជាណាចក្រកម្ពុជា ជាមួយនឹងការកាត់ទោសដោយមិនស្របច្បាប់ និងការរឹតត្បិតដល់អ្នកស៊ើបអង្កេត និងការកាត់ទោសដោយមិនស្របច្បាប់។ ក្នុងករណីនេះ ការកាត់ទោសដោយមិនស្របច្បាប់ និងការរឹតត្បិតដល់អ្នកស៊ើបអង្កេត និងការកាត់ទោសដោយមិនស្របច្បាប់។

detention than legally allowed. This practice contravenes Cambodian law and is a violation of human rights. In addition, Cambodia's legal system faces the further challenge the laws with regard to pre-trial detention are applied inconsistently by the judges of the various courts.

UNTAC law article 14 (4), adopted in 1992, states that the duration of pre-trial detention must not exceed four months. This period may be extended to six



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Minors being interviewed during LAC's research.

ត្រូវបានកាត់ទោស។ ក្នុងករណីនេះ ការកាត់ទោសដោយមិនស្របច្បាប់ និងការរឹតត្បិតដល់អ្នកស៊ើបអង្កេត និងការកាត់ទោសដោយមិនស្របច្បាប់។ ក្នុងករណីនេះ ការកាត់ទោសដោយមិនស្របច្បាប់ និងការរឹតត្បិតដល់អ្នកស៊ើបអង្កេត និងការកាត់ទោសដោយមិនស្របច្បាប់។

months if justified by the requirements of the investigation. Minors under the age of 13 cannot be placed in pre-trial detention for any reason or any length of time. The law states that minors between the age of 13 and 18 may not be placed in pre-trial detention for more than one month. The length of such detention may be doubled if the minor is charged with a felony. UNTAC law article 14 makes a clear distinction between the law relating to adults and juveniles.

This could be read to conflict with article 1 of the Duration of Pre-trial Detention Law, adopted in 1999, which states that the period of pre-trial detention in no case must exceed 4 months. However, upon the decision of a judge setting out the reasons, this period may be extended to six months if justified by the requirements of the investigation. In this article no specific distinction has been made between the application of law to adults and juveniles regarding the maximum length of time for pre-trial detention. The law as mentioned above regarding the Duration of Pre-trial Detention has worsened the situation for

ក្នុងករណីនេះ ការកាត់ទោសដោយមិនស្របច្បាប់ និងការរឹតត្បិតដល់អ្នកស៊ើបអង្កេត និងការកាត់ទោសដោយមិនស្របច្បាប់។ ក្នុងករណីនេះ ការកាត់ទោសដោយមិនស្របច្បាប់ និងការរឹតត្បិតដល់អ្នកស៊ើបអង្កេត និងការកាត់ទោសដោយមិនស្របច្បាប់។

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JUDGES SENTENCING INNOCENT PEOPLE TO TIME SERVED IN ORDER TO SAVE FACE

B.R is a 17 years old, grade 7 student at Entkorsa Lower Secondary School. He lives with his parents in Slor Gram village, Slor Gram commune, Siem Reap district, Siem Reap province. Before being arrested the accused had consumed drugs two or three times. In this case, the mother filed a complaint to the police that the accused, her son, had stolen money from her. Later, the judge changed the offence to drug consumption. On April 2, 2005, at about 5 o'clock, the accused was arrested by police at a riverbank nearby Spearn Neak (dragon bridge) whist he was sitting and chatting with his buddies. He was arrested for a night and then sent to court. He was temporarily detained by the court for a month. On May 5, 2005, the accused was sentenced a month imprisonment for drug consumption.

Judges sentence innocent people to time served in order to save face when a culprit has suffered excessive illegal detention. This is a serious issue and is unfair for the accused, who has been illegally and excessively confined. No judges have yet been punished for this form of improper sentencing, and

'The reason that innocent people are sentenced to time served is that the judge wrongly decided the issue of detainment before trial'

this practice is still going on in Cambodia. B.R's case is only one example of many. He was sentenced to imprisonment for one month for drug consumption. Drug use is a serious problem for Cambodian society. Drugs are being sold and distributed by dealers everywhere, even in the most remote areas of the country. Drugs are easy to obtain and wreck havoc in the lives of both the drug users and the people around them. It is especially harmful to teenagers. Children are vulnerable to being misled by drug dealers due to their lack of awareness. A drug consuming child is a victim of the drugs. Judges should seriously consider this matter, because the future of Cambodia rests on the welfare of the young generation.

The reason that innocent people are sentenced to time served is that the judge wrongly decided the issue of detainment before trial, so they are forced to punish the accused for the respective term of the detention. If the judges don't punish the accused for at least the

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time of their pre-trial detention, they will lose face. By focusing on their own interests and honor, they inflict damage on the accused without considering the disadvantages to and reputation of the accused. In B.R.'s case, even though the accused was released, his name is still registered in the criminal record, which will affect his honor and future opportunities. This is due to a mistake of the judge. A JLP lawyer enquired with the client about his drug consumption, and he said he had abandoned the drugs, particularly as he is not addicted, but if the judge requires that he undergo drug treatment, he will do so. According to Article 92 of the Law on Control of Drugs, if upon examination someone accused under Article 98 is found to be an addict, the judge could compel him or her to accept drug treatment as appropriate for their level of health. If the addict completes the treatment, then the court will release them with only a warning, and without further punishment. Article 96 states that if an addict has committed a petty crime and has not had a prison sentence imposed in the last 3 years, with or without suspension, the court may decide not to punish them, but may compel them to undergo treatment. Thus B.R. deserves to be acquitted by the judge because the spirit of the law punishes only the person who is addicted. Moreover even if B.R. was addicted to drugs, he would not deserve to be punished, because he volunteered, and continues to volunteer, for treatment through a doctor's order. B.R. was sentenced to one month in prison for drug consumption under Article 98 of the Law on Control of Drugs. The punishment that the judge imposed was the maximum allowed, and the judge should not have decided such in the case of a minor, as it contradicts the International Convention on the Rights of the Child and UNTAC Criminal Law. LAC is focusing attention on this issue and advocating for minors who are illegally detained or innocent and sentenced to time served in order for judges to save face. LAC calls on the concerned ministries to investigate the practice of sentencing innocent people to time served and to punish those judges who abuse the law. Judges also must take into consideration a person's status as a minor when determining punishment, and especially keep in mind that under Article 37(c) of the Convention on the Rights of the Child, arrest, detention or imprisonment of a child is to be a measure of last resort.

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THE IMPORTANCE OF LEGAL AID

Legal aid is the name of any of several programs that provide legal services to people who cannot afford private lawyers/attorneys at law. There are few legal aid organizations in Cambodia funded by international organizations or donor countries to provide legal presentation to the poor and vulnerable people. This task should be partly the responsibility of the Cambodian government.

Legal aid organizations have different case intake policies. For instance, LAC offers to provide legal representation to accused and/or victims (whoever comes first) in criminal cases. LAC also handles civil cases involving such matters as adoptions, contracts, divorces, labor disputes and land disputes. LAC provides legal representation to children in conflict with the law and victims of offenses such as rape, trafficking and labor exploitation.

Legal assistance is not sufficient in Cambodia due to the fact that the organizations have limited human and financial resources. In principle, the government should set a small budget line for legal aid services for people who cannot afford to pay for private lawyers. However, legal aid organizations now depend totally

'The most important principle is that, at the end of the process, [LAC]'s clients received fair trials.'

on financial supports from donor countries and international organizations that love peace and justice. Asked whether the legal aid organizations provide adequate legal services needed in the Cambodian society, the answer is that, in terms of quantity, there are few organizations but there are too many people who have legal conflicts and need legal representations. When asking the receptionists working at LAC the question, they said that many people coming to ask for legal presentation and they reported many people have been referred from other legal and human rights organizations such as CDP, CLEC, CWCC, ADHOC, LICADHO, etc and sometimes, LAC refers cases to other legal organizations as well. In term of quality, legal aid organization's lawyers provide highly qualified legal representation because they are not afraid of having legal argumentation in court room. When they are not satisfied with decision and legal procedure they will file complaints to the higher courts or authorities for intervention.

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sMMy EdI RtU) anekEtgEtsYdI emFarCNMyEpkc, ab; faeti manGkileLgcNBaktkkpbsek RosinebKpnmFarCyBkek enA cNBahmtul akareT BKKat) anniyayfa GEdI KatGacCykdkp rbsKat) an KManansvnakaryutFmChkdkpbsBKKat; BK KatbEnhetotfa KjnambKKatCaemFarI KatminGacFana Cdkk kGayQhknadeT binGEdI CaKal karNsManenat KManA cgbBennitvFI kdkpbsKat) anTTV nusvnakarRokbeday yutFm' tanry³karGhGagenH eybgacsnidanyagc, asfa kdkkthngTTV) ansvnakarRokbedayyutFm' RosinebKpnm FarFakarBarBkek .

sMMyepSgetotsifa etkdkPaKechTTV) ansvnakaryutFmenAeBI EdI ekmanCNMyBemFarI CNMyEpkc, ab; Bkek EtgEteqlyfa manneFu) ayBf. T1³ edaymanCNMyBemFarI BK eGacTTV) ansvnakaredayyutFm' RosinebPaKmegetot CaCnRkRkEdr. T2³ eTAbCamanCNMyBemFarI eday BkekKML TTV) ansvnakaryutFm' RosinebPaKmegetotCaGkman bEik manGNac. KjkRNenH minEmnmannyfa emFarI CNMyEpkc, ab; GsmTpaBenaet binmannyfa ecARKm nigRBHraCGaCa man qnansitijseBk KbpStngGvtmanenRkmsII FmrbsecARKm nigRBHraCGaCa. CagenheTaeTot ecARKm nigRBHraCGaCa man sPaBeTarTnetArkGMBBkrI y .

edm, FanasvnakaryutFmcNBaktkkpbsxi emFarCNMyEpkc, ab RtUteFikareGay) ankanEtXajleLg. BkekRtUtedaHrsay cNBahonkerGkpkach kECCaxNgErogeFKaredm, pasbpit; KmitrbsecARKm nigRBHraCGaCa nigedm, CNMy eGaymankarcab; epñ enkarEkTngRokbstul akar .

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One question is usually asked of legal aid lawyers: what happens to their clients if there is no lawyer to represent them at the court? Lawyers can at least help their clients to guarantee fair trials for them. They add that they do not promise to help clients win the case, but the most important principle is that at the end of the process their clients received fair trials. Through this clarification it is clear that clients hardly receive fair trials if there is no lawyer to represent them.

To the question of whether the clients receive fair trials when they do get help from legal aid lawyers, there are two responses. Firstly, with help from the lawyer, they can receive fair trials if the adverse party is also poor. Secondly, even with help from the lawyer, they may not receive fair trials, if the adverse party is rich or powerful person. In this case, it does not mean that the lawyers are incompetent, but judges and prosecutors have too much discretion and there is no code of ethics for the judges and prosecutors. What is more, judges and prosecutors are motivated by corruption. To ensure fair trials for their clients, legal aid lawyers have to work much harder. They have to deal with big caseloads, as well as working to change the judge and prosecutor's mindset and to help kick start judicial reform.

In conclusion, as presented above legal aid is very important but the state has not yet fulfilled its obligation to guarantee equal protection before the law. Therefore, the legal aid organizations have to bear a heavy burden. In the meantime, the legal aid organizations in Cambodia are trying to persuade the Cambodian government to set a small budget line to contribute to the legal aid program, and the international community to provide more support to the legal aid system.



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*Providing legal aid to Cambodia's poor helps
encourage court cases to be run fairly and without
corruption or bias.*

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five witnesses were questioned by En Vanvibol, the Judge, the Prosecutor, and myself, Peung Yok Hiep. Based on their testimonies and a letter signed by 25 people supporting my client, the judge found that the husband was irresponsible and always tortured the wife when drunk.

Legal element

‘Whoever is careless, negligent, inattentive, or fails to heed regulations and involuntarily causes another person to die will be accused of the misdemeanor of involuntary manslaughter and shall be liable to a term of imprisonment of 1 to 3 years’.

Objective

My client tried very hard to resist the powerful strength of her husband. It is like two boxers, one fighting aggressively and one resisting, so the one using all his power will get exhausted. That was why the hoe slipped out of the hand of my client’s husband and accidentally caused him to die. My client had no intention at all to kill him.



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LAC’s client, who was charged with the murder of her husband, with her small daughter.

Subjective

This was an involuntary act. My client was careless and was not aware of the fact that her action was going to cause her husband’s death. If the Judge is of the opinion that it is her fault just because she fought back, it means that the judge does not consider that carelessness, just for a second, can cause someone to die.

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Rsk EtbaNhedayPBRkRknagminGacbnkpkdI tul akar
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I said to the Judge:

Please also consider Article 68 of UNTAC law which refers to extenuating circumstances:

1. The client’s background: Although she had a husband, her husband had never shared the responsibility to look after the 5 children. She had been tortured, mentally and physically, yet she was very patient and never affronted her husband, neither verbally or nonverbally. She filed for divorce once at the local authority. Because of the poverty she could not go to court. Her husband had never changed his attitude towards his wife. He attempted to kill her and the children several times. She could not escape and leave the children alone. If she had done so, her husband would have killed them.

2. The circumstances of the incident: The circumstances of the case rendered the actions of my client necessary, because she did not have a choice. She had to defend herself and fight back. Otherwise she would have been killed by her husband. It must also be considered that the husband battering her was illegal and that it was the first crime she committed.

She continued:

“Please, consider Article 70 of UNTAC law, which states: A prison sentence, with the exception of those for crimes, may be suspended totally or in part. In this case, the condemned person will not serve out the sentence unless s/he commits another crime,(...) for a period of 5 years after the judgment.”

3. My client suffered from battered women syndrome. This finding can be based on the lawyer’s investigations, the interrogation of the five witnesses and the 21 people who supported the client’s statement that she had been tortured by her husband for six years.

A number of courts in many countries use ‘Battered Women Syndrome’ as a mental illness which can exculpate a women who kills her husband.

- In January 2004, the Supreme Court in the Philippines accepted ‘Battered Women Syndrome’ and asked the lower court to reconsider a case in which a woman had killed her husband. The Court reduced the sentence from 14 to 6 years in prison and, in the end, released her. (*Battered wife syndrome defense a first in RP courts*’, posted: 1:13 AM (Manila

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 syndrome defense a first in RP courts. Posted: 1:
 13 AM (Manila Time) Jan.25, 2004. By Rina
 Jimenez David. Inquirer News Service
http://www.onlinewomeninpolitics.org/archives/4_0125_ph_vaw.htm

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 Syndrome),

http://www.educ.sfu.ca/cels/new_lupdate7.html
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 Women's Syndrome: help or Hindrance?)

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 -sMthBrcgeekay rbsCnCabecatmk ecARKmChmll -tul akar

Time) Jan.25, 2004, by Rina Jimenez David. Inquired
 New Service. http://www.onlinewomeninpolitics.org/archives/04_0125_ph_vaw.htm.)

- In Canada 1998, the Supreme Court took the
 Battered Women Syndrome as evidence, legal
 defense, to refuse the findings of the Court of Appeal
 which accused a woman who kill her husband.
 ('Criminal law-self defense-Battered Wife Syndrome',
http://www.educ.sfu.ca/cels/new_lupdate7.html)

- In the United States and England the court also used
 Battered Women Syndrome as evidence to excuse
 women who killed their partners, although there is
 some criticism. ('Battered Women's Syndrome: Help
 or Hindrance?' <http://www.jfw.org.uk/BWS.HTM>)

Because my client claimed that she did not suffer from
 the syndrome, I was not able to obtain any medical
 record proving that fact. At the trial she stated that she
 just protected herself from being battered and did not
 think of this crime.

4. Furthermore, I asked the judge to consider the
 social factor that she has five children to look after.
 Who was going to take care of them? So I asked the
 judge to release her and let her look after the children
 who need care and attention as mentioned in the
 Convention of the Rights of the Child. According to
 this Convention, parents have to look after children
 and make sure that they get access to education and
 become proper citizens in society. The government
 and the civil institutions in Cambodia are not able to
 give children this kind of education and warmth.

The final suggestion to the Judge in Kampong Chhnag
 Court was: 'Please release her and let her be a good
 mother to her children who are studying at school.'

My client was sentenced to 8 months in prison. This
 was divided into two parts: 4 months and half in
 prison and from 9/11/04 the rest suspended with 5
 years probation. According to Chapter 40, Article 68
 and 70 of UNTAC law, this judgment was pronounced
 in front of the prosecutor, the accused and the lawyer.
 A right of appeal was given.

My client was released on March 24, 2005. She left
 the jail with her small daughter.

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*LAC lawyer investigating the behaviour of the
 accused woman's husband.*

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CASE REPORT FROM SIEM REAP

A Khmer couple has been living in Siem Reap for over 20 years now. In 1985 they built a shop on state public property living next to a provincial street. They use the shop for commercial purposes but they also live there. Their shop is right in front of private property belonging to A. In 1985 they obtained permission from him to build a hut on his land next to their shop. However, in 1986 A asked them to remove the hut and parts of their shop so that there was enough room to access his property by car. The clients did so and A was satisfied.

In 2001, however, A sold his property to B. The new owner B asked the clients to remove part of their kitchen which stood on his ground. By mediation in front of the district the parties reached an agreement. A few years later, B asked the clients to completely remove their shop in front of his property. They refused to do so, since it was not standing on his land, but on public ground and access to B's property was not blocked. Furthermore, they have been living there for 20 years without problems. To make them remove the shop, B complained to the district court. The clients turned to LAC for help. On September 5th 2005 the court ruled that they would have to remove their house within two months. This judgment was based on the grounds that the land they built their shop on in 1985 did not belong to them. LAC, after consulting with the clients, appealed that judgment. It is now pending with the Appellate Court in Phnom Penh.

The judgment should be overruled due to the fact that the shop the land is standing on is – and has been – state public property. Therefore, although A is not the legal owner of the land, The complainant B does not have any right to the land, and no right to bring an action to have our clients evicted. Article 19 of the Land Law, which was passed by the National Assembly on July 20th 2001, states: ‘If an offender does not vacate his illegal acquisition within the time limit set by the competent authority, the authority shall begin proceedings to evict the offender from the land.’ Therefore only a ‘competent authority’ can bring an action to evict LAC’s client. Article 35 also states: ‘Only the competent authorities may, on behalf of the State and public legal entities, force occupants without title or insufficient titles to vacate the immovable property’

In this case, the person seeking the eviction is not a public legal entity. Nor is he claiming the LAC client’s property as his own. Therefore, under Articles 19 and 35 of the Land Law, B has no right to force the eviction of LAC’s client. In LAC’s view, the State is the only entity that could order a removal of the hut if the land is needed for public purposes.

RtUkarkateTasExpRkHmbet?

ehtGlyanCæxpsM abExp? sNNVenHmEdl RtU)aneqlyeGay
)anRtmtUelLy ehlyRbCarasæxpRkHmrgcaMarbkRsayBnuil ;
 cNBatsNNVenH. fPenHrdæ)al Cbn)anEfgfaCbongCY
 JbtbR)akchm11-8landul or edm,CYCHj eGaymankar
 kateTasExpRkHm Edl karkateTasenHCatIsGmrbSbCa
 BI rdæxp Edl rgcæmLy nigPaBytFm' fayaghaeNasKY
 EtmanmnsSb b-bhak; TTV xisRtUcBalkasM abrgal mnsS
 GscMhCagmlyl anR)æEsnnak; kÿsmÿbil Bt. miugvij
 eTot karkateTasEdl ebRbBnyutFmGnpCatCanU daenh ng
 pl eGaymankarkateTasmly RokbedayPaBRTmRtU minmannU
 GBBkrllyNamlymkcl rneLy ehlykarkateTasenH ng
 CakmlydÿsM bRbNyutFmkmæakÿkkaBRgy nigCHj RbBny
 c,abkm&a.

kænp kænkarRBY) arminCæchqamkehly BismakRbCaCn
 ExpngGnpCatKÿkarnaRkden Edl manÿcMnas;TajenHmk
 eFkarkateTasbnhBmanGMBj Rkdenkplmanelg. etabCa
 mankarGHGagfa ngmankarkateTasExpRkHmyagNakæay
 karkateTasenHenAmnTanR)akdenAelLyefangRtU)aneKerob
 cMLg. ebEfaCayagenHkGgkar CHj Epkic,ab; ênkme&a ng
 edrtHAmly Edl snuafangEFGaymansmitpl mlydRæst
 nigCaGnpCati. GEdl R)akdenH KWRbCaCnExpmycMhFMan
 karyl dÿgticE;Nas; bknndÿetmgGMBkarkateTas Edl ng
 CitæfæLgenH. eKal edAenkarkateTasExpRkHmenH minEmn
 edm,whicæTæseTæL GikKæRrbExpRkHmTajGsenHæT bænþ
 RkanEtman bNngæstÿyutFmCdnRnHCatkm&a Edl TTV rg
 GMBT arnkmyagsaha edaykarEstÿrkmnisSmlycMhGay
 mkTTV xisRtUcBalmxc,ab; GMBT egænkarðknaðbsxð.
 bil Bt)ansæbenAqam 1998 kænnpAmanssmmitExpRkHmCa
 æchenArsrnanCvitenAelLyrihman smmitbeGog sarl smmitþ
 exov spln nignH Ca. RbCaCnExpRkbrðkBgrgcaHil BK
 smmitTajenH QrenAkÿsvnakaTV karkateTasBGMBsaha
 ygXÿj Edl BkeK)anbBa. "BK TæjenH)ansM abmnsS
 rabl annak; BkeKKEt TTV xisRtUcBald)abkmfdl)ansag"
 enHCasMbsCnCatExpEdl smmbæBæQæH. bka kGgkar
 CHjEpkic,abmlycMh)anniyayfa ebisnkarkateTasExpRkHm
 RtV)aneKæfæLg vanngCabTæsaFmlydÿsM bRbNyutFm'
 enRbæTskm&a. karerobcGayman karkateTasmlydRæmRtU
 ngCYeGaykm&aykQæH lvb,Fmbcð,niedl karkardakæTas
 dI Cnel is. miugvij eTot karkateTasælenH ngCakmlydÿs
 lÿsM bGikæteTgc,ab; nigecRkmTajLay edm,lykmk
 Gnrtætan. ebItanRbsasnel ak Cva; CHj/karc,abæAGgkar

BLACK OR WHITE?

NEED FOR TRIBUNAL QUESTIONED BY SOME, SUPPORTED BY OTHERS

Why did Khmer dare to kill Khmer? This question has yet to be answered and all Cambodian people are waiting for the explanation of the killing. The Japanese government recently stated that it will cover Cambodia's responsibility for 11.8 million dollars to push forward the Khmer Rouge Tribunal, inspiring in many Cambodians the hope of an answer and a measure of justice for at least a few of those responsible for the more than 1.7 million deaths during the Khmer Rouge regime.

However, many Cambodians and international interest groups voice economic and spiritual concerns over bringing several elderly men to trial many years after their crimes. Though slated for 2006, the Tribunal is still not a certainty, nor is the role that LAC will play in what promises to be a monumental international production. Because of the huge death toll, there is born the idea of the Khmer Rouge tribunal, which intends to reduce the suffering Cambodian victims'



Images of victims of the Khmer Rouge regime at Tuol Sleng museum, Phnom Penh. Controversy remains over the Tribunal which will bring some of those responsible to trial. rûPaBænCrgeKæH kÿ rbbExpRkHm enÆsammþTV Esg natRkqPMBj . enÆt manPaBchÿcMhs cNBalsal akpñH Edl nÿgnamknUCnmly cMhEdl TTV xisRtUcBaldsvnakærenH .

anger. Furthermore, if the tribunal takes place, Cambodia can take the trial as a model for the judicial system, due to the International Court cooperation.

Pol Pot, the leader of the Khmer Rouge, died in 1998. However, there are still Khmer Rouge comrades alive, including Iang Sary, Kiev Sampon and Nuon Chea, who many Cambodians would like to see stand trial

ការរើសអើង ក្នុង ប្រព័ន្ធតុលាការ

ក្នុង ប្រព័ន្ធតុលាការ មាន ការរើសអើង ក្នុង ការ អនុវត្ត ច្បាប់ និង កិច្ចការ ផ្សេងៗ ទៅលើ ប្រជាជន ខ្មែរ ជា ពិសេស គឺ លើ ប្រជាជន ភូមិភាគ ឦសាន និង ភូមិភាគ កណ្តាល ដែល មាន ប្រជាជន ភាគ ច្រើន ជា ប្រជាជន ក្រីក្រ និង មាន ជំនាញ ទាប ជាង ប្រជាជន ភូមិភាគ កណ្តាល និង ភូមិភាគ បាត់ដំបង ដែល មាន ប្រជាជន ភាគ ច្រើន ជា ប្រជាជន មាន ជំនាញ ខ្ពស់ និង មាន ឥទ្ធិពល ខ្លាំង ក្លាន ក្នុង ប្រព័ន្ធតុលាការ ។

1- ការរើសអើង ក្នុង ការ អនុវត្ត ច្បាប់ និង កិច្ចការ ផ្សេងៗ ទៅលើ ប្រជាជន ភូមិភាគ ឦសាន និង ភូមិភាគ កណ្តាល ដែល មាន ប្រជាជន ភាគ ច្រើន ជា ប្រជាជន ក្រីក្រ និង មាន ជំនាញ ទាប ជាង ប្រជាជន ភូមិភាគ កណ្តាល និង ភូមិភាគ បាត់ដំបង ដែល មាន ប្រជាជន ភាគ ច្រើន ជា ប្រជាជន មាន ជំនាញ ខ្ពស់ និង មាន ឥទ្ធិពល ខ្លាំង ក្លាន ក្នុង ប្រព័ន្ធតុលាការ ។

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ក្នុង ប្រព័ន្ធតុលាការ មាន ការរើសអើង ក្នុង ការ អនុវត្ត ច្បាប់ និង កិច្ចការ ផ្សេងៗ ទៅលើ ប្រជាជន ភូមិភាគ ឦសាន និង ភូមិភាគ កណ្តាល ដែល មាន ប្រជាជន ភាគ ច្រើន ជា ប្រជាជន ក្រីក្រ និង មាន ជំនាញ ទាប ជាង ប្រជាជន ភូមិភាគ កណ្តាល និង ភូមិភាគ បាត់ដំបង ដែល មាន ប្រជាជន ភាគ ច្រើន ជា ប្រជាជន មាន ជំនាញ ខ្ពស់ និង មាន ឥទ្ធិពល ខ្លាំង ក្លាន ក្នុង ប្រព័ន្ធតុលាការ ។

x> ក្នុង ប្រព័ន្ធតុលាការ មាន ការរើសអើង ក្នុង ការ អនុវត្ត ច្បាប់ និង កិច្ចការ ផ្សេងៗ ទៅលើ ប្រជាជន ភូមិភាគ ឦសាន និង ភូមិភាគ កណ្តាល ដែល មាន ប្រជាជន ភាគ ច្រើន ជា ប្រជាជន ក្រីក្រ និង មាន ជំនាញ ទាប ជាង ប្រជាជន ភូមិភាគ កណ្តាល និង ភូមិភាគ បាត់ដំបង ដែល មាន ប្រជាជន ភាគ ច្រើន ជា ប្រជាជន មាន ជំនាញ ខ្ពស់ និង មាន ឥទ្ធិពល ខ្លាំង ក្លាន ក្នុង ប្រព័ន្ធតុលាការ ។

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DISCRIMINATION IN THE JUDICIAL SYSTEM

For a long time, there has been discrimination in the application of law against women as victims or detainees, children in custody, and witnesses, by judges, prosecutors, clerks, police militaries, judiciary polices and prison officers of the Ministry of Interior.

What are some of the forms of discrimination?

1. **Oral:** by threatening (during investigation, in the hearing and conciliation)
2. **Compartment:** by using materials to force suspect or accused persons to accept an act even if they did not commit it
3. **Conservatism:** the principle of the presumption of innocence is not being respected
4. **Asking detainees to wear prisoner uniforms.** Some prosecutors and provincial prison chiefs still discriminate on the sex and age of detainee and force them to wear prisoner uniforms as a convict who is held in legal custody according to a judgment imposed by a lawfully constituted court. This discrimination by authorities makes people fearful, and affects children's psychology so that they dare not reply and forget to use their rights of expression and information. It breaches certain articles of law:

a) Art. 45-1 Constitution: All forms of discrimination against women shall be abolished.

b) Art. 2 C and D Convention on elimination on all forms of discrimination against women: State parties punish all forms of discrimination against women and agree to take appropriate measures to ensure all discrimination is eliminated which includes:

- Organizing legal protection of women's rights so that men and women are equal in all fields and there is efficient protection by national courts and public establishments

- Not committing any activities to discriminate against women and verifying that authorities and public establishments conduct activities conforming to these duties.

- minRoRBtphUGMBI bman skmpBerseGgRbqajhatePTeLly ehlyngRtYtBnitueGay)anR)akdfaGacaFr nigsabksaFarN³ TabLayngFtskmpBRsbeTAtankatBkt@H.

5- tGgryrbsenFarkjbnbsvnaakar mankBs;TabCagtubs; ecARKm RBhraCgaca nigRkLabBat kujbnbrbstul akaresPET RKbextfnAkjrbetskm&a tubsel ak el akRsmFarnAman kBs;TabCagtubsecARKmOr ecARKmGgry nigRkLabBat emFarmanzan³dtiKaetAngecARKmOrEdr BBBatCaPaKCM dH TabBf RtU)anTTV »kas nigsitidKaRsbtanekal karNENnam CamU daerbsGokarshRoCaCati sBtVatRbsenFarkm&a qat1990 nigI kpk³emFarkm&a nigRkmsll FmsMbenFai. bEnpCaKMU WnyenAtul akarRkgPMBj extpsomrab extpkNpl Edl tubsenFai nigRBhraCgaca ecARKm RBmTabtBkLabBat dakenAkBsesKa.

6- enAmankarreseGgsBattibsm&Rkmhu kujkarChBat RkmhuenAkmea. el ak Ehm NaritshkmsitRkmhu BNG)anniyayfa³ { tameyabI ; karkNtEfoHbaKb,EpK el ITM Rkmhu bEnpinRtUmankarreseGgsBattibsm&Rkm hteLy}.

7- enAmankarreseGgkujkarpl karkarBarplc,ab³ eyagtan esckBokasCaskI sBsitfmsSmarta7)anEcGfa³ {mmsS RKbrbmanPaBesKacBAmxc,ab; nigmansitTV)annukar kar Barplc,abesKedayKankarreseGg}. CnCabecatRkRk nigRbCa BI rdBkRkenAbNpextp dacRsyal dtCa RBHvhar mN³ Kil rtn³KilsErtg nigbnlymanCy.

karpl esvac,abdI CnRkRk BmanI kN³RkbRkanenA tul akartanextBHVhar sErtg nigbnlymanCy dtchely KVEtKN³emFai KitKtdI karkarBarplc,abGay)anTU ay dI ; CnRkRkenAbNp tul akarextplacRsyal CabRBNTI pg.

'sthsMthBrmRhtul akar entpsbtkayvkarbs xii ehlyRokanxosll Fm' edm,EFU sAnPaBsitfmsSbesreLg EstgrkyutFr karBarplRbeyaCnRbCaBI rdBkRk kujkarEk TRngRbBhtul akar taneKal karctekaNrbsraCrdap)al .

5. In audience, judges, prosecutors and clerk's table are higher than the lawyers'.

Lawyers are in the same grade with prosecutors because each party is equal. They have the same rights according to the United Nation's Fundamental Instructions on Cambodian Lawyer's role of 1990, Law on the Bar and the Code of Ethics of Lawyer. Nevertheless, in some courts, like Phnom Penh, Siem Reap and Kandal, the height of tables are equal.

6. Discrimination on the nationality of owners of companies during their registration in Cambodia.

M. Hem Narith, partner in BNG Company said "For me, determination of the registration fee should depend on the form of company not on the nationality of owner"

7. Discrimination on providing legal protection:

Art. 7 Universal Declaration on Human Rights states "Everybody is equal before law and has rights to defend through judicial recourse". Poor people and accused persons in provinces such as Preah Vihear, Mondolkiri, Ratanakiri, Steung Treng and Banteay Meanchey. Legal services for the poor are not sufficient in Preah Vihear, Steung Treng and Banteay Meanchey. Thus, the bar should take appropriate measures to help them.

I request judicial officers to change their behavior and have a stronger morality, to ameliorate human rights, to search for justice and represent the interests of Cambodia's poor people in reforming our judicial system to follow the rectangular strategy of government.

ការងារសង្គម និងការងារសង្គម គឺជាសំខាន់ណាស់

នៅក្នុងការងារសង្គម និងការងារសង្គម យើងត្រូវតែមានការងារសង្គម និងការងារសង្គម ដើម្បីឱ្យយើងអាចទទួលបានលទ្ធផលដែលយើងចង់បាន។ ការងារសង្គម និងការងារសង្គម គឺជាសំខាន់ណាស់ ដើម្បីឱ្យយើងអាចទទួលបានលទ្ធផលដែលយើងចង់បាន។

នៅក្នុងការងារសង្គម និងការងារសង្គម យើងត្រូវតែមានការងារសង្គម និងការងារសង្គម ដើម្បីឱ្យយើងអាចទទួលបានលទ្ធផលដែលយើងចង់បាន។

GOOD LEADERSHIP AND TEAMWORK IS ESSENTIAL

At LAC, various units, working groups and the management team have been discussing the question ‘What is good leadership and how can we foster it in our organization?’ over the last few months. It is important to have strong leaders in the organization so that we can work together to achieve our goals. Sometimes it is easier to do the work ourselves, but if we work in teams, more people can provide input and learn from the process.

Within the newsletter team of LAC we discussed what we believed is leadership and we collectively defined it as ‘the process of coordinating and encouraging group members to transfer knowledge to each other and to work together to achieve our goals.’ Instead of having one coordinator or chair for the team, we



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LAC staff members use teamwork and co-operation to help our organization achieve its goals.

នៅក្នុងការងារសង្គម និងការងារសង្គម យើងត្រូវតែមានការងារសង្គម និងការងារសង្គម ដើម្បីឱ្យយើងអាចទទួលបានលទ្ធផលដែលយើងចង់បាន។

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នៅក្នុងការងារសង្គម និងការងារសង្គម យើងត្រូវតែមានការងារសង្គម និងការងារសង្គម ដើម្បីឱ្យយើងអាចទទួលបានលទ្ធផលដែលយើងចង់បាន។

decided to rotate this responsibility so that everybody could experience the challenge of guiding the process of writing, discussing and publishing the articles on time. It has been a useful experience because we all had to remind our colleagues to meet deadlines and be understanding towards the work that made it difficult for them to do their task! We acknowledged that you do not have to be the director to be a leader; we can all be leaders in our own field.

