



JOINT SUBMISSION

TO HUMAN RIGHTS COUNCIL

SUBMITTED BY:

CAMBODAN HUMAN RIGHTS ACTION COMMITTEE (CHRAC)

**A COALITION OF 21 NGOs MEMBERS WORKING IN THE FIELD OF
HUMAN RIGHTS, DEMOCRACY AND LEGAL AID IN CAMBODIA**

**ADHOC, BCV, CARAM-Cambodia, CDP, CWCC, CHHRA, CCPCR,
CKIMHRDA, CSD, GENEROUS, IDA, KID, KYA, KKKHRDA, KSA,
KIND, LAC, VIGILANCE, PJJ, HROTP and PDP-Center**

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NGOs' Joint Submission to the Universal Periodic Review of the United Nations Human Rights Council

Introduction

1. The Kingdom of Cambodia will be under the 2nd Cycle of the United Nations Human Rights Council's Universal Periodic Review (UPR) in 2014 in Geneva, after the 1st cycle was concluded in early 2010. The Human Rights Council issued 91 recommendations to the Cambodia during the first review and the Cambodia has accepted all of these recommendations. The 2nd cycle of the UPR in the coming year is a very good opportunity for Cambodia to report on its actions taken and show its commitment to the implementation of those recommendations.
2. During this UPR process, the Cambodian Human Rights Action Committee (CHRAC),¹ a coalition of Cambodian NGOs and associations working in the fields of human rights, democracy and legal aid in Cambodia is tasked to coordinate a joint submission on the issue of legal and judicial reform in Cambodia. This document is the result of that effort.

A. Legal and Policy Framework:

3. Legal and judicial reform has been a stated priority of Cambodia since 2002. Cambodia established the Council for Legal and Judicial Reform (CLJR) in June of that year, and adopted a legal and judicial reform strategy in 2003. The strategy includes a plan of action for legal and judicial reform in 2005. Much of the reform plan is aimed at giving expression to the provisions of the Cambodian Constitution. The Constitution is the supreme law of the country and spells out, along with specific provision for various human rights protection, the general conceptual aspiration on the issue of separation of governmental powers and the independence of the judiciary.
4. Article 31 of the Cambodian Constitution provides that "*the Kingdom of Cambodia shall recognize and respects human rights as enshrined in the United Nations Charter, the Universal Declaration of Human Rights and all treaties and conventions related to human rights, women's rights and children's rights.*" The constitutional aspiration is a strong point in ensuring the Kingdom's commitment to uphold and apply human rights treaties² it has ratified. The Constitution further recognizes the separation of powers is fundamentally important for the democratic society; the executive, the legislative, and the judiciary and it also states that judicial independence shall be guaranteed by the Supreme Council of Magistracy.³
5. Furthermore, the 2008-2013 National Strategic Development Plan (NSDP) clearly spells out that the issue of legal and judicial reform is very significant to the Cambodian government, and calls for accelerating this reform process among other priorities. In doing so, the CLJR is tasked to implement and monitor the implementation of the Plan of Action of Legal and Judicial Reform and ensure that Joint Monitoring Indicators (JMIs)⁴ on the

¹ The NGO members of CHRAC include: ADHOC, BCV, CARAM Cambodia, CCPCR, CDP, CHHRA, CKIMHRDA, CWCC, GENEROUS, HROTP, IDA, KID, KIND, KKKHRDA, KSA, KYA, LAC, PDP, PJJ and VIGILANCE

² Six human rights treaties (ICCPR, ICESCR, ICERD, CRC, CAT, and CEDAW) have been already ratified by Cambodia. See more on: <http://cambodia.ohchr.org/EN/PagesFiles/TreatyReportingIndex.htm>

³ Articles 128, 130, 132 of the Constitution of the Kingdom of Cambodia (1993)

⁴ JMIs are agreed by the Cambodian government and the donors on certain indicator that the legal and judicial reform is well implemented. See more: *Secretariat of Council for Legal and Judicial Reform: "Joint Monitoring Indicators on Legal and Judicial Reform"*, (April 2009)

reform are well implemented and to assist the government in addressing the legal and judicial reform issues.

B. Key Issue of legal and judicial reform in Cambodia

6. There are many significant issues concerning the rule of law and judicial reform in Cambodia raised in the Human Rights Council's recommendations during the first UPR cycle. A number of recommendations have been achieved by the Cambodian Government and its relevant institutions; however, there are many recommendations concerning the rule of law and judicial reform remaining to be implemented and these need to be considered by the Human Rights Council during the second cycle of UPR for Cambodia. We therefore will highlight some of these issues, proposing relevant recommendations accordingly.

i. Lack of effective law enforcement and absence of independent institutions to protect people's rights

7. Enforcement of human rights in Cambodia is weak. Although the government has shown commitment to strengthen the application of enacted laws, several independent institutions necessary to the protection of people's rights are absent. These include a national human rights institution, a national preventive mechanism following the Paris Principle. To date, we have the Government's Cambodia Human Rights Committee (CHRC) and the Parliament's Human Rights Commissions, but both institutions lack critical elements of independence and has limited real authority to address human rights abuses allegedly committed by State actors. (CHRC is under the direction of the same figure that managed the state's Anti-Corruption Unit, who is a long-standing personal advisor to the Prime Minister.) In practice their competence is limited to acting as intervention bodies in cases where complaints are made to relevant ministries and institutions. Few of the cases they engage in generate results that are satisfactory to victims, despite the complementary efforts by human rights NGOs. The lack of enforcement of human rights provisions could result from many factors, including corruption among officers such as police, military police, soldiers and the judiciary; lack of proper training, insufficient salaries, and systemic weaknesses. Moreover, the fact that many human rights violations occur in contexts where the rights exercised (whether to property, expression, assembly, etc.) are seen as opposing the State's program of economic development. So there is a question of political will.
8. The situation is considered to be critical and alarming for the Cambodian public, civil society and development partners. Although the Government has identified the need to strengthen the judiciary and the rule of law in this country through positive legal and judicial reform strategies, the lack of coordination and the slow pace of their implementation by the Council for Legal and Judicial Reform (CLJR) have impaired movement towards a well-functioning, independent and trusted judiciary in this country.
9. **Recommendations:**
- The Government should continue discussion on the creation of an independent National Human Rights Commission that will deal with human rights issues in the country, supporting the creation of the ASEAN Intergovernmental Commission on Human Rights (AICHR). If this new national human rights body is established, it shall have a mandate to investigate, in close cooperation with civil society organizations, human rights abuse allegations committed by state actors within Cambodia.
 - The Government shall allocate adequate budgets for proper trainings to law enforcement officers and make further efforts to continue legal awareness of the new laws particularly the new Penal Code, Criminal Procedure Code, Anti-Corruption

Law, Civil Code and Civil Procedure Code. Training should specifically include limits on the application of criminal and other legal provisions necessary to respect international human rights standards. Likewise, training on criminal procedure must include international standards that provide procedural rights and protections to a criminal accused beyond what exists within the four-corners of that Code.

- The Government should continue its efforts to promote and protect human rights and to strengthen good governance and respect for the rule of law; continue to strengthen the rule of law and good governance as a means to help enhance human rights promotion and protection within the country pursuant to its international human rights obligations. To provide the protections of further independent institutional mechanisms, the Royal Government of Cambodia should accede, by 30 June 2014, to the First Optional Protocol under the International Covenant on Civil and Political Rights.
- The Government expressly include in the future iterations of the National Strategic Development Plan (NSDP) for the period 2014-2018 (and any successor plan with a different name), as priority objectives, all reform targets that remain less than 100% accomplished in the Legal and Judicial Reform Action Plan, and all the accepted recommendations generated under the UPR that have not been objectively fulfilled. Currently Legal and Judicial Reform component is not incorporated in the current draft of the NSDP 2014-2018.

ii. Slow progress of adoption of fundamental laws for strengthening the judiciary

10. The NGOs welcome the adoption of Penal Code in 2009 and Anti-Corruption Law in 2010, consistent with the recommendations of Human Rights Council. However, we are disappointed in the slow progress toward adoption of fundamental laws that are meant to guarantee the independence and impartiality of judiciary and help strengthen the legal and judicial reform we suggested in the 1st cycle of the UPR. These fundamental laws include Law on Organization and Functioning of the Courts and Prosecutions; Law on Amendment of the Supreme Council of Magistracy and Law on Statute of Judges and Prosecutors. Despite the fact that these laws are fundamental to the strengthening of the judiciary and its functional independence, the government has shown little commitment to hasten the adoption of these laws, all of which have remained in draft for many years.
11. By mid-2013, it is reported that these laws have been discussed internally at the Ministry of Justice and the Council for Jurists of the Council of Ministers on the amendment of the drafts, but have not advanced to the National Assembly for its consideration and possible adoption. Along with many other necessary laws and policies pertaining to the legal and judicial reform, the fundamental laws have been expressly included in the Action Plan of the CLJR since 2009, but they have never been made available for wider discussion with the stakeholders.
12. NGOs and international donors have grown frustrated that, despite the government promise to have them passed during the 4th legislature of the National Assembly the Special Rapporteur's recommendations, these important laws remain in draft. Donor support to the judicial sector has substantially declined, possibly as a consequence of the rate of reform. The lack of these important laws has led to a lack of trust and confidence in justice delivered by the courts to the public which is perhaps why numerous peaceful protests have been conducted by "land victim" families in front of the Ministry of Justice

and at the courts.⁵ They have also demanded the judiciary's reform, in order to provide for their independence and effective, equitable law enforcement.

13. **Recommendations:**

- The [new] Cambodian Government⁶ shall hasten the adoption of these three fundamental laws in the first year of the 5th legislature of the National Assembly in order to ensure the independence and impartiality of the judiciary and create trust among the public;
- Civil society shall be widely consulted prior to any adoption of these laws. The draft laws shall be made available for review by lawyers and other legal professionals, civil society and the general public, and for them to make comments and receive responses from government.
- The Government shall adopt a Law on Legislation Drafting Process so that the law making is a transparent and participatory process with various stakeholders. The draft of that law shall be made available for review by civil society and the general public, and for them to make comments and receive responses from government.

*iii. **Suppression and Interference by the Executive on the Judiciary***

14. The Constitution of the Kingdom of Cambodia recognizes the separation of powers between the executive, the legislative and the judiciary. The Cambodian judiciary, however, has faced many challenges in performing its role as the State's organ to uphold the principle of the rule of law and respecting human rights in this country despite the efforts and contribution that has been made so far. The lack of an enabling environment in such factors as human resources, Government's lack political will and the allocation of adequate national budget to implement the reforms of the law and the judiciary is still the main challenge to enable a strong, competent and independent judiciary that has the trust and confidence among the Cambodian people. Cambodian NGO LICADHO reported that the Cambodian justice system has been used as a useful weapon by the governmental authorities to silence those who assert their rights or question entrenched interests. The report documents that court summons and the threat of arrest have been increasingly used to intimidate human rights defenders.⁷

15. Although the Constitution of Cambodia provides for separation of powers between the three main organs of the State, the distinction between these organs in practice is still blurred and the executive branch dominates the judiciary either by the control of resources to the judiciary or in making the appointment to various judicial positions. This remains a key challenge for the country in implementing the rule of law and in promoting and protecting the people's right.⁸

16. In particular, there have been a number of cases reported in the media that involve the interference of the executive on the judiciary, both in the domestic courts and the Extraordinary Chambers in the Courts of Cambodia (ECCC). In regard to the cases before

⁵ For detail of a series of the peaceful protest of Boeung Kak Lake community, visit: <http://www.licadho-cambodia.org/flashnews.php?perm=19>

⁶ Cambodian National Assembly Election will be held on 28 July 2013, therefore the *new* government shall take into account of all of these recommendations.

⁷ LICADHO's Report on: "*Human Rights 2012: A Year in Review*" (February 2013), p. 7, available at: <http://www.licadho-cambodia.org/reports/files/176LICADHOREportHumanRightsReview2012English.pdf>

⁸ Surya P. Subedi: "*Report of the Special Rapporteur on the Situation of Human Rights in Cambodia*" (16 September 2010), A/HRC/15/16, para. 41, available at: http://cambodia.ohchr.org/WebDOCs/DocReports/3-SG-RA-Reports/A_HRC_CMB16092010E.pdf

the ECCC, particularly Cases 003 and 004, public statements by senior government officials have been identified as interference in their proceedings.⁹ The possibly associated fact that these cases have not been moved forward until this time, is telling. Despite the fact that the International Co-Investigating Judge Mark Harmon, has pursued investigation since his appointment to the post in September 2012, there is no full cooperation from his national counterpart.

17. Political interference¹⁰ has also been reported with domestic judiciary in such cases as that of President of Democrats Association and Director of Beehive Radio Station *Mam Sonando*, local ADHOC human rights defender *Chan Soveth*¹¹ and other land rights activists and defenders including Boeung Kak and Borei Keila community activists¹². Mam Sonando was sentenced to 20 years in prison on 01 October 2012, in relation to a so-called secessionist movement in Broma village, Kratie province. No credible evidence was ever produced to support the politically motivated charges against him. Mam Sonando should have been acquitted at the Appeal Court; instead it upheld three of the original charges – articles 28, 504 and 609 of the Penal Code – and added another qualification – article 97(6) of the Forestry Law – in a move that raises serious concerns with regard to rule of law and rights of the defense.

18. **Recommendations:**

- The Government shall uphold the separation of powers as clearly stated in the Constitution and not exert any political interference onto the judiciary.
- The courts shall act independently in conducting the cases without accepting any influence from the government or other external sources. The courts will apply particular scrutiny against interference with regard to cases involving human rights defenders including land rights activists and NGO workers and the opposition activists.
- The judicial branch will adopt policies and procedures of zero tolerance to ensure that judges and prosecutors do not engaged in political activity, including support for political (election) campaigns.
- In regard to the ECCC's Cases 003 and 004, both the Cambodian government and the United Nations shall avoid and prevent all obstacles and interference in any form, including political, administrative and financial, to enable the Co-Investigating Judges the ability to complete their investigation and eventually make independent judicial decisions about the cases. We urge both national and international co-investigating judges to work in full cooperation, and the Cambodian government should support the full cooperation of the judges, to perform their work professionally and with high integrity pursuant to the 2004 Agreement made between the United Nations and Cambodia on the Establishment of the ECCC.

iv. Legal aid provision and access to legal defense

19. We understand that the *rights to counsel* and *legal aid provision* are prerequisites for ensuring fair trial rights and specifically equality of arms. The right to counsel & legal

⁹ Press Release by International Co-Investigating Judge Siegfried Blunk, 10 October 2011

¹⁰ CHRAC's Statement issued on 16 July 2012, available at:

http://www.chrac.org/eng/CHRAC%20Statement%20in%202012/07_16_2012_Statement%20on%20arrest%20of%20Mr%20Mom%20Sonando.pdf

¹¹ ADHOC's Statement: *Human Rights Defender Chan Soveth not Detailed after Questioning*, available at:

<http://www.adhoc-cambodia.org/?p=2732> and LICADHO's Report on: <http://www.licadho-cambodia.org/reports/files/172LICADHOReportAttacksHRDs2010-2012-Eng.pdf>

¹² ADHOC's Statement: *Human Rights Defenders and Activists are Under Fire in Cambodia*, available at:

<http://www.adhoc-cambodia.org/?p=3418> and 2012 LICADHO's Report available at: <http://www.licadho-cambodia.org/reports/files/176LICADHOReportHumanRightsReview2012English.pdf>

representation is guaranteed by the Cambodian Constitution, however in Cambodia, legal aid provision remains a big concern for the poor and others in need, in terms of its accessibility and its quality. These problems are due to several factors, especially the limited number of qualified, licensed lawyers to date. According to 2013 figures, there are 857 lawyers in Cambodia but more than 60% of the lawyers are working in private firms and government institutions; they are not required to provide representation in legal aid cases. Under the Legal and Judicial Reform Action Plan, the Government has paid substantial attention to increasing the quality and quantity of judges and prosecutors through the creation of Royal Training School of Judges and Prosecutors, other training programs for judges and for other judicial professionals in the past years. There has been no similar government effort to build the strength of the defense bar, so this has contributed to an “inequality in arms” in itself.

20. In Cambodia, NGOs have played a crucial role in facilitating and providing legal aid to a large population of vulnerable poor, to victims of human rights violations related to land disputes, and human rights defenders (as well as NGO workers), with the exception of a small contribution provided by the Legal Aid Department of the Bar Association of the Kingdom of Cambodia. The Cambodian government apparently accepts that the right to counsel is very important to a fair trial, but it has made no legal aid policy that would enable this right to be fully realized and respected. The Government has contributed a budget of 200 million riel or USD 50,000 per year, specifically for legal aid support, to the Bar Association.¹³ This amount substantially limits the legal resources that can be acquired, and presents issues as to how legal services will be contracted, as most criminal cases are defended by legal aid NGOs. Without a functioning legal aid scheme, Cambodian domestic courts will remain inaccessible to those who need assistance of legal aid -- the country’s poor and the vulnerable populations.¹⁴ The legitimacy of court proceedings involving these parties will also remain in question.

21. **Recommendations:**

- The Government should initiate a *Legal Aid Policy* with strong emphasis on the role of the state, including a funding level linked to the budget percentage that funds the Ministry of Justice, in ensuring the right to counsel with the meaningful participation and wider consultation of the CSOs, especially the legal aid NGOs;
- The Bar Association should encourage lawyers to take on *pro bono* cases before and while they are admitted as full members. It should also consider providing legal aid cases to private law firms as precondition of their membership. The Bar Association should consider other policy actions as well, including increasing the percentage of Bar applicants awarded licenses each year, defining roles for paralegals as authorized legal professionals and other actions that may increase resources available for criminal defense;
- The Council of Legal and Judicial Reform could consider and put in its action plan the best practices of the ECCC in regard to right to counsel provided to the accused and to the civil parties in close cooperation with the ECCC’s Legacy Secretariat, the relevant CSOs and the Bar Association.

¹³ Honn, Bun: “*Perspective of Legal professional on the current domestic legal and judicial reform progress*” in Jeudy, Oeung et al: Workshop Report on the Implementation of the ECCC Legacies for Domestic Legal and Judicial Reform”, (CHRAC: 2012), p.15, available on:

http://www.chrac.org/CHRAC%20Statement%20in%202013/03_12_2013_Report%20on%20Legacy%20Workshop_English_FINAL.pdf

¹⁴ Sperfeldt, Christoph: Legal Aid Services in Cambodia: Report of Survey among Legal Aid Providers, (CHRAC: 2010), p. 16, available at:

http://www.chrac.org/CHRAC%20Documents/CHRAC%20legal%20aid%20survey%20English%20new_%20Nov%2017%202010_%20FINAL.pdf

- The Council for Legal and Judicial Reform shall continue working very closely with relevant Ministries and other stakeholder to continue legal and judicial reforms and harmonization of the laws with international human rights instruments and develop concrete action plan to implement.

v. Corruption within the judiciary and limited resources allocation for court officials

22. Trust and confidence in the Cambodian judiciary become lower and lower when it comes to cases that involve human rights defenders and activists. There have been a number of reports on corruption committed within the judiciary system, where all the judges and prosecutors are underpaid.¹⁵ There has also been an indication that lawyers must spend substantial time to communicate with the court clerks to convince them to “waive” otherwise required payments associated with the filing of a complaint, for taking a matter to trial or for speeding up the case.¹⁶
23. The Anti-Corruption Unit (ACU) was established in 2006 to undertake certain measures to fight against corruption at all levels and sectors through three main pillars: education, prevention, and law enforcement.¹⁷ In 2011, after the Unit was redefined following the enactment of the Anti-Corruption Law, it took serious action in a few cases of judicial corruption, for instance, legal action was taken by the unit against former Pursat Provincial Court Prosecutor *Top Chan Sereyvuth* and he was ultimately sentenced to 19 years imprisonment for corruption, extortion and false imprisonment.¹⁸ This provides some indication that judicial officials such as judges and prosecutors are involved in corruption practices and that the integrity of the cases and judiciary is become less respected by the public as well as the international community. More direct evidence of this fact can be found in Transparency International’s Global Corruption Barometer report which asks citizens about their experiences and views of corruption. In the 2010/11 GCB, Cambodians described their judiciary as the most corrupt institution in the country, rating it a 4.0 (on a scale of 1 to 5, where 5 reflects the greatest level of corruption).¹⁹

24. Recommendations:

- The Government should budget for the judiciary at a level that provides a reasonable salary for judges, prosecutors and clerks, while at the same time adopting taking consistent affirmative steps to eliminate informal payments of any type in the courts, and the adoption and enforcement of ethical standards that allows no corruption in the courts, whether associated with financial, political or other incentives. The budget should otherwise permit the courts to perform their role properly and effectively;
- Under the Anti-Corruption Law, the Anti-Corruption Unit should act independently and professionally to actively investigate corruption cases pursuant to the Criminal Code and Anti-Corruption Law by sending them to trials. The Anti-Corruption Unit should be required to report quarterly on the number and types of cases that it received, disposed of and has pending, noting the types of cases categorically and accounting for all allegations reported to it.

¹⁵ Ibid, p. 13

¹⁶ Ibid, p. 13

¹⁷ See more on:

http://www.acu.gov.kh/en_index.php?4a8a08f09d37b73795649038408b5f33=home&03c7c0ace395d80182db07ae2c30f034=2

¹⁸ See more on: <http://www.cambodian.info/the-former-prosecutor-top-chan-sereyvuth-is-sentenced-to-19-years-in-jail/2228/>

¹⁹ <http://gcb.transparency.org/gcb201011/results/>

vi. Openness and Transparency on Legislation Drafting Process

25. There is no standardized practice by which the Government or Members of Parliament consult or discuss with the people in general, and civil society in particular, on any draft law and policy, despite the fact that the government seems to regard civil society as a partner in societal development. This results in a lack of transparency and open engagement and dialogue. There is no Law on Legislative Drafting Process that guides how legislation is drafted and adopted, despite the fact the relevant ministry has initiated a so-called “Legislation Drafting Process” framework.

26. Recommendations

- The Government should initiate a Legislation Drafting Process Law that outlines how legislation is drafted and adopted as a law of the country.
- The Government should widen its consultation process on the development of policy, legislation and regulations to ensure that all legislative instruments are assessed as to their positive and negative impacts on human rights.
- Because of its impact on future comment and consultation opportunities, the Legislation Drafting Process Law described above should be the subject of particularly extensive consultation opportunities, for the public, civil society and political parties.

vii. Best Practices at the ECCC: Legacy for Domestic Court Reform

27. Since the Extraordinary Chambers in the Courts of Cambodia is a hybrid tribunal established to prosecute the senior leaders and the most responsible persons of serious crimes committed during the Khmer Rouge regime between 17 April 1975 to 6 January 1979, created by the Cambodian government and the United Nations, it has proven some best practice or legacy elements for domestic court reform. The ECCC uses domestic laws and is necessarily complemented by international jurisprudence to deal with serious crimes, and therefore the procedures at the ECCC can be used for domestic court reform, taking into consideration the many challenges the domestic courts have been facing.²⁰

28. The ECCC is considered a model court,²¹ from which good practices should be taken into account by the Council for Legal and Judicial Reform, with the ECCC, to develop long term reform for the domestic court. Despite other issues, there has been some agreement on the positive legacies of the ECCC that would include: *jurisprudential legacy, judicial legacy with regard to civil party participation, fair trial and trial monitoring, outreach, achieving and documentation of the ECCC documents, witness support and forensic psychological assessment and access to justice for women.*²²

29. The standard courtroom configuration of the ECCC should be important for domestic courts and should be adopted by courts throughout the country. The design reflects the equality of the parties (prosecutor, defense and civil party), with a logical placement of the trial judge

²⁰ Surya P. Subedi: “*Report of the Special Rapporteur on the Situation of Human Rights in Cambodia*” (16 September 2010), A/HRC/15/16, para. 62, available at: http://cambodia.ohchr.org/WebDOCs/DocReports/3-SG-RA-Reports/A_HRC_CMB16092010E.pdf

²¹ Welcome Remark by H.E. Tony Kranh, Acting Director of ECCC Administration in a High-Level Conference on “*Hybrid Perspectives on the Legacies of the ECCC*” jointly organized by ECCC and CHRAC, 13-14 September 2012, p. 15. See more report available at: http://www.chrac.org/eng/CHRAC%20Documents/Conference%20Report%20on%20Legacies%20of%20the%20ECCC_English_FINAL.pdf

²² See more in the whole Conference Report “*Hybrid Perspectives on the Legacies of the ECCC*”, available at: http://www.chrac.org/eng/CHRAC%20Documents/Conference%20Report%20on%20Legacies%20of%20the%20ECCC_English_FINAL.pdf

bench necessary to express the principle of equality of arms. The judges, prosecutors and lawyers of the defense and civil parties at the ECCC can be a role model for the national court and their experiences should then be applied best in the national court practice. In the past few years, the Ministry of Justice has committed to implement a pilot court model project²³ in Phnom Penh, Kandal, Banteay Meanchey and Kampong Cham with the support from the CLJR and donors. However, this model court project ended recently due to the lack of funding from donors and financial contribution from the government. We believe that model court is very fundamentally important for the judicial reform process in this country.

30. Recommendations:

- The Council for Legal and Judicial Reform (CLJR) and the ECCC should work together to develop plan of action on the ECCC's legacy and how to implement these legacy which are important for the domestic justice system reform;
- The Ministry of Justice shall discuss with the ECCC Administration Office to use the ECCC court room set up for designing the national court's room set up with adequate funding and it shall also ensure that the principle of equality of arms is effectively implemented at the domestic court;
- The Ministry of Justice should make more effort to cooperate with the development partners (donors) and other relevant stakeholders in order to continue working on *Model Court* project that will aim at improving other courts throughout the country.
- A volume adding annotations to Cambodia's Criminal Procedure Code, reflecting the decisions and practice of the ECCC as well as French and other source information, which has already been prepared by the ECCC and other contributors, be speedily adopted as an official reference book by Cambodia's Judiciary.

The Joint NGOs Submission is endorsed by:

1. The Cambodian Human Rights and Development Association (ADHOC)
2. Building of Community Voices (BCV)
3. Coordination of Action Research on AIDS and Mobility (CARAM-Cambodia)
4. Cambodian Defenders Project (CDP)
5. Cambodian Women Crisis Center (CWCC)
6. Cambodian health and Human Rights Alliance (CHHRA)
7. Cambodian Center for the Protection of Children's Rights (CCPCR)
8. Cham Khmer Islam Minority Human Rights and Development Association (CKIMHRDA)
9. Center for Social Development (CSD)
10. Mission of Generous Cambodia Alliance (GENEROUS)
11. Indradevi Association (IDA)
12. Khmer Institute of Democracy (KID)
13. Khmer Youth Association (KYA)
14. Khmer Kampuchea Krom Human Rights and Development Association (KKKHRDA)
15. Khmer Student Association (KSA)
16. Khmer Institute for National Development (KIND)
17. Legal Aids of Cambodia (LAC)
18. Human Rights Vigilance of Cambodia (VIGILANCE)
19. Protection of Juvenile Justice (PJJ)
20. Human Rights Organization for Transparency and Peace (HROTP)
21. People Center for Development and Peace (PDP-Center)
22. The Cambodian Human Right Action Committee (CHRAC)

²³ *Model Court Project* was funded and implemented based on the 2003-2009 Action Plan of the CLJR