



# IBJ Brings Legal Aid Within Reach in Cambodia

## *IBJ Lawyers Handled 254 Cases of Pretrial Detainees in 2009*

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2009 saw a dramatic expansion of IBJ's organizational infrastructure in Cambodia, allowing our programs to reach more Cambodians than ever before. In addition to the successful establishment of a central Defender Resource Center in Phnom Penh, three regional DRCs were opened in 2009 in Takeo, Pursat, and Prey Veng.

In addition to training defense attorneys, hosting roundtables, and conducting rights awareness campaigns, these regional DRCs are directly providing representation to indigent defendants, effectively functioning as pilot public defender programs for six rural provinces where no other form of legal aid had previously been available. Intended as proof-of-concept initiatives, these programs will demonstrate to the Cambodian government that implementing a nationwide system of legal aid is possible.

With 254 cases of pretrial detainees handled by IBJ lawyers in 2009, Cambodian courts are gaining an appreciation for the tremendous value realized by society when every citizen facing

criminal accusation is afforded competent legal counsel.

Together with appeals to the government conducted through the central DRC in the capital city, IBJ is laying the foundation for a state-sponsored legal aid system that will eventually bring early access to counsel to every man, woman and child in each of Cambodia's 24 provinces.

Having forged a strong working relationship with the Cambodian government in a 2008 memorandum of understanding, IBJ has officially partnered with the Ministry of Justice and the Bar Association of the Kingdom of Cambodia to conduct joint trainings and provide accreditation for defense lawyers. By the end of 2009, IBJ had trained 130 lawyers in Cambodia.

In several well-attended criminal justice roundtables and workshops throughout 2009, IBJ brought together over 500 judges, police officers, prosecutors, prison and other government officials, and defense lawyers, who together discussed, among other topics, the implementation of Cambodia's recently reformed code of criminal procedure.

### JUSTICE FACTS: CAMBODIA

**Rule of Law:** 13.4/100

**2009 Prison Population:** 10,337, 124 people per 100,000

**In a survey of 799 defendants, 34% were tried in absentia, and only 43% had counsel at trial. In the appeals courts, 69% of defendants were absent from their own hearings.**

**There were reports at some prisons that cells of 40 by 20 feet held up to 110 prisoners.** At Correctional Center 1, cells of 26 by 26 feet held an average of 50 prisoners. At least 58 Cambodian prisoners died in 2009.

**As of 2009, in most prisons there is no separation of adult and juvenile prisoners, or of persons convicted of serious vs. minor crimes.** Moreover, pretrial detainees are routinely held together with convicted prisoners. According to government statistics, an estimated 32 percent of prisoners held in municipal and provincial prisons are pretrial detainees.

A guard sits in front of mountains of disorganized paperwork piled against the courtroom wall in Pursat, Cambodia, a rural province three hours north of Phnom Penh. One of the many needs Cambodia faces is simple modernization allowing for better record-keeping and increased efficiency.

Photo courtesy of Jeff Kennel



## LEGAL AID A LUXURY FOR CAMBODIA'S PRETRIAL DETAINEES

*"If not for IBJ I would not have been acquitted"*

Chey Savoeun

Chey Savoeun was arrested in November 2008 and charged in Pursat Provincial Court with robbery. Cambodian law requires the court to provide a lawyer. But the case was not referred to IBJ for more than 10 months. Chey was unaware of his legal right to a lawyer until IBJ lawyer Chhuon Sithann visited him in prison. A week later, Chey was found not guilty. Despite his ordeal, Chey is fortunate. Without IBJ

assistance, he would still be waiting for trial like most prisoners in Cambodia.

There are legal limits on how long a person can be held in pretrial detention. But courts do not schedule felony cases until they have found a lawyer to defend them. There is no permanent legal aid in Cambodia. Thus, prisoners can remain in pretrial detention for years while courts try to find lawyers.