

Providing Countrywide Legal Protection

IBJ Reaches 22 out of 25 Cambodian provinces

Continuing to tackle the problem of a shortage of lawyers and trained professionals, particularly in remote areas, IBJ extended its services to the remote province of Oddar Meanchey in December 2013



Provincial Investigator Chhim Rat works on the paperwork for a case with an officer from the provincial court of Banteay Meanchey

In 2013 and 2014, IBJ lawyers provided legal protection to over 3,200 of Cambodia’s most vulnerable individuals. Providing legal representation to thousands that would otherwise be unable to exercise their legal rights, IBJ plays a vital role in reducing custodial abuse and torture in Cambodia. In 2014, IBJ also provided over 600 legal consultations, attained 397 reduced sentences, 66 acquittals, and got 16 cases dropped or dismissed.

IBJ provides comprehensive legal protection across the country, covering 22 out of Cambodia’s 25 provinces. Continuing to tackle the problem of a shortage of lawyers and trained professionals, particularly in remote areas, IBJ extended its services to the remote province of Oddar Meanchey in December

2013. With no legal protection services available for accused persons in most parts of Cambodia, IBJ’s nine Defender Resource Centres (DRCs) are a crucial resource for individuals in need of early access to counsel.

IBJ employs a wide range of activities to increase access to counsel. In January 2013, IBJ established a nationwide Legal Defense Hotline that helps establish faster contact between an accused person and IBJ’s lawyers. Publicized through our radio broadcast programs, Rights Awareness campaigns, and at police stations in all provinces where IBJ is active, the hotline received 571 calls in 2013 and 490 in 2014.

Collaborating with the Bar Association of the Kingdom of Cambodia (BAKC) and leveraging the expertise of some practitio-

ners at the Extraordinary Chambers in the Courts of Cambodia (ECCC) in 2013 and 2014, IBJ Cambodia organized a series of successful trainings enabling lawyers to advocate more effectively in the courtroom and provide a stronger defense. IBJ also worked with the Secretary of State of the Ministry of Justice (MOJ) His Excellency Hy Sophea and the Undersecretary of State of the MOJ His Excellency Pov Samphy to lead 116 lawyers in educational programs, which focused mainly on key aspects of the Criminal Code.

These events have solidified IBJ Cambodia’s cooperative relationship with Cambodian state institutions, a partnership that is extremely valuable to IBJ’s mission. Through its training activities, IBJ has endeavoured to share valuable insights on the crimi-

JUSTICE FACTS:

Cambodia

Rule of Law (Percentile Rank):

16

2014 Prison Population:

15,175

99 per 100,000

Justice Facts Sources (all countries):

Rule of Law indicator
World Bank, Worldwide Governance Indicators

Prison populations and rates:
International Centre for Prison Studies



Members of IBJ Cambodia gather at the IBJ Staff Retreat

nal justice system with justice officials, helping to reach a common understanding of key concepts in the newly enacted criminal laws and promoting a deeper and more uniform interpretation of the fundamental legal rights of accused people.

A key part of this strategy is IBJ justice roundtable discussions, which bring together government officials, prosecutors, judges, prison administrators, civil society organizations and police officers in a dialogue about how to best to implement laws and reduce human rights violations. In 2013, IBJ conducted four roundtable discussions in four different provinces focusing on the implementation of the Criminal Procedure Code, and on the particular challenges faced in each province. Chaired by His Excellency Hy Sophea, the roundtable were attended by 107 justice officials. The roundtables provided a valuable opportunity for cooperation across different professional groups involved in the criminal justice system, and resulted in several recommendations and commitments being made by the officials. In one province for example, justice sector officials committed to paying particular attention to the length of pre-trial detention and to transferring the knowledge gained from the discussion to their professional community.

In 2014, IBJ convened 11 roundtable events attended by 291 justice officials. The MOJ Secretary of State, the President of the BAKC, and the General Prosecutor at the Court of Appeal alternately chaired the events. These discussions built on past roundtables' enormous impact on changing the perceptions of justice officials towards legal procedure. In 2014, in Takeo and Prey Veng provinces, IBJ also piloted a new format of roundtables aimed at strengthening the skills of the local police.

IBJ Cambodia continues to actively reach out to the most disadvantaged Cambodian citizens through a series of rights awareness programs. In 2013, IBJ conducted 40 Community Legal Education (CLE) events involving 2,171 participants. In 2014, IBJ organized 47 CLE events attended by 2,664 individuals. IBJ radio broadcasts, which provide information on

the rights of the accused, legal access, and how to contact the nearest provincial DRC, were broadcast several times a day in provinces where IBJ has a center, reaching estimated millions of listeners. In cooperation with the East-West Management Institute, IBJ also organized Community Road Mobile Shows Movie Nights in 12 communes to inform more than 5,600 people about their rights.

Lastly, the legal awareness campaigns IBJ conducted in prisons in cooperation with the General Department of Prisons (GDP) was greeted with very positive feedback. IBJ organized 28 legal rights awareness sessions during 2014 that were attended by 529 prisoners. IBJ provided detainees with information on how to best exercise their legal rights, developed a manual for its lawyers on conducting legal awareness in prison, and distributed leaflets.

Recognizing the relevance of

these legal awareness sessions, the GDP requested IBJ conduct sessions for prison officers as well. Consequently, IBJ trained a total of 162 prison officers on criminal procedure and the legal rights of the prisoners across different provinces.

IBJ is committed to maintaining good relationships with local civil society organizations and state institutions. The close relationships IBJ has with the General Prosecutor of the Court of Appeal, the GDP, the MOJ, the Ministry of Interior, and the BAKC have significantly facilitated its ability to access prisons and conduct effective legal trainings. State officials have actively helped IBJ conduct its legal protection programs; when IBJ met challenges accessing prisons in some provinces, the GDP provided IBJ with a letter of support that gave IBJ's lawyers free access to prisons, helping IBJ gain access to clients in need.



International Program Director Sanjeeva Liyanage with Legal Fellow Mao Sary, Deputy Country Director So Being Tharun, and Country Director Ouk Vandeth

IBJ Lawyers Intervene to Save Young Boy After Forced Confession

In November 2013, 16-year-old Vannak was interrogated by two police officers while in an internet shop. The officers, who did not inform him of his right to a lawyer, accused him of serving as an accomplice with intent to damage property and intentional violence. Frightened of being subjected to violence if he did not confess to crimes he knew nothing about, he confessed. These were crimes that could garner up to 15 years in prison and over 10 million riel (about \$2,000 dollars) in fines. Vannak was arrested and brought to a police station.

Prior to Vannak's arrest, one of his friends had been in a fight. When police questioned a friend of the perpetrator, he lied and implicated Vannak in the crime. However, the day the attack took place, Vannak had been spending time with a friend playing volleyball.

After six hours in the police station located two hours from the Battambang/Thailand border town where Vannak lives with his mother, Vannak was allowed to call her. However, because the necessary prison admission forms had not been signed and it was too late at night to find a judge to do so, Vannak was detained for the night. It was not until his hearing the next morning that the judge informed him that he had a right to a lawyer.

When Vannak's mother arrived at the courthouse, a costly journey that she had to take multiple times, the court clerk referred her to IBJ, where she received assistance from Sothea, the provincial lawyer at the Defender Resource Center in Battambang. Sothea took on Vannak's case in its earliest stages. She presented Vannak's friend who had spent the day with him on the date of the incident as a witness, and pointed out that there was no evidence indicating Vannak's involvement in the crime. This speedy action resulted in the investigating judge dismissing the case against Vannak and ordering his immediate release.

While proceedings were underway, Vannak spent 15 days in prison. He spent his days in a five-by-five meter cell with 20 other inmates, finding both sleep and food scarce, but able to use his mornings for



Vannak recounts his experience in prison

exercise. Vannak felt he was lucky, as he said new prisoners were often made to stay in the bathrooms until space opened up in the cells; however, because the prison guards took a liking to him, he was allowed to stay in the overcrowded cell.

Upon his release, Vannak says he was "absolutely happy." His mother, too, was intensely relieved and had spent each day crying because she "knew it was a mistake" and kept wondering, "why they were doing this to her son?" As a single mother who makes only \$100 per month as the owner of a pharmacy, she was unable to visit him because the prison was too far away and she had already spent much of her income traveling to the IBJ office. Her sister attempted to visit, but the guards refused to let her in because their policy only allows for visits every 15 days. Needless to say, Vannak's mother was very happy upon her young son's release. Now 17, Vannak is in the process of completing 12th grade with hopes of becoming a doctor.

Thankfully, false accusations and a coerced confession will no longer hold him back as he completes his education.



IBJ legal intern Erika Larsen, Vannak, Vannak's mother, and IBJ legal assistant Ouk Kalyan