

# Legal Aid of Cambodia



## PROGRESS REPORT

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Project Name: Legal Aid of Cambodia-Core Project  
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*“LAC’s Executive Director participated in the International Human Rights Day Ceremony”*

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## **OUR VISION**

**LAC envisions a Cambodian society where rule of law and human rights are respected and implemented.**

## **OUR MISSION**

**LAC's mission is to provide quality legal service to and advocate for the Cambodia's poor so that they are fairly and equally treated in the society.**

## **OUR GOAL**

**Cambodia's poor people have improved their living conditions resulting from using their rights according to the law.**

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## 1. INTRODUCTION

### 1.1 Internal organization

Legal Aid of Cambodia (“LAC”) is a non-profit, non-governmental organization (“NGO”) with its mission *is to provide quality legal service to and advocate for the Cambodia's poor so that they are fairly and equally treated in the society*. LAC’s main office is based in Phnom Penh and during this reporting period LAC is still working through its General Lawyer Unit (“GLU”) which recognized as core activities within eight municipal and provincial branch offices including the provinces Battambang, Banteay Meanchey, Ratanakiri, Koh Kong, Kandal, Sihanouk Ville and Siem Reap and Phnom Penh. The head office is based in Phnom Penh with its specialized programs including Child Justice Program (“CJP”) which is a merger of the three juvenile rights projects including the Juvenile Unit, the Juvenile Litigation Project and the Correction Center 2 Prison Project. The Land Law Program (“LLP”) was established to assist the poor and vulnerable people whom their lands are grabbed by the powerful and the rich. As identified in the LAC’s Strategic Plan of 2007-2010, in promoting and improving gender equity and equality within the organization and brings it into the real practice with participation from LAC relevant stakeholders including LAC’s clients, the Women Justice Program (“WJP”) is planned to established in earlier 2008. LAC has participated in bidding funds from the UNDP and expected that we will win.

### 1.2 LAC’s main program activities

There has been no revision to the LAC Strategic Plan 2007-2010 and that during the reporting period LAC is still maintaining its main program activities as set forth in its operational plan of 2007 and its case intake policy. LAC has provided legal services to the poor free of charge through its core activity for both criminal and civil legal matters



through funding supports from Oxfam Novib and the Open Society Institute (“OSI”). Moreover, the other two specific programs including the CJP and LLP through funding supports from donors in the country, as identified in the financial overview of this report, have contributed their efforts in providing legal aid services to children in conflict with the law and child victims and those whose their lands have been taken away by powerful and

rich people. The proportion of criminal and civil cases taken by LAC core activity and its specialized programs accurately reflected the needs of LAC’s clients in order to have LAC’s mission as a whole be success as well as Cambodian society where rule of law and human rights are respected and implemented. Advocacy work, network cooperation and street law program have supported to our core activities and specialized programs.

### 1.3 Important events

According to the LAC’s plan and operational budget within 2007, LAC has conducted two important events which focused on the reform and improvement of the internal management and structure of LAC.

- **Annual Supervisory Board Meeting**

On July 9<sup>th</sup>-10<sup>th</sup>, 2007 the Annual Supervisory Board meeting is held at LAC’s head office based in Phnom Penh with participation from the Supervisory Board members, LAC’s Management Team’s members, Management Team’s advisor, Management Assistant and heads of units based in Phnom Penh.

Referenced to the LAC development strategic objectives of the LAC's Strategic Plan 2007-2010, LAC needs to be established and ensures a management system with good governance of the organization. Therefore, in the fall of 2007, according to the LAC's Statute and following the suggestion made by the Management Team ("MT"), LAC has reformed its governance and management system through the amendment of its Statute and Internal Regulations with approval from the Supervisory Board ("SB"), head of units and provincial branch offices during its Annual Conference in 2007. The previous election system to elect the members of the MT is entirely eliminated and that this is recognized as one of the great improvements and developments made in response to the empowerment to the Directors to discipline and lead to strict management of the staff.



From the Annual Supervisory Board Meeting as well as approval made by the heads of units and head of provincial offices the SB members are appointed for a term of three years and a possible re-appointment of another three years. The SB can invite a member to stay beyond six years and – after consultation with the MT – appoint for only one additional three-year period. The SB has power to appoint, evaluate and dismiss the Executive Director ("ED") and approves the shortlist of candidates for the position of

Administrative and Human Resource Director, Legal Director and Finance Manager while the Administrative & HR Director, Legal Director and Finance Manager will be appointed, evaluated and dismissed by the ED. The Annual SB meeting is changed from once a year to four times a year with the quorum of two third of the SB's members. Therefore, the LAC's SB is playing more and more important roles in strengthening and improving the management of LAC, including a check and balances on the management team, controlling the financial management, financial utilization and transparency within LAC and assists the MT in looking for possibilities for fundraising and developing and/or improving policies and procedures. The working procedure and communication in between the Directors and the SB has been improved since the early 2007 through new mechanisms developed such as recently the SB has received monthly update information from the Directors about what happened within the organization, management development, program development and progresses made by LAC to contributed to the society. LAC is on the process of selecting the local supervisory board members. This process has started since the fall of the reporting period.

The current "MT" is replaced by "The Directors" that composed of Executive Director, Administrative and Human Resource Director and Legal Director. The new MT with new roles and responsibilities is formed and composed of the Executive Director, Legal Director, Administrative and Human Resource Director, Finance Manager, Child Justice Program Manager, Land Law Program Manager, Women's Justice Program Manager and Representative of the heads of provincial branch offices. The structure is shown in Annex I of the report. The MT has power to decide on non-daily management issues such as policies, strategies and cooperation...etc.

Based on the programs development, the CJP is formed by merging the three existing LAC's juvenile rights projects including Juvenile Unit, Juvenile Litigation Project and Correction Center 2 Prison under the supervision of the CJP-Manager.

## **2. ORGANIZATIONAL DEVELOPMENT**

### **2.1 Progress to plan**

#### **2.1.1 Introduction**

**A**s stipulated in the Strategic Plan 2007-2010 and its approved operational plan 2007, LAC is still identifying its mission, objectives and implementing its main activities prioritized in providing legal services to the Cambodia's poor free of charge in criminal and civil legal matters.

While the governance and management system within LAC is reformed in response to the urgent needs of the organization in strengthening and improving roles and responsibility of relevant stakeholders within the organization including the SB, Directors, MT and staff; providing legal aid services is made along with the main activities and strategic directions identified in the Strategic Plan of the organization and the programs level.

Based the programming, legal representation in court and outside the courts and legal consultation for criminal and civil cases including specific programs such as juvenile legal rights works, land issues is envisioned and recognized as core and main activities of the organization. Legal awareness through national conferences, public forums, and legal education including street law sessions provided to the public, radio talk show, training workshops, meetings within relevant local authorities and volunteer groups such as local child and youth protection networks are provided in supporting to the above core action. Quality and efficiency of work performance at organizational level provided to poor people in the community during this reporting period is seen as results from reforming to the structure, governance and management system and that transparency shown by all parts involved including SB, Directors, Management Team, and all staff as a whole; good communication inside and outside the organization; staff capacity strengthening and building; amendment and development of the LAC internal policies and procedures and working closely with clients.

### **2.2 Management and staff development**

#### **2.2.1 Expatriate advisor and consultant**

During this reporting period, Ms. Dorine van der Keur, a female Dutch lawyer who is selected and hired by ICCO, is still assisting the organization on the field of advocacy issue as she is the Advocacy Advisor and Directors Advisor.

Within the advocacy issue Ms. Dorine has facilitated and improved advocacy work and capacity of the organization by regular meeting among the members of the AWG and networks. She also contributed in providing advice and assisting the organization in reforming LAC's policies and procedures.

#### **2.2.2 Human resource development**



LAC management commits a lot to improve its human resources. LAC is still identifying its capacity building program for its staff and management as a basic principle in developing the organization and to enhance its capacity to implement activities. There has been no change that LAC still received capacity building support with funding supports from all of our donors including Oxfam Novib and OSI as our core-donors. The capacity of LAC's staff members including Directors, MT members and staff as

whole are strengthened and improved by participating in the training sessions, short courses, in-house training and university programs.

Mr. Meas Samnang, administrative and human resource director; Mr. Lor Chunthy, legal director and Mr. Kim Hor Han, finance manager of LAC have participated in the training conducted by the East West Management Institute (“EWMI”) on “Effective Management Skill to NGO staff”. The training took 18 days during 6 months started from March 2007 till November 2007 and divided into 6 modules including 1- the needs of the participants and learning within NGO; 2- values, structure of the organization and individual management; 3-planning and project management; 4-staffing; 5- staff management and external communication management and 6- adm, inistrative management.

As institute to serve facilitators of development (“VBNK”) had signed a 3-years cooperation agreement with the Interchurch Organization for Development Co-operation (“ICCO”) to provide training services to strengthen and improve the capacity of NGO in Cambodia, LAC is one its partners. During this reporting period, the Directors members, MT’s members, key staff and legal supported staff including legal assistants and investigators have participated in the VBNK trainings on strategic planning, resource development, learning and adaptation, project proposal and monitoring and evaluation. VBNK and LAC have achieved as planned of the sort of capacity building program including follow up sessions and 3 plenary sessions.

Moreover, with funding support from our core-funding from Oxfam Novib and OSI and funding supports from in-country donors that support the programs, some of LAC’s legal supported staffs are provided opportunity to strengthen their knowledge and understanding in order to have sufficient capacity in implementing their work effectively. During the reporting period some staffs as listed below have participated in the capacity building program:

| Name            | Studied staff in 2007 |                                    | Subject   |
|-----------------|-----------------------|------------------------------------|---|
|                 | Position              | Program                            |   |
| Touch Chiva     | Lawyer                | <b>Child Justice Program staff</b> | Problem solving, Decision making and Database Case Management |
| Ty trin na      | Lawyer                |                                    | Database Case Management                                      |
| Kiev Kanal      | Legal Assistant       |                                    | Database Case Management                                      |
| Reach Chantheng | Lawyer                |                                    | Database Case Management                                      |
| Long Sa luxe    | Lawyer                |                                    | Database Case Management                                      |
| Pang Vuthy      | Legal Assistant       |                                    | Database Case Management                                      |
| Soav Kangna     | Lawyer                |                                    | Database Case Management                                      |
| Num Sok Hun     | Lawyer                |                                    | Database Case Management                                      |
| Tep neth        | Project Coordinator   |                                    | Database Case Management                                      |
| Sam So Khunthea | Lawyer                |                                    | Database Case Management                                      |
| Chitra Navy     | Lawyer                |                                    | Database Case Management                                      |
| Ith Phum        | Lawyer                |                                    | Database Case Management                                      |
| So Phonary      | Legal Assistant       |                                    | Database Case Management                                      |
| Oeu Chantrea    | Investigator          |                                    | Database Case Management and Computer IT                      |
| Vann Borath     | Lawyer                |                                    | Database Case Management                                      |
| Op vibol        | Program Manager       |                                    | Leadership and problem solving                                |
| Ek Mealea       | Lawyer                |                                    | English course  |
| Yeav Sophavuth  | Legal Assistant       |                                    | Secretarial skill   |
| Hok Meng Am     | Lawyer                |                                    | English course  |
| Pech Youn       | Investigator          | <b>LAC Core Program staff</b>      | Law school  |
| Vann Sina       | Receptionist          |                                    | Law school  |

|                 |              |  |                |
|-----------------|--------------|--|----------------|
| Man Phearak     | Investigator |  | Law school     |
| Chheung Chantha | Lawyer       |  | English course |
|                 |              |  |                |

### 2.2.3 Seminar worldwide



With funding supports from the Save the Children Norway-Cambodia Office (“SCN-CO”) which is one of the LAC donors, our CJP Manager, Mr. Op Vibol is invited to attend the Network Convention on the Rights of the Child Workshop in Nepal from November 3-7, 2007. This Network Workshop has focused on Save the Children Norway policy 2006-2009 on strategic objectives to “strengthen implementation and monitoring of the UN Convention on the Rights of the Child”, Child Rights Programming, Advocacy, Ombudsman for

Children and NGO Monitoring of Children’s Rights.

### 2.2.4 Networking and cooperation

LAC has prioritized good communication, cooperation and networking with local NGOs, International Organization and government agencies as principal positions toward success in achieving its mission. Due to that belief LAC is still playing its very important roles in the context of cooperation, coordination and leading in most of the human right, social development, women and children networks. We have seen lots of complicated problems occurred in between legal Aid NGOs in Cambodia with the Bar Association of the Kingdom of Cambodia (“BAKC”) while the Presidents or Executive Directors of those legal Aid NGOs are not members of the BAKC and that they did not sign any Memorandum of Understanding with the BAKC while LAC has a very good cooperation with the BAKC since LAC had signed a Memorandum of Understanding since the begging of the creation of LAC’s operation in 1995. Moreover, we met smooth cooperation with the Ministry of Justice (“MoJ”) due to the fact that since 1997 LAC has received a representative to work with us as legal assistant for part time and especially several LAC former lawyers and legal assistants have become Secretary of State of the MoJ including Her Excellency Chan Sotheavy, Secretary of State of the MoJ and His Excellency Meach Sam On, Secretary of State of the MoJ.



Mrs. Peung Yokhiep, executive director and Mr. Lor Chunthy, legal director, are still participating actively as members of the Cambodian Human Rights Action Committee (“CHRAC”) in which this committee is working against the Human Rights Violation in Cambodia and the Khmer Rouge Tribunal (“KRT”) issues. Mrs. Peung Yokhiep has contributed her effort and time as a Board member of Partnership for Development in Kampuchea (“PADEK”) and Cambodian Social Development (“CSD”). Furthermore, she is a representative from LAC to join the networking with the Project Against Domestic Violence (“PADV”) and (“CEDAW”) committee.

Mr. Meas Samnang, administrative and human resource director, has participated and shared his potential effort to the NGO Committee on the Rights of the Child (“NGOCRC”) as he is a chairperson of this committee while he is a representative from LAC and has played his very important roles in high level of decision making among NGOs and he also assisted the

government agencies, especially the Cambodian National Council for Children (“CNCC”), in providing information to the government report on Children’s rights implementation in Cambodia and also for the NGOs report to the UN Committee in Geneva.



During this reporting period, the specialized programs are still continuing participation and cooperation with civil society, government agencies, international organizations and the UN agencies as well. As proof, LAC-CJP staffs have attended monthly meetings actively conducted by EWMI on Women and Children issues to discuss cases involving women and children to share experiences in order to find better strategies and resolutions for difficult cases. LAC’s lawyers and legal supported staff have worked with strongly cooperation with local authorities; particularly the CJP’s staff has

assisted commune councils for provincial level in the creation of the children and youths networks as well as participation in the development planning of the communes within the context Community-based Prevention, Diversion and Rehabilitation for Children at Risk.

The LAC-LLP staffs have committed to participate in community activities with other representatives from civil society that engaged in land reform, land management and land dispute. The program staff participated in numerous networking activities such as strengthening relationship with the Community Legal Education Center (“CLEC”). CLEC has also been invited to participate in the Phnom Penh’s eviction cases. They also strengthened its ties with other provincial local NGOs in the areas such as Adhoc, Human Rights Vigilance, CDP as well as participation in local meetings addressing land issues, land management and legal/judicial reform. The unit continued its regular collaborative work with NGO Forum, CHRAC, and the UN High Commissioner for Human Rights (“UNHCHR”) as well as EWMI.

### **3. STAFF OF LEGAL AID OF CAMBODIA**

Within this year LAC has provided legal aid services through its 76 staff members, including Directors, MT members, advisors, lawyers, and supported staff and that 33 are female staff. During this reporting period, some new LAC staffs are recruited for new positions, some of them are promoted / rotated based on the needs as well as encouraging and giving opportunity to build their capacity and experience and some of them have resigned. LAC with approval from the SB also received 3 intern students from the United States of America.

#### **3.1 Newly recruited staff members**

Based on the need in implementing the core activities and the projects, a number of human resources have been recruited as the following:

- On April 9, 2007, Mr. Khiev Kanal, legal assistant and Mr. Tes Phanny, driver are recruited to work for the Child Justice Program.
- As mentioned in our last report, Mr. So Bengtharun, lawyer to the Koh Kong provincial office had resigned from his position. Therefore, on May 21, 2007, Mr. Tep Sovann is recruited as the head of Koh Kong provincial office. On this date, Mr. Son Kaksan, a lawyer is also recruited to work for the General Lawyer Unit based in Phnom Penh
- On May 28, 2007, Miss Prak Dany is recruited to work as the receptionist of LAC based in Sihanouk Ville to replace Miss Nhim Darineth whom her contract is terminated.
- On June 1, 2007 Mrs. Chhun Sokha is recruited as a cleaner of LAC based in Phnom Penh office to replace Mrs. Khuon Sony who had passed away. At the same day Mr. Long Rithypol is also recruited as investigator/database clerk to replace Mr. Mean Samnang whom his contract is terminated.

- On July 17, 2007 Miss Ny Sophoneary is recruited as a legal assistant to the Child Justice Program but during this reporting period on December 1, 2007 she resigned from LAC to work as a lawyer within other NGO that fits to her profession.
- On July 11, 2007, seven new staff including one project manager, Mr. Ny Chandy; three lawyers named Ms. Ol Rachny, Ms. Ung Sileth and Miss Chan Reaseyphak; one legal assistant, Mr. Nov Pisith and two investigators named Mr. Oeur Chantrea and Mr. Chuop Sophanna are recruited to work for a pilot project called Kandal Model Court Pilot Project based in Kandal province supported by EWMI.
- On July 30, 2007 Miss Ty Srina, a lawyer is recruited to work for the Child Justice Program to replace Mr. Srei Sary whom his contract is terminated.
- On August 1, 2007 Miss Sreng Bopha is recruited as administrator and finance of the Kandal Model Court Pilot Project.
- With funding support from UNICEF, Miss Sea Sophat is recruited as an investigator and social worker to the Child Justice Program based in Battambang province.
- On August 15, 2007 Ms. Teng Rithyvoan, a lawyer, is recruited to work in the Child Justice Program.
- On August 20, 2007 Miss Hort Pechmony, a lawyer, is recruited to work as the head of Siem Reap provincial office to replace Mr. Chim Dara whom his contract is terminated.
- On August 21, 2007 Miss Sam Sokunthea, a lawyer, is recruited to work in the Child Justice Program to replace Mr. Ith Phum who has resigned from this program. But during this reporting period Miss Sam Sokunthea is already resigned from LAC to open her own law firm that close to her family.
- On September 13, 2007, two new lawyers named Mr. Mao Sary and Mr. Ly Sochitra are recruited to work for the land project and General Lawyer Unit based in Ratanakiri province
- On October 30, 2007, Miss Hang Sreymom is recruited as a new cashier for LAC based in Phnom Penh central office.
- On December 07, 2007, Mr. Chhit Vinea, a lawyer, is recruited to work for the Child Justice Program to replace Mr. Khun Sophal, a lawyer of the Child Justice Program who resigned from his position.

### **3.2 Staff rotation/internal promotion**

Based on the need from the core activities and the units several staff are required to change their offices and position.

- As needed and according to the structure reform within LAC, Mr. Op Vibol, former head of the Juvenile Unit is nominated as the Child Justice Program Manager on October 19, 2007.
- On December 28, 2007, Mr. Ho Chheng Orn, former legal assistant to the Land Law Program, is promoted as the Land Law Program Manager.
- On January 8, 2008, Mr. Teng Rithyvoan, lawyer to the Child Justice Program, is rotated to work for the General Lawyer Unit Based in Phnom Penh.

### **3.3 Departing staff members**

During the period of this report, some staff has been resigned from LAC as the following:

- On June 30, 2007, Miss Nharn Samphos, receptionist based in LAC-Siem Reap, resigned from her position
- On July 31, 2007, Ms. Se Vichka, financial assistant based in Phnom Penh head office, resigned from her position in order to go to live with her husband in New Zealand.
- On September 7, 2007, Mr. Ith Phum, lawyer to the Child Justice Program, resigned from his position to work for his own law firm.

- On August 30, 2007, Mr. Son Kaksan, lawyer to the General Lawyer Unit, has resigned from his position within LAC to work for his own law firm.
- On October 1, 2007, Mr. Khun Sophal, lawyer to the Child Justice Program based in Phnom Penh, has resigned from his position to work for another NGO that close to his family.
- On November 1, 2007, Miss Sam Sokunthea, lawyer to the Child Justice Program, has resigned from her position to stay close to her family.
- On December 1, 2007, two of the legal assistants of the Child Justice Program named Miss Ny Sophoneary and Mr. Nov Pisith, have resigned from their positions to work with other NGOs.
- On January 1, 2008, Mr. Dun Vibol, lawyer to the Land Law Program, has resigned from his position to work for his own law firm and,
- On February 1, 2008, Mr. Prak Phin, head of Battambang provincial office, has resigned from his position to work for another NGO in Prey Veng province that close to his family who are staying in Svay Rieng province.

### **3.4 Staff Dismissal**

Due to the fact that one of the lawyers, Mr. Chhit Vinea who is working for the Child Justice Program based in Phnom Penh office and who just recruited to replace Mr. Khun Sophal who resigned from his position, has seriously violated the LAC's by-law, internal regulations and job contract. Therefore, the Directors of LAC has decided to dismiss him from the position.

### **3.5 Interns and volunteers**

Based on the principle of developing human resource and cooperation context inside and outside Cambodia, during this period of time and with approval from the SB, LAC has received three intern students from the United State of America.

Cerise Fritsch worked primarily with the CJP from June 4-August 3, 2007 during her internship at the Legal Aid of Cambodia. She assisted the CJP in the implementation of a newly funded UNICEF program, entitled *Community-based Prevention, Diversion and Rehabilitation Program for Children at Risk and Transition Services for Child Prisoners* in the Battambang Province. Cerise frequently accompanied the CJP to Battambang in order to collect the children for this program and meet with military police, village chiefs, and other commune leaders to discuss how best to implement the objectives of the UNICEF project. Cerise participated in the many workshops given by the CJP to the village people, commune leaders, and other local NGO's in order to educate and collaborate with these groups. She performed administrative tasks such as compiling the 2008 Annual Budget and Action Plan to submit to the CJP donors and prepared documents in English. Throughout the summer, Cerise has been researching the juvenile justice system in Illinois, USA and will give a presentation to the CJP on the rights of children and the legal process provided children in conflict with the law in IL as compared to those in Cambodia. In addition to working with the CJP, Cerise assisted with updating the information on the LAC website and brochure and attended NGO workshops on children rights' issues.

Amber Khan came to work in the CJP for Correction Center 2 Prison Project from June 4- July 30, 2007 at the time that LAC was designing the Women Justice Program. She had significant inputs in assisting in the establishment of this program, Amber was assigned to work on one project proposal called "Justice for Women who Experience Domestic Violence" to be submitted to KIOS, the Finnish NGOs foundation for Human Rights. With assistance from the CC2 Prison Project Manager, LAC Directors and LAC's consultant, she was facilitated to meet with different women's NGOs in order to collect relevant data concerning domestic violence against women to be incorporated into this project proposal. As the result, with her great and talented effort and collaboration within LAC, she is able to finalize a very good project proposal which is ready to be sent out to donors.

Apart from writing the project proposal, she always engaged in the advocacy working group meetings where she provided valuable comments on the proposed topic discussion. She helped LAC write the press statement to be delivered in the press conference on the disadvantage of the Law on Aggravating Circumstances of Felony that severely affects Cambodian children's rights. She also spent time reading Cambodian child related laws, discussed juvenile cases with the CJP's lawyers, and observed trials.

Andrew Moll is one of the three interns. During his internship at Legal Aid of Cambodia, Andrew Moll worked primarily with the CJP for the Juvenile Litigation Project from June 4- August 10, 2007. With the CJP, he traveled to Svay Rieng, Kandal, and Prey Veng provinces to perform in-depth interviews with judges, prison officials, police and prisoners on the subjects of pretrial detention and torture in Cambodia's justice system, and is in the process of preparing a report on his research to be published by LAC. He also assisted in client interviews and in meetings with partner NGOs, like LICADHO and RAC. Andrew's main clerical project has been a complete overhauls and update of LAC's website and promotional materials, making them browser-compliant and in line with LAC's new organizational structure and marketing theme. He also assisted in preparing grant proposals for the JLP's funding search.

#### 4. FINANCIAL SECTION

##### Overview of income during the reporting period

| Project   | Donors      | Proposed budget in USD | Approved budget in USD | Received amount USD |            | Remark                               |
|---|-------------|------------------------|------------------------|---------------------|------------|--------------------------------------|
|   |             |                        |                        | Oct-Dec-06          | Jan-Dec-07 |                                      |
| - General Lawyer Program (Core project)   | Oxfam Novib | 160,000.00             | 216,000.00             | Non                 | 159,990.00 |                                      |
|   | OSI         | 56,000.00              | 56,000.00              | Non                 | 55,904.02  |                                      |
| - Child Justice Program (Project on Promotion of the UNCRC)   | SCN         | 80,000.00              | 80,000.00              | Non                 | 79,790.00  |                                      |
| -Land Law Program<br>-Child Justice Program (CC2)<br>-General Lawyer Program called Kandal Model Court              | EWMI        | 171,730.27             | 171,730.27             | 27,920.64           | 128,137.21 | As EWMI support these three projects |
| - Child Justice Program (Project on Enhancing Implementation of the UNCRC and Cambodian Law in Battambang Province. | EU-Micro    | 42,831.63              | 42,831.63              | Non                 | 42,831.63  |                                      |
| - Child Justice Program (Project on Securing Children's   | DANIDA      | 19,574.95              | 19,574.95              | Non                 | 19,574.95  |                                      |

|  |        |           |           |     |           |  |
|--|--------|-----------|-----------|-----|-----------|--|
| Rights in Cambodia)  |        |           |           |     |           |  |
| - Child Justice Program(Project on Securing Children's Rights in Cambodia)   | EU-JLP | 94,061.99 | 94,061.99 | Non | 86,162.38 |  |
| Project on training on Khmer Rouge Tribunal  | DED    | 8,000.50  | 8,000.50  | Non | 8,000.00  |  |
| Community-based Prevention, Diversion and Rehabilitation Program for Children at Risk and Transition Services for Child Prisoners in the Battambang Province | UNICEF | 40,486.00 | 40,486.00 | Non | 29,994.00 |  |
| Woman training   | CSD    | 1,155.00  | 1,155.00  | Non | 1,155.00  |  |
| Land Law Program (Project on Capacity Building within Indigenous Communities to Empower and Provide Them with Skills to Protect Their Land Rgights           | CCO    | 15,302.00 | 15,302.00 | Non | 13,771.00 |  |
| Lawyers for Lawyers  | ICCO   | 11,140.00 | 11,140.00 | Non | 6,037.13  |  |
| FAA  | USMC   | 9,800.00  | 9,800.00  | Non | 9,800.00  |  |
| - General Lawyer Program (Project based in Ratanakiri province)  | IBJ    | 18,938.35 | 18,938.35 | Non | 18,938.35 |  |

## 5. CORE ACTIVITIES

### 5.1 Progress to plan

The year 2007 was the first year of the 3-year project financing (2007-2009) by Oxfam Novib. The specific objectives identified in the operational plan of 2007 was to provide legal advice and legal representation inside and outside the court to poor people in Cambodia in criminal and civil cases and to strive to ensure that due process of law is followed. Advocacy work and outreach program are noticed as supported mechanism to the legal aid service providing made by the staff of the organization.

### 5.2 Core legal work

LAC continued providing its quality legal services to the poor in criminal and civil cases in Phnom Penh and expanded to other seven provinces through its General Lawyer Unit that based in the province of Battambang, Banteay Meanchey, Siem Reap, Kandal, Koh Kong, Ratanakiri and Sihanouk Ville and its specialized programs based in the head office in Phnom Penh including the land Law Program and the Child Justice Program that consisted of three projects such as the Juvenile Unit, the Juvenile Litigation Project and the Correction Center 2 Prison.

### 5.3 Criminal and civil cases

As mentioned in LAC four-year Strategic Plan 2007-2010 sent to Oxfam Novib, approximately 10500 people will receive legal advice and representation from the General Lawyer Unit. 50% of these clients will be women. The Juvenile Litigation Project which is now recognized as the LAC-Child Justice Program-Juvenile Litigation Project will handle approximately 360 cases involving its target group including child offenders, child labor and child victims of sexual abuse, trafficking and exploitation. The Juvenile Unit which recognized as the LAC-Child Justice Program-Juvenile Project will handle approximately 45 cases involving its target group including child offenders and child victims will have access to the proper legal services and will referred to rehabilitation services in their communities and the Land Law Unit which is now recognized as the Land Law Program will provide free legal advice and representation inside and outside the court system to approximately 150 major land cases with an average of 75 families per case and that poor people will get the land back for farming so that they can have sufficient livelihood.

In response to the expected outcomes, during the reporting period and based on actual achievements, LAC received the total amount of cases for both criminal and civil cases amounting to 1,481 cases in which 949 cases are criminal that 475 cases were closed and 455 cases are still on going. LAC also received 584 civil cases in which 289 cases were closed and 295 cases are still on-going. The total amount of criminal and civil cases for both opened and closed cases were included the cases represented by the General Lawyer Unit based in Phnom Penh Head office and the provinces and also represented by the Child Justice Program and the Land Law Program. We would like to present you the LAC's Operational Plan 2008 in Annex I

The Specific amount of cases handled by the Child Justice Program and the Land Law Program is also shown in the section on *activities by the programs* of this report.

### 5.3 Street law program



As indicated in its plan, LAC in addition to providing legal advice to individual clients will continue reaching out to communities with its Street Law Program. The General Lawyer Unit and the two specific programs including the Child Justice Program and the Land Law Program have conducted street law sessions for clients so that they will be empowered to effectively advocate for themselves as well as to support in providing legal aid services to the poor and for the purpose of legal and judicial reform for both inside and outside the court. LAC is still continuing its

implementation on street law program – an outreach program. During this reporting period, we have continued this activity and that NGOs activists, local authorities and poor people were very interested to the program. The program were still participated by villagers, group leaders, chief of village, laymen and nun, workers, teachers, students and commune council members. The program is implemented by lawyers with assistance from investigators and legal assistants in PNH and from the LAC's seven branch offices are very active in implementing street law program. The program was recognized and authorized by governor of Phnom Penh municipal and provincial governors. The program focused on:

- Consultation on criminal and civil laws and procedures.
- Questioning and answering on law on marriage and family.
- Law on Domestic Violence.
- Land law and related regulations and sub-decree and solutions.
- Court procedure.
- Children Rights Laws and related International Instruments.

- Law enforcement.

As the result, with funding supports from the United States Embassy, LAC has conducted 86 sessions of the street law with 3,167 people attended in which 1,236 are female.

With funding supports from the DED and the British Embassy through the Center for Social Development, LAC has conducted 74 sessions of the street law programs on the process of the Extra-Ordinary Chambers in the Court of Cambodia and among those 26 sessions are conducted through VIDEO. 2,742 people attended the sessions in which 1,110 are female.

#### **5.4 Advocacy for legal and judicial reform**

Even if LAC is recognized as one of the legal aid organizations in providing legal services to the poor free of charge in the society but advocacy issue is acknowledged as a very important methodology/activity that needs to combine to the legal technical activity in order to achieve LAC's mission that is:

*To provide quality legal service to and advocate for the Cambodia's poor so that they are fairly and equally treated in the society<sup>1</sup>.*

**A**dvocacy Strategies for LAC has been defined with focusing on advocacy versus legal representation, advocacy versus commune outreach and that we acknowledged that the advocacy strategies will support LAC's mission, LAC's clients, coalitions with other NGOs or networks and LAC's reputation. Constraints that recognized as hindrance to the advocacy and remedies have been addressed in the AP.

The LAC-Advocacy Working Group (AWG) has identified advocacy strategies along with specific advocacy objectives, activities and indicators.

Therefore, legal reform and strengthening the rule of law in Cambodia, there is urgent needs to highlight the advocacy activities within LAC. LAC's Advocacy Working Group (AWG) has set up a clear Advocacy Plan (AP) that has been approved by the Working Group and that this issue has been mainstreamed into all programs of LAC.

According to the General Lawyer Program which is recognized as the LAC core activity supported by Oxfam Novib and the Open Society Institute has contributed its advocacy work effort and extended to other seven provinces. Major activities and methodologies for the advocacy issues have been implemented through street law sessions, representing clients in courtroom by raising theories and experiences from good Cambodian laws and international instruments, comments on draft laws in cooperation with other NGOs, improve standard of rule of law by – on behalf of clients – file complaints from time to time with the Supreme Council of Magistrates on the decisions made by judges in the court, participate in the ECCC meetings for NGOs, provide colleague NGOs with ad hoc legal advice, participate in the White Ribbon Campaign against violence against women, distributing white ribbons in the courts and advocate for the amendment/abolishment of the Law on Aggravating Circumstances.

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<sup>1</sup> LAC Strategic Plan 2007-2010



The specific programs of LAC also worked very actively to the specific issues such as Child Justice Program has provided trainings and follow up sessions on child rights, law and judicial procedures to military police officers. Quarterly newsletter for NA, government agencies and civil society are published. Posters and booklets on sexual abuse and related law are published and distributed to people in the communes and commune authorities. Provide comments, recommendations, and suggestions to the draft juvenile law and request the inclusion of

provisions for extenuating circumstances. Radio talk-shows concerning juvenile justice and the UNCRC are conducted. Compiled and disseminated to government and relevant NGOs the data on the situation of children in conflict with the law, especially during submitting the motion to the King, Prime Minister, National Assembly and Senate. Implement advocacy campaign together with DanChurchAid and Licadho on “Children in Prison – No Place To Grow Up”.

As our donors understand from our previous report that Law on Aggravating Circumstances on Felony has seriously affected the rights and the best interest of children due to the judges giving severe sentences on children and the imposition of that sort of sentences on children is contradictory to the UN Convention on the Rights of the Child (“UNCRC”) which is ratified by Cambodia. In order to guarantee the respect of children’s rights as stipulated in the UNCRC and the Constitution of the Kingdom of Cambodia, one of the great achievements during this reporting period, LAC in cooperation with the NGO Committee on the Rights of the Child and Center for Social Development has taken a lead among human rights and legal aid organization for the poor and children in Cambodia by writing a petition to the King, the President of Senate, President of the National Assembly, Prime Minister, members of the Senate and members of the National Assembly with the request that they forward the petition to the Constitutional Council in order to check whether or not the Law on the Aggravating Circumstances of Felony affects the rights and the best interests of children. Luckily, his Royal Highness, the King of Cambodia submitted our petition to the Constitutional Council. Responding to the King’s request, the Constitutional Council has decided that the Law on the Aggravating Circumstances of Felony does not undermine the rights and interest of children. From this great achievement, the UNCOHCHR has issued an official Press Statement on the decision made by the Constitutional Council by identifying that the Constitutional Council’s ruling has restored consistency in the application of the law and reinforced the constitutional protection of the rights of children under the rule of law. It also decisively affirms the position of the international human rights treaties as part of Cambodia law, protected by the Constitution, and makes the important point that trial judges should take basic human rights concerns into account when considering the cases. From that as the next step, LAC in cooperation with the NGO Committee on the rights of the Child and Center for Social Development with funding supports from the EU, Plan Cambodia and Save the Children Norway-Cambodia, a press conference is conducted with participation from mass media, university students, the public, UN agencies, donors and relevant NGOs in order to publicize the decision. A national workshop also prepared by the Ministry of Justice on the progresses of the Juvenile Justice System in Cambodia under the supports of UNICEF. Judges, prosecutor, lawyers, police, military police, relevant government agencies, UN agencies, donors and relevant NGOs attended.



As impact from this we have seen that judges have respected to the Constitutional Council due to

the fact that most of juvenile cases, the judges have decided based on the article 62 of the UNTAC criminal law for the Attenuating Circumstances.

The Land Law Program has identified its advocacy framework by focusing on the high land profile cases. Press Conferences and campaigns were organized in the areas where the major and high land profile cases occurred such as in Ratanakiri (Kong Yu case) and Battambang (Chim Keo case) provinces. Street law program is also help people to know and understand their rights for the interest of individual clients (case-by-case advocacy). The Land Law Program staffs have worked in good cooperation with the Cambodian Human Rights Action Committee, UNCOHCHR, relevant NGOs, local authorities, and community people.

Recently, in January 2007, with funding support from the USAID through EWMI under its program on rights and justice (PRAJ), LAC took a lead in leading a working group to the province of Rattanakiri to conduct a Press Conference on Land Issue. It was a big conference participated by legal aid and human rights organization activists, donors, journalists and community indigenous people including Community Legal Education Center (CLEC), Cambodian League for the Promotion and Defend of Human Rights (LACADHO), ADHOC, NGO Forum, Community Based Organizations in Rattanakiri. The conference was conducted for the purpose of raising problems of grabbing lands possessed by indigenous and taken by the rich and the powerful man in Rattanakiri province. Even if during the event there was a forbid by the local authority but we have tired all of our best to achieve the work. Lastly, we have prepared a petition signed by community indigenous people whose their lands have been grabbed by the rich and the powerful man and sent to the provincial court, to the provincial hall and to the Prime Minister.

For the year 2007, LLP has played a very important role among the International and local NGOs, LLP attended many more meetings, seminars and workshops with local and international organizations. Within the Land Law Working Group (LLWG) discussion, managed by EWMI, LLP has developed litigation and publicity strategies for cases. LLP also gave comments through the new law and legal instruments during with we attended the regular monthly meeting with LLWG, Human Rights Task Force (HRTF) and Resettlement Action Network (RAN) as well as the Cambodian Human Rights Action Committee (CHRAC). LLP gave the method of advocacy to these working groups.

With these human rights working groups, LLP lawyer and legal assistant wrote some of press release and went to joint the talk shows and press conferences concerning the petition cases. In the year of increasing land disputes recognized by the United Nations envoy Mr. Jash Guay, in the 59<sup>th</sup> of the Human Rights Day's, LLP staffs and director attended march of the Human Rights Day's even that managed by local and international NGOs at Wat Phnom.

## **6. ACTIVITIES BY THE PROGRAMS**

### **6.1 Child Justice Program (“CJP”)**

As part of the organizational reform, the Child Justice Program (“CJP”) is a result from merging the three projects altogether namely Juvenile Unit, Juvenile Litigation Project and the Correction Center 2 Project. As mentioned above, the CJP is led by a Program Manager.

The CJP consists of 19 staff members including one program manager, three project managers, ten lawyers and five legal assistants.

The program is supported by Save the Children Norway-Cambodia Office (“SCN-CO”), UNICEF, EWMI and the European Union.

The objective of the CJP is to provide proper legal assistance to children in conflict with the law as well as juveniles held in pre-trial detention in Correction Center 2 and child victims of labor abuse, sex trafficking and other forms of sexual abuse through improving and strengthening the children's rights law implementation.

The program covered 20 municipal and provinces throughout Cambodia including Phnom Penh, the province of Kandal, Svay Rieng, Prey Veng, Takeo, Kompong Speu, Kompong Cham, Kompong Chhnang, Ratanakiri, Siem Reap, Preah Vihea, Kompong Thom, Odor Meanchey, Battambang, Banteay Meanchey, Pursat, Pailin, Sihanouk Ville, Kompot and Koh Kong.

The CJP has identified all forms of child victims and children in conflict with the law, especially children who are held in pre-trial detention in the Correction Center 2 as its direct target groups but relevant stakeholders including judicial police, court personnel, lawyers, commune council members, chief of villages and youth also identified as its indirect target groups.

### **Achievements**



- ***Investigation and monitoring in the prison***

The process of investigation is one of the important activities that lawyers, legal assistants or investigators undertake to collect information, evidences, interview witnesses and relevant stakeholders such as local authorities, family and neighbors...etc in order to support the case before trial. Since the CJP's staffs have received the case(s) from the family of the client, relevant NGOs, local authorities, court...etc and followed the LAC case intake policy then they started the investigation. In order to have stronger support to the case, lawyers or legal supported staff took more times to investigate. During

the reporting period, 222 cases are still on the process of investigation by the program's staff. During this stage, the CJP's staff also monitored in the prisons regularly to observe whether the juvenile accused get lawyer or not. During the monitoring the juveniles accused were called for interview. They provided information on criminal history where relevant as well as providing information regarding torture made by the police during the investigation and whether the confession has been obtained.

- ***case consultation***

Consultation to the case usually provided to the clients and/or to non-client of the organization. The lawyers did provide consultation since the cases referred to them or clients just consult with the lawyers to know how their cases will be but case file is not yet prepared some time.

- ***Submission of motions to the court for pre-trial release***

The CJP's staff monitored the case of illegal pre-trial detention of their clients. This worked out in accordance with the United Nations Transitional Authority in Cambodia (UNTAC) Law 1992 and the new Criminal Procedure Code. In case that the case of illegal pre-trial detention is found then the CJP's lawyer file the motion to the court for pre-trial release. During this reporting period, the CJP found that 63 cases are illegal pre-trial detention cases. 63 motions are sent to the court for pre-trial release and as result 45 motions are accepted by the court and that the juveniles accused were release outside the prison. This is recognized as a success made by CJP's lawyers and legal supported staff's efforts and that the judges aware of the duration of legal pre-trial detention from both national and international children's rights laws.



- ***Legal representation in court***



Legal representation is the last step since the case consultation, case investigation and submission of the motions stages are finished and that the date for trial is set out and the court issued the order to call for parties to the trial. During this stage, lawyers of the CJP tried to present all evidences to the judge, especially information collected, testimonies and witness are brought and presented to the judge. In defending their clients and for the clients' best interests, CJP's lawyers have raised all

possible means, especially Cambodian laws and regulations related to children and international children's right laws including the UN Convention on the Rights of the Child to the judge. Recently, CJP's lawyers as well as their clients received a better chance in providing legal representation in the court and that is because of the decision made by the Cambodian Constitutional Councils in respond to the motion made by children's rights activists from Cambodian NGOs, UN agencies and donors and under the leading of LAC as mentioned above.

During this reporting period, LAC-Child Justice Program provided legal representation to 348 criminal cases in which 155 cases among them are closed.

Follow-up activities are conducted by the CJP's staff since the municipal-provincial court has issued the decision whether their clients are guilty or release. In case they found that the decision is unfair or imposed an inappropriate punishment, the CJP's lawyers advised the clients for the appeal. The CJP's lawyers made strong efforts to maintain contact with their clients and did regular visit to check on their progress in case that clients had particular problems for following their court hearings, such as health problem arising form their injuries.

- ***Trainings***



In supporting to its work of providing legal aid services and to prevent and protect children in the community, law enforcers, provincial child protection networks, NGOs' staff, youth groups, local people, children and government agencies including commune council members, chief of villages and relevant government departments were trained on the basic legal children's rights including national and international instruments, especially children who are in conflict with the law and child victims of all forms of abuse. The discussions have done with the above

individuals with presentation techniques and group discussion. Study cases have been raised and linked to the discussion, their understanding, experience and their real law implementation during the training.

As result, during this reporting period, 14 trainings on the United Nations Convention on the Rights of the Child (UNCRC), national criminal procedure and prison procedure were conducted in 13 districts of Battambang province where 525 participants composed of police, military police, prison officials, social workers and NGOs representatives attended. Unfortunately, one of the planned training workshops for military police in Battambang province was cancelled due to the fact that the Minister of National Defense proposed to postpone. Awareness raising program on juvenile statutory legal rights also conducted for the juvenile delinquent who are held in pre-trial detention in the Correction Center 2 in Phnom Penh so that the juvenile accused have learnt from what they have committed before they are arrested and they understand their rights during the pre-trial detention or serving the sentence.

After the trainings finished, action plans are developed by the participants themselves and used as indicators to measure their improvement and achievement. The CJP's staff always traveled frequently to meet with those who attended the training for the follow up and monitoring purpose.

- **Meetings**

Meetings are conducted during the program implementation for the monitoring purpose. During this reporting period, meetings are conducted as the following:



1. Meeting with 1,214 local people from three different communes of Battambang province named Kea commune, Omal commune and Mornng Russey commune are conducted to publicize the law on traffic, Convention on the Rights of the Child, law on domestic violence, drug, gambling and social problems.
2. Following the expected results made in the program plan and in respond to strengthening child and woman protecting commission to assist in preventing and protecting vulnerable children and children in conflict with the law, the CJP's staff have conducted 26 meetings among child and woman protection commission at the district of Battambang, Mornng Russey, Mornng Russey commune and Omal commune.
3. 18 youth and child networks meetings have been conducted in the commune of Mornng Russey, Omal and Kea of Battambang province.
4. 4 meetings to publicize criminal procedural law and the rights of the child prisoners and the accused children in the prison of Battamng province were conducted.
5. In order to share information, experience and solutions to the Women and Children Lawyer Working Groups, the CJP's staff also attended the monthly meeting coordinated by EWMI to find better solutions to children high profile cases.

- **Radio Talk Show**

The CJP has set a target of radio talk shows to raise awareness about children's rights for six times per year. As planed radio talk show are conducted for every two moths and during this reporting period the program has conducted 6 times of radio talk show in Battambang provincial radio station. This sort of activity was carried out in cooperation with the Non-Governmental Organization Committee on the Rights of the child (NGOCRC), Licadho, governmental department of social affairs to broadcast on air on legal consultation, law on protecting children's rights, criminal procedure code, and situation of child prisoners in the prison. Questions and answers forum is provided to listeners to call in.

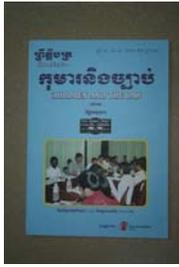
The following six topics of the radio talk show program are raised:

1. Information and understanding about the LAC-CJP and the laws
2. The rights of the accused children and criminal procedure (when a child is suspected and arrested by police and sent to the prosecutor)

- **Publication**

In order to support the activities of the trainings, the LAC-CJP has produced some documents as the training tools for the participants.

- Updating the book on the legal rights of children for 1000 copies in Khmer 500 English.



- Updating the book on Protecting Children’s Rights in the Cambodian Justice System for 1000 copies in Khmer and 500 copies in English
- Updating the book on comprehensive and comparative study on Cambodian Laws and the Convention on the Rights of the Child for 1000 copies in Khmer and 500 copies in English.
- 1200 copies of the quarterly bulletin entitled “Children and the Law” were printed and distributed to the court, prison officials, police, military police, NGOs and people in the target provinces where LAC maintains it permanent offices.
- Leaflet on “A Children’s Ombudsman for Cambodia” is published for 3000 copies in Khmer and 3000 copies in English.
- 652 copies of the compilation of the Cambodian laws, and regulations and International instruments related to children were copied and distributed to the participants during the training.

- The program also published the booklet for 2,200 copies in which the rights of the juvenile accused in the detention is explained since the stage of the arrest by police till they are brought to the trial.
- The report called “Access to legal representation and pre-trial detention of minors in the various prisons in Cambodia” for 1000 copies in Khmer and 100 copies in English, and posters, postcards and stickers on “Children in prison have no



place to grow up” for 2,500 copies in Khmer are printed and disseminated to NGOs, government officials, prison officials, lawyers and journalists during the Campaign and the media conference.

• **Advocacy for legal reform within child rights issues**

Cambodian government and law makers as they are executive and legislative bodies that have power and ability to develop, change and improve policies procedures and laws to support a better implementation of children’s right in Cambodia since this country had ratified the UNCRC as one of the State Party has developed policies, procedures and laws in order to protect children including child victims and children in conflict with the law. We would like to affirm that the CJP’s staff and members of the Directors who are part of the NGO networking on children’s rights have contributed their efforts to these changes, for instance Mr. Meas Samnang, Administrative and HR Director who is one of the representatives from LAC to the NGO Committee on Rights of the Child (NGOCRC) as chairperson, has brought his committee and worked as a member of the child labor sub-committee of the inter-ministries called Cambodian National Council for Children (CNCC) and he is also a member of the working group on reviewing the government report on children’s rights implementation in Cambodia to the United Nations in Geneva. Our Child Justice Program Manager also participated in these activities.

We would like to present to our donors some progresses on policies and procedures concerning children made by the government.

The Ministry of Justice has led the working group in strengthening the implementation of the existing Cambodian laws and reviewed all legal forms especially draft laws related to children such as the draft criminal code, law on suppression of human trafficking in women and children...etc. The ministry has issued a regulation on the implementation of the national and international law principles to protect child victims from crimes. This regulation included the principles of the Convention on the Rights of the Child.

The legal drafting sub-committee of the Cambodian National Council for Children has finished drafting the draft law on minors in conflict with the law and presented this law to relevant stakeholders to provide comments including NGOs in May 2007.

The law on suppression of human trafficking in women and children which is just amended is adopted by the National Assembly in December 2007.

The National Assembly has ratified the Hague Treaty on Protection and Cooperation on Child Adoption among the countries.

Progresses made to the legal reform of the country regarding juvenile justice issues and that some of the progresses are recognized as efforts made and contributed by the LAC-CJP are presented in the section of the Advocacy and Legal Reform on page 13 of this report.

- ***Capacity building***

As indicated in the LAC-Strategic Plan 2007-2010, LAC has identified in the Organizational Development Strategic Objectives that is LAC's staff will have the requisite knowledge and skills to perform their roles and responsibilities effectively and LAC will have established a management system to ensure good governance of the organization. Therefore, the staffs of the CJP are provided opportunities to strengthen and improve their capacity as the following:

- Workshop on Juvenile Justice in Phnom Penh organised by the Ministry of Justice, Ministry of Social Affairs and the Youth Rehabilitation Centre and UNICEF from February 15-16, 2007
- Training on the implementation of defending procedures of the Extraordinary Chamber in the Courts of Cambodia (ECCC) held by the ECCC, attended by JLP lawyer in September 25-28, 2007. The result from this training is to increased staff skills in the Khmer Rouge Trials.
- Training on Database to build staff's capacity to work efficiently and effectively with LAC-database program, especially staff gained knowledge of working efficiently and effectively with LAC database juvenile cases and searching and generating report from database.
- Training on Database system at International Institute of Cambodia University for one year. The whole training focused on operation system, mathematics, and Computing and English basic computer. From this training, the staff gained knowledge of working the database resulting in improved generation of reports and case data.
- Training on Juvenile Procedural Rights under International and Cambodian Law
- Photography training course in Phnom Penh that focused on techniques for general (advocacy) and investigating photograph to improve documenting for case monitoring and investigation and improve the overall quality of photographs taken for advocacy purposes. Results from this training help to increase staff capacity and skills in photograph taking for monitoring and investigation as well as improved quality of photographs for use in advocacy work.
- Training on Criminal Procedure Code in Phnom Penh
- Training on Strategic Planning
- Project design
- Proposal writing
- Effective Secretarial Skill
- Problems solving, decision making and leadership
-

## **Obstacles**

In program implementation during this reporting period, the CJP met some obstacles. Anyway, most of the planned activities are achieved.

Bribery is still existed with some cases of felony that the perpetrator tried to negotiate with local authorities and some court personnel in order to conciliate the case outside the court. Due to the fact that corruption is still with the court, poor people sometime have no trust at all to the legal system.

Lawyers sometime felt very difficult to work with the court due to the fact that court personnel though in mind that lawyers are group of people who made them loose their interest from the cases. And some difficulties are made to the lawyers in finding and checking from the court clerk to know whether the clients have lawyer to represent or not. In that

The judge's decision was very unfair and hash by applying the law on aggravating circumstance to defense juvenile.

Slow legal process by Phnom Penh court due to high caseload and corruption issues.

Involve in the age of juvenile who arrested by police in the police stage, the judge always make decision on the age according to the police's report.

Some law enforcers have more respect to the order rather than respect to the laws. And sometime information is still hired by them.

In regarding to the program implementation with commune council members, chief of villages, women and children protecting commission, government department based in the provinces, the CJP's staff also met difficulties such as changing members of the commission, members of the commune councils and sometime discrimination among commune council from other political parties. Local authorities lacked of means in developing their own community and that also made us difficult in working with them.

## **6.2 Land Law Program ("LLP")**

LAC-Land Law Program (LLP) is established to help and trains the poor and vulnerable to solve their land disputes caused by some government officials, the rich and powerful man. The most critical issues facing Cambodia is the resolution of land disputes and the establishment of a stable, equitable system of land registration and social land concession. The rapid population growth in Cambodia is a well-documented phenomenon.



Recently, LLP enlarged from LAC Land Law Unit. Thus, LLP covered two projects, (1) Land Law Unit is a project funded by the East West Management Institute (EWMI) under its Program on Rights and Justice (PRAJ) and (2) LAC North East Access to Justice Project supported by Canadian International Development Agency (CIDA). The program aims is at improving living standards of Cambodia's poor and vulnerable peoples resulting from being able to access their land rights and provided legal awareness to the group of people especially the indigenous people living in the North East of Cambodia.

The program is implemented by the LAC-LLP's composed of nine staffs including one lawyer, one investigator and a receptionist based in Banteay Meanchey province; two lawyers and one investigators and a receptionist based in Rattanakiri province where indigenous people are living and one lawyer as Program Manager and one legal assistant are based in Phnom Penh head office.

In the working context, the land law program's staff members who are working in the province of Rattanakiri and Banteay Meanchey are responsible in front of the head of LLP based in Phnom Penh. The LLP office based in Rattanakiri province has expanded its activity covering to the nearby provinces such as the province of Stung Treng, Kratie and Mondulakiri while the office based in Banteay Meanchey has expanded its activity to the nearby other provinces such as Battambang, Odor Meanchey, Siem Reap and Pailin City. The head office based in Phnom Penh covered the rest of the provinces such as Koh Kong, Kompong Cham, Svay Rieng, Prey Veng, Kandal, Takeo, Kompot, Pursat, Kompong Chhnang, Kompong Speu, Phreah Viha, Kampong Thom and Sihanouk Ville. The LLP worked on major land cases that involved multiple poor families against powerful opponents, in which a significant amount of land is at issue where the small land cases will be cover by the LAC in Phnom Penh and at the LAC provincial offices.

### **Achievements**

- ***Providing legal advice and legal representation in courts.***

As plan made to Oxfam Novib, the LLP will provide free legal advice and representation inside and outside the court system to approximately 150 major land cases in which there will be an average of 38 cases a year.

During this reporting period, the productive of legal representation and legal advice provided by the LLP could not have been possible without the generous support from our donors. This assistance and support made it possible for the LLP to receive 52 cases in which 31 cases are outside the court represented to approximately 4310 families and 21 cases are inside the court system. The 21 cases are still on going and represented to 10488 people that 5453 people are women and 5035 are men. The 31 cases are outside the court system and represented to 25860 people including 13447 women and 12413 men. 4 cases were closed and won/reached a just settlement/compromise from 21 cases in court (approximately 1748 families), all of which involved serious land disputes with LAC representing the poor, disadvantaged plaintiffs against powerful and influential respondents.

Land law remains one of the hottest issues among Cambodia's poor. Forced evictions continue at an alarming pace. Without legal representation, the poor will lose their land to powerful interests. What is more, the courts will detain and or threatens the people who are representing their colleagues.

For the period of 2007, LLP closed 4 cases inside the court. These four cases were related to 553 families. However, among the 4 cases above, one case that comprise of 35 families in Koh Sdach village, Koh Kong province was lost.

- ***Provide free party assistance to clients before the district and provincial Cadastral Commissions.***

The LLP helped poor people by giving comments, ideas and advice. Concerning to the cases outside the court, several of 31 cases outside the court, LLP assisted in the procedure of Cadastral Commission. The LLP provided legal advice in the land dispute resolution procedures before the Cadastral Commission, at the provincial and district levels, approximately over 4310 families in 31 cases from the various parts of Cambodia. LLP serves the poor in these circumstances after careful consideration whether it is in the clients' best interests to take disputes to the District Cadastral Commission or to seek means of alternative resolution. In addition, LLP has increased its cooperation with other NGOs and engaged with authorities in meaningful negotiations to resolve the cases.

- ***Street Law sessions and Advocacy Events***

LLP had conduct Street Law sessions for the poor, especially vulnerable people in order to have them gained more knowledge and understanding of the law; judicial system and communal mechanisms for the dispute resolution. After they attended the street law event, they can use these concepts to represent themselves before Cadastral Commission or they can advocate by

themselves. In 2007, LLP conducted a various Street Law sessions, and others events as the result below:

***In Banteay Meanchey and Ratanakiri Provinces***

- a) In cooperation with EWMI of increase the public awareness of the Land Law, 13 Street Law were conducted in Banteay Meanchey and Ratanakiri provinces by LLP staffs. 545 people benefited from those street law sessions in which 254 are women.
- b) A land Law Forum was Conducted in LAC-Banteay Meanchey provincial office where 35 people in which 21 are women attended.
- c) In cooperation with U.S. Embassy under the project of Community Legal Outreach, funded by Federal Assistant Award (FAA), 17 street law sessions were conducted in Banteay Meanchey province and Ratanakiri province while 7 sessions conducted in Serey Sophorn and 4 were conducted in Mongkol Borey district. 425 people benefited from these street law sessions in which 231 were women. In Ratanakiri province, 2 sessions conducted O'Chhom, 1 was conducted in Lum Phat, 1 in Banlong and 1 in Kon Mom district. 183 people benefited from these street law sessions including 89 are women.
- d) With support from German Development Service under the project of Building Locally of the Khmer Rough Tribunal, 10 street law sessions were conducted in Banteay Meanchey and Ratanakiri provinces while 2 sessions conducted in Mongkol Borey and 2 sessions in Serey Sophorn district. 223 people of whom 95 are women attended while 3 sessions in are conducted in O'Chhom district, 3 sessions in Lumphat district. 253 people including 100 women attended.
- e) With support form the British Embassy in Phnom Penh through Centre for Social Development under the project of Time for Justice, 2 times of the film title (Time for Justice) was showed in Banteay Meanchey. 1 in Serey Sophorn and 1 in Mongkol Borey district. 100 audients in which 39 are women came to see the show.
- f) LLP's staff also cooperated with Canadian International Development Agency (CIDA) conducted a Street Law in Dak Dam, Mondulkiri province which provided legal awareness to 88 hill tribes/indigenous people.
- g) With funding support from CIDA, for the first five months, the kick off meeting participated by 540 indigenous people (302 men and 238 women) from three villages in Toern commune, Kon Mom district Rattanakiri province, and 90 people has been selected as focal persons. Then 3 workshops was conducted with those 90 focal person including 25 are women. Then in the late of December, the project staff came to follow up their knowledge.

Through the Street Law program, Land Law Forums and Press Conferences as well as individual consultations, and party assistance conferences, LLP educates the Cambodian public about their legal rights and the rule of law. Thus, the most of vulnerable groups of poor people including women and children and ethnic minorities and hill tribes from northeastern provinces aware of their property ownership rights and understood the legal system and processes, especially, the conflict resolution methods. People will be able to understand their right as our staff provide them with knowledge and experience and tell them about their land rights. The people will then be able to resolve land disputes for themselves before the Cadastral Commission.

• ***Capacity building***

In cooperation with CLEC/PILAP, LLP had learned about case management and tactic to win the cases, file management and information system from Center of Social Development (CSD). LLP staffs have learned about tactics, strategies, and substantive and procedural with the Human Rights Task Force meetings as well as NGO workshops, seminars, and conferences.

LLP staffs have attended LAC in-house training in its quarterly meeting. Moreover, LLP staffs provided comments and experiences in land dispute resolution to the whole LAC staff. Feedback from these meetings has been used during LAC's internal meetings, including the quarterly meetings between the Directors and Management Team. The program staff joint the trainings provided by Institute to serve facilitators of development ("VBNK") and supported by ICCO. As results, LLU staff including program manager, lawyers and legal assistant understood and their capacity of developing strategic plan, project design, project proposal writing, monitoring and evaluation are strengthened and they have linked their understandings and training theories to the real project practice and implementation. The program staffs have contributed to the improvement of the management system, policy and procedure in which staffs have a better ownership of LAC that ensures good governance of the organization.

### **Obstacles**

For this year program implementation, LLP met several constraints and challenges. It has become apparent during discussions among other land law lawyers that learning our way around the cadastral commission and its rules will be an on-going process. It is already clear to us that some of our clients and their land dispute cases may receive favorable treatment by filing complaints at the district commission level, while other cases may not be appropriate or fare particularly well given this forum. There is also considerable discussion about the limitations of jurisdiction of the cadastral commissions.

Law enforcement and the mechanism of land dispute resolution still did not work properly and late to respond to the complaints. We have seen that this is the result of the great resistance by opposing party's result in little to no headway or movement in some cases despite LLP's best efforts. Further, the party in possession generally prohibits the opposing party to cultivate the disputed land, therefore, resulting in financial hardship for the party not in current possession of the land.

Another constraint was that LLP has learned to appeal to high government officials in the relevant ministries to intervene and support our clients' position when confronted with unjust judicial findings. However, the 38 families cases in Battambang, although the Ministry of Justice, wrote a latter to the president of Battambang court and the prosecutor but the court did not pay attention to this pressure letter.

Another case, in Rattanakiri, after Mrs. Kiet Kolney filed law-suit against the representatives of the indigenous people named Charaiy of 48 families' case, and the complaint also filed to the Bar Association of the Kingdom of Cambodian (BAKC) against our 3 lawyers from the LLP and 7 lawyers from the Community Legal Education Center ("CLEC"), with accusing them of inciting the indigenous people to lie in court. The BAKC has warned the lawyers that they had better not work for NGOs. Despite the BAKC did not undertake any disciplinary action against our lawyer, but we still afraid that the BAKC will take action in the future. The risk of this case, almost of our partner NGO lawyers from CLEC, has resigned from their jobs. Currently, the court accused the people of perjury that this crime charging could lead to the arrest and imprisonments our lawyers. *(Noted that Mr. Kiet Kolney is a well-known wife of H.E Chhan Saphann a Secretary of State of the Ministry of Land Management and she also a sister of H.E Kiet Chhon, the Minister of Economic and Finance).*

## **7. LESSON LEARNED**

### **In the area of the organizational development**

#### **Through**

- Further strengthen strategic and operational management skills of the Directors and Management Team and staff through participation in the ICCO-IPP program and EWMI

- Open to have deepened levels of staff participation through project design, developing plan and policies and procedures development.
- Strengthen the existing Advocacy Work through the LAC Advocacy Working Group and through LAC legal work with assistance from the Legal Advocacy Advisor.
- Increase gender awareness and sensitivity.
- Further need for program integration as example from merging the three child's rights projects into one program
- Improving mechanisms in working in between the SB and the Directors.

As results from the above mentioned mechanisms, capacity building facility and development, strengthening and improving policies and procedures we have learned that the organization operates effectively and smoothly through participation from the relevant organization's stakeholders including SB, Directors, Management Team and staff as a whole. Working principles and processes are based on the national staff rather than based mostly on the foreign consultant(s)/advisor(s) and that staff have more confidence in performing their jobs in a more professional way in which they have better ownership of LAC.

### **In the area of activities**

In reflection to the legal services providing, LAC still used its strategies in combining judicial action with petitions to the appropriate governmental entities or the Head of State to seek remedy.

To the Juvenile issues, the LAC-CJP worked with relevant local authorities, provincial child protection networks and commission, NGOs and the UN bodies, commune councils in order to divert children away from the justice system but through mediation system due to the weak of prison management system and supports that prisoners including children have not yet received any rehabilitation programs within during the detention but instead they have learned many serious things. Within this context, LAC's Directors, Directors' advisor and Heads of Units found ability to merge those three juvenile projects together toward working efficiently.

According to the land work, lawyers and legal assistants have learned that the most effective means of advocating a big land dispute case involves the active participation and cooperation of the affected families. Villagers must be asked to designate family representatives and those representatives must be willing to assist LAC lawyers, legal assistant and investigators. Active participation and "ownership" of efforts towards resolution of land dispute cases is essential for a successful outcome.

LAC's lawyers and legal supported staff have an obligation to keep all clients informed as to the status of their cases. This is an on-going obligation and requires organization and monitoring of lawyers' cases. LAC is committed to improving its case management system in the next project cycle to overcome this weakness in our current operations.

The Legal Director and the program managers with assistance from the project managers are still assigning cases to lawyers and legal assistants by geographical breakdown, to maximize travel and time resources. There is such a geographical distribution of cases to lawyers and this has resulted in ineffective time management and travel expenses.

Finally, LAC-LLU has learned the importance of strengthening communication between lawyers and legal assistants within the unit, thereby improving capacity and "team management" techniques. Although, it is difficult to pull the entire staff together on a regular basis because of individual lawyers and legal assistants' heavy case loads and travel requirements, LAC is committed to having regular, mandatory, monthly staff meetings.

LAC firmly believes that the acknowledgement of these lessons learned during this past period will result in a better-organized, efficient and responsive organization day to day that maximizes its resources for legal representation in Cambodia.

## **8. SUPPORT BY DONORS**

On behalf of the Cambodia's poor, LAC's Directors, Management Team, advisor, consultant and staff as a whole are highly appreciate the financial and technical support given by LAC's donors, especially the Open Society Institute. We thanks to all supports that made LAC available in continuing its important work for Cambodia's poor and this country to change their lives condition, to have better law implementation and to have legal and judicial reform. We particularly appreciate efforts from donors to establish links with other relevant organizations inside and outside Cambodia to share experiences and develop best practices, especially achievements made during the reporting period, LAC needs to thank the OSI for its financial support to LAC for its implementation in providing legal assistance to the Cambodia's poor free of charge and for its development.

We also welcome feedback on the report and will be glad to answer further questions or supply more information on request.

## **9. CONCLUSION**

As the result from the reforming and improving year by year, LAC found itself as a developed organization among the civil society in Cambodia. Donors have more confidence and that they have contributed their funding supports for LAC. As Oxfam Novib has given us the sign due to the restructuring its portfolio, LAC has made and presented its diversification plan to SB in response to the core financial sustainability after 2007-2009.

Partner organizations have seen a very good cooperation and communication made by LAC to their work, especially participation in the networking context. Internal policies and procedures are improved unanimously among the Supervisory Board, Management Team and LAC's staff as a whole with assistance/advice from the legal advocacy advisor and the MT advisor. Because of that LAC has hold a strong position in working system within the MT's members itself and the staff members.

The Directors is still believe and continuing their work on a transparency basis, openly with strong commitment in compliance with the LAC's core-values, policies and procedures. A system to ensure staff participation in planning and decision making and to increase accountability of the management to the Supervisory Board and of the staff to the Directors were established and insert into the real implementation.

Directors, Management Team members, program managers and key staff are strengthened with their capacity through funding support from ICCO-IPP project, EWMI and from our generous donors.

LAC has improved understanding and mainstreamed into the real practice as this has been inserted into the LAC's Statute and Internal regulations, policy and procedures.

Therefore, presence of Legal Aid of Cambodia is still very important and needed for the Cambodia's poor who are hungered of legal aid services. LAC has contributed to the Cambodian society in participating in developing and strengthening the legal and judicial system. From this sense, poor people have received free legal services through the court process and also received legal advice and legal education. This will enable them to be aware of the Cambodian law and international instruments, their legal rights and they knew how to protect themselves and their own community.

## 10. STAFF IN 2007

| Name                                    | Position                       | Comments |
|---|--------------------------------|----------|
| <i>Directors</i>                        |                                |          |
| Mrs. Peung Yok Hiep                     | Executive Director             |          |
| Mr. Meas Samnang                        | Administrative & HR Director   |          |
| Mr. Lor Chunthy                         | Legal Director                 |          |
| <i>Directors' Advisor and Assistant</i> |                                |          |
| Ms. Dorine V. Van Der Keur              | Advisor                        |          |
| Mr. Chum Chinith                        | Directors' Assistant           |          |
| <i>Finance Section</i>                  |                                |          |
| Mr. Kim Hor Han                         | Finance Manager                |          |
| Ms. Choeun Sokhom                       | Finance Assistant              |          |
| Miss Long Savoeun                       | Finance Assistant              |          |
| Miss Hang Srey Mom                      | Cashier                        |          |
| <i>Administrative Section</i>           |                                |          |
| Mr. Sry Srive                           | IT Specialist                  |          |
| Mr. Long Rithypol                       | Database user and investigator |          |
| Miss Mao Sony Keo                       | Receptionist                   |          |
| Mr. Un Sam                              | Driver                         |          |
| Mr. Pheach Lorn                         | Guard                          |          |
| Mr. You Sovong                          | Guard                          |          |
| Mr. Sek Vanna                           | Gurad                          |          |
| Ms. Chhun Sokha                         | Cleaner                        |          |
| <i>Child Justice Program</i>            |                                |          |
| Mr. Op Vibol                            | Program Manager                |          |
| Mr. Touch Chiva                         | Project Manager                |          |
| Mr. Tep Neth                            | Project Coordinator            |          |
| Mr. Kao Dyna                            | Project Manager                |          |
| Miss Ek Mealea                          | Lawyer                         |          |
| Miss Hok Meng Eam                       | Lawyer                         |          |
| Miss Ty Srina                           | Lawyer                         |          |
| Mr. Vann Borath                         | Lawyer                         |          |
| Mr. Long Salux                          | Lawyer                         |          |
| Miss Sao Kanha                          | Lawyer                         |          |
| Miss Reach Chantheng                    | Lawyer                         |          |
| Ms. Chetra Navy                         | Lawyer                         |          |
| Ms. Teng Rithyvoan                      | Lawyer                         |          |
| Miss Nom Sok Hun                        | Lawyer                         |          |
| Miss Try Samros                         | Lawyer                         |          |
| Mr. Khun Sophal                         | Lawyer                         |          |
| Mr. Yeav Sopheavuth                     | Legal Assistant                |          |
| Mr. Pang Vuthy                          | Legal Assistant                |          |
| Mr. Long Mesa                           | Legal Assistant                |          |
| Mr. Khiev Kanal                         | Legal Assistant                |          |
| Miss Sok Sokha                          | Legal Assistant                |          |
| Miss Sea Sopheat                        | Social Worker                  |          |
| Mr. Tes Phanny                          | Driver                         |          |

***Land Law Program***

|                   |  |
|-------------------|--|
| Mr. Dun Vibol     | Program Manager                        |
| Mr. Diep Kuylam   | Lawyer Based in Banteay Meanchey       |
| Mr. Hang Sam On   | Lawyer Based in Ratanakiri             |
| Mr. Ho Chheng Oun | Legal Assistant                        |
| Mr. Keo Chankosal | Investigator Based in Banteay Meanchey |
| Miss Hov Kimhoch  | Receptionist Based in Banteay Meanchey |

***General Lawyer Unit based in Phnom Penh***

|                      |              |
|----------------------|--------------|
| Mr. Sim Sithan       | Lawyer       |
| Miss Chheung Chantha | Lawyer       |
| Mr. Touch Bunteav    | Investigator |
| Ms. Yem Neang Au     | Investigator |
| Mr. Man Phearak      | Investigator |
| Mr. Kuch Soeun       | Investigator |

***General Lawyer Unit based in Kandal Province***

|                       |                    |
|-----------------------|--------------------|
| Mr. Ny Chandy         | Project Manager    |
| Ms. Ung Sileth        | Lawyer             |
| Ms. Ol Rachny         | Lawyer             |
| Miss Chan Reaseypheak | Lawyer             |
| Mr. Oue Chantrea      | Investigator       |
| Mr. Chuob Sophanna    | Investigator       |
| Miss Sreng Bopha      | Admin. and Finance |

***General Lawyer Unit based in Battambang Province***

|                    |              |
|--------------------|--------------|
| Mr. Prak Phin      | Lawyer       |
| Miss Khan Sothaly  | Investigator |
| Miss Smith Sophorn | Receptionist |

***General Lawyer Unit based in Siem Reap Province***

|                    |              |
|--------------------|--------------|
| Miss Hout Pechmony | Lawyer       |
| Mr. Yuos Samrong   | Investigator |
| Miss Seng Sotheary | Receptionist |

***General Lawyer Unit based in Sihanouk Ville***

|                  |              |
|------------------|--------------|
| Miss Ouk Sinaket | Lawyer       |
| Mr. Pech Yorn    | Investigator |
| Miss Prak Dany   | Receptionist |

***General Lawyer Unit based in Koh Kong Province***

|                |              |
|----------------|--------------|
| Mr. Tep Sovan  | Lawyer       |
| Mr. Khan Canal | Investigator |
| Ms. Van Sina   | Receptionist |

***General Lawyer Unit based in Ratanakiri Province***

|                 |              |
|-----------------|--------------|
| Mr. Mao Sary    | Lawyer       |
| Mr. Ly Sochetra | Lawyer       |
| Mr. Heang Sokha | Investigator |
| Mr. Chev Sophea | Investigator |
| Miss Yun Thyda  | Receptionist |