



Annual Report 2012

Legal Aid of Cambodia

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Strategy Plan 2012-2016



LAC will continue to focus on the areas of the highest need, such as:

Child Justice

- Children in conflict with the law
- Child victims of crime

Women's Justice

- Women in conflict with the law
- Women victims of crime

Land & Natural Resources

- Economic land concessions
 - Environmental law
- Natural resources (incl. rivers, forests, fisheries)

General Legal Aid

- General Criminal & Civil Cases
- Khmer Rouge Tribunal (for the duration of the ECCC)
- Labour and Human Trafficking
- Other specialist areas as need arises

Highlights

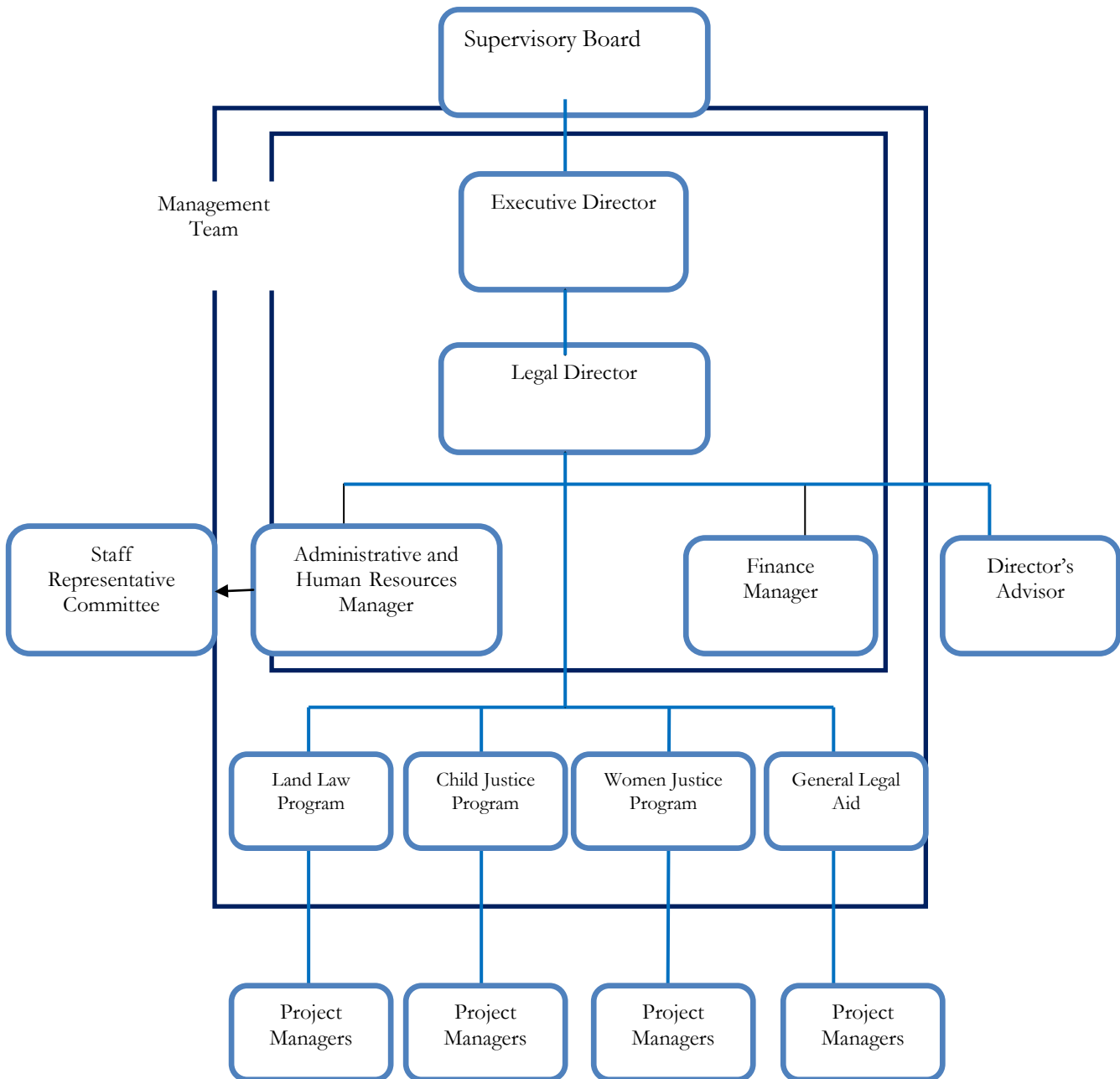
LAC worked extensively with stakeholders to improve legal education and awareness in all of its programs

CJP represented 345 clients; children who were either victims of crime or had been accused of committing a crime. 2 children who had committed minor offences were successfully diverted from the formal justice system

Women Justice Program represented 184 cases of which 84 cases won.

The KRT project interacted with 1217 clients and potential clients, from throughout Cambodia.

LAC Structure



Supervisory Board

Ms. Chim Manavy, Chair of the Supervisory Board

Executive Director, Open Society Institute

Nick Rine

Professor, Clinical Law Program, University of Michigan Law School

Prof. Sun Channdara Wuddh

Executive Director CTC, Professor at RULE, Attorney of Law

Touch Bora

Private lawyer, Fairfield NSW 1860, Australia

Francis James

Chief of l'Unite Justice

Sounpraseth Prum (Praseth)

Associate at Allens Arthur Robinson (Cambodia)

Ms. Colleen Moore

Former Justice of the Family Court of Australia

Fair and Just Trial Standards

LAC uses the following standards to evaluate if its clients receive fair and just trials. LAC's programs work to promote these standards in order to improve due process.

Civil cases

- ❖ The procedure of the case was conducted properly

Criminal cases on behalf of accused

Accused person has the rights to:

- ❖ appear before a competent, independent and impartial court
- ❖ be informed of his/her charges
- ❖ inspect the case file
- ❖ legal representation/legal assistance
- ❖ be free from self-incrimination or forced confession
- ❖ have a speedy trial
- ❖ examine witnesses who testify against him/her
- ❖ be presumed innocent until proven guilty
- ❖ call witnesses and present evidence
- ❖ excuse/remove judges whom he/she thinks are biased
- ❖ be equal before the law
- ❖ have a public trial
- ❖ file a motion to suppress evidence
- ❖ appeal against a judgment
- ❖ ask the court to reduce the punishment
- ❖ free from double jeopardy
- ❖ request the high court to review his/her case.
- ❖ fair compensation

The procedure of the case was conducted properly where

- ❖ The client was acquitted and found not guilty whenever that was just; or
- ❖ The client's charge was changed to a lower charge whenever that seemed just; or
- ❖ Mitigating circumstances were taken into consideration in the case when applicable; or

- ❖ The punishment was in accordance with the offence committed by the client and in accordance with the findings of the investigation; or
- ❖ The punishment of the client matched the crime the client was found guilty of; or
- ❖ The client found no reason to appeal.

Criminal cases on behalf of the victim

- ❖ The procedure of the case was conducted properly;
- ❖ Fair compensation was defined as a compensation that is appropriate compared to the damage;
- ❖ The perpetrators were found guilty and punished accordingly.

Programs

Women's Justice Program Annual report (WJP)

Objectives

The WJP focuses on access to justice for women by providing legal aid to vulnerable women, educating communities on women's rights, training government authorities on proper implementation of women-related laws, and undertaking impact litigation to achieve lasting change. Legal representation is provided to both the victims and the accused in and outside of the court. In addition, the WJP identifies strategic advocacy issues to enhance the protection of women's rights.

Geographic scope

Battambang, Banteay Meanchey, Kampong Cham, Kampong Thom and Prey Veng provinces

Program scope

The WJP was launched in 2008 and incorporates three projects involving women's justice.

Project 1: Justice for Women in Conflict with the Law in Cambodia

Project activities

- To provide legal representation for women in conflict with the law in the target provinces.
- To provide legal training to judicial police in Kampong Thom and Banteay Meanchey.
- To provide legal training to prison officers in the target provinces
- To host radio talk shows in Kampong Cham and Prey Veng
- To organize stakeholder meetings

Project outcomes

Legal aid: 45 cases were open as of 31/12/2012 and 24 cases were closed during 2012. 73 clients were represented in court during 2012. Of these cases 8 cases were won, 14 cases were lost following a fair trial and 1 case lost following an unfair trial.

Advocacy: Working in conjunction with LAC's Child Justice Program, 7 stakeholder meetings were organized, 3 in Battambang and 3 in Banteay Meanchey and 1 in Kampong Thom province.

Training: In 2012, the project provided 4 legal training sessions to judicial police in Kampong Thom and Banteay Meanchey and 9 training sessions to prison officers in Battambang, Banteay Meanchey, Kampong Cham and Kampong Thom.

Outreach: 18 radio talk shows were hosted by project staff, 6 in Kampong Cham and 12 in Battambang. Some of the outreach topics included: the threat of violence and sexual assault, violence, the protection of women and children in conflict with the law during the investigation and trial stage, suppression of human trafficking and sexual exploitation, the dangers of drug use, the role of prison officers, prevention and dangers of human trafficking.

Project 2: Access to Justice for Women in Siem Reap and Kampong Thom

Project activities

- Providing legal consultation and representation to women who are survivors of gender based violence (GBV) in the target provinces in both civil and criminal cases.
- Organizing stakeholder meetings in Kampong Thom and Siem Reap.
- Hosting radio talk shows in Kampong Thom and Siem Reap to broadcast project services to potential clients and beneficiaries.
- Organising workshops in Siem Reap and Kampong Thom to discuss the progress and challenges associated with providing legal aid services to survivors of gender based violence.

Project outcomes

Cases inside the court: 84 cases were opened as of 31/12/2012 and 20 cases were closed during 2012. 87 clients were represented in the court. Of these, 12 cases were won and no cases were lost following an unfair trial. 8 cases were dismissed before trial.

Cases outside the court: 55 cases were opened as of 31/12/2012 and 44 cases were closed during 2012. Of these cases, 64 cases were won including the remaining cases from 2011.

Advocacy: Working with LAC's Child Justice Program, 4 stakeholders meetings were organized in Siem Reap and 1 in Kampong Thom that was presided over by prosecutors at the court. The Women's Justice Program cooperated with the Child Justice Program to hold 10 stakeholder meetings, which dealt with issues such as: the situation of women and the law in practice, the challenges and solutions for women survivors of gender based violence, reporting cases dealing with women and juveniles and presenting laws regarding justice for women and juveniles.

Outreach: 16 radio talk shows were broadcasted by the project staff, 8 in Siem Reap and 8 in Kampong Thom. The radio talk shows discussed on: gender based violence, the available services provided for women survivors of gender-based violence and alternative dispute resolution.

District Committee for Women and Children (DCWC) meetings: 36 DCWC meetings were organized by project staff, 18 of which were in Kampong Thom and the remaining 18 were in Siem Reap.

Project 3: Commune Conversation Enchantment (CCE)

Project activities

- Providing training to community facilitators
- Monitoring and assist the community facilitator to conduct conversations with the commune.
- Establishing a link between the CCE facilitators/villagers and other GBV service providers.
- Organising meeting/dialogue between the community facilitator and the GBV service provider and establish links between these groups.

Project outcomes

Project provided training to two commune facilitators to conduct training sessions on domestic violence to 10 villages. Reflection sessions on these domestic violence sessions were also provided.

Lessons learnt

- The court administration is not functioning properly due to the limited skills of court; administration staff;
- Slow court procedures have become an obstacle to LAC works
- Some court officials do not want to cooperate with NGOs and are not sufficiently committed to public interests.
- Gender issue is still a challenge especially in divorce cases since spouses are cohabitating without civil status and it is hard for lawyers to help women in these circumstances .



Provincial Prosecutor Meeting in Battambang

Case Study

Ms. SN had been married to Mr. R since 2000 without a marriage certificate. They lived in a small house in a rural village in one province of Cambodia. They had three daughters. The elder one was 12 year old. Ms. SN was 32 years old. She earned her living by working as a domestic worker and received 3\$ to 5\$ a day. Mr. R, 34 years old, was a construction worker who earned 5\$ to 7\$ a day. However, he never supported the family at all and was often drunk. He always invited his friend for a drink and sometime to a beer club, gambling and karaoke. Ms. SN was so sad because her husband didn't care for the family. Additionally, her husband always tortured and threatened to kill her and destroyed property in the house.

Ms. SN complained to the commune council to seek a solution several times. The commune chief mediated this couple for at least 6 times, nevertheless, her husband kept breaking his promise. The last mediation was on August 9, 2012. The husband, then promised in a written contract to stop the violence but his wife wanted a divorce. Ms. SN sought the support and legal assistance from LAC. LAC interviewed Ms. SN about the facts and then contacted the commune chief to obtain reports of mediations. LAC confirmed that the wife wanted a divorce

even though the process required her to go through the court. With the cooperation between commune council and LAC, the husband agreed to divorce on September 5, 2012 with a written agreement with his wife. Some main points stated in this agreement were:

- This couple agreed to divorce and signed with their finger prints;
- The husband agreed to transfer his three daughters to his wife but he requested the right to visit them and gave some support to them when he could;
- Husband agreed to give the house to his wife;
- The conflict parties agreed to stop all kind of violence

This case was resolved by cooperating with commune council to obtain a successful result for the benefit of the client.

Child Justice Program (CJP)

Objectives

CJP's Advocacy aims at establishing a Child Friendly Court in Battambang and pushing for the adoption of Juvenile Justice Law. Moreover, it tries to promote the Diversion Mechanism and Alternative Sentencing within Battambang, BanteayMeanchey, Siem Reap, Kampong Cham, Prey Veng and Svay Rieng provinces.

CJP focuses on promoting the United Nations Conventions on the Rights of the Child by training government authorities and law enforcement officers, setting up diversion programs and ombudsmen for children, providing legal consultation and representation to child victims and children in conflict with the law, and advocating for strategic issues. Currently, the CJP advocates for protection of children against unlawful pre-trial detention and for the application of the law on aggravating circumstances.

Additionally, 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.

Geographic Scope

The projects enacted by the CJP were implemented throughout Cambodia, each program executed in different provinces according to need and availability of resources.

Legal Representation

This year CJP represented 345 clients; children who were either victims of crime or had been accused of committing a crime

Outcomes

The program provided legal representation to multiple children, both offenders and victims, of a variety of crimes. They also provided social support for children and parents. This was enabled by an LAC representative being present throughout the questioning of a child, ensuring that children who are in custody are provided with food and that their case is being monitored. In conjunction with governmental organizations and other non-governmental organizations, LAC ran multiple conferences discussing child rights throughout Cambodia. These conferences focused on the implementation of

the UN Convention on the Rights of the Child as well as discussing specific cases relevant to the areas in which the conferences were held.

This program also ran a diversion program in Battambang. Two children were diverted from the court system through the diversion program. These children were reported by the military police in the Moung Russey District to the prosecutor for theft. The prosecutor subsequently sent the case to the Department of Social Affairs. In conjunction with LAC and the children's parents, action was taken to divert the children from further crime and reintegrate them back into their homes and their community. LAC worked to highlight issues within the community that affect children who could be vulnerable to becoming in conflict with the law. The discussions primarily focused on laws relating to domestic violence and children's rights within the community. LAC also ran meetings for children in which they educated the children about their rights, particularly in relation to family violence.

Furthermore, it attempted to assist in the development of a child-friendly justice process and to strengthen the implementation of children's rights throughout national and international law. LAC worked towards these aims by representing children within the justice process, hosting radio talk shows, providing information bulletins to vulnerable families and running awareness raising and training workshops. The program conducted multiple meetings with children prisoners providing both legal education as well as monitoring the progress of released child prisoners and diverted children.

This program worked towards the strengthening of the re-integration mechanism for children who had been in conflict with the law. LAC worked towards this by working in conjunction with the Department of Social Affairs as well as in collaboration with CCWC. LAC aimed to increase the functionality of a monitoring system for children who had been released from prison or diverted. LAC also raised the practical benefits of diversion through this program.

The Family Protection Network of CJP ran multiple training and advocacy projects throughout Cambodia's provinces. The project leaders ran programs that focused on the types of abuse people in Cambodia may be subject to and the associated laws; particularly trafficking, smuggling and forced labour. Advocacy efforts of those involved in the program resulted in court officials considering child abuse cases to be priority cases within the justice system.

The Family Protection Network also worked on improving relationships with other NGOs in the same geographic location. This resulted in combined utilization of the skills and services of the NGOs

involved and subsequently provided greater access to NGO services for those who sought their services.

Lessons learnt

- That released children have returned to prison and the terms of the special four measures set out in the Penal Code are not fully applied. This has limited the opportunity of these children to become good people in the society. However, this problem can be resolved by strengthening the mechanism of re-integration through working mainly with Department of Social Affairs, raising these issues at CCWC and Pillar Justice Meeting as well as strengthening the monitoring systems in prisons and the CCWC.
- There is no official legal framework for diversion for children who commit petty crimes
- Medical expertise must be obtained as early as possible up on the arrival of the victims.
- Justice delays mean justice is denied.
- The investigation by police before sending the incident to the CCWC has made the diversion program becoming a slow process.
- The continuing abuse and torture of children in police custody is still a serious concern.
- Children are hesitant to report abuse and torture while they in police custody.
- Some children do not have legal documents such as birth certificate, family book, residence papers etc.
- The lack of resources in CCWCs is an obstacle in the implementation of a diversion program.
- Judges sometimes fail to properly inform lawyers with regard to the relevant date/time for closing investigation procedures and the announcement of the result of the hearing.
- Lawyers experience difficulties in dealing with court clerks



Provincial Prosecutor Meeting in Siem Reap

Case Study

Two brothers, aged 9 and 10, lived with their violent father after their mother migrated to Thailand to seek work. After suffering yet another severe beating, the brothers fled from their home and sought temporary refuge with a monk.

The children had not been provided with education and were not supported by welfare. They were subsequently driven to commit non-serious offences to acquire the finances to survive. When they stole money and a bicycle from the pagoda in which they were residing the Moug Reussey Military Police arrested them. The children were brought to the police station for questioning. After they had been questioned and approval had been sought from the Battambang provincial prosecutor, the children were referred to Legal Aid of Cambodia to take part in the re-integration program.

The Department of Social Affairs (DSA) and Legal Aid Cambodia (LAC) worked in conjunction to create a reintegration program for these children. LAC and DSA attempted to trace the original family of the children. Upon determining that the children could not be reintegrated into their family in Battambang, those involved in the project decided to divert them to live with their relatives in the Koh

Thom district in the Kandal province. LAC and DSA had worked closely with Koh Thom's local authorities and their relatives to acknowledge and support the children in that area.

Upon the successful reintegration of the children into their family in Koh Thom LAC and DSA prepared a brief report to the Battambang court and other relevant stakeholders to inform them of the children's progress and to close the case.

This example demonstrates the positive aspects that can arise from diverting children under the age of 14 years of age who commit non-serious offences. Due to the research conducted by LAC and DSA these children were able to be removed from their abusive home and were able to be successfully reintegrated into a new community. Their progress was monitored and they have been supported throughout the process.

General Legal Aid

Model Court Project (MCP)

The MCP aimed to improve the judicial system in Kandal and Banteay Meanchey, Kampong Cham and Shihanouk Ville provinces for poor detainees, developing the best practices for provincial courts in Cambodia. The project aims to provide access to justice for the poor, to promote respect and adherence to the rights of detainees, legal and judicial reform for the poor; to remove obstacles that inhibit LAC and others from providing legal aid for detainees to ensure a fair trial.

The project worked towards achieving these objectives by setting short, medium and long term goals. The activities conducted to achieve these goals included: providing legal aid for detainees, creating a database system where all the case files of detainees being represented were regularly recorded and updated to provide a clear representation of the situation of the detainees, utilising consultants if required, cooperating with court and prison officials.

Objectives

Increase access to justice for poor Cambodians through improving the functioning of the judicial system in the context of specific prisons and courts.

Geographic Scope

Kandal, Banteay Meanchey, Kampong Cham and Shihanouk Ville.



Meeting with Court in 2012



Meeting with Clients

Outcomes

Legal Aid

- 227 cases, 264 clients (227 Male, 26 Female and 21 Juveniles) of cases open as at the 31/12/2012

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- 186 cases, 244 clients (201 Ms, 31 Fs and 12 Juveniles) of cases closed during 2012
- 264 clients (227 Males, 26 Females and 21 Juveniles) of clients represented in court (split by male & female)
- Consultation : 499 people
- 90 cases won
- 50 cases lost following a fair trial
- 29 cases lost (and the trial was unfair)
- 17 cases acquittal or release before trial

Advocacy

- Regular meetings between the project staff and the court officers in order to seek their intervention regarding the obstacles for implementation of the Criminal Procedure Code
- LAC requested the presidents of the courts that the uniform of detainees during trial was changed to a civil uniform. However, Banteam Meanchey court allowed the detainees to change only the shirt and not trousers.

Lessons learnt

- That court and prison officers did not fulfill their duties properly regarding the appeals of detainees.
- The prosecutor regularly accuses the clients and request to detain them that is contrary to Article 203 of the Criminal Procedure Code (Provisional Detention).
- The judge was late to render the final judgment after trial.
- The judge did not inform lawyer about closing orders.
- The period of notification to the lawyer for hearings is too short.
- The court clerk did not copy case documents for lawyers until the closing order.
- Some detainees were still detained over the pre-trial detention period.

Case study

Mr. SL, 57 years old, who is a farmer, living in a village in a province of Cambodia, was arrested on 07 May 2011 and detained and charged with assault and battery. The facts were that on 07 May 2011, a man stole his corn at his farm while he was there. Mr. SL used his stick to hit the thief on the shoulder and the ear.

LAC accepted the case on 14 March 2012. After the investigation, LAC found out that the man was detained about 10 months in pre-trial detention, so LAC submitted a motion for a closed investigation

and trial. On 30 March 2012, the judge issued the closing order. Unfortunately, the trial judge was suspended so the case was delayed while the case was transferred to another judge.

LAC tried its best to push the case for trial, but still was not successful. LAC cooperated with its networks in the province to facilitate Mr. SL's family to submit the complaint to the Anti-Corruption Unit because a court clerk and prison officer took money from the client since 2011 in exchange for the release of Mr. SL. In late July, a younger sister of Mr. SL went to shout and cry in front of the prison because of this cheating and she wanted the prison chief and judge to reconsider on Mr. SL's case.

On 10 September 2012, Mr. SL's case was tried. The LAC lawyer requested to reduce the sentence and release him immediately. As a result, the judge sentenced him to 17 months, so he was released on 06 October 2012.

Khmer Rouge Tribunal (KRT)

Objectives

To ensure victims and civil parties receive justice in the proceedings of the Extraordinary Chambers in the Courts of Cambodia (ECCC) by providing highly qualified legal representation and legal advice to complainants, victims and civil parties.

Geographic Scope

All provinces in Cambodia. ECCC located in Phnom Penh.

Cases Opened

There were two sessions of case 002 which were held. These were divided into case 002 and 001. These cases trialed the history of Democratic Kampuchea (DK) including the policies, structure and the roles of the senior Khmer Rouge leaders before April 17th, 1975 and during the Khmer Rouge regime. The ECCC also trialed those involved in the forced transfer I and II.

Clients represented

The KRT project interacted with 1217 clients and potential clients from throughout Cambodia.

Outcomes

KRT represented civil parties at the ECCC hearings. This included questioning witnesses, the accused, experts and civil parties.

The staff involved proposed a civil party list that allowed victims of the Khmer Rouge to testify and depict the suffering that they endured before the court. As a result, some victims were summoned to testify about their experiences in the forced transfer I and II.

The civil parties attended the majority of the hearings through the assistance of the Victim Support Service. The lawyers involved briefed and debriefed the civil parties in order to appropriately prepare them for court. If they had any questions, the lawyers would be able to assist in resolving their queries.

KRT were invited to attend an international workshop on genocidal crime, reconciliation and international courts.

KRT were guest speakers on talk show radio, including the CHHRAC program. This helped the community to obtain more information regarding the ECCC trials and provided the community with an understanding of the ECCC proceedings.

Lessons learnt

- As a result of reduced funding, the outreach project was closed and no provincial meetings were organised through LAC. The provincial meetings challenge was overcome as KRT met clients through the ad hoc and Victim Support Service regional forum.
- Some lawyers do not have good English language skills so it is sometimes difficult working with foreign lawyers. Additionally, most of the documents and international laws are also in English.
- More international lawyers should be considered to help the Cambodian civil parties' lawyers in the framework of international law.

Land Law

Objective

The land law group aimed to provide access to legal aid and training to poor and indigenous groups involved in land disputes in order to help them retain their land and protect it for the future.

Geographic Scope

Rattankiri, Kratie and Mondulkiri provinces.

Legal representation

LLP provided legal services to approximately 2,500 families.

Outcomes

Legal Aid

- 48 cases were received which emanated from the land disputes plus 14 cases pending in court and 34 cases with non judicial resolution, which were processed in three provincial courts. If we estimated in one case, it would be an average of 100 families who were victims. There were more than 2,500 families in these 48 cases. As a result, 8 cases were closed. Currently, there are 10 cases which are pending in three provincial courts: 2 cases in Mondulkiri, 4 cases in Kratie, and 4 cases Rattanakiri. Moreover, villagers have come to the LAC office to request LAC lawyers to represent and defend their rights at these three provincial courts.
- Besides the cases that were solved within the judicial system, there were 34 cases that were solved out of the court and the project lawyer has been involved with all of these cases. Three cases in Ratanakiri and one case in Kratie have now been resolved out of the court with satisfying results. Currently, 30 cases are pending in the cadastral office or local authority.
- In 9 months, from January to September 2012, the LALDV project received 54 cases of legal consultation and these cases have different issues. 12 cases were domestic violence, 11 cases were related to property division, 7 cases were accident related, 5 cases criminal cases, and 13 cases were indigenous community land conflict, 5 cases were private land dispute and one case was a civil case.
- 40 communities have been recognized as legal entities with the assistance of LAC and other NGOs in three provinces, Rattanakiri, Mondulkiri and Kratie.
- 43 communities had been identified and recognized as legal identity with the assistance of LAC and other NGOs in three provinces, Rattanakiri, Mondulkiri and Kratie

- 3 community lands have been successfully registered with the assistance of LAC and other NGOs. 2 communes in Rattanakiri province and a commune in Mondulkiri province.

Advocacy

- The local authority has now started working to resolve the lawsuits/problems urgently and we are expecting a large amount of cases to be resolved in a way that satisfied our clients. Apart from the legal aid representation, the project also involved with the organization partners and local authorities to meet with their clients to discuss about the land disputes. Lawyers and staff were invited to present issues about land and other legal issues, both in the provincial organization and local authority.
- The local authority respected the regulation 01 of the Prime Minister Hun Sen and had been cooperating well with the volunteer students of Samdech Hun Sen to measure and title the land for villagers.
- Lawyers and staff were invited to present issues about land law and other legal issues, both in provincial organization and local authority. Most clients' cooperated and were confident in the LAC Lawyers' and staff's ability.

Trainings or Workshop

- A workshop had been conducted and participants understood about procedures in solving the land conflict from LAC and GAA.
- The number of people in the provinces started to practice what they have learned from the workshop. The workshop had a good open discussion, and recommendations from the speakers were highly noted by the companies doing economic land and mining concession.

Activities

- Organised four training sessions, with over 179 participants in total in the Rattanakiri Province. Topics included: "Rights of Using Land and Rights of Indigenous People" and "Reviewing the Community Land Registration".
- Held a workshop on "Procedure Solving Land Conflict". A total of 98 participants represented villages that face land conflict.
- Assisted people and communities to register land as legal entities. More than 83 communities were involved and 3 communes completed the registration. This is important as many villages were not aware of their rights or the relevant laws and thus did not know that when they receive land or reserve forests from the government, they need to register it in order to protect their ownership of it.

- Advocated on behalf of their clients to the authorities (village, commune, district chiefs and other stakeholders). According to regulation 01 and other regulations of Samdech Hun Sen, villagers have the right to get back the land they previously controlled. Therefore, LLP followed-up whether the local authorities were complying with these regulations.

Lessons learnt

- It is clear that indigenous people have little legal knowledge. They need LAC lawyers to consult with them and represent their rights and their position before the provincial court and cadastral officer. A prosecutor and investigating judge summonsed some villagers and they were afraid to go to the court without a lawyer, because they are fearful of losing their case and being detained in the prison.
- When students went to measure the lands for villagers, we could not go there. What we could do was to wait for their work to finish and we went to our target area only when the students had left.
- Even the villagers could not get the land measurement in collective land, but they could get their land measurement in private and they could receive their land ownership. Moreover, some of the land disputes with the companies are solved. Some villagers who could get back their lands, received payment from the company (payment from companies in buying their conflict lands), and could work for the companies.
- LAC has to be very careful on every visit in order to avoid any accusation from local authorities.
- There were many cases which emanated from land disputes and victims need help, but LAC has a limited budget and could not always conduct activities to meet the demands of people. The three provinces were also lacking lawyers who could to assist poor people.
- Since it is the time of government implementing new mission of its old policy on land titling, The Prime Minister Hun Sen's volunteer students' mission is to target areas to measure the land and land disputes for people and community villagers. During this time, all NGOs have to wait for the students' results. So LAC and NGO partners could not request any meeting related to land dispute with villagers.
- NGOs faces difficulty in seeking permission to conduct workshops and other meetings with the authorities, application forms are put on hold and correspondence to the applicant is late.

- LAC and NGO partners could not conduct any training programs related to land rights, community of indigenous right, and other land right program.

Case Study

Charay community at Yasom Village Sdeung commune Bor Kev district Ratanakiri Province had registered and recognized land by the Ministry of Interior in 2010 but had not yet registered it as community land. On March 2011, economic concession land 8,400 hectares, Royal Government of Cambodia completed to KAUSU EAHLEO BM JOINT STOCK Co. Ltd. The process arrangement was for the land concession to be community land; villagers told the company but the company did not stop the encroachment and continued grabbing to October, 2011 on the land of villagers/community many hectares.

The company persuaded the villagers several times and proposed in return things such as building a road, bridge and school in the community. But the villagers did not agree because the proposal was not adequate. The villagers did not allow the company to clear the land and forestry until 2012 but the company still could use Ascavator and Tracktor for clearing land and forestry. When the villagers saw this, they walked in groups preventing the activities of the company, but the company did not stop. The villagers were angry with the company and then they pulled down a house and other equipment of company. While villagers were doing so, the police and soldier come and stopped those villagers. Then some villagers were interrogated by the office of crime investigation. The company still continued their activities.

Yasom villagers could not get the land measurement in collective land, but they could get their land measurement in private and they could receive their land ownership. Moreover, the land disputes with the companies are resolved. Some villagers could get back their lands, received payment from company (payment from companies in buying their conflict lands), and could work for the companies.

Procedures and Investigation

- On 30.01.2012- LAC provided the consultation about the law and told the community not to use violence in order to find a resolution.
- On 19.04.12- LAC explained to Yasom villagers about the ways to find the evidence, the complaint procedure and to find documents to support the complaint.
- On 25.04.12- LAC went to meet the community and villagers to investigate and made a copy of documents in order to prepare for the negotiations between the company, authorities and villagers (letter to stop the complaint, to limit the border of the community with the company and imploring of the community.)

- On 13.06.12- LAC invited the community to participate in a workshop about “The Procedure of Solving Land Conflict” and find all the issues and challenges in order to put pressure on the authorities to find a resolution for them.

Organizational Development

Human Resources and Staff Capacity Building

LAC currently employs 76 employees, of which 35 are women. There are 21 lawyers in the organization. 6 staff has been promoted. In year 2012, LAC recruited 15 staff comprising 3 lawyers and 12 non-lawyer . There were five had resigned from LAC to work with other organizations

During 2012, LAC had organized three times in- housetraining to staff and lawyers from provinces and at head office on:

- 1) Criminal law, which was conducted by expert from Ministry of Justice of Cambodia.
- 2) A new Trafficking law , which was conducted by Judges from Appeal Court and Municipality court of Phnom Penh in December 2012
- 3) Civil code training, which was conducted by expert from Ministry of Justices.

Other training:

- 1) 10 lawyers from LAC attended a two -days training on civil code organized by Cambodian Bar at Phnom Penh.
- 2) Mr. Sam Sokong, lawyer of LAC KRT project attended one- week workshop on transitional Justice in Africa.
- 3) LAC conducted staff retreat at Sihanoukville in December 2012 and training on Gender Policy.
- 4) Mr. Run Saray, Executive Director, attended leadership training for one week in Berlin, Germany at in August 2012.
- 5) Mr. Run Saray participated in partnership meeting and training on the Child Protection in UK for one week 9 between 25-30 November 2012, funded by Everychild, UK.
- 6) Mr. Op Vibol attended workshop in Washington DC for one week in December 2012, sponsored by Legal Consortium Organization, USA.

Policies

In 2012 the management and the Supervisory Board had adopted new policies that will help LAC to implement its mission in a more effective way. Those policies include:

- Media policy
- Volunteer and Intern Policy

- Gender Policy

Additionally, LAC developed a new strategy for 2012-2016 to replace the old one that had expired in 2011. LAC decided to re-strategize due to political and economic changes so that LAC still maintains its work quality and value.

Management Advisor

Mr. Terry Bourke, who is sponsored by AVI in Australia, facilitated the organizational development work of LAC. He worked full time to help LAC with OD and fund raising issues. He left LAC in 2012 and LAC is now seeking a new Advisor for this work.

Offices

Legal Aid of Cambodia (LAC) is a non-profit, Khmer administered and non-governmental organization. LAC was founded in 1995 and its head office is located in Phnom Penh. Apart from the head office there are also 8 branch offices of LAC throughout Cambodia:

- Battambang
- Banteay Meanchey
- Kampong Cham
- Kandal
- Rattanakiri
- Mondolkiri
- Siem Reap
- Kampong Thom
- Sihanoukville

Donors

LAC received core-funding from OSI for 2012. Apart from the core funding we received project funding from:

1. European Union (EU)
2. Friend International
3. DANIDA through Danish Embassy in Phnom Penh
4. Plan International
5. East-West Management Institute (EWMI/USAID)
6. Every Child, UK
7. Save the Children Norway in Cambodia
8. UNOHCHR
9. United Nations Development Program (UNDP)
10. GIZ
11. French Embassy

Reported by

Run Saray

A handwritten signature in black ink, appearing to read 'Run Saray', with a horizontal line underneath it.

Executive director

Legal Aid of Cambodia