



FORUMS ON STRENGTHENING THE RULE OF LAW IN CAMBODIA

Held in
Siem Riep on June 29-30, 2004
Kampong Cham on July 12-13, 2004
Phnom Penh on August 10-11, 2004

National Democratic Institute for International Affairs

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This report was primarily written by Tarikul Ghani, NDI Cambodia’s Technical Adviser. The first draft of the report on the national forum was written by SILAKA, a Cambodian NGO. Mark Wallem, NDI Cambodia’s Senior Resident Director and Dominic Cardy, Senior Program Manager provided useful comments and edited the report extensively. NDI Cambodia’s national staff – Muth Chanththa, Senior Program Manager; Preap Kol, Senior Program Officer; Lee Sothearayuth, Program Officer; Ros Dadanet, Senior Program Assistant; and Un Oeurn, Program Assistant – helped with documentation of the events. The report has been prepared under the overall supervision and guidance of Peter Manikas, NDI Director for Asia Programs.

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LIST OF ACRONYMS

ADHOC	Cambodian Human Rights and Development Association
CC	Constitutional Council
CCJAP	Cambodia Criminal Justice Assistance Project
CDP	Cambodian Defenders' Project
CLEC	Community Legal Education Center
CSD	Center for Social Development
LICADHO	Cambodian League for the Promotion and Defense of Human Rights
MNA	Member of National Assembly
MoJ	Ministry of Justice
NA	National Assembly
NDI	National Democratic Institute for International Affairs
NEC	National Election Committee
NGO	Non-Governmental Organization
SCM	Supreme Council of Magistracy
SRP	Sam Rainsy Party



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NATIONAL DEMOCRATIC INSTITUTE FOR INTERNATIONAL AFFAIRS

The National Democratic Institute for International Affairs (NDI) is a nonprofit organization working to strengthen and expand democracy worldwide. Calling on a global network of volunteer experts, NDI provides practical assistance to civic and political leaders advancing democratic values, practices and institutions. NDI works with democrats in every region of the world to build political and civic organizations, safeguard elections, and promote citizen participation, openness and accountability in government.

Democracy depends on legislatures that represent citizens and oversee the executive, independent judiciaries that safeguard the rule of law, political parties that are open and accountable, and elections in which voters freely choose their representatives in government. Acting as a catalyst for democratic development, NDI bolsters the institutions and processes that allow democracy to flourish.

Build Political and Civic Organizations: NDI helps build the stable, broad-based and well-organized institutions that form the foundation of a strong civic culture. Democracy depends on these mediating institutions—the voice of an informed citizenry, which link citizens to their government and to one another by providing avenues for participation in public policy.

Safeguard Elections: NDI promotes open and democratic elections. Political parties and governments have asked NDI to study electoral codes and to recommend improvements. The Institute also provides technical assistance for political parties and civic groups to conduct voter education campaigns and to organize election monitoring programs. NDI is a world leader in election monitoring, having organized international delegations to monitor elections in dozens of countries, helping to ensure that polling results reflect the will of the people.

Promote Openness and Accountability: NDI responds to requests from leaders of government, parliament, political parties and civic groups seeking advice on matters from legislative procedures to constituent service to the balance of civil-military relations in a democracy. NDI works to build legislatures and local governments that are professional, accountable, open and responsive to their citizens.

International cooperation is key to promoting democracy effectively and efficiently. It also conveys a deeper message to new and emerging democracies that while autocracies are inherently isolated and fearful of the outside world, democracies can count on international allies and an active support system. Headquartered in Washington D.C., with field offices in every region of the world, NDI complements the skills of its staff by enlisting volunteer experts from around the world, many of whom are veterans of democratic struggles in their own countries and share valuable perspectives on democratic development.

National Democratic Institute for International Affairs (NDI)

**REPORT ON THE FORUMS ON
STRENGTHENING THE RULE OF LAW IN CAMBODIA**

**Held in Siem Reap on June 29-30, 2004; Kampong Cham on July 12-13, 2004;
and Phnom Penh, Cambodia on August 10-11, 2004**

EXECUTIVE SUMMARY

Cambodia has experienced more than two decades of war during which its infrastructure, including the legal system, was almost completely destroyed. To facilitate multi-sectoral dialogue on strengthening the rule of law in Cambodia, the National Democratic Institute for International Affairs (NDI) organized two regional forums in Siem Reap and Kampong Cham provinces, followed by a national forum in Phnom Penh.

The forums were attended by over 200 participants from 16 provinces, including government officials, representatives from the three major political parties, diplomats, lawyers, judges, representatives from the Ministry of Justice (MoJ), representatives from the Council for Legal and Judicial Reforms as well as representatives from the media and several NGOs. At the national forum, Mr. Gordon Davis, an international legal expert from the United States who has extensive experience on rule of law issues in Asia, participated as a resource person.

The forums discussed the issues and difficulties that impede the strengthening of the rule of law in Cambodia. The forums identified several problems, such as: the lack of independence of the judiciary; a lack of political will to establish an independent judiciary; political interference in judicial affairs; absence of adequate laws and sub-decrees; weak and discriminatory enforcement of laws; prevalence of corruption in the judiciary; scarcity of human and financial resources available to the judiciary; low level of citizens knowledge about laws and regulations due to inadequate legal education; and the reconstitution of the Supreme Council of Magistracy (SCM) that deals with recruitment, promotion, transfer and disciplinary measures of judges and prosecutors.

Participants identified ways to address the aforementioned problems. These included ensuring the principles of separation of power and independence of the judiciary by establishing needed laws and regulations with penal provisions to deal with political interference in judicial matters. Law enforcement needs to be strengthened by allocating adequate resources including infrastructure and capacity development programs to judicial and investigating officials. The long awaited anti-corruption law needs to be put in place urgently to deal with corruption of all sorts. Extensive legal education programs need to be undertaken to educate people on laws. Finally, the Supreme Council of Magistracy needs to be reconstituted by incorporating only non-partisan members.

National Democratic Institute for International Affairs (NDI)

**REPORT ON THE REGIONAL FORUMS ON
STRENGTHENING THE RULE OF LAW IN CAMBODIA
Held in Siem Reap on June 29-30, 2004 and Kampong Cham on July 12 – 13, 2004**

A. Introduction:

The National Democratic Institute for International Affairs (NDI) conducted two, two-day regional forums on "Strengthening the Rule of Law in Cambodia" in the provinces of Siem Reap and Kampong Cham on June 29-30, and July 12-13, 2004, respectively.

B. Participants:

The regional forums were attended by 90 participants. Sixty-eight of the participants came from the court system – judges, prosecutors, clerks, lawyers and police officers. Of the 90 participants, only eight were female (four from the court system). Other participants included two law teachers and 22 representatives of non-governmental organizations.

C. Objective:

The objective of the forums was to identify concrete and realistic steps to remedy problems encountered by the courts, prosecutors, judges, clerks and judicial police and to determine means of strengthening those positions and institutions. The forums also examined obstacles that impede the proper functioning of the courts, prosecutors, judges, clerks and police officers and developed a set of recommendations to bolster the rule of law in Cambodia.

This document identifies problems in strengthening the rule of law in Cambodia and includes recommendations to correct those problems based on the experiences of people engaged in administering the judicial system.

The findings are being presented to encourage further discussion at the National Forum on Strengthening the Rule of Law in Cambodia and will later be submitted to the Ministry of Justice (MoJ) and others concerned.

D. Format:

The forums were designed to be interactive and participatory in nature, encouraging participants to contribute their knowledge and share experiences with others. At each forum, four group discussions focused on critical issues and developed

recommendations. Group discussions were followed by presentations by group representatives on their findings. Court officials including prosecutors, judges, clerks and investigating police officers were afforded the opportunity to make panel presentations.

E. Proceedings:

1. Day One:

The forum began with a formal welcome by NDI and the introduction of participants followed by a statement of objectives and the rules of business. A keynote presentation made by Dr. Tip Janvibol, Advocate and Solicitor and former member of the National Election Committee gave a clear overview of the rule of law in Cambodia, its history, its elements, the roles and responsibilities of courts and the challenges faced by them. Recommendations for strengthening the rule of law in Cambodia and the role of courts, prosecutors, judges, clerks and the police were discussed. Following the presentation participants made comments and asked questions to which Dr. Janvibol responded.

Participants then broke into groups to identify problems that stand in the way of strengthening the rule of law in Cambodia. The groups discussed what is the rule of law; its problems, such as the lack of judicial independence, lack of political will, political interference and a culture of impunity, corruption in the judiciary, lack of adequate laws, regulations and procedures, lack of financial and human resources, and so on. Following the group discussion group representatives made presentations on the findings to a plenary session.

After lunch on the first day, Dr. Janvibol in Siem Reap and Dr. Sok Mathoueng, (a lawyer and solicitor and member of the Arbitration Council of Cambodia) in Kampong Cham gave presentations on solutions to problems identified earlier in the day. The presentations were followed by question and answer sessions. Participants then returned to group discussion to further develop solutions to the problems that stood in the way of strengthening the rule of law in Cambodia. The groups identified the five most important problems standing in the way of strengthening the rule of law in Cambodia.

2. Day Two:

The second day began with a review of the agenda, followed by presentations by representatives of provincial courts, and an investigating police officer's presentation on the problems faced by judicial officers and possible solutions. Participants were then encouraged to ask questions. Later on, participants broke into three groups to identify the challenges facing judicial officers (judges and clerks) and to identify, discuss and prioritize their top five recommendations. Representatives of each group made presentations and responded to questions and comments.

A final plenary discussed ways to move forward with the recommendations. It was agreed that after the recommendations were examined by a national forum, they be

forwarded to relevant authorities for follow up. Further, it was suggested that NDI form working groups or work with other organizations to conduct follow up programs to enhance the rule of law in Cambodia. Particularly, participants felt NDI could help to raise the level of legal awareness of the Cambodian people.

NDI resource persons and staff members facilitated group discussions throughout the forums.

F. DISCUSSION HIGHLIGHTS:

1. *Lack of independence of the judiciary:* Participants felt a key obstacle to strengthening the rule of law in Cambodia is the lack of independence of the judiciary from the influence of the executive. This, participants felt, is due to a lack of political will and commitment on the part of the leaders to establish independence of the judiciary.
2. *Inadequacy of laws:* Participants felt there were inadequate laws, regulations and procedures for the judiciary to function effectively and smoothly. A number of essential laws such as the new criminal code, criminal procedures, civil code and procedures and law of evidence are not yet in place. The laws passed by the National Assembly are sometimes drafted improperly, leaving loopholes and creating problems in interpretation and enforcement. In some instances laws exist but sub-decrees do not. Those laws cannot be enforced in the absence of sub-decrees. Many laws passed by the National Assembly require sub-decrees to implement. The sub-decrees are then formulated by the executive without oversight or monitoring. Adequate laws need to be put in place and the capacity of the legislative drafting arm of the ministries needs to be improved so that better quality laws are passed. Further, participants felt that the law-making process needs to be made more consultative so stakeholders are able to provide inputs into any new laws.

Participants strongly suggested that a code of ethics for judges and clerks be put in place. Such a code should clearly state punishments for wrong-doing and incentives for doing good work.

3. *Enforcement issues:* Participants felt many laws already exist but are not enforced. Political interference and corruption in the judiciary prevents law enforcement. Paucity of resources is another key reason because law enforcement agencies are sometimes unable to execute arrest warrants due to lack of proper transportation and coordination. In the past, laws, procedures and regulations already in place were not put into force. Participants also noted discrimination in law enforcement between the rich and the poor, and along political lines. Forum participants suggested that laws must be formulated to punish those involved in meddling with judicial matters and obstruction of justice.

4. *Prevalence of corruption:* Participants identified the prevalence of judicial corruption as another critical problem. Participants felt the judiciary is not different from other sectors of the society marked by corruption. Further, poor pay and benefits encourage officials to resort to corrupt means to sustain or enrich themselves. Participants felt a review of the service conditions of those involved with the judiciary has become essential. Participants suggested that educating people on the negative effects of corruption will help raise people's awareness and thus serve as a bulwark against corruption.
5. *Resource for the judiciary:* Participants unanimously felt that financial allocations to the judiciary are pitifully low (below one percent of the national budget) and need to be revised upwards. Salaries and benefits for the judges, court clerks, investigating officials and prosecutors are low and there are no appropriate court buildings or proper offices or court rooms for them to conduct their business.

Participants felt that there are inadequate numbers of judicial personnel. The number of judges, clerks, prosecutors, investigating judges and lawyers are not commensurate with the huge backlog of cases, particularly civil cases that remain pending within the court system. In some provinces lawyers are not available, causing obstruction to the disposal of cases. In several instances poor people are unable to hire the services of a lawyer because of the high cost. Efforts need to be made to recruit new personnel for the judiciary to meet the shortage of personnel but such recruitment ought to be done in a transparent manner through open competition.

In addition, there are problems with the transportation, communication, housing and the accommodation of judicial officials, security of judges and prosecutors and test laboratory facilities.

6. *Limited capacity and skill level of judicial and law enforcement officials:* Many judges have not been trained and oriented at the Royal School of Judges. Similarly, prosecutors and clerks require capacity building and skill development trainings. Extensive and continuous on the job training, orientation, and professional training are needed to beef up the capacity of those involved with the judiciary.
7. *Lack of cooperation from different agencies:* Other government agencies, for example the Land Ministry, do not always cooperate with the judiciary for disposal of land cases.

A further example: When arrest warrants are issued against people who move to another province after committing a crime, it is often difficult to execute such warrants due to a lack of cooperation and coordination among the various agencies.

8. *Need for legal education*: Participants underscored the need to promote public education and awareness about laws. Laws, new as well as old, need to be disseminated through various means including community education and the media. Courts should publicize their decisions. Participants felt the elected representatives should also play an active role in disseminating legal education.
9. *Amendments to the Supreme Council of Magistracy (SCM)*: Participants felt that the laws on the Organization and Functioning of the Supreme Council of the Magistracy, tasked with the responsibility of appointment, promotion, transfers and disciplinary measures of judges and prosecutors, should be amended. Critics point to the inability of the SCM to perform its role of promoting and ensuring the independence of the judiciary due largely to the partisan composition of the SCM. Participants suggested that the King should appoint a non-partisan and independent person as the Chairperson of the SCM, while other members of the SCM can be recruited from among non-partisan judges and prosecutors. The reconstitution of the SCM will enable it to exercise its designated functions.

G. GROUP DISCUSSION FINDINGS:

1. Problems that obstruct the strengthening of the rule of law in Cambodia:

- Lack of independence of the judiciary; a lack of political will to establish an independent judiciary; and political interference in judicial affairs
- Absence of consistent, clear, internally coherent and well drafted laws, sub-decrees and procedures to ensure independence and proper functioning of the judiciary
- Law enforcement weak and discriminatory
- Prevalence of corruption in the judiciary
- Scarcity of resources available to the judiciary – both financial and non-financial
- Low level of citizens' knowledge about laws and regulations due to low level of legal education
- The Supreme Council of the Magistracy's composition needs to be amended to make it fully functional.

2. Recommended solutions to the problems encountered in the process of strengthening the rule of law in Cambodia:

- Establish adequate laws and regulations to make the judiciary independent and develop political will and create laws with penal provisions to deal with political interference in judicial matters.
- Laws to establish the independence and for smooth conduct of business of the judiciary must be framed early, with public input and be free from loopholes and inconsistencies.
- Law enforcement should be strengthened by allocating more resources and capacity development programs to improve the efficiency of law enforcement

agencies. Political interference must be dealt with under the law and offenders punished.

- The issue of corruption in the judiciary ought to be dealt with through a multi-pronged approach. The long awaited Anti Corruption Law needs to be put in place and, if need be, special laws should be formulated to deal with corruption in the judiciary. Anti corruption education needs to be undertaken to raise people's awareness about the negative impact of corruption.
- More resources need to be allocated to the judiciary for it to be able to function smoothly. Besides financial resources, human resources need to be upgraded.
- Extensive public education about legal issues needs to be conducted to raise awareness. NGOs, community organizations and the media should be used. Members of parliament can also play a critical role.
- Amend the composition of the Supreme Council of Magistracy to include non-partisan members.

3. Problems faced by the courts as identified through group discussion:

- Political interference
- Shortage of judges, prosecutors, court clerks and lawyers
- Low capacity of judicial officials
- Low budget, pay and perks
- Inadequate and ill-equipped courthouses, courtrooms and chambers along with transportation and communication problems
- Lack of code of conduct for judges

4. Recommended solutions to the problems faced by the courts:

- Create stringent laws to deal with cases of political interference
- New judges, prosecutors, clerks and lawyers needs to be recruited to address shortage of personnel in the judiciary. Conscious efforts to recruit bright young people into the judiciary should be made. NGOs need to continue to provide legal assistance to the poor so that they can have access to lawyers. Legal support facilities should also be established by the government to ensure that the poor have access to legal assistance.
- Judicial officials need regular on the job and other professional development training. All judges should be oriented and trained at the Royal School of Judges. Similar training and orientation programs must be available for prosecutors and clerks.
- Financial allocations to the judiciary need to be increased. The salaries and perks of judicial officials need upward revisions.
- Appropriate and well appointed courthouses, chambers and courtrooms need to be set up for court officials in keeping with the dignity of the judiciary.
- A code of conduct for judges needs to be put in place.

NATIONAL DEMOCRATIC INSTITUTE FOR INTERNATIONAL AFFAIRS (NDI)

**REPORT OF THE NATIONAL FORUM ON
STRENGTHENING THE RULE OF LAW IN CAMBODIA
Held at the Sunway Hotel, Phnom Penh on August 10-11, 2004**

A. Introduction:

The National Democratic Institute for International Affairs (NDI) organized a two-day national forum on “*Strengthening the Rule of Law in Cambodia*,” held on August 10th and 11th, 2004 at the Sunway Hotel in Phnom Penh. This event followed the two regional forums on the Rule of Law held in Siem Reap and Kampong Cham provinces in June and July 2004.

B. Attendance:

The national forum was attended by 129 participants from 16 provinces, including government officials, representatives from the three major political parties, diplomats, lawyers, judges, representatives from the Ministry of Justice, representatives from the Council for Legal and Judicial Reforms as well as representatives from the media and several NGOs. An international legal expert, Mr. Gordon Davis from the United States, with extensive experience on the rule of law issues in Asia, participated as a resource person at the forum.

C. Goal of the Forum

The National Forum on “**Strengthening the Rule of Law in Cambodia**” reflected on issues and difficulties that impede the strengthening of the rule of law in the Kingdom of Cambodia, addressed through the sharing of experiences and open discussions.

Specific recommendations were made by the forum participants to improve the rule of law in Cambodia, to encourage the government to work within the legal framework and to ensure that all people are equal before the law.

D. The First Day Proceedings:

On the first day five sessions were held, beginning at 0800 and ending at 1630. The forum began with the playing of the national anthem and a welcoming speech from Mr. Mark Wallem, Senior Resident Director of the National Democratic Institute for International Affairs in Cambodia. Mr. Tarikul Ghani, NDI’s Technical Adviser, then presented the goals, ground rules and agenda of the forum to participants.

In his keynote address, Mr. Gordon Davis, international legal expert, presented his paper “*Strengthening the Rule of Law in Developing Countries: Priorities and Challenges*.” Mr. Davis provided useful recommendations on the methods and activities that could help

Cambodia become a country that heeds the rule of law. Following his speech participants raised questions and suggestions.

Following the above exchange the first session of the forum began with Dr. Tip Janvibol, lawyer and member of the Permanent Coordination Unit of the Council for Legal and Judicial Reforms and former member of the National Election Committee, made a presentation on “Strengthening the Rule of Law in Cambodia.” Dr. Janvibol described the history and elements that make up the rule of law, the current situation in Cambodia, the independence of the judiciary and legal framework, and the role of the legislative, executive and judicial bodies. He also discussed the challenges facing law enforcement officials and made specific recommendations for improving the rule of law in Cambodia. Participants then raised questions and added their recommendations.

During the second session, reports from the two regional forums on “Strengthening the Rule of Law in Cambodia,” one of which was held in Siem Reap province on June 29-30, 2004 and the other in Kampong Cham province on July 12-13, 2004, were presented by Mr. Ghani.

The third session included three speakers: 1) H.E. Sam Sok Phal, Vice President of the Council, Lawyer and Member of the Permanent Coordination Unit of the Council for Legal and Judicial Reforms at the Council of Ministers; 2) H.E. Y Dorn, Secretary of State at the Ministry of Justice; and 3) Dr. Say Bory, former member of the Constitutional Council, gave presentations on “Pushing for the Independence of the Judiciary in Cambodia.” Presentations were followed by questions and suggestions on the issue to which the panel speakers responded.

Following lunch, the fourth session addressed “Political Interference in the Work of the Judiciary.” Three speakers, 1) H.E. Son Soubert, member of the Constitutional Council; 2) Dr. Chhim Phal Varun, Legal Adviser of the National Assembly; and 3) Mr. Thun Saray, President of ADHOC, addressed the subject, followed by a question and answer session.

The fifth and final session of the day featured two speakers: 1) H.E. Maonh Saphan, Chairman of the Commission for Interior, National Defense and Investigation and 2) Mr. Heav Veasna, Managing Director of the Center for Social Development (CSD), discussed “Corruption Within the Justice System.” This stimulating session led many participants to express their opinions in the question and answer session which followed the formal presentations.

E. The Second Day Proceedings:

The second day of the forum began at 0800 and ending at 1700. A review of the agenda by Mr. Muth Channtha, Senior Program Manager for NDI Cambodia, was followed by a second presentation from Mr. Gordon Davis, on “Justice System Reform: Challenges and Priorities for Cambodia.” Mr. Davis gave useful recommendations for reforming the justice system in Cambodia, followed by suggestions and questions from participants.

The sixth session, “Available Resources for the Court: Current Situation and Future Prospects,” featured two speakers, 1) H.E. Neou Kassie, Secretary of State at the Ministry

of Justice and 2) H.E. Dr. Ngy Tayi, Under-Secretary of State at the Ministry of Economy and Finance. The discussion focused on the availability and distribution of resources for the courts. At present, many observers feel the court system lacks both financial and non-financial resources. A question and answer session followed the speakers' presentations.

Three speakers from three organizations addressed the topic and took questions relating to the seventh session, "Roles of Civil Society in Strengthening the Rule of Law in Cambodia: Realities, Challenges, Lessons-learned and Future Prospects;" 1) Mr. Sok Sam Ourn, Executive Director of the Cambodian Defenders Project (CDP); 2) Mr. Yeng Virak, Executive Director of the Community Legal Education Center (CLEC); and 3) Mr. Craig Ewers, project consultant at Cambodia Criminal Justice Assistance Project (CCJAP).

The eighth session began with speakers from the three major political parties addressing the "Roles of Political Parties in Strengthening the Rule of Law in Cambodia." Speeches were delivered by 1) H.E. Chea Cheth, Chairman of the Senate's Commission on Interior, National Defense and Investigation; 2) H.E. Khiev San, Member of the National Assembly; and 3) H.E. Keo Remy, Member of the National Assembly (MNA); all focused on how political parties can prevent their members from interfering in court processes.

During the final session three speakers made recommendations for improving the rule of law in Cambodia, specifically the establishment of an independent court system and ensuring that government works within the framework of law. The three speakers were 1) H.E. Kong Sareach, Senate Member; 2) H.E. Meng Ritta, Senate Member; and 3) Mrs. Kek Galabru, President of LICADHO. Their presentations were followed by questions and suggestions from participants.

The two-day forum concluded with brief closing remarks from Mr. Gordon Davis and Mr. Mark Wallem.

F. Results of Plenary Discussions

I. The First Day

- 1. Strengthening the rule of law in developing countries:** Participants felt a country under the rule-of-law must have a fair, independent, and non-partisan judicial system. This requires the good intentions of the power elite in the country and establishing institutions that will promote respect for the law and educate people so there is a general awareness of the laws.

Participants recommended that the three branches of government, especially the judiciary, must be independent, and not be subject to legislative or executive pressures. The government should disseminate laws through the media and by any other means that can reach large numbers of people. Participants also suggested the media charge reasonable fees for assisting such dissemination so that they can afford to implement the campaign.

- 2. Strengthening the rule of law in Cambodia:** Participants felt that the proper application of the principles of separation of powers is critical to the strengthening of the rule of law in a representative democracy. Separation of powers is a system in which the powers in a state are separated among the legislative body which passes laws, the judiciary which enforces the law, and the executive which runs the government. It is important to separate the three branches of the government as well as to apply principles of "checks and balances" so that the powers of the three branches are not unrestrained. Additionally, there is a serious lack of dissemination of laws passed by the parliament among the citizens and relevant persons.

Participants recommended that government should consider civil society as one of the key players in the process of building the rule of law. If there is no civil society or if the civil society does not play its designated role under a democracy, a country will become dictatorial.

A law should be enacted requiring the dissemination of laws with penal provision for failure. If an institution fails to disseminate a law within, say, three months of its passage, they must be punished according to the law. Funds are needed for the effective dissemination of laws. For instance, the court's prosecution office does not know the laws adopted by the National Assembly. The dissemination must be carried out with the collaboration of both the government and civil society in order for it to be effective.

- 3. Pushing for the independence of the judiciary in Cambodia:** Participants felt that, despite a separation of the three branches of government, judges and prosecutors are not working independently. Therefore, reasons for the lack of independence need to be considered. Attempts have now been made to amend laws in order to serve the interests of a small handful of individuals, without taking into account the legal framework. Participants felt the rule of law focuses only on the independence of the judiciary, but does not consider other related issues. The courts currently lack judicial instruments such as laws on civil procedures, administration and business, making it difficult for them to enforce the law. A lack of laws is a challenge facing the country.

Participants recommended that politicians educate themselves in order to respect the laws and to serve the country's interests and not their own self-interest. Donor countries and organizations should pay more attention to the legislative branch and other institutions in order to assist Cambodia in the future.

- 4. Political interference in judicial affairs:** Participants felt powerful people are untouchable. They intervene in 30 percent of cases, either by threatening to remove officials from office or by bribing them. Participants felt the judiciary has no power because the King, guarantor of the judiciary's independence, reigns but does not have any power, and as a result, the judiciary is powerless too. The judiciary alone should not be blamed; it is important that the National Assembly (NA) pass good laws.

Participants recommended that the legislative institution that represents the people be strengthened because the people vote to elect their representatives, but they seem

to be powerless in the National Assembly. People should be educated to pressure their leaders in order to change their political intentions and make them more responsive to the needs of the people.

- 5. Corruption within the justice system:** Participants felt not all courts are corrupt or without conscience. Cambodia's current judicial system faces many difficulties including the lack of human resources, proper infrastructure such as well equipped offices, and trained judges. For instance, Battambang Provincial Court has only one room for hearings. Requests have been made to the government for 10 years but no attention has been paid to this matter. Salaries are too low to support a proper living for court officials when compared with other similar countries.

Participants recommended that the government should raise the salaries of judges equal to that received by members of parliament. Other judicial staff salaries must also be increased. For example, if the judge's salary is 1.8 million Riels and the salary of the prosecutor is only 120,000 Riels, a big gap is created that leads to disincentive to work.

II. The Second Day

- 1. Justice system reform:** In order to achieve justice, the media must be strong, playing a proactive role. In Cambodia, the danger for journalists is grave and news is seen as dangerous and potentially destabilizing. The media does not generate profits so journalists write – or do not write – stories based on pressure and bribes. The writing style in news articles remains far below international standards. Journalists should have the national interest at heart and not act only upon self-interest. The media should comply with the constitution, relevant regulations and a professional code of ethics in order to avoid abusing the rights of other people.

The lack of a strong and independent media means the absence of a strong tool for advocacy and constructive criticism of the government. Assisting the media requires robust support from the international community, both in terms of material and skill development, through which the media representatives can become better informed, skilled and able to push their politicians for positive changes.

Lawyers play an important role in building the rule of law by interpreting laws and answering legal questions, but their salaries are inadequate, thus leading to corruption. Out of 100 Cambodian lawyers only two or three are trained to a proper professional standard and most of them work only in the cities. There is also a lack of infrastructure and legal instruments.

Participants recommended the establishment of legal institutes to provide more training for law practitioners, as well as for journalists reporting court affairs, especially in the provinces. The code of ethics for lawyers should be strengthened and improved.

- 2. Role of civil society in strengthening the rule of law in Cambodia:** Participants

thought building the rule of law cannot be achieved without participation from civil society. Just having laws is not enough; we must enforce these laws and disseminate them to the people. Civil society is a driving force that helps prevent leaders from acting at will and pushes the government to work within the legal framework. Participants thought Cambodian politicians have not given anything new to the people; they just walk behind them and do not lead them. Civil society plays a role in changing the way people choose their leaders by raising public awareness rather than changing the attitude of the leaders. Also, participants felt many politicians do have good intentions but fail to comply with the constitution and respond to public needs.

Participants recommended the establishment of a legal system or other force, such as advocacy through civil society and the media, rather than waiting for politicians to take the lead.

3. Roles of political parties in strengthening the rule of law in Cambodia:

Participants felt judges should not join political parties. Members of the Council of Magistracy said that they had not joined any political parties. The recent addendum to the constitution providing for a “package vote” to approve the National Assembly and the Government at the same time was seen by some as a setback for the rule of law¹. More recently, members of parliament from the Sam Rainsy Party have been excluded from National Assembly’s commissions. The rule of law signifies that the people are supported by the law, and the law must serve the interests of the people. Law-making institutions must belong to the people who have to live by the law rather than to those who exercise undue political influence.

Participants recommended that the three branches of government in the country be independent of one another and equal. The number of judges should be increased to at least one thousand so they can promptly hear cases.

4. Recommendations for improving the rule of law in Cambodia: Participants felt more than 80 percent of draft laws came from the government while only 20 percent came from the National Assembly. For instance, there is only one law on combating AIDS that has been created by the National Assembly. This shows that very little has been done by the people’s representatives – they act only for the interests of their party.

Participants recommended that:

- Cambodia should not only focus on judicial reform and building the rule of law, but also on reforming all systems.

¹ This controversial measure necessitating a Constitutional amendment, was not in itself unconstitutional but the manner of its passing raised concerns when the King, who must assent to all laws, refused to sign the necessary legislation and delegated his responsibility to Senate (and CPP) President Chea Sim, who in turn also refused to sign it. Chea was taken for unexpected medical treatment to Thailand after his house was surrounded by troops, leaving the signing of the “package vote” amendment to Deputy President of the Senate Nhek Bunchhay.

- Efforts should be increased to educate people about laws, especially laws that enable them to push their leaders in the right direction.
- Salaries of government employees should be increased to eliminate corruption.
- Civil society should be given space to contribute to the process of building the rule of law.
- An anti-corruption law should be adopted as soon as possible in order to eliminate corruption within the three branches of government – legislative, executive and judiciary.
- Develop human resources, such as judges and lawyers, who can help educate people in rural areas.
- The government should provide both material and technical assistance for the judiciary so it can implement its work smoothly.
- Leaders should set a good example by respecting laws adopted by the National Assembly.
- Judges should not join political parties; they should be neutral so people can rely on them.

Appendix A: Regional Forum Agendas



**Regional Forum
On Improving the Rule of Law in Cambodia
June 29-30, 2004
Venue: Freedom Hotel
Siem Reap Province**

Day one: Tuesday, June 29, 2004

07:30 – 08:00 Registration

08:00 – 08:10 Welcoming Remarks by Channtha Muth, Senior Program Manager, NDI

08:10 – 08:20 Presentation of Forum objectives and Rules of Procedure by Tarikul Ghani, Technical Adviser, NDI

08:20 – 09:20 **“Strengthening the Rule of Law in Cambodia”**: Background, Rule of Law defined, elements of rule of law, current status of the rule of law, independence of the judiciary, promoting rule of law, legal framework, issues of legislation, roles of legislative; executive; and judicial body, challenges faced by law enforcement officials and specific recommendations for improving the rule of law in Cambodia.

Presenter: Dr. TIP Janvibol, Advocate and Solicitor

Followed by comments, questions and answers.

09:20 – 09:45 Coffee break.

09:45 – 11:30 Group Discussion on Rule of Law in Cambodia:

Participants will be divided into 2 or 3 groups. Each group will have one facilitator and a note-taker who will also present the group findings at the plenary session. This session will allow participants from different social segments to share their thoughts and experiences on the rule of law in Cambodia and identify problems and challenges. The top five problems will have to be identified by the groups. Each group will address the following questions:

1. What is the rule of law? What are the elements of the rule of law?

2. What are the problems that stand in the way of strengthening the rule of law in Cambodia in terms of:
- a) The independence of judiciary;
 - b) Are there adequate laws and regulations to ensure proper functioning of the judiciary?
 - c) Is financial allocation for the judiciary adequate? How much is allocated for the judiciary now?
 - d) Are the process of appointment, promotion of judges, their remuneration and training facilities, terms and conditions of employment sufficient to support judicial independence?;
 - e) Do law enforcement officials (prosecutors and judicial police) meet the expectations of the people? Are they able to discharge their responsibilities in accordance with law and the principles of rule of law?
 - f) Do court officials (judges and clerks) perform according to law? Are they qualified and competent to discharge their functions?
 - g) Any other issues?

These questions are not exhaustive; groups may discuss other relevant issues in addition.

11:30- 12:15 Presentations of the group discussion by each of the three groups. *10 minutes each group followed by questions and answers.*

12:15-13:45 Lunch break

13:45-14:15 Presentation on solutions to the problems identified in the group discussions in terms of strengthening the rule of law in Cambodia.

Presentation by Dr. Tip Janvibol, Advocate and Solicitor – 15 minutes
Question and answers – 15 mins

14:15-15:45 Group discussion on identifying and recommending solutions to problems already identified in group discussions earlier in the day in relation to strengthening rule of law in Cambodia.

Again, the groups will break out to identify the solutions to the problems that stand in the way of rule of law and prioritize top five recommendations. NDI facilitators will facilitate discussions and note-takers will take note for group presentation.

15:45- 16:00 Coffee break

16:00- 16:45 Presentation on group discussions on problems encountered by the law enforcement officials by three groups followed by questions and answers. Each group will get 10 minutes for presentation.

16:45 Close for the day.

18:30 Dinner

Day two: Wednesday, June 30, 2004

08:00-08:30 Registration

08:30- 08:40 Review agenda – Ghani

08:40-09:20 Presentation on role, responsibilities of the court officials (judges and clerks), problems faced by them and possible solutions to eliminate those problems.

Presentation by:

1. **A Judge** – 10 mins
2. **A Clerk** – 10 mins

Discussion for 20 mins.

09:20 – 09:40 Coffee break

09:40 – 11:20 Group discussion on problems faced by court officials (Judges and Clerks) and identifying specific recommendations to offset those problems. The groups will prioritize top five problems and recommendations through group discussion.

11:20 – 12:00 Presentation of findings by groups on problems faced by court officials and specific recommendations to offset those problems. 10 minutes for each group to be followed by open discussions, questions and answers.

12:00 – 13:30 Lunch break

13:30 – 14:00 Presentation on role, responsibilities of the enforcement officials (prosecutors and judicial police), problems faced by them and possible solutions to eliminate those problems.

Presentation by:

1. **A Prosecutor** – 10 mins
2. **A Judicial Police Official** – 10 mins

Discussion – 20 mins

14:00 – 15:30 Group discussion on problems faced by enforcement officials (prosecutors and judicial police) and identifying specific recommendations to offset those problems. The groups will prioritize top five problems and recommendations through group discussion.

15:30 – 16:00 Presentation of findings by working groups on problems faced by enforcement officials and specific recommendations to offset those problems. 10 minutes for each group to be followed by open discussions, questions and answers.

16:00 – 16:30 How to move forward to promote the rule of law based on the recommendations identified by the groups.
Facilitated discussion. Facilitators: Channtha/ Ghani

16:30 Closing.



**Regional Forum
On Strengthening the Rule of Law in Cambodia
July 12-13, 2004
Venue: Phnom Pros Hotel
Kampong Cham Province**

Day one: Monday, July 12, 2004

07:30 – 08:00 Registration

08:00 – 08:05 National Anthem

08:05 – 08:25 Welcoming Remarks and Presentation of forum objectives and rules of procedure by Tarikul Ghani, Technical Adviser, NDI

08:25 – 08:45 Self introduction of participants

08:45 – 09:45 **“Strengthening the Rule of Law in Cambodia”**: Background, Rule of Law defined, elements of the rule of law, current status of the rule of law, independence of the judiciary, promoting rule of law, legal framework, issues of legislation, roles of legislative, executive, and judicial organs, challenges faced by law enforcement officials and specific recommendations for improving the rule of law in Cambodia.

Presenter: Dr. Tip Janvibol, Advocate and Solicitor

Followed by comments, questions and answers.

09:45 – 10:00 Coffee break.

10:00 – 11:30 Group Discussion on the Rule of Law in Cambodia:

Participants will be divided into 3 groups. Each group will have one facilitator and a note-taker who will also present the groups findings at the plenary session. This session will allow participants from different social segments to share their thoughts and experiences on the rule of law in Cambodia and identify problems and challenges. Each group will address the following questions:

1. What is the rule of law? What are the elements of the rule of law?
2. What are the problems that stand in the way of strengthening the rule of law in Cambodia in terms of:
 - a) the independence of judiciary;
 - b) are there adequate laws and regulations to ensure proper functioning of the judiciary?

[These questions are not exhaustive and groups may discuss other relevant issues as time allows]

Facilitators:

Group one: Dr. Tip Janvibol, Advocate and Solicitor
Note taker: Keth Monorom Field Coordinator, NDI.

Group Two: Mr. Lee Sothearayuth Program officer, NDI.
Note taker: Mis. Yim Sokunmealea field Coordinator, NDI.

Group three: Mr. Tarikul Ghani Technical Adviser, NDI.
Note taker: Un Oeurn Program Assistant, NDI.
Translator Mr. Channa.

11:30- 12:00 Presentations of the group discussion by each of the three groups.
10 minutes each group followed by questions and answers.

12:00-13:45 **Lunch break**

13:45-14:15 Presentation on solutions to the problems identified in the group discussions in terms of strengthening the rule of law in Cambodia.

Presentation by Dr. Tip Janvibol, Advocate and Solicitor – 15 minutes
Question and answers – 15 mins

Moderator: Lee Sothearayuth, Program Officer, NDI

14:15-15:45 Group discussion on identifying and recommending solutions to problems already identified in group discussions earlier in the day in relation to strengthening the rule of law in Cambodia.

The groups will break out to identify the solutions to the problems that stand in the way of establishing the rule of law in Cambodia and prioritize top five recommendations. NDI facilitators will facilitate discussions and note-takers will take note for group presentation.

Facilitators

Group one: Dr. Tip Janvibol, Advocate and Solicitor

- Group Two: Note taker Keth Monorom Field Coordinator, NDI.
Mr. Lee Sothearayuth Program officer, NDI.
Note taker Mis. Yim Sokunmealea field Coordinator, NDI.
- Group three: Mr. Tarikul Ghani Technical Adviser, NDI.
Note taker Un Oeurn Program Assistant, NDI
Translator: Mr. Channa
- 15:45- 16:00 Coffee break.
- 16:00- 16:45 Presentation by group representatives on group discussions on solutions to problems that stand in the way of establishing the rule of law in Cambodia followed by questions and answers. Each group will get 10 minutes for presentation.
- 16:45 **Close for the day.**
- 18:30 Dinner at the Phnom Pros Restaurant,

Day two: Tuesday, July 13, 2004

- 08:00-08:30 Registration
- 08:30- 08:40 Review agenda – Ghani
- 08:40-09:40 Presentation on problems faced by court officials (judges and clerks and police offer) and possible solutions to eliminate those problems.
- Presentation by:
1. Mr. Ing Saron President of Kampong Chhnang Provincial Court – 10 mins.
 2. Mr. Noek Vanny Clerk from Prey Veng provincial court – 10 mins.
 3. Mr. Kang Sakhorn, Police Commissary from Kampong Cham Province. Discussion for 30 minutes.
- Moderator: Dr. Tip Janvibol, Advocate and Solicitor
- 09:40 – 10:00 Coffee break
- 10:00 – 11:30 Group discussion on problems faced by court officials (Judges and Clerks) and identifying specific recommendations to offset those problems. The groups will prioritize top five problems and recommendations through group discussion.

Facilitators:

Group one: Dr. Tip Janvibol, Advocate and Solicitor
Note taker Keth Monorom Field Coordinator, NDI.

Group Two: Mr. Lee Sothearayuth Program officer, NDI.
Note taker Mis. Yim Sokunmealea field Coordinator, NDI.

Group three: Mr. Tarikul Ghani Technical Adviser, NDI.
Note taker Un Oeurn Program Assistant, NDI.
Translator: Mr. Channa

11:30 – 12:00 Presentation of findings by groups on problems faced by court officials and specific recommendations to offset those problems. 10 minutes for each group to be followed by open discussions, questions and answers.

12:00 – 13:30 Lunch break.

13:30 – 14:30 How to move forward to promote the rule of law based on recommendations identified by the groups.
Facilitated discussion. Facilitators: Rayuth / Ghani

14: 30 Awarding certificate to participants
Closing.

Appendix B



AGENDA
National Forum
On
Strengthening the Rule of Law in Cambodia
August 10-11, 2004
Venue: Sun Way Hotel
Phnom Penh

Day one: Tuesday, August 10, 2004

08:00 – 08:30 Registration

08:30 – 08:35 National Anthem

08:35 – 08:45 Welcome remarks by Mr. Mark Wallem, Senior Resident Director, NDI Cambodia

08:45 – 08:55 Presentation of forum objectives, rules of procedure and review of agenda by Mr. Tarikul Ghani, Technical Adviser, NDI Cambodia

08:55 – 09:40 **Keynote Address:** “Strengthening the Rule of Law in developing countries: Priorities and Challenges”

By Mr. Gordon Davis, International Legal Expert – 30 mins – OK
Moderator: Mr. Mark Wallem, Senior Resident Director, NDI Cambodia

Open discussion, comments, questions and answers – 15 mins

09:40 – 10:00 Coffee Break

10:00 – 10:45 **Session I: “Strengthening the Rule of Law in Cambodia”:** Background, Rule of Law defined, elements of the rule of law, current status of the rule of law, independence of the judiciary, promoting rule of law, legal framework, issues of legislation, roles of legislative, executive, and judicial organs, challenges faced by law enforcement officials and specific recommendations for improving the rule of law in Cambodia.

By: Dr. Tip Janvibol, Advocate and Solicitor – 25 mins – OK

Moderator: Mr. Dominic Cardy, Senior Program Manager, NDI Cambodia

Open discussion, comments, questions and answers – 20 mins

10:45 – 11:05 **Session II:** Presentation of Findings of the Regional Forums on Strengthening the Rule of Law in the provinces of Siem Reap and Kampong Cham.

By Mr. Tarikul Ghani, Technical Adviser, NDI Cambodia

11:05 -12:20 **Session III:** Presentations on “Upholding the independence of the judiciary in Cambodia: Problems and Progress”

This session will assess how much independence Cambodian judiciary has? What efforts have been made to uphold the independence of the judiciary? What are the problems that impede establishment of an independent judiciary? Speakers will also highlight efforts at judicial reform undertaken so far in Cambodia and their status.

Speakers:

1. H.E.Mr. **Sam Sok Phal**, Vice-Chairman of the Council of Jurists of the Council of Ministers of the Royal government of Cambodia - OK
2. H.E.Mr. **Y Dan**, Secretary of State of Ministry of Justice – 15 mins- OK
3. Dr. **Say Bory**, Lawyer and former member of the Constitutional Council – 15 mins – OK

Moderator: Mr. Nay Dina, Executive Director, Khmer Institute for Democracy (KID) – OK

Open discussion, comments, questions and answers – 25 mins

12:20-14:00 Lunch Break

14:00 – 15:15 **Session IV:** Presentations on “ Political Interference in the judiciary: how do we deal with it?”

Political interference has been identified as the key problem in the process of strengthening the rule of law in Cambodia. The speakers will discuss the causes that prompt interference in the judiciary; what forms does political interference take and what can be done to eliminate it. How can the position of judicial officials be secured so they can ward off political interference?

Speakers:

1. H.E.Mr. **Son Soubert**, Member of the Constitutional Council – 15 mins – OK

2. **Dr. Chhim Phalvorun**, Legal expert on constitutional law, NA – 15 mins – OK

3. Mr. **Thun Saray**, President. Adhoc – 15 mins – OK

Moderator: Mr. Gordon Davis, International Legal Expert

Open discussion, comments, questions and answers – 30 mins

15:15 – 15:30 Coffee break

15:30 – 16:30 **Session V:** Presentations on “Corruption in the judicial system: How to eliminate this vice”

Corruption plagues the judiciary in Cambodia. The speakers will look into the causes of corruption and ways to eliminate it including laws and mechanisms or enforcing punitive action, against corrupt officials. Speakers will focus on the need to remove the causes of corruption and make recommendations.

Speakers:

1. H.E. Mr. **Monh Sophan**, MP & Chairman, Interior, National Defense, Investigation and Cleaning Commission of National Assembly. – 15 mins – OK

2. Mr. **Heav Veasna**, Managing Director, Center for Social Development (CSD) – OK Moderator: Chanththa Muth, Senior Program Manager, NDI

Open discussion, comments, questions and answers – 30 mins

16:30 Close for the day.

DAY TWO: Wednesday, August 11, 2004

08:00-08:30 Registration

08:30- 08:40 Review agenda – Mr. Chanththa Muth, Senior Program Manager, NDI Cambodia

08:40-09:40 **Special Session II** – Presentation on “Judicial Reform: challenges and priorities for Cambodia”

by Mr. Gordon Davis, International Expert – 35 mins – OK

Moderator: Mr. Tarikul Ghani, Technical Adviser, NDI Cambodia

Open discussion, comments, questions and answers – 25 mins

09:40 – 10:00 Coffee Break

10:00 – 11:15 **Session VI:** Presentations on “Resources available for the Judiciary: Present status and future prospects”

This session will deal with the availability and allocation of resources to the judiciary. Participants at the regional forums raised concerns about inadequate resources, both financial and non-financial. There is not enough money for the judiciary to set up appropriate, well equipped court rooms; a problem compounded by inadequate human resources available to the judiciary. The number of judges, prosecutors, court clerks and lawyers are pitifully low compared to the needs. Is the Ministry of Finance able to allocate the required financial resources to ensure the smooth functioning of the judiciary? Are there prospects for the judiciary to receive the required financial and non-financial support from other sources in the future?

Speaker: 1. H.E.Mr. **Kassie Noeu**, Secretary of State of Ministry of Justice – 15 mins – OK

3. H.E.Dr. **Ngay Tayi**, Under-Secretary of State of Ministry of Finance & Economy

Moderator: Dr. Sok Mathoeung, Member of Arbitration Council and Lawyer – OK

Open discussion, comments, questions and answers – 30 mins

11:15 – 12:30 **Session VII:** Presentation on “ The Role of civil society in strengthening the rule of law in Cambodia: Realities, Challenges, lessons learned, future prospects”

Civil society plays an important role in establishing the rule of law in Cambodia. For example, some NGOs provide legal services for poor people unable to pay for lawyers. Some NGOs conduct legal education campaign to raise public awareness about laws. Speakers will discuss civil society interventions to strengthen the rule of law, lessons learned, and future role of civil society to strengthen the rule of law in Cambodia.

Speakers: 1. Mr. **Sok Sam Oeurn**, President, Cambodia Defender’s Project (CDP) – (15 mins) OK

2. Mr. **Yeng Virak**, Executive Director, CLEC – (15 mins) – OK

3. Mr. **Craig Ewers**, Project Adviser, Cambodia Criminal Justice Assistance Project (CCJAP) – (15 mins) – OK

Moderator: Kek Galabru, President of Licadho – OK

Open discussion, comments, questions and answers – 30 mins

12:30 – 14:00 Lunch

14:00 – 15:15 **Session VIII:** Presentation on “Role of political parties in strengthening the rule of law in Cambodia”

Political parties are critical to strengthening the rule of law in Cambodia. Members of political parties often interfere in the affairs of the judiciary; how can the parties prevent them from meddling? How can the parties play a more pro active role in strengthening the rule of law in Cambodia? What are political parties doing to strengthen the rule of law? Speakers will address these and other relevant issues.

Speakers:

1. H.E.Mr. **Khieu San**, MP – 15 mins
 2. H.E.Mr. **Chea Chet**, Chairman of Interior, National Defense, Investigation and Cleaning Commission of the Senate, – 15 mins – OK
 3. H.E. Mr. **Keo Remy**, Member of Parliament – 15 mins - OK
- Moderator: Mr. Dominic Cardy, Senior Program Manager, NDI Cambodia

Open discussion, comments, questions and answers. – 30 mins

15:15 – 15:30 Coffee break

15:30 – 16:45 **Session IX:** Presentations on “Recommendations for improving the rule of law in Cambodia”

This session will discuss specific recommendation to strengthen the rule of law in Cambodia including but not limited to establishing an independent judiciary and making government operate within the framework of law.

Speakers:

1. H.E.Mr. **Kong Sareach**, senator – 15 mins - OK
2. H.E.Mr. **Meng Rita**, Senator – 15 mins (OK)
3. Ms. **Kek Galabru**, President of Licadho – 15 mins - OK

Moderator: Mr. Gordon Davis, International Legal Expert

Open discussion, comments, questions and answers. – 30 mins

16: 45 – 17:00 Closing remarks by:

1. Mr. Gordon Davis, International Expert
2. Mr. Mark Wallem, Senior Resident Director, NDI Cambodia.

Appendix C

List of Participants Regional Forum on Strengthening the Rule of Law June 29, 2004, Freedom Hotel, Siem Riep

No	Title	First Name	Last Name	Job Title	Organization
Prosecutor judge, and clerk (Judicial Officials)					
1	Mr	Vuth	Van Am	President	Provincial court of Preah Vihear
2	Ms	Kim	Dany	Judge	Provincial court of Battambang
3	Mr	Bou	Bun Hang	Deputy prosecutor	Provincial court of Siem Riep
4	Mr	Pang	Khlin	Judge	Banteay meanchey
5	Mr	Neou	Yarath	Judge	Banteay Meanchey
6	Mr	Nil	Non	President	Battambang
7	Mr	Ith	Samphors	Judge	Provincial court of Battambang
8	Mr	Sun	Rith	Deputy Prosecutor	Provincial court of Battambang
9	Mr	Nhung	Thol	Prosecutor	Provincial court of Banteay Meanchey
10	Mr	Ang	Mealaktey	Vice-president	Provincial court of Siem Riep
11	Mr	Chuon	Serei	Court Clerk	Banteay Meanchey
Lawyer					
12	Mr	Chhou	Sok Heng	Lawyer	Banteay Meanchey
13	Mr	Chhoeurn	Sokhom	Lawyer	
14	Mr	Phan	Chansak	Lawyer	Siem Riep
15	Mr	Ham	Mony	Private lawyer	Battambang
16	Mr	Chhor	Sithay	Lawyer	Siem Riep
17	Mr	Ray	Bunthoeun	Lawyer	Battambang
18	Mr	Chhin	Leun	lawyer	Siem Riep
19	Dr	Tip	Janvibol	Lawyer	Tip&Partners/Phnom Penh
Provincial Police					
20	Mr	Nuth	Ly	Inspector	Battambang
21	Mr	Bath	Santha	Inspector	Siem Riep
22	Mr	Yang	El	Head of Criminal Unit	Banteay Meanchey
23	Mr	Chea	Thoun	Deputy chief of provincial police	Battambang
24	Mr	Chao	Maovireak	Chief of immigration unit	Banteay Meanchey
Legal Academicians					
25	Mr	Ly	Sophanna	Legal Lecturer	BBU in Siem Riep
26	Mr	Oeurn	Sokha	Legal Lecture	BBU in Siem Riep
Local NGOs					

27	Mr	Ker	Loeurt	Coordinator	Vigilance
28	Mr	Choup	Veasna	Monitoring Officer	Licadho
29	Mr	Mao	Yin	Coordinator	Adhoc
30	Mr	Pol	Sun	Legal Officer	CWCC
31	Mr	Son	Van Sanh	Coordinator	KKKHRA
32	Mr	Em	Sovann	Lawyer	CDP
NDI NGO Partners					
33	Mr	Liv	Roeun	Director	Hi-Free
34	Mr	Yoeun	Yoeut	Director	B&D
35	Mr	Mornh	Samien	Director	CWF
36	Ms	Chin	Da	Program Staff	CWF
37	Mr	Sok	Sophal	Coordinator	BFD
NDI staff					
38	Mr	Tarikul	Ghani	Technical Adviser	NDI
39	Mr	Lee	Sothearayuth	Program Officer	NDI
40	Mr	Un	Oeurn	Program Assistant	NDI
41	Mr	Prum	Sophal	Field Coordinator	NDI

List of Participants
Regional Forum on Strengthening the Rule of Law
July 12-13, 2004, Phnom Pros Hotel, Kampong Cham

No	Title	First Name	Last Name	Job Title	Organization
Judge, prosecutor and clerk (Judicial Officials)					
1	Mr	Meach	Kresna	Judge	Provincial court of Svay Rieng
2	Ms	Chhim	Chhoeun	Judge	Provincial court of Kampong Speu
3	Mr	Pol	Vorn	Judg	Provincial court of Kampong Speu
4	Ms	So	Thida	Court clerk	Kampong Cham
5	Mr	Ven	Yoeun	Prosecutor	Provincial court of kampong Speu
6	Mr	Neak	Vuthana	Deputy prosecutor	Provincial court of Kampot
7	Ms	Be	Kimyieng	Judge	provincial court of Kampong Cham
8	Mr	Kim	Eng	Deputy chief of provincial court	Provincial court of Prey Veng
9	Ms	In	Manith	Judge	Provincial court of Kampot
10	Mr	Ek	Chheng Hout	Prosecutor	Provincial court of Kampong Chhnang
11	Mr	Sim	Sarun	Deputy prosecutor	Kampong Cham
12	Mr	Nhek	Vanny	Court clerk	Provincial court of Kampong Cham
13	Mr	Hang	Sitha	Judge	Provincial court of Prey Veng
14	Mr	Pok	Son	Court clerk	Provincial court of Kampot
Provincial court Lawyer and Private Lawyer					
15	Mr	Mam	Yem	Lawyer	Provincial court of Kampong Chhnang
16	Mr	Heng	Poung	Lawyer	Provincial court of Kampong Speu
17	Dr	Sok	Mathoeurng	Lawyer/Arbitrator	CBA
18	Mr	Hout	Sophorn	Lawyer	Provincial court of Kampong Chhnang
19	Dr	Tip	Janvibol	Lawyer	Tip&Partners/Phnom Penh
Provincial Police and Military Police					
20	Mr	Sok	Chan Dorn	Deputy Chief of Provincial Police	Provincial Police Department of Svay Rieng
21	Mr	Chhim	Chhoeun	Deputy Chief of Provincial Police	Provincial Police Department of Kampong Speu
22	Mr	Nut	Norn	Commander of Provincial Military Police	Provincial Military Police of Svay Rieng

23	Mr	Chan	Chanthoeun	Provincial Military Police Commander	Provincial Military Police of Kampot
24	Mr	Sun	Sarun	Deputy Chief of Provincial Police	Provincial Police of Kampot
Citizens involved in litigants					
25	Mr	Hiek	Seng	Citizen	Kampong Cham
26	Ms	Vang	Moeun	Citizen	Kampong Cham
27	Mr	Dy	Phorn	Citizen	Kampong Cham
Local NGOs					
28	Mr	Prak	Phin	Coordinator	LAC/kampong Cham
29	Mr	Soung	Khun Vireakboth	Coordinator	Licadho/Kampong Cham
30	Mr	Bun	Rithy	Coordinator	KID/Kampong Cham
31	Ms	Kry	Siden	Coordinator	KYA/Kampong Cham
32	Mr	Heang	Chamroeun	Coordinator	Vigilance
33	Mr	Sok	Hay	Legal Officer/Lawyer	CDP
NDI NGO Partners					
34	Mr	Chhoeung	Savuthy	Executive Director	Vuddhanak/Kampong Chhnang
35	Mr	Kuch	Bunrey	Program Staff	RADE/Prey Veng
36	Ms	Ly	Romnea	Program Staff	CDRCP/Kampot
37	Ms	Ven	Veasna	Program Staff	Santisena/Svay Rieng
38	Mr	Ang	Chumno	Coordinator	NAPA/Kampong Speu
39	Mr	Cheat	Voha	Program Staff	NAS/Kampong Cham
NDI staff					
40	Mr	Tarikul	Ghani	Technical Adviser	NDI
41	Mr	Lee	Sothearayuth	Program Officer	NDI
42	Mr	Un	Oeurn	Program Assistant	NDI
43	Mr	Kit	Monorom	Field Coordinator	NDI

Appendix D

List of Participants National Forum on Strengthening the Rule of Law in Cambodia August 10-11, 2004, Sunway Hotel, Phnom Penh

No	Title	First Name	Last Name	Job Title	Organization/Institution
Government					
1	H.E.Mr	Noeu	Kassie	Secretary of State	Ministry of Justice
2	H.E.Mr	Y	Dan	Secretary of State	Ministry of Justice
3	H.E.Ms	Saphan	Kaniseth	Under Secretary of State	Ministry of Justice
4	H.E.Mr	Sam	Sokphal	Vice-Chairman of the Council of Jurists	Council of Ministers of the Royal Government of Cambodia
5	H.E.Mr	Ngy	Tayi	Under-Secretary of State	Ministry of Finance & Economy
6	Mr	Phov	Samphy	Head of Department	Ministry of Justice
7	Mr	Phy	Sok Heng	Assistant to Vice-Chairman of the Council of Jurists	Council of Ministers of the Royal Government of Cambodia
Constitutional Council					
8	H.E.Mr	Son	Soubert	Member of the Constitutional Council	Constitutional Council
9	H.E.Ms	Sam	Nipha	Member of the Constitutional Council	Constitutional Council
National Election Committee (NEC)					
10	Mr	Kan	Sophearak	Media Officer	NEC
Senators					
11	H.E.Mr	Meng	Rita	Senator	Senate
12	H.E.Mr	Chea	Chet	Senator	Senate
13	H.E.Mr	Kong	Sareach	Senator	Senate
14	H.E.Mr	Thach	Setha	Senator	Senate
15	H.E.Ms	Men	Maly	Senator	Senate
16	Mr	Kit	Touch	Member of Legal Advisory Council	Senate
17	Dr	Jay	Menal	Adviser	Senate
National Assembly					
18	H.E.Mr	Keo	Remy	Member	National Assembly
19	H.E.Mr	Monh	Saphan	Member	National Assembly
20	H.E.Mr	Khieu	San	Member	National Assembly
21	H.E.Mr	Khem	Veasna	Member	National Assembly
22	H.E.Mr	Ngor	Sovann	Member	National Assembly
23	H.E.Ms	Ker	Sovannarath	Member	National Assembly
24	Dr.	Chhim	Phalvorun	Adviser	National Assembly

25	Mr.	Ith	Sarun	Assistant to MP	National Assembly
26	Mr	Sin	Sambo	Legal Officer	National Assembly

Political Parties

27	H.E.Mr.	Ker	Bunkheang	Deputy Chief of Cabinet	CPP
28	H.E.Mr.	Som	Soeun	Deputy Chief of Cabinet	CPP
29	Mr.	Kong	Vuthy	Member	CPP
30	Ms	Kettia	Voleak	Deputy Secretary-General in Charge of Women	SRP
31	Mr	Koeung	Mao	Member of Steering Committee	SRP

Judicial Officials

32	Mr	Ang	Mealaktei	Deputy director	Provincial court of Siem Riep
33	Ms	Svay	Sisarouth	Director	Provincial court of Prey Veng
34	Ms	Be	Kimyieng	Judge	Provincial court of Kampong Cham
35	Mr	Ing	Sarun	Judge	Provincial court of Kampong Chhnang
36	Mr	Ven	Yeoun	Prosecutor	Provincial court of Kampong Speu
37	Mr	Uth	Van Am	Judge	Provincial court of Preah Vihear
38	Mr	Nil	Non	Director	Provincial court of Battambang
39	Mr	Nhoung	Thol	Prosecutor	Provincial court of Banteay Meanchey
40	Mr	Tan	Senarong	Judge	Municipal Court of Phnom Penh
41	Mr	Mong	Monychakriya	Judge	Supreme court
42	Mr	Prak	Savuth	Court Clerk	Municipal court of Phnom Penh

Lawyers

43	Dr	Tip	Janvibol	Advocate and Solicitor	Tip&Partners
44	Dr	Sok	Mathoeung	Lawyer and Arbitrator	Bar Association
45	Dr	Say	Bory	lawyer	Bar Association
46	Ms	Chhun	Vinita	Lawyer	Bar Association
47	Mr	Yin	Savath	Lawyer	Bar Association
48	Mr	Ros	Monin	Lawyer	BAKC
49	Mr	Nou	Tepirith	Attorney	Bar Association

Media

50	Mr	Sok	Heng	Journalist	Sin Chew Daily
51	Ms	Mam	Sinan	Editor	Reast Sachak News
52	Mr	Ngor	Salong	Reporter	Sin Chew daily
53	Mr	Pen	Sangha	Report	TVK

54	Mr	Chan	Sophoeun	Reporter	TV9
55	Ms	Mann	Kosema	Reporter	TV9
National Non-Governmental Organizations (National NGOs)					
56	Mr	Koul	Panha	Executive Director	COMFREL
57	Dr	Hang	Puthea	Executive Director	NICFEC
58	Mr	Thun	Saray	President	ADHOC
59	Ms	Gek	Galabru	President	LICADHO
60	Ms	Nay	Dina	Executive Director	KID
61	Mr	Sok	Sam Oeun	President	CDP
62	Mr	Yeng	Virak	Executive Director	CLEC
63	Mr	Heav	Veasna	Managing Director	CSD
64	Mr	Meas	Samnang	Deputy Director	LAC
65	Mr	Seng	Bunthoeun	President	CORD
66	Ms	Son	Ketsereileak	Program Coordinator	COMFREL
67	Ms	Kieng	Piseth	Legal Officer	COMFREL
68	Mr	Kuy	Chandarith	Media Program Coordinator	COMFREL
69	Mr	Sek	Sophorn	Program Officer	CLEC
70	Mr	Heang	Path	Research and Information Officer	CDRI
71	Mr	Lay	Sovathara	Program Officer	CLEC
72	Ms	Ngoun	Makara	Court Monitor	CSD
73	Ms	Kim	Siratanak	Deputy Director	SSSJC
74	Mr	Tieng	Sophorn	Advocacy Officer	SK
75	Ms	Sam	Phally	Legal Assistant	Tip & Partners
76	Mr	Mar	Sophal	Monitoring Program Coordinator	COMFREL
77	Mr	Ros	Savy	Media Program Assistant	COMFREL
78	Mr	Ny	Chakrya	Monitoring Coordinator	ADHOC
79	Mr	Op	Vibol	Head of TU	LAC
80	Mr	Khlorck	Dara	Project Manager	PMU/CLJR
81	Mr	Heal	Soksary	Project Manager	CSD
82	Mr	Vuthy	Hornq	Researcher	CDRI
83	Ms	Audra	Behm	Legal Adviser	KID
84	Mr	Sourn	Phearith	Supervisor	SILAKA
85	Mr	Teang	Sreng	Trainer	SILAKA
NDI's NGO Partners					
86	Ms	Yos	Thy	Executive Director	KWWA
87	Ms	Hak	Sopheakry	Coordinator	NICFEC
88	Ms	Leng	Sothea	Executive Director	CDRCP
89	Mr	Leav	Roeun	Executive Director	Hi-Free
90	Mr	Yoeun	Yoeurt	Executive Director	B&D
91	Mr	Chhoeung	Savuthy	Executive Director	VIJITHANAK
92	Ms	Ang	Chamroeun	Executive Director	NAPA
93	Mr	Mornh	Samean	Executive Director	CWF
94	Mr	Kuch	Borey	Program Staff	RADE

95	Mr	Men	Vandy	Program Staff	CEPA
96	Mr	Sok	Sophal	Coordinator	BFD
97	Mr	Pen	Sy	Coordinator	Vigilance
98	Mr	Yin	Ketomarak	Executive Director	CDW
99	Mr	Im	Yoeun	Program Staff	NAS
Embassies					
100	H.E.Mr	Takahashi	Fumiaki	Ambassador	Japanese Embassy
101	Mr	Theo	Kidess	Counselor	German Embassy
102	Mr	Michael	Roussek	Political Officer	US Embassy
103	Ms	Khak	Chinda	Political Assistant	US Embassy
International NGOs					
104	Mr	Kuy	Neam	Program Officer	TAF
105	Mr	Rath	Sophoan	Project Specialist	USAID
106	Mr	Kong	Rady	OHCHR	Legal Assistant
107	Mr	Vong	Ton	UNHCHR	Judicial Assistant
108	Ms	Christina	Koch	Project Director	EWMI
109	Ms	Chrea	Dalya	Legal Assistant	EWMI
110	Mr	Sakano	Issei	Legal and Judicial Project Coordinator	JICA
111	Mr	Lutley Shaun	Martin	Adviser	NACD
112	Mr	Mom	Saroeun	Program Officer	KAF
113	Dr	Ken	Yutsumoto	Researcher	RULE
114	Ms	Lim	Chanlida	Advocacy Officer	VAWCC
115	Mr	Craig	Ewers	Project Adviser	Cambodian Criminal Justice Assistance Project (CCJAP)
116	Mr	Chor	Siek Veng	Project Assistant	Cambodian Criminal Justice Assistance Project (CCJAP)
117	Mr	Othman	M.	Adviser	UNDP
118	Mr	Ernesto	Bautista	Adviser	UNDP
119	Ms	So	Linda	Program Assistant	UNDP
NDI Staff					
120	Mr	Mark	Wallem	Senior Resident Director	NDI-Cambodia
121	Mr	Tarikul	Ghani	Technical Adviser	NDI-Cambodia
122	Mr	Muth	Channtha	Senior Program Manager	NDI-Cambodia
123	Mr	Dominic	Cardy	Senior Program Manager	NDI-Cambodia
124	Mr	Gordon	Davis	International Legal Expert	NDI-Cambodia
125	Mr	Preap	Kol	Senior Program Officer	NDI-Cambodia
126	Mr	Lee	Sothearayuth	Program Officer	NDI-Cambodia
127	Mr	Un	Oeun	Program Assistant	NDI-Cambodia
128	Mr	Kith	Monorom	Field Coordinator	NDI-Cambodia
129	Ms	Kong	Chanthavy	Intern	NDI-Cambodia

Appendix E

List of Speakers and Moderators National Forum on Strengthening the Rule of Law in Cambodia August 10-11, 2004, SunWay Hotel, Phnom Penh

No	Title	First Name	Last Name	Job Title	Organization
Opening Session					
1	Mr	Mark	Wallem	Senior Resident Director	NDI
2	Mr	Tarikul	Ghani	Technical Adviser	NDI
3	Mr	Gordon	Davis	International Legal Expert	Oversea
Panel Speakers					
4	H.E.Mr	Son	Soubert	Member	Constitutional Council
5	H.E.Mr	Sam	Sokphal	Vice-Chairman	Council of Jurists of the Council of Ministers of the Royal Government of Cambodia
6	H.E.Mr	Y	Dan	Secretary of State	Ministry of Justice
7	H.E.Mr	Noeu	Kassie	Secretary of State	Ministry of Justice
8	H.E.Mr	Chhim	Phalvorun	Adviser	National Assembly
9	H.E.Mr	Ngy	Tayi	Under-Secretary of State	Ministry of Finance and Economy
10	H.E.Mr	Monh	Saphan	Member	National Assembly
11	H.E.Mr	Khieu	San	Member	National Assembly
12	H.E.Mr	Keo	Remy	Member	National Assembly
13	H.E.Mr	Chea	Chet	Senator	Senate
14	H.E.Mr	Meng	Rita	Senator	Senate
15	H.E.Mr	Kong	Sareach	Senator	Senate
16	Dr.	Tip	Janvibol	Advocate and Solicitor	Tip and Partners
17	Dr.	Say	Bory	Lawyer	Bar Association
18	Ms	Kek	Galabru	President	LICADHO
19	Mr	Heav	Veasna	Managing Director	CSD
20	Mr	Craig	Ewers	Project Adviser	Cambodian Criminal Justice Association Project (CCJAP)
21	Mr	Tarikul	Ghani	Technical Adviser	NDI-Cambodia
22	Mr	Thun	Saray	President	ADHOC
23	Mr	Yeng	Virak	Executive Director	CLEC
Moderators					
24	Mr	Dominic	Cardy	Senior Program Manager	NDI-Cambodia
25	Ms	Nay	Dina	Executive Director	KID
26	Mr	Muth	Channtha	Senior Program Manager	NDI-Cambodia
27	Dr	Sok	Mathoeung	Member of Arbitration Council and Lawyer	Arbitration Council

**List of Speakers and Moderators
Regional Forum on Strengthening the Rule of Law
June 29-30, 2004, Freedom Hotel, Siem Riep Province**

No	Title	First Name	Last Name	Job Title	Organization
Opening Session					
1	Mr	Muth	Channta	Senior Program Manager	NDI
2	Mr	Tarikul	Ghani	Technical Adviser	NDI
Panel Speakers					
3	Dr	Tip	Janvibol	Advocate and Solicitor	Tip and Partners
4	Mr	Ang	Mealaktey	Vice-President	Provincial Court of Siem Riep
5	Mr	Chuon	Serey	Court Clerk	Provincial Court of Banteay Meanchey
6	Mr	Chea	Thuon	Deputy Chief of Provincial Police	Provincial Police of Bttambang
7	Mr	Nhuong	Thol	Prosecutor	Provincial Court of Banteay Menachey

**List of Speakers and Moderators
Regional Forum on Strengthening the Rule of Law
July 12-13, 2004, Phnom Pros Hotel, Kampong Cham**

No	Title	First Name	Last Name	Job Title	Organization
Welcoming Remarks					
1	Mr	Tarikul	Ghani	Senior Resident Director	NDI
Panel Speakers					
2	Dr	Tip	Janvibol	Advocate and Solicitor	Tip and Partners
3	Mr	Ing	Sarin	Judge	Provincial Court of Kampong Chhnang
4	Mr	Noek	Vanny	Court Clerk	Provincial Court of Prey Veng
5	Mr	Kang	Sakhorn	Police Commissioner	Provincial Police of Kampong Cham
Facilitators					
6	Mr	Lee	Sothearayuth	Program Officer	NDI
Note-Takers					
7	Mr	Kith	Monorom	Field Coordinator	NDI
8	Mr	Un	Oeurn	Program Assistant	NDI
9	Ms	Yim	Sokunmealea	Field Coordinator	NDI