

# Cambodia New Vision

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**28 August 2007** (Unofficial Translation of Selected Comments)  
**Inaugurating Achievements in Champuh Kaek Pagoda**



28 August 07—Samdech Hun Sen and Madame Share Joy with People in Kandal Province's Cham Puh Kaek Buddhist Pagoda.

... Today, my wife and I are pleased to join with all of you to put into official use the great residential hall of Buddhist monks and other achievements in the pagoda of Champuh Kaek, in the province of Kandal...

In the name of the Royal Government I wish to express my gratitude and high appreciation for achievements in this pagoda thanks to contributions made by its followers from near and far. I feel that I should say a few words in relation to these achievements.

The Governor of Kandal province, HE Chhun Sirun already mentioned in his report about achievements that are taking place in the pagoda.

The pagoda has indeed stretched its existence to about 131 years now dated from 1876. The pagoda was in its dilapidated state in the time of war in between

1970-1975 and the time of genocide in between 1975-1979.

Rebirth of the Cambodian people from those cruel periods brought about also the rebirth of Buddhism, which the majority of Cambodians follow. As of now we have a report that about 4,000 pagodas have been completed their renovations or constructions.

In the whole country we have only 1,621 communes. Taking the number of pagoda into account, we see that in average we have between two and three pagodas per commune.

This suggests clearly that we have more pagodas than the number of communes. We have yet to count in other meditation centers that are built both officially and unofficially.

In 1997 I came and stayed  
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**Updates of Samdech Hun Sen's Biography in Section of Education Achievements, Titles, Awards & Medals**  
(as of July 27th 2007, [www.cnv.org.kh](http://www.cnv.org.kh))

On July 27, 2007, the Association of Certified Commercial Diplomats (ACCD), City of London, England, the first independent international Professional Body of Certified Diplomats, admits Samdech Hun Sen to the rank, privileges, distinction and status of "Chartered Diplomat" with perpetual right to append the letters "C Dipl" in response to his success and fulfillment of ACCD's prescribed requirements through integrity, commitment and outstanding achievements in Diplomacy and Peace Building.

*For his great efforts and contributions to national reconciliation, peace, and the socio-economic development of Cambodia, Hun Sen is awarded the title of "Samdech" by*  
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**13 August 2007** (With Unofficial Translation of Selected Comments)  
**New Criminal Procedure Code, End of 1992-UNTAC Law**

... I am very delighted to participate in the dissemination of the **Criminal Procedure Code** which reflects the commitment and the efforts of the Royal Government to reform and enhance legal framework that is the foundation for functioning and strengthening the rule of law aiming at promoting the respect for human rights and dignity.

Indeed, the development of this **Criminal Procedure Code** is the priority in the action programs for implementing the Legal and Judicial Reforms of the Royal Government of Cambodia adopted on the 29<sup>th</sup> of April 2005.

In this spirit, the development of the **Criminal Procedure**

Code is the new and proud achievement of the Royal Government to modernize legal framework through developing other codes after the recent adoption of the **Civil Procedure Code** on 17<sup>th</sup> July.

Taking this opportunity and on behalf of the Royal Government of Cambodia, I would like to highly praise the Ministry of Justice for its cooperation with France to organize the dissemination of **Civil Code** Procedure conference which is an important legal foundation that  
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here overnight for the inauguration of the Buddhist temple in this pagoda, which was scheduled to take place early morning after.

The soloist Prach Chhuon made a request in his song for school buildings and I offered to build one in Takeo province in response to the request. The land area of the pagoda was only a size of two hectares and thanks to the wisdom of Samdech Preah Buddhivang the size has been enlarged to over 12 hectares.

If we take a look at this achievement in front of us here as well as throughout the country, the residential hall has in itself adapted to a level of not just a villa but a hotel. I wish on this occasion to express my sincere appreciation for the progress made in this pagoda, which has a total cost of 492,524 US dollars.

I heard my wife's conversation with HE Tia Banh and HE Nhek Bun Chhay that it would have been impossible to raise this amount of money in the secular interest. Well that will completely depend on people's belief.

I would take this occasion to remind religious persons that no matter what religion they believe in they should see the merit of good deed since each religion never instructs its followers to perform deeds that are resulting in bad karma.

The pagoda was indeed commencing 131 years ago. After the first Head Monk of this pagoda Keo Sam, Samdech Preah Buhhivang Am Lim Heng, who in his 43 years old, would go on with

his leadership for further progress. I mention various times about a question that was raised to the leaders of the Cambodian People's Party (CPP) of "how long would Buddhism exist?"

We always responded that "it will exist until it has no believers." As long as our people believe in Buddhism, this religion will continue to exist.

Take for instance in the time of the Pol Pot regime, they had been eradicating religions, Buddhism included, and the pagoda of Champuh Kaek was one of their killing sites. Soon after 1979, Buddhism came back to existence and has made great development. No single Buddhist monk or anyone could build such a tremendous achievement if it were not because of people's belief.

I also took note that the reconstruction effort of this pagoda was enabled by a Katina (a Buddhist ritual to collect resources to provide for the Buddhist monks in the time of fast) headed by my wife in 2002, and many dignitaries and charitable persons thereafter in 2003, 2004 ... 2006 etc.

What impresses me most is the fact that along with the expansion of the land area to over 12 hectares, about 1,000 luxury wood trees and countless fruit trees have been planted.

I would recall that in between 1995-96 I initiated a "Marriage Park" in a place by the side of Wat Phnom Tumpek in the purpose of mobilizing people who are getting married to plant a tree in it for younger generations. If it was conducted in

this manner throughout the country, we would have abundance of trees for our children, grandchildren and great grandchildren.

A good example could be mentioned is that there are in all 86 Buddhist disciples and 25 orphans living in this pagoda. If 4,000 pagodas throughout the country would do the same we would have done a great deal for needy people, which is a critical relief for the Royal Government.

I would once again express my gratitude to those efforts made by our Buddhist monks in pagodas throughout the country in providing help to needy people in matter of food and place to stay.

Perhaps you all have heard, in the past two days, a demand has been made by a group of ill-intentioned persons to strip of the immunity of Samdech Preah Norodom Sihanouk, our Heroic King Father.

The Royal Government of Cambodia, the Senate, the National Assembly and various political parties could not stay idle in face of such a provocation and abuse. This is indeed a grave matter of concern. It could be said an insult not only for the Heroic King Father but also our people.

We should see through this intention and try by all means to prevent their demand from being realized.

Our Heroic King Father, who led the country under the colonial rule since when he was 19 years old, has gone through uncountable sufferings in his capacity as a King unlike those in other countries. Samdech Preah

Norodom Sihanouk led a crusade to mobilize people's support to demand independence from France which was later given in November 1953.

I would say that under his rule Cambodia developed to a great extent. Countries around us were engulfed one way or another in war while Cambodia enjoyed peace, though for a brief period of time.

Take for instance pagoda takes a leading development role and those who reside in the pagodas, I was one of them, also had a chance to further education. The coup of March 18, 1970, brought us all a great loss and pain, as Samdech Preah Norodom Sihanouk was abroad. The coup plunged the country into war.

They now want to transform victims to be criminals to be convicted. To put blame on Samdech Preah Norodom Sihanouk is to curse the movement for independence of the country.

Last Sunday I sent minutes of the meeting of the Pol Pot's Permanent Committee of Democratic Kampuchea dated March 11, 1976.

It was a scaring one. Samdech Preah Norodom Sihanouk at that time requested to resign (from the post of President of Democratic Kampuchea) in two letters which was available in two languages - Khmer and French.

One letter is about resignation and the other an appeal to the people. In the minutes, there was this request to wire to his children to return to the country to join the

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**23 August 2007** (Unofficial Translation of Selected Comments)  
**Addressing 7th ASEAN Telecom. and IT Ministerial Meeting**

... I would like to extend my warmest welcome to Your Excellencies, Telecommunication and IT Ministers of ASEAN member countries, Ministers from other partner countries, ASEAN Secretary General as well as Ambassadors, members of delegations and all distinguished guests who are here.

Today marks another important event for the Kingdom of Cambodia to host the 7<sup>th</sup> ASEAN Telecommunication and IT Ministerial Meeting in the Siem Reap province of Angkor – the ancient Capital of the Khmer civilization and the land of our wonder Angkor complex heritage.

Indeed, the 7<sup>th</sup> Telecommunication and IT Ministerial Meeting (TELMIN) and other relevant meetings in the next two days are very timely organized as the Royal Government of Cambodia is actively promoting the implementation of policies and strategies to develop the Telecommunication and IT sector, aimed at narrowing the Digital Divide between Cambodia and other countries in ASEAN and in the world.

This would contribute to reducing poverty and supporting development, and helping gain appropriate benefits from regionalization and globalization.

Socio-economic environment at the present time clearly showed that South-East Asia has reached a favorable stage of economic integration and regional cooperation in all sectors. In this spirit, all 10 ASEAN member countries have firmly committed to cooperation for mutual benefit of

all members. In this regard, the Royal Government of Cambodia commits to continuing and deepening this cooperation through regional community integration, focusing on narrowing development gap among ASEAN member countries, and pooling the ASEAN members and other development partner countries to joint the implementation of **“Initiative for ASEAN Integration”**. Among other, Telecommunication and IT cooperation plays a vital role in this initiative.

Last year, the Ministers of Telecommunication and IT successfully convened its Sixth Ministers’ Meeting in Brunei Darussalam on the 18<sup>th</sup>-19<sup>th</sup> September 2006. The ASEAN Ministers approved 11 projects and set many important directions and strategies for enhancing ASEAN cooperation in telecommunication sector. At the same time, the ASEAN Ministers agreed on the Brunei Darussalam Action Plan for enhancing ASEAN’s capability to improve ASEAN competitiveness in Telecommunication and IT sectors, aimed at expanding the internal integration of ASEAN as well as connecting ASEAN economy to the world economy.

One year after the Sixth Ministerial Meeting on Telecommunication and IT, we have worked together very closely and smoothly to develop the sector to become a pre-requisite tool for all spectrums of our people’s livelihood. We have recognized that Telecommunication and IT sector plays a very important role in promoting national and world

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*His Majesty the King Samdech Preah Norodom Sihanouk.*

He has a B.A. in Politics from the Cambodian Tertiary Education, a Ph.D. in Political Science from the National Political Academy in Hanoi (1991), and two Honorary Doctorates -- a Ph. D. in Politics from the Southern California University for Professional Studies, USA (1995), and a Ph.D. of Law from IOWA Wesleyan College, USA (1996).

**On December 02, 1996** the World Peace Academy presented Samdech Hun Sen with the World Peace Award. As the sixth person, and the first in South Asia, to attain this honorable award, the Academy conferred three titles on Samdech Hun Sen -- 1) the Human Cultural Asset, 2) the Roving Ambassador for Peace, and 3) the World Peace Congressman.

**On April 10, 2001** in Seoul, the Awarding Committee of Graduate School of Dankook University in South Korea bestowed the Honorary Doctorate in Political Sciences upon Prime Minister Samdech Hun Sen in recognition of contributions to the recovery of peace and stability in Cambodia, the improvement of diplomatic relations between Cambodia and the Republic of Korea, and his efforts towards East-Asian cooperation.

**On November 15, 2001** Samdech Hun Sen was bestowed with the Honorary Doctorate Degree of Political Science (Honoris Causa) in the field of Foreign Relations from the University of Ramkhamhaeng, Thailand.

**On December 22, 2001** Sri Chinmoy of the International Peace Center presented Samdech Hun Sen with "Lifting Up the World with a Oneness-Heart" Award. It was presented in recognition of achievements scored by Samdech Hun Sen both in quantitative and qualitative terms.

*Sri Chinmoy refers to Samdech Hun Sen as an instrument selected by the Lord Buddha to save millions of people of Cambodia from deaths, to provide them with education, food and shelters, to build them schools, hospitals and water canals, and to lead Cambodia into ASEAN.*

**On August 6, 2002** Samdech Hun Sen was admitted as a member the Academy of Natural Sciences of the Russian Federation and was conferred with a medal in recognition of his leadership in bringing peace, stability and socio-economic development for Cambodia.

**On September 04, 2002** the Committee of ASEAN Engineering Federation (AFF) presented Samdech Hun Sen with the title of "ASEAN Distinguished Honorary Fellow Member" -- the AEF's highest honorary title and the first one ever presented.

*This is to recognize his national consciousness and leadership ability in ending civil war, carrying all-field rehabilitation and development, and giving opportunity to Cambodian engineers to take part in the process of national recon-*

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tial and opportunities in the cooperation of ASEAN IT and telecommunication sectors for fulfilling our efforts to achieve the national development policy agenda, as stated above. Clearly, human and institutional capacity building is the important key in these operations. Therefore, I would like to request that ASEAN telecommunication and IT ministers and ministers of partner countries to keep the particular focus on this problem. In this context, I believe that the establishment of “**ASEAN Telecommunication and IT Fund**” is the key to further accelerate the pace of program implementations and action plans in telecommunication and IT sectors. I also believe that the fund will contribute substantially to our effort to reduce digital divide among ASEAN members.

Furthermore, I strongly hope that ASEAN Telecommunication and IT ministers do acknowledge contribution from the private sector in helping to achieve this objective, and further cooperate with one another to create a special attractiveness of ASEAN to attract the participation of private sector in this crucial sector. Indeed, the member governments are directly responsible for creating a conducive environment, which encourages investments from the private sector in Telecom and IT sectors.

I would like to take this opportunity to warmly welcome and to express my profound appreciation to our development partners including ASEAN and non-ASEAN private business sectors that have actively contributed to the rehabilita-

tion and development of the telecommunications and IT sector in Cambodia so far.

We are particularly proud of companies that emerged from our ASEAN members such as Malaysia, Thailand and Vietnam for having looked at Cambodia as an ideal place for their investments.

This year marks the 40<sup>th</sup> anniversary of the ASEAN. Cambodia is extremely proud to have contributed appropriately to the regional efforts toward achieving peace, prosperity and harmony in ASEAN since the first day of its membership, through complying strictly with the principles of democracy and market economy, respecting and protecting human rights, ensuring peace, stability and national reconciliation.

Although Cambodia is one of the youngest members, which has relatively weaker capacity among other ASEAN members, we are determined to act as an active member participating in all ASEAN's work effectively, equally and equitably. We have a strong hope that the efforts and determinations of the RGC and its people, together with the generous supports from ASEAN and non-ASEAN partners, will help Cambodia to achieve its ambitious targets.

I hope the 7<sup>th</sup> Telecommunication and IT ASEAN Ministerial Meeting will produce fruitful results which will bring new ideas to sharpen the competitiveness of the Telecommunication and IT sector in the region and to transform this sector into an important mean to enhance economic growth and reduce poverty... ■

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*struction and development.*

**On April 10, 2004** the governors and the senate of the Irish International University of the European Union confer the Honorary Degree of Doctor of Philosophy in Political Science upon Samdech Hun Sen and in recognition of Samdech's contributions and achievement, the Irish International University also honors Samdech with the Medal of Excellence 2004.

**On July 09, 2004** in recognition of his contribution to and achievements in the defense, construction and development of Cambodia, his proven leadership with advanced political sciences, of reforms in all fields, especially in high education, and in maintaining the national reconciliation, stability, peace and regional integration, the University of Cambodia grants Samdech Hun Sen the Honorary Doctorate Degree in Political Science.

**On September 15, 2004** Samdech Hun Sen has been accepted and sworn in as a member of the Bar Association of Cambodia.

**On September 06, 2005** once again, in deepest admiration for Samdech Hun Sen's tireless service for the progress of Cambodia and the entire ASEAN nations, *Sri Chinmoy Centers International* presented Samdech with its highest award -- the U Thant Peace Award.

**On March 21, 2006** during the official visit to the Republic of Korea, the Soon Chun Hyang University in Seoul conferred Samdech Hun Sen an Honorary Doctor of Philosophy in Political Science to signify his leading contribution in the reconstruction of and devoting physical and spiritual efforts for peace and prosperity in Cambodia and South East Asia as a whole, and particularly in promoting friendly relations with the Republic of Korea.

**On June 28, 2006** in appreciation and tribute to Samdech Hun Sen's various important contributions to the world of education, his reassuring determination for the well being of his people and the vast improvement of Cambodia-Thailand relations, the Council of Bansomdejchaopraya Rajabhat University unanimously resolved to confer on HE Samdech Hun Sen the Honorary Degree of Doctor of Philosophy in Education for Locality Development in recognition of his role in developing the country through education and in contributing to strengthen the good relations between the two countries.

**On January 29, 2007** thanks to the contribution for socioeconomic development of Cambodia which has resulted in its rapid and multi-faceted development in the recent years, the Ministry of Education and Training of Vietnam, along with the Hanoi National University of Education confers upon Samdech Hun Sen the University's Honorable PhD Degree (the Degree of Doctor Honoris Causa) in Education... ■

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Take for instance I am the subject of defamation since 1979 and I am still here today. I am not the one to disappear because of the reckless insult but those who committed it are. I was badly insulted mostly by the Khmer Rouge... until it eventually came to an end - militarily and politically. They now are in the process of going to court for what had happened during that regime.

*Again this should not be taken as an encouragement for increasing habit of insulting but we all should exercise restraint and patience. The Criminal Procedure Code was signed by His Majesty the King on August 10, three days ago as of today, and*

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nations' festivity of New Year and the April-17 anniversary (Khmer Rouge liberated Cambodia from Lon Nol's Republic) and "clear them out" which in Khmer Rouge literal term is "killing all."

I just came across the minutes as HE Chea Chanto, the Governor of the National Bank of Cambodia brought it to my attention. Many in the Royal families suffered ill fate. I have learned about their sufferings and royal lives under Pol Pot as is narrated by HM the Heroic King Father ...

I would in this sense urge an appeal to our people who entirely agree to the motto of Nation, Religion and King - the three souls of our nation to continue to support and advance out nation further.

We all should refrain from doing harm to our nation,

*it should take effect in the mean time.*

There was another matter that hinders our way of handling this issue. As we had SoC's and UNTAC's codes in place, we then did not yet have the military police (MP) only until 1993. Indeed MP has three important roles:

- *to control over the military staff,*
- *to serve public administration, and*
- *to serve as justice police. We have also added another area of responsibility for them.*

That is to take action in relation to combating human trafficking.

our religion and our King. Samdech Heroic King Father is now 85 years of age already. Samdech and Samdech Preah Akka Mohesei have been doing a great deal to help relieve difficulties for the needy ones, an effort that was also done no less by His Majesty the King...

We have decided to pick this day for the inauguration is because I do not have time. I set to leave for Kuala Lumpur on August 30.

I have an apology to make to the people in the communes of Prek Thmei, Choeu Teal, Kompong Svay in the district of Kien Svay, the communes of Svay Proteal, Troei Sla, Ta Lon, Khporp of Sa Ang district and the communes of Por Baan, Loeuk Dek, Chruoy Takeo, Choeu Khmao, Kompong Kong, Koh Thom and Prek Chrey of Koh Thom district for overlooking their demand for a paved road while

*We have, according to our law prepared with help from the French, enabled the Ministry of Women's Affairs to take up justice police role in acting as plaintiff.*

We have the Chhay Huor II human trafficking case that, everyone should know already, will continue to proceed. It is unacceptable that the case that is found guilty is being reprieved when it comes to the Appeal Court.

We have now achieved better legal tools - Criminal Procedure and Civil Procedure Codes. Some ask why the Royal Government is so slow in proposing the law on corruption.

How do we go about making that law while the two codes

keeping abreast with roads 67, 68, 78 and 76 and others in Preah Vihear province.

We have on the other side (of the Bassac River) a paved road 21 and we now have to start on this side. I would suggest a frog-leap strategy in building this road.

I would suggest HE Keat Chhon Senior Minsiter for Economy and Finance to get the project ready by inserting it into the main project list for commencement of implementation as soon as the water recedes.

I would order to pave a segment that stretches between five communes, communes of Prek Thmei, Shoou Teal, Kompong Svay of Srok Kien Svay and Svay Pro Teal and Troui Sla of Sa Ang district. We would see further what we can do after this segment is done...■

remain in limbo.

I agree to the idea that we have to have a law to deal with it but in any law we have to have clauses of punishment.

*When one does not abide by the law or misinterprets it one will have to be punished.* Take for instance the case of Long Chehng Company that built a small city in the reservoir of Ta Mouk. I was so shameful when HE Shinohara, the Japanese Ambassador, said to me in our trip by helicopter to Banteay Mean Chey that "Look! a good development site down there."

*"I have asked for assistance from the Republic of Korea for financial assistance to keep it as a reservoir and I came to inaugurate the reservoir myself.*

*"I could not stand that this reservoir is being encroached upon for personal greed. When there is a will there is a way. We can do that before the emergence of corruption law.*

Well this is what I wish to add on to the text. To recap what I have said it is a progressive step that we have removed clauses of defamation a punishable crime to imprisonment. And I have made it clear that it was because of the fact that we have the 1992 - UNTAC law in supervision of our actions.

As HE the French Ambassador said just now, we have now turned over the intermediary Law of UNTAC and the Criminal Procedure Code will come into its replacement as of we speak as well...■

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As this **Criminal Code Procedure** is a new law for Cambodia in which many regulations and mechanisms have been changed and newly introduced, therefore the conference and training courses on Criminal Code Procedure are crucial to all participants in understanding the essence of this law in order to implement it smoothly, uniformly and effectively.

I think, in order to increase the effectiveness of implementation, as well as enhance the rights to receive legal information and justice, the Ministry of Justice must publish numerous copies of this law and broadly disseminate and educate the information to relevant institutions, legal professionals, and the public after the law has been declared.

At the same time, after the introduction of this **Criminal Procedure Code**, in order to fulfill the commitment of the Royal Government of Cambodia in building and modernizing legal framework in conformity to the action programs for implementing the strategy on legal and judicial reform, the Ministry of Justice that is the implementation agency of the Royal Government in the field of judiciary must put more efforts on the following crucial tasks:

*First, strengthen justice institutions by accelerating the adoption of fundamental laws such as Criminal Procedure, Law on Judge and Jury Statute, Law on the Organization of Court, Law on Statute of Court Clerk, Law on Statute of Notary, Law on Statute of Court Hall etc. as well as conducting*

*regular monitoring on these works.*

*Second, strengthen justice institutions particularly improving the effectiveness of providing criminal justice to people.*

*Third, continue to train professional lawyers and judges in according with the evolving of Cambodian Laws and new technology.*

*Fourth, modernizing legal framework through preparing system of processing, automatic data entry and tele audio-visual system etc.*

*Fifth, Strengthen and expand the education on law broadly to law enforcement institutions and the public, especially, ensure the accessibility of legal and judicial information as well as legal safety for people.*

Once again, on behalf of the Royal Government of Cambodia and my self, I would like to thank the government and the people of France who greatly contributed to the preparation of Criminal Code and Criminal Code Procedure as well as to the organization of this **Criminal Code Procedure Dissemination Conference**.

I would like to also thank the government and the people of Japan for helping to prepare Civil Code and Civil Code Procedure and offered training on civil procedure works to the **Royal Academy of Judge Profession**.

I hope that today conference will show the participants with a clear understanding of the mechanism of code preparation in Cambodia, general concept and basic

principles of Criminal Code Procedure and the two-week Training Session that will begin tomorrow on implementing the procedure and key messages of the code to senior officials of court to obtain good result as expected...

### Selected Comments

*In addition to the prepared speech Samdech Hun Sen made comments on how Cambodia struggled to have its criminal procedure code in place and how UNTAC law was implemented and being replaced by the new code.*

... I wish to stress some issues relating to the background of the code. After (the fall of) Pol Pot's regime we can say that we have nothing. We have only a few decrees to authorize the establishment of a few institutions.

Things were getting better step by step until January 1992, the law of the State of Cambodia (SoC), and finally what we called the UNTAC Law. You may ask what UNTAC is. It is an abbreviation for the United Nations Transitional Authority in Cambodia.

*Stipulated in the law, defamation is a crime that is punishable by imprisonment and/or fine. That was the law that was prepared by UNTAC for Cambodia. Defamation statement published on newspaper would be considered as a punishable crime with possible imprisonment between 12 and 18 months.*

In reality, as the law was being observed, the Government was blamed of being

oppressive for violating rights to expression. When someone do not observe the law, the matter could not be brought to court for legal judgment.

*It is not quite correct to say the United Nations' mission is the most capable since perhaps they normally are composed of staff from various countries which make them sometimes not quite capable as they deem to be.*

In order to guarantee the right for expression the Royal Government of Cambodia decided to abolish imprisonment punishment from the code. We have turned away the first draft of the code too when it was prepared by the French legal assistance that defaming is a crime punishable by prison term. We have opted for professional development for the press when it comes to matter of criticizing.

I wish in this instance to appeal to the press that they should not, in absence of imprisonment term, take a reckless behavior by insulting or cursing so and so.

They should resort to better way of presenting their differing opinion in a more acceptable tone. It was in this interest that I recommended in one of our Cabinet's meeting to take that level of punishment out. Some countries, as we know, continue to observe this - take for instance France.

As for us we decided to get rid of that and let them deal with those discrepancies in civil procedural way. A man would not be dead just because he is to be insulted in the press.

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economic growth. In the Telecommunication and IT sector, we have also enhanced close cooperation with partner countries including People's Republic of China, Republic of Korea, Japan and India.

Specifically, the motto for this-year Ministerial Meeting is **“IT and Telecommunications: Reaching Rural Area”**. The selection of this motto reflects the recognition that there are still many gaps of IT within ASEAN members and within each respective member country of ASEAN. As we already know that, in the knowledge-based society, the role of telecommunication and IT is becoming increasingly important like many other economic resources such as land, labor and capital. However, the development of technology has created differences in geo-economics and from country to country.

This gap is certainly a priority issue in the economic framework of each country, especially gap between urban and rural areas. Indeed, for most countries in the region, while there is an abundant usage of mobile phone and IT services in the urban area, they noticed that in some rural areas, especially in remote areas, there is still no functioning telecommunication networks yet.

This situation is common among most of ASEAN member countries, especially in the least developed member countries. For example, presently in Cambodia there is about 12% of the population using telephone, of which around 45% is in the urban area whereas only 1% is in rural area. This gap seems to be less

significant if we just give a first glance at it. However, when this gap is addressed, the real benefit from this disadvantage is enormous. For example, there is a report which showed that the use of mobile phone in rural Bangladesh can increase farmer's income by 20%.

Mobile phones can substantially reduce costs of communication and enable them to closely monitor the market price of goods from the urban area. In the recent past, they could not access to such kind of information. Moreover, the power of obtaining sufficient information improves the poor's bargaining or negotiation power on price in consistent with the production cost.

This allows them to obtain an appropriate profit from their trade activities. Recently, reports by the World Bank and other agencies similarly found that the stunning development in Africa was due to the improvement in information and transports via telecommunication and information technology.

Therefore, I believe that the selection of this motto for this year Ministerial Meeting is very timely since it responds to the need of the whole ASEAN in enhancing economic growth, reducing poverty and sharpening its comparative advantages. However, achieving this motto is still an enormous challenge for each ASEAN member country in their sought for an appropriate and suitable solution to the Digital Divide.

In fact, Cambodia has a great need to develop the information technology and telecommunication sector in order to

support economic activities and communication services which increase significantly and quickly every day.

After the Liberalization Day on the 7<sup>th</sup> January 1979, the Post, Information Technology and Telecommunication sector has been rehabilitated and strengthened itself gradually until now. It has made remarkable positive changes as well as contributed to security, safety and national development. It also serves as gateway to access to information and the need in daily communication of our people. The future priority of the Royal Government is to continue expanding this service coverage country wide with a better quality up to regional and international standard and at appropriately low price.

This can be done by introducing policies, strategies, legal framework and institutional mechanism which is appropriate and comprehensive, as well as by attracting and channeling more capital investment in the fundamental infrastructure for IT and telecommunication sector in order to create a favorable and attractive environment for private sector participation in a healthy, competitive, and efficient manner in accordance with the market economy principle that have been internationally practiced in the region and the world.

In this context, the “Rectangular Strategy” of the RGC has clearly set out the policies for the development of postal, IT and telecommunications sectors through the enforcement of the following measures:

- *Promoting investments on key infrastructure in*

*IT and telecommunications sectors, especially in high-capacity fiber optic network which will contribute effectively to the development of rural telecommunication network.*

- *Establishing international quality and cheap telecommunications networks in all major urban areas country-wide.*
- *Introducing a national standard for construction projects and operations of telecommunications and IT services, including a standard system and standard for the use of computers and the Internet.*
- *Strengthening postal infrastructure as well as institutional capacity to improve this service.*
- *Expanding radio and television broadcasting networks to increase the efficiency and to facilitate media and postal services.*

While implementing the above measures, the RGC has also placed particular focus on the promotion of broad-based usage of IT in all aspects of the government's operations, aiming to improve security and safety control as well as storing documents and basic data, and to increase the efficiency of work communication and to strengthen transparency in the government's work which is a crucial part for the process of democracy and good governance.

The RGC sees great poten-

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provide the court and other related institutions with a clear and complete legal framework as the procedural process for resolving cases for the people with justice.

... I would like to express my gratitude for the government and the people of France for making their most valuable contribution in the Foundation to support the “Rule of Law” for the Royal Academy of Judge Profession, especially, for helping Cambodia to develop criminal code and criminal code procedure.

I believe that the dissemination of this **Criminal Code Procedure** will achieve good results by contributing to the promotion of all sector reform processes for Cambodia to have a strong and sustainable foundation for the jump of the national economy and poverty alleviation as well as ensuring prosperity and progress for the country through our strong determination, vast experiences and lessons learnt from implementing important plans and strategies so far.

*Moreover, the criminal case procedure in the present time is primarily based on some important laws including regulation on the judicial system, criminal law and criminal procedure for used in Cambodia during the time of conflict which was adopted by the high level of national council on the 10<sup>th</sup> of September 1992 (also known as **UNTAC LAW**) and law on criminal procedure adopted by the parliament of the State of Cambodia on the 28<sup>th</sup> January 1993 as well as some*

*other important legal documents relating to this field when all of these laws and legal documents were still unorganized, flawed and incompatible with one another.*

Hence, the preparation of this code procedure is the necessary requirement for addressing these problems by making adjustment on the important points missing from the current law and creating a new mechanism which aims at improving the effectiveness of addressing the criminal cases.

The prolonged war and internal conflict that has occurred in Cambodia for more than three decades ago has resulted in a remarkably tense situation in the judicial and law system, especially, it made the implementation of the law difficult.

Meanwhile, the complication of law and judicial system reform is also a result of the change in the Cambodia social environment, especially, the rapid growth of young population and fast changing society which resulted from the improvement in technology and regional and world integration which has partly caused the change in the value and social dignity.

Regardless, the Royal Government during the 3<sup>rd</sup> Legislative of the Assembly is no different from the Royal Government of the previous mandate in its strong efforts to push for **Law and Judicial System Reform** through establishing a good judicial and law reform strategy and implement important strategies and policy documents as laid out in the **Governance Action Plan** by paying par-

ticular focus on achieving the policy of poverty alleviation.

The Royal Government has also prepared judicial framework for enhancing the development of market economy and enhancing trade and investment promotion by focusing on the preparation of judicial framework on ownership, establishment of business identity, banking system, tax and accounting system, insurance, law on commercial enterprises, law on bankruptcy, contract law, trade funding law, Law on tradable instruments, currency clearing operation law, to ensure effective progress in the financial sector.

Furthermore, in this framework, the RGC has set its vision on legal and judicial sectors by relying on fundamental concepts of the constitution which is related to these sectors.

This **Criminal Code Procedure** does not only ensure the complementarity and smoothness between all regulations relating to criminal procedures by combining these regulations into a code; but it also provides a comprehensive, clear, and easy way to understand and implement the Criminal Procedures smoothly and effectively.

*In accordance with the Cambodian legal custom and culture that originated from Romano-Germanic System (Civil Law System), this **Criminal Code Procedure** is based on the main principles of existing **Criminal System Procedure** to ensure the continuity of judicial and relevant institutions in dealing with the present criminal cases.*

*... According to this **Criminal Code Procedure**, the prosecuting body is still in charge of initiating formal accusations in criminal cases and the investigating judges remain in charge of investigating and collecting evidences before forwarding to trial judges who will try the defendant.*

Moreover, based on the fundamental concepts of Cambodian constitution and by considering some of the main international principles in this sector, this **Criminal Code Procedure** has been improved and filled the gap in the existing law such as strengthening the defendant’s right to defend themselves, enhancing victims’ right in criminal trials, giving judges more control over Judicial Police.

In addition, the **Criminal Code Procedure** introduces new procedures in investigating processes of the Justice Police, the way prosecutors deal with criminal cases, legal procedures in interrogating and trying processes, and also the adoption of punishment record principals.

*In this context, the approval of this **Criminal Code Procedure** will play an important role in strengthening the rule of law and democracy, defending human rights and dignity, especially in the modernization processes of legal frameworks, strengthening justice institutions, increasing the efficiency of delivering justice in criminal cases, and ensuring convenience in receiving information about law and the judiciary.*

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