



Joint Statement:

CCHR and ICJ reiterate call to Senate to delay debate on judicial 'reform' draft laws

11 June 2014

The Cambodian Center for Human Rights (CCHR) and International Commission of Jurists (ICJ) today urge the Cambodian Senate to delay their decision to review three judicial reform draft laws on 12 June 2014, and to seek consultation with the public and civil society with a view to revising the drafts to ensure that they are in accordance with international standards.

The organizations said that if the Senate is unable to amend and bring them in line with international law and standards, the Senate should reject all three drafts.

Among the many concerns, the draft laws give the Minister of Justice power to unduly control many aspects of the administrative affairs of the courts and prosecutors that should instead fall within the purview of those authorities. For example, under Article 39 of the draft Law on the Statute of Judges and Prosecutors, the Minister is the principal decision maker in judicial promotions. In addition, Article 23 of the draft Law on the Organization and Functioning of the Supreme Council of Magistracy provides that the Minister will be in charged with preliminary examination and investigation of an alleged judicial disciplinary breach.

Yesterday – 10 June 2014 - the permanent committee of the Senate decided that a plenary session would be convened on 12 June 2014 to debate the draft Law on the Organization of the Courts, the draft Law on the Statute of Judges and Prosecutors, and the draft Law on the Organization and Functioning of the Supreme Council of the Magistracy.

"We are disappointed to note that our earlier calls for the review and revision of the draft laws have been ignored," said Duch Piseth, CCHR's Trial Monitoring Project Coordinator. "Instead, the Senate has rushed to have these debated and ignored civil society's call for consultation."

All three draft laws were passed swiftly and unopposed by the National Assembly on 22 and 23 May 2014.

A similar passage is expected in the Senate as lawmakers from the opposition are likely to continue boycotting their seats after last year's allegations of election fraud.

Should the draft laws be passed in their current form, they will confer excessive powers to the Minister of Justice and reinforce the lack of independence of the judiciary in the country.

The laws in their present form constitute a clear violation of the principle of separation of powers and judicial independence. These principles are well established under international law and standards, including under the International Covenant on Civil and Political Rights, to which Cambodia is a party, and the United Nations Basic Principles on Independence of Judiciary as well as the Beijing Statement of Principles of the Independence of the Judiciary.

"In any country, it is crucial that certain safeguards are implemented for the protection of the judiciary from undue interference from any quarter, including other branches of government," said Kingsley Abbott, International Legal Adviser at the ICJ's Asia-Pacific Program. "These draft laws regrettably do not afford such judicial guarantees and will fail to bring any real improvement to the current judicial system."

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