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Your Excellency,

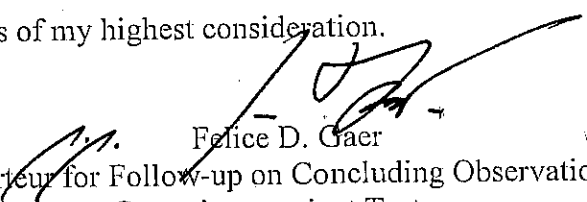
In my capacity as Rapporteur for Follow-up on Concluding Observations of the United Nations Committee against Torture, I refer to the examination of the second periodic report of Cambodia (CAT/C/KHM/2) by this Committee, at its 45<sup>th</sup> session, held from 1 to 19 November 2010. At the end of that session, the Committee's Concluding Observations (CAT/C/KHM/CO/2) were transmitted to your Permanent Mission. In paragraph 36 of those Concluding Observations, the Committee requested, pursuant to its rules of procedure, that the State party provide, within one year (by November 2011) further information regarding areas of particular concern identified by the Committee in paragraphs 12, 14, 16, 26 and 27 (see extracts annexed).

The Committee has adopted a follow-up procedure to pursue issues that are serious, that can be accomplished by the State party in a one year period, and that are protective.

The information sought by the Committee has not been provided yet, although more than one year has elapsed from the transmittal of the Committee's Concluding Observations. Accordingly, I would be grateful for clarification as to the current status of your Government's responses on the matters, and as to when the information requested will be forthcoming. A Word electronic version of the reply should be sent to the Secretariat of the Committee against Torture ([cat@ohchr.org](mailto:cat@ohchr.org)). Upon receipt of this information, the Committee will be able to assess whether further action is needed.

The Committee looks forward to pursuing the constructive dialogue it has started with the authorities of Cambodia on the implementation of the Convention. In this context, the Committee seeks to receive your response to this enquiry.

Accept, Your Excellency, the assurances of my highest consideration.

  
Felice D. Gaer  
Rapporteur for Follow-up on Concluding Observations  
Committee against Torture

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COMMITTEE AGAINST TORTURE  
Forty-fifth session  
1-19 November 2010

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 19 OF THE CONVENTION**

**Concluding observations of the Committee against Torture**  
*(Extracts for follow-up of CAT/C/KHM/CO/2)*

**CAMBODIA**

(...)

**C. *Main subjects of concern and recommendations***

(...)

**Corruption**

12. The Committee is deeply concerned at reports of widespread and systemic corruption throughout the country. The Committee considers that the rule of law is the cornerstone for the protection of the rights set forth in the Convention and, while welcoming the new Anti-Corruption Law and other measures taken by the State party, it notes with concern reports of political interference and corruption affecting the judicial bodies and the functioning of some public services, including the police and other law enforcement services. In this respect, the Committee expresses its concern at reports that police officers are promoted for convictions and that police stations are given special incentives for convictions, amounting to a rewards system, as well as reports of police officers benefitting financially from informal arrangements or extrajudicial settlements. The Committee is also concerned that the Anti-Corruption Unit established under the new Anti-Corruption Law has not yet taken any steps against alleged perpetrators of corruption and is not yet fully operational. (arts. 2, 10 and 12)

**The State party should take immediate and urgent measures to eradicate corruption throughout the country which is one of the most serious impediments to the rule of law and the implementation of the Convention. Such measures should include effective implementation of the anti-corruption legislation and the expeditious operationalization of the Anti-Corruption Unit, which should consist of independent members. The State party should also increase its capacity to investigate and prosecute cases of corruption. The State party should establish a programme of witness and whistle-blower protection to assist in ensuring confidentiality and to protect those who lodge allegations of corruption, and ensure that sufficient funding be allocated for its effective functioning. Furthermore, the State party should undertake training and capacity-building programmes for the police and other law enforcement officers, prosecutors and judges, on the strict application of anti-corruption legislation as well as on relevant professional codes of ethics, and adopt effective mechanisms to ensure transparency in the conduct of public officials, in law and in practice. The Committee requests the State party to report back on progress achieved, and the difficulties encountered, in combating corruption. The Committee also requests the State party to provide information on the number of officials, including senior officials that have been prosecuted and punished on account of corruption charges.**

(...)

## **Fundamental legal safeguards**

14. The Committee expresses its serious concern at the State party's failure in practice to afford all detainees, including juveniles and pretrial detainees, with all fundamental legal safeguards from the very outset of their detention. Such safeguards comprise the right to have prompt access to a lawyer and an independent medical examination, preferably by a doctor of one's own choice, to notify a relative, and to be informed of their rights at the time of detention, including about the charges laid against them, as well as to appear expeditiously before a judge. The Committee is particularly concerned that the Penal Procedure Code only includes the right for a detainee to consult a lawyer 24 hours after his or her apprehension, and that access to a doctor is reportedly left to the discretion of the relevant law enforcement or prison official. The Committee also expresses its concern at the very limited number of defence lawyers, including legal aid defence lawyers, in the country which precludes many defendants from obtaining legal counsel. The Committee is further concerned at reports that persons deprived of their liberty are held for significant periods of time in police custody without being registered and that a significant number of police facilities and prisons are failing to adhere to the regulations governing detainee registration procedures in practice. (arts. 2, 11 and 12)

**The State party should promptly implement effective measures to ensure that all detainees are afforded, in practice, all fundamental legal safeguards from the very outset of their detention. To this end, the State party should amend the Penal Procedure Code so as to guarantee detainees the right to have prompt access to a lawyer from the very outset of their deprivation of liberty and throughout the investigation phase, the whole of the trial and during appeals, as well as access to an independent medical examination, preferably by a doctor of one's own choice, to notify a relative, and to be informed of their rights at the time of detention, including about the charges laid against them, and the right to appear expeditiously before a judge. The State party should, as a matter of urgency, expand the number of defence lawyers, including legal aid defence lawyers, in the country and remove unjustified barriers to entry for individuals who wish to be admitted to the Bar Association. The State party should ensure prompt registration of persons deprived of their liberty and ensure that custody records at police and prison facilities are periodically inspected to make sure that they are being maintained in accordance with procedures established by law.**

(...)

## **Complaints and prompt, impartial and effective investigations**

16. The Committee expresses its concern at reports that torture and ill-treatment by law enforcement and prison officials are widespread, that few investigations are carried out in such cases and that there are very few convictions. The Committee is also concerned at the absence of an independent civilian oversight body with the power to receive and investigate complaints of torture and ill-treatment by police and other law enforcement officials. The Committee regrets the lack of detailed information provided by the State party, including statistics, on the number of complaints of torture and ill-treatment and results of all the proceedings, both at the penal and disciplinary levels, and their outcomes. Furthermore, the Committee is concerned at the lack of effective mechanisms to ensure the protection of victims and witnesses. (arts. 1, 2, 4, 12, 13 and 16)

**The State party should strengthen its measures to ensure prompt, impartial and effective investigations into all allegations of torture and ill-treatment of convicted prisoners and detainees, including in police stations, and to bring to justice law enforcement and prison officials who carried out, ordered or acquiesced in such practices. The State party should establish an independent law enforcement complaint mechanism and ensure that investigations into complaints of torture and ill-treatment by law enforcement officials are undertaken by an independent civilian oversight body. In connection with prima facie cases of torture and ill-treatment, the alleged suspect should as a rule be subject to suspension or reassignment during the process of investigation, to avoid any risk that he**

or she might impede the investigation or continue any reported impermissible actions in breach of the Convention.

Furthermore, the State party should establish a programme of victim and witness protection to assist in ensuring confidentiality and to protect those who come forward to report or complain about acts of torture, as well as ensure that sufficient funding be allocated for its effective functioning.

#### **Redress, including compensation and rehabilitation**

26. While noting that article 39 of the Constitution entitles citizens to claim for damage caused by State organs, social organs, and the staff of these concerned organs, the Committee is concerned at the lack of information and data on fair and adequate compensation awarded to victims of torture. The Committee is also concerned at the lack of information on the provision of treatment and social rehabilitation services, including medical and psychosocial rehabilitation, to all victims of torture. (art. 14)

**The Committee underlines that it is the responsibility of the State to provide for redress to victims of torture and their families. To this end, the State party should strengthen its efforts to provide these victims with redress, including fair and adequate compensation and as full rehabilitation as possible. The State party should further strengthen its efforts to improve the access to medical and psychological services for victims of torture, especially during and after imprisonment, and assure that they receive effective and prompt rehabilitation services; raise awareness on the consequences of torture and the need for rehabilitation for victims of torture among health and social welfare professionals in order to increase referrals of these victims from the primary health-care system to specialized services; and increase the capacity of national health agencies in providing specialized rehabilitation services, based on recommended international standards, to victims of torture, including their family members, specifically in the field of mental health.**

(...)

27. The Committee notes with concern that the Internal Rules of the ECCC only provide for moral and collective reparation, precluding individual financial compensation. While noting the existence of the Victims Support Section, the Committee is concerned that rehabilitation and psychosocial support to those testifying in the ECCC is largely provide by NGOs, with limited support from the State, and it regrets the very limited information provided on treatment and social rehabilitation services, including medical and psychosocial rehabilitation, provided to victims of torture under the Khmer Rouge Regime. (art. 14)

**The State party should strengthen its efforts to provide victims of torture under the Khmer Rouge Regime with redress, including fair and adequate compensation and as full rehabilitation as possible. To this end, the ECCC should amend its Internal Rules to permit reparation to victims consistent with article 14 of the Convention, including, as appropriate, individual financial compensation. Furthermore, the State party should provide information on redress and compensation measures ordered by the ECCC and provided to victims of torture, or their families. This information should include the number of requests made, the number granted, and the amounts ordered and actually provided in each case.**

(...)

36. The Committee requests the State party to provide, within one year, information on its response to the Committee's recommendations contained in paragraphs 12, 14, 16, 26 and 27.

(...)

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