

SPEECH

by

H.E ANG VONG VATHANA
Minister of Justice of Cambodia

During the 9th International Congress of Ministers of Justice
for a world without the death penalty

February 22nd, 2016

- Excellencies, Distinguished Guests, Ladies and Gentlemen!

On behalf of Ministry of Justice, the Kingdom of Cambodia, it is my greatest pleasure to express my deepest thanks to Community of Sant'Egidio for always inviting the Cambodian delegation to participate in the important Conference on "**No Justice Without Life**".

It's the fifth time for the Cambodian delegation to be invited for this conference which allows our delegation to pursue new information as well as the advancement from one conference to another. Particularly, we notice that this year's conference is participated by more Ministers of Justice and representatives from different countries (over 30 countries).

On the other hand, the topic "**No Justice Without Life**" was already conducted in the Philippines in 2014 which was a plenary discussion for Asia Pacific countries to focus on "Human Right and Human Dignity" for the purpose of making a joint statement on "**Cities for Life**".

For this 9th international meeting, the discussion will focus on two different strategies concerning:

1. A Moratorium
2. And abolition processes in various countries

In accordance with the research, I have noticed that the legal provisions in some countries in Asia:

- The death penalty is stipulated in laws in some countries, but among those countries:

- Some countries have the death penalty stipulated in law, but this punishment is not implemented;
 - Some countries are considering to implement the moratorium strategy;
 - And in some other countries, the moratorium strategy is being implemented.
- Meanwhile, the death penalty in some countries in Asia has already been abolished (Ex: Cambodia, East Timor and Philippines).

At the same time, I would like to take this opportunity to share with you about legal provisions and law implementation in Cambodia.

As we all know that “**the rights and obligations of the State**” is “*the State is not entitled to deprive any citizen of life. Instead, the State is obliged to protect and respect the life of every citizen*”. And the application of The Death Penalty is denying guilty people’s opportunity to change forever.

In the Constitution of Cambodia (1993), Article 32 clearly states that “**There shall be no capital punishment**”. This is the will of the Royal Government of Cambodia to protect the human lives even under any circumstances or the offences seriously committed by the actors.

Based on the spirits of this Constitution, there is no article of capital punishment in all domestic laws including the 2009 Criminal Code, in spite of serious crimes or international crimes such as Genocide, Crimes Against Humanity or War crime.

According to Cambodian Law, it is only life imprisonment for maximum punishment for those who commit a serious crime.

Obviously, Cambodia has so far conducted trials of Khmer Rouge leaders who committed crimes during the period from 1975 to 1979 in which an estimated 2 million people were killed. In this case, based on the 2004 Law on *the Establishment of Extraordinary Chambers in the Courts of Cambodia “ECCC Law”*, it provides for only life imprisonment for a maximum punishment. Such substantive provisions are extracted from the 1956 Criminal Code but they were amended, abolishing the capital punishment.

For example, in Duch case, **Kaing Guek Eav**, alias “**Duch**”, who committed the crimes during the period of Democratic Kampuchea in S-21 (the big organized

killing field) from 1975 to 1979, was finally convicted to life imprisonment by the ECCC for:

- 1- Crimes Against Humanity
- 2- Grave Breaches of the Geneva Conventions of 12 August 1949

Furthermore, the Extradition Treaties were made between the Kingdom of Cambodia and

- Kingdom of Thailand in 1998;
- People's Republic of China in 1999;
- People's Democratic Republic of Laos in 1999;
- Republic of Korea in 2009, and
- The Extradition Treaty between the Kingdom of Cambodia and Russia is being drafted (this extradition will be signed in May 2016).

With respect to the applicable extradition treaties, Cambodia has its authority to refuse any special case if the extradition is incompatible with humanitarian perspective because of personal situation of the requested actor.

For Example:

In case where any person is sent to the requesting state and his/her offense constitutes the death penalty under the law of the country, Cambodia has its authority to refuse to send him/her to the requesting state.

In addition, Cambodia also has the law on partial and complete amnesty for any prisoner who corrects him/herself and meets the legal requirements (Decree No. 28 dated 1988).

Once again, on this useful opportunity, on behalf of Ministry of Justice and Cambodian delegation, I would like to express my sincere appreciation to Community of Sant' Egidio and the Diocese of Munich for their initiatives in organizing this important conference every year.

Last but not least, my thanks also go to Your Excellencies, Ladies and Gentlemen for your kind attention.

Thank You!