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Cambodian Center for Human Rights

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CCHR releases a report assessing adherence to fair trial rights at the Court of Appeal

Today, 23 June 2014, [the Cambodian Center for Human Rights](http://www.cchr.org) (“CCHR”) Trial Monitoring Project releases its first report assessing the adherence to fair trial rights at the Court of Appeal (the “Report”). This is the seventh report published by the Trial Monitoring Project, and the first one addressing the performance of the Court of Appeal. The Report presents data from 204 trials monitored between 1 March 2013 and 31 January 2014. All data is available on the award-winning CCHR-hosted Cambodian Human Rights Portal (the “Sithi Portal”) at <http://tmp.sithi.org>.

While the Court of Appeal is generally adhering to the procedures that are meant to ensure fair trial rights, the concerns lie in the more substantive issues. Besides the overall concerns related to the lack of independence of the judiciary in the Kingdom of Cambodia (“Cambodia”), the most important issues to be addressed as a matter of priority include the systematic failure of judges to inform and explain defendants of their rights and the high numbers of hearings where defendants are not present. In addition, the analysis of the data shows that the quality of evidence presented is very poor and threatens the right to be convicted beyond reasonable doubt, and shows that judgments are, in the majority of cases, not based on law or evidence.

Recommendations set out in the Report include calls on the Royal Government of Cambodia (“RGC”) to enhance the capacity of the Court of Appeal to enable it to resolve its case log, avoid delays, and manage new cases in a proper and timely manner. The Report also calls on the Constitutional Council to send back the Law on the Organization and Functioning of the Courts, the Law on the Organization and Functioning the Supreme Council of Magistracy and the Law on Statute of Judges and Prosecutors, to the Parliament, requesting they amend the laws in order to ensure they comply with the Constitution of the Kingdom of Cambodia and international human rights law in upholding the principle of the independence of the judiciary.

CCHR Trial Monitoring Project Coordinator, Duch Piseth comments:

“CCHR is encouraged by the constructive collaboration with the Court of Appeal which has resulted, for instance, in the recent posting of public notice of hearings outside courtrooms in respect of peoples’ right to a public hearing and the hanging of a CCHR poster explaining fair trial rights in the defendants’ waiting room. However, there remain areas of concerns that should be addressed immediately and easily, such as ensuring judges explain their rights to defendants and coordinating with prison officials to ensure defendants’ presence at their hearings. This would set a positive example for the rest of the judiciary in the country. Fair trial rights are violated on a daily basis in

Cambodia but I believe there is space for immediate improvements; the only requirement is the effective implementation of the rule of law.”

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Notes to Editor:

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CCHR, founded in November 2002, is a non-aligned, independent, non-governmental organization that works to promote and protect democracy and respect for human throughout Cambodia.

CCHR is a member of International Freedom of Expression Exchanges (IFEX), the global network for freedom of expression. CCHR is also a member of the World Organization Against Torture (OMCT) SOS-Torture Network.

The Cambodian Human Rights Portal www.sithi.org is the 2011 winner of the Information Society Innovation Fund Award in the category of Rights and Freedoms and the 2013 winner of the Communication for Social Change Award, awarded by the Centre of Communication and Social Change at the University of Queensland in Brisbane, Australia.