The Cambodia Centre for Human Rights (CCHR) has urged the Court of Appeal to do more to ensure that an accused’s right to a fair trial is fully respected.

In a bulletin released on Monday, the CCHR said it had monitored 273 cases at the Phnom Penh Court of Appeal from January 1 to April 30 and found that the judges provided full explanations to the accused of their rights only in a small number of cases.

The CCHR also observed whether judges fully explained every accused’s right to legal representation, their right to defend themselves and their right to remain silent during hearings.

“The CCHR found during the monitoring period that judges informed the accused of the charges against them and explained the nature of the said charges in the majority of the cases, namely 196 of them [72 per cent].

“In 64 cases [23 per cent] however, only parts of the charges were explained to the defendant and in 13 cases, [five per cent] the judges didn’t inform the defendant about the charges altogether,” it said.
It found that in 11 per cent of cases, judges informed suspects of their right to legal representation and the right to defend themselves in court but did not explain them. In seven per cent of cases, the judge failed to even inform suspects of these rights.

Lawyers were present for defendants in 66 per cent of the cases, while in 14 per cent of cases, the defendant did not attend the hearing.

As for suspects’ right to remain silent during their hearing, judges informed and explained this right in 11 per cent of cases. For 23 per cent of the cases, judges informed defendants of this right but did not explain it. In 52 per cent of cases, judges failed to mention this right to defendants.

“Based on the above figures, it is clear that in only a small number of cases did the judges provide full explanations to the accused of their rights.

“Therefore, the accused’s rights have not been fully respected, and such practice does not conform to national and international standards on fair trial rights,” it said.

The CCHR listed four recommendations for the government. Firstly, judges should inform and fully explain all charges against the defendants.

Judges must also inform defendants of their rights during their trial, including the right to legal representation, the right to self-defence and the right to remain silent during their hearing.

The CCHR recommended that the courts grant these rights fully and without conditions throughout the length of any trial.

Lastly, it recommended that the government implement the concept of fair trial rights based on national and international standards, as well as follow best practices of the Extraordinary Chambers in the Courts of Cambodia (ECCC).

The CCHR’s findings represented an improvement from its last report. From January 1 to August 31 last year, it found that only five per cent of judges informed and explained the right to remain silent to the accused. During the monitoring period for the latest study, this number jumped to 28 per cent.

In the first study, nine per cent of judges neither informed nor explained the right to legal representation or self-defence to suspects. In the latest study, only four per cent of judges failed to mention these rights.

Chou Bunrin, the secretary-general of the appeal court’s administration, could not be reached for comment on Monday.