This leaflet illustrates the important statistical information gathered by the Cambodian Center for Human Rights’ (“CCHR”) Trial Monitoring Project in 2010.

### Trials Monitored in 2010

In 2010, CCHR monitored 1,117 trials: 815 Trials at the Phnom Penh Municipal Court (“Phnom Penh Court”) and 302 Trials at the Kandal Provincial Court (“Kandal Court”). Of these trials 413 felony trials and 402 misdemeanor trials were monitored at the Phnom Penh Court, whilst 107 felony and 195 misdemeanor trials were monitored at the Kandal Court.

### The Right to Legal Representation

Legal procedures and the workings of a law court can be foreign and intimidating to those accused of an offense. To enable a fair trial it is vital to ensure that those accused of offenses have the opportunity to employ an expert advocate with the ability to explain the charges against them and their rights, guide them through the trial process, and represent and defend their interests in court.

**Representation in Felony and Misdemeanor Trials**

<table>
<thead>
<tr>
<th>Trial Type</th>
<th>Phnom Penh Court</th>
<th>Kandal Court</th>
</tr>
</thead>
<tbody>
<tr>
<td>Felony</td>
<td>407 (99%)</td>
<td>106 (81%)</td>
</tr>
<tr>
<td>Misdemeanor</td>
<td>132 (33%)</td>
<td>59 (30%)</td>
</tr>
</tbody>
</table>
CCHR is a non-aligned, independent, non-governmental organization that works to promote and protect democracy and respect for human rights throughout the Kingdom of Cambodia.

In 2010, trial monitors observed 75 trials involving dialogue during deliberation at the Kandal Court and 2 instances at the Phnom Penh Court. Information is unknown in 15 Kandal Court cases and 287 Phnom Penh Court cases. In 152 trials at Kandal Court and 438 trials at Phnom Penh Court the provisions of the CCPC were followed and no dialogue was observed by trial monitors after the judge retired to deliberate. Data is not available for 60 trials at the Kandal Court and 88 trials at the Phnom Penh Court.

In the 172 trials in which a judge used a mobile phone during court at Phnom Penh, the judge answered the phone briefly and hung up in 119 cases. The judge conducted a conversation on 53 occasions. The ringtone was audible on 17 occasions and was silent in 155 of the trials monitored.

At the Kandal Court judges were observed answering the phone briefly then hanging up in 45 of the 105 trials where mobile phone use was observed. In 60 trials the judge conducted a conversation; the ringtone was audible in 46 trials and was on silent in 59 of the trials monitored.

In 2010, trial monitors observed the prosecutor engaging in dialogue with the judge at the Kandal Court on 58 occasions and once in a trial at the Phnom Penh Court. In addition the Prosecutor and Court Clerk were seen talking with the judge once at the Phnom Penh Court and 5 times at the Kandal Court. The Defense Counsel and Prosecutor were seen in communication 6 times at the Phnom Penh Court and 5 times at the Kandal Court. The Court Clerk engaged in dialogue with the judge on 8 occasions during deliberation at the Kandal Court. The Prosecutor, Court Clerk and Defense Counsel were observed engaging the judge during deliberation on one occasion at the Kandal Court.

The fairness of any judicial system relies on the independence and impartiality of the arbitrary body. Article 337 of the CCPC prohibits any party from interacting with the judge after the judge has entered the deliberation room; this includes an express prohibition preventing the prosecutor and court clerk from participating in the deliberation. Where a prosecutor, another lawyer or any other party is seen to enter the judge’s deliberation room after the end of a hearing a potential for outside influence on the verdict has been created and the judge’s impartiality is immediately called into question. CCHR’s findings are not evidence of interference during deliberation, they simply indicate the potential for such a breach to occur.

The Right to be Tried without Undue Delay

The Right to be Tried by an Independent and Impartial Tribunal

The Right Not to be Compelled to Confess Guilt

Mobile Phone Use - Responses

Dialogue During Deliberation

CONTACT:

Should you have questions or require further information, please contact us by:
Tel : (+855) 23 72 69 01
Email : info@cchrcambodia.org

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