Promoting Justice in Cambodia through Fair Trial Rights

Cambodian Center for Human Rights (CCHR)

CCHR is a non-aligned, independent, non-governmental organization that works to promote and protect democracy and respect for human rights – primarily civil and political rights - in Cambodia.
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• The Fair Trial Rights Project is the successor to CCHR’s Trial Monitoring and Judicial Reform Projects. The Fair Trial Rights Project will continue this area of CCHR’s work - legislative reform and justice.

• Based on the Statement on 23 Jan 2015 by the United Nations Special Rapporteur on the situation of human rights in Cambodia, Professor Surya P. Subedi, “the courts of Cambodia have not delivered justice in the way demanded by all Cambodians.”
International and Cambodian law recognize and require respect for the right to a fair trial.

Article 128 of the Cambodian Constitution states that the judicial power is the guarantor of impartiality and the protector of the citizens’ rights and liberties.

The right to a fair trial is defined in Article 14 of International Covenant on Civil and Political Rights (ICCPR) as “Everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law.”
Objectives

(1)-To socialize the concept of fair trial rights among the public

(2)-To increase compliance with fair trial standards within the judiciary
The Project is implemented through the following activities:

• Monitor criminal trials to measure adherence to fair trial rights
• Engage key stakeholders, especially the monitored courts, on fair trial standards in practice.
• Conduct orientations on fair trial rights
• Provide the mentoring program on fair trial rights and trial monitoring
Activities

• Produce digital education tools related to fair trial rights such as video clips and a series of infographics/posters
• Broadcast radio talk shows about fair trial rights
• Produce quarterly newsletters and annual reports based on the trial monitoring finding and make practical recommendations for the improvement of trials in line with international fair trial rights standards.
• Monitor and analyse proposed and newly adopted legislations.
Methodology

- Court location:
  - Appeal Court

- Focus:
  - Trial monitoring is focusing on Fair Trial Rights in Cambodian and international law

- Used documents: Checklist, Guidance, Code of Conduct and national and international laws

- Personnel: one trial monitor at Appeal Court, monitoring randomly based on updated court schedules
Methodology

• Dialogue:
  ♦ Informing the court about the Project
  ♦ Consultation with the court prior to release reports
  ♦ Dialogue on report findings

• Reports on findings and trial hearing data are made available for the general public.
The project has been monitored to date:

- **1,722** trials in the Phnom Penh Court of First Instance;
- **505** trials in the Kandal Provincial Court;
- **252** trials in the Banteay Meanchey Provincial Court;
- **65** trials in the Ratanakiri Provincial Court;
- **204** trials at the Phnom Penh Court of Appeal; and
- **others 14** trials related to human trafficking and high profile cases in different Courts of First Instance throughout Cambodia.
For more information

- Please visit: www.cchrcambodia.org
- Trial database: tmp.sithi.org
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