



THE RIGHT TO BE INFORMED OF THE NATURE AND CAUSE OF THE CHARGE(S)

Definition

The right to be informed of the nature and cause of the charge(s) entails that the accused and their counsel are **informed promptly and with detailed information** about:



The nature of the charge(s): The law under which the accused has been charged.



The cause of the charge(s): The alleged facts which form the ground of the accusation against the accused.

An individual accused of an offense must be **informed as soon as they are formally charged** under domestic law, or as soon as they have been publicly made a suspect. The adequate information can be provided **either in writing or orally if confirmed in writing subsequently**. Accused must also be provided with this information **in a language they understand** and in a simple and non-technical language to ensure they understand the charges.

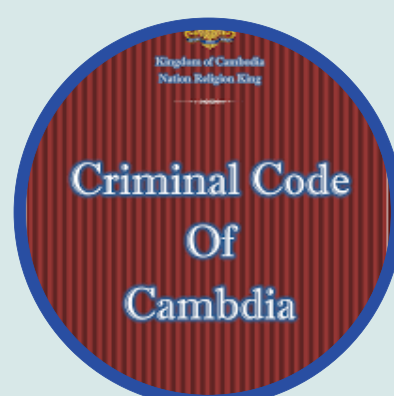
Legal Framework

International Law

The right to be informed of the nature and cause of the charge(s) is expressly protected by Article 14(3)(a) of the International Covenant on Civil and Political Rights (ICCPR), which states, **"In the determination of any criminal charge against him, everyone shall be entitled to be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him."**

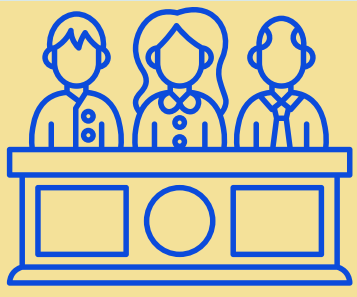
Cambodian Law

The right to be informed of the nature and cause of the charge(s) is guaranteed in Article 325 of the Cambodian Code of Criminal Procedure which states, **"The presiding judge shall inform the accused of the charges he is accused of,"** and in Articles 330, 331 and 396. It is also protected by Articles 6 and 51 of the Law on Juvenile Justice.

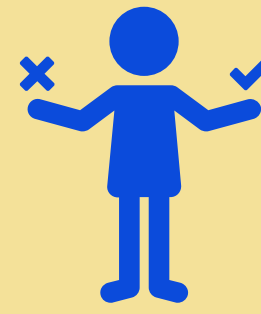


Importance

The right to be informed of the nature and cause of the charge(s) at both the pre-trial and trial stages of proceedings is essential in order to:



Ensure that the accused understands why they are being prosecuted.



Ensure that the accused is able to challenge any detention that they are subject to as soon as possible.



Ensure that the accused has the opportunity to present the best possible defense and adequate time and facilities to prepare a defense.



Guard the accused against unfounded criminal charges.

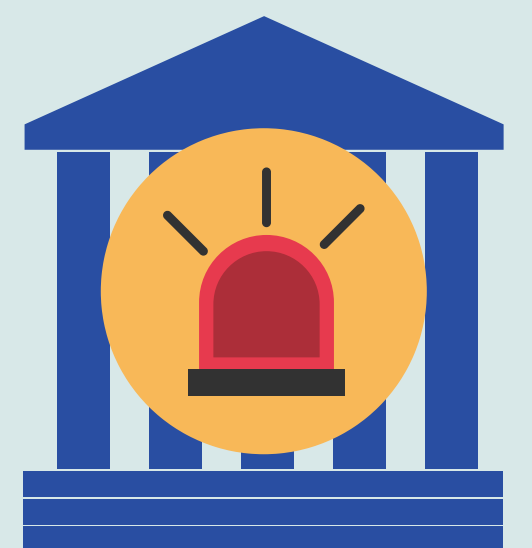
The non-respect of this right by the authorities can therefore undermine the accused's ability to defend themselves adequately against the charges held against them and lead to wrongful convictions.

Limitations



Article 14 of the ICCPR, which enshrines the right to be informed of the nature and cause of the charge(s), is not in the list of non-derogable rights* in the event of a state of emergency. However, any general reservation to the fair trial rights guaranteed in Article 14 is incompatible with the object and purpose of the ICCPR. Any deviation from fundamental principles of fair trial rights is therefore prohibited at all times.

The right to know the nature and cause of the charge(s) only applies from the moment charges have been laid against the defendant and not to criminal investigations preceding the laying of charges. The right to be notified of the reasons of the arrest during criminal investigations and before official charges are laid is guaranteed in another article of the ICCPR (Article 9 (2)).



* A non-derogable right is a right whose application cannot be suspended by a government in circumstances of "state of emergency" under Article 4 of the ICCPR.