

WHAT ARE FAIR TRIAL RIGHTS?

Definition

The right to a fair trial is a human right that is a central pillar of any justice system. In criminal proceedings, the right to a fair trial entitles each and every person charged with a criminal offense to be treated fairly and equally while the state determines their guilt or innocence.



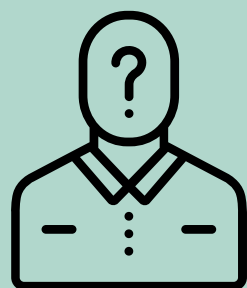
This right is comprised of a number of different individual rights, commonly referred to as "fair trial rights," which mainly include:



The right to a public hearing



The right to be present at trial



The right to the presumption of innocence



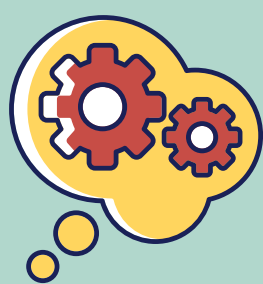
The right to appeal to a higher court on the grounds of fact and law



The right to adequate time and facilities to prepare a defense



The right to be tried without undue delay



The rights to a public and reasoned judgment



The right to legal representation



The right to understand the nature and cause of the charge(s)



The right not to be compelled to confess guilt or to testify against oneself

Legal Framework

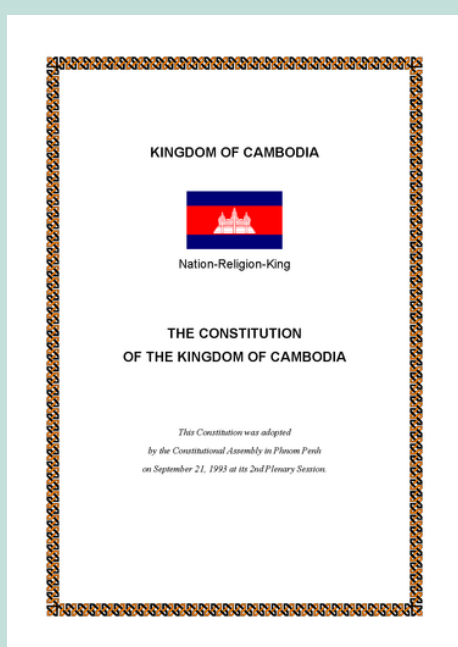
International Law

The right to a fair trial is internationally recognized in Article 10 of the Universal Declaration of Human Rights: "Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him." It is also enshrined in other international human rights instruments, including in Article 14 of the International Covenant on Civil and Political Rights (ICCPR) or Article 40 (2)(b)(iii) of the Convention on the Rights of the Child.



Cambodian Law

The right to a fair trial is protected by Article 38 of the Cambodian Constitution: "The law guarantees there shall be no physical abuse against any individual. The law shall protect life, honor, and dignity of the citizens [...]." It is also guaranteed through general and specific provisions set out in a number of other legal instruments, including the Cambodian Code of Criminal Procedure, the Cambodian Criminal Code, and the Law on Juvenile Justice.

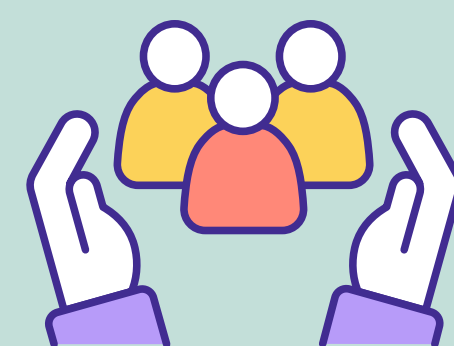


Importance



A fair trial is essential for protecting the rights of the accused and victims and for ensuring the proper administration of justice. The right to a fair trial is key to protecting human rights and safeguarding the rule of law.

Fairness underpins the entire judicial process, ensuring justice prevails. Only the guilty are convicted and incarcerated and the innocent are able to freely participate in society without prejudice. The non-respect for fair trial rights can therefore lead to miscarriages of justice, especially to wrongful convictions.



Limitations



The right to a fair trial knows no exceptions. Everyone accused of committing a criminal offense is entitled to a fair trial at all times, including during states of emergency and armed conflicts.

While not in the list of non-derogable rights* set out in Article 4 of the ICCPR, a general reservation to the right to a fair trial 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.

