

YOUR RIGHTS IF THE POLICE DETAIN YOU IF YOU HAVE BEEN ARRESTED OR HELD, READ THIS CARD!

Under Cambodian law, anyone who is held in police custody has some basic rights to protect them from ill-treatment. These rights belong to everyone who has been detained—they should not be taken away from you. If you have just been detained, these are some of your rights:

If you are under 14 years old, you cannot be arrested or held.

Right to know why you have been detained: The police must tell you immediately why you have been detained. You can only be arrested if a judge has issued an arrest warrant or you were caught in the act of breaking the law. The police can also hold you temporarily if they think you have broken the law or if you fail to cooperate with a police investigation.

**The police should not hold you for more than 48 hours (two days).
After this time, you must either be charged or released.**

Right to a lawyer: You can ask for a lawyer. After 24 hours in custody, you must be able to see a lawyer or another person of your choice. If you cannot afford a lawyer, there are legal aid organizations who can help. Ask the police to contact them.

Right to remain silent: You can remain silent until your lawyer arrives. No one can force you to speak unless you want to. But if you remain silent, it may be seen as evidence of your guilt.

Right not to confess: You should not confess to something you did not do. You can confess to something you did do if you want to or you can wait for your lawyer to advise you on what to say. No one can force you to admit to doing anything, either by beating you or by threatening you or your family. If someone tortures you and forces you to confess, the confession is not valid and should not be used against you in court.

You should check the written record of anything you do say before

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You should check the written record of anything you do say before

you sign or thumbprint it. If it is not correct, you must insist that it is changed before you sign or thumbprint it.

Right to be brought before a judge: As soon as possible after arrest, you should be taken to see a judge. The judge will investigate your case and must make sure you are well treated.

If you were arrested because you have already been tried and convicted in your absence, you have the right to a new trial. Ask your lawyer or the judge how to request this.

Right to inform your family of your arrest: You should be able to let your family know that you have been arrested. If you are under 18 years old, the police must inform your parents or guardian that you have been arrested.

Right to complain if your rights have been denied: All police and officials with powers to arrest have been trained and know they must respect the rights set out in this card. If you think your rights have been denied, you should complain to your lawyer or to the prosecutor or judge dealing with your case.

Torture is a crime in Cambodia. Anyone who hurts you, or threatens to hurt you, can be prosecuted by the law. You should report to your lawyer, the prosecutor or the judge, any torture, ill-treatment or threats made by the arresting officers. The prosecutor must make sure your complaint is investigated and prosecute anyone suspected of torture.

It is also a crime for anyone to ask you or your family to pay for your release. **You should not give money to the police.**

Even if you are guilty of a crime, you are entitled to your basic human rights under Cambodian law.



This card is published by the United Nations' Human Rights Office in Cambodia - June 2009. Based on articles 93, 96-102, 64-66, 189-199 of the Penal Procedure Code and articles 31, 38 and 39 of the Constitution. Other rights are also applicable.

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