



TRIAL MONITORING & THE PROMOTION OF FAIR TRIALS

A Monthly Newsletter on Fair Trial Rights
www.cchrcambodia.org

ABOUT THE PROJECT

WHAT WE MONITOR & WHY

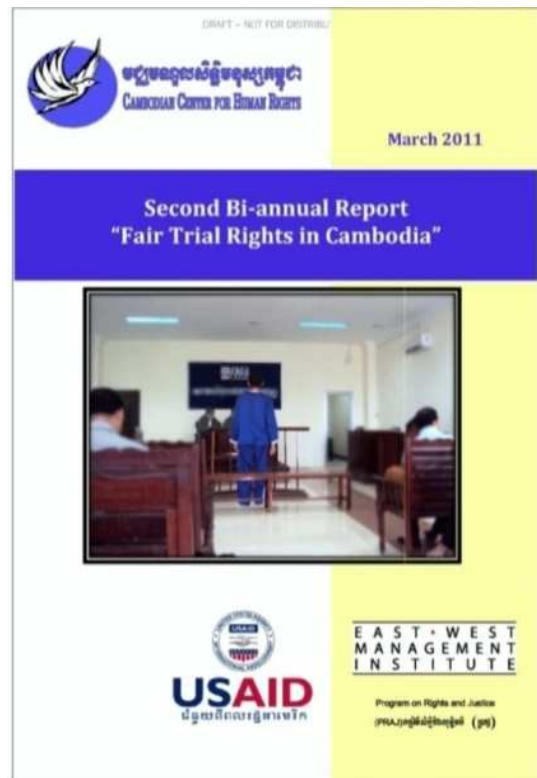
The Cambodian Trial Monitoring Project is a project run by the Cambodian Center for Human Rights (CCHR). The Project aims to improve the procedures and practices of courts in Cambodia, resulting in greater adherence to fair trial standards. Project staff have been monitoring criminal trials at Phnom Penh Capital Court of First Instance and Kandal Provincial Court since August 2009. The Project complements the Cambodian Model Court Project, a partnership between the Royal Government of Cambodia and a number of international donors including the United States Agency for International Development (USAID) and the East West Management Institute (EWMI).

HOW WE MONITOR

CCHR Trial Monitors travel to courts daily and attend as many of the day's trials as possible recording adherence to a set of core fair trial rights using a pre-prepared and purpose built checklist. The data is then entered into an online Database, which is accessible to the public. Twice a year Project staff compile a report setting out the data collected over the previous reporting period, comparing data to previous reporting periods in order to identify trends. Each report identifies the relevant basis for fair trial rights under Cambodian and international law and makes a series of practical recommendations to improve adherence to fair trial standards. Project staff then engage in dialogue with judicial stakeholders with the aim of sharing ideas for judicial reform and encouraging implementation of the recommendations.

CONSTRUCTIVE ENGAGEMENT

The Project advocates a constructive approach with the judiciary. The presidents of Phnom Penh Capital Court and Kandal Provincial Court have been informed and updated about the project implementation since its beginning and throughout its execution.



Second Bi-Annual Report Coming March 2011

FEEDBACK FOR THE FIRST REPORT: His Excellency Suy Mong Leang, General Secretary of Council of Legal and Judicial Reform (CLJR): *In a meeting with Project staff, His Excellency stated that he was pleased that the Report showed a balance between the positive and negative points and, more importantly, that it provided more information to the CLJR to improve the operations of the courts. His Excellency accepted and supported all recommendations in the report on behalf of the CLJR.*

THE PROJECT'S FINDINGS SO FAR...

From August 2009, the project monitored 1,317 trials, producing the First Bi-annual report in July 2010. The Report contains data from 199 trials monitored at Phnom Penh Capital Court and Kandal Provincial Court between August 10 and December 31, 2009, the first reporting period. The Report notes areas in which the courts are performing well, for example, informing the accused of the nature of the offence with which they are charged, and managing the examination of evidence and witnesses fairly. However, the report also raises concerns in relation to high levels of pre - trial detention, lack of legal representation and perceptions of impartiality resulting from the conduct of judges at the two courts. Recommendations are set out in the First Bi-Annual Report for improving adherence to fair trial rights.

CONSULTATION PRIOR TO RELEASE OF THE REPORT

As part of our constructive engagement with the judicial stakeholders at the courts, CCHR met with the president of Kandal Provincial Court before the release of the first report.

However, the judges at the Phnom Penh Court were unable to meet with the project team, although they did meet with the team to discuss the findings of the report after Publication.

CONDUCTING DIALOGUE ON THE REPORT'S FINDINGS

After publishing the first report, project staff met with the following judicial stakeholders and legal institutions:

Judiciary stakeholders: Judges Chain Sinath and Seng Neang and Prosecutor Hing Bunchea of Phnom Penh Capital Court met with the project team to discuss the report's findings and recommendations. They recognized that there are problems in court processes but wished to clarify some points raised in the report; this included the Judges use of mobile phones during the trial. The Judges explained that it was necessary to be reachable, especially by police, because the calls could relate to other cases which they were investigating.

Legal Institutions: In three separate meetings the project team met with General Secretary of the Cambodian Bar Association, Mr. Suon Visal, General

Secretary of Council for Legal and Judicial Reform His Excellency Suy Mong Leang, and from the General-Commissariat of National Police, Deputy Commissioner General Lieutenant General Kang Sokhorn, Deputy Director of the Criminal Investigations Department Brigadier General Chea Bunthol, and General In Bora to discuss the report's findings and recommendations. The feedback was generally positive, however, the General-Commissariat of National Police made a number of suggestions to CCHR as to the direction of future work for the project. This included recommendations to extend the project to include monitoring prison processes, & separating the data from the Phnom Penh Capital court from the data of the Kandal Provisional Court.

ABOUT THE NEWSLETTER

Content: The newsletter has a variable theme determined each month by the project findings but particularly focused on trials relating to high profile cases &/or freedom of expression. Any content suggested by stakeholders is taken into consideration according to the scope of the project.

Purpose: To disseminate information concerning the project and promote wider adherence to fair trial rights by the Phnom Penh and Kandal Courts and throughout Cambodia.

Target Audience: Judiciary stakeholders, and relevant non-judiciary stakeholders.

Timeframe: Starting in March 2011, the newsletter will be **published** on the 8th of each month.

Contact: Any suggestions, feedbacks, or more information, please contact:

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