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Cambodian Center for Human Rights

CCHR's PRESS RELEASE

The Cambodian Center for Human Rights ("CCHR") Releases its Latest Annual Report on Fair Trial Rights, Outlining Key Findings from its Monitoring of Four Courts of Appeal in 2023

Phnom Penh, 31 October 2024

Today, CCHR's Fair Trial Rights Project releases its Annual Report on "Fair Trial Rights in Cambodia: Monitoring Report 2023" covering from 1 January to 31 December 2023. This Report analyzes data gathered through the daily monitoring of 772 randomly selected criminal cases involving 1,118 defendants at the Phnom Penh, Battambang, Tboung Khmum, and Preah Sihanouk Courts of Appeal, using a customized trial monitoring checklist [trial-monitoring checklist](#) to determine the extent to which national and international fair trial rights standards are being upheld.

The report finds that several key fair trial rights were generally guaranteed before the four target Courts of Appeal, namely the pre-trial right to speak with a lawyer, the right to adequate time and facilities to prepare a defense, and the right to public judgment. It is noteworthy that the fundamental right to be present at trial was respected by three of the four Courts of Appeal (Phnom Penh, Battambang, and Preah Sihanouk). Similarly, the right to be tried without undue delay was upheld by three Courts of Appeal (Battambang, Tboung Khmum, and Preah Sihanouk), as was the right to a public hearing (Phnom Penh and Tboung Khmum).

The Preah Sihanouk Court of Appeal demonstrated the most significant year-on-year improvement, upholding six out of the 14 assessed fair trial rights, a notable increase from four in 2022. For the first time since CCHR initiated its monitoring of criminal hearings at this court, the right to legal representation, the right to be present at trial, and the presumption of innocence were all consistently respected. The Phnom Penh Court of Appeal also exhibited progress, albeit more modest, by consistently upholding the right to a public hearing throughout 2023. While this court upheld only four of the 14 assessed fair trial rights, this nevertheless represents a slight improvement from the previous year, where only three rights were consistently upheld.

In contrast, the Battambang Court of Appeal failed to consistently uphold the right to a public hearing after having done so in 2022 and thus saw its number of key fair trial rights respected decline from five to four out of 14. At the Tboung Khmum Appeal Court, the Court failed to consistently uphold the right to be present at trial. Consequently, only four of the 11 key fair trial rights assessed there were respected in 2023, down from five in 2022.

Monitoring uncovered a worrisome lack of compliance with key fair trial rights. Firstly, the right to liberty continued to be undermined, with data showing extensive use of pre-trial detention, including cases involving child defendants. CCHR notes with concern that roughly 3 out of 4 defendants were held in pre-trial detention in 2023, pointing to blatant misuse of a process designated for special cases. Secondly, the right not to be compelled to confess guilt was once again classified as being not fully respected. This is

because allegations of police abuse to force defendants into confessing were not duly investigated. Thirdly, a consistent failure was observed across the target courts to provide detailed reasons for their judgments in 4 out of 5 cases monitored. 7 in 10 hearings lasted 30 minutes or less. This brevity, coupled with the lack of detailed judgments, casts doubt as to whether judges were able to substantially review all the elements of the case. CCHR hopes that the data, analysis, and recommendations set out in this Report will assist the Cambodian government's efforts to improve the judicial system by strengthening adherence to fair trial standards and support those striving for a fair and equitable judicial system in Cambodia. CCHR has made the Report available in [Khmer](#) and [English](#) on its [Trial Monitoring Database](#).

For more information, please contact CCHR's Fair Trial Rights Project Coordinator, Mr. Hun Seang Hak via e-mail at seanghak.hun@cchrcambodia.org or telephone at +855 (0) 12 40 30 50.

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Notes to the Editor:

About the Fair Trial Rights Monitoring Project

CCHR's Fair Trial Rights Project was set up in 2009 to monitor criminal trials in Cambodian courts, and to assess their adherence to international and Cambodian fair trial standards. The Project uses the findings to promote increased respect for fair trial rights, to advocate for improvements in court practices, and to increase understanding and knowledge of the concept of fair trial rights among the public. The overall goal of the Project is to improve the procedures and practices of courts in Cambodia, resulting in full adherence to fair trial standards in criminal trials, and to increase understanding and knowledge of the concept of fair trial rights among the public. For more information, please visit [our website](#) as well as our [Fair Trial Rights Monitoring Database](#). Other publications from the project can be found [here](#).

About the Cambodian Center for Human Rights

Founded in November 2002, 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. CCHR is a member of the International Freedom of Expression Exchange (IFEX), the global network for freedom of expression, and CIVICUS: World Alliance for Citizen Participation. CCHR is also a member of the World Organization Against Torture (OMCT) SOS-Torture Network and OECD Watch.

The Cambodian Human Rights Portal (www.sithi.org) is the 2011 winner of the Information Society Innovation Fund Award in the category of Rights and Freedoms and the 2013 winner of the Communication for Social Change Award awarded by the Centre for Communication and Social Change at the University of Queensland in Brisbane, Australia.