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Cambodian Center for Human Rights

Trial Monitoring Project
Promoting Justice in Cambodia

TRIAL MONITORING CODE OF CONDUCT

Supported by:



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The Asia Foundation

Preparation and prerequisites¹

General Duties

Confidentiality

- The monitoring project respects full confidentiality with respect to eth release of con-public information
- Monitors must have a comprehensive understanding of the confidentiality principles win relation to trial monitoring with respect to information obtained at court, as well as operational and organisational information relevant to CCHR

Prior to Implementation of the Trial Monitoring Project

Preliminary assessments

Trial Monitors must have a thorough understanding of the following prior to court attendance as a Monitor:

- The judicial mechanisms in Cambodia
- Court hierarchy and corresponding jurisdictions
- Level of cooperation and/or involvement is expected from a) Judge; b) Prosecutor C) Defence Counsel and e) Government

Notification

- The decisions as to who will receive formal and/or informal notification of the Trial Monitoring must be made prior to monitoring the trials and be approved by the Project Coordinator in line with the project objectives;
- If the CCHR notifies the Court of the trial monitoring it must be in accordance with general practices²
- Monitors must record who has been informed and/or consulted prior to, and/or during, the trial. This includes the details and form of the notification;
- Whether a Memorandum of Understanding (MoU) signed between CCHR and the Ministry of Justice

Prior to Each trial to be monitored

Preliminary Assessments

The following information is collected prior to each trial, or, where unable to do so, it is noted and the research is conducted after or during the trial:

- Whether there are relevant reports on similar trials in Cambodia
- Which binding international laws and treaties, if any, pertain to the case
- What are the domestic laws, substantive and procedural, relevant to the case

¹ This section will be provided as an additional document and will apply for all trials to be monitored

² Attach copy of notification/agreement with relevant court

- What are the relevant Constitutional provisions

Notification

- Trial Monitors must document in detail any dialogue with a) government; b) Defence Counsel; c) Prosecutor; d) Judge; e) Court Clerk or f) any other relevant party

Access

- The trial Monitors must register with the court prior to Monitoring and, if a request for documents or access was made, Trial Monitors must keep copies of all official documentation

During the Trial

General

- Arrive in court ahead of time to allow sufficient time to gain access to the court, locate the courtroom, and find a seat. This should be described in the Report form.
- Monitors must be prepared and able to clearly articulate the legal basis, purposes, and objectives of the programme to all court officials and legal actors.

Identification

- Carry the monitor-identification badge at all times, and produce it if requested by court officials.
- If there are concerns about access, carry acknowledgement for local officials of trial monitoring project.

Conduct in court

- Monitors must display professionalism at all times
- Must possess a high standard of legal knowledge, including international human rights law
- Monitors must decide where to sit, attempting to secure an appearance of impartiality and to facilitate observation of the trial. The observer should choose to sit in a prominent, neutral location in the courtroom. Maintain polite and composed demeanour with all court officials and parties to a case.
- Wear appropriate clothing
- Arrive promptly at court
- Maintain a respectful approach during all interactions with court officials and actors
- Visibly make extensive notes during hearings based on the CCHR checklist, irrespective of whether the trial is being recorded

- Monitors must be familiar with and fully understand, the checklist and guidelines for trial monitoring
- Ensure the safety and confidentiality of notes
- Get a neutral party to give introduction to court (only if staying the entire time) to increase visibility

Impartiality and non-interference

- Occupy a convenient seat in a courtroom that allows you to observe, hear and follow all aspects of a hearing.
- Do not sit next to either the defence or prosecution.
- Never ask legal actors their opinions on a case or offer advice
- Avoid interfering during the course of a hearing
- Never interrupt a trial proceeding or speak with legal actors or participants during the trial.
- Never intervene in a trial or attempt to influence the outcome of trial proceedings in any way.
- At no time express any bias or preference in relation to the parties in a case.
- Do not express any views on the course of a trial either inside or outside a courtroom; When asked specific questions, respond by explaining the role of the monitor and the code of impartiality
- Trial Monitors should make no public statements should be made before the end of the trial.
- Where possible Trial Monitors should take note of related newspaper articles referring to the trial and be aware of practical observations for future trial monitors