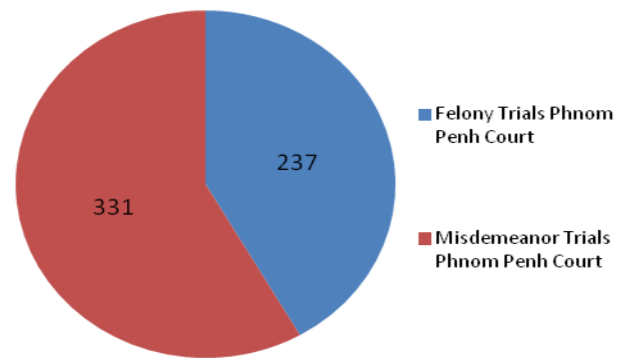


Key Statistics in 2011

This leaflet illustrates the important statistical information gathered by the Cambodian Center for Human Rights' ("CCHR") Trial Monitoring Project at the Phnom Penh Court of First Instance ("Phnom Penh Court") in 2011.

Trials Monitored in 2011

Trials Monitored in 2011



In 2011, CCHR monitored 568 trials in Phnom Penh Court. Of these trials 237 felony trials and 331 misdemeanor trials were monitored. In these trials, there were a total of 992 accused. Of the total number accused, 426 were tried for felony offences, while 566 were tried for misdemeanor offences.

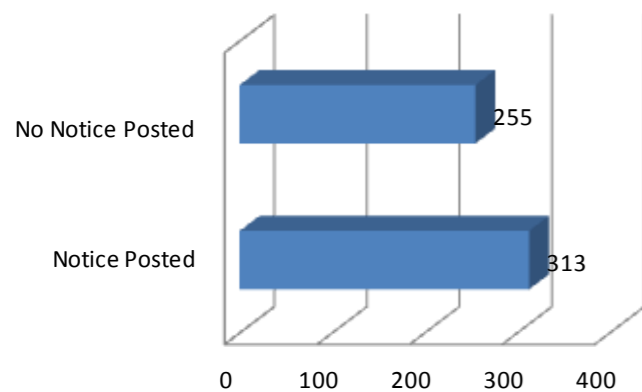
Case Outcomes in 2011

	Phnom Penh Court	Phnom Penh Court	Total
	Felony	Misdemeanor	
Guilty	216	299	515
Not Guilty	11	17	28
Re-investigated	13	12	25
Information Unknown	186	238	424

The Right to a Public Hearing

Everyone has the right to have their guilt or innocence determined in public trial, except in certain exceptional circumstances.

Notice of Hearing Posted Publicly in 2011

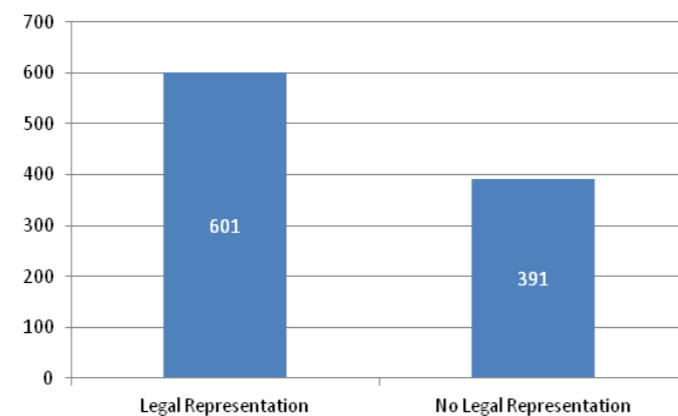


In 2011, public notice was posted at 313 (55%) hearings monitored, while no public notice was posted at 255 of the hearings monitored (45%).

The Right to Legal Representation

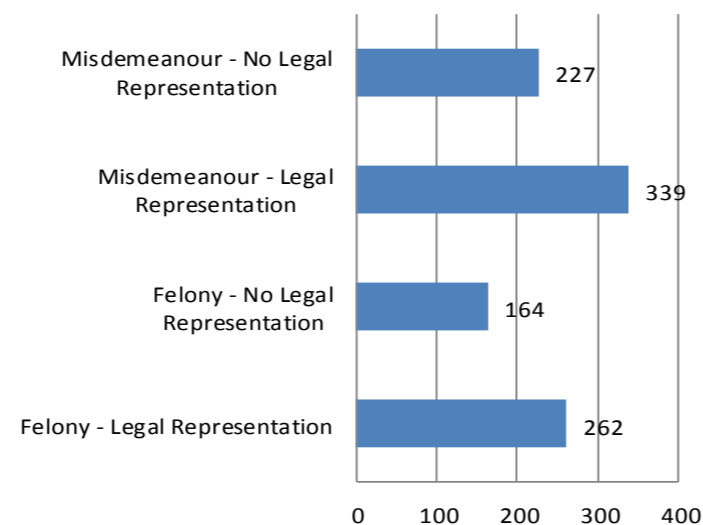
Legal procedures and the workings of a law court can be foreign and intimidating to those accused of an offense. To enable a fair trial it is vital to ensure that those accused of offenses have the opportunity to employ an expert advocate with the ability to explain the charges against them and their rights, guide them through the trial process, and represent and defend their interests in court.

Legal Representation 2011



Of the 992 accused monitored in 2011, 601 (61%) of the accused had legal representation.

Representation of the accused in Felony and Misdemeanor Trials



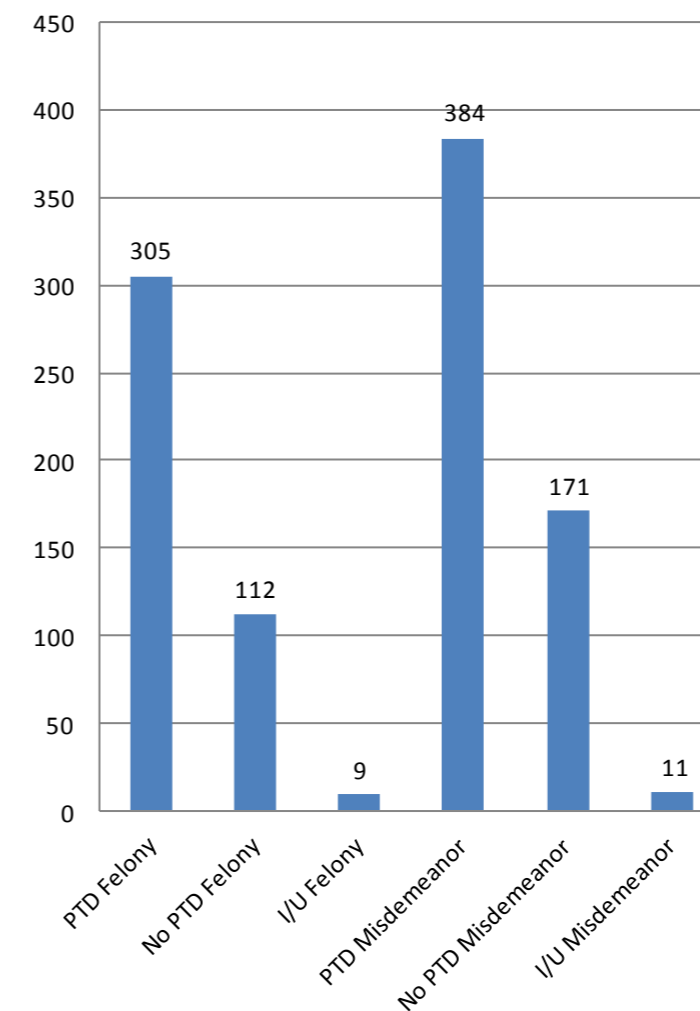
Legal representation for felonies is mandatory under Article 301 of the CCPC. Of the 426 accused charged with felony-related offences, only 262 (62%) had legal representation.

Of the 566 accused charged with misdemeanor-related offences, 339 (60%) had legal representation.

The Right to Liberty

A statutory presumption against pre-trial detention ("PTD") is created by Article 203 of the CCPC which states that "in principle, the charged person shall remain at liberty. Exceptionally, the charged person may be provisionally detained under the conditions stated in this section." PTD levels in both felony and misdemeanor trials observed was high in 2011.

Pre-Trial Detention 2011

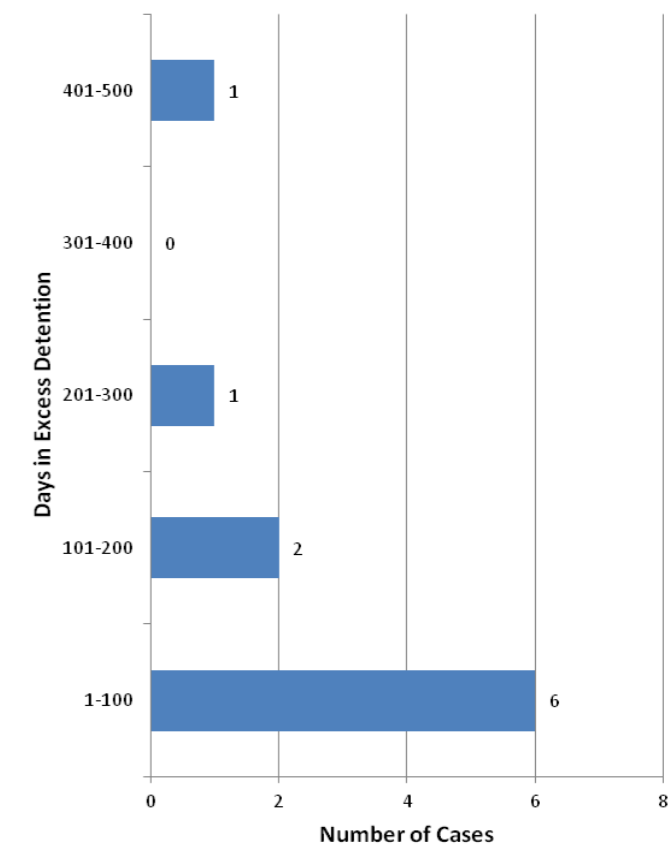


Three-hundred and five (72%) of the 426 accused charged with felony-related offences were held in PTD. Three-hundred and eighty-four (68%) of the 566 observed who were accused of misdemeanor-related offences were held in PTD.

The Right to be Tried without Undue Delay

The maximum periods for pre-trial detention are contained in Articles 208 and 209 of the CCPC; Article 249 of the CCPC permits an extension of the maximum PTD limit for an additional four months. Including the additional four month extension, the statutory maximum PTD for a felony is 22 months (or 682 days). The maximum for a misdemeanor is 10 months (or 310 days). Article 249 of the CCPC provides that if a charged person is not brought to trial within the statutory time for pre-trial detention, then the "charged person shall be automatically re-

Excess Pre-trial Detention

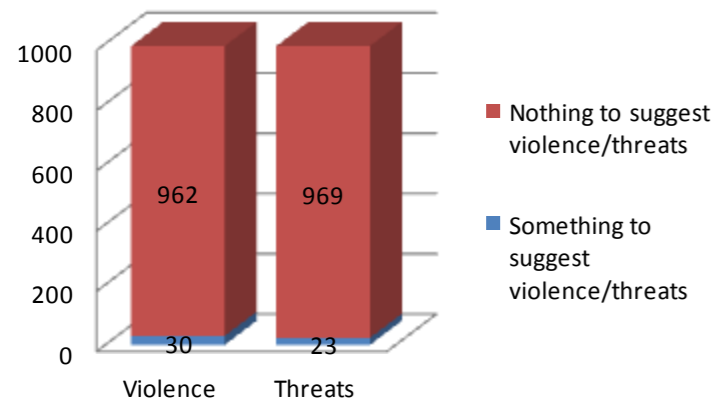


In 2011, trial monitors recorded 10 instances of excessive PTD in the Phnom Penh Court. Eight of these cases involved misdemeanor related offences.

The Right Not to be Compelled to Confess Guilt

The right not to be compelled to confess guilt encompasses the absolute prohibition against torture and cruel, inhuman or degrading treatment or punishment. It includes that no direct or indirect physical or psychological pressure amounting to severe pain or suffering should be inflicted on an accused by the investigating or judicial authorities in order to secure a confession of guilt.

Alleged coercion where confession



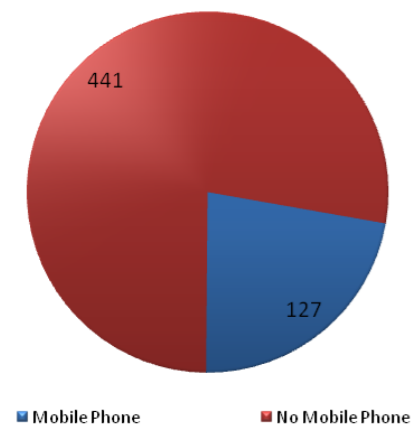
The data collected by CCHR and enumerated in the above chart and following paragraphs is based on allegations made by an accused at trial of police using violence and/or psychological coercion – such as threats – to gain a confession. As such this data is speculative and is not intended to indicate conclusive evidence of improper conduct.

In a small but significant number of trials, Trial Monitors observed allegations made by an accused of violence and threats being used to elicit a confession. Thirty (3%) accused made allegations of violence being used to elicit a confession. Allegations of threats being made to elicit a confession were made by 23 (2.3%) accused monitored.

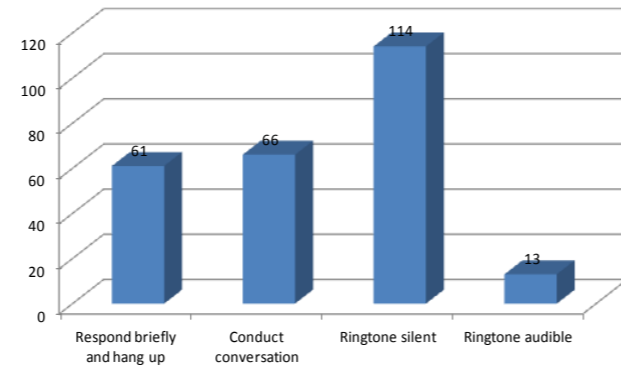
The Use of Mobile Phones

Throughout 2011, CCHR observed the use of a mobile phones by judges during trial at the Phnom Penh Court. Such usage raises concerns in relation to whether that judge is paying sufficient attention to the arguments of the parties and the evidence presented.

Mobile Phone Use in 2011



Mobile Phone Use - Responses

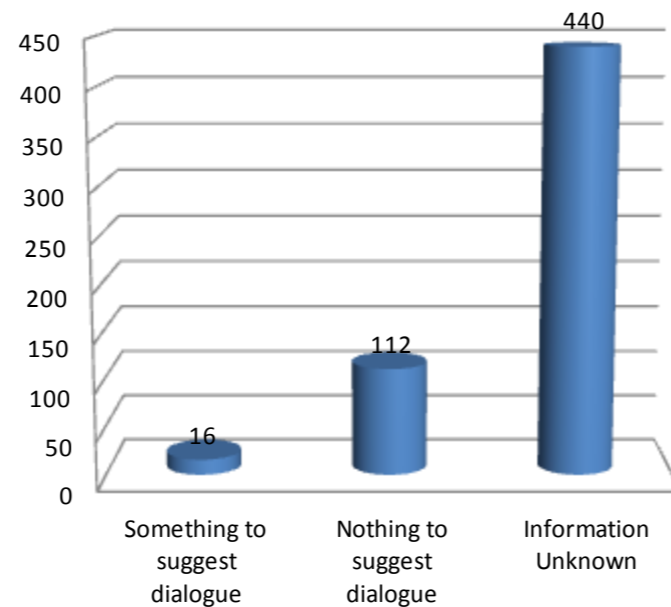


In the 127 trials in which a judge used a mobile phone during the trial, the judge answered the phone briefly and hung up in 61 cases. The judge conducted a conversation on 66 occasions. The ringtone was audible on 13 occasions and was silent on 114 occasions.

The Right to be Tried by an Independent and Impartial Tribunal

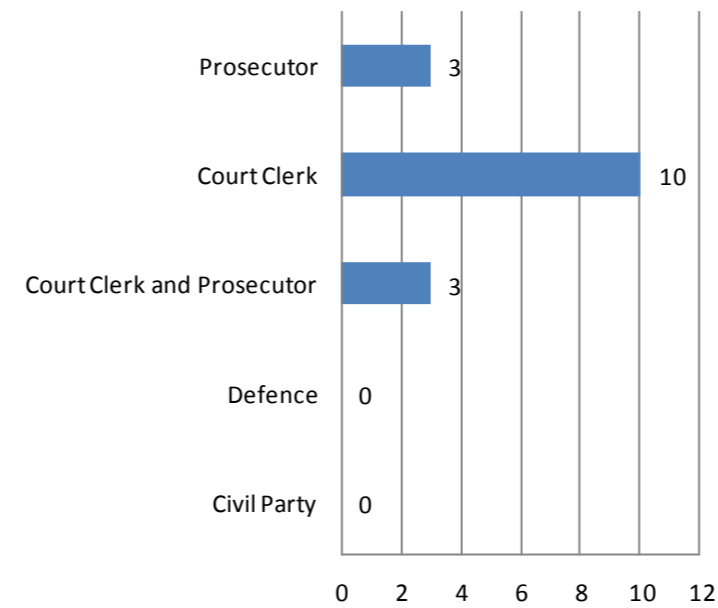
The fairness of any judicial system relies on the independence and impartiality of the arbitrary body. Article 337 of the CCPC prohibits any party from interacting with the judge after the judge has entered the deliberation room; this includes an express prohibition preventing the prosecutor and court clerk from participating in the deliberation. Where a prosecutor, another lawyer or any other party is seen to enter the judge's deliberation room after the end of a hearing a potential for outside influence on the verdict has been created and the judge's impartiality is immediately called into question. CCHR's findings are not evidence of interference during deliberation, they simply indicate the potential for such a breach to occur.

Dialogue During Deliberation



In 2011, trial monitors observed 16 trials where there was something to suggest dialogue during deliberation.

Dialogue During Deliberation By Party



Trial monitors observed the prosecutor alone engaging in dialogue with the judge on 3 occasions. The Court Clerk alone engaged in dialogue with the judge on 10 occasions during deliberation. Both the court clerk and the prosecutor were observed to engage in dialogue with the judge on 3 occasions. There were no occasions where the judge was observed to engage in dialogue with the Defence or a Civil Party.

CONTACT:

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CCHR is a non-aligned, independent, non-governmental organization that works to promote and protect democracy and respect for human rights throughout the Kingdom of Cambodia.

Cambodian Center for Human Rights

Trial Monitoring Project

Key Trial Monitoring Statistics:

**Phnom Penh Court of First Instance
 January to December 2011**



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