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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 at Four Courts of Appeal in 2022

Phnom Penh, 13 December 2023

Today, CCHR’s Fair Trial Rights Project releases its Annual Report on “Fair Trial Rights in Cambodia, Monitoring at the Phnom Penh, Battambang, Tboung Khmum and Preah Sihanouk Courts of Appeal”, covering the period from 1 January to 31 December 2022. This Report analyzes data gathered through the daily monitoring of 521 randomly selected criminal cases involving 724 defendants at the four Courts mentioned above, using a specifically designed [trial-monitoring checklist](#) to assess adherence to national and international fair trial rights standards.

The Report finds that a number of key fair trial rights were guaranteed before the four target Courts, 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 a public judgment. Similarly, the Battambang, Tboung Khmum, and Preah Sihanouk Appeal Courts upheld the right to be tried without undue delay during the Reporting Period. Other rights that were upheld by some of the Courts include the rights to a public hearing, to be present at trial, and to understand the nature and cause of the charges.

However, the Report also uncovers a lack of compliance with fundamental fair trial rights by all the target Courts, such as the right not to be compelled to confess guilt and to testify against oneself, the right to liberty, and the right to the presumption of innocence, among others. Particularly concerning is the over-reliance on pre-trial detention, including in cases involving children in conflict with the law, and the fact that one third of the defendants were not represented by a lawyer in the cases monitored. Although the judges did fully comply with Cambodian law, under which legal representation is only mandatory in felony cases or cases involving children, the fact that one in three defendants went to trial without a lawyer still falls short of international fair trial standards. The Report also compares the data collected in 2022 with that of previous Reporting Periods to identify trends and analyze the evolution of fair trial rights at the Phnom Penh Appeal Court.

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 and respect for fair trial rights and support those working to ensure that the judicial system in Cambodia is fair and equal for all. The Report is available on CCHR’s website in [Khmer](#) and in [English](#), and the underlying data can be found on [CCHR’s 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.