

TRIAL MONITORING CHECKLIST

A. General Trial Information

| 1. OVERVIEW | | | | | |
|--|-----------------|----------|------|-----------------|-----------------|
| 1(a) Date of Trial: | | | | Start Time: | |
| 1(b) Monitors: | | | | | |
| 1(c) Court: | PPC |] КРС | ВМС | RTK | Other |
| | | | | | Please specify: |
| | | | | | |
| 1(d) Judge: | 1 st | | | Other | |
| | 2 nd | | | Please specify: | |
| | 3 rd | | | | |
| 1(e) Clerk: | | | | | |
| 1(f) Number of Accused | Total: | | T | Г | T |
| | Adult: | Male: | | Present: | Absent: |
| | | Female: | | Present: | Absent: |
| | Juvenile: | Male: | | Present: | Absent: |
| | | Female: | | Present: | Absent: |
| | Legal Person | Male: | | Present: | Absent: |
| | Representative: | Female: | | Present: | Absent: |
| 1(g) Number of Victims | Total: | | | | |
| | Adult: | Male: | | Present: | Absent: |
| | | Female: | | Present: | Absent: |
| | Juvenile: | Male: | | Present: | Absent: |
| | | Female: | | Present: | Absent: |
| | Legal Person | Male: | | Present: | Absent: |
| | Representative: | Female: | | Present: | Absent: |
| | | | | | |
| | | | | | |
| | | TRIAL RI | GHTS | | |
| 2. RIGHT TO A PUBLIC | C HEARING | | | | |
| 2(a) Was notice of the | Yes | | | ☐ No | |
| hearing posted on a public board outside the | | | | | |
| courtroom? | | | | | |



| 2(b) Were members of the public or media | Yes | | No | |
|--|--------------------------|-----------|-------|-------------------|
| prevented from entering or dismissed from the courtroom? | Reason: | | | |
| | | | | |
| 3. RIGHT TO UNDERS | TAND THE NATURE OF THE C | HARGE | | |
| 3(a) Did the Judge state the charge? | Yes | | No | |
| 3(b) Did the Judge state the relevant law? | Yes | | No | |
| 3(c) Did the Judge state the date of the alleged crime? | Yes | | No | |
| 3 (d) Did the Judge state the place of the alleged crime? | Yes | | No | |
| 3(e) Did the Judge state the parties involved? | Yes | | No | |
| 3(f) If required, was an interpreter provided? | Yes | No | | □ N/A |
| 3(g) If required, were provisions made for those with disabilities | Yes | ☐ No | | □ N/A |
| If yes, what disability was provided for? | Hearing | Sight | | Other |
| | Comment: | | | |
| | | | | |
| 4. EXPLANATION OF | | | I/A 🗌 | |
| 4(a) Did the Judge inform (I) and explain (E) to the accused their right to legal representation or to self-defense? | l only | ∐ I and E | | ∐ Neither I nor E |
| 4(b) Did the Judge inform (I) and explain (E) to the accused their right not to answer or answer? | I only | ☐ I and E | | ☐ Neither I nor E |



| | D EXAMINE WITNES | SES | | | | | |
|---|---|----------|----------|-------|--------|---------------------------------------|-------|
| 5(a) Was there anything | Yes | | ☐ No | | | | |
| to suggest that any party was not given the | If yes, which party? | ı | | | | | |
| opportunity to call | Prosecutor | | Defense | | ПСі | vil Party | |
| witnesses? | Reason: | | | | | · · · · · · · · · · · · · · · · · · · | |
| 5 (b) Were the witnesses | Yes | | No | | □N | /Λ | |
| present in the courtroom | res | | | | - '` | / A | |
| before they were questioned? | | | | | | | |
| questioneu: | | | <u> </u> | | 1 | | |
| | | | | | | | |
| PLEASE GIVE A CLEAR EXPL | ANATION OF THE FA | CTS OF T | HE CASE: | | | | |
| | | | | | | | |
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| 6. PRESENTATION O | | | | ¬ | | | |
| 6(a) Was evidence/witness | If you by which part | | L | No | | | |
| presented? | If yes, by which party and what type of evidence was presented? | | | | | | |
| | Party/type | y and wr | | | ented? | | СР |
| | Party/ type | | Р | D | ented? | D. | CP |
| | Witnesses: | P: | | | ented? | P: | CP A: |
| | Witnesses: Physical Object: | | Р | D | ented? | P: | |
| | Witnesses: Physical Object: Documentary: | | Р | D | ented? | P: | |
| | Witnesses: Physical Object: Documentary: Confession: | | Р | D | ented? | P: | |
| | Witnesses: Physical Object: Documentary: Confession: Comment: | | P A: | D | | | |
| 6(b) Did the judge rule | Witnesses: Physical Object: Documentary: Confession: | | Р | D | ented? | | |
| that any of the evidence | Witnesses: Physical Object: Documentary: Confession: Comment: | P: | P A: | D | | | |
| , , , , , , , | Witnesses: Physical Object: Documentary: Confession: Comment: | P: | P A: | D | | | |
| that any of the evidence presented was | Witnesses: Physical Object: Documentary: Confession: Comment: | P: | P A: | D | | | |
| that any of the evidence presented was inadmissible? | Witnesses: Physical Object: Documentary: Confession: Comment: Yes If yes, please explain | P: | P A: | D | | | |
| that any of the evidence presented was inadmissible? 7. RIGHT TO FULL DI | Witnesses: Physical Object: Documentary: Confession: Comment: Yes If yes, please explain SCLOSURE/ EQUALITY | P: | P A: | D | | | |
| that any of the evidence presented was inadmissible? 7. RIGHT TO FULL DI 7(a) Was there anything | Witnesses: Physical Object: Documentary: Confession: Comment: Yes If yes, please explain | P: | P A: | D | | | |
| that any of the evidence presented was inadmissible? 7. RIGHT TO FULL DI 7(a) Was there anything to suggest that any party was not given the | Witnesses: Physical Object: Documentary: Confession: Comment: Yes If yes, please explain SCLOSURE/ EQUALITY | P: | P A: | D | | | |
| that any of the evidence presented was inadmissible? 7. RIGHT TO FULL DI 7(a) Was there anything to suggest that any party | Witnesses: Physical Object: Documentary: Confession: Comment: Yes If yes, please explain SCLOSURE/ EQUALITY Yes | P: | P A: | P: A: | N, | | |



| 7 (b) Was there anything | Yes | ☐ No | | □ N/A | | |
|--|---|--------------------------------|--------------------|-----------------------------|--|--|
| to suggest that any party was not given the | If yes, which party? | | | | | |
| opportunity to question | Prosecutor | ☐ Defendar | nt | Civil Party | | |
| witnesses? | Comment: | _ | | | | |
| 7(c) Was there anything to suggest that any party | Yes | No | □ N/A | | | |
| did not have an opportunity to view the | If yes, which party di | d not have access to th | ne case file prior | r to the hearing? | | |
| case file prior to the hearing? | Prosecutor | Accused (if self represented) | Defense Counsel | Civil Party | | |
| | Comment: [Please pr | | y it is suggested | that the relevant party did | | |
| 7(d) Was the accused or defense counsel denied the opportunity to have | Yes | ☐ No | | □ N/A | | |
| the last word? | Accused | Defense (| Counsel | | | |
| | If no, comment: | | | | | |
| | | | | | | |
| 8. INDEPENDENCE, | IMPARTIALITY AND CO | NDUCT OF THE JUDG | E | | | |
| 8(a) Was there anything | Yes | | ☐ No | | | |
| to suggest that the Judge had an interest in the | If yes, what is the nature of the perceived interest? | | | | | |
| case beyond their usual | ☐ Family | Political | Financial | Other | | |
| judicial role? | What suggests that such an interest exists? Please explain: | | | | | |
| 8(b) Did the Judge | Yes | | ☐ No | | | |
| behave in an intimidating manner towards a party? | If yes, please explain | : | | | | |
| 8(c) Did the Judge make | Yes | | ☐ No | | | |
| discriminatory comments about any party? | Race | minatory comment bas Gender | Religion | ∕'s: ☐Other | | |
| | | ture of the comment: | | | | |
| 8(d) Did the judge leave the court room during | ∐ Yes | | ∐ No | | | |
| the trial? | If yes, please explain | reason: | ∐ I/U | | | |
| 8 (e) Did the Judge answer a mobile | Yes | | ☐ No | | | |
| telephone during the | If yes, did they: | | | | | |
| trial? | Respond briefly a | nd hang up | conduct a | conversation | | |
| | If yes, was the ring to | one: | | | | |
| | Audible | | On silent | | | |



| 9. DELIBERATION | | | | |
|---------------------------|---------------------|----------------------|---------------------------|-----------------------|
| Finish time: | | | | |
| 9(a) Was there a | Yes | ☐ No | □ Next day | □ I/U |
| deliberation? | If yes, how long: | | | |
| | If no, comment: | | | |
| 9 (b) Was there anything | Yes | No | □ N/A | □ I/U |
| to suggest that any party | | _ | | |
| spoke to the judge | If yes, which part | y? | | |
| during deliberation? | Prosecution | Defense | Civil Party | Court Official |
| | , | | | |
| 10. VERDICT | | | | |
| 10(a) Was a verdict | Yes | | ☐ No | |
| delivered on the day of | If no. was the date | that the verdict wou | ıld be delivered announce | d during the hearing? |
| the hearing? | Yes | | ∏ No | |
| 10(b) Date of verdict: | | | N/A | |
| 10(c) How many judge | | | <i></i> | |
| were present when the | | | | |
| verdict was delivered? | | | | |
| 10(d) Was the verdict | Yes | ☐ No | | I/U |
| announced in public? | If no, please comm | ent: | | |
| 10(e) Did the judge | Inform | Inform and | Neither N/A | □ I/U |
| inform (I) and explain | _ | explain inf | formed nor | <u> </u> |
| (E) the procedure and | | ex | plained | |
| terms of appeal? | | | | |
| | | | | |
| TOTAL TIME OF HEARI | NG: | | | |
| | | | | |
| | | | | |
| SPECIAL NOTE: | | | | |
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B. Individual Accused Information

| 11. CRIMINAL RESPONS | SIBILITY | | | | | | | | |
|--|---|---|---|---|---|--|--|--|--|
| Accused | Accused 1 | Accused 2 | Accused 3 | Accused 4 | Accused 5 | | | | |
| 11(a) Was the accused a juvenile at the time the offense was committed? | Yes No | | | | |
| (Please complete annex 1 for each juvenile accused) | | | | | | | | | |
| 12. LEGAL BASIS OF CHA | ARGES | | | | | | | | |
| Accused | Accused 1 | Accused 2 | Accused 3 | Accused 4 | Accused 5 | | | | |
| 12(a) Criminal proceedings were conducted through? 12(b) Charge against accused Offense: Relevant law: Relevant article of the | ☐ Judicial Investigation ☐ Citation ☐ Immediate Appearance ☐ I/U ☐ Felony ☐ Misdemeanor ☐ Petty Offense | ☐ Judicial Investigation ☐ Citation ☐ Immediate Appearance ☐ I/U ☐ Felony ☐ Misdemeanor ☐ Petty Offense | ☐ Judicial Investigation ☐ Citation ☐ Immediate Appearance ☐ I/U ☐ Felony ☐ Misdemeanor ☐ Petty Offense | ☐ Judicial Investigation ☐ Citation ☐ Immediate Appearance ☐ I/U ☐ Felony ☐ Misdemeanor ☐ Petty Offense | ☐ Judicial Investigation ☐ Citation ☐ Immediate Appearance ☐ I/U ☐ Felony ☐ Misdemeanor ☐ Petty Offense | | | | |
| law: | | | | | | | | | |
| PRE-TRIAL RIGHTS 13. RIGHT TO LIBERTY AND TO BE TRIED WITHOUT UNDUE DELAY | | | | | | | | | |
| Accused | Accused 1 | Accused 2 | Accused 3 | Accused 4 | Accused 5 | | | | |
| 13(a) Date of alleged offence: | Date: | Date: | Date: | Date: | Date: | | | | |
| onence. | | | | | | | | | |
| 13(b) Date of arrest: | Date: | Date: | Date: | Date: | Date: | | | | |

 $^{^{\}rm 1}$ If human trafficking please see Annex II: Human Trafficking Trial



| 42 / \\\ | □ N/A | □ N/A | ∐ N/A | ∐ N/A | □ N/A |
|--|----------------|------------------|-----------------|-----------|-----------|
| 13 (c) Was there judicial supervision? | Yes | Yes | Yes | Yes | Yes |
| Jaarela saper note | ☐ No | □No | □No | ☐ No | □No |
| | □ I/U | □ I/U | □ I/U | □ I/U | □ I/U |
| 13 (d) Was there | Yes | Yes | Yes | Yes | Yes |
| provisional detention? | | | | | |
| | │ | No | □ No | □ No | No |
| | | ☐ I/U | | | ☐ I/U |
| If Yes, what date did | Date: | Date: | Date: | Date: | Date: |
| provisional detention | Dute: | □ I/U | Dute | Dute: | □ I/U |
| begin? | | | | | |
| What date did provisional detention | Date: | Date: | Date: | Date: | Date: |
| finish? | □ I/U | □ I/U | □ I/U | □ I/U | □ I/U |
| | | • | 1 | | |
| 14. RIGHTS DURING IN | TERROGATION AN | D THE PROHIBITIO | N AGAINST TORTU | JRE | |
| Accused | Accused 1 | Accused 2 | Accused 3 | Accused 4 | Accused 5 |
| 14(a) Was there | Yes | Yes | Yes | Yes | Yes |
| anything to suggest | □No | □No | □ No | □No | □No |
| that the accused confessed to the | | | | | |
| offence prior to the | | | | | |
| hearing? | | | | | |
| If yes, please explain: | | | | | |
| | | | | | |
| 14(b) Was there | Yes | Yes | Yes | Yes | Yes |
| anything to suggest the accused was | ∏ No | □ No | □ No | □ No | □ No |
| interrogated without a | | | | | |
| lawyer present? | | | | | |
| If yes, please explain: | | | | | |
| | | | | | |
| 14(c) Was there | Yes | Yes | Yes | Yes | Yes |
| anything to suggest that threats were | □No | □No | □No | □No | □No |
| made to coerce the | | | | | |
| accused into | | | | | |
| confessing to the | | | | | |
| alleged crime? If yes, please explain: | | | | | |
| 14(d) Was there | | | | | |
| i i 4001 was there | | | † <u> </u> | | |
| anything to suggest | ☐ Yes ☐ No | ☐ Yes ☐ No | Yes No | Yes | Yes No |



| torture were used to | | | | | | | | | |
|--|-------------------|----------------|-----------------|------------------|----------------|--|--|--|--|
| coerce the accused | | | | | | | | | |
| into confessing to the | | | | | | | | | |
| alleged crime? | | | | | | | | | |
| If yes, please explain: | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| 15. PRE-TRIAL RIGHT TO | O SPEAK WITH A LA | AWYER AND RIGH | T TO ADEQUATE T | ME AND FACILITIE | S TO PREPARE A | | | | |
| DEFENSE | T | T | I | I | l | | | | |
| Accused | Accused 1 | Accused 2 | Accused 3 | Accused 4 | Accused 5 | | | | |
| 15(a) Was there | Yes | Yes | Yes | Yes | Yes | | | | |
| anything to suggest | □ □ No | ∏ No | ∏ No | □ □ No | □ No | | | | |
| that the lawyer of the | | | | | | | | | |
| accused was assigned | | | | | | | | | |
| on the day of the trial? | | | | | | | | | |
| If yes, please explain: | | | | | | | | | |
| , 500, produce on produce | | | | | | | | | |
| | | | | | | | | | |
| 15(b) Was the issue of | Yes | Yes | Yes | Yes | Yes | | | | |
| adequate time and | | | | | | | | | |
| facilities for | ∐ No | ∐ No | ∐ No | ☐ No | ∐ No | | | | |
| preparation raised by | | | | | | | | | |
| the defense? | | | | | | | | | |
| If yes, please explain: | | | | | | | | | |
| ' ' ' | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| | | TRIAL RIG | | | | | | | |
| 16. RIGHT TO BE PRESE | | | | | | | | | |
| Accused | Accused 1 | Accused 2 | Accused 3 | Accused 4 | Accused 5 | | | | |
| 16 (a) Was the accused present? | Yes | Yes | ☐ Yes | Yes | Yes | | | | |
| decased present. | □No | □No | □No | □No | □No | | | | |
| | | | | | | | | | |
| 16 (b) Was the accused represented | Yes | Yes | Yes | Yes | Yes | | | | |
| by a lawyer? | □No | □No | □No | □No | □No | | | | |
| | | | | | | | | | |
| 16(c) If the accused is female was the | Yes | Yes | Yes | Yes | Yes | | | | |
| accused represented | ☐ No | □No | ☐ No | ☐ No | □No | | | | |
| by a female lawyer? | □ N/A | □ N/A | □ N/A | □ N/A | □ N/A | | | | |
| 16(d) Did any of the | ∏Yes | Yes | Yes | Yes | ∏Yes | | | | |
| lawyers represent | | | | | | | | | |
| more than one | ☐ No | ☐ No | ☐ No | ☐ No | ☐ No | | | | |
| accused? | | | | | | | | | |
| If yes, was there a | Yes | Yes | Yes | Yes | Yes | | | | |



| interests of two or more of the accused represented by the same lawyer Details: | □ No |
|---|------------------------|------------------------|------------------------|------------------------|------------------------|
| | | | | | |
| 17. PRESUMPTION OF I | NNOCENCE | | | | |
| Accused | Accused 1 | Accused 2 | Accused 3 | Accused 4 | Accused 5 |
| 17(a) Did the accused appear before the court in prison uniform? 17(b) Was the accused handcuffed | ☐ Yes ☐ No ☐ N/A ☐ Yes | ☐ Yes ☐ No ☐ N/A ☐ Yes | ☐ Yes ☐ No ☐ N/A ☐ Yes | ☐ Yes ☐ No ☐ N/A ☐ Yes | ☐ Yes ☐ No ☐ N/A ☐ Yes |
| throughout the trial? | □ No □ N/A |
| 17(c) Were any statements made by the judge about the guilt of the accused prior to the delivery of the verdict? If yes, please provide details: | ☐ Yes ☐ No |
| 17 (d) Was there anything to suggest that the judge drew an inference of guilt from the silence of the accused? If yes, please explain: | ☐ Yes ☐ No ☐ N/A |
| | | | | | |
| 18. PROHIBITION AGAIN | NST DOUBLE JEOPA | ARDY | | | |
| Accused | Accused 1 | Accused 2 | Accused 3 | Accused 4 | Accused 5 |
| 18(a) Was there anything to suggest that the accused had been tried and sentenced for this offense previously? | Yes No | ☐ Yes ☐ No | ☐ Yes ☐ No | Yes No | Yes No |



| If yes, please explain: | | | | | |
|---|--|--|--|--|--|
| | | | | | |
| 19. PROHIBITION AGAI | NST THE RETROSPI | ECTIVE APPLICATION | ON OF PENAL LEGI | SLATION | |
| Accused | Accused 1 | Accused 2 | Accused 3 | Accused 4 | Accused 5 |
| 19(a) Was the law under which the accused is charged in force on the date the offense was allegedly committed? If no, please explain: | ☐ Yes ☐ No | ☐ Yes ☐ No | Yes No | Yes No | Yes No |
| | | | | | |
| 20. VERDICT | | |] I/U | | |
| Accused | Accused 1 | Accused 2 | Accused 3 | Accused 4 | Accused 5 |
| 20(a) Was the accused in provisional detention prior to the verdict? | ☐ Yes ☐ No ☐ I/U | ☐ Yes ☐ No ☐ I/U | Yes No | ☐ Yes ☐ No ☐ I/U | ☐ Yes ☐ No ☐ I/U |
| 20(b) What was the court's ruling? | Guilty Not guilty Re- investigated Pre-trial |
| 20(c) Did the judge refer to the article of the law under which the accused had been charged? | Yes No |
| 20(d) Did the judge refer to the evidence presented? | ☐ Yes ☐ No |
| 20 (e) If the accused confessed to the alleged offense at any stage prior to or during the trial, did the judge rely on the confession as evidence? (if no confession – N/A) | ☐ Yes ☐ No ☐ N/A ☐ I/U |



| 21. SENTENCE | | N/A | | _ | |
|--|----------------|----------------|----------------|----------------|----------------|
| Accused | Accused 1 | Accused 2 | Accused 3 | Accused 4 | Accused 5 |
| 21(a) Was the accused sentenced to imprisonment? | ☐ Yes ☐ No |
| Length: Prison: | | | | | |
| Probation: | | | | | |
| Pre-trial detention taken into account? | Yes | Yes No | Yes | Yes No | Yes No |
| | ☐ I/U ☐ N/A |
| 21(b) Was the accused ordered to pay a fine? | ☐ Yes☐ No |
| Amount: | | | | | |
| 21(c) Was the accused ordered to pay compensation? Amount: | Yes No |
| | | | | | |
| 21(d) Was there any other alternative sentence? | Yes No | Yes No | Yes No | Yes No | ☐ Yes ☐ No |
| If yes, please provide details: | | | | | |
| 21(e) Was there anything to suggest that the judge based his or her verdict on evidence that was not in the case file or presented at trial? | Yes No | ☐ Yes ☐ No | Yes No | Yes No | Yes No |
| If yes, please provide details: | | | | | |
| 21(f) Were the sentencing provisions of the Penal Code | Yes No |



| used in sentencing? | | | | | |
|---|------------|------------|------------|------------------------|------------|
| 21(g) If yes to 21(f), were the retroactive sentencing provisions of the Penal Code applied correctly? If 'No', please provide details | Yes No N/A | Yes No N/A | Yes No N/A | ☐ Yes ☐ No ☐ N/A | Yes No N/A |



ANNEX I: JUVENILE ACCUSED

| 22. AGE | | | | | | | |
|--|--------------------------------|--------------------------------|---|---|--------------------------------|--|--|
| Juvenile Accused | Accused 1 | Accused 2 | Accused 3 | Accused 4 | Accused 5 | | |
| 22(a) Age at the time of the offense | □<14 □ 14 – 15 □ 16 – 17 | □<14 □ 14 – 15 □ 16 – 17 | □<14 □ 14 – 15 □ 16 – 17 | □<14 □ 14 – 15 □ 16 – 17 | □<14 □ 14 – 15 □ 16 – 17 | | |
| 22(b) If under the age of 14 at the time of the offense did the judge immediately acquit the accused? | ☐ Yes ☐ No ☐N/A | ☐ Yes ☐ No ☐N/A | ☐ Yes ☐ No ☐N/A | ☐ Yes ☐ No ☐N/A | ☐ Yes ☐ No ☐N/A | | |
| | | | | | | | |
| 23. PRE-TRIAL DETENTION | ON | | | | | | |
| Juvenile Accused | Accused 1 | Accused 2 | Accused 3 | Accused 4 | Accused 5 | | |
| 23(a) Age at the time of pre-trial detention? | | | □<14 □ 14 − 15 □ 16 − 17 □ N/A | □<14 □ 14 − 15 □ 16 − 17 □ N/A | | | |
| 23 (b) Was there anything to suggest that the accused was not separated from adults? Comment: | ☐ Yes ☐ No ☐N/A | ☐ Yes ☐ No ☐N/A | ☐ Yes ☐ No ☐N/A | ☐ Yes ☐ No ☐N/A | ☐ Yes ☐ No ☐N/A | | |
| | | | | | | | |
| 24. TRIAL | | | N/A | | | | |
| Juvenile Accused | Accused 1 | Accused 2 | Accused 3 | Accused 4 | Accused 5 | | |
| 24(a) Were any measures taken to protect the privacy of the accused juvenile during the hearing? Details: | Yes No | ☐ Yes ☐ No | ☐ Yes ☐ No | ☐ Yes ☐ No | Yes No | | |
| 24 (b) Did the judge give the accused | ☐ Yes ☐ No | ☐ Yes ☐ No | ☐ Yes ☐ No | ☐ Yes ☐ No | ☐ Yes ☐ No | | |



| express his or her | | | | | |
|---|------------|------------|------------|------------|------------|
| views freely, either | | | | | |
| personally or through | | | | | |
| a representative such | | | | | |
| as a lawyer or parent? | | | | | |
| | | | | | |
| | | | | | |
| 25. SENTENCE | | N/A | | I/U | |
| Juvenile Accused | Accused 1 | Accused 2 | Accused 3 | Accused 4 | Accused 5 |
| 25(a) Did the judge | Article 38 |
| cite Article 38 or 39 of the Penal Code when | Article 39 |
| sentencing the | Both | Both | Both | Both | Both |
| accused? | Neither | Neither | Neither | Neither | Neither |
| | □N/A | □N/A | □N/A | □N/A | □N/A |
| 25(b) Was there | Yes | Yes | Yes | Yes | Yes |
| anything to suggest | □No | □No | □No | □No | □No |
| that the Judge | | | | | |
| considered imposing a | | | | | |
| non-prison sentence? | | | | | |
| Comment: | | | | | |



ANNEX II: LSHTSE² TRIAL

| 26. GENERAL INFORMA | TION | | | | | | | |
|---|--------------------|------------------|------------------|------------------|----------------|--|--|--|
| 26(a) Has the trial | Yes 🗌 | | No | | | | | |
| been previously | | | | | | | | |
| delayed? | If yes, please giv | e details: | | | | | | |
| | | | | | | | | |
| | 6(b) What is the | | | | | | | |
| relevant article of law? | | C.1 | | | | | | |
| Please give a clear summary of the facts of the case. | | | | | | | | |
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| | | | | | | | | |
| 27. ACCUSED DETAILS | | 1 | 1 | | | | | |
| Accused | Accused 1 | Accused 2 | Accused 3 | Accused 4 | Accused 5 | | | |
| 27(a) Age: | 0-14 | 0-14 | 0-14 | 0-14 | 0-14 | | | |
| | 15-17 | 15-17 | 15-17 | 15-17 | 15-17 | | | |
| | 18-25 | 18-25 | 18-25 | 18-25 | 18-25 | | | |
| | | I <u> </u> | | | 10-23 | | | |
| | 1 126 25 | | | | | | | |
| | <u>26-35</u> | <u>26-35</u> | <u>26-35</u> | <u>26-35</u> | | | | |
| | ☐26-35 ☐36-45 | ☐26-35 ☐36-45 | ☐26-35 ☐36-45 | ☐26-35 ☐36-45 | 26-35 36-45 | | | |
| | | | | | | | | |
| 27(b)Gender: | 36-45 | 36-45 | 36-45 | 36-45 | 36-45 | | | |

Pimp

Tourist

Other

Sex Worker

Please state:

27(c)Occupation:

Pimp

Tourist

Other

Please state:

Sex Worker

 $^{^2\}mbox{Law}$ on the Suppression of Human Trafficking and Sexual Exploitation 2008



| 27(d)Nationality: | Cambodian Vietnamese Thai Laotian Other Please state: | Cambodian Vietnamese Thai Laotian Other Please state: | Cambodian Vietnamese Thai Laotian Other Please state: | Cambodian Vietnamese Thai Laotian Other Please state: | Cambodian Vietnamese Thai Laotian Other Please state: |
|--|--|--|--|---|---|
| | | □I/U | □I/U | □I/U | |
| 27(e) Is there anything to suggest that the accused is a family member of the victim? If yes, please give details: | □Yes □No | □Yes □No | □Yes □No | □Yes □No | □Yes □No |
| | | , | , | | , |
| 28. VICTIM DETAILS | | | | | |
| Victim | Victim 1 | Victim 2 | Victim 3 | Victim 4 | Victim 5 |
| 28(a) Age: | □ 0-14 □ 15-17 □ 18-25 □ 26-35 □ 36-45 □ 45> | ☐ 0-14 ☐ 15-17 ☐ 18-25 ☐ 26-35 ☐ 36-45 ☐ 45> | ☐ 0-14 ☐ 15-17 ☐ 18-25 ☐ 26-35 ☐ 36-45 ☐ 45> | □ 0-14 □ 15-17 □ 18-25 □ 26-35 □ 36-45 □ 45> | □ 0-14 □ 15-17 □ 18-25 □ 26-35 □ 36-45 □ 45> |
| 28(b)Gender: | ☐Male ☐Female | ☐Male ☐Female | ☐Male ☐Female | ☐Male ☐Female | ☐Male ☐Female |
| 28(c)Occupation: | Masseuse Sex Worker Restaurant/Ba r worker House maid Porter Construction worker Other Please state: | Masseuse Sex Worker Restaurant/Ba r worker House maid Porter Construction worker Other Please state: | Masseuse Sex Worker Restaurant/Ba r worker House maid Porter Construction worker Other Please state: | Masseuse Sex Worker Restaurant/Bar worker House maid Porter Construction worker Other Please state: | Masseuse Sex Worker Restaurant/Bar worker House maid Porter Construction worker Other Please state: |
| 28(d)Nationality: | Cambodian | Cambodian | Cambodian | Cambodian | Cambodian |



| | □ Vietnamese □ Thai □ Laotian □ Other Please state: □ □ □ I/U | □Vietnamese □Thai □Laotian □Other Please state: □□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□ | ☐Vietnamese☐Thai☐Laotian☐OtherPlease state:☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐ | ☐Vietnamese☐Thai☐Laotian☐OtherPlease state:☐☐I/U | ☐ Vietnamese ☐ Thai ☐ Laotian ☐ Other Please state: ☐ ☐ I/U |
|---|---|---|--|--|---|
| 29. VICTIM'S RIGHTS | | | N/A | | |
| 29(a) Did the Judge inform the victim of his/her rights? | Yes Comment: | | □No | | |
| 29(b) Did the victim testify? | Yes | | ☐ No | | |
| 29(c) Was there anything to suggest that the victim was ordered by the court to testify against their will? | Yes Comment: | | □No | | |
| 29(d) Was there anything to suggest the victim is lying about their age? | Yes Comment: | | □No | | |
| 29(e) Was there anything to suggest the victim had contact (directly or indirectly) with the accused between arrest and trial? | Yes Comment: | | □No | | |
| 29(f) Did the Lawyer of the victim request that the victim's identity be kept confidential (i.e. did they request a | Yes If yes, did the Ju | dge agree to this? | □No | | |
| closed hearing or the use of a screen)? | Yes | | □No | | |
| 29(g) Did the Judge approach sensitive topics in a suitable manner? | Yes Comment: | | No | □ N/A | |



| 30. FEMALE VICTIM N/A | | | | | |
|--|--------------|----------|----------|----------|----------|
| 30(a) Are any of the court officials female? | Yes Comment: | □ No . | | | |
| Female Victim | Victim 1 | Victim 2 | Victim 3 | Victim 4 | Victim 5 |
| 30(b) Was the victim represented by a female lawyer? Comment: | Yes No | Yes No | Yes No | Yes No | Yes No |
| | | | | | |
| 31. WITNESSES | | | N/A | | |
| 31(a) Was there | Yes | _ | □No | | |
| anything to suggest the witness had been intimidated by the accused? | Comment: | | | | |
| | | | | | |
| 32. THE LAW | | | | | |
| 32(a) Did the judge make any statements or comments which suggested he or she was confused as to the nature of human trafficking or the LHTSE? 32(b) Did the facts of | Yes Comment: | | □ No | | |
| the case prima facie reflect the elements of the LHTSE under which the accused was charged? | Comment: | | | | |
| 33. JUVENILE VICTIM | | | N/A | | |
| Juvenile Victim | Victim 1 | Victim 2 | Victim 3 | Victim 4 | Victim 5 |
| 33(a) Did the Judge take extra precautions when speaking to juvenile victim? | Yes No | Yes No | Yes No | Yes No | Yes No |
| 33 (b) Was there anything to suggest that the juvenile wanted their parents / | Yes No | Yes No | Yes No | Yes No | Yes No |



| guardian present at the hearing? If yes, were the | ∏Yes | □Yes | Yes | □Yes | □Yes |
|--|--------|--------|--------|--------|--------|
| parents present? | □ No |
| Comment: | _ | | | _ | |
| 33 (c) Was there a screen to protect the juvenile from testifying in public? | Yes No |