

ANALYSIS OF CAMBODIAN NATIONAL MODEL COURT

TEN STAGES OF CASE FLOW - OBJECTIVES-STANDARDS-CRITERIA

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EXPLANATORY NOTE

Judicial Power is one of the three branches under the Constitution of the Kingdom of Cambodia.

This power shall be independent and cover all cases including administrative cases.

This power shall be given to the Supreme Court and courts of all levels.

Under the current structure, courts having jurisdiction on all cases which are in Phnom Penh include the Supreme Court and Appeal Court; in the provinces and municipalities of the Kingdom of Cambodia there are courts of first instance. Attached to each court, is a Prosecution Department and only this body shall have the right to file criminal actions.

The court and prosecution department shall be co-located. The newly adopted and enforced Law on Civil Procedure and Law Criminal Procedure derive the following management rules:

I- THE COURT

- Civil Case:

The spirits of both laws give the president of the court general administration and management of cases in all 10 stages.

However, the prosecution department or prosecution body attached to the court shall have the duty only at the stage of hearing the case and the decision of the case in order to defend the interest of juveniles, incapable persons and public order only.

- Criminal Case:

The criminal court manages the case flow from the stage where the preparation of case file is completed. This means that after completion of case file preparation, the prosecution department or investigative judge makes conclusions or submits the decision to the hearing court to hear the case.

At the hearing stage, the presence of prosecution department's representative is necessary. If there is no representative from the prosecution department at the hearing, the decision shall be deemed null and void.

II- PROSECUTION BODY ATTACHED TO THE COURT

This body manages general administration through a prosecutor and shall not fall under the general administration of the court president. However, the management of case flow in criminal matters is the responsibility of the Prosecution Body for three stages, from stage 1 to stage 3, and for the next stage, in accordance to the conclusion or decision, the case shall be submitted to the president of the court. The Prosecution Body shall be present at the hearing of criminal cases.

In conclusion, if we look at the relationship of work between the two bodies, we can see that in order to arrive at the decision of each criminal case, it requires the presence of both bodies.

Hence, the reform of the court means the reform of both bodies.

CASE FLOW

STAGE 1. RECEPTION OF THE CITIZEN/CASE

Category of Case	Objective	Standard	Principles/Criteria from national legislation and guidelines	Principles/Criteria from international legislation and guidelines
Common to all Cases	<ul style="list-style-type: none"> • The court is accessible to the public • The court operates transparently • Judges act <i>independently</i> • Court personnel are <i>skilled and informed</i> • Court personnel operate <i>ethically</i> • Court proceedings are conducted <i>impartially, fairly and professionally</i> • The court operates efficiently and effectively 	Standard 5: The court is competent	<p>Criminal procedure code and civil procedure code Criminal actions are brought by prosecutors for the benefit of the general society; the victims of a felony or misdemeanor can file a complaint as plaintiffs of a civil action before the investigating judge; the complaint of plaintiffs in a civil action has the power to file suit with an investigating judge assigned to a criminal action; criminal jurisdictions can also receive complaints from government officials who are authorized to file complaints under separate laws - (Criminal Procedure Code (CrPC) art. 4 and 5 - The court has staff capable of handling an application;</p> <p>The court has staff capable of assessing, whether the application falls within its jurisdiction and render a decision (Civil Procedure Code (CPC) art. 7-22</p> <p>The court has organised itself in such a way that all applications are registered and can be traced (CcPC art. 50 and 75) and CPC art. 26</p> <p>The court has staff capable of organising the handling of cases in order to determine the matter before it with the appropriate promptness (CrPC art. 347-364; CPC Procedure of Court of First Instance- Judgement (Book 2-Chapter 5))</p> <p>The court is capable of ensuring that its decisions are properly followed up (CPC Book 6: Compulsory Execution Book 3: Chapter 2- appeal; Book 6: Chapter 1: Demand Procedure)</p> <p>The court has organised itself in such a way that decisions can be expedited and closed properly (CpPC art. 358, 376, 381 and 382; CPC art. 264) Uttor Appeal (Book 3- Chapter 1-2- Appeal), Art 376, Art 381, Art 382 and 386))</p> <p>Code of Ethics of Judges and Prosecutors - Judges perform both judicial and some administrative duties. Judges have to monitor and instruct judicial or prosecutorial staff's tasks diligently (Art 32)</p> <p>- Judges' judicial or prosecutorial duty has more priority than other duties. Judges shall have sufficient time to</p>	<p>UDHR (1948) Effective remedy and fair and public hearing (Art 8-10)</p> <p>ICCPR (1966) All are equal before the law and are entitled to without any discrimination to equal protection of the law; Special interest of juvenile to be protected (Art 14-1)</p> <p>BPLJ (1985) The court must have jurisdiction over the subject matter and the person. Proceedings must be conducted fairly. Judges must be free to form associations. Terms of office must be adequately secured by law (para 3-6-9-11)</p> <p>GRP (1990) Selection of prosecutors safeguarded against partiality and prejudice and be appropriately trained; perform professionally and have reasonable conditions of service; Office of the prosecutor shall be strictly separated from the judicial function, and prosecutor and prosecution institution shall perform and active role in criminal proceedings authorized by law; perform duties fairly and uphold human rights; due attention to crimes by public officials; refuse unlawful evidence (para 2-3-6-10-16)</p> <p>BPJC (2002) Competence and diligence are prerequisites to the due performance of judicial office (val 6)</p>

			perform duties diligently (Art 31) and the ability of the judges to perform depends on the scope of the tasks, the sufficiency of support staff, the adequacy of work materials to perform such task and time (Art. 33) – the court has a system and organization in place to ensure the effective and efficient use of the judges and prosecutors.	
		Standard 6: The court is independent	Constitution, - The court is independent (Art 128-new)	UDHR(1948) - Fair and Public hearing by an independent tribunal. (Art 10) BPLJ (1985): - Independence of Judiciary shall be guaranteed, not subject to interference; using established legal procedures, be provided adequate resources; proper judicial selection and training; guarantee tenure of judges; promotion based on objective factors; assignment of cases internal matter; and judiciary shall be bound by professional secrecy (para 1-4-5-7-8-10-12-15) GRP¹ (1990): - Prosecutors shall be protected when threatened; reasonable conditions of service; free to join associations; Office of the prosecutor shall be strictly separated from the judicial function, and prosecutor and prosecution institution shall perform and active role in criminal proceedings authorized by law; perform duties fairly and uphold human rights; due attention to crimes by public officials; refuse unlawful evidence (para 4-5-6-9-10-16)
Criminal Case		Standard 3: Being brought before the judge within reasonable time	Code of Criminal Procedure - The arrested person must be sent to the prosecutor or release when duration of detention expires (Art 103) - The arrested person must be brought promptly before the prosecutor (Art 104) - The arrested person can requested lawyer to meet lawyer and any person who is not involved in a case after 24 hours. That requested person can meet the arrested person for 30 minutes and the conversion is confidential. (Art 98)	ICCPR (1966) - The accused person shall be informed of charge promptly, and tried without undue delay (Art. 14-3-a and Art.14-3-c) CRC(1989) - To be informed promptly and directly about the charge and the best interest of the child is the basis for matters to be determined without delay. (Art.40-2-b-ii and Art.40-2-b-iii)

¹ Guidelines on the Role of Prosecutors

		Standard 5: The court is competent	<p>Code of Criminal Procedures</p> <ul style="list-style-type: none"> - Criminal actions apply to all natural persons or legal entities regardless of race, nationality, color, sex, language, creed, religion, political tendency, national origin, social status, resources or other situations (Art 3). - Any person who claims to be a victim of an offence can file a complaint. An ordinary complaint has no effect on a criminal charge (Art 6-1). - In case the prosecutor does not respond to the claim or keeps the file without processing the victim may bring a petition to the general prosecutor of the Court of Appeal (Art 6-2) - The territorial competence of the prosecutors shall be with the prosecutor at the site where the offense was committed; in the place of the residence of the person who is suspected for committing an offense or the prosecutor of the territory in which the suspect for commission of a crime was arrested (Art 39) - - Civil action can be brought in conjunction with a criminal action before a criminal court (Art 22-1) - Civil action may be brought also before the civil court. In this case, the civil action must be suspended until the final decision on criminal action is made (Art 22.2) - In criminal case the court shall receive complaints through (i) a warrant of the investigating judge's or investigating Chamber's warrant; (ii) the citation of the prosecutor; or (iii) an order for immediate appearance submitted by prosecutor. (Art. 291) 	<p>UDHR²(1948)</p> <ul style="list-style-type: none"> - The right to an effective remedy (Art 8) <p>BPLJ (1985):</p> <p>The court must have jurisdiction over the subject matter and the person. The jurisdiction must be given by law. Judges, prosecutors and lawyers must be skilled and informed (para 3)</p>
		Standard 8: Being treated equally	<p>Code of Criminal Procedures</p> <ul style="list-style-type: none"> - Criminal actions apply to all natural persons or legal entities regardless of race, nationality, color, sex, language, creed, religion, political tendency, national origin, social status, resources or other situations (Art 3). 	<p>UDHR (1948)</p> <ul style="list-style-type: none"> - All are equal before the law and are entitled to without any discrimination to equal protection of the law (Art 2-1-2, Art 7, Art 8) <p>ICCPR³ (1966)</p> <ul style="list-style-type: none"> - All are equal before the law and are entitled to without any discrimination to equal protection of

² Universal Declaration of Human Rights 1948

³ International Covenant on Civil and Political Rights 1966

				<p>the law; Special interest of juvenile to be protected; and free assistance of an interpreter (Art. 14-1, Art. 14-3- f, Art 26)</p> <p>ICERD⁴ (1966) - Special measures to secure certain racial or ethnic groups (Art. 2-2)</p> <p>CRC⁵ (1989) - Ensuring the rights of the child and of every child accused of having infringed the penal law including the right to an interpreter (Art. 2-1, Art.40-2-b-vi)</p> <p>CEDAW⁶ (1979), - Women are treated equally in all stages of procedures in the court and tribunal; and appropriated measures to eliminate discrimination against women.(Art.15-1, Art.15-2, Art.16-1)</p> <p>GRP (1990): Criminal proceedings - Prosecutor carries out his or her functions impartially and avoid al kinds of discrimination. (para 13.a)</p>
		Standard 11: The court must ensure public access and transparency	<p>Code of Criminal Procedure - The victim of felony or misdemeanor case, may file a lawsuit as a civil plaintiff with the investigating judge (Art 5) - All person can declare themselves as victim of an offense, and can file a lawsuit. In case that lawsuit is not proceeded by prosecutor, the victim may file a lawsuit to the Prosecutor General of the Appeal Court. (Art.6). - While making a record of a complaint, the judicial police can request a translator. The record of the complaint must be signed by judicial police and plaintiff on each page. Part crossed out, added or reference must also be signed by judicial police and plaintiff. (Art 72)</p>	<p>UDHR (1948) Fair and public hearing (Art 10) ICCPR (1966) Equal before the court – including equal access to the court and prompt information in an understandable language (art. 14-3-a)</p>
Civil case		Standard 5: The court is competent	<p>Code of Civil Procedures - Handling of situation where jurisdiction does not exist (Art 18) – the court shall be capable of providing the party with information on where to submit the application or refer the matter itself</p>	<p>UDHR (1948) - Effective remedy (Art 8) ICCPR (1966) - All are equal before the law and are entitled to</p>

⁴ International Convention on the Elimination of All Forms of Racial Discrimination

⁵ Convention on the Rights of the Child

⁶ Convention on the Elimination of All Forms of Discrimination against Women

			<ul style="list-style-type: none"> - Transfer to avoid delay in case that court has no jurisdiction (Art 19) – the court shall have a system in place to facilitate the referral of the case. - Juridical Court in case of Preservative Relief Case is the court of first instance or the appeal court if the principal suit is pending at the appeal court and in case of objected to be attached or the subject matter of the dispute in a claim, juridical of the court is conferred by address of natural person, Cambodian juridical person, and foreign juridical person (Art 540) - A motion seeking a demand ruling against obligors shall be made within the court of first instance having jurisdiction over obligors. (Art 320) 	<p>without any discrimination to equal protection of the law; Special interest of juvenile to be protected; and free assistance of an interpreter (Art. 14-1, Art. 14-3- f, Art 26)</p> <p>BPLJ (1985): The court must have jurisdiction over the subject matter and the person. The jurisdiction must be given by law. Judges must be skilled and informed (para 3)</p>
		<p>Standard 8: Being treated equally</p>	<p>Constitution</p> <ul style="list-style-type: none"> - Right of Individual is protected (Art 31) <p>Code of Civil Procedures</p> <ul style="list-style-type: none"> - The right of all persons to obtain a court trial in a civil dispute shall be guaranteed (Art 2) - Right of party to request interpreter- The Khmer language shall be used at court. (Art 5), - Cancellation of security by the court when grounds for provisions of security have disappeared (Art 73) 	<p>UDHR (1948)</p> <ul style="list-style-type: none"> - All are equal before the law and are entitled to without any discrimination to equal protection of the law (Art 2-1-2, Art 7, Art 8) <p>ICCPR⁷ (1966)</p> <ul style="list-style-type: none"> - All are equal before the law and are entitled to without any discrimination to equal protection of the law; Special interest of juvenile to be protected; and free assistance of an interpreter (Art. 14-1, Art. 14-3- f, Art 26) <p>ICERD⁸ (1966)</p> <ul style="list-style-type: none"> - Special measures to secure certain racial or ethnic groups (Art. 2-2) <p>CRC⁹ (1989)</p> <ul style="list-style-type: none"> - Appropriate measure to ensure protection of the child against discrimination or punishment on the basis of the status, activities, expressed opinion, or belief of the child's parents, legal guardians or family members; and ensure the protection of the right of the child. (Art. 2-1, Art.40-2-b-vi) <p>CEDAW¹⁰ (1979),</p> <ul style="list-style-type: none"> - Women are treated equally in all stages of procedures in the court and tribunal; and appropriated measures to eliminate discrimination

⁷ International Covenant on Civil and Political Rights 1966

⁸ International Convention on the Elimination of All Forms of Racial Discrimination

⁹ Convention on the Rights of the Child

¹⁰ Convention on the Elimination of All Forms of Discrimination against Women

		Standard 11: The court must ensure public access and transparency	<p>Code of Civil Procedures</p> <ul style="list-style-type: none"> - The right of all persons to obtain a court trial in a civil dispute shall be guaranteed (Art 2) - No party shall be tried without being heard and the court must preserve Principle of La Contradiction. (Art 3) - The court shall ensure civil action is conducted fairly and speedily. (Art 4) - Right of the party to request interpreter (Art 5) 	<p>against women.(Art.15-1, Art.15-2, Art.16-1)</p> <p>UDHR (1948)</p> <p>Fair and public hearing (Art 10)</p>
Administrative case			To be elaborated when there is a specific law.	
Commercial case			To be elaborated when there is a specific law.	
Social Case			To be elaborated when there is a specific law.	

CASE FLOW

STAGE 2. REGISTRATION OF THE APPLICATION/CLAIM

Category of Case	Objective	Standard	Principles/Criteria from national legislation and guidelines	Principles/Criteria from international legislation and guidelines
General	<ul style="list-style-type: none"> • The court acts transparently • Court personnel are <i>skilled and informed</i> • Court personnel operate <i>ethically</i> • Court proceedings are conducted <i>impartially, fairly and professionally</i> • The court operates efficiently and effectively 	Standard 5: The court is competent	<p>The court has staff capable of assessing, whether the application falls within its jurisdiction and render a decision (Civil Procedure Code (CPC) art. 7-22</p> <p>The court has organised itself in such a way that all applications are registered and can be traced (CcPC art. 50 and 75) and CPC art. 26</p> <p>The court has staff capable of organising the handling of cases in order to determine the matter before it with the appropriate promptness (CrPC art. 347-364; CPC Procedure of Court of First Instance- Judgement (Book 2-Chapter 5))</p> <p>The court is capable of ensuring that its decisions are properly followed up (CPC Book 6: Compulsory Execution Book 3: Chapter 2- appeal; Book 6: Chapter 1: Demand Procedure)</p> <p>The court has organised itself in such a way that decisions can be expedited and closed properly (CpPC art. 358, 376, 381 and 382; CPC art. 264) Utitor Appeal (Book 3- Chapter 1-2- Appeal), Art 376, Art 381, Art 382 and 386))</p> <p>Code of Ethics of Judges and Prosecutors - Judges perform both judicial and some administrative duties. Judges have to monitor and instruct judicial or prosecutorial staff's tasks diligently (Art 32) - The court has staff capable of handling an application;</p> <p>- Judges' judicial or prosecutorial duty has more priority than other duties. Judges shall have sufficient time to perform duties diligently (Art 31) and the ability of the judges to perform depends on the scope of the tasks, the sufficiency of support staff, the adequacy of work materials to perform such task and time (Art. 33) – the court has a system and organization in place to ensure the effective and efficient use of the judges and prosecutors.</p>	<p>UDHR (1948) Effective remedy and fair and public hearing (Art 8-10)</p> <p>ICCPR (1966) All are equal before the law and are entitled to without any discrimination to equal protection of the law; Special interest of juvenile to be protected (Art 14-1)</p> <p>BPLJ (1985) The court must have jurisdiction over the subject matter and the person. Proceedings must be conducted fairly. Judges must be free to form associations. Terms of office must be adequately secured by law (para 3-6-9-11)</p> <p>GRP (1990) Selection of prosecutors safeguarded against partiality and prejudice and be appropriately trained; perform professionally and have reasonable conditions of service; Office of the prosecutor shall be strictly separated from the judicial function, and prosecutor and prosecution institution shall perform and active role in criminal proceedings authorized by law; perform duties fairly and uphold human rights; due attention to crimes by public officials; refuse unlawful evidence (para 2-3-6-10-16)</p> <p>BPJC (2002) Competence and diligence are prerequisites to the due performance of judicial office (val 6)</p>

		Standard 8: Being treated equally	Constitution - Individual rights are protected by law (Art 31)	<p>UDHR (1948) - All are equal before the law and are entitled to without any discrimination to equal protection of the law (Art 2-1-2, Art 7, Art 8)</p> <p>ICCPR¹¹ (1966) - All are equal before the law and are entitled to without any discrimination to equal protection of the law; Special interest of juvenile to be protected; and free assistance of an interpreter (Art. 14-1, Art. 14-3- f, Art 26)</p> <p>ICERD¹² (1966) - Special measures to secure certain racial or ethnic groups (Art. 2-2)</p> <p>CRC¹³ (1989) - Ensuring the rights of the child and of every child accused of having infringed the penal law including the right to an interpreter (Art. 2-1, Art.40-2-b-vi)</p> <p>CEDAW¹⁴ (1979), - Women are treated equally in all stages of procedures in the court and tribunal; appropriate measures to eliminate discrimination against women.(Art.15-1, Art.15-2, Art.16-1)</p> <p>GRP (1990) Office of the prosecutor shall be strictly separated from the judicial function, and prosecutor and prosecution institution shall perform and active role in criminal proceedings authorized by law; perform duties fairly and uphold human rights; due attention to crimes by public officials; refuse unlawful evidence (para 10-16)</p>
		Standard 11: The court must ensure public access and transparency	Code of Ethics of Judges and Prosecutors Principle of honesty (Art. 18) - The court shall prevent corruption with the court	<p>UDHR (1948) Fair and public hearing (Art 10)</p> <p>ICCPR (1966) Equal before the court – including equal access to the court and prompt information in an understandable language (art. 14-3-a)</p>
Criminal case		Standard 5: The court is competent	Code of Criminal Procedures	UDHR (1948)

¹¹ International Covenant on Civil and Political Rights 1966

¹² International Convention on the Elimination of All Forms of Racial Discrimination

¹³ Convention on the Rights of the Child

¹⁴ Convention on the Elimination of All Forms of Discrimination against Women

			<ul style="list-style-type: none"> - Each court of first instance shall create a prosecution registry for registering all complaints that are submitted directly to the prosecutor or submitted by the judicial police officers to the prosecutors (Art 50) - All units of judicial police must have complaint registry. Whenever there is a complaint (Art 73) 	<p>Effective remedy (Art 8)</p> <p>ICCPR (1966) All are equal before the law and are entitled to without any discrimination to equal protection of the law (Art. 14-1, Art 26)</p> <p>BPIJ (1985) The court must have jurisdiction over the subject matter and the person (para 3)</p>
		Standard 8: Being treated equally	<p>Code of Criminal Procedures</p> <ul style="list-style-type: none"> - Each court of first instance shall create a prosecution registry for registering all complaints that are submitted directly to the prosecutor or submitted by the judicial police officers to the prosecutors (Art 50) - All units of judicial police must have complaint registry. Whenever there is a complaint (Art 73) 	<p>UDHR (1948) - All are equal before the law and are entitled to without any discrimination to equal protection of the law (Art 2-1-2, Art 7, Art 8)</p> <p>ICCPR¹⁵ (1966) - All are equal before the law and are entitled to without any discrimination to equal protection of the law; Special interest of juvenile to be protected; and free assistance of an interpreter (Art. 14-1, Art. 14-3- f, Art 26)</p> <p>ICERD¹⁶ (1965) - Special measures to secure certain racial or ethnic groups (Art. 2-2)</p> <p>CRC¹⁷ (1989) - Ensuring the rights of the child and of every child accused of having infringed the penal law including the right to an interpreter (Art. 2-1, Art.40-2-b-vi)</p> <p>CEDAW¹⁸ (1979), - Women are treated equally in all stages of procedures in the court and tribunal; appropriate measures to eliminate discrimination against women.(Art.15-1, Art.15-2, Art.16-1)</p> <p>GRP (1990) Office of the prosecutor shall be strictly separated from the judicial function, and prosecutor and prosecution institution shall perform and active role in criminal</p>

¹⁵ International Covenant on Civil and Political Rights 1966

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				proceedings authorized by law; perform duties fairly and uphold human rights; due attention to crimes by public officials; refuse unlawful evidence (para 10-16)
		Standard 11: The court must ensure public access and transparency	<p>Code of Criminal Procedure</p> <ul style="list-style-type: none"> - The victim of felony or misdemeanor case, may file a lawsuit as a civil plaintiff with the investigating judge (Art 5) - All person can declare themselves as victim of an offense, and can file a lawsuit. In case that lawsuit is not proceeded by prosecutor, the victim may file a lawsuit to the Prosecutor General of the Appeal Court. (Art.6). - The general prosecutor of the Court of Appeal may inspect the registry.(Art 50-3) - While making a record of a complaint, the judicial police can request a translator. The record of the complaint must be signed by judicial police and plaintiff on each page. Part crossed out, added or reference must also be signed by judicial police and plaintiff. (Art 72) - Each court of first instance shall create a prosecution registry for registering all complaints that are submitted directly to the prosecutor or submitted by the judicial police officers to the prosecutors (Art 50) - All units of judicial police must have complaint registry. Whenever there is a complaint (Art 73) 	<p>UDHR (1948) Fair and public hearing (Art 10)</p> <p>ICCPR (1966) Equal before the court – including equal access to the court and prompt information in an understandable language (art. 14-3-a)</p>
Civil Case		Standard 4: Getting a trial within a reasonable time	<p>Code of Civil Procedure</p> <ul style="list-style-type: none"> - - The court president must establish an annual case distribution system within a court. (Art 26) 	
		Standard 5: The court is competent	<p>Code of Civil Procedures</p> <ul style="list-style-type: none"> - The court president must establish an annual case distribution system within a court. (Art 26) - A small claim action may be made instituted orally with the court clerk (Art 225) - Application of provision pertaining to suit in case of motion seeking issuance of demand ruling (Art 321) <p>- Juridical Court in case of Preservative Relief Case is the is the court of first instance or the appeal court if the principal suit is pending at the appeal court and In case of objected to be attached or the subject matter of the dispute in a claim, juridical of the court is conferred by address of natural person, Cambodian juridical person, and foreign juridical person (Art 540)</p>	<p>UDHR (1948) Effective remedy (Art 8)</p> <p>ICCPR (1966) All are equal before the law and are entitled to without any discrimination to equal protection of the law (Art. 14-1, Art 26)</p> <p>BPIJ (1985) The court must have jurisdiction over the subject matter and the person (para 3)</p>

		Standard 8: Being treated equally	<p>Code of Civil Procedure</p> <ul style="list-style-type: none"> - Right of person to obtain a court trial in a civil lawsuit. (Art 2) - The right of party to request interpreter (Art 5) - Cancellation of security (Art 73) 	<p>UDHR (1948)</p> <ul style="list-style-type: none"> - All are equal before the law and are entitled to without any discrimination to equal protection of the law (Art 2-1-2, Art 7, Art 8) <p>ICCPR¹⁹ (1966)</p> <ul style="list-style-type: none"> - All are equal before the law and are entitled to without any discrimination to equal protection of the law; Special interest of juvenile to be protected; and free assistance of an interpreter (Art. 14-1, Art. 14-3- f, Art 26) <p>ICERD²⁰ (1965)</p> <ul style="list-style-type: none"> - Special measures to secure certain racial or ethnic groups (Art. 2-2) <p>CRC²¹ (1989)</p> <ul style="list-style-type: none"> - Ensuring the rights of the child and of every child accused of having infringed the penal law including the right to an interpreter (Art. 2-1, Art.40-2-b-vi) <p>CEDAW²² (1979),</p> <p>Women are treated equally in all stages of procedures in the court and tribunal; appropriate measures to eliminate discrimination against women.(Art.15-1, Art.15-2, Art.16-1)</p> <p>GRP (1990):</p> <p>Office of the prosecutor shall be strictly separated from the judicial function, and prosecutor and prosecution institution shall perform and active role in criminal proceedings authorized by law; perform duties fairly and uphold human rights; due attention to crimes by public officials; refuse unlawful evidence (para 10-16)</p>
		Standard 11: The court must ensure public access and transparency	<p>Code of Civil Procedure</p> <ul style="list-style-type: none"> - Right of person to obtain a court trial in a civil lawsuit. (Art 2) 	<p>UDHR (1948)</p> <ul style="list-style-type: none"> Fair and public hearing (Art 10)

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²¹ Convention on the Rights of the Child

²² Convention on the Elimination of All Forms of Discrimination against Women

			<ul style="list-style-type: none"> - No party shall be tried without being heard and the court must preserve Principle of La Contradiction. (Art 3) - The court shall ensure civil action is conducted fairly and speedily. (Art 4) - Notice of Action (Art 50) - The right of party to request interpreter (Art 5) - Parties are obliged to pay Litigation costs which include filing fee; Court costs other than filing fees . and the party's costs. Filing fees are determined in accordance with the subject matters of the action and to be paid to the court (Art 59- Art 63) - Order to provide security for litigation cost if plaintiff does not have domicile, office or place of business in Cambodia(Art 67) - Attachment of property can be carried out against all tangible and intangible property belonging to the debtor in execution. (Art 379) <p>Code of Ethics of Judges and Prosecutors Judges have to monitor and instruct judicial or prosecutorial staff's tasks diligently (Art 32) – the court shall ensure that any registration is done transparently.</p>	<p>ICCPR (1966) Equal before the court – including equal access to the court and prompt information in an understandable language (art. 14-3-a)</p>
Administrative Case			To be elaborated when there is a specific law.	
Commercial Case			To be elaborated when there is a specific law.	
Social Case			To be elaborated when there is a specific law.	

CASE FLOW

STAGE 3. SCREENING OF THE CLAIM

Category of Case	Objective	Standard	Principles/Criteria from national legislation and guidelines	Principles/Criteria from international legislation and guidelines
General	<ul style="list-style-type: none"> • The court acts transparently • Judges act <i>independently</i> • <i>Judges and</i> Court personnel are <i>skilled and informed</i> • Court personnel operate <i>ethically</i> • Court proceedings are conducted <i>impartially, fairly and professionally</i> • The court operates efficiently and effectively 	Standard 5: The court is competent	<p>The court has organised itself in such a way that all applications are registered and can be traced (CcPC art. 50 and 75) and CPC art. 26</p> <p>The court has staff capable of organising the handling of cases in order to determine the matter before it with the appropriate promptness (CrPC art. 347-364; CPC Procedure of Court of First Instance- Judgement (Book 2-Chapter 5))</p> <p>The court is capable of ensuring that its decisions are properly followed up (CPC Book 6: Compulsory Execution Book 3: Chapter 2- appeal; Book 6: Chapter 1: Demand Procedure)</p> <p>The court has organised itself in such a way that decisions can be expedited and closed properly (CpPC art. 358, 376, 381 and 382; CPC art. 264) Uttor Appeal (Book 3- Chapter 1-2- Appeal), Art 376, Art 381, Art 382 and 386))</p> <p>Code of Ethics of Judges and Prosecutors - Judges perform both judicial and some administrative duties. Judges have to monitor and instruct judicial or prosecutorial staff's tasks diligently (Art 32) - The court has staff capable of handling an application; - Judges' judicial or prosecutorial duty has more priority than other duties. Judges shall have sufficient time to perform duties diligently (Art 31) and the ability of the judges to perform depends on the scope of the tasks, the sufficiency of support staff, the adequacy of work materials to perform such task and time (Art. 33) – the court has a system and organization in place to ensure the effective and efficient use of the judges and prosecutors.</p>	<p>UDHR (1948) Effective remedy and fair and public hearing (Art 8-10)</p> <p>ICCPR (1966) All are equal before the law and are entitled to without any discrimination to equal protection of the law; Special interest of juvenile to be protected (Art 14-1)</p> <p>BPIJ (1985) The court must have jurisdiction over the subject matter and the person. Proceedings must be conducted fairly. Judges must be free to form associations. Terms of office must be adequately secured by law (para 3-6-9-11)</p> <p>GRP (1990) Selection of prosecutors safeguarded against partiality and prejudice and be appropriately trained; perform professionally and have reasonable conditions of service; Office of the prosecutor shall be strictly separated from the judicial function, and prosecutor and prosecution institution shall perform and active role in criminal proceedings authorized by law; perform duties fairly and uphold human rights; due attention to crimes by public officials; refuse unlawful evidence (para 2-3-6-10-16)</p> <p>BPJC (2002) Competence and diligence are prerequisites to the due performance of judicial office (val 6)</p>
		Standard 6: The court is independent	Constitution - The court is independent (Art 128-new) Code of Ethics of Judges and Prosecutor - Principle of Independence (Ch 2, Arts.2-6)	<p>UDHR(1948) - Fair and Public hearing by an independent tribunal. (Art 10)</p> <p>BPIJ (1985): - Independence of Judiciary shall be guaranteed, not subject to interference; using established legal procedures, be provided adequate resources (para 1-4-5-6-7-8)</p>
		Standard 7: The court is impartial	Code of Ethics of Judges and Prosecutor	UDHR(1948)

			- Principle of Impartiality (Ch 2, Arts.7-17)	- Fair and Public hearing by an independent tribunal. (Art 10) BPIJ (1985)- Judiciary shall decide on matters impartially on the basis of facts in accordance with the law (para 2)
Criminal case		Standard 1: Judicial approval of penal procedural coercive measures	Code of Criminal Procedures - The prosecutor’s secretary under the control of the prosecutor of the Kingdom shall maintain the complaint registry. The general prosecutor of the Court of Appeal may inspect the registry.(Art 50-3) - Search – judicial police shall request permission from the prosecutor (Art. 91) Arrest – the judicial police shall get written approval from the prosecutor (Art 96)	UDHR (1948) No arbitrary arrest, detention or exile (Art 9) ICCPR (1966) No unlawful deprivation of liberty; prompt information of charges and being brought before a judge; Presumed innocence until proven guilty. Ability to examine witnesses. Freedom from torture (Art. 9, 14-2, Art.14-3-e, Art.7, Art. 15) Requests for penal procedural coercive measures (search warrants, tapping, mail search, etc.) must be approved by a judge in standard situations
		Standard 3: Being brought before a judge within reasonable time	Code of Criminal Procedures: - Commencement of interrogation on felony case is conducted by prosecutor (Art 44) - In case of misdemeanor, the prosecutor may commence an interrogation (Art 45) - A summon for an accused person to appear before the court of first instance (Art 46) - The accused person may be ordered by prosecutor to appear before the court immediately (Art 47) - In case of petty offense, the prosecutor shall issue a summons for the accused to appear before the court of first instance (Art 49) Code of Ethics of Judges and Prosecutors - Judges perform both judicial and some administrative duties. Judges have to monitor and instruct judicial or prosecutorial staff’s tasks diligently (Art 32) - Judges’ judicial or prosecutorial duty has more priority than other duties. Judges shall have sufficient time to perform duties diligently (Art 31)	ICCPR (1966) - The accused person shall be informed of charge promptly, and tried without undue delay (Art. 14-3-a and Art.14-3-c) CRC(1989) - To be informed promptly and directly about the charge and the best interest of the child is the basis for matters to be determined without delay. (Art.40-2-b-ii and Art.40-2-b-iii)
		Standard 5: The court is competent	Code of Criminal Procedures: Implementation of Criminal Action (Art 40-50) - Prosecutors shall consider written complaints and protests that have been received by him or that have been directly submitted by judicial police officers. - Prosecutors can decide to either hold a file without processing or to bring criminal charge against the offenders. Before making the decision, a prosecutor can initiate preliminary investigation or order a supplemental investigation. - In case of a serious offense, the prosecutor of the Kingdom shall make a report on the case to a general prosecutor of the Court of Appeal who also shall submit that report to the Minister	UDHR (1948) Effective remedy and fair and public hearing (Art 8, Art 10) ICCPR (1966) All are equal before the law and are entitled to without any discrimination to equal protection of the law (Art. 14-1, Art 26) BPIJ (1985) The court must have jurisdiction over the subject matter and the person. Proceedings must be conducted fairly. Judges must be free to form associations. Terms of office must be adequately secured by law (para 3-6-9-11)

			of Justice.	GRP (1990): Office of the prosecutor shall be strictly separated from the judicial function, and prosecutor and prosecution institution shall perform and active role in criminal proceedings authorized by law; perform duties fairly and uphold human rights; due attention to crimes by public officials; refuse unlawful evidence (para 10-16)
		Standard 11: The court must ensure public access and transparency	<p>Code of Criminal Procedures</p> <ul style="list-style-type: none"> - Where the period of forty eight hours from the starting date of the police custody has been lapsed, the detainee may meet with a lawyer or other person who is selected by the detainee, provided that the selected person is not involved in the same offense. The selected person shall have access or be informed of the request from the detainee immediately and by all means available. (Art 98) - A lawyer can accompany a civil party. A civil party may be questioned only in the presence of his/her lawyer (Art 150) <p>The court shall have prosecution registry for register of complaints that are submitted by prosecutors or judicial police (Art 50)</p> <ul style="list-style-type: none"> - The court president must establish an annual case distribution system within a court. (Art 51) <p>The President of the court distributes the case file to the investigating judges (Art. 52)</p>	<p>UDHR (1948) Fair and public hearing (Art 10)</p> <p>ICCPR (1966) Equal before the court – including equal access to the court and prompt information in an understandable language (art. 14-3-a)</p>
Civil Case		Standard 4: Getting a fair trial within a reasonable time	<p>Code of Civil Procedure</p> <ul style="list-style-type: none"> - The court president must establish an annual case distribution system within a court. (Art 26) <p>Code of Ethics of Judges and Prosecutors</p> <ul style="list-style-type: none"> - Judges perform both judicial and some administrative duties. Judges have to monitor and instruct judicial or prosecutorial staff's tasks diligently (Art 32) - Judges' judicial or prosecutorial duty has more priority than other duties. Judges shall have sufficient time to perform duties diligently (Art 31) - The ability of the judges to perform depends on the scope of the tasks, the sufficiency of support staff, the adequacy of work materials to perform such task and time (Art. 33) 	
		Standard 5: The court is competent	<p>Code of Civil Procedures</p> <ul style="list-style-type: none"> - The president of the court must establish an annual case distribution system within a court (Art 26) - The court shall examine the complaint within reasonable time and order the party to rectify the complaint within a given period 	<p>UDHR (1948) Effective remedy and fair and public hearing (Art 8, Art 10)</p> <p>ICCPR (1966) All are equal before the law and are entitled to without any</p>

			(Art 78)	discrimination to equal protection of the law (Art. 14-1, Art 26) BPIJ (1985) The court must have jurisdiction over the subject matter and the person. Proceedings must be conducted fairly. Judges must be free to form associations. Terms of office must be adequately secured by law (para 3-6-9-11)
		Standard 11: The court must ensure public access and transparency	Code of Civil Procedures - The right of all persons to obtain a court trial in a civil dispute shall be guaranteed (Art 2) - No party shall be tried without being heard and the court must preserve Principle of La Contradiction. (Art 3) - The court shall ensure civil action is conducted fairly and speedily. (Art 4) - The president of the court must establish an annual case distribution system within a court (Art 26)	UDHR (1948) Fair and public hearing (Art 10) ICCPR (1966) Equal before the court – including equal access to the court and prompt information in an understandable language (art. 14-3-a)
Administrative case			To be elaborated when there is a specific law.	
Commercial case			To be elaborated when there is a specific law.	
Social case			To be elaborated when there is a specific law.	

CASE FLOW

STAGE 4. PREPARAATION OF THE CASE

Category of Case	Objective	Standard	Principles/Criteria from national legislation and guidelines	Principles/Criteria from international legislation and guidelines
General	<ul style="list-style-type: none"> • The court is accessible to the public • The court acts transparently • Judges act <i>independently</i> • <i>Judges, Lawyers and</i> Court personnel are <i>skilled and informed</i> • Court personnel operate <i>ethically</i> • Court proceedings are conducted <i>impartially, fairly and professionally</i> • Litigants are represented effectively • The court operates efficiently and effectively 	Standard 5: The court is competent	<p>Criminal procedure code and civil procedure code Criminal actions are brought by prosecutors for the benefit of the general society; the victims of a felony or misdemeanor can file a complaint as plaintiffs of a civil action before the investigating judge; the complaint of plaintiffs in a civil action has the power to file suit with an investigating judge assigned to a criminal action; criminal jurisdictions can also receive complaints from government officials who are authorized to file complaints under separate laws - (Criminal Procedure Code (CrPC) art. 4 and 5 - The court has staff capable of handling an application;</p> <p>The court has staff capable of assessing, whether the application falls within its jurisdiction and render a decision (Civil Procedure Code (CPC) art. 7-22</p> <p>The court has organised itself in such a way that all applications are registered and can be traced (CcPC art. 50 and 75) and CPC art. 26</p> <p>The court has staff capable of organising the handling of cases in order to determine the matter before it with the appropriate promptness (CrPC art. 347-364; CPC Procedure of Court of First Instance- Judgement (Book 2-Chapter 5))</p> <p>The court is capable of ensuring that its decisions are properly followed up (CPC Book 6: Compulsory Execution Book 3: Chapter 2- appeal; Book 6: Chapter 1: Demand Procedure)</p> <p>The court has organised itself in such a way that decisions can be expedited and closed properly (CpPC art. 358, 376, 381 and 382; CPC art. 264). Uttor Appeal (Book 3- Chapter 1-2- Appeal), Art 376, Art 381, Art 382 and 386))</p> <p>Code of Ethics of Judges and Prosecutors - Judges shall ensure that he or she performs judicial or prosecutorial duty with diligence i.e. shall endeavour to fulfil judicial duty quickly and perfectly, maintain and improve his or her specialised knowledge in order to perform judicial or prosecutorial duty with perfection and quality (Art. 29) - Judges perform both judicial and some</p>	<p>UDHR (1948) Effective remedy and fair and public hearing (Art 8-10)</p> <p>ICCPR (1966) All are equal before the law and are entitled to without any discrimination to equal protection of the law; Special interest of juvenile to be protected (Art 14-1)</p> <p>BPIJ (1985) The court must have jurisdiction over the subject matter and the person. Proceedings must be conducted fairly. Judges must be free to form associations. Terms of office must be adequately secured by law (para 3-6-9-11)</p> <p>GRP (1990) Selection of prosecutors safeguarded against partiality and prejudice and be appropriately trained; perform professionally and have reasonable conditions of service; Office of the prosecutor shall be strictly separated from the judicial function, and prosecutor and prosecution institution shall perform and active role in criminal proceedings authorized by law; perform duties fairly and uphold human rights; due attention to crimes by public officials; refuse unlawful evidence (para 2-3-6-10-16)</p> <p>BPJC (2002) Competence and diligence are prerequisites to the due performance of judicial office (val 6)</p>

			<p>administrative duties. Judges have to monitor and instruct judicial or prosecutorial staff's tasks diligently (Art 32)</p> <p>- Judges' judicial or prosecutorial duty has more priority than other duties. Judges shall have sufficient time to perform duties diligently (Art 31) and the ability of the judges to perform depends on the scope of the tasks, the sufficiency of support staff, the adequacy of work materials to perform such task and time (Art. 33) – the court has a system and organization in place to ensure the effective and efficient use of the judges and prosecutors.</p>	
		Standard 6: The court is independent	<p>Constitution The Judicial power shall be an independent power (Art 128-new-1)</p> <p>UNTAC Criminal Law - The independence of the judiciary must be guaranteed in accordance with <i>The Basic Principles on the Independence of the Judiciary</i>, adopted by the United Nations. (Art 1-1)</p> <p>- Judicial proceedings are conducted fairly and that the rights of the parties are respected. (Art 1-3)</p> <p>Code Conducts of Judges and Prosecutors - The court must be independence (see chapter 2- Art 2-6- Principle of Independence)</p>	<p>UDHR(1948) - Fair and Public hearing by an independent tribunal. (Art 10)</p> <p>BPLJ (1985): - Independence of Judiciary shall be guaranteed, not subject to interference; using established legal procedures, be provided adequate resources; proper judicial selection and training; guarantee tenure of judges; promotion based on objective factors; assignment of cases internal matter; and judiciary shall be bound by professional secrecy (para 1-4-5-7-8-10-12-15)</p> <p>GRP²³ (1990): - Prosecutors shall be protected when threatened; reasonable conditions of service; free to join associations; Office of the prosecutor shall be strictly separated from the judicial function, and prosecutor and prosecution institution shall perform and active role in criminal proceedings authorized by law; perform duties fairly and uphold human rights; due attention to crimes by public officials; refuse unlawful evidence (para 4- 5-6-9-10-16)</p>
		Standard 7: The court is impartial	<p>Constitution - The Judiciary shall guarantee and uphold impartiality and protect the rights and freedoms of the citizens. (Art 128-new- 2)</p> <p>UNTAC Criminal Law - Judges must decide in complete impartiality, on the basis of facts which are presented to them, and in accordance with law, refusing any pressure, threat or intimidation, direct or indirect, from any of the parties to a proceeding or any other person. (Art 1- Principle of Independence)</p> <p>Code Conducts of Judges and Prosecutors - Judges shall possess, inside and outside the court, an impartial attitude. (See Chapter 2- Art 7- Art 17- Principle of Impartiality)</p>	<p>UDHR(1948) - Fair and Public hearing by an independent tribunal. (Art 10)</p> <p>BPLJ (1985): The court must have jurisdiction over the subject matter and the person. The jurisdiction must be given by law. Judges, prosecutors and lawyers must be skilled and informed; judiciary must ensure that proceedings are conducted fairly (para 3-6)</p> <p>GRP (1990) Selection of prosecutors safeguarded against partiality and prejudice; Office of the prosecutor shall be strictly separated from the judicial function, and prosecutor and prosecution institution shall perform and active role in criminal proceedings authorized by law; perform duties fairly and</p>

²³ Guidelines on the Role of Prosecutors

				<p>uphold human rights; due attention to crimes by public officials; refuse unlawful evidence (para 2-10-16)</p>
<p>Criminal case</p>		<p>Standard 1: Judicial approval of penal procedural coercive measures</p>	<p>Code of Criminal Procedures Search -</p> <p>-Rules of search by investigating judge (Art 159): A search requires the presence of occupant of place and two witnesses; of two witnesses if no occupant or the presence of the President of the Bar Association in case of search law's office. -Search time is between 6AM and 6PM.</p> <p>- The exhibit taken by investigating judges shall be affixed with official seal. (Art. 160-1) - Report on the exhibits must be signed by the investigating judge, court clerk, and an occupant of the place or two witnesses. (Art.160-2) - Return of items seized by investigating judges. But if an item which causes danger to a person or property, it is confiscated as state property. (Art 161) -</p> <p>- A Summon is issued by an investigating judge orders the public police forces to arrest and arraign any person before the investigating judge and it can be issued against an accused person or to any person against whom there is an evidence of guilt (See Art 189- Art 194) – the court has the necessary capacity to issue a summon of high quality, timely and getting it expedited to the right authority before the actual trial</p> <p>- An Arrest Warrant is issued by an investigating judge and be issued against an accused person or to any person against whom there is an evidence of guilt. An arrest warrant orders the public security officers to search for, to arrest, to bring the accused person to the prison and to the detention center; and also order the chief of the prison or detention center to receive and detain that person (See Art 195- Art 202) – the court has the necessary capacity to issue an arrest warrant of high quality, timely and getting it expedited to the right authority before the actual trial</p> <p>- A Temporary Detention is decided by an investigating judge on request from the prosecutor and can be applied only in case of felony or misdemeanor charged in which the law sets the punishment of imprisonment for one year or more. It must have reasons and notice must be given to the accused and his lawyer (See Art 203- Art 218) – the court has the necessary capacity to issue a temporary detention of</p>	<p>UDHR (1948) No arbitrary arrest, detention or exile (Art 9)</p> <p>ICCPR (1966) No unlawful deprivation of liberty; prompt information of charges and being brought before a judge; Presumed innocence until proven guilty. Ability to examine witnesses. Freedom from torture (Art. 9, 14-2, Art.14-3-e, Art.7, Art. 15)</p> <p>Requests for penal procedural coercive measures (search warrants, tapping, mail search, etc.) must be approved by a judge in standard situations</p>

			<p>high quality, timely and getting it expedited to the right authority before the actual trial and communicate it to the accused and his lawyer.</p> <ul style="list-style-type: none"> - A Detention warrant is issued by an investigating judge order to chief of prison or detention center to receive and detain the accused, which is a subject matter of the temporary detention. (See Art 219- Art 222) – the court shall be capable of issuing a detention warrant of high quality and communicate it to the right authority. - A Judicial supervision is made by an investigating judge if the accused of an offense susceptible for imprisonment sentence. (See Art 223- Art 230) - Police custody (Art 96) <ul style="list-style-type: none"> - Maximum duration of police custody is 48 hours. The judicial police must inform the prosecutor immediately and shall deliver all relevant evidence to the prosecutor. - Extension of police custody shall not be longer than 24 hours excluding time necessary for transportation of detainee. - An extension of the duration of police custody is not permitted if the detainee is a minor. - A minor who less than 14 years old cannot be taken into police custody. - In case of felony, a minor of between 14 years old and less than 16 years old cannot be placed under the police custody for more than 36 hours. - In case of misdemeanor, a minor of between 14 years old and less than 16 years old cannot be placed under the police custody for more than 24 hours. - In case of felony, a minor of between 16 years old and less than 18 years old cannot be placed under the police custody for more than 48 hours. - In case of misdemeanor, a minor of between 16 years old and less than 18 years old cannot be placed under the police custody for more than 36 hours. 	
		<p>Standard 2: Opportunity to defend oneself</p>	<p>Code of Criminal Procedures</p> <ul style="list-style-type: none"> - Legal aid service for detainees after the period of 24 hours. (Art 98) - Notification of charge: Investigating judge must inform the accused of his/her rights such as right to answer, right not to answer and right to have a lawyer as well as interpreter. (Art 143-Art 144) - Interrogation of the accused person: The accused person shall be interrogated only before his/her lawyer except the accused person waives his/her rights. A lawyer shall be invited at least five days by the 	<p>UDHR (1948) Effective remedy; no arbitrary arrest, detention or exile; right to privacy (Art 8-9-12)</p> <p>ICCPR (1966) Adequate information and time to prepare defence; right to be present, to defend oneself in person, and to be assisted by counsel; equal protection of the law (Art. 5, Art. 14-3-b, Art. 14-3-d, Art 26)</p>

			<p>investigating judge before interrogation date (Art 145-149)</p> <ul style="list-style-type: none"> - Hearing of Civil Party: An investigating judge shall invite lawyer of civil party at least 5days before the hearing, and lawyer can accompany a civil party. A civil party may be questioned only in the presence of his/her lawyer (Art 150- Art 152) - Hearing of Witnesses: An investigating judge can question any person whose response is deemed useful to the relevance of truth. (Art 153- Art 158) - Expert witness (Art 162- Art 171) <ul style="list-style-type: none"> - Expert witness can be demanded by a prosecutor, the accused person or a civil party. (Art 162) - The accused may demand expert witness to listen to his or her answer before the lawyer. (Art 167) <ul style="list-style-type: none"> - Prosecutor, the accused person and lawyer shall be informed about the report of the expert witness which put in the investigation dossier. Lawyer can examine this dossier. The investigating judge shall set the time for prosecutor, the accused person or civil party to demand further expert witness or oppose to the report. (Art 170) 	<p>ICERD²⁴ (1965)</p> <ul style="list-style-type: none"> - Special measures to secure certain racial or ethnic groups (Art. 2-2) <p>CRC²⁵ (1989)</p> <ul style="list-style-type: none"> - Ensuring the rights of the child (Art. 2-1)
		<p>Standard 4: Getting a trial within a reasonable time</p>	<p>Code of Criminal Procedures</p> <ul style="list-style-type: none"> - Police custody (Art 96) <p>The court and prosecutor shall be capable of registering the time lapse from the arrest to the case is brought before the prosecutor in order to apply with the fixed time limits.</p> <p>Maximum duration of police custody is 48 hours. The judicial police must inform the prosecutor immediately and shall deliver all relevant evidence to the prosecutor.</p> <ul style="list-style-type: none"> - Extension of police custody shall not be longer than 24 hours excluding time necessary for transportation of detainee. <ul style="list-style-type: none"> - An extension of the duration of police custody is not permitted if the detainee is a minor. - A minor who less than 14 years old cannot be taken into policy custody. <ul style="list-style-type: none"> - In case of felony, a minor of between 14 years old and less than 16 years old cannot be placed under the police custody for more than 36 hours. - In case of misdemeanor, a minor of between 14 years old and less than 16 years old cannot be placed under the police custody for more than 24 hours. - In case of felony, a minor of between 16 years old 	<p>ICCPR</p> <p>Guaranteed to be tried without undue delay (Art. 14-3-c)</p>

²⁴ International Convention on the Elimination of All Forms of Racial Discrimination

²⁵ Convention on the Rights of the Child

			<p>and less than 18 years old cannot be placed under the police custody for more than 48 hours.</p> <ul style="list-style-type: none"> - In case of misdemeanor, a minor of between 16 years old and less than 18 years old cannot be placed under the police custody for more than 36 hours. - The judicial police must inform the prosecutor immediately and shall deliver all relevant evidence to the prosecutor – the prosecutor of shall be capable of registering all incoming evidence and file it properly - Hearing of Civil Party: An investigating judge shall invite lawyer of civil party at least 5days before the hearing. During that period, a lawyer may examine the case file. (Art 150) - Duration of Temporary detention in case of felony committed by adult is not longer than 6 months. The extension for additional six months at a time and it can only be made twice (Art 208) - Duration of Temporary detention in case of misdemeanor committed by adult is not longer than 4 months. The extension for an additional two months at a time cannot exceed half of the minimum sentence set by law for the charged misdemeanor.(Art 209) - Duration of Temporary detention in case of crime against humanity, war crime, and genocide shall not exceed 1 year for each of these offenses. The extension for an additional 1 year at a time and it can only be made twice (Art 210) - A minor under 14 years old cannot be temporary detained. The investigating judge must sent that minor temporarily to his guardian or a Temporary Education and Care Center in case of no guardian (Art 212) - Duration of Temporary detention in case of felony committed by a minor from 14 years old to less than 16 years old cannot exceed 4 months. (Art 213-1) - Duration of Temporary detention in case of felony committed by a minor from 16 years old to less than 18 years old cannot exceed 6 months. (Art 213-2) - Duration of Temporary detention in case of misdemeanor committed by a minor from 14 years old to less than 16 years old cannot exceed 2 months. (Art 214-1) - Duration of Temporary detention in case of misdemeanor committed by a minor from 16 years old to less than 18 years old cannot exceed 4 months. (Art 214-2) - No application of judicial supervision in case of minor under 14 years old. (Art 224) - Warrant of Settlement (Art 247) <ul style="list-style-type: none"> - An investigating judge closes investigation by a warrant of Settlement. This warrant can be a warrant 	
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			<p>forwarding a case for trial or a non-suit order (Art. 247-1)</p> <ul style="list-style-type: none"> - The prosecutor, the accused person, and the civil party must be immediately informed of the warrant of settlement. (Art 247-5) - Decision to keep the accused person in a temporary decision ceases to be effective after 4 months. If the accused person is not called to appear in court within this period, the accused person must be temporarily released. (Art 249-3) - An investigating judge must send the case file immediately to the court president to calendar the time for trial. (Art 250) -The citation may be delivered to the hand of the accused person by the prosecutor. (Art 458)-The time period between delivery of a citation and the date to appear before the court shall be determined as follows (Art 457): <ul style="list-style-type: none"> • Fifteen days if the accused resides in the territorial jurisdiction of the court office; • Twenty days if the accused resides in another location in the national territory; • Two months if the accused resides in a neighboring country to the Kingdom of Cambodia; • Three months if the accused resides in another location. <ul style="list-style-type: none"> - The summons shall indicate the rights of defense of the accused person.(Art 465) - The time period between the delivery of the summons and the date to appear before the court shall be determined as follows (Art.466): <ul style="list-style-type: none"> • Fifteen days, if the accused resides in the territorial jurisdiction of the court of first instance; • Twenty days, if the accused resides in another location in the national territory;2 months, if the accused resides in a neighboring state to the Kingdom of Cambodia; and • Three months, if the accused resides in another location. <p>Code of Ethics of Judges and Prosecutors</p> <ul style="list-style-type: none"> - Judges perform both judicial and some administrative duties. Judges have to monitor and instruct judicial or prosecutorial staff's tasks diligently (Art 32) - Judges' judicial or prosecutorial duty has more priority than other duties. Judges shall have sufficient time to perform duties diligently (Art 31) 	
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		Standard 8: Being treated equally	<p>Code of Criminal Procedures</p> <ul style="list-style-type: none"> - Right to have lawyer and meet with lawyer or other selected person by detainee where the period of 24 hours from the starting date of the police custody has been lapsed. The selected person shall have access or be informed of the request from the detainee immediately and by all means available. (Art 98) - A lawyer can accompany a civil party. A civil party may be questioned only in the presence of his/her lawyer (Art 150) - Before the hearing, the lawyers can examine the case files in the court clerk's office under the supervision of the court clerk. (Art 319-1) - The lawyer or the secretary of the lawyer can be authorized by the court to copy documents in the case file at their own cost. If the court has the photocopy machine, copies shall be made under the supervision of the court clerk. (Art 319-2) 	<p>UDHR (1948)</p> <ul style="list-style-type: none"> - All are equal before the law and are entitled to without any discrimination to equal protection of the law (Art 2-1-2, Art 7, Art 8) <p>ICCPR²⁶ (1966)</p> <ul style="list-style-type: none"> - All are equal before the law and are entitled to without any discrimination to equal protection of the law; Special interest of juvenile to be protected; and free assistance of an interpreter (Art. 14-1, Art. 14-3- f, Art 26) <p>ICERD²⁷ (1965)</p> <ul style="list-style-type: none"> - Special measures to secure certain racial or ethnic groups (Art. 2-2) <p>CRC²⁸ (1989)</p> <ul style="list-style-type: none"> - Ensuring the rights of the child and of every child accused of having infringed the penal law including the right to an interpreter (Art. 2-1, Art.40-2-b-vi) <p>CEDAW²⁹ (1979),</p> <ul style="list-style-type: none"> - Women are treated equally in all stages of procedures in the court and tribunal; appropriate measures to eliminate discrimination against women.(Art.15-1, Art.15-2, Art.16-1) <p>GRP (1990)</p> <p>Office of the prosecutor shall be strictly separated from the judicial function, and prosecutor and prosecution institution shall perform and active role in criminal proceedings authorized by law; perform duties fairly and uphold human rights; due attention to crimes by public officials; refuse unlawful evidence (para 10-16)</p>
		Standard 11: The court must ensure public access and transparency	<p>Code of Criminal Procedures</p> <ul style="list-style-type: none"> - Right to have lawyer and meet with lawyer or other selected person by detainee where the period of 24 hours from the starting date of the police custody has been lapsed. The selected person shall have access or be informed of the request from the detainee immediately and by all means available. (Art 98) - A lawyer can accompany a civil party. A civil party may be questioned only in the presence of his/her 	<p>UDHR (1948)</p> <ul style="list-style-type: none"> Fair and public hearing (Art 10) <p>ICCPR (1966)</p> <ul style="list-style-type: none"> Equal before the court – including equal access to the court and prompt information in an understandable language (art. 14-3-a)

²⁶ International Covenant on Civil and Political Rights 1966

²⁷ International Convention on the Elimination of All Forms of Racial Discrimination

²⁸ Convention on the Rights of the Child

²⁹ Convention on the Elimination of All Forms of Discrimination against Women

			<p>lawyer (Art 150)</p> <ul style="list-style-type: none"> - In case of technical problems, the investigating judge may issue an order for an expert witness at his/her own request or that of a prosecutor, an accused person, or a civil party. (Art 162-1) - Where the investigating judge denies a request for an expert witness, his/her decision must contain reasons. The order shall be made within five days if the request is from the prosecutor and within one month if the request is from an accused person or from a civil party. The requesting person shall be immediately notified of the decision. (Art 162-2) 	
Civil case		Standard 4: Getting a Trial within a reasonable time	<p>Code of Civil Procedures</p> <ul style="list-style-type: none"> - The right of all persons to obtain a court trial in a civil dispute shall be guaranteed (Art 2) - The president of the court must create an annual distribution of cases system within a court (Art 26) - Method of filing suit and Matters to be included in complaint (Art 75) - The complaint shall be served on the defendant(s). (Art 79) - When a complaint is filed, the court shall promptly set a court date for preparatory proceedings for oral argument and summon the parties to appear.(Art 80-1) - The court may required party to submit preparatory document in connection with preparatory proceedings for oral argument or oral argument (Art. 101) - The court may designate the period within which a defendant's initial preparatory document. (Art 102) - General Principles of Oral Argument and Preparation thereof (Art 89- Art 102) <ul style="list-style-type: none"> - The presiding judge shall control preparatory proceedings for oral argument and oral argument. - The court may ask the parties to clarify the facts. - The party may ask the court to present necessary questions to other party on the date set for preparatory proceeding of oral argument. - Offensive and defensive measures shall be advanced at the appropriate time. - The court may not base its judgment on any fact that has not been alleged by parties. - Right to have an interpreter if parties cannot understand Khmer. - When a complaint is filed, the court shall promptly set 	<p>Provisions regarding criminal procedures in civil case flow??</p> <p>UDHR (1948) Effective remedy; no arbitrary arrest, detention or exile; right to privacy (Art 8-9-12)</p> <p>ICCPR (1966) Adequate information and time to prepare defence; right to be present, to defend oneself in person, and to be assisted by counsel; equal protection of the law (Art. 5, Art. 14-3-b, Art. 14-3-d, Art 26)</p> <p>ICERD³⁰ (1965) - Special measures to secure certain racial or ethnic groups (Art. 2-2)</p> <p>CRC³¹ (1989) - Ensuring the rights of the child and of every child accused of having infringed the penal law including the right to an interpreter (Art. 2-1, Art.40-2-b-vi)</p> <p>CEDAW (1979) Appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations (Art.16-1)</p>

³⁰ International Convention on the Elimination of All Forms of Racial Discrimination

³¹ Convention on the Rights of the Child

			<p>a court date for preparatory proceedings for oral argument and summon the parties to appear.(Art 80-1)</p> <ul style="list-style-type: none"> - The court may required party to submit preparatory document in connection with preparatory proceedings for oral argument or oral argument (Art. 101) - The court may designate the period within which a defendant's initial preparatory document. (Art 102) - Preparatory Proceedings for Oral Argument(Art 103-112): <ul style="list-style-type: none"> - At Preparatory Proceedings for Oral Argument, the court must clarify issues in a case and organize evidence pertaining to the points at issue. (Art 103) - At Preparatory Proceedings for Oral Argument, the court shall effect the compromise settlement (Art 104) - Preparatory Proceedings for Oral Argument shall be conducted in the date on which parties can appear (Art 105) - When the arrangement of disputed issues and evidence is completed and Preparatory Proceedings for Oral Argument has bee concluded, the court shall confirm the parties the facts to be proven through subsequent examination of evidence (Art 107) - New offensive and defensive measures cannot be advanced after the conclusion of the Preparatory Proceedings for Oral Argument, except the court wants to more evidence. (Art 108) - The court shall required the court clerk prepare a protocol of Preparatory Proceedings for Oral Argument for each day it is held. <p>Code of Ethics of Judges and Prosecutors</p> <ul style="list-style-type: none"> - Judges shall ensure that he or she performs judicial or prosecutorial duty with diligence i.e. shall endeavour to fulfil judicial duty quickly and perfectly, maintain and improve his or her specialised knowledge in order to perform judicial or prosecutorial duty with perfection and quality (Art. 29) - Judges perform both judicial and some administrative duties. Judges have to monitor and instruct judicial or prosecutorial staff's tasks diligently (Art 32) - Judges' judicial or prosecutorial duty has more priority than other duties. Judges shall have sufficient time to perform duties diligently (Art 31) 	
		Standard 8: Being treated equally	<p>Constitution</p> <ul style="list-style-type: none"> - Right of Individual is protected (Art 31) <p>Code of Civil Procedures</p>	<p>UDHR (1948)</p> <ul style="list-style-type: none"> - All are equal before the law and are entitled to without any discrimination to equal protection of the law (Art 2-1-2, Art 7, Art 8)

			<ul style="list-style-type: none"> - The right of all persons to obtain a court trial in a civil dispute shall be guaranteed (Art 2) - Right to request examination, the principle of "La Contradiction" (Art 3) - Right of party to request interpreter- The Khmer language shall be used at court. (Art 5), - Cancellation of security (Art 73) <p>- General Principles of Oral Argument and Preparation thereof (Art 89- Art 102)</p> <ul style="list-style-type: none"> - The court may ask the parties to clarify the facts. - The party may ask the court to present necessary questions to other party on the date set for preparatory proceeding of oral argument. - The court may not base its judgment on any fact that has not been alleged by parties. - Right to have an interpreter if parties cannot understand Khmer. - When a complaint is filed, the court shall promptly set a court date for preparatory proceedings for oral argument and summon the parties to appear.(Art 80-1) - The court may required party to submit preparatory document in connection with preparatory proceedings for oral argument or oral argument (Art. 101) <p>- Preparatory Proceedings for Oral Argument(Art 103-112):</p> <ul style="list-style-type: none"> - Preparatory Proceedings for Oral Argument shall be conducted in the date on which parties can appear (Art 105) - When the arrangement of disputed issues and evidence is completed and Preparatory Proceedings for Oral Argument has bee concluded, the court shall confirm the parties the facts to be proven through subsequent examination of evidence (Art 107) - New offensive and defensive measures cannot be advanced after the conclusion of the Preparatory Proceedings for Oral Argument, except the court wants to more evidence. (Art 108) 	<p>ICCPR³² (1966)</p> <ul style="list-style-type: none"> - All are equal before the law and are entitled to without any discrimination to equal protection of the law; Special interest of juvenile to be protected; and free assistance of an interpreter (Art. 14-1, Art. 14-3- f, Art 26) <p>ICERD³³ (1966)</p> <ul style="list-style-type: none"> - Special measures to secure certain racial or ethnic groups (Art. 2-2) <p>CRC³⁴ (1989)</p> <ul style="list-style-type: none"> - Ensuring the rights of the child and of every child accused of having infringed the penal law including the right to an interpreter (Art. 2-1, Art.40-2-b-vi) <p>CEDAW³⁵ (1979),</p> <ul style="list-style-type: none"> - Women are treated equally in all stages of procedures in the court and tribunal; appropriate measures to eliminate discrimination against women.(Art.15-1, Art.15-2, Art.16-1)
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³² International Covenant on Civil and Political Rights 1966

³³ International Convention on the Elimination of All Forms of Racial Discrimination

³⁴ Convention on the Rights of the Child

³⁵ Convention on the Elimination of All Forms of Discrimination against Women

		Standard 11: The court must ensure public access and transparency	<p>Code of Civil Procedures</p> <ul style="list-style-type: none"> - The right of all persons to obtain a court trial in a civil dispute shall be guaranteed (Art 2) - No party shall be tried without being heard and the court must preserve Principle of La Contradiction. (Art 3) - The court shall ensure civil action is conducted fairly and speedily. (Art 4) - Right of the party to request interpreter (Art 5) - Effect of conclusion of preparatory proceedings for oral argument (Art 108) - Date and Term: The court must set date upon motion or its own authority and parties must be informed of the date (Art 240- Art 245) - Services: (Art 246- Art 258) <ul style="list-style-type: none"> - Except as otherwise provided by law, services shall be effected through delivery of documents to concerned parties at their domiciles residence, place of business or administrative office. In case of service in a foreign country, services shall be effected through delivery to the competent government authority of the country or through the Cambodian Ambassador, ministerial envoy or consul assigned to that country or stationed therein. - Services are also effected through publication in the official gazette or the press. The service by publication must be posted in the Notice Board of the court - Viewing of the case record: A party or third party who has established a preliminary showing his or her legal interest in the case may ask the court for permission to view or copy case records, or may request delivery of authenticated copies or certified copies related to the case or excerpt of the case record. Certified or excerpts copy of the case has to be signed by the court clerk. (Art 258). 	<p>UDHR (1948) Fair and public hearing (Art 10)</p> <p>ICCPR (1966) Equal before the court – including equal access to the court and prompt information in an understandable language (art. 14-3-a)</p>
Administrative Case			To be elaborated when there is a specific law.	
Commercial Case			To be elaborated when there is a specific law.	
Social Case			To be elaborated when there is a specific law.	

CASE FLOW

STAGE 5. HEARING OF THE CASE

Category of Case	Objective	Standard	Principles/Criteria from national legislation and guidelines	Principles/Criteria from international legislation and guidelines
General	<ul style="list-style-type: none"> • The court is accessible to the public • The court acts transparently • Judges act <i>independently</i> • <i>Judges, lawyers and</i> Court personnel are <i>skilled and informed</i> • Court personnel operate <i>ethically</i> • Court proceedings are conducted <i>impartially, fairly and professionally</i> • Litigants are represented effectively • The court operates efficiently and effectively 	Standard 5: The court is competent	<p>The court has organised itself in such a way that all applications are registered and can be traced (CcPC art. 50 and 75) and CPC art. 26</p> <p>The court has staff capable of organising the handling of cases in order to determine the matter before it with the appropriate promptness (CrPC art. 347-364; CPC Procedure of Court of First Instance- Judgement (Book 2-Chapter 5))</p> <p>The court is capable of ensuring that its decisions are properly followed up (CPC Book 6: Compulsory Execution Book 3: Chapter 2- appeal; Book 6: Chapter 1: Demand Procedure)</p> <p>The court has organised itself in such a way that decisions can be expedited and closed properly (CpPC art. 358, 376, 381 and 382; CPC art. 264) Utitor Appeal (Book 3- Chapter 1-2- Appeal), Art 376, Art 381, Art 382 and 386))</p> <p>Code of Ethics of Judges and Prosecutors - Judges perform both judicial and some administrative duties. Judges have to monitor and instruct judicial or prosecutorial staff's tasks diligently (Art 32) - The court has staff capable of handling an application;</p> <p>- Judges' judicial or prosecutorial duty has more priority than other duties. Judges shall have sufficient time to perform duties diligently (Art 31) – the court has a system and organization in place to ensure the effective and efficient use of the judges and prosecutors</p> <p>- Judges' judicial or prosecutorial duty has more priority than other duties. Judges shall have sufficient time to perform duties diligently (Art 31) and the ability of the judges to perform depends on the scope of the tasks, the sufficiency of support staff, the adequacy of work materials to perform such task and time (Art. 33) – the court has a system and organization in place to ensure the effective and efficient use of the judges and prosecutors.</p> <p>- Judges' judicial or prosecutorial duty has more priority than other duties. Judges shall have sufficient time to perform duties diligently (Art 31) - The organization of the court shall ensure that the judges are available when needed and the hearings</p>	<p>UDHR (1948) Effective remedy and fair and public hearing (Art 8-10)</p> <p>ICCPR (1966) All are equal before the law and are entitled to without any discrimination to equal protection of the law; Special interest of juvenile to be protected (Art 14-1)</p> <p>BPLJ (1985) The court must have jurisdiction over the subject matter and the person. Proceedings must be conducted fairly. Judges must be free to form associations. Terms of office must be adequately secured by law (para 3-6-9-11)</p> <p>GRP (1990) Selection of prosecutors safeguarded against partiality and prejudice and be appropriately trained; perform professionally and have reasonable conditions of service; Office of the prosecutor shall be strictly separated from the judicial function, and prosecutor and prosecution institution shall perform and active role in criminal proceedings authorized by law; perform duties fairly and uphold human rights; due attention to crimes by public officials; refuse unlawful evidence (para 2-3-6-10-16)</p> <p>BPJC (2002) Competence and diligence are prerequisites to the due performance of judicial office (val 6)</p>

			<p>can be conducted timely and competently</p> <p>- Judges' judicial or prosecutorial duty has more priority than other duties (Art 31) - judges shall be available for the hearings</p>	
		Standard 6: The court is independent	<p>Constitution The Judicial power shall be an independent power (Art 128-new-1) – the hearing of the case shall respect the independence of the court and the judges.</p> <p>Code Conducts of Judges and Prosecutors - The court must be independence (see chapter 2- Art 2-6-Principle of Independence) — the conduct of the hearing shall reflect the independence of the judiciary and the judges</p>	<p>UDHR(1948) Fair and Public hearing by an independent tribunal. (Art 10)</p> <p>BPIJ (1985): Independence of Judiciary shall be guaranteed, not subject to interference; using established legal procedures, be provided adequate resources; proper judicial selection and training; guarantee tenure of judges; promotion based on objective factors; assignment of cases internal matter; and judiciary shall be bound by professional secrecy and enjoy personal immunity (para 1-4-5-7-8-10-12-13-14-15-16)</p> <p>GRP³⁶ (1990): Prosecutors shall be protected when threatened; reasonable conditions of service; free to join associations; Office of the prosecutor shall be strictly separated from the judicial function, and prosecutor and prosecution institution shall perform and active role in criminal proceedings authorized by law; perform duties fairly and uphold human rights; due attention to crimes by public officials; refuse unlawful evidence (para 5-6-9-10-16)</p>
		Standard 7: The court is impartial	<p>Constitution - The Judiciary shall guarantee and uphold impartiality and protect the rights and freedoms of the citizens. (Art 128-new- 2) – justice shall not only be done, but also seen to be done.</p> <p>Code Conducts of Judges and Prosecutors - Judges shall possess, inside and outside the court, an impartial attitude. (See Chapter 2- Art 7- Art 17- Principle of Impartiality)</p>	<p>UDHR(1948) Fair and Public hearing by an independent tribunal. (Art 10)</p> <p>BPIJ (1985) Judiciary not subject to interference; using established legal procedures and ensure fair judicial proceedings and the rights of parties (para 2-6)</p> <p>GRP³⁷ (1990): Prosecutors shall be protected when threatened; reasonable conditions of service; promotion based on objective criteria; enjoy freedom of expression and association (para 5-6-7-8)</p>
		Standard 8: Being treated equally	<p>Code Conducts of Judges and Prosecutors - During procedural hearing, judges shall demonstrate seriousness,</p>	<p>UDHR (1948) - All are equal before the law and are entitled to without</p>

³⁶ Guidelines on the Role of Prosecutors

³⁷ Guidelines on the Role of Prosecutors

			<p>punctuality, patience, politeness, morality, and justice when performing judicial duty. Chapter 3- Art 8)</p>	<p>any discrimination to equal protection of the law (Art 2-1-2, Art 7, Art 8)</p> <p>ICCPR³⁸ (1966) - All are equal before the law and are entitled to without any discrimination to equal protection of the law; Special interest of juvenile to be protected; and free assistance of an interpreter (Art. 14-1, Art. 14-3- f, Art 26)</p> <p>ICERD³⁹ (1966) - Special measures to secure certain racial or ethnic groups (Art. 2-2)</p> <p>CRC⁴⁰ (1989) - Ensuring the rights of the child and of every child accused of having infringed the penal law including the right to an interpreter (Art. 2-1, Art.40-2-b-vi)</p> <p>CEDAW⁴¹ (1979), - Women are treated equally in all stages of procedures in the court and tribunal; appropriate measures to eliminate discrimination against women.(Art.15-1, Art.15-2, Art.16-1)</p> <p>GRP (1990) Office of the prosecutor shall be strictly separated from the judicial function, and prosecutor and prosecution institution shall perform and active role in criminal proceedings authorized by law; perform duties fairly and uphold human rights; due attention to crimes by public officials; refuse unlawful evidence (para 10-16)</p>
		<p>Standard 9:Getting a fair hearing</p>	<p>Constitution - Trials shall be conducted in the name of Khmer citizens in accordance with the legal procedures and laws in force. (Art 129) – the laws and legal procedures shall be accessible</p> <p>Code of Ethics of Judges and Prosecutors - Judges shall not hear any case where a lawyer has a close personal relationship with them. (Art 10) - Judges shall not have any financial benefits or any other benefits directly or indirectly in the cases the handle. (Art 14) - Judges shall perform judicial or prosecutorial duty with</p>	<p>ICCPR (1966) The right to be present, to defend oneself in person, and to be assisted by counsel (Art. 14-3-d)</p> <p>GRP (1990) Promotion of prosecutors objective factors and fair and impartial procedures (para 7)</p>

³⁸ International Covenant on Civil and Political Rights 1966

³⁹ International Convention on the Elimination of All Forms of Racial Discrimination

⁴⁰ Convention on the Rights of the Child

⁴¹ Convention on the Elimination of All Forms of Discrimination against Women

			<p>diligence. (Art 29)</p> <ul style="list-style-type: none"> - Judges perform both judicial and some administrative duties. Judges have to monitor and instruct judicial or prosecutorial staff's tasks diligently (Art 32) – the court shall ensure that all relevant parties, witnesses etc are present when needed; – the court calendar shall be organized and unnecessary postponement of hearings shall be prevented - Judges' judicial or prosecutorial duty has more priority than other duties. Judges shall have sufficient time to perform duties diligently (Art 31) – judges shall be focusing on conducting hearings. 	
Criminal case		Standard 2: Opportunity to defend oneself	<p>Code of Criminal Procedures</p> <ul style="list-style-type: none"> - Appearance in Person of the Accused Person: during the trial processes at the court, can be free appearance or escorted by police in case forced appearance. (Art 300, Art 302, Art 303-1&2) - Order of Immediate Appearance: The prosecutor shall inform the accused: of the facts he or she was accused or offense he or she was charged – a right to know the facts and the charges; (Art 304-1-para 2) - Assistance of Lawyer is compulsory in case of felony, and criminal offenses committed by minor– the minors and person accused of felony always have a lawyer. (Art 301) <ul style="list-style-type: none"> - Right of accuse to to defense by a lawyer of his or her own choice or assigned by Law on the Bar – a right to get assistance from a lawyer. (Art 304-2) - Right to be heard. (Art 304-1-para 3) – 	<p>UDHR (1948) Effective remedy; no arbitrary arrest, detention or exile; right to privacy (Art 8-9-12)</p> <p>ICCPR (1966) Adequate information and time to prepare defence; right to be present, to defend oneself in person, and to be assisted by counsel; equal protection of the law (Art. 5, Art. 14-3-b, Art. 14-3-d, Art 26)</p> <p>ICERD⁴² (196) - Special measures to secure certain racial or ethnic groups (Art. 2-2)</p> <p>CRC⁴³ (1989) - Ensuring the rights of the child (Art. 2-1)</p> <p>CEDAW (1979) Appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations (Art.16-1)</p>
		Standard 5: The court is competent	<p>Code of Criminal Procedures</p> <ul style="list-style-type: none"> - The court of first instance shall rule on felonies, misdemeanors and petty offenses. – the court shall dismiss cases not falling within its jurisdiction - Certain categories of cases require that the court of first instance sit <i>en banc</i> (<i>THREE JUDGS</i>) and other categories of cases require the presence of one judge (Art 289) - The court shall communicate with and refer a case 	<p>UDHR (1948) Effective remedy and fair and public hearing (Art 8-10)</p> <p>ICCPR (1966) All are equal before the law and are entitled to without any discrimination to equal protection of the law; Special interest of juvenile to be protected (Art 14-1, 26)</p> <p>BPLJ (1985) The court must have jurisdiction over the subject matter and the person. Proceedings must be conducted fairly. Judges must be free to form associations. Terms of office must be adequately secured by law (para 3-6-9-11)</p>

⁴² International Convention on the Elimination of All Forms of Racial Discrimination

⁴³ Convention on the Rights of the Child

			<p>to the Court of Appeal it in order to have determined the conflicts of jurisdictions. (Art 290)</p> <p>Rules of Evidence</p> <p>The presiding judge shall inform the accused person of his or her charges and conduct questionings of the accused person (Art 316- 320) – the presiding judges shall be capable of asking the right questions</p> <p>- Objections: The court which has jurisdiction of criminal case is entitled to make decisions on objections raised by parties unless provided otherwise. (See Art 342- Art 346) – The judge shall be competent to handle objections immediately.</p>	<p>GRP (1990) Office of the prosecutor shall be strictly separated from the judicial function, and prosecutor and prosecution institution shall perform and active role in criminal proceedings authorized by law; perform duties fairly and uphold human rights; due attention to crimes by public officials; refuse unlawful evidence (para 10-16)</p>
		<p>Standard 6: The court is independent</p>	<p>UNTAC Criminal Law</p> <p>- The independence of the judiciary must be guaranteed in accordance with <i>The Basic Principles on the Independence of the Judiciary</i>, adopted by the United Nations. (Art 1-1) - - the hearing of the case shall respect the independence of the court and the judges.</p> <p>- Judicial proceedings are conducted fairly and that the rights of the parties are respected – the conduct of the hearing shall reflect the independence of the judiciary and the judges (Art 1-3)</p>	<p>UDHR(1948) Fair and Public hearing by an independent tribunal. (Art 10)</p> <p>BPLJ (1985): Independence of Judiciary shall be guaranteed, not subject to interference; using established legal procedures, be provided adequate resources; proper judicial selection and training; guarantee tenure of judges; promotion based on objective factors; assignment of cases internal matter; and judiciary shall be bound by professional secrecy and enjoy personal immunity (para 1-4-5-7-8-10-12-13-14-15-16)</p> <p>GRP⁴⁴ (1990): Prosecutors shall be protected when threatened; reasonable conditions of service; free to join associations; Office of the prosecutor shall be strictly separated from the judicial function, and prosecutor and prosecution institution shall perform and active role in criminal proceedings authorized by law; perform duties fairly and uphold human rights; due attention to crimes by public officials; refuse unlawful evidence (para 5-6-9-10-16)</p>

⁴⁴ Guidelines on the Role of Prosecutors

		Standard 7: The court is impartial	<p>UNTAC Criminal Law</p> <ul style="list-style-type: none"> - Judges must decide in complete impartiality, on the basis of facts which are presented to them, and in accordance with law, refusing any pressure, threat or intimidation, direct or indirect, from any of the parties to a proceeding or any other person. (Art 1- Principle of Independence) 	<p>UDHR(1948) Fair and Public hearing by an independent tribunal. (Art 10)</p> <p>BPIJ (1985) Judiciary not subject to interference; using established legal procedures and ensure fair judicial proceedings and the rights of parties (para 2-6)</p> <p>GRP⁴⁵ (1990): Prosecutors shall be protected when threatened; reasonable conditions of service; promotion based on objective criteria; enjoy freedom of expression and association (para 5-6-7-8)</p>
		Standard 8: Being treated equally	<p>Code of Criminal Procedures</p> <p>Appearance of Party (Art 300- Art 315)</p> <ul style="list-style-type: none"> - Appearance of the accused person (Art 300- Art 310) –all accused persons have the right to appear - Appearance of civil party - all civil parties can be accompanied by lawyer or represented by lawyer, by spouse or by relative of direct parental link. (See Art 311- Art 313) - Appearance of civil defendant - all civil defendants can be accompanied by lawyer or represented by lawyer, by spouse or by relative of direct parental link. (Art 314) - Appearance of witness – all witnesses shall appear at the court. (Art 315) <p>Public Nature in Liberation and Hearing :</p> <ul style="list-style-type: none"> - A criminal trial shall be conducted in public (Art 316). - In case of deaf and mute person, there must be a translator, RIGHT TO HAVE (Art 331) 	<p>UDHR (1948) - All are equal before the law and are entitled to without any discrimination to equal protection of the law (Art 2-1-2, Art 7, Art 8)</p> <p>ICCPR⁴⁶ (1966) - All are equal before the law and are entitled to without any discrimination to equal protection of the law; Special interest of juvenile to be protected; and free assistance of an interpreter (Art. 14-1, Art. 14-3- f, Art 26)</p> <p>ICERD⁴⁷ (1966) - Special measures to secure certain racial or ethnic groups (Art. 2-2)</p> <p>CRC⁴⁸ (1989) - Ensuring the rights of the child and of every child accused of having infringed the penal law including the right to an interpreter (Art. 2-1, Art.40-2-b-vi)</p> <p>CEDAW⁴⁹ (1979), - Women are treated equally in all stages of procedures in the court and tribunal; appropriate measures to eliminate discrimination against women.(Art.15-1, Art.15-2, Art.16-1)</p>

⁴⁵ Guidelines on the Role of Prosecutors

⁴⁶ International Covenant on Civil and Political Rights 1966

⁴⁷ International Convention on the Elimination of All Forms of Racial Discrimination

⁴⁸ Convention on the Rights of the Child

⁴⁹ Convention on the Elimination of All Forms of Discrimination against Women

			-	<p>GRP (1990) Office of the prosecutor shall be strictly separated from the judicial function, and prosecutor and prosecution institution shall perform and active role in criminal proceedings authorized by law; perform duties fairly and uphold human rights; due attention to crimes by public officials; refuse unlawful evidence (para 10-16)</p>
		Standard 9:Getting a fair hearing	<p>UNTAC Criminal Law - Judicial proceedings are conducted fairly and that the rights of the parties are respected. (Art 1-3) Code of Criminal Procedure- Rules concerning parties in the hearing room: The court clerk shall call the name of the accused person, civil parties, civil defendants, victims, witnesses, and experts – the accused and the public shall know who are involved in the case. Each party shall sit in their designated places in the hearing room – the court shall organize its courts room in a proper manner While waiting in the room during the hearing, the witnesses are not allowed to communicated with each other. (Art 322) – prevention of undue influence and coordination of statements - Abstention: A judge who has legitimate grounds for not participating in an investigation or a trial of a specific case shall be replaced. (Art 555) – the court shall organize itself to ensure impartiality. - Challenges: If party has sufficient grounds for challenging the judges, that judge shall decline to participate in the investigation or the trial of a case. (Art 556) – a party shall have the competence to challenge the impartiality of a judge and the judge shall when to decline Rules of Evidence: Decision of the court shall be based on only evidence which in has in the file or which has been presented in the hearing (Art 321) – the accused shall access to challenge the evidence against him/her - Conduct of Deliberation (Art 322- Art 341): - The presiding judge shall inform the accused person of his or her charges and conduct questionings of the accused person – the judge shall be respecting the rights of the accused. The presiding judge shall listen to all statements of civil party, civil defendant, victims, witnesses and expert witnesses – the judges shall be present throughout the entire process requiring the court to organize that the same judges are hearing the matter, even if the hearing is postponed. In case of deaf and mute person, there must be a translator - Civil party, civil defendant and the accused can make a brief statements – the right to be heard - The lawyer of civil party present the pleading arguments; the prosecutor make submissions; the lawyer of civil defendant; and then the lawyer of the accused person make a pleading arguments; the civil party and the prosecutor can make a rebuttal statement; and then the lawyer and the accused can speak last - – the right to be represented by a lawyer, to be heard and to have sufficient time to present one’s arguments.</p>	<p>ICCPR (1966) The right to be present, to defend oneself in person, and to be assisted by counsel (Art. 14-3-d)</p> <p>GRP (1990) Promotion of prosecutors objective factors and fair and impartial procedures (para 7)</p>

		Standard 11: The court must ensure public access and transparency	<p>Trial (Art 316- Art 346)</p> <p>- Public Nature in Liberation and Hearing (Art 316- 320):</p> <ul style="list-style-type: none"> - A criminal trial shall be conducted in public (Art 316). - In all cases, the court shall announce the judgment in the public hearing. (Art 317) <p>- Rules of Evidence: Decision of the court shall be based on only evidence which in has in the file or which has been presented in the hearing (Art 321)</p> <p>- Conduct of Deliberation (Art 322- Art 341):</p> <ul style="list-style-type: none"> - The presiding judge shall inform the accused person of his or her charges and conduct questionings of the accused person. - The presiding judge shall listen to all statements of civil party, civil defendant, victims, witnesses and expert witnesses. In case of deaf and mute person, there must be a translator 	<p>UDHR (1948) Fair and public hearing (Art 10)</p> <p>ICCPR (1966) Equal before the court – including equal access to the court and prompt information in an understandable language (art. 14-3-a)</p>
Civil Case		Standard 4: Getting a trial within a reasonable time	<p>Code of Civil Procedure</p> <ul style="list-style-type: none"> - Designation of date of initial preparatory proceedings for oral argument (Art 80) - Designation of date for oral argument (Art 113) <p>Code of Ethics of Judges and Prosecutors</p> <ul style="list-style-type: none"> - Judges perform both judicial and some administrative duties. Judges have to monitor and instruct judicial or prosecutorial staff's tasks diligently (Art 32) - Judges' judicial or prosecutorial duty has more priority than other duties. Judges shall have sufficient time to perform duties diligently (Art 31) 	<p>ICCPR (1966) The right to be tried without undue delay (Art. 14-3-c)</p>
		Standard 5: The court is competent	<p>Code of Civil Procedures</p> <ul style="list-style-type: none"> - A court having jurisdiction, shall mean a court that has the right to receive a complaint, adjudicate an action, and render a judgment. (Art.7) – the court shall be capable of determining whether the courts has the jurisdiction or otherwise refer it to the proper court. - Handling of situation where jurisdiction does not exist (Art 18) – the court shall be capable of providing the party with information on where to submit the application or refer the matter itself - Transfer to avoid delay in case that court has no jurisdiction (Art 19) – the court shall have a system in place to facilitate the referral of the case. <p>- Juridical Court in case of Preservative Relief Case is the court of first instance or the appeal court if the principal suit is pending at the appeal court. In case of objected to be attached or the subject matter of the dispute in a claim, juridical of the court is conferred by address of of natural person, Cambodian juridical person, and foreign juridical person (Art 540)</p>	<p>UDHR (1948) Effective remedy and fair and public hearing (Art 8-10)</p> <p>ICCPR (1966) All are equal before the law and are entitled to without any discrimination to equal protection of the law; Special interest of juvenile to be protected (Art 14-1, 26)</p> <p>BPLJ (1985) The court must have jurisdiction over the subject matter and the person. Proceedings must be conducted fairly. Judges must be free to form associations. Terms of office must be adequately secured by law (para 3-6-9-11)</p>

		<p>Standard 8: Being treated equally</p>	<p>Code of Civil Procedure</p> <ul style="list-style-type: none"> - Right to request examination, the principle of "La Contradiction" (Art 3) The Khmer language shall be used at court (Art 5), but a right to have an interpreter if parties cannot understand Khmer. - Designation of date of initial preparatory proceedings for oral argument (Art 80); Designation of date for oral argument (Art 113) – the parties shall be informed about the date for the hearings - Examination of evidence, (Art 124); Offering of evidence (Art 125); Admission of evidence (Art 126); Concentrated examination of evidence (Art. 127); Examination of evidence in foreign country (Art.129)– equality of arms - Oral argument (115); Presentation of results of preparatory proceedings for oral argument and offering argument (116); Right of parties to attend (Art.128) – equal access to present the case before the judge 	<p>UDHR (1948)</p> <ul style="list-style-type: none"> - All are equal before the law and are entitled to without any discrimination to equal protection of the law (Art 2-1-2, Art 7, Art 8) <p>ICCPR⁵⁰ (1966)</p> <ul style="list-style-type: none"> - All are equal before the law and are entitled to without any discrimination to equal protection of the law; Special interest of juvenile to be protected; and free assistance of an interpreter (Art. 14-1, Art. 14-3- f, Art 26) <p>ICERD⁵¹ (196)</p> <ul style="list-style-type: none"> - Special measures to secure certain racial or ethnic groups (Art. 2-2) <p>CRC⁵² (1989)</p> <ul style="list-style-type: none"> - Ensuring the rights of the child and of every child accused of having infringed the penal law including the right to an interpreter (Art. 2-1, Art.40-2-b-vi) <p>CEDAW⁵³ (1979),</p> <ul style="list-style-type: none"> - Women are treated equally in all stages of procedures in the court and tribunal; appropriate measures to eliminate discrimination against women.(Art.15-1, Art.15-2, Art.16-1)
		<p>Standard 9:Getting a fair hearing</p>	<p>Code of Civil Procedure</p> <ul style="list-style-type: none"> - The right of all persons to obtain a court trial in a civil dispute shall be guaranteed (Art 2) - Right to request examination, the principle of "La Contradiction" (Art 3) - Need for oral argument (Art 114) - Oral argument (115) - Presentation of results of preparatory proceedings for oral argument and offering argument (116) - Right of parties to attend (Art 128) - Courts shall make efforts to ensure that civil actions are conducted fairly and speedily, and parties shall pursue civil actions honestly and in good faith. (Art 4) - Right to request examination, the principle of "La 	<p>UDHR (1948)</p> <ul style="list-style-type: none"> Effective remedy; no arbitrary arrest, detention or exile; right to privacy (Art 8-9-12) <p>ICCPR (1966)</p> <ul style="list-style-type: none"> Adequate information and time to prepare defence; right to an interpreter; equal protection of the law (Art. 5, Art. 14-3-b, Art. 14-3-d, Art 26) <p>ICERD⁵⁴ (1966)</p> <ul style="list-style-type: none"> - Special measures to secure certain racial or ethnic groups (Art. 2-2)

⁵⁰ International Covenant on Civil and Political Rights 1966

⁵¹ International Convention on the Elimination of All Forms of Racial Discrimination

⁵² Convention on the Rights of the Child

⁵³ Convention on the Elimination of All Forms of Discrimination against Women

⁵⁴ International Convention on the Elimination of All Forms of Racial Discrimination

			<p>Contradiction" (Art 3) - Right of party to request interpreter) The Khmer language shall be used at court(Art 5) - Designation of date of initial preparatory proceedings for oral argument (Art 80) - Designation of date for oral argument (Art 113) - Oral argument (115) - Presentation of results of preparatory proceedings for oral argument and offering argument (116) - Examination of evidence (Art 124) - Offering of evidence (Art 125) - Admission of evidence (Art 126) - Concentrated examination of evidence (Art. 127) - Right of parties to attend (Art.128) - Examination of evidence in foreign country (Art.129) - General Principles of Oral Argument and Preparation thereof (Art 89- Art 102) - The presiding judge shall control preparatory proceedings for oral argument and oral argument. - The court may ask the parties to clarify the facts. - The party may ask the court to present necessary questions to other party on the date set for preparatory proceeding of oral argument. - Offensive and defensive measures shall be advanced at the appropriate time. - The court may not base its judgment on any fact that has not been alleged by parties. - Right to have an interpreter if parties cannot understand Khmer. - When a complaint is filed, the court shall promptly set a court date for preparatory proceedings for oral argument and summon the parties to appear (Art 80-1). - The court may required party to submit preparatory document in connection with preparatory proceedings for oral argument or oral argument (Art. 101) - The court may designate the period within which a defendant's initial preparatory document. (Art 102) Proceedings for Oral Argument for each day it is held.</p> <p>- Preparatory Proceedings for Oral Argument(Art 103-112): - At Preparatory Proceedings for Oral Argument, the court must clarify issues in a case and organize evidence pertaining to the points at issue. (Art 103) - At Preparatory Proceedings for Oral Argument, the court shall effect the compromise settlement (Art 104) - Preparatory Proceedings for Oral Argument shall be conducted in the date on which parties can appear (Art 105) - When the arrangement of disputed issues and evidence is completed and Preparatory Proceedings for Oral Argument has been concluded, the court shall confirm the parties the facts to be proven through subsequent examination of evidence (Art 107) - New offensive and defensive measures cannot be advanced after the conclusion of the Preparatory Proceedings for Oral</p>	<p>CRC⁵⁵ (1989) - Ensuring the rights of the child (Art. 2-1)</p> <p>CEDAW (1979) Appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations (Art.16-1)</p>
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⁵⁵ Convention on the Rights of the Child

			Argument, except the court wants to more evidence. (Art 108) The court shall required the court clerk prepare a protocol of Preparatory	
		Standard 11: The court must ensure public access and transparency	<p>Code of Civil Procedures</p> <ul style="list-style-type: none"> - The right of all persons to obtain a court trial in a civil dispute shall be guaranteed (Art 2) - No party shall be tried without being heard and the court must preserve Principle of La Contradiction. (Art 3) - The court shall ensure civil action is conducted fairly and speedily. (Art 4) - Right of the party to request interpreter (Art 5) - Effect of conclusion of preparatory proceedings for oral argument (Art 108) <p>-Oral argument: Oral argument shall be held on date on which both parties are able to appear and it must be in public, except it threatens to public order or where it is superseded by a particular provision of law. (Art 115)</p>	<p>UDHR (1948) Fair and public hearing (Art 10)</p> <p>ICCPR (1966) Equal before the court – including equal access to the court and prompt information in an understandable language (art. 14-3-a)</p>
Administrative Case			To be elaborated when there is a specific law.	
Commercial Case			To be elaborated when there is a specific law.	
Social Case			To be elaborated when there is a specific law.	

CASE FLOW

STAGE 6. DECISIONS

Category of Case	Objective	Standard	Principles/Criteria from national legislation and guidelines	Principles/Criteria from international legislation and guidelines
General	<ul style="list-style-type: none"> • The court acts transparently • Judges act <i>independently</i> • <i>Judges and Court personnel are skilled and informed</i> • Court personnel operate <i>ethically</i> • The court operates efficiently and effectively 	Standard 5: The court is competent	<p>Code of Ethics of Judges and Prosecutors</p> <ul style="list-style-type: none"> - Judges perform both judicial and some administrative duties. Judges have to monitor and instruct judicial or prosecutorial staff's tasks diligently (Art 32) - Judges' judicial or prosecutorial duty has more priority than other duties. Judges shall have sufficient time to perform duties diligently (Art 31) 	<p>UDHR (1948) Effective remedy and fair and public hearing (Art 8-10)</p> <p>ICCPR (1966) All are equal before the law and are entitled to without any discrimination to equal protection of the law; Special interest of juvenile to be protected (Art 14-1)</p> <p>BPIJ (1985) The court must have jurisdiction over the subject matter and the person. Proceedings must be conducted fairly. Judges must be free to form associations. Terms of office must be adequately secured by law (para 3-6-9-11)</p> <p>GRP (1990) Selection of prosecutors safeguarded against partiality and prejudice and be appropriately trained; perform professionally and have reasonable conditions of service; Office of the prosecutor shall be strictly separated from the judicial function, and prosecutor and prosecution institution shall perform and active role in criminal proceedings authorized by law; perform duties fairly and uphold human rights; due attention to crimes by public officials; refuse unlawful evidence (para 2-3-6-10-16)</p> <p>BPJC (2002) Competence and diligence are prerequisites to the due performance of judicial office (val 6)</p>
		Standard 6: The court is independent	<p>Constitution The Judicial power shall be an independent power (Art 128-new-1)</p> <p>Code Conducts of Judges and Prosecutors - The court must be independence (see chapter 2- Art 2-6- Principle of Independence)</p>	<p>UDHR(1948) Fair and Public hearing by an independent tribunal. (Art 10)</p> <p>BPIJ (1985): Independence of Judiciary shall be guaranteed, not subject to interference; using established legal procedures, be provided adequate resources; proper judicial selection and training; guarantee tenure of judges; promotion based on objective factors; assignment of cases internal matter; and judiciary shall be bound by professional secrecy and enjoy personal immunity (para 1-4-5-7-8-10-12-13-14-15-16)</p>

				<p>GRP⁵⁶ (1990): Prosecutors shall be protected when threatened; reasonable conditions of service; free to join associations; Office of the prosecutor shall be strictly separated from the judicial function, and prosecutor and prosecution institution shall perform and active role in criminal proceedings authorized by law; perform duties fairly and uphold human rights; due attention to crimes by public officials; refuse unlawful evidence (para 5-6-9-10-16)</p>
		Standard 7: The court is impartial	<p>Constitution - The Judiciary shall guarantee and uphold impartiality and protect the rights and freedoms of the citizens. (Art 128-new- 2)</p> <p>Code Conducts of Judges and Prosecutors - Judges shall possess, inside and outside the court, an impartial attitude. (See Chapter 2- Art 7- Art 17- Principle of Impartiality)</p>	<p>UDHR(1948) Fair and Public hearing by an independent tribunal. (Art 10)</p> <p>BPIJ (1985) Judiciary not subject to interference; using established legal procedures and ensure fair judicial proceedings and the rights of parties (para 2-6)</p> <p>GRP⁵⁷ (1990): Prosecutors shall be protected when threatened; reasonable conditions of service; promotion based on objective criteria; enjoy freedom of expression and association (para 5-6-7-8)</p>
Criminal case		Standard 2: Opportunity to defend oneself	<p>Code of Criminal Procedure: - Court can decide to temporary detain the accused . A judgment on the substance of the case must be announced within two weeks maximum from the starting date of the appearance of the accused in the court. (Art 303-3)</p>	<p>UDHR (1948) Effective remedy; no arbitrary arrest, detention or exile; right to privacy (Art 8-9-12)</p> <p>ICCPR (1966) Adequate information and time to prepare defence; right to an interpreter; equal protection of the law (Art. 5, Art. 14-3-b, Art. 14-3-d, Art 26)</p> <p>ICERD⁵⁸ (1966) - Special measures to secure certain racial or ethnic groups (Art. 2-2)</p> <p>CRC⁵⁹ (1989) - Ensuring the rights of the child (Art. 2-1)</p>

⁵⁶ Guidelines on the Role of Prosecutors

⁵⁷ Guidelines on the Role of Prosecutors

⁵⁸ International Convention on the Elimination of All Forms of Racial Discrimination

⁵⁹ Convention on the Rights of the Child

				<p>CEDAW (1979) Appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations (Art.16-1)</p>
		Standard 5: The court is competent	<p>Code of Criminal Procedure:</p> <p>Decision of the court can be made only on evidence which has in the file or which has been presented in the hearing. (Art 321)</p> <p>Judgment: (Art 347-364)</p> <ul style="list-style-type: none"> - The judgment shall be issued at the time of trial where the hearing held or at the next trial date. (Art 347) - The court can only decide the type of an offense stated in the forwarding order issued by the Investigation Chamber, forwarding order of investigating judge, citation, or n the record of an immediate appearance. (Art 348) - The court has to examine whether the case is felony, misdemeanor, or minor crime. If the accused found guilty, the court shall sentence the accused person according to laws. If the accused person is not found guilty, the accused person must be released immediately. (Art 350) - The accused person always benefits from doubt. (Art 351) - Judgment on civil remedy: The court shall decide civil remedy in the same judgment of criminal case. (Art 355) - A judgment shall be signed by the presiding judge and the court clerk. Within 8 days after the judgment was signed by the presiding judge and the court clerk, the judgment has to be kept at the Office of the Court Clerks. The court clerk shall maintain judgment permanently. (Art 358) - Announcement of Judgment: All judgments shall be announced during the public trial. The ruling par shall be read aloud by the presiding judge. - Default judgment is issued in case the accused person does not appear for the trial. (Art 362) 	<p>UDHR (1948) Effective remedy and fair and public hearing (Art 8-10)</p> <p>ICCPR (1966) All are equal before the law and are entitled to without any discrimination to equal protection of the law; Special interest of juvenile to be protected (Art 14-1, 26)</p> <p>BPLJ (1985) The court must have jurisdiction over the subject matter and the person. Proceedings must be conducted fairly. Judges must be free to form associations. Terms of office must be adequately secured by law (para 3-6-9-11)</p>
		Standard 6: The court is independent	<p>UNTAC Criminal Law</p> <ul style="list-style-type: none"> - The independence of the judiciary must be guaranteed in accordance with <i>The Basic Principles on the Independence of the Judiciary</i>, adopted by the United Nations. (Art 1-1) - Judicial proceedings are conducted fairly and that the rights of the parties are respected. (Art 1-3) <p>Code Conducts of Judges and Prosecutors</p>	<p>UDHR(1948) Fair and Public hearing by an independent tribunal. (Art 10)</p> <p>BPLJ (1985): Independence of Judiciary shall be guaranteed, not subject to interference; using established legal procedures, be provided adequate resources; proper</p>

			<ul style="list-style-type: none"> - The court must be independence (see chapter 2- Art 2-6- Principle of Independence) Code of Criminal Procedure: Judgment (Art 347-364) - The judgment shall be issued at the time of trial where the hearing held or at the next trial date. - The court can only decide the type of an offense stated in the forwarding order issued by the Investigation Chamber, forwarding order of investigating judge, citation, or n the record of an immediate appearance. 	<p>judicial selection and training; guarantee tenure of judges; promotion based on objective factors; assignment of cases internal matter; and judiciary shall be bound by professional secrecy and enjoy personal immunity (para 1-4-5-7-10-12-13-14-15-16)</p>
		Standard 7: The court is impartial	<p>UNTAC Criminal Law</p> <ul style="list-style-type: none"> - Judges must decide in complete impartiality, on the basis of facts which are presented to them, and in accordance with law, refusing any pressure, threat or intimidation, direct or indirect, from any of the parties to a proceeding or any other person. (Art 1- Principle of Independence) Code of Criminal Procedure: Judgment (Art 347-364) - The judgment shall be issued at the time of trial where the hearing held or at the next trial date - The court can only decide the type of an offense stated in the forwarding order issued by the Investigation Chamber, forwarding order of investigating judge, citation, or n the record of an immediate appearance. 	<p>UDHR(1948) Fair and Public hearing by an independent tribunal. (Art 10)</p> <p>BPIJ (1985) Judiciary not subject to interference; using established legal procedures and ensure fair judicial proceedings and the rights of parties (para 2-6)</p>
		Standard 10: Getting a reasoned, enforceable judgment within reasonable time	<p>Code of Criminal Procedure:</p> <ul style="list-style-type: none"> - Decision of the court can be made only on evidence which has in the file or which has been presented in the hearing. (Art 321) Judgment (Art 347-364) - The judgment shall be issued at the time of trial where the hearing held or at the next trial date. (Art 347) - The court can only decide the type of an offense stated in the forwarding order issued by the Investigation Chamber, forwarding order of investigating judge, citation, or n the record of an immediate appearance. (Art 348) - The court has to examine whether the case is felony, misdemeanor, or minor crime. If the accused found guilty, the court shall sentence the accused person according to laws. If the accused person is not found guilty, the accused person must be released immediately. (Art 350) - The accused person always benefits from doubt. (Art 351) - Judgment on civil remedy: The court shall decide civil remedy in the same judgment of criminal case. (Art 355) - A judgment shall be signed by the presiding judge 	<p>ICCPR (1966) To be tried without undue delay (Art. 14-3-c)</p> <p>GRP (1990) Office of the prosecutor shall be strictly separated from the judicial function, and prosecutor and prosecution institution shall perform and active role in criminal proceedings authorized by law; perform duties fairly and uphold human rights; due attention to crimes by public officials; refuse unlawful evidence (para 10-16)</p>

			<p>and the court clerk. Within 8 days after the judgment was signed by the presiding judge and the court clerk, the judgment has to be kept at the Office of the Court Clerks. The court clerk shall maintain judgment permanently. (Art 358)</p> <ul style="list-style-type: none"> - Announcement of Judgment: All judgments shall be announced during the public trial. The ruling par shall be read aloud by the presiding judge. - Default judgment is issued in case the accused person does not appear for the trial. (Art 362) 	
Civil Case		Standard 5: The court is competent	<p>Code of Civil Procedure Chapter 5- Judgment- Default judgment (Art 179-212)</p> <ul style="list-style-type: none"> - Judgment shall be based on oral argument and in compliance with the form/procedures provided by law. (Art 179) - Matters of judgment: Court shall adjudicate all of claims raised by parties. The court shall not adjudicate matters that were not raised by parties. The court shall adjudicate the apportionment of liability for litigation cost even in the absence of request by parties. (Art 182) - Principle of direct trial: A judgment shall be made only by the judge or judges that have participate in the oral argument forming the basis of such judgment. (Art 185) - Default judgment is issued in case plaintiff or defendant fails to appear on the date set for an oral argument. (Art 200-Art 201) - Pronouncement of Judgment shall be made within one month from the date on which the oral argument is concluded. (Art 187) - Method of pronouncement of judgment: Judgment has to be announced in public on the appointed date, and the text of the judgment shall be read aloud by the presiding judge. (Art 188) - The written judgment shall be signed by judge or judges that issued the judgment. (Art 189) - The written judgment shall be served on the parties within two weeks of date of pronouncement of judgment. (Art 190) - With regard to a claim for payment of money, the court, may, upon motion of the obligee issue a demand ruling on payment, but only that demand ruling can be served in Cambodia. (Art 319) 	<p>UDHR (1948) Effective remedy and fair and public hearing (Art 8-10)</p> <p>ICCPR (1966) All are equal before the law and are entitled to without any discrimination to equal protection of the law; Special interest of juvenile to be protected (Art 14-1, 26)</p> <p>BPIJ (1985) The court must have jurisdiction over the subject matter and the person. Proceedings must be conducted fairly. Judges must be free to form associations. Terms of office must be adequately secured by law (para 3-6-9-11)</p>
		Standard 10: Getting a reasoned, enforceable judgment within reasonable time	<p>Code of Civil Procedure - The court may not base its judgment on any facts have not been alleged by either party. (Art 95) Chapter 5- Judgment- Default judgment (Art 179-</p>	<p>ICCPR (1966) To be tried without undue delay (Art. 14-3-c)</p> <p>GRP (1990)</p>

			<p>212) - Judgment shall be based on oral argument and in compliance with the form/procedures provided by law. (Art 179) - Matters of judgment: Court shall adjudicate all of claims raised by parties. The court shall not adjudicate matters that were not raised by parties. The court shall adjudicate the apportionment of liability for litigation cost even in the absence of request by parties. (Art 182) - Principle of direct trial: A judgment shall be made only by the judge or judges that have participate in the oral argument forming the basis of such judgment. (Art 185) - Default judgment is issued in case plaintiff or defendant fails to appear on the date set for an oral argument. (Art 200-Art 201) - Pronouncement of Judgment shall be made within one month from the date on which the oral argument is concluded. (Art 187) - Method of pronouncement of judgment: Judgment has to be announced in public on the appointed date, and the text of the judgment shall be read aloud by the presiding judge. (Art 188) - The written judgment shall be signed by judge or judges that issued the judgment. (Art 189) - The written judgment shall be served on the parties within two weeks of date of pronouncement of judgment. (Art 190)</p>	<p>Office of the prosecutor shall be strictly separated from the judicial function, and prosecutor and prosecution institution shall perform and active role in criminal proceedings authorized by law; perform duties fairly and uphold human rights; due attention to crimes by public officials; refuse unlawful evidence (para 10-16)</p>
Administrative case			To be elaborated when there is a specific law.	
Commercial case			To be elaborated when there is a specific law.	
Social case			To be elaborated when there is a specific law.	

CASE FLOW

STAGE 7. DISTRIBUTION OF DECISIONS

Category of Case	Objective	Standard	Principles/Criteria from national legislation and guidelines	Principles/Criteria from international legislation and guidelines
General	<ul style="list-style-type: none"> • The court is accessible to the public • The court acts transparently • Judges, Lawyers and Court personnel are skilled and informed • Court personnel operate ethically • Parties, victims and witnesses are treated humanely and respectfully • The court operates efficiently and effectively 	Standard 5: The court is competent	<p>The court has organised itself in such a way that all applications are registered and can be traced (CcPC art. 50 and 75) and CPC art. 26</p> <p>The court has staff capable of organising the handling of cases in order to determine the matter before it with the appropriate promptness (CrPC art. 347-364; CPC Procedure of Court of First Instance- Judgement (Book 2- Chapter 5))</p> <p>The court is capable of ensuring that its decisions are properly followed up (CPC Book 6: Compulsory Execution Book 3: Chapter 2- appeal; Book 6: Chapter 1: Demand Procedure)</p> <p>The court has organised itself in such a way that decisions can be expedited and closed properly (CpPC art. 358, 376, 381 and 382; CPC art. 264) Utitor Appeal (Book 3- Chapter 1-2- Appeal), Art 376, Art 381, Art 382 and 386))</p> <p>Code of Ethics of Judges and Prosecutors - Judges perform both judicial and some administrative duties. Judges have to monitor and instruct judicial or prosecutorial staff's tasks diligently (Art 32)</p> <p>- Judges' judicial or prosecutorial duty has more priority than other duties. Judges shall have sufficient time to perform duties diligently (Art 31) and the ability of the judges to perform depends on the scope of the tasks, the sufficiency of support staff, the adequacy of work materials to perform such task and time (Art. 33) – the court has a system and organization in place to ensure the effective and efficient use of the judges and prosecutors.</p>	<p>UDHR (1948) Effective remedy and fair and public hearing (Art 8-10)</p> <p>ICCPR (1966) All are equal before the law and are entitled to without any discrimination to equal protection of the law; Special interest of juvenile to be protected (Art 14-1)</p> <p>BPIJ (1985) The court must have jurisdiction over the subject matter and the person. Proceedings must be conducted fairly. Judges must be free to form associations. Terms of office must be adequately secured by law (para 3-6-9-11)</p> <p>GRP (1990) Selection of prosecutors safeguarded against partiality and prejudice and be appropriately trained; perform professionally and have reasonable conditions of service; Office of the prosecutor shall be strictly separated from the judicial function, and prosecutor and prosecution institution shall perform and active role in criminal proceedings authorized by law; perform duties fairly and uphold human rights; due attention to crimes by public officials; refuse unlawful evidence (para 2-3-6-10-16)</p> <p>BPMC (2002) Competence and diligence are prerequisites to the due performance of judicial office (val 6)</p>
Criminal case		Standard 8: Being treated equally	<p>Code of Criminal Procedure - Writ of Notification of the Court Decisions (Art 482-490) - The parties to a case shall be informed about court decisions through a writ of notification in order to let that</p>	<p>UDHR (1948) - All are equal before the law and are entitled to without any discrimination to equal protection of the law (Art 2-1-2, Art 7, Art 8)</p> <p>ICCPR⁶⁰ (1966)</p>

⁶⁰ International Covenant on Civil and Political Rights 1966

			<p>party has knowledge of the decision. (Art 482-1)</p> <ul style="list-style-type: none"> - The writ of notification shall be made through the initiative of the prosecutor, the prosecutor general or one of the parties. (Art 482-2) - A writ of notification served by prosecutor to all parties involved. (Art 484) - A writ of notification served by bailiff. (Art 485) - Other means of services of decisions: a clerk of court, administrative means, head of prison or detention center, judicial police or military police. (Art 489) - Decision can also notified to party that has no domicile or outside the country. (Art 490) 	<ul style="list-style-type: none"> - All are equal before the law and are entitled to without any discrimination to equal protection of the law; Special interest of juvenile to be protected; and free assistance of an interpreter (Art. 14-1, Art. 14-3- f, Art 26) <p>ICERD⁶¹ (1965)</p> <ul style="list-style-type: none"> - Special measures to secure certain racial or ethnic groups (Art. 2-2) <p>CRC⁶² (1989)</p> <ul style="list-style-type: none"> - Ensuring the rights of the child and of every child accused of having infringed the penal law including the right to an interpreter (Art. 2-1, Art.40-2-b-vi) <p>CEDAW⁶³ (1979),</p> <ul style="list-style-type: none"> - Women are treated equally in all stages of procedures in the court and tribunal; appropriate measures to eliminate discrimination against women.(Art.15-1, Art.15-2, Art.16-1) <p>GRP (1990)</p> <p>Office of the prosecutor shall be strictly separated from the judicial function, and prosecutor and prosecution institution shall perform and active role in criminal proceedings authorized by law; perform duties fairly and uphold human rights; due attention to crimes by public officials; refuse unlawful evidence (para 10-16)</p>
		<p>Standard 10: Getting a reasoned, enforceable judgment within reasonable time</p>	<p>Code of Criminal Procedure</p> <p>- Writ of Notification of the Court Decisions (Art 482-490)</p> <ul style="list-style-type: none"> - A writ of notification is a document by which, as stated in this Code, a court decision is informed to the involved parties in order to let that party has knowledge of the decision. (Art 482-1) - The writ of notification shall be made through the initiative of the prosecutor, the prosecutor general or one of the parties. (Art 482-2) - A writ of notification served by prosecutor to all parties involved. (Art 484) - A writ of notification served by bailiff. (Art 485) - Other means of services of decisions: a clerk of court, administrative means, head of prison or detention center, judicial police or military police. (Art 489) - Decision can also notified to party that has no domicile or outside the country. (Art 490) 	<p>ICCPR (1966)</p> <p>To be tried without undue delay (Art. 14-3-c)</p> <p>GRP (1990)</p> <p>Office of the prosecutor shall be strictly separated from the judicial function, and prosecutor and prosecution institution shall perform and active role in criminal proceedings authorized by law; perform duties fairly and uphold human rights; due attention to crimes by public officials; refuse unlawful evidence (para 10-16)</p>

⁶¹ International Convention on the Elimination of All Forms of Racial Discrimination

⁶² Convention on the Rights of the Child

⁶³ Convention on the Elimination of All Forms of Discrimination against Women

		Standard 11: The court must ensure public access and transparency	<p>Code of Criminal Procedure</p> <ul style="list-style-type: none"> - A judgment shall be signed by the presiding judge and the court clerk. Within 8 days after the judgment was signed by the presiding judge and the court clerk, the judgment has to be kept at the Office of the Court Clerks. The court clerk shall maintain judgment permanently. (Art 358) <p>- Writ of Notification of the Court Decisions (Art 482-490)</p> <p>A writ of notification is a document by which, as stated in this Code, a court decision is informed to the involved parties in order to let that party has knowledge of the decision. (Art 482-1)</p> <ul style="list-style-type: none"> - The writ of notification shall be made through the initiative of the prosecutor, the prosecutor general or one of the parties. (Art 482-2) - A writ of notification served by prosecutor to all parties involved. (Art 484) - A writ of notification served by bailiff. (Art 485) - Other means of services of decisions: a clerk of court, administrative means, head of prison or detention center, judicial police or military police. (Art 489) - Decision can also notified to party that has no domicile or outside the country. (Art 490) 	<p>UDHR (1948) Fair and public hearing (Art 10)</p> <p>ICCPR (1966) Equal before the court – including equal access to the court and prompt information in an understandable language (art. 14-3-a)</p>
Civil Case		Standard 5: The court is competent	<p>- The demand ruling must be served to both oblige and obligor. The demand ruling takes effect when service thereof made to obligors. (CPC, Art 325)</p>	<p>UDHR (1948) Effective remedy and fair and public hearing (Art 8-10)</p> <p>ICCPR (1966) All are equal before the law and are entitled to without any discrimination to equal protection of the law; Special interest of juvenile to be protected (Art 14-1, 26)</p> <p>BPIJ (1985) The court must have jurisdiction over the subject matter and the person. Proceedings must be conducted fairly. Judges must be free to form associations. Terms of office must be adequately secured by law (para 3-6-9-11)</p>
		Standard 8: Being treated equally	<p>Code of Civil Procedure</p> <ul style="list-style-type: none"> - The written judgment shall be served on the parties within two weeks of date of pronouncement of judgment. (Art 190) 	<p>UDHR (1948) - All are equal before the law and are entitled to without any discrimination to equal protection of the law (Art 2-1-2, Art 7, Art 8)</p> <p>ICCPR⁶⁴ (1966)</p>

⁶⁴ International Covenant on Civil and Political Rights 1966

				<p>- All are equal before the law and are entitled to without any discrimination to equal protection of the law; Special interest of juvenile to be protected; and free assistance of an interpreter (Art. 14-1, Art. 14-3- f, Art 26)</p> <p>ICERD⁶⁵ (1965) - Special measures to secure certain racial or ethnic groups (Art. 2-2)</p> <p>CRC⁶⁶ (1989) - Ensuring the rights of the child and of every child accused of having infringed the penal law including the right to an interpreter (Art. 2-1, Art.40-2-b-vi)</p> <p>CEDAW⁶⁷ (1979), - Women are treated equally in all stages of procedures in the court and tribunal; appropriate measures to eliminate discrimination against women.(Art.15-1, Art.15-2, Art.16-1)</p> <p>GRP (1990) Office of the prosecutor shall be strictly separated from the judicial function, and prosecutor and prosecution institution shall perform and active role in criminal proceedings authorized by law; perform duties fairly and uphold human rights; due attention to crimes by public officials; refuse unlawful evidence (para 10-16)</p>
		Standard 10: Getting a reasoned, enforceable judgment within reasonable time	<p>Code of Civil Procedure - The written judgment shall be served on the parties within two weeks of date of pronouncement of judgment. (Art 190)</p>	
		Standard 11: The court must ensure public access and transparency	<p>Code of Civil Procedure - The written judgment shall be served on the parties within two weeks of date of pronouncement of judgment. (Art 190) - Pronouncement of Judgment shall be made within one month from the date on which the oral argument is concluded. (Art 187) - Method of pronouncement of judgment: Judgment has to be announced in public on the appointed date, and the text of the judgment shall be read aloud by the presiding judge. (Art 188)</p>	<p>UDHR (1948) Fair and public hearing (Art 10)</p> <p>ICCPR (1966) Equal before the court – including equal access to the court and prompt information in an understandable language (art. 14-3-a)</p>

⁶⁵ International Convention on the Elimination of All Forms of Racial Discrimination

⁶⁶ Convention on the Rights of the Child

⁶⁷ Convention on the Elimination of All Forms of Discrimination against Women

			<ul style="list-style-type: none"> - The written judgment shall be signed by judge or judges that issued the judgment. (Art 189) - Service of judgment is made by postman, bailiff or court clerk at domicile, residence, place or business or administrative office of person to be served or service is made at location encountered when address or whereabouts of the party is unknown (CCP, Art 246-Art 257) 	
Administrative case			To be elaborated when there is a specific law.	
Commercial case			To be elaborated when there is a specific law.	
Social case			To be elaborated when there is a specific law.	

CASE FLOW

STAGE 8- ENFORCEMENT/IMPLEMENTATION OR APPEAL OF THE DECISION

Category of Case	Objective	Standard	Principles/Criteria from national legislation and guidelines	Principles/Criteria from international legislation and guidelines
General	<ul style="list-style-type: none"> • The court is accessible to the public • The court acts transparently • Judges, Lawyers and Court personnel are skilled and informed • Court personnel operate ethically • Parties, victims and witnesses are treated humanely and respectfully • The court operates efficiently and effectively • The judgments are enforced systematically 	Standard 5: The court is competent	<p>The court is capable of ensuring that its decisions are properly followed up (CPC⁶⁸ Book 6: Compulsory Execution Book 3: Chapter 2- appeal; Book 6: Chapter 1: Demand Procedure)</p> <p>The court has organised itself in such a way that decisions can be expedited and closed properly (CpPC art. 358, 376, 381 and 382; CPC art. 264). Utitor Appeal (Book 3- Chapter 1-2- Appeal), Art 376, Art 381, Art 382 and 386))</p> <p>The court has a system and organization in place to ensure the effective and efficient use of the judges and prosecutors (CEJP⁶⁹- Art 29, Art 32, Art 33)</p>	<p>Effective remedy and fair and public hearing (Art 8-10)</p> <p>ICCPR (1966) All are equal before the law and are entitled to without any discrimination to equal protection of the law; Special interest of juvenile to be protected (Art 14-1)</p> <p>BPIJ (1985) The court must have jurisdiction over the subject matter and the person. Proceedings must be conducted fairly. Judges must be free to form associations. Terms of office must be adequately secured by law (para 3-6-9-11)</p> <p>GRP (1990) Selection of prosecutors safeguarded against partiality and prejudice and be appropriately trained; perform professionally and have reasonable conditions of service; Office of the prosecutor shall be strictly separated from the judicial function, and prosecutor and prosecution institution shall perform and active role in criminal proceedings authorized by law; perform duties fairly and uphold human rights; due attention to crimes by public officials; refuse unlawful evidence (para 2-3-6-10-16)</p> <p>BPJC (2002) Competence and diligence are prerequisites to the due performance of judicial office (val 6)</p>
		Standard 6: The court is independent	<p>Judicial power must be independence and Constitution. Judicial proceedings are conducted fairly and that the rights of the parties are respected (Const- Art 128-new; UNTAC Criminal Law-Art 1; CEJP- chap 2- Art 2- Art 6)</p>	<p>UDHR(1948) Fair and Public hearing by an independent tribunal. (Art 10)</p> <p>BPIJ (1985): Independence of Judiciary shall be guaranteed, not subject to interference; using established legal procedures, be provided adequate resources; proper judicial selection and training; guarantee tenure of judges; promotion based on objective factors; assignment of cases internal matter; and judiciary shall be bound by professional secrecy and enjoy personal immunity (para 1-4-5-7-8-10-12-13-14-15-16)</p>

⁶⁸ CPC: Civil Procedural Code

⁶⁹ CEJP: Code of Ethics of Judges and Prosecutors

		Standard 7: The court is impartial	The Judiciary shall guarantee and uphold impartiality and protect the rights and freedoms of the citizens, and Judges shall possess, inside and outside the court, an impartial attitude. (Const-Art 128-new- 2; CEJP- Chap 2- Art 7- Art 17)	UDHR(1948) Fair and Public hearing by an independent tribunal. (Art 10) BPIJ (1985) Judiciary not subject to interference; using established legal procedures and ensure fair judicial proceedings and the rights of parties (para 2-6)
		Standard 8: Being treated equally	The Judiciary shall guarantee and uphold impartiality and protect the rights and freedoms of the citizens, and Judges shall possess, inside and outside the court, an impartial attitude. (Const-Art 128-new- 2; CEJP- Chap 2- Art 7- Art 17)	UDHR (1948) Fair and public hearing (Art 10) ICCPR (1966) Equal before the court – including equal access to the court and prompt information in an understandable language (art. 14-3-a)
		Standard 10: Getting a reasoned, enforceable judgment within reasonable time	The court has a system and organization in place to ensure the effective and efficient use of the judges and prosecutors (CEJP- Art 29, Art 32, Art 33)	ICCPR (1966) To be tried without undue delay (Art. 14-3-c) GRP (1990) Office of the prosecutor shall be strictly separated from the judicial function, and prosecutor and prosecution institution shall perform and active role in criminal proceedings authorized by law; perform duties fairly and uphold human rights; due attention to crimes by public officials; refuse unlawful evidence (para 10-16)
		Standard 11: The court must ensure public access and transparency	The Judiciary shall guarantee and uphold impartiality and protect the rights and freedoms of the citizens, and Judges shall possess, inside and outside the court, an impartial attitude. (Const-Art 128-new- 2; CEJP- Chap 2- Art 7- Art 17)	UDHR (1948) - All are equal before the law and are entitled to without any discrimination to equal protection of the law (Art 2-1-2, Art 7, Art 8) ICCPR⁷⁰ (1966) - All are equal before the law and are entitled to without any discrimination to equal protection of the law; Special interest of juvenile to be protected; and free assistance of an interpreter (Art. 14-1, Art. 14-3- f, Art 26) ICERD⁷¹ (1965) - Special measures to secure certain racial or ethnic groups (Art. 2-2) CRC⁷² (1989)

⁷⁰ International Covenant on Civil and Political Rights 1966

⁷¹ International Convention on the Elimination of All Forms of Racial Discrimination

⁷² Convention on the Rights of the Child

				<p>- Ensuring the rights of the child and of every child accused of having infringed the penal law including the right to an interpreter (Art. 2-1, Art.40-2-b-vi)</p> <p>CEDAW⁷³ (1979), - Women are treated equally in all stages of procedures in the court and tribunal; appropriate measures to eliminate discrimination against women.(Art.15-1, Art.15-2, Art.16-1)</p> <p>GRP (1990) Office of the prosecutor shall be strictly separated from the judicial function, and prosecutor and prosecution institution shall perform and active role in criminal proceedings authorized by law; perform duties fairly and uphold human rights; due attention to crimes by public officials; refuse unlawful evidence (para 10-16)</p>
Criminal case		Standard 1: Judicial approval of penal procedural coercive measures	<p>Code of Criminal Procedure: - Default Judgment has to be protested by the convicted person immediately before the court that has issued that judgment. (Art 353)</p> <p>Execution Procedures (Art 496-554): - The enforcement of a sentence and physical detention shall be made at the initiative of a prosecutor. - The prosecutor may implement the sentence when a court decision becomes final. - The period of appeal given the prosecutor general may not prevent the implementation of the sentence</p> <p>Appeal Actions against Judgment (Art 373-416):</p> <p>- The criminal chamber of the Court of Appeal has the authority to decide appeal actions against decisions of the court of first instance within its scope of jurisdiction for criminal cases.</p> <p>- The appeal action of prosecutor, accused person, civil party and civil defendants shall be presented to the office of the court clerk of the court where the judgment was declared.</p> <p>- An accused person can be represented by a lawyer. The lawyer shall have a written power of attorney granting the right to bring an appeal action. Nevertheless, an under-aged accused person can be represented by his or her father, mother or guardian. In such cases, the representative does not need to have the power of attorney.</p> <p>- The court clerk shall register an appeal action in the special registry of the court. The appeal action document must be signed by the court clerk and the appellant or appellant's representative. The power of attorney must be</p>	<p>UDHR (1948) No arbitrary arrest, detention or exile (Art 9)</p> <p>ICCPR (1966) No unlawful deprivation of liberty; prompt information of charges and being brought before a judge; Presumed innocence until proven guilty. Ability to examine witnesses. Freedom from torture (Art. 9, 14-2, Art.14-3-e, Art.7, Art. 15)</p> <p>Requests for penal procedural coercive measures (search warrants, tapping, mail search, etc.) must be approved by a judge in standard situations</p>

⁷³ Convention on the Elimination of All Forms of Discrimination against Women

		<p>Standard 4: Getting a trial within a reasonable time</p>	<p>attached to the appeal action documents.</p> <p>Code of Criminal Procedure Information stated in judgment (Art 358): - A judgment shall be signed by the trial president and the clerk.</p> <p>Illiterate appellant (Art 376): - If the appellant does not know how to sign, the appellant must put his or her thumb-print.</p> <p>Time Period for Appeal by Prosecutor and General Prosecutor (Art 381): - An appeal action by the prosecutor must be filed within one month. - An appeal action by the general prosecutor must be filed within three months. - The time period for an appeal is counted from the date in which the judgment was declared.</p> <p>Time Period for Appeal by Accused Person, Civil Party and Civil Defendants (Art.382) - Appeal of a civil action by the accused, the civil party, or a civil defendant must be made within one month. - If the judgement is made <i>in absentia</i> the time period for an appeal action is counted from the time the judgement was declared. - If the judgement was deemed to be a judgement <i>in absentia</i> the time period for an appeal action is counted from the time the notice of the judgement was made regardless of the means by which notice was given.</p> <p>Forwarding the Case Files to the Court of Appeal (Art 386) - If an appeal is filed, the clerk of the court of first instance prepares the case for sending to the Court of Appeal.</p> <p>Code of Ethics of Judges and Prosecutors - Judges shall ensure that he or she performs judicial or prosecutorial duty with diligence i.e. shall endeavour to fulfil judicial duty quickly and perfectly, maintain and improve his or her specialised knowledge in order to perform judicial or prosecutorial duty with perfection and quality (Art. 29) - Judges perform both judicial and some administrative duties. Judges have to monitor and instruct judicial or prosecutorial staff's tasks diligently (Art 32) - Judges' judicial or prosecutorial duty has more priority than other duties. Judges shall have sufficient time to perform duties diligently (Art 31) and the ability of the judges to perform depends on the scope of the tasks, the sufficiency of support staff, the adequacy of work materials</p>	<p>ICCPR (1966) - The accused person shall be informed of charge promptly, and tried without undue delay (Art. 14-3-a and Art.14-3-c)</p> <p>CRC(1989) - To be informed promptly and directly about the charge and the best interest of the child is the basis for matters to be determined without delay. (Art.40-2-b-ii and Art.40-2-b-iii)</p>
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		<p>Standard 5: The court is competent</p>	<p>to perform such task and time (Art. 33)</p> <p>Code of Criminal Procedure:</p> <p>Information stated in judgment (Art 358): - A judgment shall be signed by the trial president and the clerk.</p> <p>Appeal Actions against Judgment (Art 373-416):</p> <ul style="list-style-type: none"> - The criminal chamber of the Court of Appeal has the authority to decide appeal actions against decisions of the court of first instance within its scope of jurisdiction for criminal cases. - The appeal action of prosecutor, accused person, civil party and civil defendants shall be presented to the office of the court clerk of the court where the judgment was declared. - An accused person can be represented by a lawyer. The lawyer shall have a written power of attorney granting the right to bring an appeal action. Nevertheless, an under-aged accused person can be represented by his or her father, mother or guardian. In such cases, the representative does not need to have the power of attorney. - A civil defendant can be represented by a lawyer, spouse or direct-line relative. The representative must have written power of attorney to make an appeal action. - The court clerk shall register an appeal action in the special registry of the court. The appeal action document must be signed by the court clerk and the appellant or appellant's representative. The power of attorney must be attached to the appeal action documents. <p>Illiterate appellant (Art 376): - If the appellant does not know how to sign, the appellant must put his or her thumb-print.</p> <p>Time Period for Appeal by Prosecutor and General Prosecutor (Art 381):</p> <ul style="list-style-type: none"> - An appeal action by the prosecutor must be filed within one month. - An appeal action by the general prosecutor must be filed within three months. - The time period for an appeal is counted from the date in which the judgment was declared. <p>Time Period for Appeal by Accused Person, Civil Party and Civil Defendants (Art.382)</p> <ul style="list-style-type: none"> - Appeal of a civil action by the accused, the civil party, or a civil defendant must be made within one month. 	<p>UDHR (1948) Effective remedy and fair and public hearing (Art 8-10)</p> <p>ICCPR (1966) All are equal before the law and are entitled to without any discrimination to equal protection of the law; Special interest of juvenile to be protected (Art 14-1, 26)</p> <p>BPLJ (1985) The court must have jurisdiction over the subject matter and the person. Proceedings must be conducted fairly. Judges must be free to form associations. Terms of office must be adequately secured by law (para 3-6-9-11)</p>
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			<ul style="list-style-type: none"> - If the judgement is made <i>in absentia</i> the time period for an appeal action is counted from the time the judgement was declared. - If the judgement was deemed to be a judgement <i>in absentia</i> the time period for an appeal action is counted from the time the notice of the judgement was made regardless of the means by which notice was given. <p>Forwarding the Case Files to the Court of Appeal (Art 386)</p> <ul style="list-style-type: none"> - If an appeal is filed, the clerk of the court of first instance prepares the case for sending to the Court of Appeal. <p>- Motion for review of Proceeding (Art 443- 455)</p> <ul style="list-style-type: none"> - A motion for review may be filed in any criminal case regardless of the jurisdiction of the court which made decisions and pronounced sentence. - The competence decide on a motion of the review resides in the Supreme Court in a plenary session. <p>Execution Procedures (Art 496-554):</p> <ul style="list-style-type: none"> - The enforcement of a sentence and physical detention shall be made at the initiative of a prosecutor. - The enforcement of civil penalty shall be made at the initiative of a civil party. - The prosecutor may implement the sentence when a court decision becomes final. - The period of appeal given the prosecutor general may not prevent the implementation of the sentence 	
		<p>Standard 10: Getting a reasoned, enforceable judgment within reasonable time</p>	<p>Code of Criminal Procedure:</p> <p>Execution Procedures (Art 496-554):</p> <ul style="list-style-type: none"> - The enforcement of a sentence and physical detention shall be made at the initiative of a prosecutor. - The enforcement of civil penalty shall be made at the initiative of a civil party. - The prosecutor may implement the sentence when a court decision becomes final. - The period of appeal given the prosecutor general may not prevent the implementation of the sentence <p>Appeal Actions against Judgment (Art 373-416):</p> <ul style="list-style-type: none"> - The criminal chamber of the Court of Appeal has the authority to decide appeal actions against decisions of the court of first instance within its scope of jurisdiction for criminal cases. - The appeal action of prosecutor, accused person, civil party and civil defendants shall be presented to the office of the court clerk of the court where the judgment was declared. - An accused person can be represented by a lawyer. The lawyer shall have a written power of attorney granting the right to bring an appeal action. Nevertheless, an under-aged accused person can be represented by his or her father, mother or guardian. In such cases, the representative does 	<p>ICCPR (1966)</p> <p>To be tried without undue delay (Art. 14-3-c)</p> <p>GRP (1990)</p> <p>Office of the prosecutor shall be strictly separated from the judicial function, and prosecutor and prosecution institution shall perform and active role in criminal proceedings authorized by law; perform duties fairly and uphold human rights; due attention to crimes by public officials; refuse unlawful evidence (para 10-16)</p>

			<p>not need to have the power of attorney.</p> <ul style="list-style-type: none"> - A civil defendant can be represented by a lawyer, spouse or direct-line relative. The representative must have written power of attorney to make an appeal action. - The court clerk shall register an appeal action in the special registry of the court. The appeal action document must be signed by the court clerk and the appellant or appellant's representative. The power of attorney must be attached to the appeal action documents. 	
Civil Case		Standard 5: The court is competent	<p>Code of Civil Procedure Book 3: Chapter 2- appeal (Art 259- Art 306)</p> <ul style="list-style-type: none"> - Types of Appeals: Appeal can be made against judgment which does not become final (Art 259): <ul style="list-style-type: none"> - Uttor appeal against judgment of the court of first instance. - Satuk appeal against judgment of the appeal court - Chumtoah appeal against the ruling can be made only if it is allowed by law. - Uttor Appeal (Art 260- 282) <ul style="list-style-type: none"> - Uttor appeal can be made if no agreement to waive Uttor appeal; and where a final judgment in a civil and commercial case is from five million Riels. (Art 260) - Uttor appeal must be filed within one month from the date service of written judgment was received. (Art 264) - Uttor appeal must be made by filing a written Uttor appeal with the original court. (Art 265) - A written Uttor appeal must be served to the Uttor appellee. (Art 267) - Satuk Appeal (Art 283- Art 300) <ul style="list-style-type: none"> - Satuk appeal can be made to the Supreme Court against the final judgment of the appeal court and final judgment of the court of First Instance in case parties agree to waive the Uttor appeal. (Art 283) - A Satuk appeal can be made on the grounds of violation of the constitution, laws or ordinances that has an effect on judgment, and other absolute grounds in art 285). (See Art 284- Art 285) - Satuk Appeal shall be made by filing a written Satuk appeal to the original court. The original court must promptly send the written Satuk appeal and the record of the case to the Satuk Appellate Court. (Art 287) - A written Satuk appeal must be served to the parties. (Art 267) - Chumtoah Appeal (Art 301- 306) <ul style="list-style-type: none"> - Chumtoah Appeal shall be made by filing a written Chumtoah appeal to the original court. The original court must promptly send the written Chumtoah appeal and the record of the case to the Chumtoah Appellate Court. (Art 301) 	<p>UDHR (1948) Effective remedy and fair and public hearing (Art 8-10)</p> <p>ICCPR (1966) All are equal before the law and are entitled to without any discrimination to equal protection of the law; Special interest of juvenile to be protected (Art 14-1, 26)</p> <p>BPLJ (1985) The court must have jurisdiction over the subject matter and the person. Proceedings must be conducted fairly. Judges must be free to form associations. Terms of office must be adequately secured by law (para 3-6-9-11)</p>

			<p>- Chumtoah Appeal shall be made within one week from the date of receipt of notice of the ruling. (Art 303)</p> <p>- When obligor fails to object to demand ruling within two weeks of the date of the receipt of the service thereof, the court may declare provisional execution. (Art 328)</p> <p>Book 6: Compulsory Execution (Art 334- Art 529)</p> <p>- General Rules of Compulsory Execution (Art 334- 378)</p> <p>- Persons holding claims or security rights under the civil code or other laws shall be entitled to seek enforcement of such rights by compulsory execution. (Art 334)</p> <p>- Execution shall be carried out by the execution organs on the motion by parties. Executive organ can be a bailiff or the execution court (ex: court of first instance). The court of first instance where the bailiff is attached shall render decision in respect of any motion of objection to the execution by bailiff.(Art 336)</p> <p>- Decision by execution court shall be made by ruling. (Art 337)</p> <p>- Execution by Bailiff or other executive organs' persons on holiday and Sunday must have permission from the court of first instance to which he/she is attached. (Art 340)</p> <p>- Objection to execution may be file in the execution court of court of first instance where a bailiff is attached. (Art 344)</p> <p>- Execution shall be carried out in the title of execution such as judgment or ruling. (Art 350)</p> <p>- Execution Judgment of foreign court judgment must be obtained from the Cambodian court. (Art 352)</p> <p>- Execution ruling of domestic and foreign Arbitral awards must be obtained from the Cambodian court. (Art 353)</p> <p>- Suit objection to claims regarding compulsory execution can be filed by debtor to block the execution. (Art 363- Art 370)</p> <p>- Execution of Claims having the object of monetary payment (Art 379- Art 495)</p> <p>- Except where otherwise provide this or another law, attachment can be carried out against tangible and intangible property belonging to the debtor</p> <p>- Specific rules governing enforcement of security interests (Art 496- Art 523)</p> <p>- Enforcement of security interests shall be based on the title of the execution</p> <p>- Execution of claim right of which the subject matter is not money is made based on procedures of the bailiff attached to the court of first instance. (Art 524- Art 529)</p>	
Administrative case			To be elaborated when there is a specific law.	
Commercial case			To be elaborated when there is a specific law.	
Social case			To be elaborated when there is a specific law.	

CASE FLOW

STAGE 9. CLOSURE AND FILING OF THE CASE (DOCUMENTATION)

Category of Case	Objective	Standard	Principles/Criteria from national legislation and guidelines	Principles/Criteria from international legislation and guidelines
General	<ul style="list-style-type: none"> • The court is accessible to the public • The court acts transparently • Judges, Lawyers and Court personnel are skilled and informed • Court personnel operate ethically • The court operates efficiently and effectively 	Standard 5: The court is competent	<p>The court has organised itself in such a way that decisions can be expedited and closed properly (CpPC art. 358, 376, 381 and 382; CPC art. 264) Uttor Appeal (Book 3- Chapter 1-2- Appeal), Art 376, Art 381, Art 382 and 386))</p> <p>Code of Ethics of Judges and Prosecutors - Judges perform both judicial and some administrative duties. Judges have to monitor and instruct judicial or prosecutorial staff's tasks diligently (Art 32)</p> <p>- Judges' judicial or prosecutorial duty has more priority than other duties. Judges shall have sufficient time to perform duties diligently (Art 31) and the ability of the judges to perform depends on the scope of the tasks, the sufficiency of support staff, the adequacy of work materials to perform such task and time (Art. 33) – the court has a system and organization in place to ensure the effective and efficient use of the judges and prosecutors.</p> <p>Law on National Archives - Free access to <u>other public archives</u> after the period of 20 years commencing from the date of document or from the complete file or in special case from a determined period. (Art 14)</p>	<p>UDHR (1948) Effective remedy and fair and public hearing (Art 8-10)</p> <p>ICCPR (1966) All are equal before the law and are entitled to without any discrimination to equal protection of the law; Special interest of juvenile to be protected (Art 14-1)</p> <p>BPIJ (1985) The court must have jurisdiction over the subject matter and the person. Proceedings must be conducted fairly. Judges must be free to form associations. Terms of office must be adequately secured by law (para 3-6-9-11)</p> <p>GRP (1990) Selection of prosecutors safeguarded against partiality and prejudice and be appropriately trained; perform professionally and have reasonable conditions of service; Office of the prosecutor shall be strictly separated from the judicial function, and prosecutor and prosecution institution shall perform and active role in criminal proceedings authorized by law; perform duties fairly and uphold human rights; due attention to crimes by public officials; refuse unlawful evidence (para 2-3-6-10-16)</p> <p>BPJC (2002) Competence and diligence are prerequisites to the due performance of judicial office (val 6)</p>
		Standard 8: Being treated equally	<p>Code of Ethics of Judges and Prosecutors Judges shall possess, inside and outside the court, an impartial attitude to protect, maintain and promote trust from the public and professionals (art. 7)</p>	The court shall promote equal access to the court and in the proceedings (CEDAW art. 15)
		Standard 11: The court must ensure public access and transparency	<p>Code of Ethics of Judges and Prosecutors Judges are instrumental in public awareness raising on the judicial system and legal development (art. 15)</p> <p>Judges may contribute to the legal education for the public and professional (art. 16)</p>	<p>The court shall ensure that the general public are aware about the activities in the court and in general have access to hearings e.g. having courts rooms with room for an audience and publication of the trial list (ICCPR Art. 14)</p> <p>The court shall contribute to ensure scrutiny of the judiciary by the public with a view to</p>

				safeguarding the right to a fair trial e.g. through making parts of judgments accessible to the public (ICCPR Art. 14)
Criminal case		Standard 5: The court is competent	<p>Time Period for Appeal by Prosecutor and General Prosecutor (Art 381):</p> <ul style="list-style-type: none"> - An appeal action by the prosecutor must be filed within one month. - An appeal action by the general prosecutor must be filed within three months. - The time period for an appeal is counted from the date in which the judgment was declared. <p>Time Period for Appeal by Accused Person, Civil Party and Civil Defendants (Art.382)</p> <ul style="list-style-type: none"> - Appeal of a civil action by the accused, the civil party, or a civil defendant must be made within one month. - If the judgement is made <i>in absentia</i> the time period for an appeal action is counted from the time the judgement was declared. - If the judgement was deemed to be a judgement <i>in absentia</i> the time period for an appeal action is counted from the time the notice of the judgement was made regardless of the means by which notice was given. <p>Code of Criminal Procedures - Motion for review of Proceeding (Art 443-455)</p> <ul style="list-style-type: none"> - A motion for review may be filed in any criminal case regardless of the jurisdiction of the court which made decisions and pronounced sentence. - The competence decide on a motion of the review resides in the Supreme Court in a plenary session. 	<p>UDHR (1948) Effective remedy and fair and public hearing (Art 8-10)</p> <p>ICCPR (1966) All are equal before the law and are entitled to without any discrimination to equal protection of the law; Special interest of juvenile to be protected (Art 14-1)</p> <p>BPIJ (1985) The court must have jurisdiction over the subject matter and the person. Proceedings must be conducted fairly. Judges must be free to form associations. Terms of office must be adequately secured by law (para 3-6-9-11)</p> <p>GRP (1990) Selection of prosecutors safeguarded against partiality and prejudice and be appropriately trained; perform professionally and have reasonable conditions of service; Office of the prosecutor shall be strictly separated from the judicial function, and prosecutor and prosecution institution shall perform and active role in criminal proceedings authorized by law; perform duties fairly and uphold human rights; due attention to crimes by public officials; refuse unlawful evidence. The prosecutors shall strive to cooperate with the police, the courts, the legal profession, public defenders and other government agencies or institutions in order to ensure the fairness and effectiveness of prosecution (para 2-3-6-10-16-20)</p>

Civil Case		Standard 5: The court is competent	<p>Code of civil procedure.</p> <p>- Viewing of case record: A party or third party who has established to a preliminary showing his or her legal interest in the case may request to view the case. (Art 258)</p> <p>- Inspection record of execution: Interest parties can request the court to inspect the case record. (Art 378)</p> <p>- Perusal of the record in preservative relief case. Interested parties can demand the court to peruse the case or copy the case record. (Art 538)</p>	<p>UDHR (1948) Effective remedy and fair and public hearing (Art 8-10)</p> <p>ICCPR (1966) All are equal before the law and are entitled to without any discrimination to equal protection of the law; Special interest of juvenile to be protected (Art 14-1)</p> <p>BPIJ (1985) The court must have jurisdiction over the subject matter and the person. Proceedings must be conducted fairly. Judges must be free to form associations. Terms of office must be adequately secured by law (para 3-6-9-11)</p> <p>BPJC (2002) Competence and diligence are prerequisites to the due performance of judicial office (val 6)</p>
		Standard 11: The court must ensure public access and transparency	<p>- Inspection record of execution: Interest parties can request the court to inspect the case record. (Art 378)</p>	<p>UDHR (1948) Fair and public hearing (Art 10)</p> <p>ICCPR (1966) Equal before the court – including equal access to the court and prompt information in an understandable language (art. 14-3-a)</p>
Administrative case				
Commercial Case				
Social case				

CASE FLOW

STAGE 10. PUBLIC RELATION (OUTREACH)⁷⁴ AND COORDINATION

Category of Case	Objective	Standard	Principles/Criteria from national legislation and guidelines	Principles/Criteria from international legislation and guidelines
General	<ul style="list-style-type: none"> The court is accessible to the public The court acts transparently Judges, Lawyers and Court personnel are skilled and informed The court operates efficiently and effectively 	Standard 5: The court is competent	Code of Ethics of Judges and Prosecutors Judges shall contribute to the quick and efficient handling of cases (Code of Ethics for Judges art. 29) - Judges perform both judicial and some administrative duties. Judges have to monitor and instruct judicial or prosecutorial staff's tasks diligently (Art 32) - Judges' judicial or prosecutorial duty has more priority than other duties. Judges shall have sufficient time to perform duties diligently (Art 31)	The organization of the court is optimized in order to ensure efficient case handling (UDHR Art.10 and ICCPR Art. 14 and (United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules") pr. 20) The right to an effective remedy (ICCPR Art. 2-3)
		Standard 8: Being treated equally	Judges shall possess, inside and outside the court, an impartial attitude to protect, maintain and promote trust from the public and professionals (Code of Ethics for Judges art. 7)	The court shall promote equal access to the court and in the proceedings (CEDAW art. 15)
		Standard 11: The court must ensure public access and transparency	Judges are instrumental in public awareness raising on the judicial system and legal development (Code of Ethics for Judges art. 15) Judges may contribute to the legal education for the public and professional (Code of Ethics for Judges art. 16)	The court shall ensure that the general public are aware about the activities in the court and in general have access to hearings e.g. having courts rooms with room for an audience and publication of the trial list (ICCPR Art. 14) The court shall contribute to ensure scrutiny of the judiciary by the public with a view to safeguarding the right to a fair trial e.g. through making parts of judgments accessible to the public (ICCPR Art. 14)
Criminal case	<ul style="list-style-type: none"> 	Standard 5: The court is competent	Code of Ethics of Judges and Prosecutors - Judges perform both judicial and some administrative duties. Judges have to monitor and instruct judicial or prosecutorial staff's tasks diligently (Art 32) - Judges' judicial or prosecutorial duty has	The prosecutors shall strive to cooperate with the police, the courts, the legal profession, public defenders and other government agencies or institutions in order to ensure the fairness and effectiveness of prosecution (UN guidelines on the role of the prosecutors pr.

⁷⁴ Outreach is a general information about the court and its processes. Coordination refers to the stakeholders that have impact on the work of the court. .e.g for outreach such as website, bulletin. e.g of Coordination: meeting with police, court and prison (criminal case), meeting with court and lawyers or b(civil case)

			more priority than other duties. Judges shall have sufficient time to perform duties diligently (Art 31)	20)
Civil cases		Standard 5: The court is competent	<p>Code of Ethics of Judges and Prosecutors Judges shall contribute to the quick and efficient handling of cases (Code of Ethics for Judges art. 29)</p> <ul style="list-style-type: none"> - Judges perform both judicial and some administrative duties. Judges have to monitor and instruct judicial or prosecutorial staff's tasks diligently (Art 32) - Judges' judicial or prosecutorial duty has more priority than other duties. Judges shall have sufficient time to perform duties diligently (Art 31) 	
Administrative case				
Commercial Case				
Social case				