



KINGDOM OF CAMBODIA
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**Permanent Mission of the Kingdom of Cambodia
to the United Nations Office and other
International Organizations at Geneva**

No: 2021/07/499

The Permanent Mission of the Kingdom of Cambodia to the United Nations Office and other International Organizations at Geneva presents its compliments to the Office of the High Commissioner for Human Rights and, with reference to the joint communication No. AL KHM 7/2021 dated 10 June 2021 from the Special Procedures, has the honour to transmit to the latter herewith clarifications from the Ministry of Justice of the Kingdom of Cambodia as to the situation of the purported seven human rights defenders in Cambodia.

The Permanent Mission of the Kingdom of Cambodia would be greatly appreciated if the said details could be conveyed to its highest destinations.

The Permanent Mission of the Kingdom of Cambodia to the United Nations Office and other International Organizations at Geneva avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 28 July 2021



Office of the High Commissioner
for Human Rights
Geneva

**Clarifications from the Ministry of Justice of the Kingdom of
Cambodia to the joint communication of the Special Procedures No.
AL KHM 7/2021 dated 10 June 2021**

I. Factual and Legal Grounds for the Charge

On 4th August 2020, the office of internal security conducted an investigation and identified those who had been involved in inciting and mobilising forces that created serious chaos in the society to support and demand the release of [REDACTED]. At 22:30, it was observed that [REDACTED] and [REDACTED], aka [REDACTED], acted suspiciously at Wat Than pagoda located at Norodom Blvd, Sangkat Tonle Bassac, Khan Chamkamon, Phnom Penh City. Then, competent authorities brought [REDACTED] [REDACTED], to Phnom Penh Municipal Police Commissariat for questioning.

[REDACTED] answered that on 1st August 2010, at 04:41 and on 4th August 2020, he, a holder of Facebook account named [REDACTED] had received an order from [REDACTED], a holder of Facebook account named [REDACTED], through Facebook and Signal network calls, who instructed him [REDACTED] to prepare a large-scale mobilization, which has to be ready before 12 August 2020, and to bring the forces to Phnom Penh Municipal Court to demand the release of [REDACTED].

[REDACTED], aka [REDACTED], replied that on 3rd August 2020, he, a holder of Facebook account named [REDACTED] [REDACTED] had received an order from [REDACTED], holder of Facebook account named [REDACTED], a senior member of former Cambodian National Rescue Party and Kong Saphea, a holder of Facebook account named [REDACTED], via Facebook account, ordering him to gather activists in Svay Reang Province before the Phnom Penh Municipal Court to demand the release of [REDACTED] on 4 August 2020.

The accused [REDACTED], during the investigation and interview stages, confessed that they had, in fact, received the orders and money from [REDACTED], the three of whom were prohibited by the court from engaging in politics and are also under the arrest warrant, to mobilize people to protest before the Phnom Penh Municipal Court and to demand the court to release [REDACTED].

Subsequently, the investigating judge conducted an investigation and identified their group involved in gathering people forces to create serious chaos in the society with the aim of lending support for the activities and demanding the release of [REDACTED]. The individuals involved include: 1. Chhoeun Daravy, 2. Hun Vannak, [REDACTED], 4. Mean Prum Muny, 5. Keut Saray, 6. Tha Lavy, 7. Muong Sopheak, 8. Eng Malay and [REDACTED].

During the interviews, all of the accused, namely Chhoeun Daravy, Hun Vannak, Mean Prum Muny, Keut Saray, Tha Lavy, Eng Malay and Muong Sopheak, confessed that they had actually participated in the protest in front of the Phnom Penh Municipal Court and were also marching for the release of [REDACTED].

In accordance with the provisions of the Criminal Code of the Kingdom of Cambodia, the court found that these activities were prescribed by the law as an offense, inciting to disturb social security as stipulated in Articles 594 and 495 of Criminal Code for the act of the accused Chhoeun Daravy, Hun Vannak, [REDACTED], [REDACTED] Mean Prum Muny, Keut Saray, Tha Lavy, Muong Sopheak, Eng Malay and [REDACTED], who had been involved in protesting and shouting in front of the Phnom Penh Municipal Court to demand the release of [REDACTED]. These acts disturbed the public and caused serious chaos to social security.

II. Pre-Trial Detention

The court did not approve the bail release because the court found that it had already held two hearings on this case and would continue to hold more trial sessions in order to ensure the presence of the seven accused before the court and to accelerate the process in the near future.

Meanwhile, the Phnom Penh Municipal Court has scheduled a series of hearings. However, due to Covid-19 pandemic, the prison department could not bring the accused to the court for trial. These are reasons that the court has postponed the trial several times. After all, the Phnom Penh Municipal Court set the trial date on 27 July 2021.

[REDACTED]

[REDACTED]

- | [REDACTED]
- | [REDACTED]
- | [REDACTED]
- | [REDACTED]
- | [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

As for the current situation of the CC1, CC2 and PJ, precautionary measures were taken to prevent the spread of Covid-19, including restrictions on visitors, and temporary postponement of the transport of detainees at CC1 to be on trial at Phnom Penh Municipal Court and Phnom Penh Court of Appeal.

IV. Conclusion

The concern of the Special Procedures over the judicial proceedings against the seven accused does not reflect the reality on the grounds. The fact is that the Phnom Penh Municipal Court has already held two public hearings on the case of the seven accused on 30 December 2020 and 16 February 2021 respectively. Moreover, the Phnom Penh Municipal Court always sets its hearing date continuously. Unfortunately, due to the outbreak of Covid-19, which had led to the lockdown of the capital city and at request of the prison department not to bring the accused to trial, the hearings had been postponed several times. Lately, the Phnom Penh Municipal Court had set the date for the trial on 27 July 2021. In order to protect the lives of all detainees in the prison from the Covid-19 pandemic, not only lawyers but also their family members were not permitted to meet the detainees in the prison. It was applied to all without any discrimination.

The concern over the alleged threatening and punishment against the so-called human rights defenders in Cambodia in an attempt to incite fear amongst those working for the protection of human rights and fundamental freedoms by Cambodian authority, and the suppression of the right to freedom of expression, freedom of association, and freedom of peaceful assembly does not reflect the reality in Cambodia either. The legal enforcement by Cambodian authorities is in full adherence to the existing procedures and rules with the aim of maintaining and guaranteeing social security and public order. In fact, full exercise of their rights and freedoms by all Cambodian citizens are guaranteed in the constitution, which is the highest law of the nation. On the other hand, can those responsible for monitoring human rights situations prove that the establishment of associations or gathering of illegal strikes under the order of wicked persons using money as a tool to mobilize protesters are correct or legal?

Finally, the strict compliance with and implementation of existing laws are the sole and correct pathway of the Royal Government of Cambodia to maintain peace, security, safety and social stability and to ensure the promotion of human rights and harmony in Cambodian society.
