



KINGDOM OF CAMBODIA
Nation Religion King

**Permanent Mission of the Kingdom of Cambodia
to the United Nations Office and other
International Organisations at Geneva**

No. 2021/01/104

The Permanent Mission of the Kingdom of Cambodia to the United Nations Office and other International Organisations 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 8/2020 dated 10 November 2020 from Special Procedures, has the honour to transmit to the latter herewith the former's Note No. 2020/10/947 dated 30 October 2020, detailing legal procedures on Mr. Rong Chhun.

The Permanent Mission of the Kingdom of Cambodia would be appreciated if the above-said information could be conveyed to its destinations.

The Permanent Mission of the Kingdom of Cambodia to the United Nations Office and other International Organisations 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, 26 January 2021



Office of the High Commissioner for Human Rights
Geneva



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**Permanent Mission of the Kingdom of Cambodia
to the United Nations Office and other
International Organisations at Geneva**

No: 2020/10/947

The Permanent Mission of the Kingdom of Cambodia to the United Nations Office and other International Organisations at Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights (OHCHR) and, with reference to the latter's communication No. AL KHM 6/2020 dated 18 August 2020, has the honour to transmit herewith to the OHCHR responses from the Ministry of Interior and the Ministry of Justice of the Kingdom of Cambodia as to the alleged arbitrary arrest and detention of Mr. Rong Chhun.

The Permanent Mission of the Kingdom of Cambodia would be appreciated if the said information could be forwarded to its high 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 United Nations High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 30 October 2020



Office of the United Nations High Commissioner
for Human Rights (OHCHR)

Geneva

**Responses from
the Ministry of Interior and the Ministry of Justice
of the Kingdom of Cambodia
As to the Alleged Arbitrary Arrest and Detention of Mr. Rong Chhun**

I. Response from the Ministry of Interior

1. The General Commissariat of the National Police (GCNP) actively working in collaboration with relevant law enforcing institutions is obliged to uphold legality and guarantee safety, security and public order with a view to maintaining peace, social stability, well-being and peacefulness of the people and community. The GCNP has a good will to cooperate openly with lawful NGOs, local human rights defenders and human rights mechanisms of the United Nations in order to promote and protect the rights and freedoms of citizens as enshrined in Article 31 of the Constitution of the Kingdom of Cambodia, Articles 29 (2) of the Universal Declaration of Human Rights, and Articles 21 and 22 (2) of the International Covenant on Civil and Political Rights.
2. Mr. Rong Chhun, 51, President of the Cambodian Trade Union Confederation and Advisor to the Independent Teachers Association, was arrested on 31 July 2020 at 22:00 with procedural coordination of a Deputy Prosecutor attached to the Phnom Penh Court of the First Instance. The accused was subsequently detained in accordance with a detention warrant No. 8987 dated 01 August 2020 signed by an Investigating Judge.
3. Justification for the charge: On 20 July 2020, Mr. Rong Chhun and his followers went to inspect Cambodia-Vietnam border posts, from

No. 114 to No. 119, located in Tropeang Thlong village, Tropeang Thlong commune, Ponhea Krek district, Tbong Khmom province. Following the inspection, Mr. Rong Chhun released a statement dated 21 July 2020 and uploaded, on his personal website named "RONG CHHUN", the said statement along with a video clip describing his activities along the border with intent to incite social disorder and chaos causing a serious upheaval affecting national security and public order. This offense is stipulated in Articles 494 and 495 of the Criminal Code of Cambodia.

4. At the time that Cambodian people have been enjoying the fruit of peace and development, Cambodian national police is obliged to contribute to maintaining social security and public order for the sake of national interest and people's peacefulness. The duty of the law enforcers is to educate people to abide by the law and to maintain social security and public order. However, a handful of elements always hunt for excuses to create various problems, especially the border issues with neighboring countries, with intent to instigate illegal actions seeking to overthrow the legitimate government.

II. Response from the Ministry of Justice

1. After having reviewed report of the Phnom Penh Court of the First Instance concerning the criminal case of Mr. Rong Chhun, Ministry of Justice has found that the court has duly adhered to provisions enumerated in the Criminal Code of Cambodia since the initial stage of judicial police, prosecutor stage, and investigating judge stage, each of which is dependent upon facts and evidences compiled by the judicial police.
2. The Phnom Penh Court of the First Instance has justified the charge as follows:

- a. The element of incitements committed is set forth in Article 494 of the Criminal Code of Cambodia. The accused has disseminated, on his personal website named "RONG CHHUN", a statement dated 21 July 2020, a video clip describing his activities along the Cambodia-Vietnam border and his recorded interview with Radio Free Asia, all of which contain fabrication of Cambodia-Vietnam border demarcation, with a goal of misleading public opinion and instigating social disorder and upheaval affecting national security.
 - b. The content of the materials that Mr. Rong Chhun had disseminated deceitfully seeks to confuse national and international opinions as well as to cause social chaos.
3. Presently, the criminal case of Mr. Rong Chhun has reached the investigating judge phase. As part of the court proceedings, the investigating judge has summoned relevant witnesses, namely Hak Phanny, Chhea Thoun, Hak Maihor, Som Salath and judicial police, for their answers.
