



**STATEMENT ON “RE-ARREST” ORDER
14 September 2001**

It is with considerable concern that the Cambodia Office of the High Commissioner for Human Rights has learnt that the Prime Minister, in a speech in Kompong Cham on 5 September 2001, ordered the “re-arrest” of a person who had previously been released by the Kompong Cham Provincial Court. The person is now in custody in Kompong Cham Provincial Prison.

Whilst sharing the Prime Minister’s views about “finding justice” for victims of crimes, the correct processes of the law should be followed.

The Constitution provides that only judges can adjudicate and only the Department of Public Prosecution shall have the right to file criminal suits. If the release was an “irregular one”, as suggested by the Prime Minister, then the appropriate legal measures should be taken.

Any person has the right to make a complaint to the Supreme Council of the Magistracy if they believe that a judge or prosecutor has acted improperly. The complaint must be heard and the judge or prosecutor disciplined if it is found that there has been some improper behaviour.

If there is evidence of a criminal offence having been committed by the judge or prosecutor, the General Prosecutor of the Appeal Court should direct a police investigation and the judge or prosecutor should be charged and tried before a court.

If it is found that there has been some improper or criminal behaviour by the judge or prosecutor, the General Prosecutor of the Appeal Court must also order the police to reinvestigate the case and present new charges against the accused person who had been released.

The Cambodia Office of the High Commissioner for Human Rights wishes to encourage the Prime Minister to use his position and authority to promote the use of the correct processes of the law. Only by all persons following the proper legal procedures will the rule of law be established and real justice be found for Cambodians.