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OHCHR – UN Office of the High Commissioner for Human Rights

Cambodia: Opposition mass trials deeply flawed – UN rights experts

GENEVA (29 June 2022) – UN human rights experts* today called for an urgent review of the legal proceedings brought against opposition politicians in Cambodia after at least 43 defendants were convicted at a third mass trial on charges of plotting and incitement, and sentenced to up to eight years in jail.

The defendants linked to the disbanded Cambodian National Rescue Party (CNRP), which was outlawed after a strong electoral performance in 2017, were handed their sentences by the Phnom Penh Municipal Court on 14 June.

“The outcome of this first instance trial reinforces a troubling pattern of political trials peppered with judicial flaws,” the experts said. “We urge the government to urgently review and remedy the process to ensure the defendants’ access to justice.”

The decision came after a total of 20 hearings took place between November 2020 and May 2022. Concerns around the legal process include:

- Several accused being denied physical access to their trial and consequently tried in absentia;
- Denial of complete access to case files;
- The violation of the principle of presumption of innocence noted in examples of judges’ use of accusatory language against defendants present at hearings;
- Extended periods of pre-trial detention in contravention of national and international laws protecting the right to a timely trial;
- The lack of precise, factual and conclusive evidence underpinning the charges.

In addition, one of the convicted activists, a dual Cambodian-American national, has been moved from Phnom Penh to a remote provincial prison. Prison authorities publicly justified this on the grounds the woman in question behaved “differently”, though this move de facto renders family or consular visits prohibitively difficult.

“On these grounds, the government is urged to review these convictions – and all pending similar cases – and to ensure future judicial proceedings adhere to international obligations,” the experts said. “This is critical to ensure the trend of shrinking civic and democratic space in Cambodia, aggravated by these trials, is reversed. A hindered access to justice not only infringes the rights of the victims, but has an overall chilling effect on society, discourages participation in assemblies and associations, and contributes to the dangerous trend of closing of civic space.”

The experts highlighted that the government not only has a legal duty to protect defendants’ rights, but also to respect the right to freedoms of expression and of association in line with both international covenants and the ASEAN Human Rights Declaration. This right is essential to political plurality.

“It is disturbing to see that in spite of an overwhelming – albeit unconfirmed – win at the commune elections earlier this month, an environment of political persecution, potentially tantamount to fear-mongering, persists in a country that has committed itself to the rule of law and fundamental human rights,” the experts said.

ENDS

*** The experts: Mr. Vitit Muntarbhorn, [Special Rapporteur on the situation of human rights in Cambodia](#); Mr. Clément Nyaletsoi Voule, [Special Rapporteur on the rights to freedom of peaceful assembly and of association](#); Mr. Diego García-Sayán, [Special Rapporteur on the independence of judges and lawyers](#)**

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