

3 May 2016

Cambodia – Human rights defenders detained and charged

On 2 May 2016, six human rights defenders from the **Cambodian Human Rights and Development Association (ADHOC)**, the **National Election Committee (NEC)** and the **United Nation's Office of the High Commissioner for Human Rights (UNOHCHR)** in Cambodia, were officially charged. Four human rights defenders were charged with bribery of a witness and two were charged with being accomplices to the bribery of a witness. On the same day, five of the defenders were sent to pre-trial detention.

ADHOC is a human rights organisation founded in December 1991 by a group of former political prisoners aiming to address the absence of basic rights and freedoms in Cambodia. The organisation assists human rights victims and disseminates information on human rights, law and democracy among Cambodians. Ms **Lim Mony** is Senior Investigator within the organisation, Mr **Ny Sokha** is the Head of Monitoring, while Mr **Nay Vanda** and Mr **Yi Soksan** serve as deputies of the latter. Mr **Ny Chakrya**, who is a former ADHOC staff member, has recently been appointed Deputy Secretary-General of the NEC, an independent agency that supervises national elections in Cambodia. Mr **Sally Soen** is an employee of the United Nations OHCHR in Cambodia.

On 2 May 2016, following the decision of the investigating judge, Ny Sokha, Nay Vanda, Yi Soksan and Lim Mony were charged with bribery of a witness under Article 548 of the Criminal Code and sent to CC1 and CC2 prisons in Phnom Penh. NEC staff member, [Ny Chakrya](#), and Sally Soen from the UNOHCHR were charged as accomplices to bribery of a witness in accordance with Articles 29 and 548 of the Criminal Code. Ny Chakrya was subsequently sent to the Police Judiciare Prison. Sally Soen has not yet been arrested. As an employee of an international organisation, he enjoys diplomatic immunity in Cambodia and unless it is waived, cannot be prosecuted. The Cambodian Prime Minister, Mr Hun Sen, has stated that Sally Soen is not entitled to any special protection. If convicted, all six human rights defenders could be sentenced to between five and ten years' imprisonment.

On 28 April 2016, four senior officers of human rights organisation ADHOC - Ny Sokha, Nay Vanda, Yi Soksan and Lim Mony, and an NEC official - Ny Chakrya, were arrested by the Anti-Corruption Unit (ACU), and placed in custody in the Unit's compound in Phnom Penh. The five human rights defenders were interrogated for four days, first by ACU officers and then by the Prosecutor of the Phnom Penh Municipal Court. The arrest took place after the human rights defenders had been questioned by the ACU over allegations that they had instructed and bribed a salon worker, Ms Khom Chandaraty, to deny an alleged affair with Mr Kem Sokha, acting vice-president of the Cambodia National Rescue Party. A summons to appear for questioning was issued by the ACU on 25 April 2016.

On 22 April 2016, in an open letter, Khom Chandaraty accused the six human rights defenders of forcing her to lie before the Ministry of Interior Affairs and the Court. The letter was issued following her questioning by the Phnom Penh Municipal Court, anti-terrorism police and a prosecutor about an

alleged affair with Khem Sokha. Previously, Khom Chandaraty had also accused the ADHOC lawyer Ms Try Chhuon, a women's rights advocate Ms Thida Khus and local commune chief Mr Seang Chet of persuading her to lie. On 27 April 2016, Seang Chet was charged with bribery for allegedly paying Khom Chandaraty U.S. \$500 to deny the affair and was then placed in prison. With regards Try Chhuon and Thida Khus, the ACU concluded that they had not committed any offence.

On 5 April 2016, the ADHOC responded positively to the request of Khom Chandaraty for legal and financial assistance. This followed a request made on 9 March 2016 by Khom Chandaraty seeking the ADHOC's help with defamatory comments and accusations of engagement in prostitution that she was facing. The ADHOC provided her with U.S. \$204 to cover food and transport costs, including to attend questioning by judicial authorities. This legitimate expenditure of a small sum of money to cover basic expenses of a client is now considered by the ACU as bribery and corruption.

Front Line Defenders strongly condemns the charges against Ny Sokha, Nay Vanda, Yi Soksan, Lim Mony, Ny Chakrya and Sally Soen and the pre-trial detention of five of the defenders, which it believes to be directly linked to their peaceful and legitimate work in defence of human rights in Cambodia, and their assistance to an alleged victim of human rights abuse in a politically-sensitive case at a time of upcoming local and national elections .

Front Line Defenders urges the authorities in Cambodia to:

1. Immediately and unconditionally release Ny Sokha, Nay Vanda, Yi Soksan, Lim Mony and Ny Chakrya, and drop all charges against them including Sally Soen, as Front Line Defenders believes that they have been targeted solely as a result of their legitimate human rights work;
2. Ensure that the treatment of human rights defenders, while in pre-trial detention, adheres to the conditions set out in the '*Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment*', adopted by UN General Assembly resolution 43/173 of 9 December 1988;
3. Guarantee in all circumstances that all human rights defenders in Cambodia are able to carry out their legitimate human rights activities without fear of reprisals and free of all restrictions.