



Joint Statement: Civil society condemns the wrongful conviction of Cambodian human rights defenders

(Jakarta, 27 September 2018) – The Asian Forum for Human Rights and Development (FORUM-ASIA), Freedom House, and Front Line Defenders condemn yesterday’s conviction of four human rights defenders from the Cambodian Human Rights and Development Association (ADHOC) and a National Election Committee (NEC) official, in what we see as a clear attack against their legitimate human rights work.

On 26 September 2018, senior ADHOC staff members – Ny Sokha, Nay Vanda, Lim Mony, and Yi Soksan – were convicted of ‘bribery of a witness’ under Article 548 of the Criminal Code, while a NEC official and former ADHOC staff member Ny Chakrya was found guilty as an accomplice under Articles 29 and 548 of the same Criminal Code. Each has been given a five-year sentence by the Phnom Penh Municipal Court, with 14 months and one day considered served and the rest of the sentence suspended.

The accused have longstanding histories of promoting human rights in Cambodia, supporting victims of human rights violations and survivors of gender-based violence. In 2017, they were selected as finalists for the Martin Ennals Award for Human Rights Defenders,¹ in recognition of their important work. This wrongful conviction adds to the long list of attempts by the Cambodian Government to curb fundamental freedoms and dissenting opinion by orchestrating intimidation, prosecution, and imprisonment of human rights defenders.²

The case relates to the legitimate assistance provided to a victim of government harassment in 2016, which was within the mandate of ADHOC’s human rights work. The one-day trial³ on 18 this month that led to the conviction failed to provide necessary evidence for a conviction, as five witnesses were absent. There was a glaring absence of a cross-examination that undermines their rights of the defence, and the prosecution failed to ascertain whether Chandaraty, the victim ADHOC supported in this case, was a suspect or witness at the time of the alleged bribery. These facts leading to yesterday’s conviction, point to a clear retribution against legitimate human rights work, and a failure of the judiciary system in Cambodia to protect defenders.

Since April 2016, the accused had spent 427 days in arbitrary pre-trial detention, a clear violation of their right to the presumption of innocence, a well-recognised principle that is affirmed in international human rights framework and Article 38 of the Cambodian Constitution. While in pre-trial detention, Ny Sokha, Nay Vanda, and Yi Soksan were also arbitrarily denied access to medical treatment.⁴ Following their release on bail in June 2017, they have been unable to continue their work due to the constant fear of being sent back to prison without a confirmed trial date.

¹ <http://www.martinennalsaward.org/hrd/the-khmer-5/>

² <https://www.forum-asia.org/?p=27398>

³ <https://www.forum-asia.org/?p=27319>

⁴ <https://www.forum-asia.org/?p=24320>

We call on the Cambodian authorities to immediately and unconditionally overturn these convictions, and for them to be afforded adequate remedy for the extended period spent in arbitrary pre-trial detention, in line with international standards. We call on the Cambodian Government to ensure an enabling environment for all human rights defenders to work without fear, and for the full practice of fundamental rights and freedoms.

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