



KINGDOM OF CAMBODIA
Nation Religion King

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

Ref. 2018/05/ 159

The Permanent Mission of the Kingdom of Cambodia to the United Nations Office and other International Organizations at Geneva presents its compliments to the Secretariat of the United Nations High Commissioner for Human Rights at Geneva and, with reference to the latter's note AL KHM 3/2017 dated 06 October 2017, has the honour to enclose herewith the response from the Ministry of Interior of Cambodia in relation to the alleged harassment and arbitrary arrest of Mr. Hun Vannak in Koh Kor village, Kandal Province and Mr. Doem Kundy in Prek Ksach commune, Koh Kong Province.

The Permanent Mission of the Kingdom of Cambodia to the United Nations Office and other International Organizations avails itself of this opportunities to renew to the Secretariat of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 31 May 2018



Secretariat of the United Nations High
Commissioner for Human Rights
Geneva

ROYAL GOVERNMENT OF
CAMBODIA
MINISTRY OF INTERIOR



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No. 287/18

Phnom Penh, February 08, 2018

H.E. PRAK Sokhon

Senior Minister, Minister of Foreign Affairs and International Cooperation

Excellency,

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With reference to your Letter dated 20 October 2017 concerning "Request for the Clarification on the arrests of Hun Vannak and Doem Kundy", the Ministry of Interior has the honour to make the following clarification:

Hun Vannak, male, 35, [REDACTED]
[REDACTED] and Doem Kundy, male, 21, [REDACTED]
[REDACTED] are now placed in pre-trial detention pursuant to the Order of the instigative judge of Koh Kong provincial court.

Factually, Hun Vannak was involved in various offenses including "Incitement to protest" on four different occasions, an offense punishable under Chapter 4, Article 505 of the Penal Code of the Kingdom of Cambodia ("Incitement to obstruct a public official").

On 07 August 2017, Hun Vannak flew a drone without prior permission to video-film the area in Koh Kor village, ROKAR Khposh commune, Sa-ang district, Kondal province, which is the restricted military operation zone. Hun Vannak was then invited and inquired by authorities without being accompanied by any representatives of Leng Ching Company as alleged. He was neither arrested nor questioned.

On 12 September 2017, [REDACTED]
[REDACTED] filed a complaint against Hun Vannak and Doem Kundy on violation of privacy (recording of a person's image). According to his complaint, this offense was allegedly committing within the company's vicinity locating in Prek Khsach commune, Borey Sakor district, Koh Kong Province. Upon the receipt of the complaint, police and competent authorities conducted site inspection to collect the evidence and locate witnesses. It was later at 21:45 of the same day when Hun Vannak and Doem Kundy were arrested and detained pursuant to the Order of Bou Bunheang, Deputy Prosecutor of Koh Kong provincial court.


On the day of Hun Vannak and Doem Kundy's arrests, the authorities were procedurally acting as judicial police under the Prosecution's Order. Hun Vannak and Doem Kundy were also allowed by the Deputy Prosecutor to talk to and to be represented by [REDACTED], a lawyer provided by the Cambodian Center for Human Rights ("CCHR"), as provided for under Article 98 of the Criminal Procedural Code of Cambodia: "After a period of twenty four hours from the beginning of the police custody has expired [...] the Detainee may request to speak with a lawyer or any other person who is selected by the Detainee [...]". It is therefore groundless to allege that measures against Hun Vannak and Doem Kundy were carried out without legal basis. Contrarily, the arrests were carried out in accordance with legal procedures.

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As regards the meeting between villagers and non-governmental organizations/associations, the authorities did not interrupt or otherwise prevent it from commencement. The meeting went smoothly and successfully as planned with officials from district and provincial levels as well as from relevant offices in attendance. It is without merit that there has been harassment by police. The fact that police were there was to ensure public order and safety for the participants.

Regarding right to association and right to assembly, the authorities and particularly the Royal Government of Cambodia have always welcomed them as long as they are exercised in line with all legal obligation. Evidently, nearly 5,000 organizations/associations are allowed and encouraged by the Royal Government to operate fully and freely in the country. Some of these organizations and associations are even government's partners in fighting against human rights violation and in protecting natural resources.

Cambodia is a sovereign country governed by its Constitution and domestic legislations. Among them are the Criminal Procedural and Penal Codes. It is also a signatory to the Universal Declaration of Human Rights and other human rights instruments including the International Covenant on Civil and Political Rights. The Royal Government of Cambodia is therefore obliged to comply with legal requirement in order to guarantee peace, safety, security, and public order for its own citizens and to make sure that all Cambodian citizens receive equal and fair treatment without discrimination before the law. Any organizations/associations and individuals using their rights at the expense of others' will be met with legal measures.

Please accept, Your Excellency, the assurances of my sincere consideration. 



For Minister, 

PRUM Sokha
Secretary of State