



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. 2018/09/307

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 (Special Procedures Branch) at Geneva and, with reference to the latter's letter UA KHM 7/2018 dated 24 August 2018, has the honour to enclose herewith the communication from the Royal Government of Cambodia (Ministry of Justice) concerning the trial of five Cambodian Human Rights Defenders related to cases of the Witness Bribery as in the attached file.

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 (Special Procedures Branch) the assurances of its highest consideration.

Geneva, 26 September 2018



Secretariat of the United Nations High
Commissioner for Human Rights
(Special Procedures Branch)
Geneva

Phnom Penh

RESPECTFULLY SUBMITTED

**H.E. DEPUTY PRIME MINISTER, MINISTER OF MINISTRY OF
FOREIGN AFFAIRS AND INTERNATIONAL COOPERATION**

OBJECTIVE: Response Regarding the trial of five Human Rights Defenders related to cases of the Witness Bribery.

REFERENCE: Letter No. 6426..... Dated 05-09-2018 of the Ministry of Foreign Affairs and International Cooperation.

As stated in the objective and above, I would like to inform to H.E. Deputy Prime Minister that the Ministry of Justice has received a letter from the Ministry of Foreign Affairs and International Cooperation, which contains response regarding the trial of five human rights defenders related to cases of the Witness Bribery. In relation to the above case, the Ministry would like to provide some information as following:

1. Early 2016 Prostitution scandals have been leaked on social networking sites and in newspapers about H.E. Kem Sokha and Khom Chandarathi called Srey Mom. Regarding the case on April 22, 2016 Khom Chandarathi called Srey Mom issued an open letter stating that the named Ny Sokha, Nai Wanda, Yi Soksan and Lim Mony told Khom Chadarathi called Srey Mom to denial not to acknowledge a taped conversation in front of the Ministry of Interior and the court even if the relationship between Khom Chandarathi called Srey Mom and H.E. Kem Sokha's true.

Based on the open letter dated April 22, 2016 of Khom Chandarathi called Srey Mom, the authorities have decided to open a preliminary investigation into this case. Having found that named Ny Chakriya, Ny Sokha, Nai Wanda, Yi Soksan, and Lim Mony had facilitated and organized for Khom Chandarathi called Srey Mom lied to authorities and Prosecution Office attached to Court of First Instance in exchange for her and family went to live abroad and 2 million riel was given to her mother.

2. Article 548 of the Criminal Code of the Kingdom of Cambodia states that "a person shall be sentenced to 5 to 10 years imprisonment for any person who gives the witness directly or indirectly the gift, promise, or any other benefit to be 1. Not to be a witness, 2. To give false testimony". The Criminal Code of the Kingdom of Cambodia was organized with the assistance of French experts under French Cooperation and was promulgated by the Royal Decree No. NS / RKC / 1109/022 dated November 30, 2009.
3. According to the Code of Criminal Procedure of the Kingdom of Cambodia, in the process of investigating the investigating judge, all inquiries it deems beneficial for demonstrating the truth in accordance with the law is to investigate, charge and execute, and has the power to use suicide measures, especially the decision to pre-trial detainees.

Following the Code of Criminal Procedure in the Kingdom of Cambodia, the charged persons, Ni Chakriya, Ny Sokha, Nai Wanda, Yi Soksan and Lim Mony were temporarily detained by the investigating judge of the Phnom Penh Court of First Instance to ensure their procedural safeguards.

According to Article 249 of the Code of Criminal Procedure, when the investigating judge completes his investigation, the investigating judge can keep the accused in pretrial detention or place the accused under judicial supervision until his appearance in the court. Therefore, on June 29, 2017, when the investigating judge sent the case to trial, the Investigating Judge was also released on bail from Ni Chakriya, Ny Sokha, Nai Wanda, Yi Sokan and Lim Mony.

4. The above case has been scheduled by the trial chamber of Phnom Penh Court of First Instance on August 27, 2018. During the hearing, lawyer for Nir Chakriya, Ny Sokha, Nai Vongda, Yi Sok San and Lim Mony, requested for a hearing because the main witnesses were not attended and did not have a recaptured summons. Therefore, the trial judge has decided to hold a hearing on September 18, 2018.
5. All of the five defendants have their lawyers defending their rights in all court proceedings, which has demonstrated the right to legal defense, and this right is guaranteed by the Code of Criminal Procedure of the Kingdom of Cambodia, in particular by Article 38, Paragraph 7 of the Constitution of the

Kingdom of Cambodia, which states that " Any individual shall have the right to his/her own defense through the judicial system".

6. In accordance with the new Article 128 and Article 130 of the Constitution of the Kingdom of Cambodia, the judiciary is an independent power and no organization of power, legislature or executive shall be entitled to a judicial power.

As the above mentioned, H.E. Deputy Prime Minister will review and assist in the proceedings accordingly.

Please, H.E. Deputy Prime Minister, to receive my highest respect from me.

Minister