



KINGDOM OF CAMBODIA
Nation Religion King

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

No: 2025/07/567

The Permanent Mission of the Kingdom of Cambodia to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights (OHCHR) and, with reference to Special Rapporteurs' Joint Communication Ref: AL KHM 2/2024 dated 03 December 2024, has the honour to transmit herewith the attached letter of His Excellency Dara In, Ambassador and Permanent Representative of the Kingdom of Cambodia to the United Nations Office and other International Organizations in Geneva.

The Permanent Mission would greatly appreciate it if the OHCHR could convey the said letter to its highest destination.

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

Geneva, 17 July 2025



Office of the High Commissioner for Human Rights
Geneva



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

No: 2025/07/566

Geneva, 17 July 2025

Dear Madam/Sir Special Rapporteurs,

I have the honour to acknowledge receipt of your Joint Communication Ref. AL KHM 2/2024 dated 13 December 2024, addressed to His Excellency Mr. SOK Chenda Sophea, Deputy Prime Minister and then Minister of Foreign Affairs and International Cooperation of the Kingdom of Cambodia, regarding the sentencing of Mr. Koet Saray to four years' imprisonment.

I appreciate the spirit of direct engagement prior to the public dissemination of the case via the OHCHR communications reporting website or its presentation before the Human Rights Council. Such a practice not only helps to avoid the formulation of unjust or premature conclusions based on partial information, but also fosters a constructive and transparent dialogue in which facts and perspectives may be freely exchanged. This process is vital to deepening mutual understanding, building trust and enhancing the effectiveness of our cooperation.

Professor Vitit Muntarbhorn,

Special Rapporteur on the situation of human rights in Cambodia

Ms. Irene Khan,

Special Rapporteur on the promotion and protection of the right to freedom of opinion and Expression

Ms. Gina Romero,

Special Rapporteur on the rights to freedom of peaceful assembly and of association

Ms. Mary Lawlor,

Special Rapporteur on the situation of human rights defenders

United Nations Human Rights

Office of the High Commissioner

Geneva

In this spirit, I wish to respectfully note that the summary provided in the joint communication does not fully reflect the facts and legal context as they exist on the ground. To support a fair and accurate understanding of the matter, I would like to provide the following clarifications:

1. Legal and factual basis on the arrest and conviction of Mr. Koet Saray

1.1 Factual background

In March 2024, Mr. Koet Saray disseminated a series of posts—including images, videos and interviews—via his personal Facebook account (“KOET SARAY”) and the public page “Khmer Intellectual Students Association.” The material alleged acts of persecution by provincial authorities in Preah Vihear.

Upon review, the competent authorities determined that the content misrepresented facts in a manner that incited public disorder, fuelled antagonism between the population and State institutions, and encouraged civil disobedience against the Royal Government.

1.2. Legal basis

The competent court, upon independent judicial review, found that Mr. Koet Saray’s actions constituted an offence under Articles 88, 494 and 495 of the Criminal Code of the Kingdom of Cambodia. Accordingly, Mr. Koet Saray was sentenced to four (4) years of imprisonment and fined 2,000,000 (two million) Cambodian riels for the offence of “incitement causing a disturbance to social security,” taking into account the aggravating circumstance of recidivism following a prior misdemeanour conviction.

The decision was rendered in accordance with the Cambodian Constitution and applicable international obligations, including the International Covenant on Civil and Political Rights (ICCPR), to which Cambodia is a State Party.

2. Court’s review of the case

The Kingdom of Cambodia adheres to the principles of the rule of law, which ensures that individual rights are exercised in conformity with legal provisions safeguarding the public interest, national security and social harmony.

Article 41 of the Constitution guarantees freedom of expression, press, publication and assembly, while explicitly prohibiting the abuse of such freedoms in ways that infringe upon the rights of others, disrupt public order or undermine national security.

Similarly, the limitations imposed under Cambodian law are consistent with Article 19(3) of the ICCPR and Article 29(2) of the Universal Declaration of Human Rights, which provide that such rights may be subject to restrictions and limitations when prescribed by law and necessary for the protection of public order, national security or the rights and reputations of others.

In the present case, the proceedings against Mr. Koet Saray were conducted in full accordance with Cambodian criminal procedure, under the auspices of an independent judiciary. The conviction was based on the objective assessment of law and evidence, and the defendant retains all rights of appeal and legal review under the applicable legal framework.

In any society governed by law, the exercise of fundamental freedoms must be balanced against the obligation to preserve social order and the collective welfare. No person—regardless of affiliation with civil society, political institutions or human rights advocacy—may invoke such status to claim immunity from legal accountability. In Cambodia, such immunity is strictly limited to members of the National Assembly and Senate, as prescribed by the Constitution.

3. On the rights to freedom of expression, peaceful assembly and association

The Royal Government reaffirms its commitment to upholding the rights to freedom of expression, peaceful assembly and association as enshrined in both domestic legislation and Cambodia's international obligations. These rights are guaranteed under Article 41 of the Constitution and the relevant provisions of the ICCPR.

Nevertheless, these rights—while fundamental—are not without limits. In line with international standards, they may be subject to lawful restrictions where necessary to safeguard national security, public order or the rights of others. This balance is not only a legal imperative but a normative principle underpinning democratic governance and social stability.

4. On the protection of human rights defenders

The Royal Government recognises the important role played by human rights defenders and remains committed to ensuring their protection within the framework of the law.

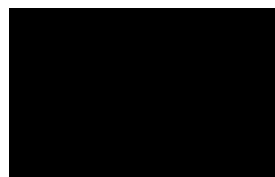
At the same time, the invocation of “human rights defender” status cannot exempt any individual from compliance with the law. The Criminal Code provides clear standards under:

- Article 494, which defines incitement as punishable when committed through public speech, writings, visual material or audiovisual communication; and
- Article 495, which establishes penalties for direct incitement to commit a felony or to disturb public security, including in cases where such incitement does not result in action.

The enforcement of these provisions is essential to preserving the balance between individual freedoms and the collective interest in social cohesion and lawful order.

In conclusion, it is our sincere hope that the foregoing clarifications will be duly taken into consideration in your future deliberations and public communications. We reaffirm our continued commitment to principled, constructive and transparent engagement with the United Nations Special Procedures and all relevant international human rights mechanisms operating under the auspices of the Human Rights Council.

Please accept, Madam/Sir Special Rapporteurs, the assurances of my high consideration.



Dara In
Ambassador Extraordinary and Plenipotentiary
Permanent Representative