

**Mandates of the Special Rapporteur on the situation of human rights in Cambodia; the Working Group on Arbitrary Detention; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the rights to freedom of peaceful assembly and of association**

Ref.: AL KHM 2/2025

(Please use this reference in your reply)

1 May 2025

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights in Cambodia; Working Group on Arbitrary Detention; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and Special Rapporteur on the rights to freedom of peaceful assembly and of association, pursuant to Human Rights Council resolutions 54/36, 51/8, 52/9 and 50/17.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the mass arrests and ongoing arbitrary detention of individuals expressing opposition to the Cambodia-Laos-Viet Nam development triangle area (CLV-DTA) agreement and planning to exercise their right to freedom of assembly in peaceful protests in July and August 2024. In connection with this we wish to bring to your Excellency's Government's urgent attention the cases of Ms. Pov Lita, Ms. Sem Sophal, Mr. Thy Thorn and Ms. Ream Sreypich Rothana.

According to the information received:

In July and August 2024, there were mass arrests of activists, human rights defenders, would-be-protesters, and others simply expressing or sharing dissenting opinions online related to the CLV-DTA agreement, with those arrested charged with incitement to disturb social security (article 495 of the Criminal Code) or with plotting (article 453 of the Criminal Code). While reported numbers vary, it seems that at least 37 were charged with incitement and 40 with plotting, and many more arrested during this period. Children are believed to be among some of those who were detained during this period.

These arrests followed significant public attention on the CLV-DTA agreement in July 2024, with many commenting on the agreement online during this period. Growing public opposition to the agreement culminated in demonstrations held by the Cambodian diaspora in multiple countries on 11 August 2024, and a demonstration being planned in Phnom Penh, Cambodia on 18 August 2024.

The information received indicates that authorities responded to the planned demonstrations by implementing a nationwide ban on protests enforced through heavy police and military deployment, mass arrests, harassment of activists and their families, restrictions on free movement, and broad as well as targeted threats from senior officials.

Public statements were reportedly made by several government officials threatening those making critical comments online or those who planned to participate in the demonstrations, including by Head of Senate, the Minister of Justice, the Minister of Interior, and representatives of armed forces and the national police, among others. The Cambodian gendarmerie leader reportedly released a video ordering his officers to be ready to face protesters with armed guns and to ‘shoot if necessary’. There are also reports of threats to individuals, including students, through school visits, warning them not to travel outside of their communities or to attend the planned protests.

On the day of the planned demonstration, 18 August, authorities reportedly erected barricades on major roads and provincial borders to restrict traffic flow into the capital, as well as roads within and around the city. Police checks of those travelling took place with vehicles searched arbitrarily. Additionally, there was heavy police deployment at various locations in the capital, with at least 100 officers reportedly deployed in front of the Royal Palace where the demonstration was scheduled to take place, and the Commissioner of the Phnom Penh Metropolitan Police Department announced on Facebook that over 1,000 officers were deployed in total. The Commissioner’s Facebook post, from 16 August, also referred to those planning to attend the protests as “extremist groups”, claimed they were “trying to overthrow the government”, and referred to the planned demonstrations as “an illegal act”.

On 24 December 2024, the Phnom Penh Court of first instance issued a decision to split the case of the 37 individuals who were arrested during this period and charged with incitement into five different groups. The defense lawyers appealed the decision to split the cases into five groups, but the Appeal Court decided to uphold the decision of the lower court on 25 February 2025. No dates have been set yet for their trials. In addition, at least 40 people arrested during this period were charged with plotting. Some of those arrested have allegedly been released on bail after publicly apologizing to the government for their “wrongdoing”. There are also public reports of some of those arrested being released on bail after permission was granted by the President of the Senate.

In connection to this, we wish to bring to the attention of your Excellency’s Government, the case of Ms. Pov Lita. Pov Lita was arrested by district police at her home in Kratie on 30 July 2024 for re-sharing someone else’s Facebook post on the CLV-DTA agreement. On the day she was arrested, her family was told by the police that she was being taken for questioning and would be sent back home. No arrest warrant was shown to her or her family. On 31 July, she was sent to a police station in Phnom Penh and then to the Phnom Penh Court of First Instance. On 1 August 2024, she was sent to pre-trial detention in Correctional Centre 2 without knowing the charges against her. She only learned of her charges after she arrived at the Correctional Centre and a photograph was taken of her carrying a board with her name and the charges against her written on it. Her family had not been informed of her arrest and went to look for her at the Kratie police station, where police stated she had been sent for rehabilitation, but did not explain where. Ms. Pov Lita remains in pre-trial detention and is due to be tried as part of Group 2 in the CLV-DTA related

incitement cases.

Another case we wish to highlight is that of Ms. Sem Sophal. Sem Sophal was arrested on 16 August 2024 at around 6 p.m. at her farm in Kandal province. According to information received, four people in civilian clothes arrived in two small unidentified cars, and did not identify themselves to Sem Sophal. The four men did not show her an arrest warrant or explain why she was being arrested. Instead, they said they wanted to ask her questions. She was then brought to the district police station, where she was asked about her Facebook page, including a photo and posts about known Cambodian activists and another about the protests outside the country. She explained to the police that she barely used the phone, but she sometimes allowed her neighbor's children to play with it. After being questioned by the district police, she was placed in pre-trial detention in Correctional Centre 2, where she has been since 16 August 2024. Sem Sophal is due to be tried as part of Group 3 in the CLV-DTA related incitement cases.

Finally, we wish to bring to the attention of your Excellency's Government, the cases of Mr. Thy Thorn and Ms. Ream Sreypich Rothana who were arrested under charges of plotting in August 2024 and remain in pre-trial detention. Their latest bail request at the Supreme Court was denied in January 2025. They are members of the Khmer Student Intellectual League Association (KSILA). According to information received, Thy Thorn and Ream Sreypich Rothana were arrested along with two other members of KSILA from the KSILA offices on 18 August 2024 around 6.30 a.m. There were reportedly about 30 authorities, including plainclothes and uniformed police officers and a deputy prosecutor, present at the arrest. The deputy prosecutor claimed a search warrant had been issued, although they were not shown a warrant. The prosecutor confiscated documents, telephones, motorcycles and CCTV cameras and footage from the KSILA office. The four were taken to the Phnom Penh police station, although they were not shown an arrest warrant nor informed of the reasons for their arrest.

The following day, they were transferred to the National Police Commissariat, where Thy Thorn and one other were questioned about the CLV-DTA agreement, which they had not conducted any activities on, and other KSILA activities. On 20 August 2024, Thy Thorn was brought to an investigating judge at the Phnom Penh Court of First Instance and was charged with plotting. When he requested a lawyer, the judge sent him to Correctional Centre 1 for pre-trial detention. On 20 August 2024, Ream Sreypich Rothana was also taken to the Court where she was told she was charged with plotting. When she demanded legal representation, the judge suspended the proceedings and sent her to Correctional Centre 2 for pre-trial detention. On 10 September, she was provided with legal counsel from a civil society organization. They both remain in pre-trial detention.

Concerns regarding the detention of other members of KSILA have previously been raised in communication letters sent to your Excellency's Government by special procedures mandate holders on 10 June 2021 (AL KHM 7/2021) and on 3 December 2024 (KHM 2/2024).

Without prejudging the accuracy of these allegations, we wish to express our deep concern regarding mass arrests in July and August 2024 and the ongoing pre-trial detention of many of those who appear to have been detained for the legitimate exercise of their rights to freedom of expression and freedom of peaceful assembly in relation to the CLV-DTA agreement. We also wish to express concern about what appears to be disproportionate measures taken, including blocking access to Phnom Penh and public threats, preventing those wishing to join public demonstrations from being able to exercise their freedom of assembly. These rights are protected by the Cambodian Constitution (article 41), the International Covenant on Civil and Political Rights (ICCPR, articles 19 and 21) and the ASEAN Human Rights Declaration (articles 23 and 24).

We are also concerned that the arrests and ongoing detention of individuals highlighted in this letter appear to be arbitrary in nature, in violation of ICCPR article 9. In relation to this, we wish to express serious concern related to the provisions in Cambodia's Criminal Code on the crimes of incitement and plotting, which uses vague, overly broad, and imprecise language and which as a result, can be used and appears to have been used in these cases to curtail fundamental freedoms and rights.

We are further concerned that the proceedings in these cases appear to have failed to meet the fair trial guarantees stipulated in articles 9 and 14 of the ICCPR, particularly the infringement of the right to be informed promptly of the nature and cause of the charge; the presumption of innocence; and adequate time and facilities to prepare defense. We also wish to express concern about what appears to be a trend of apology-for-release being used by the authorities, with an unclear legal basis and leaving those released in legal uncertainty.

We would also like to recall that the Special Rapporteur on the situation of human rights in Cambodia, during his most recent visit to Cambodia in 2024, met with the President of the Cambodian Human Rights Committee and other members of the Committee. In their presence, he raised the issue of arrests and prosecutions of human rights defenders, including some of those included in this letter. He requested at that time, follow up to ensure justice and compliance with the country's human rights obligations. He later met with the Minister of Interior and informed him about this situation in the hope that there would be cooperation on this issue with the Cambodian Human Rights Committee. We also wish to remind Your Excellency's Government of previous requests by the Special Rapporteur on Cambodia to desist from detaining human rights defenders and also to ensure the release of those who have been detained, and his recommended Cambodian Human Rights Action Agenda, shared with your Excellency's Government following his 2022 country visit.<sup>1</sup>

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

---

<sup>1</sup> <https://www.ohchr.org/sites/default/files/documents/countries/kh/2022-08-26/SR-Cambodia-End-of-Mission-Statement.pdf>

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please explain the legal basis for measures taken by authorities in the lead up to the planned protests on 18 August in Phnom Penh, including the restriction of traffic flow to and within Phnom Penh, the arbitrary search of vehicles, the mass deployment of police, public threats by authorities against those criticizing the CLV-DTA agreement or wishing to attend the protests, and instructions by authorities to individuals and groups to refrain from travelling outside of their communities. Please also explain how these are in conformity with Cambodia's obligations under international human rights law, in particular the rights to freedom of expression and freedom of peaceful assembly.
3. Please provide information on the legal and factual basis for the arrest, pre-trial detention and charges brought against Ms. Pov Lita, Ms. Sem Sophal, Mr. Thy Thorn and Ms. Ream Sreypich Rothana and others charged with incitement or plotting in relation to expression or perceived expression critical of the CLV-DTA agreement, and explain how this is in conformity with your obligations under international human rights law, in particular the rights to freedom of expression and freedom of peaceful assembly, as well as the right to be free from arbitrary detention.
4. Please explain the delay in notifying the defendants of their charges, explain why their requests for bail have been denied and please provide any information on their access to legal representation, including the period of delay in receiving legal representation and the reason for any delays. Please also explain the legal basis for release from detention after public apologies, and please clarify the legal status of these cases.
5. Please outline any steps your Excellency's Government is taking or plans to take to ensure that individuals exercising their fundamental freedoms including the freedom of expression and peaceful assembly are protected as provided for in international human rights law.
6. Please provide any information on the follow up process following the Special Rapporteur's 2024 visit, especially in view of his consistent recommendation that the space for human rights defenders should be respected and that criminal and other charges against those who are exercising their rights to freedom of expression and peaceful assembly should be dropped.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

Further, we would like to inform your Excellency's Government that after having transmitted the information contained in the present communication to the Government, the Working Group on Arbitrary Detention may also transmit the case through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. The present communication in no way prejudices any opinion the Working Group may render. The Government is required to respond separately to the present communication and the regular procedure.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government to clarify the issues in question.

Please accept, Excellency, the assurances of our highest consideration.

Vitit Muntarbhorn

Special Rapporteur on the situation of human rights in Cambodia

Matthew Gillett

Vice-Chair on Communications of the Working Group on Arbitrary Detention

Irene Khan

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

Gina Romero

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

## Annex

### Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to article 19 of the Universal Declaration of Human Rights (UDHR), article 19 of the of the International Covenant on Civil and Political Rights (ICCPR), ratified by Cambodia on 26 May 1992, and article 13 of the of the Convention on the Rights of the Child (CRC), acceded to by Cambodia on 15 October 1992. These articles guarantee the right to freedom of opinion and expression, which includes the right “to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media”. This right applies online as well as offline and includes not only the exchange of information that is favourable, but also that which may criticize, shock, or offend. In its general comment No. 34, the Human Rights Committee stated that States parties to the ICCPR are required to guarantee the right to freedom of expression, including “political discourse, commentary on one's own and on public affairs, canvassing, discussion of human rights, journalism, cultural and artistic expression, teaching, and religious discourse” (CCPR/C/GC/34, para. 11). The Human Rights Committee has also specified that article 19 “includes the right of individuals to criticize... their Governments without fear of interference or punishment”.<sup>2</sup>

Any restriction on the right to freedom of expression must be compatible with the requirements set out in article 19(3) of the ICCPR. Under these requirements, restrictions must (i) be provided by law; (ii) pursue one of the legitimate aims for restriction, which are the respect of the rights or reputations of others and the protection of national security or of public order (*ordre public*), or of public health or morals; and (iii) be necessary and proportionate for those objectives. The State has the burden of proof to demonstrate that any such restrictions are compatible with the Covenant, proving “in specific and individualized fashion the precise nature of the threat, and the necessity and proportionality of the specific action taken, in particular by establishing a direct and immediate connection between the expression and the threat” (CCPR/C/GC/34, para. 35). The Human Rights Committee recalled that the relation between right and restriction and between norm and exception must not be reversed. In this regard, the Human Rights Committee stated that the restrictions must be “the least intrusive instrument among those which might achieve their protective function”. (CCPR/C/GC/34, para. 34). An attack on a person because of the exercise of his or her freedom of opinion or expression, including arbitrary arrest, torture, threats to life and killing, cannot be compatible with article 19 (CCPR/C/GC/34, para. 23).

We would also like to draw to your attention, article 20 of the UDHR, article 21 of the ICCPR and article 15 of the CRC, which guarantee the right to peaceful assembly for everyone, including children. The Human Rights Committee has stated that “The recognition of the right of peaceful assembly imposes a corresponding obligation on States parties to respect and ensure its exercise without discrimination. This requires States to allow such assemblies to take place without unwarranted interference and to facilitate the exercise of the right and to protect the participants” (CCPR/C/GC/37, para. 8). “States are obliged, for example, not to prohibit, restrict, block, disperse or

---

<sup>2</sup> Communication No. 1128/2002, *Marques de Morais v Angola*, Views adopted by the Human Rights Committee on 29 March 2005, para. 6.7.

disrupt peaceful assemblies without compelling justification, nor to sanction participants or organizers without legitimate cause” (CCPR/C/GC/37, para. 23). The Committee has also noted there should be a “presumption in favour of considering assemblies to be peaceful” (CCPR/C/GC/37, para. 17). These rights can only be restricted in very specific circumstances, where the restrictions serve a legitimate public purpose as recognized by international standards and are necessary and proportionate for achieving that purpose. The Human Rights Committee stated that “the imposition of any restrictions should be guided by the objective of facilitating the right, rather than seeking unnecessary and disproportionate limitations on it. Restrictions must not be discriminatory, impair the essence of the right, or be aimed at discouraging participation in assemblies or causing a chilling effect” (CCPR/C/GC/37, para. 36).

In addition, the Special Rapporteur on the rights to freedom of peaceful assembly and of association highlighted that “negative and hostile narratives increasingly used to vilify and criminalize civil society and activists deepen the stigmatization of those exercising their rights to peaceful assembly and association. Stigmatization, whether intentional or not, especially when propagated by authorities, effectively denies these fundamental rights. It misrepresents legitimate exercises of freedom as illegal and those involved as criminals or threats to national security, public order or morals. This fuels harmful stereotypes, fosters hostility, justifies punitive measures and triggers undue restrictions on these rights” (A/79/263, para. 11).

We would also like to refer to articles 3 and 9 of the UDHR, article 9 of the ICCPR, and article 37 of the CRC, which relate to the right to liberty and security, and to be free from arbitrary arrest and detention. Enshrined in ICCPR article 9 is one’s right to be informed at the time of arrest of the reasons for arrest as well as to be promptly informed of any charges against them, the right to be brought promptly before a judge and to be brought to trial within a reasonable time or to be released. It also stipulates that persons awaiting trial shall not be detained as a general rule. We would like to refer your Excellency’s Government to Human Rights Committee general comment No. 35, which states that “an arrest or detention may be authorized by domestic law and nonetheless be arbitrary. The notion of “arbitrariness” is not to be equated with “against the law” but must be interpreted more broadly to include elements of inappropriateness, injustice, lack of predictability and due process of law, as well as elements of reasonableness, necessity and proportionality” (CCPR/C/GC/35, para. 12). The Committee further clarifies that arrest and detention is considered arbitrary when it is done as punishment for the legitimate exercise of fundamental human rights, including the freedom of opinion and expression and freedom of assembly (CCPR/C/GC/35, para. 17).

We also wish to bring to the attention of your Excellency’s Government articles 10 and 11 of the UDHR and article 14 of the ICCPR which provide for the right to a fair and public hearing; the right to be presumed innocent until guilty; to be informed promptly and in detail of the nature and cause of the charges against them; to have adequate time and facilities for the preparation of defence and to communicate with counsel of one’s own choosing; and to be tried without undue delay. In its general comment No. 32, the Human Rights Committee has clarified that the presumption of innocence creates a “duty for all public authorities to refrain from prejudging the outcomes of a trial, e.g. by abstaining from making public statements affirming the guilt of the accused” (CCPR/C/GC/32, para. 30). The Committee has also further noted that

the right to adequate facilities for the preparation of defense includes access to documents and other evidence that the prosecution plans to offer in court against the accused (CCPR/C/GC/32, para. 33). Furthermore, the right to communicate with counsel also requires that the accused is granted with prompt access to legal counsel (CCPR/C/GC/32, para. 34), which is considered an essential fair trial guarantee in criminal justice proceedings. The Human Rights Committee has held that the right to a fair trial requires that detained persons are given access to legal counsel during all stages of a trial, including during the initial stages of police questioning.<sup>3</sup>

---

<sup>3</sup> See Human Rights Committee, concluding observations: Georgia, CCPR/C/79Add.74, 9 April 1997, para. 28.