

**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; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the independence of judges and lawyers and the Working Group on discrimination against women and girls**

Ref.: AL KHM 3/2025  
(Please use this reference in your reply)

22 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; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the independence of judges and lawyers and Working Group on discrimination against women and girls, pursuant to Human Rights Council resolutions 54/36, 51/8, 52/9, 50/17, 52/4, 53/12 and 50/18.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the alleged arbitrary arrest and conviction under charges of plotting and/or insulting the King against five environmental rights defenders and members of Mother Nature Cambodia movement, namely Ms. **Phuon Keoraksmeay**, Mr. **Thun Ratha**, Ms. **Long Kunthea**, Mr. **Ly Chandaravuth** and Mr. **Yim Leanghy**. Mother Nature Cambodia was formerly a non-governmental organisation and is now an environmental rights movement that advocates and campaigns for the preservation and protection of Cambodia's natural environment and promotes and raises awareness about environmental rights in the country. It also provides trainings and financial support to victims of environmental rights violations and provides training to environmental rights defenders. In 2017, Mother Nature Cambodia was de-registered under the Law on Associations and Non-Governmental Organisations (LANGO). However, its former members continue to carry out their human rights work as a movement of concerned citizens.

Individuals linked to the Mother Nature Cambodia movement, including the five included in this letter, were subjects of a previous communication sent on 17 August 2021 (KHM 8/2021). We thank your Excellency's Government for its reply to that communication, dated 27 September 2021. However, we regret that aside from the information provided on statements made by one of the individuals named in the allegation letter, no information on specific acts by any of the other individuals named in that letter was provided. The response also left several questions raised in allegation letter KHM 8/2021 unanswered. The response letter noted that the members of Mother Nature Cambodia had received "terrorist-sourced fund(s)".

According to the information received:

In June 2021, Ms. Phuon Keoraksmeay, Mr. Thun Ratha, Ms. Long Kunthea, Mr. Ly Chandaravuth and Mr. Yim Leanghy and several other members of the

Mother Nature Cambodia environmental movement were charged with plotting and/or Lèse majesté, i.e. insulting the King, under articles 453 and 437 (Bis) of the Cambodian Criminal Code. Mr. Yim Leanghy and Mr. Ly Chandaravuth were arrested in June 2021, and Ms. Phuon Keoraksmey, Mr. Thun Ratha, Ms. Long Kunthea were charged while already incarcerated under other charges linked to their environmental activism. The charges of plotting are linked to their actions as peaceful environmental rights defenders from 2012-2021, while the charges of Lèse majesté against Mr. Yim Leanghy are reportedly linked to a private online video call among some members of the movement, which was allegedly obtained illegally and leaked to the media around the time of his arrest. All five activists were released on bail in November 2021.

The trial of Ms. Phuon Keoraksmey, Mr. Thun Ratha, Ms. Long Kunthea, Mr. Ly Chandaravuth and Mr. Yim Leanghy and five other members of Mother Nature Cambodia was held from 29 May to 24 June 2024. On 2 July 2024, the Phnom Penh Court of First Instance found Mr. Yim Leanghy guilty of plotting and Lèse majesté and sentenced him to eight years in prison and a fine of ten million KHR (approximately USD 2,400). Ms. Phuon Keoraksmey, Mr. Thun Ratha, Ms. Long Kunthea and Mr. Ly Chandaravuth were found guilty of plotting and sentenced to six years in prison.

Information received indicates that the trial of these five activists may have violated their due process and fair trial guarantees under international human rights law. The temporal scope of the trial was vague, spanning the period of 2012-2021 and without directing the charges to any specific activities or dates during this period. Furthermore, several of the defendants were minors during the period covered by the charges. The hearing was not publicly accessible, with only a limited number of observers gaining access. This reportedly required registration to attend the hearings days prior and with no guarantee of acceptance. After the first hearing, physical barriers were also placed outside the Court.

During the questioning of one defendant, the presiding judge allegedly stated that the defendant's unwillingness to answer questions was a sign of guilt. During the second hearing, while the defense lawyers pressed police witnesses to specify the illegal acts committed by the activists on trial, the presiding judge ordered defense lawyers to refrain from frightening the police witnesses and to not ask them direct questions.

At the third hearing, one defendant noted that the evidence presented did not involve them but rather a different individual linked to Mother Nature Cambodia, but no action was taken by the Court. Another defendant claimed to have given testimony under duress by the judicial police, but that testimony was still used as evidence. A third defendant questioned how the prosecution had evidence against him considering that he was imprisoned at the time of the allegations, and the Prosecutor responded by noting only that the defendant should have objected to this evidence during the investigative process. During the fifth hearing, defendants requested to play a video to the Court, which could have been exculpatory and which was on the list of evidence of the prosecution. The request was denied by the presiding judge on the grounds of the trial having

already lasted too long. These elements of the trials also raise questions regarding the impartiality of the Court in this case.

All five individuals were arrested on 2 July 2024, the day of the Court verdict, and sent to five different correctional centres across the country. Police arresting Ms. Phuon Keoraksmeay, Mr. Thun Ratha, Ms. Long Kunthea and Mr. Ly Chandaravuth outside of the Court following the verdict appear to have used excessive physical force. The date of the appeal hearing is not yet set but is expected to take place in the coming months.

The five environmental rights defenders requested provisional release pending their appeal for health and urgent family needs. On 30 April 2025, the Supreme Court upheld the decision to deny provisional release.

Without prejudging the accuracy of these allegations, we would like to express our deep concern regarding the arrest and charges against Ms. Phuon Keoraksmeay, Mr. Thun Ratha, Ms. Long Kunthea, Mr. Ly Chandaravuth and Mr. Yim Leanghy for their work as environmental human rights defenders and the exercise of their right to freedom of expression. These individuals also appear to have been targeted simply for belonging to the Mother Nature Cambodia movement, in apparent violation of their right to freedom of association. We would like to remind Your Excellency's Government that the right to freedom of expression includes the right of individuals to criticize public authorities, and any restrictions on this right must be in accordance with the requirements set out in article 19(3) of the International Covenant on Civil and Political Rights (ICCPR). The right to freedom of association, also protected under the ICCPR, covers all types of associations, whether they are formally recognised or registered or whether they are associations of an informal character.

We are also concerned to receive information indicating that the charges brought against these individuals are directly linked to the exercise of their fundamental freedoms, and that the arrests and ongoing detention of these individuals are fundamentally arbitrary in nature. We also wish to express serious concern related to the provisions in Cambodia's Criminal Code on the crimes of plotting and *Lèse majesté*, which use vague, overly broad, and imprecise language and which as a result, can be used and appear to have been used in this case to curtail fundamental freedoms and rights, and stifle dissent and political opponents. We wish to recall that the Human Rights Committee in general comment 34 has expressed concern regarding laws "prohibiting criticism of political authority, including lese majesty, desacato, disrespect for authority, disrespect for flags and symbols, defamation of the head of state and the protection of the honour of public officials". We reiterate that all public figures, including those exercising the highest political authority such as heads of state and government, should not be immune from criticism and political opposition (general comment No. 34).

We are further concerned that the proceedings against Ms. Phuon Keoraksmeay, Mr. Thun Ratha, Ms. Long Kunthea, Mr. Ly Chandaravuth and Mr. Yim Leanghy appear to have failed to meet the due process guarantees stipulated in article 14 of the ICCPR. The defendants' right to a public hearing appears to have been violated as a result of undue restrictions on access to the hearings. Given the reported unequal treatment between the prosecution and its witnesses and the defendants and their

counsel, including the refusal to hear possibly exculpatory evidence requested by the defense, we are concerned that the Court appears to have failed to act impartially in this case. Furthermore, the Court's declaration that not answering questions during the trial would be taken as a sign of guilt is not compatible with the principle of the presumption of innocence, which puts the burden of proof on prosecution, not the defendant. The broad period of the charges (2012-2021), without any details on the factual basis for the allegation is also a violation of the defendants' fair trial rights.

In addition to the above concerns relevant to all five individuals named in this letter, we are also concerned that several of the defendants in this case were minors at the start of the period of the charges – including Ms. Phuong Keoraksmey, Ms. Long Kunthea and Mr. Ly Chandaravuth. While Cambodian legislation provides for criminal liability of minors from 14 years of age under “certain circumstances”, those circumstances are not specified in law.

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:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information on the legal and factual basis for the arrest and charges brought against Ms. Phuong Keoraksmey, Mr. Thun Ratha, Ms. Long Kunthea, Mr. Ly Chandaravuth and Mr. Yim Leanghy and explain how this is in conformity with your Excellency's Government's obligations under international human rights law, in particular the right to freedom of expression, freedom of association, and to be free from arbitrary arrest and detention.
3. Please indicate what measures have been taken to ensure the rights to freedom of expression and freedom of peaceful assembly of human rights defenders, including environmental human rights defenders, and community members exercising their rights are guaranteed.
4. Please clarify comments in the letter sent by your Excellency's Government on 27 September 2021 in response to the joint allegation letter KHM 8/2021 that members of Mother Nature Cambodia had received “terrorist-sourced fund(s)”.
5. Please explain the legal basis for restricting access to the hearings held between 29 May and 24 June 2024 for the trial of the above-mentioned individuals. Please also explain how these restrictions were in conformity with Cambodia's obligations under international human rights law, in particular the right to a fair and public hearing.

6. Please provide information about whether an investigation was conducted into the allegations of violations of due process guarantees by the prosecution and the Court during this trial, please provide information on the outcomes of any such investigation, and any steps taken by your Excellency's Government to remedy any violations in this regard.
7. Please provide responses to the questions and concerns highlighted in joint allegation letter KHM 8/2021 and outline any steps your Government has taken in response to the concerns raised in that letter.
8. Please share any information on steps your Excellency's Government is taking to ensure its environmental protection policies and any other policies are in line with the right to a safe, clean, healthy and sustainable environment. Please also share information about how your Excellency's Government will ensure that civil society engaged in monitoring the implementation of this right are free from intimidation, harassment and violence, including gender-based discrimination and violence, for their peaceful monitoring activities

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.

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.

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.

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

Mary Lawlor  
Special Rapporteur on the situation of human rights defenders

Margaret Satterthwaite  
Special Rapporteur on the independence of judges and lawyers

Laura Nyirinkindi  
Chair-Rapporteur of the Working Group on discrimination against women and girls

## 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>1</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, paragraph 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, paragraph 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, paragraph 23).

We also recall that the Human Rights Committee in general comment 34 has expressed concern regarding laws “prohibiting criticism of political authority, including lese majesty, *desacato*, disrespect for authority, disrespect for flags and symbols, defamation of the head of state and the protection of the honour of public officials”. We reiterate that all public figures, including those exercising the highest political authority such as heads of state and government, should not be immune from criticism and political opposition (CCPR/C/GC/34, paragraph 38).

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<sup>1</sup> Communication No. 1128/2002, *Marques de Morais v Angola*, Views adopted by the Human Rights Committee on 29 March 2005, para. 6.7.

Article 9(1) and (4) of the ICCPR further states that “everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedures as are established by law. (...) Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful.” 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, paragraph 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 rights to freedom of opinion and expression and freedom of assembly (CCPR/C/GC/35, paragraph 17). We further refer to articles 3 and 9 of the UDHR, and article 37 of the CRC, which relate to the right to liberty and security, and to be free from arbitrary arrest and detention.

We would also like to bring Your Excellency’s attention to article 20 of the UDHR, article 22 of the ICCPR and article 15 of the CRC, which outline the right to freedom of association. The former Special Rapporteur on the rights to freedom of peaceful assembly and association has clarified that the right to freedom of association covers all types of associations, including associations of an informal character and that are not registered (A/HRC/20/27, paragraph 56). The former Special Rapporteur on the situation of human rights defenders has further clarified that “it should be permissible for individuals to join together to engage in lawful activities without having to register as legal entities, in accordance with the provisions of article 22 of the International Covenant on Civil and Political Rights and article 5 of the Declaration of human rights defenders, if they so wish” (A/64/226, paragraph 103).

Articles 10 and 11 of the UDHR, article 14 of the ICCPR, and article 40 of the CRC provide for the right to a fair and public hearing by a competent, independent and impartial tribunal. This right also entails the right to be presumed innocent until proved 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 their defence; and to examine the witnesses against them and to obtain the attendance and examination of witnesses on their behalf under the same conditions as witnesses against them.

In relation to the requirement for an impartial tribunal, the Human Rights Committee has clarified in its general comment No. 32 that judges must not “harbour preconceptions about the particular case before them nor act in ways that improperly promote the interests of one of the parties to the detriment of the other” (CCPR/C/GC/32, paragraph 21). The right to a fair hearing requires “equality of arms” or equal treatment between the parties, and for the State to respect adversarial procedures. 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).

We would further like to refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to articles 1 and 2 of the Declaration which state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms. We would also like to bring to the attention of your Excellency's Government the following provisions of the UN Declaration on Human Rights Defenders:

- article 5(a), which provides for the right to meet or assemble peacefully;
- article 5(b), which provides for the right to form, join and participate in non-governmental organizations, associations or groups;
- article 6(a), which provides for the right to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms;
- article 6(b) and (c), which provides for the right to freely publish, impart or disseminate information and knowledge on all human rights and fundamental freedoms, and to study, discuss and hold opinions on the observance of these rights;
- article 12,(2) and (3), which provides that the State shall take all necessary measures to ensure the protection of everyone against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration.

Both the General Assembly and the Human Rights Council have repeatedly urged States to create and maintain a safe and enabling environment in which human rights defenders can operate free from hindrance, reprisals and insecurity (e.g., the General Assembly resolutions 74/146 (A/RES/74/146) and 70/161 (A/RES/70/161), and the Human Rights Council resolutions 22/6 (A/HRC/RES/22/6) and 13/13 (A/HRC/RES/13/13)). They have also repeatedly called upon States to take all measures necessary to ensure the rights and safety of human rights defenders who exercise the rights to freedom of opinion, expression, peaceful assembly and association (e.g., the General Assembly resolutions 74/146 (A/RES/74/146), 72/247 (A/RES/72/247), 70/161 (A/RES/70/161), 66/164 (A/RES/66/164), and the Human Rights Council resolution 22/6 (A/HRC/RES/22/6)).

As stressed by the Working Group on discrimination against women and girls in its report to the Human Rights Council (A/HRC/23/50), stigmatization, harassment and outright attacks are used to silence and discredit women who are outspoken as leaders, community workers, human rights defenders and politicians. Women human rights defenders are often the target of gender-based violence, and may experience intimidation, attacks, death threats and even murder, which may be State-condoned or perpetrated. The Working Group has recommended the acceleration of efforts to

eliminate all forms of violence against women, including through a comprehensive legal framework to combat impunity, in order to fulfil women's human rights and to improve the enabling conditions for women's participation in political and public life. Furthermore, the Working Group has encouraged governments to adopt gender-specific interventions that aim primarily to divert women away from the criminal justice system and integrate into the national system the standards provided in the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) (A/HRC/41/33).

In addition, the Framework Principles on Human Rights and the Environment, presented to the Human Rights Council in March 2018 (A/HRC/37/59) set out basic obligations of States under human rights law as they relate to the enjoyment of a safe, clean, healthy and sustainable environment. Principle 4 provides, specifically, that "States should provide a safe and enabling environment in which individuals, groups and organs of society that work on human rights or environmental issues can operate free from threats, harassment, intimidation and violence."