



KINGDOM OF CAMBODIA
NATION RELIGION KING

**MINISTRY OF FOREIGN AFFAIRS
AND INTERNATIONAL COOPERATION**

**Press Statement by
the Ministry of Foreign Affairs and International Cooperation**

The Ministry of Foreign Affairs and International Cooperation (MFA.IC) of the Kingdom of Cambodia is disturbed with, and deplores the Press Release by three Special Rapporteurs dated 17 January 2020, which is politically motivated and totally intending to mislead the public as to the nature of the ongoing trial of the accused Mr. Kem Sokha.

As in the past, the MFA.IC deeply regrets the professional misconduct of the said so-called experts, not being UN staff members and serving in their personal capacity, who self-represent as a judge in an internal judicial affair of a sovereign state. The MFA.IC wishes to remind them that in Cambodia, similar to other democratic societies, law-breakers can be charged and prosecuted on the basis of offences they have committed, and not on the basis of their political status. Being a political figure, whether or not bearing an opposition tag, does not entitle the person to act with impunity. A crime committed cannot be justified by some personal or political motive. Mr. Kem Sokha's charge is explicitly prescribed in article 443 of the Cambodian Criminal Code, and all legal actions taken against him are in full conformity with relevant laws of the country, including its Constitution.

The Special Rapporteurs' reference to the opinion of the Working Group on Arbitrary Detention (WGAD), which is a group of five self-aggrandized individuals, is not only unwarranted but also misleading. They are not UN staff members and only serve in their personal capacity with no first-hand knowledge of the legal and political situation in Cambodia. The WGAD's opinion carries no weight, let alone legal weight, upon a sovereign state, and the MFA.IC in the most unambiguous terms rejects its conclusion; which did not follow a proper method of work.



The claim that Mr. Kem Sokha was held in an excessive "pre-trial detention" is an exaggeration and is truly indicative of either the limited understanding of or the unwillingness to understand the Cambodian judicial procedures by these so-called experts. The fact is that he was released on 9 September 2018 under "judicial supervision subject to certain conditions", meaning that he was no longer under pre-trial detention subject to the maximum period of 18 months rules. Mr. Kem Sokha has not been under "house arrest". The MFA.IC wishes to remind the so-called experts to refer to the proper legal terminology in its statement unless its aim was to mislead and confuse the public. As an accused, Mr. Kem Sokha cannot travel beyond Cambodia's borders and must refrain from any political activities.

The so-called experts' alleged lack of the public access to the courtroom demonstrates that their assessment of Cambodia relies upon unverified and unreliable sources of information. In any democratic countries, the access to the courtroom is always at the discretion of the court, taking into consideration the actual court space, order and the conduct of the trial. Most of the diplomatic corps are represented and there were no empty seats in the courtroom. The MFA.IC finds the assertion of the so-called experts that lack of public access to courtroom is tantamount to lack of fairness is bordering on the ridicule by any standard of the legal and the judicial profession.

Finally, the Ministry of Foreign Affairs and International Cooperation urges the Special Rapporteurs to strictly adhere to the "Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council" in fulfilment of their functions, including making public statements that can be construed as an interference in the judiciary system of Cambodia. R.

Phnom Penh, 17 January 2020.

