

My Legal Defense Before the Court

Concluding Remarks

Theary C. Seng

(Tuesday, 3 May 2022)

1. My respects:

- to the panel of judges: Presiding Judge Ros Pisith, Judge Im Vannak, and Judge Soeung Chariya (acting in your respective role);
- to Deputy Prosecutor Seng Heang (who is extremely active for such a young man if I am to judge by the countless court warrants and summonses loudly bearing your name issued against innocent political activists and supporters; instead of you prosecuting us, we should be prosecuting you for the grave injustices and untold misery you have inflicted against innocent people—the detainees and their wives, husbands, sons and daughters, whose lives and livelihoods are greatly disrupted).
- In presiding over this sham trial—a legal drama scripted by politicians—you are not only perpetrating a bitter injustice on those of us illegally charged but you are also taking away valuable court resources from genuine complainants and plaintiffs and crowding jail cells which are already filled beyond their maximum capacity.
- Despite these injustices perpetrated against me and others, as a Christian, I forgive you. I pray God may forgive you as well.

2. My respects to the clerks, particularly Dy Lila who had been my initial point of contact since the 26 November 2020 hearing and who had agreed to keep me informed of the next hearing after the 25 Feb. 2021 one was postponed due to a Covid community outbreak. However, rather than clerk Dy Lila, it was Facebook and this regime’s mouthpiece Fresh News that I learned of the 7 Dec. 2021 hearing on Nov. 19 and about a week later was hand-delivered a re-do summons by three police officers to my rental home in Kien Svay.

3. My respects to the ever-changing court-appointed lawyers (also willing actors in this political theatre).

4. My respects to those wrongly charged with me—initially 139 in four cases—and the lawyers genuinely defending your interests.

5. My respects to the diplomats, UN officials, journalists, and human rights monitors—thank you for attending this political theatre to help cast light on the darkness.

Political Covid

6. At the start, I would like to note for the record:

- the vicious assault and detention of co-defendant Kak Komphea’s autistic teenage son, Kak Sovannchay, as well as the violence against and the threats, harassment, intimidation of

- relatives and friends of other political detainees, including the barbaric hacking to death of Sin Khon during Khmer new year 2021;
- the fear and rumors (due to suspension of family visits and suppression of information) of Covid-19 outbreaks in 2021, in the extremely overcrowded prisons impacting on the health particularly of political prisoners;
 - the political use of Covid-19:
 - (i) to threaten public interests in these mass trials, particularly the timing of outbreak announcements in November 2020 and in February 2021, accompanied by the constant threats of calling for a state of emergency;
 - (ii) the holding of non-public hearings during curfews and lockdowns, e.g. the sentencing of co-defendant CNRP leaders in absentia (because they were prevented from entering Cambodia; as they are again prevented from attending today's mass trial hearing of concluding remarks and possibly the verdict announcement) each given 20-25 year prison term, as well as the sentencing of youth environmentalists; and
 - (iii) the disproportionate, excessive, extreme, complete shutdown of the whole of Phnom Penh (and nearby Takhmau) as they relate to these ongoing mass trials for treason and incitement; and
 - the threats against and detention of those openly supportive of me: ex. Sat Pha who is seeking asylum in Thailand and Seam Pluk who was arrested and had his head shaved upon entering prison to mock his support of me, both around Khmer new year 2022.
 - the nature, composition and timing of these mass trial hearings—
 - (i) 26 Nov. 2020 hearing: Re: nature, Communistic and unconstitutional in its massive rounding up of the remaining dissenting democratic voices; Re: composition, the presiding judge characterized the hearing as an initial preliminary hearing only to determine who is present or absent; the deputy prosecutor Seng Heang argued for the grouping of these four cases (1140, 6005, 6725, 7818) of conspiracy to treason and incitement to social disorder involving 139 individuals to ease the administration of justice, and no decision was made in court; however, later in the case file, a decision dated 26 Nov. 2020 signed by the presiding judge grouped cases 1140 and 6005 together, as well as 6725 with 7818. Re: timing, the hearing was scheduled to be overshadowed by the Asia-Europe Meeting (ASEM) of 53 heads of state to be hosted by Cambodia and the American Thanksgiving holiday.
 - (ii) 14 January 2021 hearing: Leading to this 2nd hearing, when I continued to refuse to flee Cambodia and insisted in proceeding with the sham trial, I was harassed and intimidated personally near and around my home with increased water-cut and power-cut, particularly on Christmas Eve; my phone was tapped and followed, particularly when a police chief on a motorbike came to stare at me as I waited for

my motorized rickshaw driver in front of the French Embassy after calling him using my well-recognized number 012.222.552. Many more political activists encountered suspicious road accidents or were detained (on New Year's Eve, eg. Kong Mas, and some days later, Tun Chantha and Mey Sophorn).

- (iii) 7 Dec. 2021 hearing: Re: composition, we were told that the 2 cases of treason/incitement involving 139 charged individuals have been split into smaller hearings (of several individuals to a dozen or so at a time); I was on a list of 17 names summoned to appear for the 25 Feb. 2021 hearing before it was postponed only several days prior because a few Chinese women visitors broke quarantine triggering the community outbreak; Re: composition of the panel of judges: judge Soeung Chariya replacing judge Koeurt Sang in the middle of trial process. Re: timing, the prosecution office signed off on this re-do summons on Nov. 12 immediately on the heel of the sanctions the United States slapped on two high-level regime officials on Nov. 10; additionally, there has been a flurry of extrajudicial activities against CNRP officials and supporters who are UN-recognized refugees and migrant workers in Thailand, capped off with the high-profile barbaric chopping up of CNRP activist Sin Khon.
- (iv) 28 Dec. 2021 hearing: I was singled out by name to be in a hearing group by myself while other names were categorized into “Tuesday hearings” or “Thursday hearings”, and on a date sandwiched between Christmas and New Year's Eve, and after my popular Wounded Apsara appearance, and after Mr. Jared Genser who came to Cambodia as a visitor and attended the 7 Dec. hearing as a friend was threatened by the regime's lawyer group and is now barred from returning to Cambodia “forever.” The charged individuals in the “Thursday hearings” (involving cases 6725 and 7818) have never been summoned again—could it be that the regime wants Thach Setha, the acting president of Candlelight Party, first to confer legitimacy through the election process?—and the Thursday timeslot instead held hearings for another political case 887. Re: the surreal confused nature of the hearing that revolved around the presiding judge's order to a court-appointed female lawyer to provide me with complete access to all the documents in my case file as my right to self-representation recognized by the presiding judge doesn't allow me to access them. The clerk only mentions those “present” and not absent: Kak Komphea, Heng Chansothy and me.
- (v) 4 January 2022 hearing: Despite the fact that I was accosted, assaulted and temporarily detained by 30-40 armed officers who smashed my iPhone for walking to my hearing from Naga World (and the arrest and detention of Chhim Sithar later that afternoon), I attended the hearing on time with my new Khmer lawyer who argued for a reasonable time for him to access and study my complete case file; we asked for 2 weeks; the presiding judge gave us 4 weeks, with the next hearing scheduled for 15 Feb. 2022. The clerk only mentions those “present” and not absent: Kak Komphea, Heng Chansothy, Tum Bunthan, and me.
- (vi) 22 Feb. 2022 hearing: My Khmer lawyer learned from court officials that he came into contact with a Covid-infected client and thus had to self-isolate; thus the

scheduled 15 Feb. hearing was moved to 22 Feb. which began the questioning of me. In taking the stand, I reminded the court of the serious due process violations that make all these proceedings “null and void”; but as the subject matter touches on democracy and justice that I had trained many Cambodians all across Cambodia on, it’d be my delight to answer any and all questions as a matter of courtesy and not law.

- (vii) 1 March 2022 hearing: Wearing the “evidence” (9 as the symbol of “color revolution”), I took the stand all morning again for continued question of me. My responses were intentionally-hitting, re-reminding the court of the serious due process violations that render these hearings null and void, as set out in Article 252 of the Cambodian Criminal Procedure Code. However, I was cut-off and ordered to not raise this matter but only respond to the questions asked. The focus was on the 9 one-sided print-outs of alleged Facebook posts I had made. Only three sheets are text; the others are images with short captions. I accepted 8 of the 9 sheets as “more likely than not” that I posted them; the one I rejected appeared to be authored by me which more likely than not, I did not write and post, not because I fear the content but it was not my style. I made a distinction of whether a post was (i) authored by me or (ii) shared by me, as the weight and value is different. And if shared, I shared either (i) by clicking the icon “share” or (ii) by cutting-and-pasting completely mainly so I can insert commas.
- (viii) 10 March 2022 hearing: Began the questioning of the Interior Ministry officers from 2 departments (terrorism and internal affairs) on their written evidence against us. My color hand-outs (30 pages) of the due process diagram of my case were confiscated by the security officer inside the hearing room and never given back to me. After conferring with my lawyer, I complied with the judge’s order to wash my face as my lawyer had important points he needed to make during the questioning of the officers.
- (ix) 15 March 2022 hearing: During the questioning of officers, I took the stand once again to clarify about the “evidence” (9 sheets) against me.
- (x) 28 March 2022 hearing: All morning of watching the “evidence” against some of the accused (case 1140 old) projected onto the wall screen.
- (xi) 5 April 2022 hearing: Continued with the showing of “evidence” projected onto wall screen. The roll call now includes Ms. York Neang (arrested only a few days before). I was banned from entering the hearing because of my sarong outfit, but was represented by my lawyer.
- (xii) 12 April 2022 hearing: On the eve of the effectively week-long Khmer new year, about a dozen armed officers surrounded me as I got out of the motorized rickshaw with the intention to arrest me. But I was dressed in the normal Khmer new year outfit and I was with a toddler, her mother, and grandmother.

The 5 Main Laws of Cambodia Concerning this Case

7. In my defense, I will be referring to the five principle laws of Cambodia that are relevant to this case. The first is (i) the *Criminal Code*; (ii) the second, the *Criminal Procedural Code*; (iii) the

third, the *International Covenant on Civil and Political Rights*—to which Cambodia is a state party and the Constitution acknowledges as part of Cambodia law—which I will from now on refer to simply as the “Law on Civil and Political Rights”; (iv) the fourth, the *Constitution*, “the supreme law of the Kingdom of Cambodia”; and (v) the fifth, the *Paris Peace Agreement on Cambodia* of 23 October 1991.

Right to Self-Representation

8. At the November 26 Thanksgiving Day hearing, Presiding Judge Ros Pisith acknowledged and permitted my request to self-represent as long as I attended all the court hearings, which I assured I would do. This is the correct interpretation of Cambodian law. The “right to counsel” and “right to self-representation” are complementary fundamental rights belonging to the defendant (here, the charged person, me), enshrined to protect MY interests as the charged person and the overall interests of justice. Specifically, the “right to self-representation” is guaranteed under Article 14(3)(d) of the Law on Civil and Political Rights—a law of Cambodia—which the UN Resolution 67/187 adopted on 28 March 2013 clarified in its preamble to include criminal cases.

9. Of course, the right to self-representation is not an absolute right and can be curbed for the interests of the charged person and of justice – for example, in cases involving minor children, mentally incapacitated persons, or where the charged person is not present in court. Article 301 of the Criminal Procedural Code further provides that a lawyer is required in all felony cases.

10. Parenthetically, a reminder about statutory interpretation: As you know, as legal practitioners, we need to go beyond just knowing how to read—anyone can read; you don’t need legal training for that—we are tasked with interpretation. That is, we must not just read a written statute or piece of legislation, but also interpret and apply it based both on the letter and spirit of the law. Generally, we disregard any interpretation that would create an absurd, inconsistent result which the original drafters and lawmakers did not intend; the interpretation of the law must work toward justice and be internally consistent.

11. But here, I am (i) an adult, (ii) not mentally incapacitated, (iii) able and willing to attend all court hearings, and (iv) a trained lawyer from one of the top law schools in the world who was probably the first person of Cambodian descent to pass the New York Bar Exam. I am both able and qualified to represent myself in this case.

12. Interpretation must consider the totality of circumstances when conflict arises to divine the original purpose and intent for the establishment of that particular law or provision. In the case of assigning legal aid, the original purpose is to protect the defendant—me, the charged person—and the totality of circumstances at this moment includes my previously stated qualifications to self-represent as well as the backdrop of a country in which legal aid is oftentimes denied to the many poor, juvenile, and/or mentally incapacitated Cambodians accused of crimes who genuinely need it. Therefore, any suggestion that the court should force a lawyer upon me is an interpretation that ignores these circumstances and clearly seeks to serve the interests of the regime rather than the purpose intended within the law.

13. Then, in the interests of justice and in the interests of the charged person, me, for whom the law was enshrined to protect, it is only right for this court to permit this right to self-representation as was the case at the 26 November 2020 hearing. Until the 4 January 2022, I insisted on exercising this right, that is, to have no local lawyer except at the moment of arrest should that happen—even if I have top notch international counsel, Jared Genser and his amazing team at Perseus Strategies based in Washington, D.C.

14. As it was established that I have a right to self-representation, all legal provisions relating to my legal defense must be read to accommodate and facilitate this right, including in particular Article 129 of the Criminal Procedural Code, which provides lawyers access to case files. In short, the right to represent myself is meaningless if I cannot access my case file and receive all the necessary documents to put forth a proper defense.

15. However, prior to hiring my own Khmer lawyer on 1 January 2022, I had been given only 3 sets of documents on 1 December 2020: (i) the prosecutor’s *Introductory Submission*, 3 pages, dated 9 Sept. 2019; (ii) the prosecutor’s *Final Submission*, 17 pages, dated 13 Aug. 2020; (iii) the investigating judge’s *Closing Order*, or more specifically, the *Indictment*, 12 pages, dated 26 Aug. 2020.

16. Despite making repeated in-person requests, I was refused access to 7 additional documents listed in the Final Submission and the Indictment: (i) the prosecutor’s *Criminal Case File*, no. 6005, dated 2 Sept. 2019; (ii) the Phnom Penh Municipal Court’s *Investigation Case File*, no. 4154, dated 10 Sept. 2019; (iii) the investigating judge’s *Letter to Inform of the Closing of Investigation*, no. 904, dated 20 July 2020; (iv) *Order Requesting Review of Case File*, no. 926, dated 28 July 2020; (v) *Report of the Internal Security Dept. of the Interior Ministry*, no. 1177, dated 30 Sept. 2019; (vi) *Summons to Appear*, no. 929, dated 6 Nov. 2019, mentioned in the investigating judge’s Indictment; and (vii) *Cancellation Order of Summons to Appear*, no. 1079, dated 15 Nov. 2019, mentioned in the prosecutor’s Final Submission.

17. I raised this specific matter of dissonance—of having the court rightly recognized my right to self-representation but denied me the ability to self-represent—at the 14 January 2021 hearing, which was quickly countered by the deputy prosecutor Seng Heang that a generous 7 weeks had been given me to look for a lawyer and the court should now appoint one for me. Presiding Judge Ros Pisith then concluded, after hearing from Judge Im Vannak from the bench, without further consultation or recess, that the court has already fulfilled its duties in giving me the 3 sets of documents and will not go further.

18. At the 28 Dec. 2021 hearing, the presiding judge asked the court-appointed lawyer present to give me access to my case file but no decision was made in court reneging my right to self-representation; the decision was only de facto after the hearing when I approached another of the court-appointed lawyers who had volunteered to provide all the documents of my case file at the legal aid office of the Cambodian Bar Association (but never did).

19. I am charged along with 139 other individuals—present and exiled—for conspiracy to commit treason and incitement to create social disorder. As my liberty and the liberty of the others are at stake—we each face up to 12 years of detention (a total of 1,668 years for 139 charged persons!)

in prisons that are considered to be medieval, extremely overcrowded, and lacking basic humanitarian standards—it is necessary not only that I have access to these 7 requested documents, but also to any other documents held by the police, prosecutor, court, or any government agency that relate in any way to charges against me.

Gross Procedural Violations:

20. The phrase “due process” is concerned with procedure, fairness, and application.

21. From the very beginning of these proceedings, this regime has violated my due process rights. Under the Law on Civil and Political Rights—a law of Cambodia—I have the right to be informed promptly of the nature and cause of the charges against me. This includes both the law and the facts on which the charges are based. However, I have been denied the latter information—none of the documents that the regime provided to me—the “evidence” is a total of 9 one-sided print-outs of alleged Facebook posts, only 3 of which had substantive text—have identified or reported on any specific action I took that were allegedly criminal. Rather, the documents simply allege in a conclusory manner, without providing a single specific example, that I used the Facebook to appeal to the Cambodian people and the armed services “to violently overthrow a legitimate government”. In short, given these documents were required to disclose any and all evidence that will be presented against me in this proceeding—and instead included unsubstantiated and vague allegations—this court should immediately dismiss the charges.

22. I also have the right under Cambodian law—Law on Civil and Political Rights—to have adequate time and facilities to prepare my defense. However, without knowing the factual basis of the charges against me, due to lack of access to my case file, I had been unable to prepare any defense whatsoever, until January 2022 when I was forced to hire my own Khmer lawyer with access to the complete case file.

23. The regime has also violated my right under the Law on Civil and Political Rights to examine the witnesses against me and obtain the attendance and examination of witnesses I might present on my behalf. For a long time, until January 2022, I could not be prepared to cross-examine witnesses today that I knew nothing about, nor could I identify and prepare witnesses for my defense without knowing what factual assertions I needed to rebut or disprove.

24. For example, I am puzzled over the Summons to Appear and its Cancellation Order allegedly issued for me in November 2019: Shouldn’t the investigating judge’s Indictment include the information in the prosecutor’s Final Submission on this matter? But how is it that the Final Submission mentions once and only the *Cancellation Order of the Summons to Appear*, dated 15 Nov. 2019? And the Indictment, a later-dated document forming the basis for this trial hearing, mentions once and only the *Summons to Appear*, dated 6 Nov. 2019?

25. For your information: on 6 November 2019, I was in Tromsø, Norway for a human rights seminar hosted by the Norwegian Ministry of Foreign Affairs as part of ASEF (related to ASEM). (The newly-appointed UN Special Rapporteur for Human Rights, Prof. Vitit Muntarbhorn was also there.) I departed Cambodia at midnight on 2 November 2019 and arrived back into the country on 9 November 2019. Prior to departing for the high-level seminar in Norway, I posted

publicly on Facebook and my personal website—daily and multiple times a day. During the journey and the seminar, I posted publicly on Facebook and my personal website—daily and multiple times. After the seminar, while traveling back and inside Cambodia, I posted publicly on Facebook and my personal website. I knew NOTHING of any summons to appear and its subsequent cancellation of November 2019. The *first time* I heard about these absurd charges of treason and incitement was on 6 November 2020 – a full year later – and the next day received the summons to appear, *only 20 days* before the start of the mass trials on Thanksgiving Day 2020, that is Nov. 26.

Please see the attached Due Process diagram that was confiscated by security inside the courtroom on 10 March 2022 for more gross violations of due process.

26. Finally, under the Law on Civil and Political Rights, in the determination of any criminal charge against me, I have the right to a fair and public hearing by a competent, independent, and impartial tribunal established by law. As noted before, there has been no specific evidence provided to me by the court, prosecutor, or any other authority to support the charges being brought against me today. I was entitled to receive any and all such evidence in advance of the trial to enable me to adequately prepare a defense, to prepare to cross-examine prosecution witnesses, and to identify and prepare witnesses that I could offer in my own defense. As such, it was made clear throughout these proceedings that either this panel of judges is incompetent or that it has acted in a manner that is not independent or impartial.

27. It goes against the grain of reason and the principles of justice that Article 256 of the Criminal Procedural Code be used to erase all small and gross violations alike just because the Closing Order has become “final and definitive”. The Closing Order (or, Indictment) is dated 26 **August** 2020. I was *first* informed of the charges against me on 6 **November** 2020, two and one-half months **AFTER** the Closing Order. Article 247 requires that I *as “charged person...shall be informed of a closing order without delay”* before it becomes final and definitive. (Again, please see attached Due Process diagram.)

28. The Cambodian Constitution, “the supreme law” of this country, undergirds all these rights.

29. Let me illustrate how fundamental and significant is due process (fair procedure) in light of this court’s violation by drawing from the U.S. experience, in helping us put the situation in a proper perspective. Though the context is different, the principle is the same.

30. The U.S. Constitution states only one command twice, and that command is the Due Process Clause in the Fifth and Fourteenth Amendments: no one shall be “*deprived of life, liberty or property without due process of law.*” The central promise is the assurance that all levels of U.S. government must operate within the law (“legality”) and provide fair procedures.

31. In effect, due process is sacrosanct. Civil, criminal, administrative procedures are core courses of all U.S. law schools. Legitimate criminals have been acquitted as a result of the state’s violation of due process.

32. It should be noted that Article 252 of Cambodia’s Criminal Procedural Code entitled “Mandatory Rules” also underscores the importance of due process: “*Proceedings shall be null*

and void if the violation of any substantial rule or procedure stated in this [Criminal Procedural] Code or any provisions concerning criminal procedure affects the interests of the concerned party. Especially, rules and procedures which intend to guarantee the rights of the defense have a substantial nature.”

33. Therefore, the severity of the aforementioned violations of procedure cannot be understated.

Substantive Arguments:

“Conspiracy to Commit Treason”

34. I am charged along with 139 other individuals with a conspiracy to commit treason and incitement to create social disorder. These charges are absurd—and they would be laughable, if not for the very serious consequences to our lives and for this country.

35. In Khmer, “treason” is composed of two words, very clear and straightforward: *kbot* (betray) *cheat* (nation).

36. I do believe treason has been committed in Cambodia. But not by me nor by any of the charged persons with me. You are focusing on the wrong people.

37. Provided within the text version of this statement is a link to information concerning the ongoing mass crimes committed in Cambodia since the end of the Khmer Rouge era and the Paris Peace Agreement of 1991. The individuals involved or complicit in perpetrating such horrors are the individuals that ought to be on trial for betraying their nation.

<http://thearyseng.com/columnist/32-theary-sengs-blog/458-published-articles-re-vietnam-military-occupation-of-cambodia-qvietnam-security-intelligenceq-monitoring-my-fb-blacklisted-1-of-7-1979-84>

“Incitement to Create Social Disorder”

38. There is a very real distinction between peaceful protest/political dissent and incitement to violence. I am a strong believer in and practitioner of peaceful protest and political dissent. And I have seen or heard nothing in the documents or testimonies given to think that the others charged with me have perpetrated treason or incitement. What I see and hear instead is protected political speech and opinion.

39. Indeed, under Article 19 of the Law on Civil and Political Rights, not only shall everyone have the right to hold opinions without interference, but everyone shall have the right to freedom of expression, which includes freedom 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 of her choice, which includes the Internet.

Protected Political Speech

40. The real purpose of the charges against me is to silence me, as I have been a long-standing and outspoken critic of Mr. Hun Sen and his party. But under both the Constitution of Cambodia and international law of which Cambodia is a party to, I have the right to freedom of opinion and

expression, which includes the right to express dissent, criticize the government and its leaders, advocate for a peaceful change of government, and share political opinions. In fact, international law provides a particularly high level of protection to uninhibited expression in the context of public debate concerning figures in the public and political domain. In 2015, the UN Human Rights Committee demanded that Cambodia “[r]efrain from prosecuting journalists, human rights defenders and other civil society actors as a means of deterring or discouraging them from freely expressing their opinions.” Unfortunately, the charges against me demonstrate that the regime has failed to take these words to heart.

Concluding Remarks

41. In summary, the violations against me and the many others on trial reflect Cambodia’s long and ungraceful fall from the promises it made to serve and protect its people. It is a descent that has not just been felt by Cambodians, but also observed and documented by the international community. In the World Justice Project’s *Rule of Law Index*, Cambodia has ranked second to last out of the countries included for the last five years, most recently ranking 127th out of 128 (only ahead of Venezuela!). Cambodia scores abysmally low on nearly all measures assessed in the index, especially corruption, improper government influence, due process, and the right to life and security. Transparency International regularly ranks Cambodia as one of the most corrupt countries in the world, recently at 160 out of 180 countries and territories surveyed, with Cambodia occupying “the third lowest spot in the Asia Pacific, coming above only Afghanistan and North Korea, and the lowest spot in the ASEAN region.” Its press release of January 2021 states further that “the judiciary, the police and government officials continue to be viewed as the most corrupt institutions or groups. For example, 89 per cent of the respondents believe corruption exists among police officials, followed by government officials 72 per cent and Judiciary 72 percent.” *Reporters Without Borders* found more than 70 cases of harassment against journalists in Cambodia in 2020 alone, ranking it 144 out of 180 countries (where 1 is the most free on the world press freedom index). Long before these particular proceedings were initiated, Amnesty International highlighted in its 2019 annual report on human rights that Cambodian “Human rights defenders, peaceful demonstrators, labour activists and members of the banned opposition party continued to face harassment and intimidation through misuse of the justice system.” And in specific reference to these ongoing mass trials, United Nations Special Rapporteur on the situation of human rights in Cambodia, Rhona Smith, stated in November 2020 that “This is not an isolated episode. Civic and democratic space in Cambodia has continued to shrink and there remains little evidence of political rapprochement and reconciliation.” Her successor, UN Special Rapporteur Vitit Muntarbhorn along with two other UN experts, stated on 1 Nov. 2021 in a press release: “We are truly alarmed that the courts are again being weaponised to silence any form of dissent, including peaceful activism that is protected under the right to freedom of expression.”

42. Initially, the deputy prosecutor Seng Heang speaks about his concern for those charged, and asks that the cases be grouped together to ease the administration of justice for those charged as they live in far flung provinces and the costs including travel and accommodation are burdensome. I share his concerns. The waste of state resources over these 14 absurd hearings involving me over

the past two years is astounding. And how many countless more hearings of this political nature! Thus, I ask that the court drop these absurd charges, which are without any basis in law or fact.

43. The law requires that all the charges be dropped unconditionally. But if you do not respect the law, then out of humanitarian concerns: Release all political prisoners and drop all these silly, baseless, absurd charges without conditions.

44. I wish you a good day. Thank you.