



**មជ្ឈមណ្ឌលសិទ្ធិមនុស្សកម្ពុជា**  
**Cambodian Center for Human Rights**

**CCHR MEDIA COMMENT – Phnom Penh, 22 February 2015**

**CCHR expresses concerns over indications of undue influence over the actions of the Supreme Council of  
Magistracy**

[The Cambodian Center for Human Rights](#) (“CCHR”) expresses concern regarding the swift removal of former president of Phnom Penh Municipal Court, Ang Maltey, amid the allegations of corruption that followed the controversial decision by the municipal court to release on bail Thong Chamroeun and Keo Sary, the parents of wanted murder suspect Thong Sarath.

While according to Article 18 of the Magistracy Council Law, the Supreme Council of Magistracy (“SCM”) should have the exclusive power to decide disciplinary actions and the termination of office of a judge; declarations by Prime Minister Hun Sen— reported by *The Phnom Penh Post* on 18 February 2015 (‘Hun Sen slams top judge’) – seem to have prompted the actions of the SCM against municipal court judge Ly Sokleng, the judge in charge of Sarath’s case, and Ang Maltey, president of the Phnom Penh Municipal Court. Hun Sen in fact reportedly asked justice Minister Ang Vong Vathana to investigate the case and take action against the two judges.

A spokesman for the Ministry of Justice claimed that the SCM had acted independently in its decision to initiate an investigation into the case; nevertheless, serious concerns of undue influence of the executive over the functioning of the judiciary remain. In addition, while it is important to emphasize that should this case involve corruption action must be taken, it is to be hoped that the SCM will take a genuine and impartial look at the available evidence and ignore any political pressure or interference.

CCHR wish to remind that Article 128 of the Constitution enshrines judicial independence. CCHR also notes that text of the Law on the Organization and Functioning of the Courts, the Law on the Supreme Council of Magistracy and the Law on the Status of Judges and Prosecutors, as recently adopted, do not yet guarantee the independence and impartiality of the judiciary, thus undermining its function and allowing it to be severely influenced by the executive.

**CCHR Judicial Reform Coordinator Bunthoeun Suon commented:**

*“Despite indicators suggesting that the release of Thong Chamroeun and Keo Sary could be the result of illegal practices within Cambodian courts, the SCM must remain an independent organ. I hope that what we are seeing here is in fact real judicial independence rather than yet another example of undue interference of the executive into the judiciary. Regardless, I welcome any positive and responsible movement that will lead to a genuine reform of the judiciary.”*

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Notes to Editor:

CCHR, founded in November 2002, is a non-aligned, independent, non-governmental organization that works to promote and protect democracy and respect for human rights – primarily civil and political rights – throughout Cambodia.

CCHR is a member of the International Freedom of Expression Exchange (IFEX), the global network for freedom of expression. CCHR is also a member of the World Organisation Against Torture (OMCT) SOS-Torture Network and a member of the Southeast Asian Press Alliance (SEAPA).

The Cambodian Human Rights Portal [www.sithi.org](http://www.sithi.org) is the 2011 winner of the Information Society Innovation Fund Award in the category of Rights and Freedoms and the 2013 winner of the Communication for Social Change Award awarded by the Centre for Communication and Social Change at the University of Queensland in Brisbane, Australia.