

Case Brief: Thy Thorn

Thy Thorn is a 24-year-old human rights defender. Prior to his arrest in 2024, he was the Vice President of the **Khmer Student Intelligent League Association (KSILA)**. The aim of KSILA, founded in 2014, is to encourage the participation of students and young people in the protection of natural resources, the promotion of democracy and respect for human rights.



Case chronology

18 August 2024:

At approximately 6:30am, Thy Thorn and three other KSILA members were arrested at the organization's office in Phnom Penh. Approximately 30 plainclothes and uniformed officers and a deputy prosecutor were present for the arrest. No arrest warrant was shown, nor were they informed of the reason for their arrest. The four defenders were taken to the Phnom Penh Police Station. Their arrest was carried out as part of a broader wave of arrests on that day and in the surrounding weeks, of more than 80 individuals who expressed their disagreement with the Cambodia Laos Vietnam – Development Triangle Area (CLV-DTA) agreement, and planned to peacefully demonstrate against it in the capital.

20 August 2024:

Thy Thorn was brought before the Phnom Penh Court of First Instance and charged with “plotting” (Article 453) of the Criminal Code, which carries a potential sentence of 5-10 years’ imprisonment. He was sent to pre-trial detention in Correctional Center 1 (CC1).

5 December 2024:

The Phnom Penh Appeal Court denied Thy Thorn’s request for bail.

14 January 2025:

The Supreme Court upheld the decision of the Appeal Court, denying Thy Thorn’s bail request.

18 February 2025:

The investigating judge of the Phnom Penh Municipal Court extended Thy Thorn’s pre-trial detention by six months.

March 2025:

The Phnom Penh Appeal Court rejected Thy Thorn’s request to overturn the pre-trial detention extension.

26 May 2025:

The Supreme Court upheld the decision of the Appeal Court, denying the overturn of the extension.

5 September 2025:

The Phnom Penh Municipal Court denied Thy Thorn’s request for bail, marking more than one year in pre-trial detention.

18 February 2026:

According to Article 208 of the Code of Criminal Procedure, pre-trial detention may be extended for a six-month period a maximum of two times. By mid-February 2026, the maximum 18-month limit for Thy Thorn’s case had been exceeded, and a date for his trial was yet to be set.

Potential human rights violations:

- Arbitrary arrest and detention

- No arrest warrant was presented, nor was a reason for his arrest given when it was carried out
- It appears that Thy Thorn was arrested in connection with exercising his fundamental freedoms of peaceful assembly, expression and association – detention based on the exercising of these rights is considered arbitrary under [international human rights law](#).

- Right to a fair trial

Thy Thorn's right to a fair trial is undermined by the following factors:

- Right to liberty: Continued denial of his right to liberty through repeated rejection of his bail requests, and his continued pre-trial detention beyond the limit provided by the Code of Criminal Procedure (Article 208).
- Right to be tried without undue delay: The fact that more than 18 months following Thy Thorn's indictment, a trial date was yet to be set, undermines his right to be tried without undue delay.
- Right to the presumption of innocence: The continued delay of Thy Thorn's trial and his deprivation of liberty throughout this period, are individual factors that undermine his right to be presumed innocent. The combination of both factors – as is the case for Thy Thorn, significantly undermine his right to be presumed innocent, a critical tenet of the right to a fair trial.

Impact:

The 18 months that Thy Thorn has spent in pre-trial detention, and the charges against him, have taken a considerable toll on his family. In the words of his father:

“My son has been deprived of his freedom for more than one year now, and the court has not yet given any verdict on what crime my son has allegedly committed. He cannot study anymore. My livelihood was already a struggle, and now I have additional expenses for my child.

Some people understand, they come and ask how my son is doing. But some people don't understand, they sneer and say that the parents sent the child to study, but they end up doing this or that.”