

Confusion in Packed Court as Cambodia Opens Mass Trial of Opposition

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Theary Seng, a defendant in a mass treason trial of critics of Cambodian Prime Minister Hun Sen, speaks to media in front of Phnom Penh Municipal Court, Nov. 26, 2020.

A court in Cambodia's capital began hearings Thursday for more than 30 opposition activists charged with treason – a mass trial a U.N. rights expert decried as an attempt to intimidate opponents of Prime Minister Hun Sen's 35-year-rule.

The 33 who appeared at the Phnom Penh Municipal Court represent the first batch of more than 120 people, most connected to the Cambodia National Rescue Party, summoned to face charges of conspiracy and incitement to sow chaos in society for nonviolent political activities in the three years since the opposition CNRP was banned and disbanded in late 2017.

"The court room was tense," said Chak Sopheap, executive director of the Cambodian Center for Human Rights (CCHR).

"Mistakes were made in the summons. Some defendants did not have names. The room was packed so tight with so many people, going against COVID-19 safe practices," he said.

Theary Seng, a U.S.-trained lawyer and citizen and vocal critic of Hun Sen, challenged the charges against her as lacking any explanation.

“The court hearing was so confused and chaotic as so many people were present in the courtroom,” she told RFA after the hearing. “The judges were surprised to see so many people.”

Theary Seng said she is not a CNRP member but was charged, like many who appeared Thursday, for joining a campaign to CNRP acting president Sam Rainsy’s abortive plan to return to Cambodia from exile from France to lead non-violent demonstrations against Hun Sen in November 2019.

“I requested that the court nullify all the charges,” she said.

“When someone is charged, the law requires a reason for the indictment to be attached, but my case and others do not have such. We only received a piece of paper charging us with plotting and incitement without giving any reason from the investigating judge,” said Theary Seng. The full charges are crimes punishable by up to 12 years in prison.

Among those summoned are members of the CNRP’s top brass, including Sam Rainsy, his wife, deputy CNRP president and Cambodia’s former Minister of Women Affairs Mu Sochua, party parliamentarian Eng Chhai Eang and others. Most have said they would return to Cambodia willingly if the government would lift travel bans against them.

Sam Rainsy had tried to return on Nov. 9, 2019 to lead nonviolent protests against Hun Sen, urging Cambodian migrant workers abroad and members of the military to join him. However, his plan to enter Cambodia from Thailand was thwarted when he was refused permission to board a Thai Airways plane in Paris.



Police guard the streets in front of Cambodia's Phnom Penh Municipal Court, Nov. 26, 2020. Credit: RFA

Observers in court room included diplomats from the United States, France, Sweden, and Japan, as well as U.N. and local human rights officials. More than 300 people, including CNRP supporters gathered outside the court house in the face of a heavy security presence.

“Judges listened to both sides of lawyers and prosecutors and then decided to delay hearings until January 14 and March 4 after splitting the defendants into two groups. We, the lawyers requested the court to delay the trial,” said lawyer Lor Chunthy.

Writing on Facebook, Chin Malin, vice-chairman of government human rights committee and Justice Ministry spokesman said the court is merely following due process due process and the mass trial can be seen as the court trying to reduce a backlog of cases.

On the eve of the trial, Rhona Smith, the U.N. Special Rapporteur on the situation of human rights in Cambodia, said the case appeared to be “politically motivated, lacking clear legal grounds and constitute a serious violation of the due process rights, firmly established by international human rights law.”

Smith also suggested such mass trials were part of a strategy to intimidate and discredit those who speak out against the government.

“This is not an isolated episode,” she said. “Civic and democratic space in Cambodia has continued to shrink and there remains little evidence of political rapprochement and reconciliation.”

The pace of the proceedings against the many CNRP members stands in stark contrast to those facing the party's president, Kem Sokha, which the government has delayed under the pretext of the coronavirus pandemic.

Kem Sokha was arrested in September 2017 over an alleged plot to overthrow the government with U.S. help. Cambodia's Supreme Court banned his party in November that year for its supposed role in the scheme.

Prime Minister Hun Sen has mused that Kem Sokha's treason trial, which was cut short in March this year, may not restart until 2024. Observers say Hun Sen may be pushing ahead with Thursday's mass trial as part of a bid to undercut Kem Sokha's support base and entice him into leading one of the country's various lesser-known opposition parties that stand little chance of winning at the polls.

The move to dissolve the CNRP marked the beginning of a wider crackdown by Hun Sen on the political opposition, NGOs, and the independent media that paved the way for his ruling Cambodian People's Party (CPP) to win all 125 seats in the country's July 2018 general election.

Details: <https://www.rfa.org/english/news/cambodia/cnrp-trial-11262020163220.html>