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**Human Rights Council  
Working Group on Arbitrary Detention****Opinions adopted by the Working Group on Arbitrary  
Detention at its 104th session, 10–14 November 2025****Opinion No. 67/2025 concerning Chandaravuth Ly, Kunthea Long,  
Keoraksmey Phuon, Ratha Thun and Leanghy Yim (Mother Nature  
Five) (Cambodia)\***

1. The Working Group on Arbitrary Detention was established in resolution 1991/42 of the Commission on Human Rights. In its resolution 1997/50, the Commission extended and clarified the mandate of the Working Group. Pursuant to General Assembly resolution 60/251 and Human Rights Council decision 1/102, the Council assumed the mandate of the Commission. The Council most recently extended the mandate of the Working Group for a three-year period in its resolution 60/8.
2. In accordance with its methods of work,<sup>1</sup> on 24 March 2025 the Working Group transmitted to the Government of Cambodia a communication concerning Chandaravuth Ly, Kunthea Long, Keoraksmey Phuon, Ratha Thun and Leanghy Yim. The Government submitted a late response on 26 May 2025. The State is a party to the International Covenant on Civil and Political Rights.
3. The Working Group regards deprivation of liberty as arbitrary in the following cases:
  - (a) When it is clearly impossible to invoke any legal basis justifying the deprivation of liberty (as when a person is kept in detention after the completion of his or her sentence or despite an amnesty law applicable to him or her) (category I);
  - (b) When the deprivation of liberty results from the exercise of the rights or freedoms guaranteed by articles 7, 13, 14, 18, 19, 20 and 21 of the Universal Declaration of Human Rights and, insofar as States Parties are concerned, by articles 12, 18, 19, 21, 22, 25, 26 and 27 of the Covenant (category II);
  - (c) When the total or partial non-observance of the international norms relating to the right to a fair trial, established in the Universal Declaration of Human Rights and in the relevant international instruments accepted by the States concerned, is of such gravity as to give the deprivation of liberty an arbitrary character (category III);
  - (d) When asylum-seekers, immigrants or refugees are subjected to prolonged administrative custody without the possibility of administrative or judicial review or remedy (category IV);

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\* Mumba Malila did not participate in the discussion of the case.

<sup>1</sup> [A/HRC/36/38](#).

(e) When the deprivation of liberty constitutes a violation of international law on the grounds of discrimination, based on birth, national, ethnic or social origin, language, religion, economic condition, political or other opinion, gender, sexual orientation, disability or any other status, that aims towards or can result in ignoring the equality of human beings (category V).

## 1. Submissions

### (a) Communication from the source

#### (i) *Arrest, detention, trial and sentencing of Mother Nature Five*

4. Chandaravuth Ly, Kunthea Long, Keoraksmei Phuon, Ratha Thun and Leanghy Yim (“the Mother Nature Five”) are citizens of Cambodia and members of Mother Nature Cambodia, a local environmental activist group that raises awareness about environmental destruction.

5. Mr. Ly was aged 24 at the time of detention. He is a law student in Phnom Penh and has played a pivotal role in Mother Nature Cambodia’s campaigns. He joined the movement in 2020 following the arrest of three other members, namely Ms. Long, Ms. Phuon and Mr. Thun.

6. The source reports that Mr. Ly featured in a video about a building construction in Sihanoukville. His work to counter environmental violations has reportedly made him a target of repression and he has experienced harassment, including surveillance and intimidation by the authorities. He was reportedly first arrested and charged on 16 June 2021 while taking water samples from the Tonle Sap River, following reports that sewage was being pumped into the river.

7. He spent five months in pretrial detention before being released on bail pending trial. In November 2023, he was part of a Mother Nature Cambodia delegation to Europe and highlighted the environmental and human rights abuses of Cambodia while in Geneva, Paris and Stockholm.

8. Ms. Long was aged 26 at the time of detention. She joined Mother Nature Cambodia in 2019. She has raised numerous environmental concerns, including the impact of sand-mining along the Mekong River and the exploitation of Boeung Tamok Lake in Phnom Penh.

9. On 3 September 2020, she was arrested as she prepared to walk to the central Phnom Penh estate of then Prime Minister Hun Sen as a protest. On 5 May 2021, Phnom Penh Court of First Instance convicted her of “incitement” and sentenced her to 18 months in prison, imposing a fine of 4 million riel (approximately \$1,000).

10. While imprisoned in Correctional Centre 2, she was also charged with “plotting”. She had to report to the police monthly between first being released from detention in November 2021 and a second charge being brought.

11. Ms. Phuon was aged 23 at the time of detention. She joined Mother Nature Cambodia in 2020 and is reportedly well known for raising awareness of illegal deforestation and defending the rights of local communities. She has collaborated with the Cambodian Youth Network with the aim of establishing better environmental policies in Cambodia. She was arrested in September 2020 while filming Ms. Long’s aforementioned one-woman march to the Phnom Penh estate of then Prime Minister Hun Sen and sentenced on the same charges as Ms. Long. Additionally, she was charged for “plotting” while detained in Correctional Centre 2. Like Ms. Long, Ms. Phuon continued her activism following her first conviction.

12. Mr. Thun was aged 32 at the time of detention. He joined Mother Nature Cambodia in 2015. He soon became one of the key figures of the movement and conducted numerous investigations into and campaigns on sand-mining scams, the illegal trafficking of wildlife and illegal logging. Many of his videos documenting those activities went viral on social media, which was reportedly met with hostility by the authorities.

13. The source reports that, in June 2017, he was subjected to harassment by the local police while participating in protests against sand-dredging in Kandal Province, but was protected by villagers who helped him avoid arrest. In 2020, he was arrested alongside Ms. Long and Ms. Phuon and sentenced to 20 months in prison on the same charges. He was detained in Correctional Centre 1 and he was also charged with “plotting” during that detention. He also continued his activism upon release following his first conviction, but remained under strict judicial supervision.

14. Ms. Long, Ms. Phuon and Mr. Thun were prevented by the court from travelling to Stockholm in November 2023 to receive the Right Livelihood Award.

15. Mr. Yim was aged 35 at the time of detention. He joined Mother Nature Cambodia after completing his degree in Phnom Penh. Much of his work focused on investigating and exposing illegal environmental practices and unregulated developments that harm the country’s ecosystems and local communities. He was first arrested on 16 June 2021. He has reportedly faced significant reprisals throughout his activism, including unlawful surveillance, threats and intimidation.

16. The source submits that the arrests, charges, convictions and sentencing of the five individuals stemmed from peaceful environmental activism between 2012 and 2021. Ms. Long, Ms. Phuon and Mr. Thun were previously convicted of incitement, in May 2021, for organizing a one-woman march to protest against the filling-in of a Phnom Penh lake. Their convictions were upheld by Phnom Penh Appeal Court and the Supreme Court of Cambodia. Although permitted to leave prison during that time, they were placed under restrictive probation conditions.

(ii) *Arrest, detention, trial and sentencing of the Mother Nature Five*

17. The source submits that Mother Nature Cambodia is a pre-eminent youth-led environmental rights movement founded in 2013. The movement has been active in the protection of the ecosystems of Cambodia and giving a voice to communities affected by environmentally damaging practices. Thanks to its non-violent and innovative strategies, Mother Nature Cambodia has reportedly become one of the country’s leading environmental movements.

18. On 4 September 2020, Ms. Long, Ms. Phuon and Mr. Thun were arrested and charged under the Criminal Code for “incitement” for organizing and filming a peaceful march to the estate of then Prime Minister Hun Sen to express concerns regarding the privatization of the largest remaining natural lake in Phnom Penh.

19. On 7 September, the Ministry of Interior released a statement requesting the relevant authorities to take legal action against members of Mother Nature Cambodia, accusing the movement of “causing social chaos” and labelling them as illegal for not being registered under the Law on Associations and Non-Governmental Organizations. In 2022, the Human Rights Committee expressed concerns surrounding the law, as it imposed onerous reporting requirements on organizations, leading to the denial of registration and facilitating the surveillance of activists.<sup>2</sup>

20. On 6 May 2021, Ms. Long, Ms. Phuon and Mr. Thun were convicted after eight months in pretrial detention. Ms. Long and Ms. Phuon were sentenced to 18 months in prison, while Mr. Thun was sentenced to 20 months. In addition, each received a fine of 4 million riel (approximately \$1,000). Other individuals were sentenced in absentia under the same case.

21. On 16 June 2021, Mr. Ly was arrested while documenting sewage dumping in the Tonle Sap River near Phnom Penh. At the exact same time, Mr. Yim was asked to report to his local police station, where he was arrested. On 21 June 2021, Mr. Yim was formally charged under articles 453 and 437bis of the Criminal Code for “plotting” and “insulting the King”, while Mr. Ly was charged for “plotting”.

<sup>2</sup> CCPR/C/KHM/CO/3, para. 36.

22. Ms. Long, Ms. Phuon and Mr. Thun, who were serving their sentences for earlier charges at the time, were indicted in the same case. The source submits that these charges stem from the peaceful activities of Mother Nature Cambodia from 2012 to 2021 and that the evidence used included a leaked internal Zoom meeting, in which the participants discussed political cartooning.

23. Mr. Ly and Mr. Yim were released after five months of pretrial detention. Upon completion of their first sentence, Ms. Long, Ms. Phuon and Mr. Thun were released but kept under strict judicial supervision, having to report to their local police station once a month.

24. The source reports that, in the period leading to the trial, Mother Nature Cambodia continued its legitimate human rights activities despite continued harassment by the authorities. It also notes that the Human Rights Committee, in 2022, expressed grave concerns about the detention of human rights defenders from Mother Nature Cambodia.<sup>3</sup>

25. According to the source, the trial of the Mother Cambodia Five took place from 29 May 2024 to 2 July 2024. The source submits that the trial failed to meet international human rights standards and the convictions were in breach of the five detainees' rights to freedom of expression, to peaceful assembly and to association.

26. The source notes that, in the same case, five other members of Mother Nature Cambodia were co-defendants tried in absentia.

27. It is reported that the six trial hearings on 29 May, 5 June, 11 June, 17 June, 24 June and 2 July 2024 were public. The Mother Nature Five attended all hearings except for the one on 5 June 2024, which the detainees boycotted because no media was permitted in the courtroom, and the reading of the verdict on 2 July 2024. During those two hearings, the detainees remained outside the court building.

28. Seven defence lawyers represented the detainees. Three were retained by non-governmental organizations, while four were court-appointed lawyers selected by the Cambodian Bar Association. The source notes that only the lawyers retained by non-governmental organizations were consistently present for all hearings. The detainees were not able to confer at length with their lawyers during proceedings. The defence was able to call and examine witnesses. However, the detainees were not afforded equal opportunity to present their cases.

29. The source notes that, since all proceedings were conducted in Khmer and no interpretation services were provided, the trial monitoring notes available to the source were not from official court sources but based on simultaneous translation provided by an independent interpreter.

30. On 2 July 2024, Phnom Penh Court of First Instance announced a verdict convicting the five defendants of "plotting" (art. 453 of the Criminal Code), while Mr. Yim was also convicted of "insulting the King" (art. 437bis of the Criminal Code). Mr. Ly, Ms. Long, Ms. Phuon and Mr. Thun were sentenced to six years' imprisonment and Mr. Yim to eight years' imprisonment. Arrest warrants were issued by Phnom Penh Court of First Instance for their arrest.

31. Mr. Ly, Ms. Long, Ms. Phuong and Mr. Thun were arrested by the police and security forces outside Phnom Penh Court of First Instance on 2 July 2024, following the pronouncement of the verdict.

32. Mr. Yim was arrested earlier in the morning of the same day outside a guesthouse in which he was staying. The source notes that it is unclear whether the authorities responsible for Mr. Yim's arrest had received the arrest warrant in advance of the verdict. It is also unclear who the arresting authority was in the case of Mr. Yim.

33. The source submits that the justice system of Cambodia is recognized as lacking in independence, transparency or respect for the rule of law. The source submits that the Special

<sup>3</sup> Ibid.

Rapporteur on the situation of human rights in Cambodia has illustrated the presence of “judicialized lawfare”, as the judiciary routinely uses the law to silence dissenting views.<sup>4</sup>

34. The source submits that, after arrest on 2 July 2024, each detainee was sent to a separate prison across Cambodia: Mr. Ly to Kandal provincial prison; Ms. Long – Preah Vihear provincial prison; Ms. Phuon – another provincial prison; Mr. Thun – a correctional centre; and Mr. Yim – Kampong Speu provincial prison. These prisons were sometimes located hundreds of kilometres away from the detainees’ homes, making visits by their families and friends, medical care and timely legal consultation extremely difficult, in clear violation of international standards. The source notes that the decision to isolate the detainees in this manner has no precedent in Cambodia.

35. Moreover, the source submits that Cambodian prisons are severely overcrowded and poorly maintained. In 2022, the Special Rapporteur on the situation of human rights in Cambodia reported that prisons in Cambodia had an overcrowding rate of over 300 per cent.<sup>5</sup> Detainees routinely report insufficient access to food, water, space, healthcare and/or visitation opportunities.

36. The source submits that the Cambodian prison population has doubled since 2015. This makes the “situation in prisons ... perilous to the point that the conditions may constitute cruel, inhuman or degrading treatment or punishment under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment”.<sup>6</sup> The source raised concerns regarding the health of the five and the healthcare received by them.

37. The source submits that a formal notice to appeal the verdict of Phnom Penh Court of First Instance was submitted in July 2024. To date, no response has been received from the court. In January 2025, a bail application on behalf of the detainees was submitted to the Appeal Court, which was denied on 17 February 2025. The Mother Nature Five all remain in detention since 2 July 2024.

(iii) *Analysis of violations*

38. The source submits that the Mother Nature Five’s cases fall under categories I, II, III and V.

a. *Category I*

39. The source submits that the Mother Nature Five’s deprivation of liberty lacks legal basis, as the detainees had been subjected to detention based on excessively broad interpretations of vague domestic criminal laws.

40. According to the source, the Mother Nature Five were convicted of “plotting” under article 453 of the Criminal Code and Mr. Yim was also convicted of “insulting the King” under article 437bis of the Criminal Code. Those articles fail to meet international human rights law standards, as they lack the requisite degree of precision and legal certainty.

41. Moreover, the source submits that these laws were interpreted excessively broadly during the detainees’ trial, with a view to criminalizing the legitimate expression of their rights under the Covenant. The charges were brought in relation to an internal Zoom meeting, in which participants discussed a satirical comic and unspecified “acts” allegedly committed throughout 2012 and 2021. None of the evidence presented during the trial demonstrated credible criminal intent. Cross-examination of the defendants revolved around Mother Nature Cambodia’s funding and foreign influence, with the prosecution submitting that the movement was an illegal organization. This, according to the source, is in clear breach of article 22 of the Covenant.

42. The source notes that the Working Group has previously found other articles in the Criminal Code, such as articles 494 and 495 (“incitement”), to be incompatible with article

<sup>4</sup> A/HRC/57/82, para. 14.

<sup>5</sup> A/HRC/51/66, para. 41.

<sup>6</sup> Radio Free Asia, “UN committee raises concern over Cambodia’s crowded, unsanitary prisons”, 14 March 2022. Available at <https://www.rfa.org/english/news/cambodia/human-rights-committee-03142022191656.html>.

11 (2) of the Universal Declaration and article 15 (1) of the Covenant because crucial elements such as “incitement” and “disturbing social security” are not defined. The source reiterates that articles 453 (“plotting”) and 437bis (“insulting the King”) likewise lack this necessary definition.

43. According to the source, the range of conduct already deemed criminal by the Cambodian courts provides ample evidence of the lack of legal certainty around what kinds of behaviour may fall under the country’s criminal laws: individuals have been convicted for sharing Facebook posts and Tweets and printing T-shirts. An increase in charges brought for “plotting” (punishable by a maximum 10-year term of imprisonment) compared to “incitement” charges (punishable by a maximum 2-year term of imprisonment) may constitute a marked step towards a more severe approach by the authorities, designed to silence and deter individuals seeking to exercise key human rights, including freedom of expression and assembly.

b. Category II

44. The source submits that the Mother Nature Five’s deprivation of liberty resulted from their legitimate exercise of freedom of expression, peaceful assembly, association and political participation.

45. Article 19 of the Covenant distinguishes between freedom of opinion as an absolute right and the right to express opinion as a limited one. Article 19 (3) of the Covenant confirms that any restriction imposed on the right to freedom of expression must be provided by law, designed to achieve a legitimate aim (namely the protection of national security, public order, public health or morals) and imposed in accordance with the principle of necessity and proportionality.

46. The source submits that there is no justification for the Mother Nature Five’s detention as a limitation of their freedom of expression, as it is not provided for in law, there is no such legitimate aim for it and, consequently, it has not been applied in keeping with the principle of necessity and proportionality.

47. Moreover, the concept of *lèse-majesté* (art. 437bis of the Criminal Code) is a *prima facie* violation of article 19 of the Covenant. The Human Rights Committee has noted that the mere fact that forms of expression were considered to be insulting to a public figure was not sufficient to justify the imposition of penalties.<sup>7</sup>

48. According to the source, articles 453 and 437bis of the Criminal Code are insufficiently precise to provide a legal basis for the limitation of the Mother Nature Five’s freedom of expression.

49. The source submits that Mother Nature Cambodia’s work has for years flagged concerns about the situation of human rights in Cambodia and alleged corruption practices and criticized the authorities. Given the matters on which the Mother Nature Five have advocated, there can be no legitimate aim in restricting their right to freedom of expression.

50. Article 19 (3) of the Covenant specifically states that limitations on the freedom of expression must be necessary for respecting the rights or reputations of others, or for the protection of national security, public order, public health or morals. However, Phnom Penh Court of First Instance offered no publicly available formal reasoning for the conviction of the Mother Nature Five – whether through a written judgment, court transcripts or otherwise.

51. The source maintains that, even if a legitimate aim exists, any restriction on the Mother Nature Five’s right to freedom of expression must remain necessary and proportionate to achieving that aim. Their detention must be the least intrusive measure to achieve the legitimate aim, with the burden of proof resting with the Government, which was not the case.

52. Similarly, there can be no justification for the Mother Nature Five’s detention as a limitation of their other freedoms and rights.

<sup>7</sup> General comment No. 34 (2011), para. 22.

## c. Category III

53. The source submits that the case features numerous instances of non-observance of fair trial norms, including the unlawful arrest, incommunicado detention, the denial of access to legal representation, the denial of the right to a competent, independent and impartial tribunal and evidentiary challenges.

54. The source submits that the Mother Nature Five's communication with the outside world is highly restricted, with the authorities in charge of Cambodian prisons exhibiting a pattern of inconsistent and unclear reasoning for the decisions to deny the detainees contact with family and legal counsel.

55. Immediately following the verdict, the detainees were apprehended by the authorities and each sent to different prisons across Cambodia, some of which are hundreds of kilometres away from each other, their homes and their families. Separating the detainees has the effect of ensuring that the detainees are kept away from each other and their families and lawyers, making it more difficult for the latter to visit the detainees. It undermines access to quality medical care and renders access to timely legal representation effectively impossible. The source submits that this separation of the detainees is in clear violation of rules 58, 59 and 61 of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).

56. The source notes that the Cambodian courts do not automatically provide written reasoning or transcripts in criminal cases, which runs contrary to the requirement to allow the detainees to have effective access to an appeal. The source is not aware if there is a clear public record of the court's reasoning regarding the detainees' convictions. The source recalls that the Working Group has held that the failure to provide a written judgment adversely affects the right to appeal, in violation of article 14 (5) of the Covenant.<sup>8</sup>

57. According to the source, the verdict and subsequent order for the immediate arrest and imprisonment of the detainees were delivered orally on 2 July 2024 by the presiding judge. Proceedings took approximately 20 minutes and no further information was provided.

58. The source maintains that the police interrogation of Mr. Ly prior to the trial was conducted in violation of his rights. The source indicates that Mr. Ly's answers were prepared by police officers and that his thumbprint verifying the document was extracted by force at around 1 a.m. Mr. Ly did not have the opportunity to read the answers provided. Furthermore, Mr. Ly was refused access to a lawyer for 24 hours and his hair was pulled by the police officers during the interview.

59. According to the source, there were numerous instances of bias exhibited by Phnom Penh Court of First Instance in this case during its six trial hearings, including the verdict reading. Such instances included the selective appointment of defence lawyers perceived as aligned with the court, differential treatment favouring the prosecution and repeated restrictions on the defence's ability to challenge evidence or present exculpatory material. The presiding judge frequently curtailed prosecution questioning, discouraged the defence counsel from asking questions that might strengthen the defendants' case and openly stated that adverse inferences would be drawn from the defendants' silence. Court-appointed lawyers exhibited concerning behaviour, including arriving late, interacting in a friendly manner with the prosecution and being absent on occasion. The source notes that rules on electronic devices were applied unequally and the judge's visible impatience to conclude the trial further undermined the fairness and integrity of the proceedings.

60. The source further submits that no guidelines or policies regarding court CCTV recordings are available to its knowledge. During the first hearing on 29 May 2024, observers were also informed that CCTV, both inside and outside the court building, had audio and video capabilities. It is the source's understanding that this audio capability is a recent addition with the recent relocation of the First Instance Court from central Phnom Penh to a less accessible location in Chroy Changvar.

<sup>8</sup> Opinion No. 49/2017, para. 48.

## d. Category V

61. The source argues that the detainees have been discriminated against for their political views as part of the exercise of their fundamental political rights as human rights defenders.

62. The source submits that there is a *prima facie* case that the detainees' deprivation of liberty is based on discriminatory grounds: namely that there is a pattern of persecution against them, similar persons have also suffered persecution, the authorities demonstrate discriminatory attitudes towards the detainees and their detention is based on discriminatory grounds.

63. The source further submits that the targeting of Mother Nature Cambodia has spanned for almost ten years. Each of the detainees have previously been targeted on multiple occasions. It provides a non-comprehensive list of examples of alleged court and judicial harassment. Mr. Ly was arrested in June 2021 in connection with the charges in the current case, after documenting waste run-off from Phnom Penh into the Tonle Sap River. Ms. Long, Ms. Phuon and Mr. Thun were arrested in September 2020 and spent between 14 and 20 months in prison and received a fine of 4 million riel (around \$1,000) for organizing a peaceful one-woman march to protest against the filling-in of Boeung Tamok Lake in Phnom Penh. They were convicted of incitement in May 2021. The detention was upheld by the Appeal Court in November 2021 and by the Supreme Court in July 2022. Shortly after their arrest in September 2020, the Ministry of Interior initiated legal action against members of Mother Nature Cambodia, accusing the group of "causing social chaos" and stating that the group was illegal because it had failed to register under the country's repressive Law on Associations and Non-Governmental Organizations. In October 2023, the three detainees were barred from leaving Cambodia to accept an international award on behalf of Mother Nature Cambodia. In June 2021, on the same day that Mr. Ly was arrested, Mr. Yim was summoned for questioning by police in Kandal Province and arrested in relation the charges in the current case upon his arrival at the police station. Furthermore, on the day of the verdict and immediate transfer of the detainees to prison in July 2024, Mr. Yim's location was unknown. Given his unexpected and unexplained absence outside of the court building alongside the other detainees on that day, the source submits that he was pre-emptively detained by the authorities in advance of the verdict.

64. The source submits that the treatment of the detainees' forms part of a pattern of routine persecution against activists from Mother Nature Cambodia, who have for years faced harassment, threats and criminal charges for their peaceful environmental activism. The source notes that five other people from Mother Nature Cambodia were also defendants in this case.

65. The source submits that the persecution of Mother Nature Cambodia itself forms a trend of routine arrests against human rights defenders – especially independent media – known for their critical reporting. The Working Group has previously found that Cambodia has launched a campaign of persecution by routinely arresting or intimidating independent journalists who report critically on the country's leadership.<sup>9</sup>

66. Therefore, the source submits that the authorities violated the Mother Nature Five's rights under articles 2 and 7 of the Universal Declaration and articles 2 (1) and 26 of the Covenant, rendering their detention arbitrary under category V.

**(b) Response from the Government**

67. On 24 March 2025, the Working Group transmitted allegations made by the source to the Government through its regular communication procedure. The Working Group requested the Government to provide, by 23 May 2025, detailed information about the current situation of Mr. Ly, Ms. Long, Ms. Phuon, Mr. Thun and Mr. Yim and any comments on the source's allegations. The Working Group also requested the Government to clarify the factual and legal grounds invoked by the authorities to justify their arrest and continued detention, and to provide details regarding the conformity of the relevant legal provisions and proceedings with international law, in particular with the human rights treaties that it has

<sup>9</sup> Opinion No. 75/2021, para. 74.

ratified. Moreover, the Working Group called upon the Government to ensure the physical and mental integrity of the Mother Nature Five.

68. The Government submitted its reply on 26 May 2025, after the deadline. The Working Group cannot accept this response as if it were provided within the time limit. In accordance with paragraph 16 of its methods of work, the Working Group will render its opinion based on all the information it has obtained.

## 2. Discussion

69. In determining whether the detention of Mr. Ly, Ms. Long, Ms. Phuon, Mr. Thun and Mr. Yim was arbitrary, the Working Group has regard to the principles established in its jurisprudence to deal with evidentiary issues. If the source has established a *prima facie* case for breach of international requirements constituting arbitrary detention, the burden of proof should be understood to rest upon the Government if it wishes to refute the allegations.<sup>10</sup>

### (a) Category I

70. The Working Group will first consider whether there have been violations under category I, which concerns deprivation of liberty without any legal basis being invoked.

71. The Working Group will elaborate on the propriety of detention under articles 453 and 437bis of the Criminal Code. One of the fundamental guarantees of due process is the principle of legality, including: the principle of non-retroactivity; the prohibition against analogy; the principle of certainty; and the prohibition against uncoded, that is, unwritten, or judge-made criminal provisions. This means that an act can be punished only if, at the time of its commission, it was the object of a valid, sufficiently precise, written criminal law to which a sufficiently certain sanction was attached.<sup>11</sup>

72. According to article 453 of the Criminal Code, “plotting” consists of a resolution agreed upon by two or more persons to commit an attack where the resolution was put into effect by one or more material actions and is punishable by imprisonment of between 5 and 10 years.<sup>12</sup> Article 451 of the Criminal Code defines “attack” as “the commission of one or more acts of violence liable to endanger the institutions of the Kingdom of Cambodia or violate the integrity of the national territory” and is punishable by imprisonment of between 15 and 30 years.

73. The principle of legality requires that laws be formulated with sufficient precision so that individuals can access and understand the law and regulate their conduct accordingly. Vague and ill-defined terms and concepts such as “acts of violence” and “liable to endanger the institutions of the Kingdom of Cambodia or to violate the integrity of the national territory” in articles 451 and 453 of the Criminal Code do not meet this standard. They are worded in such vague and overbroad language as to invite abuse and misuse and are thus incompatible with article 11 (2) of the Universal Declaration and article 15 (1) of the Covenant. Mother Nature Five’s detention therefore cannot be considered to be prescribed by law. The Working Group recalls that the Human Rights Committee has recommended that Cambodia should review its current and pending legislation to avoid the use of vague terminology and overly broad restrictions.<sup>13</sup>

74. The Working Group also notes that the Government has shown no instance of “acts of violence” committed by the five detainees for the purpose of article 451 of the Criminal Code. The Government claims that the members of Mother Nature Cambodia “engaged in activities involving the collection and distortion of information related to Cambodia, as well as other actions designed to conceal malicious tactics intended to incite, inflame and mobilize the public against the legitimate Royal Government”. The Government further alleges that they continued to operate a Facebook page (Mother Nature Cambodia) “as a platform to disseminate false information and accusations against the Royal Government, with the intent

<sup>10</sup> A/HRC/19/57, para. 68.

<sup>11</sup> Opinions No. 10/2018, para. 50; and No. 36/2019, para. 40.

<sup>12</sup> See [https://ngocedaw.org/wp-content/uploads/2015/05/Criminal\\_Code\\_EN-KH\\_Jan\\_2014.pdf](https://ngocedaw.org/wp-content/uploads/2015/05/Criminal_Code_EN-KH_Jan_2014.pdf).

<sup>13</sup> CCPR/C/KHM/CO/3, paras. 34 and 35.

of undermining public trust and provoking hostility toward state institutions” after the official dissolution of Mother Nature Cambodia by the Ministry of Interior in 2017. Even if true, however, none of these impugned actions can be characterized as “violent”.

75. With respect to the *lèse-majesté* case against Mr. Yim, article 437bis of the Criminal Code, which was added by amendment of the Criminal Code in February 2018,<sup>14</sup> provides that: “Insulting the King shall be punishable by imprisonment from one to five years and a fine from 2 million to 10 million riels”. The “insult” is defined in article 502 of the Criminal Code as: “words, gestures, written documents, pictures or objects liable to undermine the dignity of a person. An insult addressed to a public official or a holder of public elected office, acting in the discharge or on the occasion of his or her office”. Such insult is punishable by imprisonment of between one and six days and a fine of between 1,000 and 100,000 riels.

76. The Working Group has considered *lèse-majesté* laws on numerous occasions in its jurisprudence. For example, the Working Group has concluded in its case law concerning the *lèse-majesté* provisions in section 112 of the Criminal Code of Thailand, which appears to have inspired the adoption of article 437bis of the Criminal Code of Cambodia in 2018, that detention pursuant to a law that was inconsistent with international human rights law lacked a legal basis and was therefore arbitrary.<sup>15</sup> The Working Group notes that the Special Rapporteur on the situation of human rights in Cambodia and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression have already expressed their concern that *lèse-majesté* provisions were incompatible with the obligations of Cambodia under international human rights law, as they criminalized the legitimate exercise of freedom of speech.<sup>16</sup>

77. Vague and ill-defined terms and concepts such as “insulting the King” or “liable to undermine the dignity of a person” cannot satisfy the requirement of the *lex certa* component of the principle of legality. The Working Group considers that article 437bis of the Criminal Code is so vague as to be incompatible with article 11 (2) of the Universal Declaration and article 15 (1) of the Covenant and cannot be invoked as a legal basis for detention.

78. In the light of the above, the Working Group concludes that the Mother Nature Five’s deprivation of liberty lacks a legal basis, in contravention of articles 3 and 9 of the Universal Declaration and article 9 (1) of the Covenant, and is thus arbitrary under category I.

## (b) Category II

79. The Working Group will now examine whether the Mother Nature Five’s deprivation of liberty is arbitrary under category II, in relation to which the source submits that their arrest, detention and conviction stem from the legitimate exercise of their fundamental rights guaranteed under the Universal Declaration and the Covenant, and is in retaliation for their public criticism of government policy.

80. The source contends, and the Government does not contest, that the Mother Nature Five have been detained for their various online and offline activities, including their posts disseminating information related to environmental issues.

81. The Working Group recalls that the Human Rights Committee has recognized freedom of expression as the foundation stone for every free and democratic society and the right of peaceful assembly, together with other related rights, as constituting the very foundation of a system of participatory governance based on democracy, human rights, the rule of law and pluralism.<sup>17</sup> The Committee has reiterated that freedom of expression includes

<sup>14</sup> See <https://www.ibanet.org/article/42653764-6802-4c42-bdb1-290e29c383b2>.

<sup>15</sup> See, for example, opinions No. 14/2017, para. 49 (consensual same-sex relations between adults); No. 40/2018, para. 45; No. 43/2017, para. 34; No. 69/2018, para. 21 (conscientious objection to military service); No. 64/2021, para. 57; No. 4/2019, para. 49; No. 49/2023, para. 63; No. 28/2024, para. 71; No. 52/2024, para. 79; and No. 38/2025, para. 80 (Thai *lèse majesté* law). In all cases, the Working Group found that the detention lacked a legal basis and was therefore arbitrary under category I.

<sup>16</sup> See <https://www.ohchr.org/en/press-releases/2018/02/un-experts-say-constitutional-changes-cambodia-impinge-democracy>.

<sup>17</sup> General comments No. 34 (2011), para. 2; and No. 37 (2020), para. 1.

the right of individuals to criticize or openly and publicly evaluate their Governments without fear of interference or punishment.<sup>18</sup> Even statements considered unacceptable, disrespectful and in very bad taste by the authorities are entitled to protection.<sup>19</sup>

82. Restrictions on the freedom of expression, of assembly and of association are permissible only when they meet the conditions listed in articles 19 (3), 21 and 22 (2) of the Covenant. Such limitations must not only have legal basis, but should be necessary and proportionate to achieving legitimate aims in a democratic society.

83. In the Working Group's view, the principle of necessity and proportionality inheres equally in all fundamental human rights. The Working Group has confirmed that the notion of "arbitrary" *stricto sensu* includes both the requirement that a particular form of deprivation of liberty is taken in accordance with the applicable law and procedure, and that it is proportional to the aim sought, reasonable and necessary.<sup>20</sup> In its jurisprudence on the application of the principle of proportionality the Working Group has applied the four-pronged test of: (a) whether the objective of the measure is sufficiently important to justify the limitation of a protected right; (b) whether the measure is rationally connected to the objective; (c) whether a less intrusive measure could have been used without unacceptably compromising the achievement of the objective; and (d) whether, balancing the severity of the measure's effects on the rights of the persons to whom it applies against the importance of the objective, to the extent that the measure will contribute to its achievement, the former outweighs the latter.<sup>21</sup>

84. The Working Group recalls that the Human Rights Committee has expressed deep concern about the persistent violation of the freedom of expression within Cambodia, including reports of the closure of multiple national and international media outlets; the blockage of websites critical of the Government; the use of criminal and civil legal actions against journalists and human rights defenders; and the widespread harassment and intimidation of online activists. The Committee has further noted with concern that some criminal offences contained in the Criminal Code and in the Law on Telecommunications, including defamation, incitement, insult and *lèse-majesté*, are often used to restrict freedom of expression disproportionately and excessively.<sup>22</sup>

85. In the present case, the source has established a *prima facie* case for the deprivation of liberty from the Mother Nature Five's exercise of their rights and freedoms while the Government has provided no legitimate aim or objective in a democratic society that may justify interference with their rights and freedoms. The authorities have accused the five members of Mother Nature Cambodia of engaging in a conspiracy to "organize interviews and video meetings via Zoom to plan the public dissemination of false information concerning the leadership of the Royal Government of Cambodia". However, the Government has provided no concrete evidence or examples beyond vague assertions of spreading false information and it has failed to explain how they may constitute justifiable grounds to restrict the freedom of expression, of assembly and of association.

86. With respect to the *lèse-majesté* case against Mr. Yim, the Working Group has held that the purported objective of the *lèse-majesté* law cannot be considered as a valid ground for a necessary restriction of freedom of expression, given that all public figures can legitimately be subject to criticism and political opposition.<sup>23</sup> The Human Rights Committee has stressed that all public figures, including those exercising the highest political authority such as Heads of State and Government, are legitimately subject to criticism and political opposition, and that laws should not provide for more severe penalties solely on the basis of the identity of the person who may have been impugned – specifically expressing concern

<sup>18</sup> *Marques de Morais* (CCPR/C/83/D/1128/2002), para. 6.7.

<sup>19</sup> Opinions No. 10/2018, para. 63; No. 61/2018, para. 56; No. 14/2020, para. 65; and No. 43/2020, para. 74.

<sup>20</sup> A/HRC/22/44, para. 61.

<sup>21</sup> Opinions No. 54/2015, para. 89; No. 41/2017, para. 86; No. 56/2017, para. 51; No. 58/2017, para. 48; No. 76/2017, para. 68; No. 82/2018, para. 38; No. 87/2018, para. 64; No. 32/2020, para. 49; No. 89/2020, para. 63; No. 92/2020, para. 63; No. 25/2021, para. 57; and 59/2024, para. 53.

<sup>22</sup> CCPR/C/KHM/CO/3, para. 34.

<sup>23</sup> Opinion No. 38/2025, para. 91.

regarding lèse-majesté laws.<sup>24</sup> The Working Group also concurs with the Committee's view that the application of criminal defamation laws should only be countenanced in the most serious cases and imprisonment is never an appropriate penalty.<sup>25</sup>

87. The Working Group notes that, in 2022, the Human Rights Committee remained deeply concerned about the persistent violation of the freedom of expression within Cambodia, including the widespread harassment and intimidation of online activists, and noted with concern that some criminal offences contained in the Criminal Code, including defamation, incitement, insult and lèse-majesté, are often used to restrict freedom of expression disproportionately and excessively.<sup>26</sup> The Committee recommended legal reform in line with article 19 of the Covenant.<sup>27</sup> Furthermore, the Committee expressed deep concern at reports of the use of excessive and disproportionate force to disperse peaceful demonstrations, leading to widespread arrests and detention of protesters, and specifically named Mother Nature Cambodia.<sup>28</sup>

88. The Working Group further notes the observation by the Special Rapporteur on the situation of human rights in Cambodia that various civil society actors, including environmental human rights defenders, had been harassed, arrested, detained and sentenced to imprisonment, with judicialized lawfare casting a wide shadow over those perceived to be dissidents, and those actors continuing to be prosecuted for incitement and related offences in exercising their right to freedom of expression and peaceful assembly.<sup>29</sup>

89. Moreover, in 2025, the Human Rights Council expressed serious concern at the reported deterioration in the civil and political environment in Cambodia due to the perceived chilling effects of judicial prosecutions, including arrests and alleged surveillance, harassment, violence and repressive activities, against members of political parties, trade unions and civil society, including environmental organizations.<sup>30</sup>

90. The present cases prompt the Working Group to reaffirm that the work of human rights defenders is fundamental to the strengthening of democracy.<sup>31</sup> The Working Group has noted with concern a rise in the arbitrary detention of environmental human rights defenders, who are defined as individuals and groups who, in their personal or professional capacity and in a peaceful manner, strive to protect and promote human rights relating to the environment.<sup>32</sup>

91. For these reasons, the Working Group concludes that the Mother Nature Five's detention resulted from the exercise of their right to freedom of expression, of assembly and of association, contrary to articles 19 and 20 (1) of the Universal Declaration and articles 19 (1) and (2), 21 and 22 (1) of the Covenant, with no legitimate aim or objective in a democratic society that may justify interference with their rights and freedoms. The Working Group adds that the actions for which they were deprived of their liberty also constituted the exercise of their right to freedom of thought and their right to take part in the conduct of public affairs under articles 18 and 21 (1) of the Universal Declaration and articles 18 (1) and 25 (a) of the Covenant, pursuant to which citizens have the right to exert influence through public debate and dialogue with their representatives or through their capacity to organize themselves.<sup>33</sup> The Working Group recalls that the Human Rights Committee has dismissed claims of article 25 (a) violations by activists on the ground that they have

<sup>24</sup> General comment No. 34 (2011), para. 38.

<sup>25</sup> *Ibid.*, para. 47.

<sup>26</sup> [CCPR/C/KHM/CO/3](#), para. 34.

<sup>27</sup> *Ibid.*, para. 35.

<sup>28</sup> *Ibid.*, para. 36.

<sup>29</sup> [A/HRC/60/86](#), para. 24.

<sup>30</sup> Human Rights Council resolution 60/33, para. 21.

<sup>31</sup> Opinion No. 13/2025, para. 94.

<sup>32</sup> [A/HRC/54/51](#), para. 55. See also Human Rights Council resolution 40/11, para. 1.

<sup>33</sup> Human Rights Committee, general comment No. 25 (1996) on participation in public affairs and the right to vote, para. 8; general comment No. 34 (2011), paras. 11 and 20; and the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, art. 8.

participated in the public debate through elected representatives and through their association's actions.<sup>34</sup>

92. The Working Group thus finds that the Mother Nature Five's deprivation of liberty is arbitrary and falls within category II.

**(c) Category III**

93. Given its finding that the deprivation of liberty of the Mother Nature Five is arbitrary under category II, the Working Group wishes to emphasize that no trial should have taken place. However, the Mother Nature Five have been tried, convicted and imprisoned. In the light of the above, the Working Group will now consider whether the alleged violations of the right to a fair trial and due process were grave enough to give their deprivation of liberty an arbitrary character, such that it falls within category III.

94. Regarding the source's allegation that the Mother Nature Five were denied the right to a hearing before an independent and impartial tribunal with the presumption of innocence, in violation of articles 10 and 11 (1) of the Universal Declaration and article 14 (1) and (2) of the Covenant, the Government submits that the "judicial authority is independent" and, accordingly, "decisions are made at the court's discretion, based solely on the facts, the law and the evidence". However, the Special Rapporteur on the situation of human rights in Cambodia has expressed concern at the justice system being used to apply laws and policies to sanction decisions from the top.<sup>35</sup> The Working Group has also noted international criticism of Cambodia for weaponizing its court system to methodically reduce the scope for citizen action.<sup>36</sup>

95. The Human Rights Committee found that a situation where the functions and competences of the judiciary and the executive are not clearly distinguishable or where the latter is able to control or direct the former is incompatible with the notion of an independent and impartial tribunal within the meaning of article 14 (1) of the Covenant.<sup>37</sup> The Working Group has also held that the right to an independent and impartial trial and to equality before the courts were violated when a President has the power to appoint and remove judges at the highest level, which prevents the courts from operating independently of the executive.<sup>38</sup>

96. According to the Human Rights Committee, the requirement of impartiality has two aspects. First, judges must not allow their judgment to be influenced by personal bias or prejudice, nor harbour preconceptions about the particular case before them, nor act in ways that improperly promote the interests of one of the parties to the detriment of the other. Second, the tribunal must also appear to a reasonable observer to be impartial.<sup>39</sup> A tribunal is not impartial if it does not consider evidence in favour of the defendant and unfairly favours the prosecution.<sup>40</sup>

97. During the Mother Nature Five's trial, Phnom Penh Court of First Instance exhibited a number of key instances of bias in its six hearings (see para. 59 above). The court assigned four defence lawyers selected by the Cambodian Bar Association to the defendants in addition to the three retained by non-governmental organizations and the court-assigned lawyers raised doubts about their impartiality with behaviour such as liaising in a friendly manner with the prosecutor and standing next to him during the trial. The presiding judge stated that the court would draw adverse inferences from the defendants exercising their right not to answer questions. The media, supporters and family members were not allowed access to the hearings. When a defence lawyer asked the police to show evidence of an intent to

<sup>34</sup> *Beyden et al. v. France* (CCPR/C/85/D/1400/2005), para. 4.5; and *Brun v. France* (CCPR/C/88/D/1453/2006), para. 6.4. See also Paul Taylor, *A Commentary on the International Covenant on Civil and Political Rights: The UN Human Rights Committee's Monitoring of ICCPR Rights* (Cambridge University Press, 2020), pp. 695 and 696.

<sup>35</sup> A/HRC/60/86, para. 24.

<sup>36</sup> Opinions No. 75/2021, para. 74; and No. 5/2023, para. 82.

<sup>37</sup> *Bahamonde v. Equatorial New Guinea* (CCPR/C/49/D/468/1991), para. 9.4.

<sup>38</sup> Opinion No. 90/2017, para. 29.

<sup>39</sup> General comment No. 32 (2007), para. 21; and *Karttunen v. Finland*, communication No. 387/1989, para. 7.2.

<sup>40</sup> Opinions No. 5/2021, para. 54; and No. 76/2018, paras. 63 and 64.

“attack”, a key element in proving the charge of “plotting”, the presiding judge instructed her to stop using “winning questions”. The presiding judge denied, on procedural grounds, the request by a defence lawyer that several Facebook videos, which were submitted by the police in an updated list of evidence, be shown to the court; the same judge denied a request by Ms. Phuon to upload a video that she had not been able submit earlier because she was in prison.

98. The court’s appointment of biased lawyers as defence counsels would violate the Mother Nature Five’s right to legal assistance of their own choosing under article 14 (3) (b) and (d) of the Covenant. The presiding judge’s threat of making adverse inferences from the defendants’ exercise of the right not to be compelled to testify against themselves or to confess guilt would contravene article 14 (3) (g) of the Covenant. The denial of access to hearings for the media, supporters and family members without valid reason would violate the right to a public hearing guaranteed in article 14 (1) of the Covenant. The judge’s apparent interference in the cross-examination by the defence would violate article 14 (3) (e) of the Covenant. The Working Group notes that the Government did not provide any explanation for the above in its response.

99. The Working Group is also concerned by the court’s failure to provide written reasoning or transcripts of the verdict to the defendants. The production of such documents should be an integral component of the right to a fair and public hearing by a competent, independent and impartial tribunal established by law. It is made clear in article 14 (1) of the Covenant that any judgment rendered in a criminal case or in a suit at law is to be made public, barring certain special circumstances. The Government has not rebutted this allegation from the source.

100. The Working Group also considers that the absence of such crucial information negates effective access to an appeal. The Working Group has previously held that the failure to provide a written judgment adversely affects the right to appeal, in violation of article 14 (5) of the Covenant.<sup>41</sup>

101. Moreover, the source submits, and the Government does not contest, that the Mother Nature Five have been detained in five separate prisons across the country, located hundreds of kilometres away from each other, their homes and their families. Given that the appeal proceedings are still pending, the Working Group expresses concern that such unprecedented separation of the appellants from their lawyers risks undermining their rights to legal counsel, to be tried without undue delay and to appeal a judicial decision in a higher court as guaranteed in article 14 (1), (3) (b), (c) and (d) and (5) of the Covenant. It is also not in compliance with rules 58, 59 and 61 of the Nelson Mandela Rules.

102. Given the above observations, the Working Group concludes that the numerous violations of the right to a fair trial and due process are of such gravity as to give the Mother Nature Five’s deprivation of liberty an arbitrary character that falls within category III.

#### **(d) Category V**

103. The Working Group recalls several non-cumulative indicators that serve to establish the discriminatory nature of detention. These include: the deprivation of liberty was part of a pattern of persecution against the detained person, including through previous detention; other persons with similarly distinguishing characteristics have also been persecuted; or the context suggests that the authorities have detained a person on discriminatory grounds or to prevent them from exercising their human rights.<sup>42</sup>

104. The Working Group notes a pattern of intimidation against the Mother Nature Five in relation to their activities as advocates for environmental human rights. According to the source, the members of Mother Nature Cambodia have repeatedly faced arrest, detention and beatings by the authorities since 2015. The Government even removed Mother Nature Cambodia from the non-governmental organization registry, but its members, including the Mother Nature Five, continued their activities online.

<sup>41</sup> Opinion No. 49/2017, para. 48.

<sup>42</sup> A/HRC/36/37, para. 48.

105. The Government submits that “the law must be applied equally to all individuals” and that “no one may seek refuge under the pretext of human rights or affiliation with a civil society organization or political party to evade legal responsibility for their actions”. However, the Working Group has already determined above that the law cited by the Government was inconsistent with international human rights law, that the Mother Nature Five were detained by unlawful violation of their fundamental rights under international law and that their trial failed to meet international human rights standards.

106. Moreover, in the discussion above concerning category II, the Working Group established that the Mother Nature Five’s detention resulted from the peaceful exercise of their human rights under international law. When detention results from the active exercise of civil and political rights, there is a strong presumption that the detention also constitutes a violation of international law on the ground of discrimination based on political or other views.<sup>43</sup>

107. For these reasons, the Working Group finds that the Mother Nature Five were deprived of their liberty on discriminatory grounds, on the basis of their political opinions and their status as human rights defenders. The deprivation of their liberty violated articles 2 and 7 of the Universal Declaration and articles 2 (1) and 26 of the Covenant, and was arbitrary under category V.

**(e) Concluding remarks**

108. The Working Group expresses concern at the reported overcrowding of the prisons in Cambodia and the health issues related to the Mother Nature Five raised by the source. The Working Group is compelled to remind the Government that, in accordance with article 10 (1) of the Covenant and rules 1, 24, 27 and 118 of the Nelson Mandela Rules, all persons deprived of their liberty must be treated with humanity and with respect for their inherent dignity, including by receiving appropriate medical care.<sup>44</sup>

109. The Working Group further notes that five other members of Mother Nature Cambodia were tried and convicted in absentia as co-defendants by Phnom Penh Court of First Instance. Given that the acts for which these five individuals have been indicted and the crimes for which they have been convicted overlap substantially with those for the Mother Nature Five, the Working Group recommends that their verdicts be reviewed and reconsidered to prevent their arbitrary deprivation of liberty in the future.

**3. Disposition**

110. In the light of the foregoing, the Working Group renders the following opinion:

The deprivation of liberty of Chandaravuth Ly, Kunthea Long, Keoraksmei Phuon, Ratha Thun and Leanghy Yim, being in contravention of articles 2, 3, 7, 9, 10, 11 (1) and (2), 18, 19, 20 (1) and 21 (1) of the Universal Declaration of Human Rights and articles 2 (1), 9 (1), 10 (1), 14 (1), (2), (3) (b), (c), (d), (e) and (g) and (5), 15 (1), 18 (1), 19 (1) and (2), 21 and 22 (1), 25 (a) and 26 of the International Covenant on Civil and Political Rights, is arbitrary and falls within categories I, II, III and V.

111. The Working Group requests the Government of Cambodia to take the steps necessary to remedy the situation of Mr. Ly, Ms. Long, Ms. Phuon, Mr. Thun and Mr. Yim without delay and bring it into conformity with the relevant international norms, including those set out in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

112. The Working Group considers that, taking into account all the circumstances of the case, the appropriate remedy would be to release Mr. Ly, Ms. Long, Ms. Phuon, Mr. Thun and Mr. Yim immediately and accord them an enforceable right to compensation and other reparations, in accordance with international law.

<sup>43</sup> Opinions No. 88/2017, para. 43; No. 13/2018, para. 34; No. 59/2019, para. 79; No. 39/2024, para. 69; and No. 51/2024, para. 117.

<sup>44</sup> Opinion No. 26/2017, para. 66.

113. The Working Group urges the Government to ensure a full and independent investigation of the circumstances surrounding the arbitrary deprivation of liberty of Mr. Ly, Ms. Long, Ms. Phuon, Mr. Thun and Mr. Yim and to take appropriate measures against those responsible for the violation of their rights.

114. The Working Group requests the Government to translate, publish and disseminate the present opinion through all available means and as widely as possible.

#### 4. Follow-up procedure

115. In accordance with paragraph 20 of its methods of work, the Working Group requests the source and the Government to provide it with information on action taken in follow-up to the recommendations made in the present opinion, including:

(a) Whether Mr. Chandaravuth Ly, Ms. Kunthea Long, Ms. Keoraksmey Phuon, Mr. Ratha Thun and Mr. Leanghy Yim have been released and, if so, on what date;

(b) Whether compensation or other reparations have been made to Mr. Ly, Ms. Long, Ms. Phuon, Mr. Thun and Mr. Yim;

(c) Whether an investigation has been conducted into the violation of the rights of Mr. Ly, Ms. Long, Ms. Phuon, Mr. Thun and Mr. Yim and, if so, the outcome of the investigation;

(d) Whether any legislative amendments or changes in practice have been made to harmonize the laws and practices of Cambodia with its international obligations in line with the present opinion;

(e) Whether any other action has been taken to implement the present opinion.

116. The Government is invited to inform the Working Group of any difficulties it may have encountered in implementing the recommendations made in the present opinion and whether further technical assistance is required, for example through a visit by the Working Group.

117. The Working Group requests the source and the Government to provide the above-mentioned information within six months of the date of transmission of the present opinion. However, the Working Group reserves the right to take its own action in follow-up to the opinion if new concerns in relation to the case are brought to its attention. Such action would enable the Working Group to inform the Human Rights Council of progress made in implementing its recommendations, as well as any failure to take action.

118. The Working Group recalls that the Human Rights Council has encouraged all States to cooperate with the Working Group and has requested them to take account of its views and, where necessary, to take appropriate steps to remedy the situation of persons arbitrarily deprived of their liberty, and to inform the Working Group of the steps they have taken.<sup>45</sup>

*[Adopted on 12 November 2025]*

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<sup>45</sup> Human Rights Council resolution 60/8, paras. 6 and 9.