

AMERICAN-CAMBODIAN HUMAN RIGHTS DEFENDER THEORY SENG HEADING TO SHAM TRIAL

Washington, D.C. – American-Cambodian human rights defender Theory Seng will go before the Phnom Penh Municipal Court for a hearing at 8:30 am local time on Thursday, January 14, which is today, Wednesday, January 13 at 8:30 pm EST.

In November 2020, Ms. Seng was notified that she had been charged with “conspiracy to commit treason and incitement to create gross chaos impacting public security.” These baseless charges carry up to 12 years in prison. At the time, she was charged as part of a group of roughly 60 defendants comprised mainly of former officials and members of the banned Cambodia National Rescue Party (CNRP), including its leader Sam Rainsy, despite having no official party affiliation. Since then, the group of defendants has expanded to include around 125 individuals.

The proceedings against Ms. Seng have been marred by human rights and due process violations from the start. Ms. Seng has not been presented with any information regarding the factual basis of the charges against her, making it impossible to prepare an effective defense. Furthermore, based on her co-defendants and the regime’s history of misusing treason and incitement charges, it appears she is being prosecuted for her outspoken criticism of the government and support of the opposition – and in particular her public support of the attempted return of CNRP leaders to Cambodia in November 2019. But such political speech forms the core of the right to freedom of expression and is protected – and encouraged – under international law.

“These legal proceedings are clearly a concerted effort to silence the Hun Sen regime’s few remaining political opponents,” stated Jared Genser, Ms. Seng’s pro bono international counsel. “Theory is being punished for her brave work as a steadfast human rights advocate and one of the regime’s most outspoken critics. The whole world should condemn the charges against Theory and the others and urge the regime to drop them.”

Prior to Ms. Seng’s first hearing on November 26, Mr. Genser and his Perseus Strategies co-counsel Brian Tronic submitted a detailed [urgent appeal](#) to the United Nations Special Rapporteurs on the situation of human rights in Cambodia and the freedom of opinion and expression on her behalf, which highlighted the abuses taking place in her case. Human rights concerns about Ms. Seng’s case and the mass trials overall have been raised more recently with the UN as well.

“On January 7, our Working Group held a meeting with the United Nations’ Special Procedures Branch, that includes the Special Rapporteurs and UN experts. The mass criminal trials now taking place in Cambodia were at the top of the list of concerns that we presented to them for urgent action,” said Morton Sklar, who acts as the Legal Counsel for the Working Group of Cambodian Human Rights Organizations and is also serving as pro bono international counsel to Ms. Seng. “We noted that: 1) The mass nature of the trials, with many defendants being prosecuted at the same time; 2) The extra-territorial reach of the proceedings, with one-third of the defendants being foreign citizens or long-term residents; and, 3) The fact that the alleged

acts of ‘treason’ involved social media posts or public statements that were covered by internationally recognized freedom of expression standards, all support the view that these are politically motivated “show” trials, that do not meet basic fair trial and due process requirements.”

Following the engagement by Perseus Strategies and the Working Group of Cambodian Human Rights Organizations, the Special Rapporteur on the situation of human rights in Cambodia Rhona Smith issued the following [statement](#) on the eve of the trial: “I have been following closely the legal and judicial steps taken against members and supporters of the dissolved Cambodia National Rescue Party (CNRP). I remain concerned about the mass character of the trial that is taking place tomorrow. Having 60 accused in mass trial puts their individual rights to a fair trial at risk. Moreover, I am also concerned about several accused being tried in absentia despite their efforts to return to Cambodia to stand the trial. I urge the Government of Cambodia to respect the rights to a fair trial of these individuals as stipulated in the International Covenant on Civil and Political Rights (ICCPR) to which Cambodia is a State party. I equally encourage the authorities to facilitate the safe return of these individuals and to allow them to hear and defend their cases in court. In case their physical presence cannot be arranged, I encourage the authorities to facilitate remote participation of these individuals or adjourn the trials until the accused are able to travel.”

Despite knowing that she will not receive a fair trial, Ms. Seng has decided to go to court and represent herself in order to highlight the regime’s human rights abuses for the world.

“These trials are political theater. Although I am an unwilling participant in the regime’s theatrics, I refuse to be a voiceless or fearful one. I have dedicated my career to enacting peaceful change and protecting the rights of the Cambodian people and that is what I hope to do now. That is why I am using my role in these trials to amplify Hun Sen’s abuses to the world. The international community needs to recognize the horrific deterioration of human rights in Cambodia so that it can take the appropriate measures to stop it,” said Ms. Seng.

There is a GoFundMe set up to help Ms. Seng handle any legal expenses, which can be found [here](#). There is also a Change.org petition circulating that calls for the Hun Sen regime to drop her charges, to drop the charges of the other defendants in the ongoing mass trials, and to release all current political prisoners. That petition is available [here](#).

###

Contact:

Jared Genser
jgenser@perseus-strategies.com
+1 202 320 4135