



CCHR Briefing Note - 26 December 2025

Potential violations of the right to a fair trial for five Mother Nature Cambodia activists

Summary

Five environmental defenders from the group Mother Nature Cambodia - Long Kunthea, Yim Leanghy, Thun Ratha, Phuon Keoraksmey, and Ly Chandaravuth – have now been waiting almost one and a half years for their appeal hearing for a July 2024 conviction. They have waited this entire time imprisoned, separated not only from their families, but also from each other.

CCHR has assessed that the following **fair trial rights** of these activists have not been upheld:

- ◆ **Right to be tried without undue delay**
- ◆ **Right to liberty**
- ◆ **Right to the presumption of innocence**

Background

The environmental defenders were first [convicted](#) on 2 July 2024, with all five being convicted of “plotting” and Yim Leanghy being additionally convicted of “*lèse majeste*”, and all sentenced to six to eight years accordingly. Five other members of the group were also convicted on the same day, in absentia.

Their appeal trial was originally scheduled to be heard by the Phnom Penh Appeal Court on **26 June 2025**. Just days before it was due to take place however, it was announced that the trial had been postponed – ostensibly due to problems issuing court summons to those who had been convicted in absentia.

Today, 26 December, marks **six months** since their appeal trial was due to begin. Considering this significant delay, CCHR has assessed how it undermines their right to a fair trial. CCHR has assessed that not only does this impact their **right to the presumption of innocence**, but also that the [repeated](#) denial of their bail requests whilst they await their delayed appeal trial further undermines their **right to liberty**.

Analysis

The right to a fair trial is guaranteed by **Article 14** of the **International Covenant on Civil and Political Rights (ICCPR)**, ratified by Cambodia in 1992. The basic framework for the right to a fair trial is enshrined in the Cambodian Constitution, as well as the Criminal Code and the Criminal Code of Procedure. The right has a number of components, many of which interact and impact one another,

including the right to be tried without undue delay, the right to the presumption of innocence and the right to liberty. CCHR's analysis of these key fair trial rights in the case of the Mother Nature Activists is as follows:



The right to be tried without undue delay

The speed with which a trial or appeal trial takes place is a central element of ensuring it is a fair trial. The more time that a trial process is prolonged for, the more difficult it becomes to litigate: the availability of evidence is impacted (i.e. disappearance, degradation or destruction of evidence), and the testimonies of witnesses or their availability may also be affected by the passage of time. The right to be tried without undue delay recognizes the disruptive effect that facing trial can have on a person's life, the potential stigma of accusations and their lasting effect, and that an accused person remains innocent until proven guilty, with the burden of proving their potential guilt lying with the prosecution.¹ The right to be tried without undue delay is not only in the best interest of the accused, but also to serve the interests of justice.²

There is no exact time period or limit to establish what constitutes a reasonable or "undue" delay. The reasonableness of the time taken to bring charged individuals held in detention to trial or of any delay in the criminal proceedings must be assessed on a case-by-case basis, taking into consideration the circumstances of each case, including its complexity (e.g., the number of people involved in the alleged crime, the number of charges, the type of investigation required).³

The Mother Nature Activists have now been waiting for their appeal trial for almost a year and a half. According to CCHR's fair trial monitoring [methodology](#), it considers the right to be tried without undue delay as being respected if the hearing took place less than six months after the appeal was received by the target courts.⁴ By this standard, and given that the appeal trial scheduled for a year after their conviction was ultimately delayed by a further six months, CCHR assesses that the right of the Mother Nature Activists to be tried without undue delay has **not** been upheld.

The right to liberty



The right to liberty is guaranteed by Article 9 of the ICCPR, which provides that *"Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law"*. It is worth noting that under international law, an individual's detention may be considered arbitrary if it has been ordered on the basis of their exercising of their fundamental rights, including freedom of expression – which would appear to be the case for the Mother Nature activists.⁵

¹ CCHR, *Module: The Right to Liberty, The Right to be Tried Within Reasonable Time (or to release) and the Right to be Tried Without Undue Delay*, (September 2022), <https://tinyurl.com/CCHR-Module-FTR>

² Human Rights Committee, General Comment no.32, (CCPR/C/GC/32), §35, <https://tinyurl.com/HRC-GC-32>

³ Ibid, §36

Human Rights Committee, General Comment no.35, (CCPR/C/GC/35), §37

⁴ CCHR, *Fair Trial Rights in Cambodia – Monitoring the Courts of Appeal (1 January – 31 December 2024)*, p.30 <https://tinyurl.com/FTR-Report-2024>

⁵ OHCHR, Working Group on Arbitrary Detention – Factsheet no.26, p.11-20 <https://tinyurl.com/UN-WGAD>

Regarding bail and the right to a fair trial, international human rights law provides that: *“In cases where the accused are denied bail by the court, they must be tried as expeditiously as possible. This guarantee relates not only to the time between the formal charging of the accused and the time by which the trial should commence, but also the time until the final judgement on appeal. All stages, whether in first instance or on appeal must take place “without undue delay”.*⁶

Since their arrest, carried out with unnecessary force, Long Kunthea, Yim Leanghy, Thun Ratha, Phuon Keoraksmey and Ly Chandaravuth have been denied bail on three occasions: first by the Phnom Penh Appeal Court in February 2025, by the Supreme Court in April 2025, and by the Phnom Penh Appeal Court in December 2025. The delay in holding their appeal trial, combined with the repeated denial of bail, therefore undermines their right to liberty.



The right to the presumption of innocence

The right to be presumed innocent is a key tenet of the right to a fair trial and more broadly, ensuring the delivery of justice. Crucially, the presumption of innocence applies throughout the entirety of the trial process, from the criminal investigation and trial proceedings, up to and including the end of the final appeal.⁷ However, the longer a trial is delayed, the greater the risk that a defendant’s right to the presumption of innocence is undermined, as charges are attached to a person for a longer period of time without having been proven. This right is also intrinsically linked to the right to liberty, as the longer a defendant remains in detention, whether pre-trial or whilst waiting their appeal, the greater the likelihood that the presumption of innocence is jeopardized.⁸

Given that the Mother Nature activists have now been waiting almost 18 months for their appeal, and have spent the entirety of this time imprisoned and denied bail, their right to be presumed innocent has been negatively impacted as a result. This is not helped by the fact that whilst appearing before the Court, the five environmental defenders have worn the saffron-colored uniforms for individuals in prison facing trial. As CCHR has previously stated, defendants should be allowed and enabled to appear at trial in their own clothes, as a marker of dignity and in line with international human rights law.⁹

Conclusion

As this analysis has demonstrated, the right to a fair trial of Long Kunthea, Yim Leanghy, Thun Ratha, Phuon Keoraksmey, and Ly Chandaravuth has been detrimentally impacted over the last year and a half. The combination of the delay of their appeal trial commencing and the repeated denial of bail have a compounding interactive effect, resulting not only in the violation of their rights to be tried without undue delay and liberty, but also their right to the presumption of innocence. Altogether, this

Human Rights Council, *UN Working Group on Arbitrary Detention – Opinion No. 5/2023 concerning Seng Chan Theary (Cambodia)*, (A/HRC/WGAD/2023/5), §56-71, 86 <https://tinyurl.com/293bw6ua>

Human Rights Council, *UN Working Group on Arbitrary Detention – Opinion No. 75/2021 concerning Ros Sakhet (Cambodia)*, (A/HRC/WGAD/2021/75), §53-61, 81 <https://tinyurl.com/3an5dhmv>

⁶ HRC, General Comment No. 32, §35

⁷ OHCHR ‘The Right to a Fair Trial (Part I), Chapter 6’, p. 219, <https://tinyurl.com/35w2rrm6>

⁸ HRC, General Comment No. 35, §37

⁹ CCHR, Fair trial analysis – Prison uniforms and fair trial rights, <https://tinyurl.com/49mcw9dz>

amounts to a violation of their right to a fair trial. As a ratifying State of the ICCPR, Cambodia is therefore obligated to ensure that the Mother Nature activists are granted their appeal trial as expeditiously as possible. CCHR also takes the opportunity to [reiterate](#) its previous calls for the conviction of the five environmental defenders to be overturned and their immediate release without conditions.

For more information, please email CCHR at info@cchrcambodia.org. Alternatively, please contact CCHR at: +855 23 72 69 01.

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