



Human Rights Now

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Democratic Crisis in Cambodia: Human Rights Now protests the severe human rights violations perpetrated by the Cambodian government, calls upon authorities to immediately end its campaign of suppression, and strongly requests the international community to address this issue

1. The Fundamental Rights of Cambodians are Being Attacked by the Cambodian Government's Attempt to Silence all Criticism

Over the last year, as the July 2018 general elections approach, the Cambodian government has leveled a widespread and devastating campaign of suppression against virtually all critical voices against it, targeting political opponents, journalists, human rights defenders, NGO workers, and activists in Cambodia. These suppressions constitute serious human rights violations including arbitrary arrests and constant surveillance of political opponents and activists and the dissolution of the major opposition political party, NGOs, and media outlets.

Such suppressions violate the fundamental human rights that underpinned the framework of the Paris Peace Accords, especially freedom of assembly, freedom of association and freedom of speech, throwing Cambodia into a severe democratic crisis. The political parties, media, and civil society organizations adopting a critical stance toward the government are being suppressed one after another. This level of suppression of civil liberties makes it impossible to conduct a fair and democratic general election.

Human Rights Now, a Tokyo-based human rights NGO expresses deep concerns regarding the severity of these exceptional and repeated human rights violations, unprecedented in recent times, and urges the Cambodia government to immediately end its campaign of suppression against the opposition party, NGOs, media outlets, and activists. HRN also calls upon the international community and every government to act in order to find a way to resolve this situation.

2. Persecution of Political Opponents

The Cambodia government's suppression of critics reached a shocking new height on 16 November 2017 when the Supreme Court, with government instigation, dissolved the major opposition party, the Cambodia National Rescue Party (CNRP), for allegedly conspiring to overthrow the government

after its advances in 2017 local elections.¹ The unjustifiable dissolution of an entire political party is a serious violation of affected people's right to association under the ICCPR and Cambodia's Constitution, and should not be permitted under any circumstances.

Since the CNRP's dissolution, the government has continued persecuting and harassing former CNRP leaders, members, and supporters. On 23 November 2017, the prime minister suggested he would have had former CNRP leaders Sam Rainsy and Kem Sokha killed for their statements to "organize a new government" made during a 2013 peaceful demonstration, echoing June 2017 statements to "eliminate 100 or 200 people" if people protested the result of the local elections, suggesting threats of extra-judicial killings.²

CNRP President Kem Sokha was arrested on 3 September 2017 for "treason", which carries up to a 30 year sentence, and remains in pre-trial detention.³ The arrest was conducted reportedly without a warrant, and it ignores parliamentary immunity guaranteed by the Constitution. Furthermore, exiled former president Sam Rainsy was ordered by a Cambodian court on 29 December 2017 to pay a \$1 million USD fine for defaming the prime minister among other charges he has faced.⁴

Former CNRP members were placed under a five-year ban for political activity⁵ and have faced accusations of corruption, treason, and violence; a requirement to declare their finances or face imprisonment;⁶ police investigations of their finances; and proposals to have their finances seized or restricted and their passports revoked.⁷ Local CNRP officials also face government threats to coerce them to defect to the CPP, including police surveillance, visits, and arbitrary prosecutions.⁸

3. Suppression of Civil Society and Media

Government harassment also extends to critical civil society and media voices.

On July 2017, the Interior Ministry ordered the election-monitoring group Situation Room to stop its activities, thus preventing *de facto* monitoring activities to ensure an environment conducive for the conduct of free elections.⁹ In September 2017, the government shut down the Cambodia Daily

¹ Sokhean, et al, "'Death of democracy': CNRP dissolved by Supreme Court ruling", Phnom Penh Post, 17 Nov. 2017, <http://www.phnompenhpost.com/national-post-depth-politics/death-democracy-cnrp-dissolved-supreme-court-ruling>.

² Chheng & Chen, "Rainsy and Sokha 'would already be dead': PM ", Phnom Penh Post, 23 Nov. 2017, <http://www.phnompenhpost.com/national-politics/rainsy-and-sokha-would-already-be-dead-pm>.

³ RFA Khmer Service, "Cambodia Opposition Chief Kem Sokha Calls on Court to Drop 'Treason' Charges", Radio Free Asia, 14 Dec. 2017, <http://www.rfa.org/english/news/cambodia/charges-12142017170449.html>.

⁴ Chansy Chhorn, "Cambodia's Sam Rainsy found guilty of defamation, ordered to pay \$1 million", Reuters, 29 Dec. 2017, <https://www.reuters.com/article/us-cambodia-politics/cambodias-sam-rainsy-found-guilty-of-defamation-ordered-to-pay-1-million-idUSKBN1ENOH7?il=0>.

⁵ Sokhean, "Death of democracy", supra, note 1. The ban affects 188 former CNRP members.

⁶ Pech Sotheary, "Jail time threat over disclosure of CNRP assets", Khmer Times, 18 Dec. 2017, <http://www.khmertimeskh.com/5096478/jail-time-threat-disclosure-cnrp-assets/>.

⁷ Mech Dara, "National Police ordered to analyse banned opposition members' finances", Phnom Penh Post, 9 Jan. 2018, <http://www.phnompenhpost.com/national-politics/national-police-ordered-analyse-banned-opposition-members-finances>.

⁸ Narin & Wallace, "The Reluctant Defectors of Cambodia", VOA News, 16 Dec. 2017, <https://www.voanews.com/a/reluctant-defectors-cambodia/4167141.html>.

⁹ Ben Sokhean, "Interior Ministry Issues Stop-Order to Situation Room NGOs", The Cambodia Daily, 5 July 2017. <https://www.cambodiadaily.com/news/interior-ministry-issues-stop-order-to-situation-room-ngos-132133/>

for alleged tax law infringement, and in late 2017 the government shut down at least 19 radio stations, including Radio Free Asia, Voice of Democracy, and Voice of America, for allegedly failing to report how much airtime they were selling although the dissolutions almost exclusively targeted only stations that carried independent content.¹⁰ The journalists Yeang Sothearin and Uon Chhin were also detained by police in November 2017 for allegedly producing news for their recently banned station.¹¹

Two environmental activists with the NGO Mother Nature were similarly arrested by police in August 2017 and their NGO dissolved in September after being charged with incitement after legitimately investigating environmental issues.¹² The two activists were convicted on 26 January 2018 for conducting this investigation.¹³

The government has also used the controversial Law on Associations and NGOs (LANGO)—which drew criticism of the international community for being inconsistent with international human rights law—to dissolve critical foreign-supported NGOs such as the National Democratic Institute in August 2017, the senior staff members of which were accused of conspiring to overthrow the government, after which the government had its foreign staff expelled.¹⁴ Under LANGO, the government also suspended the NGO Equitable Cambodia in September 2017, an NGO focused on protecting land rights,¹⁵ and it investigated the Cambodian Center for Human Rights in November, founded by CNRP leader Kem Sokha and promoting rights affecting land, education, gender and sexuality.¹⁶ On 4 January 2018, the Secretary General of the human rights NGO CENTRAL, Moeun Tola, and two other NGO leaders were charged with “breach of trust” for alleged embezzlement of donations collected during the funerals of the political commentator Kem Ley, murdered on July 2016, even though no complaint was filed by the latter’s family.

4. The Government of Cambodia Must Immediately End its Severe Suppression of Critics and Respect Their Human Rights

Human Rights Now strongly protests the Cambodian government’s grave persecution and the exceptional scale of its suppression against political opponents, NGOs, journalists, and activists in Cambodia, unprecedented in recent times.

¹⁰ Dara & Baliga, “Government closes 15 radio stations”, Phnom Penh Post, 25 Aug. 2017, <http://www.phnompenhpost.com/national/government-closes-15-radio-stations>.

¹¹ The Cambodia Daily, “Two Former Radio Free Asia Journalists Detained in Phnom Penh”, 15 Nov. 2017, <https://www.cambodiadaily.com/topstory/two-former-radio-free-asia-journalists-detained-phnom-penh-134378/>.

¹² Dara & Baliga, “Environmental NGO Mother Nature dissolved”, 18 Sept. 2017, <http://www.phnompenhpost.com/national/environmental-ngo-mother-nature-dissolved>; LICADHO, “CSOs Call for Immediate Release of Mother Nature Activists”.

¹³ Cambodian League for the Promotion and Defense of Human Rights, “Mother Nature Activists Convicted by Koh Kong court”, 26 Jan. 2018.. <http://www.licadho-cambodia.org/flashnews.php?perm=230>

¹⁴ Anantha Baliga, “Ministry shuts NDI for Lango violations as US Embassy hits back”, Phnom Penh Post, 24 Aug. 2017, <http://www.phnompenhpost.com/national/ministry-shutters-ndi-lango-violations-us-embassy-hits-back>.

¹⁵ Sokhean & Meta, “Land rights NGO suspended”, Phnom Penh Post, 29 Sept. 2017, <http://www.phnompenhpost.com/national/land-rights-ngo-suspended>.

¹⁶ Ben Sokhean, “Breaking: PM Says Prominent Human Rights NGO ‘Must Close’”, 26 Nov. 2017 <http://www.phnompenhpost.com/national-politics/breaking-pm-says-prominent-human-rights-ngo-must-close>.

Such acts, even taken individually, constitute clear grave violations of the freedom of assembly, of association and of speech, and are therefore inconsistent with the Universal Declaration of Human Rights, international human rights instruments that Cambodia has ratified, as well as the Constitution of Cambodia. The attitude of the Cambodian government to suppress and disrupt every critical organization constitutes a clear disruption of democracy. It is no exaggeration to say that democracy in Cambodia is facing its greatest crisis since the end of the civil war. It is also important to note that within this series of events, no consideration was given by the government to the September 2017 resolution of the UN Human Rights Council or to the concerns addressed by the international community. At this pace, there is no more hope of a free and fair general election being conducted in 2018.

1) Human Rights Now (HRN) urgently calls upon the Cambodian Government to:

- immediately end its suppression against critical voices by releasing those arbitrarily detained; ending unjustified restrictions against critical NGOs and activists; reinstating NGOs, media outlets, and the political party unjustifiably dissolved; respect Cambodia's domestic and international legal duties, notably by comprehensively revising LANGO as well as the 2017 revision of the Party Law to make it consistent with international duties; and ensure that the upcoming general election is free and fair and fully represents all Cambodians with candidates from every political party, including the opposition party which had been ordered dissolved.

2) Additionally, HRN calls upon other governments to:

- consider measures against the Cambodian government to support implementation of the Human Rights Council's resolution on Cambodia at the 36th session, such as suspending assistance or other sanctions, until the Cambodian government ends its suppressions which violate fundamental human rights standards.
- regarding the government of Japan in particular, end assistance to Cambodia's National Election Committee for the 2018 election until Cambodia can ensure a free and fair election by ensuring the CNRP is able to compete and the restrictions and suppressions of political actors and media are ended.

3) HRN further calls upon the Secretary General of the UN, as well as the High Commissioner for Human Rights, to:

- taking into account the disruption of Cambodian democracy and the shrinking space for civil society, consider and implement any measure that would enable a resolution of this crisis, including appointing a Special Representative of the Secretary General for this issue.

4) Finally, HRN calls upon the Human Rights Council to:

- taking into account the fact that the September 2017 Council's resolution on Cambodia at the 36th session was given no consideration, seize the opportunity to make the 37th session a special forum of discussion to address human rights issues in Cambodia, and adopt a resolution to stop human rights suppressions.