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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by Human Rights Now, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[02 February 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

The Cambodia government must end persecution and suppression of political opponents, journalists and civil society in Cambodia.

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 levelled a 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 fundamental human rights, especially freedom of assembly, freedom of association and freedom of speech.

The suppression of critical political parties, media and civil society organizations also threatens the possibility of a fair election.

Human Rights Now(HRN), a Tokyo-based human rights NGO, expresses deep concerns regarding the severity of the repeated human rights violations and urges the Cambodia government to immediately end its campaign of suppression against the opposition party, NGOs, and media outlets and activists. HRN also requests the international community to take immediate measures to help end the violations.

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. The unjustifiable dissolution is a serious violation of the right to association under the ICCPR and Cambodia's Constitution.

Since 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.¹

CNRP President Kem Sokha was arrested on 3 September 2017 for “treason” and remains in pre-trial detention.² 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.³

Former CNRP members were placed under a five-year ban for political activity⁴ and faced accusations of corruption, treason, and violence; a requirement to declare their finances or face imprisonment;⁵ police investigations of their finances; and proposals to have their finances seized or restricted and their passports revoked.⁶ Local CNRP officials face government threats to coerce them to defect to the CPP, including police surveillance, visits, and arbitrary prosecutions.⁷

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 *free elections*.⁸

In September 2017, the government shut down the Cambodia Daily for alleged tax law infringement. In late 2017 the government also 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; the dissolutions almost exclusively targeted stations that carried independent content.⁹ Two critical journalists, Yeang Sotheary and Uon Chhin, were also detained by police in November 2017 for allegedly producing news for their recently banned station.¹⁰

1 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>.

2 RFA Khmer Service, “Cambodia Opposition Chief Kem Sokha Calls on Court to Drop ‘Treason’ Charges”, RadioFree Asia, 14 Dec. 2017, <http://www.rfa.org/english/news/cambodia/charges-12142017170449.html>.

3 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-defamationordered-topay-1-million-idUSKBN1EN0H7?il=0>.

4 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>. The ban affects 188 former CNRP members.

5 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/>.

6 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>.

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

⁸ 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/>

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

10 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/>.

Two environmental activists with the NGO Mother Nature were arrested by police in August 2017 and their NGO dissolved in September after being charged with incitement after legitimately investigating environmental issues.¹¹ The two activists were convicted on 26 January 2018 for conducting this investigation.¹²

The government has also used the controversial Law on Associations and NGOs (LANGO) 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 and which had its foreign staff expelled.¹³ Under LANGO, the government also suspended the NGO Equitable Cambodia in September 2017, an NGO focused on protecting land rights,¹⁴ and it investigated the Cambodian Center for Human Rights in November, founded by CNRP leader Kem Sokha.¹⁵

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

HRN strongly protests the Cambodian government's persecution and suppression of political opponents, NGOs, journalists, and activists in Cambodia.

Such acts constitute clear grave violations of the freedom of assembly, of association and of speech, and it demonstrates that the government gave no consideration to the Council's September 2017 resolution or to the international community's concerns. To address the urgent situation:

- 1) HRN urgently calls upon the Cambodian Government to
 - immediately end its suppression against critical voices by releasing those arbitrarily detained; end unjustified restrictions against NGOs and activists; reinstate NGOs, media outlets, and the CNRP ; comprehensively revise LANGO and the 2017 revision of the Party Law to make them consistent with its international duties; and ensure that the upcoming general election is free, fair and fully representative of all political parties.
- 2) Additionally, HRN requests relevant governments and donor communities to
 - take all effective measures against the Cambodian government to support implementation of the Council's resolution on Cambodia at the 36th session,
 - consider measures such as suspending assistance or other sanctions, until the Cambodian government ends its suppressive conduct.

11 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".

12 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>

13 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>.

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

15 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>.

- regarding the government who continues assistance for the 2018 election, to end assistance to Cambodia's National Election Committee for the 2018 election until Cambodia can ensure a free and fair election by permitting the CNRP to compete..

3) HRN further calls upon the all relevant mandate holders appointed by the UN Human Rights Council to take joint action to halt further violations and restore rule of law and fundamental human rights in Cambodia

4) Finally, considering the fact that the Council's September 2017 resolution on Cambodia was ignored by the Cambodian government

HRN finally calls upon the Human Rights Council to set up a debate on the situation in Cambodia in its 37th session and adopt a resolution call for Cambodia's implementation of the resolution adopted in its 36th session and stop further human rights suppressions in Cambodia.
