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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.

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* Issued as received, in the language(s) of submission only.

The Government of Cambodia Must End its Suppression of Political Opposition and Civil Society

I. Introduction

In its quest to maintain unchallenged power, the Cambodian government has made a mockery of democracy by dissolving the main opposition Cambodia National Rescue Party (CNRP) in 2017, barring its members from political activity, and continuing non-competitive elections. It has similarly used arbitrary arrests and judicial harassment to suppress human rights defenders (HRDs), NGOs, independent media, and political opponents and has attacked the rights to fair trial and political participation, freedom from arbitrary arrest, freedom of expression and association, and other fundamental rights. In one striking example, as other governments took measures to protect their populations from the COVID-19 pandemic, the Cambodian government used the virus as a pretext for enacting authoritarian measures that restrict civic space.

II. A Continuing Pattern of Suppressing Civil and Political Rights

1. Crackdowns on the Political Opposition

Despite the international outcry against CNRP's dissolution, the government has taken no steps to restore meaningful representation in the country and has only exacerbated its suppression of the political opposition. In September 2020, seven ex-CNRP members were convicted of 'plotting' for expressing political opinions online and sentenced to between five and seven years.[1] In November 2020, a mass trial began against over 120 opposition activists and dissidents on inflated charges of 'incitement' and 'treason', which collectively carry a sentence of up to 12 years in prison.[2] Similar to past trials,[3] the trial has been decried by the Special Rapporteur for Cambodia as "politically motivated, lacking clear legal grounds and constitut[ing] a serious violation of ... due process rights." [4]

The government also announced in January 2021 that it would not grant exiled CNRP leaders passports or visas to return for their trials, and on January 17 some defendants were not allowed to board return flights to Cambodia.[5] On 1 March 2021, nine former CNRP leaders were convicted in absentia on charges of 'attack' and 'attempt to commit a felony', related in part to attempts to return to Cambodia, and sentenced to prison terms of 20 years or more, which four HRC special rapporteurs declared "appalling".[6]

This pattern of suppression is especially concerning in advance of the commune and national elections scheduled for June 2022 and 2023, respectively.

2. Arbitrary Arrests and Detention of Human Rights Defenders and Journalists

The second half of 2020 saw a burst of arbitrary arrests of HRDs. Two rap musicians were found guilty of 'incitement' for releasing a popular protest song.[7] Following the arbitrary arrest of trade union leader Rong Chhun in July 2020, at least six HRDs, including youth activists and a Buddhist monk, were arrested and charged with 'incitement' for planning peaceful protests calling for Chhun's release.[8] Four other activists were also arrested for planned protests in the same period.[9] At least 19 activists, artists, and HRDs were arrested between July and September 2020.[10] A statement joined by 80 civil society groups condemned the government's beatings of peaceful protesters and called on it to end its violence and release those imprisoned for exercising their constitutional rights.[11]

In February 2021, the Ministry of Environment detained without charge five environmental activists for three nights while they were collecting evidence of illegal logging inside a wildlife sanctuary, continuing the same pattern of arbitrary detention and harassment against previous activists.[12] The activists were forced to sign contracts forbidding them from conducting conservation activities inside the sanctuary. In May 2021, three environmental activists were convicted of 'incitement to create social chaos' following

eight months of pre-trial detention and were sentenced to imprisonment for up to twenty months.[13] The Special Rapporteur on HRDs condemned the convictions (with endorsement by two other special rapporteurs), expressing concerns over a lack of factual evidence.[14]

Additionally, the journalist Kouv Piseth was arrested this July and journalists Sovann Rithy and Ros Sokhet earlier convicted for criticizing the government's COVID-19 policy.[15]

3. Repressive Laws

The government of Cambodia has been steadily entrenching its authoritarian practices into Cambodian law and has overseen the passage and application of repressive laws threatening human rights over the last year. In February 2021, a sub-decree establishing a National Internet Gateway operator was passed which requires all internet service providers (ISPs) to reroute their services through the gateway, allowing the government to monitor all online traffic.[16] Providers will also be required to make users provide correct identities. The law allows the government to potentially shut down NGO websites, surveil online users, and block public access to online information, which are real threats in advance of the 2022 and 2023 elections considering the government ordered ISPs to block dozens of news sites before the 2018 national elections. The law is a direct attack on the rights to freedom of expression, access to information, and privacy, and will greatly facilitate the government's repression of activists, media, and political opponents.

The Cambodian government has also used the pandemic as a pretext to pass a State of Emergency law, granting Prime Minister Hun Sen emergency powers, including surveillance powers and the ability to restrict and ban the distribution of information.[17] It also criminalizes the vaguely defined "disrespecting" of government measures, and allows for the dissolution of a group, organization, association or union if even one member is found guilty of violating that vague standard.[18] The Special Rapporteur on Cambodia criticized the decree as overly broad with the potential to infringe the rights to privacy and "restrict freedoms of expression, association, and peaceful assembly." [19] A "Preventive Measures" law passed to address COVID-19 grants the government the authority to ban any gathering and demonstration with up to 20-year prison sentences for violations, which four HRC special rapporteurs criticized for disproportionately restricting the rights to freedom of movement, peaceful assembly, and the right to work.[20]

The Law on Associations and Non-Governmental Organizations (LANGO), originally passed in 2015, has continued to allow the government to repress human rights NGOs in the country through mandatory registration, the arbitrarily defined requirement of "political neutrality", and complete power to deny registration. Recently, a government ministry cited the law in justifying the crackdown in the wildlife sanctuary case mentioned above, as the relevant NGO was unregistered.[21] One hundred Cambodian NGOs co-signed a statement for LANGO to be repealed in February 2020, citing frequent and sustained intimidation under LANGO.[22]

III. Recommendations—The Government of Cambodia Must End its Campaign of Suppression

Despite its pretenses of being a democracy protecting constitutional rights, over the last year the Cambodian government has only amplified its campaign of suppression against all political opposition and civil society. Human Rights Now protests the violations of rights summarized above and calls on the Cambodian government to take the following measures:

- End crackdowns on the political opposition. This includes reinstating the CNRP and its officials elected in 2017, ending politically motivated prosecutions of opposition members and quashing the verdicts against and releasing those already convicted, allowing opposition members abroad to return, and taking measures to ensure that future elections are fair and free and open to candidates without political discrimination.

- End harassment of activists, HRDs, NGOs, and independent media. This includes releasing all those arbitrarily detained or arrested for exercising their constitutional rights and preventing future judicial harassment by taking measures to ensure judicial independence and prevent arbitrary prosecutions.
- Repeal or reform laws facilitating human rights abuses. These include the National Internet Gateway sub-decree, LANGO, the COVID-19 “Preventive Measures” law, the State of Emergency law, and all other illiberal laws and amendments.

HRN furthermore requests the international community of states to support HRDs and use targeted sanctions to pressure the Cambodian government to respect its human rights obligations.

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- [3] OHCHR, “Cambodia: UN Experts Say Kem Sokha Trial is ‘tainted’ ”, https://cambodia.ohchr.org/sites/default/files/presstatementsource/KemSokhaTrial_Final_EN.pdf.
- [4] AlJazeera, supra, note2.
- [5] Diplomat, supra, note2; id.
- [6] OHCHR, https://cambodia.ohchr.org/sites/default/files/Long%20prison%20terms%20for%20former%20opposition%20leaders%20appalling_EN_Final.pdf.
- [7] Reuters, “Cambodia court jails rappers for rhymes inciting crimes”, <https://www.reuters.com/article/us-cambodia-rappers-idUSKBN28W0YB>.
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- [9] Civitas, <https://www.civicus.org/index.php/media-resources/news/4854-cambodia-drop-charges-against-union-leader-rong-chhun-and-other-activists>.
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- [13] OHCHR, “Cambodia: UN Expert Condemns Conviction of Three Environmental Rights Defenders”, <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=27070&LangID=E>.
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- [16] Reuters, “Cambodia’s New China-Style Internet Gateway Decried as Repression Tool”, <https://www.reuters.com/article/us-cambodia-internet/cambodias-new-china-style-internet-gateway-decried-as-repression-tool-idUSKBN2A1140>.
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[19] OHCHR, “Cambodia’s State of Emergency Law Endangers Human Rights, warns UN Expert,” <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25801&LangID=E>.

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[21] Amnesty, *supra*, note 8.

[22] LICADHO, “With No Will to Amend, LANGO Must Be Repealed”, <https://www.licadho-cambodia.org/pressrelease.php?perm=446>.