

## Cambodia



Kem Sokha is escorted by police at his home in Phnom Penh on 3 September, 2017 © AFP

- |                             |                                |
|-----------------------------|--------------------------------|
| KHM27 - Chan Cheng          | KHM76 - Ky Wandara             |
| KHM48 - Mu Sochua (Ms.)     | KHM77 - Lath Littay            |
| KHM49 - Keo Phirum          | KHM78 - Lim Bun Sidareth       |
| KHM50 - Ho Van              | KHM79 - Lim Kimya              |
| KHM51 - Long Ry             | KHM80 - Long Botta             |
| KHM52 - Nut Romdoul         | KHM81 - Ly Srey Vyna (Ms.)     |
| KHM53 - Men Sothavarin      | KHM82 - Mao Monyvann           |
| KHM54 - Real Khemarin       | KHM83 - Ngim Nheng             |
| KHM55 - Sok Hour Hong       | KHM84 - Ngor Kim Cheang        |
| KHM56 - Kong Sophea         | KHM85 - Ou Chanrath            |
| KHM57 - Nhay Chamroeun      | KHM86 - Ou Chanrith            |
| KHM58 - Sam Rainsy          | KHM87 - Pin Ratana             |
| KHM59 - Um Sam Am           | KHM88 - Pol Hom                |
| KHM60 - Kem Sokha           | KHM89 - Pot Poeu (Ms.)         |
| KHM61 - Thak Lany (Ms.)     | KHM90 - Sok Umsea              |
| KHM62 - Chea Poch           | KHM91 - Son Chhay              |
| KHM63 - Cheam Channy        | KHM92 - Suon Rida              |
| KHM64 - Chiv Cata           | KHM93 - Te Chanmony (Ms.)      |
| KHM65 - Dam Sithik          | KHM94 - Tioulong Saumura (Ms.) |
| KHM66 - Dang Chamreun       | KHM95 - Tok Vanchan            |
| KHM67 - Eng Chhai Eang      | KHM96 - Tuon Yokda             |
| KHM68 - Heng Danaro         | KHM97 - Tuot Khoert            |
| KHM69 - Ke Sovannroth (Ms.) | KHM98 - Uch Serey Yuth         |
| KHM70 - Ken Sam Pumsen      | KHM99 - Vann Narith            |
| KHM71 - Keo Sambath         | KHM100 - Yem Ponhearith        |
| KHM72 - Khy Vanndeth        | KHM101 - Yim Sovann            |
| KHM73 - Kimsour Phirith     | KHM102 - Yun Tharo             |
| KHM74 - Kong Bora           | KHM103 - Tep Sothy (Ms.)       |
| KHM75 - Kong Kimhak         |                                |



### Alleged human rights violations:

- ✓ Violation of freedom of opinion and expression
- ✓ Violation of freedom of assembly and association
- ✓ Abusive revocation of the parliamentary mandate
- ✓ Lack of due process at the investigation stage
- ✓ Lack of fair trial proceedings and excessive delays
- ✓ Failure to respect parliamentary immunity
- ✓ Violation of freedom of movement
- ✓ Threats and acts of intimidation
- ✓ Torture and ill-treatment and impunity
- ✓ Arbitrary arrest and detention
- ✓ Inhumane conditions of detention

### A. Summary of the case

On 16 November 2017, the Supreme Court dissolved the sole opposition party in Cambodia, the Cambodian National Rescue Party (CNRP). It also banned 118 CNRP leaders (including all 55 CNRP members of the National Assembly) from political life for five years with no possibility of appeal. Their parliamentary mandates were immediately revoked and their seats reallocated to non-elected political parties allegedly aligned with the ruling party. The Supreme Court decision was based on charges of conspiracy with a foreign country to overthrow the legitimate government brought against the President of the CNRP, Mr. Kem Sokha. Most former parliamentarians subsequently fled Cambodia and went into exile.

The dissolution of the CNRP left the ruling Cambodian People's Party (CPP) – and Prime Minister Hun Sen – with no viable challengers for the July 2018 elections to the National Assembly. The authorities stated that the National Assembly remained a multi-party parliament composed of four political parties, in line with the Constitution of Cambodia. The CPP gained all 125 seats in the National Assembly elections, after having already gained all seats in the Senate elections in February 2018.

The dissolution of the CNRP took place against the backdrop of long-standing and repeated threats and groundless criminal charges against its members of parliament. They had been repeatedly warned by the Prime Minister that their only choice was to join the ruling party or be prepared for the dissolution and ban of their party. Since 2013, some 13 CNRP members of parliament have faced criminal accusations in relation to protests or statements critical of the CPP and the Prime Minister. All proceedings concluded with systematic convictions and raised serious issues of due process and lack of judicial independence. Two members of parliament were subjected to physical attacks that have gone unpunished.

After one year of detention in solitary confinement, which was considered as arbitrary and politically motivated by the United Nations Working Group on Arbitrary Detention in late April 2018, Mr. Kem Sokha was placed under house arrest on 10 September 2018 in response to a request made by his family on the basis of his poor state of health in detention. The possibility for him to receive visitors remains very restricted and is subject to prior authorization by the Cambodian authorities. Opposition members and foreign officials continue to be denied access to him, according to the complainants and diplomatic sources.

Judicial proceedings are still ongoing against Mr. Sam Rainsy and Mr. Kem Sokha. The latter's first-instance trial has not yet been completed. Mr. Kem Sokha risks a 30-year prison term for planning to overthrow the Government, on the basis of a 2013 TV speech in which he called for peaceful political change in Cambodia, without at any point inciting violence or hatred or uttering defamatory words. This is also the basis of the dissolution of the opposition party, although Mr. Kem Sokha's guilt has not been established by any criminal court decision to the present day.

### Case KHM-Coll-03

**Cambodia:** Parliament affiliated to the IPU

**Victims:** 57 former opposition parliamentarians (50 male and seven female, 55 from the National Assembly and two from the Senate)

**Qualified complainant(s):** Section I (1) (c) of the [Committee Procedure](#) (Annex 1)

**Submission of complaint:** November 2011

**Recent IPU decision:** [March 2018](#)

**IPU mission:** [February 2016](#)

#### Recent Committee hearings:

Hearing with the Cambodia delegation to the 139<sup>th</sup> IPU Assembly (October 2018)

#### Recent follow-up:

- Communication from the authorities: Letter of the Secretary General of the National Assembly (March 2018)
- Communication from the complainant: September 2018
- Communication from the IPU to the Secretary General of the National Assembly (September 2018)
- Communication from the IPU to the complainant: September 2018



## B. Decision

The Committee

*Decides* to recommend to the Governing Council of the Inter-Parliamentary Union that it adopt the following decision:

The Governing Council of the Inter-Parliamentary Union,

1. *Thanks* the Cambodian delegation to the 139<sup>th</sup> IPU Assembly for meeting with the Committee on the Human Rights of Parliamentarians, while *deeply regretting* that this dialogue has not been conducive to progress;
2. *Is appalled* to learn that Mr. Kem Sokha's health has seriously deteriorated and that this is the only reason why he is now under house arrest rather than still detained in solitary confinement in prison; *takes note with concern* that he is still being given limited opportunities to receive visitors, and then only subject to prior official authorization;
3. *Notes with concern* that the delegation of Cambodia to the 139<sup>th</sup> IPU Assembly invited the Committee on the Human Rights of Parliamentarians to visit Cambodia again to "see the reality on the ground" but stated that it would not be authorized to meet with Mr. Kem Sokha; *stresses* that the Committee has decided that it would only send a delegation to Cambodia if that delegation is allowed to meet Mr. Kem Sokha and firm written assurances are received to that end; *urges* the Cambodian authorities to grant the Committee authorization to meet with Mr. Kem Sokha;
4. *Recalls* its findings and recommendations following the Committee's 2016 fact-finding mission to Cambodia; and *observes* that the Cambodian authorities have failed to take any steps to implement them and resume political dialogue with the opposition; also *recalls* that its prior request to visit Mr. Kem Sokha in detention had been denied by the Cambodian authorities and that no foreign delegation has been authorized to meet Mr. Kem Sokha since his arrest;
5. *Reaffirms its prior conclusions* that the fundamental rights of all former opposition parliamentarians have been blatantly violated by the authorities of Cambodia, which have failed to respect and protect the rights to freedom of expression, association and peaceful assembly of opposition members of parliament, as well as due process guarantees enshrined in the Constitution and laws of Cambodia; *remains deeply concerned* that these violations are reminiscent of a long-standing pattern of abuse against the opposition that has been documented by the IPU at each past election;
6. *Denounces* the fact that all 55 parliamentarians of the only opposition party elected to the National Assembly were stripped of their parliamentary mandates and were banned from political life for five years as a result of a Supreme Court ruling and on the basis of legislation, which ran completely counter to their individual and collective rights to take part in the conduct of public affairs and their right to a fair trial;
7. *Denounces* furthermore the fact that the Supreme Court dissolved the opposition party on the grounds that its leader, Mr. Kem Sokha, planned to overthrow the Government by organizing a so-called "colour revolution", even though Mr. Kem Sokha's trial is still ongoing, and that he and all other opposition members of parliament – who have not been prosecuted for these charges – should be presumed innocent until proven guilty by a final court decision; *considers* that the presumption of innocence and the rule of law have been clearly violated in the present case; and *wishes* in this regard to put on official record the statement made by the Cambodian delegation to the 139<sup>th</sup> IPU delegation that "if the opposition members remain quiet, they will be able to resume their political activities" in four years, once the political ban expires, but that in the meantime "they must serve their sentences";



8. *Further recalls* its prior findings that the so-called evidence against Mr. Kem Sokha are videos of a 2013 speech of Mr. Kem Sokha that contains nothing whatsoever that could constitute a criminal offence; *points out* that Mr. Kem Sokha at no point incited hatred or violence or uttered defamatory words in the incriminated videos and that he has emphasized that he aimed at bringing political change by winning the elections; *deplores* that this video has been used as evidence of treason, for which Mr. Kem Sokha faces up to 30 years in prison; *is also alarmed* at the clear violation of his parliamentary immunity in the absence of any criminal offence and of any *flagrante delicto*;
9. *Urges once again* all Cambodian authorities to immediately release Mr. Kem Sokha and drop the charges, to allow him to resume his duties as president of the opposition without further delay and restriction and to reinstate the CNRP;
10. *Renews its call* on all IPU member parliaments, including on the parliamentary member of the Asia-Pacific Geopolitical Group, as well as parliamentary assemblies and associations with IPU permanent observer status active in the region, to take concrete actions in support of the urgent resolution of this case in a manner consistent with democratic and human rights values; *also counts* on the assistance of all relevant regional and international organizations;
11. *Requests* the Secretary General to convey this decision to the competent authorities, the complainants and any third party likely to be in a position to supply relevant information;
12. *Requests* the Committee to continue examining this case and to report back to it in due course.