

URGENT ACTION

OPPOSITION MEMBERS CONVICTED IN UNFAIR TRIAL

Eleven members of Cambodia's main opposition party have been convicted on trumped up politically motivated charges of "insurrection" and sentenced to between seven and 20 years in prison. The verdict delivered on 21 July followed proceedings that violated fair trial rights, guaranteed by Cambodian and international law.

The convictions arise from a demonstration organized by the opposition Cambodian National Rescue Party (CNRP) on 15 July 2014 which ended in violent clashes between CNRP supporters and para-police – an auxiliary force routinely used to police and suppress demonstrations. Three of the men convicted, **Meach Sovannara, Oeur Narith, and Khin Chamroeun** were convicted of participating in and leading an "insurrectionary movement" under Articles 456, 457 and 459 of Cambodia's Criminal Code and sentenced to 20 years' imprisonment. **Sum Puthy, Tep Narin, Ouk Pich Samnang, Neang Sokhun, San Kimheng, Ke Khim, An Bak Tham, and San Seyhak**, were convicted of "participating in an insurrectionary movement" under Articles 456 and 457 of the Criminal Code and sentenced to seven years' imprisonment.

Following several scheduled hearings since December 2014, the Phnom Penh Municipal Court unnecessarily decided to fast track the case, which resulted in defence lawyers boycotting proceedings. Consequently, at the hearing on 21 July, only one of the defendants' lawyers was present. Judges unexpectedly called for closing arguments, denied the defendants' request for a delay until their lawyers could attend, and deliberated for just 15 minutes before returning with the verdicts and sentences. No evidence was presented during the trial to support the charges, which are based on a law that is over-broad and open to abuse.

Cambodia's judicial system is not independent, and politically motivated arrests and convictions are common. Criminal cases involving political actors have led to negotiations between the opposition CNRP and the ruling Cambodian People's Party (CPP), resulting in the release of those charged or convicted. In this case, five of the convicted men had been held in pre-trial detention until political negotiations earlier this year resulted in their release on bail pending trial. Another, Oeur Narith, was bailed in July 2014, along with seven opposition MPs also charged with "leading [an] insurrectional movement" following a deal in which the CNRP agreed to end a boycott of the National Assembly.

Please write immediately in Khmer, English, French or your own language:

- Calling on the authorities to immediately overturn the convictions of the 11 men;
- Calling on them to release the 11 men, unless they are charged with internationally recognisable offences, are tried in proceedings which meet international standards of fairness, and are remanded by an independent court;
- Urging the authorities to ensure the independence of the courts and to cease their use for political ends.

PLEASE SEND APPEALS BEFORE 8 SEPTEMBER TO:

Prime Minister
Hun Sen
Office of the Prime Minister
Jok Dimitrov Boulevard
Phnom Penh, Cambodia
Fax: +855 23 360 666 / +855 23 880
624(c/o Council of Ministers)
Salutation: Your Excellency

Minister of Interior and Deputy Prime Minister
Minister
Sar Kheng
#75 Norodom Blvd
Khan Chamkarmon
Phnom Penh, Cambodia
Fax: +855 23 880 624
Email: moi@interior.gov.kh
Salutation: Your Excellency

And copies to:
Minister of Foreign Affairs and International Cooperation
Hor Nam Hong
3, Samdech Hun Sen Street
Khan Chamcar Mon
Phnom Penh, Cambodia
Fax: +855 23 216 141
Email: mfaic@mfa.gov.kh
Salutation: Your Excellency

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date. This is the second update of UA 204/14. Further information:

<https://www.amnesty.org/en/documents/ASA23/010/2014/en/>

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ADDITIONAL INFORMATION

The convictions of the 11 CNRP members are highly political and came a matter of days after a visit by CNRP members, including a number of those convicted, to the Cambodia-Viet Nam border. This visit sought to highlight alleged encroachment by Viet Nam into Cambodian territory. Cambodian and Vietnamese authorities have recently held discussions about the border demarcation and Cambodian Prime Minister Hun Sen has written to France, the United Kingdom, the United States, and the United Nations requesting that they share maps of the frontier. Opposition leader Sam Rainsy has stated his opinion that the convictions are “related to the border issue” and are a “strong signal to the opposition: Don’t go to the border.”

The 15 July 2014 demonstration related to a blockade on Freedom Park, an area in Phnom Penh officially designated for assemblies and demonstrations, which had been cordoned off by authorities following a crackdown on demonstrations in the capital in 2014. The demonstrators were calling on the authorities to end the blockade of Freedom Park. Clashes broke out when para-police – an auxiliary force routinely used to police and, often violently, suppress demonstrations – from Daun Penh district in Phnom Penh, used unnecessary and excessive force against demonstrators, some of whom responded violently. The clashes resulted in injuries to dozens of para-police and a small number of demonstrators.

In the hours and days following the event, seven opposition MPs and a party official, Oeur Narith, were arrested. All eight were released on bail after a negotiation between the ruling CPP and CNRP. This negotiation resulted in the opposition ending their year-long boycott of the National Assembly in protest at the results of the general election in 2013, which they claimed that they had won. While Oeur Narith has been sentenced to 20 years’ imprisonment, the seven MPs have parliamentary immunity and have not so far been prosecuted. However, Prime Minister Hun Sen has stated that the door to prosecution remains open as immunity was received after these events occurred (when the MPs agreed to take their seats in the National Assembly rather than when they were elected). The other 10 men convicted on 21 July 2015 were arrested in the weeks and months that followed the political agreement between the two parties. All 11 had been released on bail in advance of the trial. Similar to the case of Oeur Narith, five others were bailed following a political deal in April 2014.

Throughout the criminal proceedings against the 11 men, no evidence was presented to support the charges against them or to show that they engaged in any acts of violence. Para-police injured during the clash testified in the proceedings but failed to provide any evidence that the 11 had participated in the violence. A June 2015 report by Amnesty International, *Taking to the Streets – Freedom of peaceful assembly in Cambodia* (see <https://www.amnesty.org/en/documents/asa23/1506/2015/en/>), documents the routine use of unnecessary and excessive force by para-police against demonstrators. The report outlines two criminal complaints that were filed against the commanders of the para-police in 2013 and 2014, which have not proceeded to trial.

Name: Sum Puthy, Meach Sovannara, Tep Narin, Ouk Pich Samnang, Khin Chamroeun, Neang Sokhun, San Kimheng, Oeur Narith, San Seyhak, An Bak Tham, Ke Khim

Gender m/f: All male

Further information on UA: 204/14 Index: ASA 23/2173/2015 Issue Date: 29 July 2015