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Dear Party President

OPEN LETTER: HUMAN RIGHTS VIOLATIONS NEED TO BE ADDRESSED AHEAD OF THE NATIONAL ELECTION

To the Cambodian government and political parties participating in Cambodia's July 29 national election: Amnesty International calls on the Cambodian government and all political parties participating in the national election scheduled for 29 July 2018 to commit to ensuring that Cambodia's international human rights obligations are given primacy during the campaign period and in the aftermath, and for authorities to respect, protect, fulfil and promote these rights.

INTENSIFIED CRACKDOWN IN THE TWO YEARS LEADING UP TO THE NATIONAL ELECTION

A crackdown on peaceful dissent in Cambodia continues at the expense of the human rights of the Cambodian people. Amnesty's oral statement on Cambodia to the Human Rights Council's 37th session reiterated¹ the continuation of a rapid shrinking of the space for peaceful activists, civil society, independent media and political opposition to exercise their human rights to freedom of expression, peaceful assembly and association. We also expressed alarm over the absence of judicial independence and fair trial rights, as well as the frequency of arbitrary arrests and the poor state of women's rights.

Following the June 2017 commune elections, authorities began to shut down independent media outlets, creating a chilling effect on press freedom that has forced many media workers to exercise self-censorship. In September, the government closed 32 radio stations which had broadcasted programmes from Radio Free Asia, Voice of America and Voice of Democracy.² Radio Free Asia journalists Uon Chhin and Yeang Sothearin were arrested on "espionage"

¹ Amnesty International, *Oral Statement at the UN Human Rights Council on Cambodia and Libya (Item 10 General Debate, 37th Regular Session)* (Index: IOR 40/8119/2018)

² Ananth Baliga, Mech Dara and Niem Chheng, "RFA shuts down Cambodia operations amid media crackdown", *The Phnom Penh Post*, 12 September 2017.

charges for allegedly continuing to report.³

LAWS USED TO SUPPRESS FREEDOM OF EXPRESSION, ASSEMBLY AND ASSOCIATION

The government also threatened legal action against those who "appeal, incite, or prevent citizens from voting" following the banned opposition's calls for an election boycott, which the ruling party claims is "incitement to obstruct an election".⁴

Furthermore, despite freedom of peaceful assembly being guaranteed by the Constitution, activists and human rights defenders participating in peaceful demonstrations still often face intervention, arrests and violence from the police and other extra-legal authorities. The 2009 Law on Peaceful Demonstrations (LPD) includes vaguely worded provisions regarding the procedures that protest organisers must use to legally hold a protest, which have been exploited to require official "approval" for public events. Though the vast majority of public gatherings are peaceful and provide no justification for the use of force, security forces frequently use unnecessary and excessive force to disperse both peaceful assemblies and those containing violent elements.⁵

The Cambodian government also continues to suppress the already shrinking civil society space in the country through the use of the vaguely worded Law on Association and Non-Government Organisations (LANGO), which allows it to easily suspend the activities of organizations, threaten to or actually shut them down entirely.⁶ The law has already been used to threaten the closure of Equitable Cambodia and the Cambodian Centre for Human Rights on spurious grounds, such as receiving foreign funding.

Shortly before the June 2017 commune elections, the National Assembly also adopted amendments to the Law on Political Parties that provide the executive unfettered powers to disallow parties from participating in elections, ban their members from political activities for five years and even dissolve parties if they are accused of found to be involved in vaguely worded wrongdoings such as threatening Cambodia's social cohesion.⁷ After the election, and shortly after opposition leader Kem Sokha was jailed, this law was implemented in the Supreme Court's dissolution of a key political party, Cambodian National Rescue Party (CNRP), on the grounds they planned a "colour revolution"⁸ and 118 senior party members were banned from political activities for five years.⁹

In April 2016, the National Assembly further passed a law on trade unions that places severe restrictions on the right to freedom of association and contravenes the ILO Conventions ratified by Cambodia by giving authorities broad powers to stop collective action, close down unions and even ban strikes at will.¹⁰ This comes after authorities shot to death at least five striking garment workers and shot at least 40 others during a nationwide strike of garment workers that

³ Amnesty International, *Cambodia: Former journalists charged with espionage* (Index: ASA 23/7563/2017)

⁴ Angaindrankumar Gnanasagaran, "Cambodia warns against 'clean finger' boycott", *The ASEAN Post*, 19 June 2018.

⁵ Amnesty International, *Taking to the Streets: Freedom of Peaceful Assembly in Cambodia* (Index: ASA 23/1506/2015)

⁶ Amnesty International, *Cambodia: Ongoing Crackdowns on Political Opposition, Civil Society and Independent Media Must be Addressed by the UN Human Rights Council* (Index: ASA 23/7909/2018)

⁷ OHCHR, *A Human Rights Analysis of the Amended Law on Political Parties (2017)*, 2017,

<http://cambodia.ohchr.org/en/news/ohchr-releases-human-rights-analysis-recently-amended-law-political-parties>

⁸ Amnesty International, *Cambodia; Banning of opposition party a "blatant act of political repression"* (Press release, 16 November 2017)

⁹ Ben Sokhean, "Breaking: Supreme Court rules to dissolve CNRP", *The Phnom Penh Post*, 16 November 2017.

¹⁰ For instance Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87); and Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

followed the last election.¹¹

COURTS OF INJUSTICE

Human rights defenders regularly face persecution for their work protecting and promoting human rights, while activists and other real or perceived dissenters are regularly threatened by police or other authorities for their peaceful activism. The Cambodian authorities have continued to arrest and detain activists and other protesters without any court warrant for temporary detention and "re-education."¹² There is no legal basis for such arrests but those detained feel pressured to comply with police requests for fear of attracting further attention if they refuse to cooperate. They are only released after agreeing they will not continue their activities and are forced to thumbprint official police statements to the same effect.¹³

Criminal proceedings against activists, the political opposition and human rights defenders are similarly initiated, held in the court systems and at times continued indefinitely, often for years, for overtly political reasons. The politicized Cambodian justice system makes little attempt to offer even a semblance of independence, and protection of the rights to a fair trial guaranteed under international human rights law. Criminal law is routinely used to further the day-to-day political objectives of the government.

CRITICAL ROLE OF THE GOVERNMENT AND POLITICAL PARTIES

Both the government and the remaining political parties competing for office in the July 29 national election have an important role to play in ensuring that the promotion of human rights is given primacy during the election campaign and in the aftermath. In this regard, we urge all political parties to use all avenues available to push for the implementation recommendations outlined below and ensure human rights remain at the forefront of debate in Cambodia both now and in the future.

- Amend or repeal Law on Peaceful Demonstrations (LPD) so that the grounds used for imposing restrictions on the right to freedom of assembly conform with human rights law and standards on the right to freedom of peaceful assembly, including Article 21 of the ICCPR, instead of being arbitrarily used to ban any gatherings;
- Enact legislation and issue detailed implementing regulations setting out a comprehensive code of conduct on the use of force by all law enforcement personnel in Cambodia, in accordance with the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and other international human rights standards; -
- End the suppression of the operations and activism of non-governmental organisations, and amend or repeal the Law on Association and Non-Government Organisations (LANGO), in accordance with Cambodia's international human rights obligations in an open, public and transparent manner and in consultation with civil society and the public, and similarly amend or repeal the Law on Political Parties and the Trade Union Law, to bring them into line with international human rights and labour law;

¹¹ Mech Dara and Alex Willems, "Wounded Recount Rampage by Military Police", *The Cambodia Daily*, January 8, 2014.

¹² Pech Sothey, "Youth detained over protest", *The Phnom Penh Post*, 27 July 2018.

¹³ Leng Len, "Anti-Dredging Activist Held for Filming, Inciting Protesters", *The Cambodia Daily*, 8 August 2017.

- Respect the Cambodian people's right to freedom of expression, including in social media posts, and end the policy and practice of arbitrarily detaining and "re-educating" protestors for taking part in peaceful activities such as petitioning the government, gathering in public to air their grievances, or expressing views in public;
- Respect the independence of the judiciary and other relevant institutions and in particular ensure in law, policy and practice the independence and impartiality of the courts;
- End the use of criminal charges and the legal system more generally to target journalists, human rights defenders and peaceful opposition political activists with trumped-up and/or unsubstantiated criminal charges or for acts not internationally recognised as offences such as peaceful dissent, and ensure the immediate and unconditional release and dropping of charges against those arrested, prosecuted or punished solely for exercising their human rights peacefully, including journalists Uon Chhin and Yeang Sothearin and land rights activist Tep Vanny;

Yours sincerely,

Clare Algar

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