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CAMBODIA: END ARBITRARY ARRESTS AND PROSECUTION OF OPPOSITION MEMBERS

The Cambodian authorities must cease their campaign of arbitrarily arresting and prosecuting former members of the banned Cambodia National Rescue Party (CNRP) and release all prisoners held for peacefully exercising their rights, Amnesty International said today.

Since August, at least 41 former CNRP members have been jailed and 88 have been subject to politically-motivated charges including “plotting against the state” and “attack” for allegedly supporting the return to Cambodia of CNRP leaders living abroad. Arrests have typically been conducted without due process and in the absence of arrest warrants.

Acting CNRP leader Sam Rainsy pledged in August to return to Cambodia on 9 November and the CNRP have called for mass demonstrations on the same day. In response, the Cambodian authorities have labelled the planned return as an attempted coup d'état and undertaken a heavy-handed crackdown against individuals affiliated with the CNRP.

Senior government and police officials have also publicly warned that any online expression of support for the return of the CNRP leaders will lead to prosecution.

Amnesty International calls on the Cambodian authorities to immediately release all individuals imprisoned for the peaceful exercise of their human rights and for all politically-motivated charges against them to be dropped. The authorities must further ensure that all individuals are allowed to freely exercise their rights to freedom of expression and peaceful assembly, in accordance with the Cambodian constitution and international human rights law.

The ongoing crackdown has already had deadly consequences. On 30 October, Sam Bopha, a CNRP activist, was killed while in police custody after being arrested at her home in Svay Rieng province. According to information received by Amnesty International, Bopha fell from a police motorbike as she was being transported to the local police station. She was arrested after her father-in-law, Hun Yap — a former CNRP commune councillor — filed a domestic violence complaint against her. Hun Yap had defected to the ruling Cambodia People's Party (CPP) one week prior to the arrest amid a nationwide campaign of coerced “confessions” and defections targeting former CNRP activists. Approximately 50 former CNRP members have “confessed” to plotting against the state in the past two months.

Another CNRP activist, Tith Rorn, died in detention soon after he was arbitrarily arrested in April. No independent investigation into the circumstances of his death has yet been carried out, despite the presence of injuries on his body consistent with beating.

The Cambodian authorities have also attempted to thwart the return of CNRP leaders. On 1 November, the Cambodian civil aviation authority threatened airlines with prosecution for supporting “a coup d'état” should they allow Sam Rainsy to board a flight to Cambodia. CNRP deputy leader Mu Sochua was denied entry to Thailand by Thai immigration officials on 20 October after the Cambodian authorities issued warrants for the arrest of CNRP leaders to fellow ASEAN states.

These recent developments have been accompanied by the militarisation of Cambodian border provinces, while Cambodian Prime Minister Hun Sen has publicly ordered the military to attack any opposition gatherings that are held on 9 November. Live-fire military exercises and troop deployments in towns and cities adjacent to the Thai border have further contributed to significant concerns about the potential for violence on 9 November.

CNRP President Kem Sokha remains detained on charges of ‘conspiracy with a foreign power’ since his arrest in 2017. After spending one year in a maximum-security prison, he was transferred to house arrest under highly restrictive conditions in September 2018.

Amnesty International call upon the international community to closely monitor the rapidly deteriorating human rights situation in Cambodia. States should promote respect for the human rights of all Cambodians in line with their obligations under the Paris Peace Accords of 1991, which assigned a historic responsibility to the United Nations and the international community to support the realisation of peace and human rights in Cambodia.

BACKGROUND

The CNRP was founded in 2012 following a merger between the Sam Rainsy Party and the Human Rights Party. Soon after, the CNRP achieved a historic result in the 2013 national election, narrowly losing out to the ruling CPP.

The CNRP was dissolved by the Supreme Court in November 2017 based on a complaint filed by the Ministry of Interior, which accused the CNRP of seeking to stage an “illegal coup d’état.” The party was ultimately dissolved despite what was widely considered to be a lack of credible evidence to support the accusation.

The Supreme Court ruling further banned 118 of the CNRP’s most senior members from engaging in any political activity for five years. Following the CNRP’s dissolution, all of the party’s seats at the commune, district, and national levels were redistributed to the CPP and minor, unelected parties.

The Supreme Court President, Dith Muntey, presided over the CNRP’s dissolution hearing despite being a member of the CPP’s permanent committee and a close ally of Prime Minister Hun Sen.

The CNRP’s dissolution occurred soon after the 2017 Commune Council elections, in which the CNRP received almost half of the popular vote. The prospect of a closely-fought general election in 2018 is widely believed to have motivated the CNRP’s dissolution.

Sam Rainsy left Cambodia in 2015 in order to avoid arrest in relation to a criminal defamation case against him. He later resigned as president of the CNRP in 2017 after the introduction of amendments to the Law on Political Parties, which barred convicted persons from leading political parties. Other CNRP leaders fled Cambodia in the context of the CNRP dissolution proceedings of 2017 and following the arrest of Kem Sokha.