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Cambodia: The government must deliver on human rights

As the Consultative Group (CG) meets in Phnom Penh on 2 – 3 March 2006, Amnesty International called on governments to reinforce messages to the Cambodian government to honour its previous commitments made to the Consultative Group and to comply fully with their human rights obligations.

In letters to donors attending the CG meeting, Amnesty International expressed concerns about the general human rights situation in Cambodia. The organization further pointed out that the promises made by the Cambodian government in December 2004 remained unfulfilled, which showed that the government had no genuine commitment to ensuring the protection of the human rights of the whole population.

In the last year Cambodia has witnessed a serious erosion of respect for human rights, including threats to fundamental rights and freedoms which Amnesty International has highlighted several times. Human rights defenders, including environmental and land rights activists as well as other members of Cambodian civil society, have been particularly under threat.

In a series of recommendations Amnesty International urged all CG participants, including Cambodia's international donors, to strongly urge the Cambodian government to:

- guarantee an end to harassment and intimidation against human rights defenders, activists and opposition party members and withdraw all outstanding defamation complaints lodged in a recent crackdown;
- repeal or amend defamation and disinformation laws and other provisions in the criminal law to ensure that the right to freedom of expression is protected; ensure that any new legislation, including the penal code, does not criminalise this right.
- comply fully with their human rights obligations, as reflected in 2004 CG commitments, including addressing issues which frustrate the realisation of human rights, such as land grabbing, corruption and misuse of natural resources and other state assets, as well as urgently accelerating legal and judicial reform;
- ensure that the right to freedom of expression is extended to include independent broadcast media.

Amnesty International also called on donors to:

- ensure continued strong support for efforts by civil society activists to improve the protection of human rights, promote the rule of law, increase proper counter-corruption initiatives and to extend media freedom to independent broadcasters;
- to reinforce such support by publicly voicing concern about the current unsustainable situation. Real progress towards delivering the CG commitments can only be achieved by ensuring that human rights underpin not just the wording, but also the implementation of the Government's so-called Rectangular Strategy for achieving the Millennium Development Goals.

Background

As well as the recent crackdown which involved a series of widely criticized detentions and threats against civil society activists, an increasing number of ordinary Cambodians are also affected by the deterioration in the human rights situation. Disputes related to land are increasing; rural populations continue to be impoverished as a result of industrial concessions granted by the authorities over their land. Local communities continue to be deprived of their livelihood by land-grabbing by companies connected to elite families, the misuse of natural resources and other public assets which the government either supports or on which it is indifferent.

Amnesty International welcomed the recent releases of prisoners of conscience Cheam Channy, Mam Sonando, Kem Sokha among others, and pardons issued by the King to opposition politicians sentenced to imprisonment after unfair trials. However these steps taken by the government represent only partial remedies for violations of human rights and there has been no meaningful progress on long-term human rights problems in Cambodia.

Attacks against local human rights defenders and activists aggrieved by activities of concessionaires, companies and powerful individuals have escalated over the past year. Amnesty International has received numerous reports of deaths, other violence, threats, arrests and attempts to silence public protests.

The main opposition party, trade unions, the independent media and non-governmental organizations operate in an environment of increased uncertainty, knowing that they may become targets of repression any time they publicly voice criticism that surpasses the low and unpredictable level of tolerance of Cambodia's leaders. Moreover, interference in the judicial process by the government, such as experienced during the recent crackdown on freedom of expression, continues to erode the independence and integrity of the judiciary.

A culture of impunity protects only those with powerful and influential connections. No one has yet been prosecuted for the killings by armed security forces in March 2005 of five villagers defending their land in Banteay Meanchey Province from where they were forcibly evicted after a lengthy and questionable legal battle. The villagers were offered alternative land so far from the international border crossing where they made their living that they would in effect lose their meagre livelihoods. Very few of those responsible for the majority of land grabs, illegal logging or fishing have been brought to account, while the poor and marginalised, who are directly affected, are denied avenues to pursue legal redress or any alternative adequate remedy.

At the CG meeting in December 2004 the Cambodian government pledged to ensure an independent court system and "to strengthen the rule of law, promote social justice, reduce corruption, eliminate the culture of impunity, and strengthen the culture of peace and the primacy of law".

Prime Minister Hun Sen subsequently launched the "iron fist" policy, ostensibly to address widespread corruption in the court system. Analysts have warned that the policy further undermines the independence of the courts. Appropriate procedures were flouted when disciplinary action was taken against a number of prosecutors and judges, who were recently convicted for bribery and sentenced to imprisonment. These verdicts were reported to have sown anxiety among court officials, rather than foster equality before the law, transparency, and accountability. Crucially, there has been no reform of the Supreme Council of Magistracy – one of the CG benchmarks agreed in December 2004 – which should formally act to ensure the independence and effectiveness of the judiciary.

