

URGENT ACTION

SERIOUS HEALTH CONCERNS FOR DETAINED POLITICIAN

Kem Sokha, president of the dissolved main opposition party, was denied bail on appeal on 1 February, despite his seriously deteriorating health. Held in isolated pre-trial detention since his arrest on 3 September 2017, he faces up to 30 years imprisonment if convicted of politically motivated charges of treason.

Observers at **Kem Sokha's** bail hearing on 1 February 2018 before Phnom Penh's Court of Appeal noticed a severe deterioration in his health. While doctors at "Correctional Centre 3" (CC3) in Tbong Khmum province have reportedly been providing him with medication, CC3 prison authorities have so far denied medical treatment by independent doctors. His exacerbated health issues – high blood pressure, severe pain in his shoulder and diabetes – have reportedly led to difficulties standing up for long periods of time. Kept in isolation from other detainees at CC3, visitors of Kem Sokha, except for his family and lawyers, continue to be refused access to him.

Despite Kem Sokha's lawyers having raised his deteriorating health as grounds for bail, the Court once again ignored these. Before entering the courtroom, Kem Sokha's lawyers were strip-searched and had their phones taken away, an unusual practice in Cambodia, and were not allowed to speak to Kem Sokha before the start of the hearing. His lawyers had reported that their documents were regularly checked before meeting with Kem Sokha in prison and that they suspect that their conversations are videotaped.

On 15 January, the Investigating Judge of the Phnom Penh First Instance Court had denied, Kem Sokha's bail request, on the basis that this was allegedly in the interest of ensuring "Kem Sokha's safety" and "continuance of smooth judicial investigations". During previous bail hearings Kem Sokha had not been allowed to be present in the courtroom based on "security concerns".

Please write immediately in English, Khmer or your own language urging authorities to:

- Immediately and unconditionally release Kem Sokha due to a serious deterioration of his health;
- Pending his release, immediately end Kem Sokha's solitary confinement which may amount to cruel, inhuman or degrading treatment or punishment, if not torture, and allow him unrestricted and confidential access to his lawyers, family and specialist independent medical care to address his deteriorating health;
- Calling on the authorities to ensure that all political activists and HRDs in Cambodia are able to peacefully exercise their right to freedom of expression, association and peaceful assembly without risk of arrest and harassment.

PLEASE SEND APPEALS BEFORE 19 MARCH 2018 TO:

Minister of the Interior and Deputy Prime Minister

Sar Kheng
75 Norodom Blvd
Khan Chamkarmon
Phnom Penh, Cambodia
Fax: +855 23 426 585
Salutation: Your Excellency

Prime Minister

Samdech 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

And copies to:

Minister of Foreign Affairs and International Cooperation
Prak Sokhonn
No. 3 Samdech Hun Sen Street Khan
Chamcar Mon
Phnom Penh, Cambodia Fax: + 855 23
216 141

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 first update of UA 278/17. Further information:

<https://www.amnesty.org/en/documents/asa23/7623/2017/en/>

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ADDITIONAL INFORMATION

On 3 September 2017, at 12:30 am, Kem Sokha was arrested by eight members of Prime Minister Hun Sen's bodyguard unit and 100 police officers at his house in Tuol Kork district in Phnom Penh, Cambodia's capital. The following day, the Investigating Judge of Phnom Penh's First Instance Court ordered his pre-trial detention at "Correctional Centre 3" (CC3) in Tbong Khmum province (located close to the Vietnamese border) while conducting an investigation into allegations of "colluding with a foreign power" (Article 443 of the Cambodian Criminal Code). On 11 September the ruling party-dominated National Assembly stripped him of his parliamentary immunity, paving the way for potential criminal prosecution.

The case against Kem Sokha is based on a video recording of a speech he gave in Australia in 2013, in which he declares to have received advice from the U.S. Government on how to build a peaceful Cambodian grassroots movement.

After being questioned on 24 November and 14 December by the investigating judge, alongside two Deputy Prosecutors on the latter date, Kem Sokha announced that he would refuse to answer any further questions for the judicial investigation inside his prison cell and requested to be transferred to a prison facility closer to Phnom Penh. This request has so far been denied.

In the months following the Commune Council Election in June 2017, and ahead of this year's general election, the ruling party has resorted to systematic political repression directed mostly at the main political opposition party, the Cambodia National Rescue Party (CNRP), including arrests and prosecutions against its members on trumped up conspiracy charges, forcing more than half of CNRP's lawmakers to flee the country, for fear of arrest.

On 6 October 2017, the Ministry of Interior (MoI) filed a complaint with the Supreme Court requesting it dissolve the CNRP, on the basis that it had allegedly violated the Law on Political Parties through acts of a purported opposition-led "colour revolution" aimed at overthrowing the current government. The CNRP allegedly had "conspired with foreign powers," in particular through receiving assistance from the U.S. Government and in collusion with civil society. On 16 November 2017, after a three-hour hearing, which was boycotted by lawyers representing the CNRP, the Supreme Court, presided by a judge who is known to have close ties to Prime Minister Hun Sen and is a member of high level committees of the ruling party, decided to dissolve the CNRP. Lawyers representing the MoI argued, without presenting any evidence, that the CNRP was part of a U.S.-funded plot to topple the government before the 2018 election. The MoI's lawyers also accused several key civil society members of being "accomplices" to the CNRP in this plot.

With the CNRP dissolved and 118 CNRP officials banned from political activities for five years, its leader in arbitrary detention, and a large – but unconfirmed – number of opposition members in self-imposed exile, the crackdown on the human rights to liberty, fair trials and freedom of association, assembly, expression of members of the main opposition party ahead of July's elections has found new and deeply worrisome peaks.

This relentless onslaught on the human rights of CNRP members comes in the context of a much wider attack on independent voices in the country, in particular civil society and independent media, leading to the silencing of more than 30 radio broadcast frequencies, the shutting down of independent press agencies, the suspension and closure of several independent human rights NGOs, the continued arbitrary detention of activists, and increased threats and intimidation of critical voices in the country.

Name: Kem Sokha
Gender m/f: m

Further information on UA: 278/17 Index: ASA 23/7825/2018 Issue Date: 5 February 2018