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Cambodia: Human rights in peril amidst unlawful campaign against political opposition and human rights workers

The Cambodian authorities and the ruling Cambodian People's Party (CPP) must immediately end its ongoing and unlawful campaign to dismantle the political opposition and undermine the invaluable and legitimate work of the country's human rights' groups and political commentators. It is time for the international community to step in and to call on Cambodia to end this campaign which threatens to fatally undermine the Cambodian people's constitutionally and internationally protected rights.

On 2 May 2016, four staff members from the Cambodian Human Rights and Development Association (ADHOC), Ny Sokha, Yi Soksan, Nay Vanda, and Lem Mony, were arrested and charged with bribing a witness along with former ADHOC staff member and current deputy secretary-general of the National Election Committee, Ny Chakrya, who was charged as an accomplice. The Anti-Corruption Unit also issued an arrest warrant for Soen Saly, an officer of the UN Office of the High Commissioner for Human Rights (OHCHR), despite his immunity from arrest granted under the Convention on the Privileges and Immunities of the United Nations. He is also charged as an accomplice.

On 3 May 2016, the Phnom Penh Municipal Court summoned Kem Sokha, the acting head of the opposition Cambodian National Rescue Party (CNRP), for questioning on charges of criminal defamation, and two other CNRP members of parliament, Pin Ratana and Tok Vanchan, for questioning on charges of prostitution.

These arrests, charges and summons arise from ADHOC providing legal advice to hairdresser Khem Chandaraty, better known as Srey Mom, who was called for questioning by the Counter-Terrorism Directorate of the government's Central Directorate for Security after voice recordings were published online of what is alleged to be a conversation between her and Kem Sokha establishing that they were having an extra-marital affair. She was later summoned by the Phnom Penh Municipal Court for questioning on allegations of prostitution.

Srey Mom initially denied the affair but after reversing her denial, she published a letter in which she claimed she was pressured into denying the affair by ADHOC staff. The accusation of bribery appears to have arisen from a small sum of money which ADHOC gave to Srey Mom to cover some expenses, including the cost of traveling to court.

The scandal has also led to the summoning of independent political commentator Ou Virak on charges of criminal defamation for expressing his opinion that the ruling CPP have exploited the alleged affair for political gain. He is due for questioning by the Phnom Penh Municipal Court on 12 May. His comments, which included an allegation that the CPP were using the alleged affair "to try to put pressure on Mr. Kem Sokha and his finances", are protected by the right to freedom of

expression. The CPP, who filed the complaint against Virak, have claimed US\$100,000 in damages, alleging the comments affect the party's "dignity and prestige".

On 24 April, CNRP commune chief Seang Chet, was arrested and detained on charges of bribery. The arrest followed the publication of Srey Mom's letter, in which she claimed Chet had attempted to pay US\$500 to her mother to encourage her to deny the affair.

Cambodia is a state party to the International Covenant on Civil and Political Rights (ICCPR) which guarantees, among others, the rights to freedom of expression, equality before the law, and to be tried by an independent and impartial tribunal; rights which are also protected by the Constitution of the Kingdom of Cambodia.

Two years out from the next election, it is clear that the ruling party is seeking to dismantle the political opposition and create an environment where opposition MPs, civil society, human rights defenders and political commentators cannot operate without fear of reprisals, including arrest and criminal charges. The international community must call on the Cambodian government to put an end to its campaign against those critical of the authorities and ensure that they can carry out their legitimate work in a safe and enabling environment.

Background

In addition to the recent cases described above, 12 other opposition members and officials are currently in jail: including 11 CNRP officials and activists who were convicted in July 2015 on absurd insurrection charges in relation to a demonstration in July 2014 that resulted in clashes between opposition supporters and security forces; and CNRP Senator Hong Sok Hour, who was arrested in August 2015 for allegedly posting on Facebook a video clip which contained an image of a modified version of a treaty between Cambodia and Viet Nam which incorrectly stated that the two countries had agreed to dissolve their shared border. He is currently in pre-trial detention, as are Try Sovikea, Sun Mala and Sim Samnang, three environmental activists from non-governmental organisation Mother Nature who were arrested in August 2015 and are awaiting trial in Koh Kong province on charges of "threatening to commit destruction", in connection with a verbal confrontation with the crew of a boat alleged to have been engaged in sand dredging in Koh Kong province. Alex Gonzalez-Davidson, a Spanish national and founder of Mother Nature who is currently being prevented from re-entering Cambodia having been deported in 2015, has since been charged as an accomplice in the case against his Mother Nature colleagues. He has been unable enter the country to answer the charges against him despite repeated efforts.

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