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Cambodia: Upcoming Human Rights Council session crucial as coordinated assault on political opposition, media and civil society continues ahead of 2018 election

The Cambodian government must immediately end its escalating assault on opposition, media and civil society groups in the lead up to the 2018 general election, Amnesty International said today. Since commune elections were held on 4 June 2017, the government has used a variety of regulatory and criminal laws to move aggressively against the opposition Cambodia National Rescue Party (CNRP), independent media, and local and international civil society groups. The 36th session of the United Nations Human Rights Council in September must result in a strong, effective, and principled response from the international community.

In the early hours of Sunday, 3 September, Kem Sokha, the leader of the CNRP was arrested at his home in Phnom Penh. He has been accused of “conspiracy with a foreign power” under Article 443 of the Cambodian Criminal Code.

A statement and video—partially subtitled in English—posted online by the government's Press and Quick Reaction Unit link the arrest to a speech in which Kem Sokha discusses advice received from unspecified United States interlocutors regarding democratization processes and grassroots strategies for achieving democratic change. In a separate government statement also dated 3 September, Prime Minister Hun Sen is quoted as calling for clarification from the United States as to its alleged involvement in a “conspiracy to topple the legal government of Cambodia”.

The trumped up accusation against Kem Sokha is the latest development in a rapidly escalating campaign by the government that is also restricting independent news and analysis ahead of the 2018 general election.

On 4 July 2017, the Ministry of Interior ordered The Situation Room—a coalition of Cambodian associations and non-governmental organizations that had provided analysis of the management and fairness of elections—to cease its activities. The government alleged that the coalition had violated the 2015 Law on Associations and Non-Governmental Organizations (LANGO) by failing to register as a separate entity and not remaining politically neutral.

In mid-August three prominent human rights and election monitoring organizations—the Cambodian League for the Promotion and Defence of Human Rights (LICADHO), the Cambodian Human Rights and Development Association (ADHOC), and the Committee for Free and Fair Elections in Cambodia (COMFREL), all former participants in The Situation Room—were summoned to the General Department of Taxation for questioning over their tax affairs. It is unclear whether any future action will follow.

In the week beginning 21 August, multiple radio stations were forced off the air, alleged by the Ministry of Information to have violated their contracts by failing to inform the Ministry of the details of their programming. The radio stations affected are reported to have sold air time to the United States-based Radio Free Asia and Voice of America, and to have carried locally-produced content that was at times critical of the government. This will restrict the availability of independent news and analysis ahead of the 2018 general election.

On 23 August, the Ministry of Foreign Affairs and International Cooperation (MFA) abruptly announced that the Cambodia operations of the Washington D.C.-based National Democratic Institute (NDI) would be shut down because it had continued to operate while awaiting registration under LANGO and failed to register with the General Department of Taxation. Foreign staff were given seven days to leave the country. NDI stated that the MFA had received their registration documents on 21 September 2016 but taken no action.

On 4 September, the publishers of *The Cambodia Daily* newspaper announced in a statement that they would cease publication and move to dissolve the company that owns the newspaper after receiving a USD 6.3 million tax bill on 4 August 2017 covering the previous ten years. The publishers disputed the bill and stated that they offered to work with the General Department of Taxation to resolve any legitimate tax liabilities through a formal audit and negotiations but were repeatedly rebuffed. Amnesty International is concerned by the lack of due process given other recent moves to restrict media and civil society organizations.

The synchronized moves by several ministries over the last few weeks, using a variety of laws, have been characterized by abrupt announcements and a lack of due process. It appears that little attempt has been made to resolve alleged regulatory infringements and that the authorities have instead, in most cases, pursued a complete and abrupt cessation of operations, which in none of these cases appears to be a necessary nor proportionate response. Amnesty International is therefore concerned that these actions constitute violations of the rights to freedom of expression and association.

A crucial Human Rights Council session

From 8-18 August 2017, the Special Rapporteur on the situation of human rights in Cambodia, Rhona Smith, carried out her fourth official visit to Cambodia. In her end of mission statement to the media, the Special Rapporteur stated: "The general situation in the country remains tense. Cambodia appears to be approaching a precipice." She noted that the current situation, including a raft of legal actions against politicians, allegations that some non-governmental organizations are politically partisan, intimidation and fear, is "not compatible with an environment conducive to free elections."

The Special Rapporteur is due to report to the 36th session of the Human Rights Council at the end of September 2017, when the Council will continue its examination of the situation of human rights in Cambodia in accordance with a resolution adopted on 2 October 2015 (A/HRC/RES/30/23).

Amnesty International urges members of the Human Rights Council, which include several donors who have made significant investments in the development of Cambodia—China, Germany, Japan, the United Kingdom, and the United States—to acknowledge the significance and severity of the recent deterioration of the human rights situation in Cambodia and respond accordingly. The resolution passed by the Human Rights Council must ensure sufficient oversight and reporting on the situation in the lead-up to the 2018 general election and send a clear message to the Cambodian government that arbitrary restrictions on the rights to freedom of expression, assembly, and association are not consistent with its obligations under international human rights treaties to which it is a State party.

Last year was the 25th anniversary of the signing of the Paris Peace Accords on 23 October 1991. The agreements ushered in a new era of openness in Cambodia, during which Cambodia chose to ratify and be bound by international human rights treaties. Organizations like *The Cambodia Daily* and NDI began their work in Cambodia during this time. Through the Paris Peace Accords and its ratification of human rights treaties, Cambodia undertook to ensure respect for and observance of human rights and fundamental freedoms. Other signatories to the Paris Peace Accords also undertook to promote and encourage respect for human rights in Cambodia.

Having invested so much in Cambodia over the last 25 years, the international community should not turn away now, as the Cambodian government threatens to reverse course and use the law as a tool to restrict and silence Cambodia's independent media and civil society.

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