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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by Liberal International, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[8 February 2019]

* Issued as received, in the language(s) of submission only.



Rapid Deterioration of Democracy and Human Rights in Cambodia

Liberal International (LI) welcomes the report submitted by the United Nations (UN) Special Rapporteur on the situation of human rights in Cambodia as submitted to the 39th Session of the UN Human Rights Council.

LI fully endorses the recommendations in the report and in particular the call of the Special Rapporteur to the Cambodian government on the “need to expand the democratic space so that “civil society organizations, human rights defenders and political activists, including members of the former Cambodia National Rescue Party (CNRP), can actively and openly participate in inclusive political debate.”

With this statement, LI would like to draw attention to the rapidly deteriorating situation with democracy and human rights in Cambodia and in particular the unjust imprisonment of the leader of the Cambodia National Rescue Party (LI full-member party) Kem Sokha and the subsequent forced dissolution of the party.

Recognising that:

- Cambodia suffered what is often described as the world’s worst genocide. Between 1975 and 1979 almost a quarter of the population died as a result of the China-backed communist Pol Pot regime and that the current Cambodian People’s Party (CPP) Prime Minister Hun Sen was part of the genocidal Pol Pot regime until he defected to Vietnam in 1977, and is now the world’s longest-serving prime minister.
- Hun Sen was a signatory to the 1991 Paris Peace Accord, now breached, which required a new constitution, and accession to treaties and provisions promising democracy, rule-of-law and human rights, and which had given hope to the Cambodian people
- Since the first post-1991 Paris Peace Accord elections in 1993, Hun Sen and the CPP have systematically sought to rig elections in their favour and that the CNRP was widely expected to win the July 2018 general election
- Cambodia’s judiciary has become a tool of Hun Sen and the CPP; a key factor in its reputation as kleptocratic, prone to land grabs by the CPP elite, and known for unlawful activity, particularly illegal logging and land clearance.

Emphasizing that:

- Three months after the commune elections, on 3rd September 2017, the current leader of the CNRP, Kem Sokha, was arrested and subsequently incarcerated on charges of spying for the United States of America.
- Kem Sokha is facing 30 years in prison and is currently under house arrest along with his wife and mother despite the fact that no evidence has been presented by the authorities, to date, and the charges are widely regarded as political.
- As part of his house arrest he must conform to the following restrictive conditions:
 - He may not leave the court-specified demarcation of the territory
 - In case of a health emergency which requires leaving this demarcation, he must ask for permission from the court
 - He may not meet former CNRP leaders and foreigners
 - He may not engage in any meeting with political purpose
- The UN Special Rapporteur on Human Rights in Cambodia Rhona Smith was refused permission by Cambodia’s government to visit Kem Sokha
- On 16th November 2017, the entire Cambodia National Rescue Party was dissolved by the Supreme Court, and its membership was made illegal and subject to a

custodial sentence. CNRP councillors up and down the country were required to defect to the CPP or step down and face possible arrest and incarceration

- A total of 118 CNRP officials were banned from political activity for five years, and the CNRP's local and national seats were reallocated to unelected members of the ruling and other parties, and that a wave of arrests continued during 2018 and 2019 to the extent that even former members merely expressing support for the CNRP have been arrested, harassed or forced to dismiss them.
- In 2017 a crackdown on the free press and a number of NGOs not least the Committee for Free and Fair Elections was launched by the government and the Cambodia Daily and Radio Free Asia were shut down. Thirty-two radio stations across twenty provinces that broadcast reports critical of the government were forced to close.
- Especially harsh treatment has befallen critics of illegal logging, land grabs or the poor treatment of garment workers, with several high profile activists and journalists being murdered

Acknowledging that:

- The international community has significant concerns about the instability increasing in Cambodia and spilling over into neighbouring countries
- The European Union (EU) has sought steps to remove trade privileges and suspend the Everything but Arms scheme, and link restoration to reforms, which would have had a major impact.
- The EU has been considering applying pressure by removing trade privileges as more than 40% of Cambodian exports go to the EU
- In early October 2018, the EU notified Cambodia that they are launching the process for the withdrawal of Cambodia's Everything But Arms preferences

Asserting that:

- An electoral process, from which the main democratic opposition party, which enjoyed 44% of the national vote in 2013 and 2017, has been arbitrarily excluded, cannot be considered legitimate
- The steps towards one party rule in 2017 and 2018 represent the latest in a long line of regressions in human rights, and that over the last 25 years the Hun Sen government has whittled away at constitutional safeguards and the separation of powers, enshrined in the 1991 Paris Peace Accords
- The government in Cambodia under the leadership of Hun Sen, should not interfere in the judicial process in the country
- Cambodia is not on the road to greater stability, which is a major concern for the region and the world
- International institutions, especially in the UN system, should take note of the dangers ahead and take further measures to restore the democracy, rule-of-law and human rights which were promised in the 1991 Paris Peace Accords, by way of rules-based international governance
- Sovereignty arguments should not be used to permit the drift to dictatorship in Cambodia which is likely to have serious negative consequences for the whole region

Recalling:

- The Written Statement of Liberal International to the 31st Session of the UN Human Rights Council on Cambodia condemning the ruling CPP party for reinstating the politically motivated conviction against the then leader of the CNRP opposition and LI full-member party, Sam Rainsy, and other steps aimed at suppressing political opposition and threatening basic rights and freedom, warning of the long term consequences
- The deep concerns expressed in a statement by Liberal International at the 36th Session of the UN Human Rights Council condemning the arrest and unsubstantiated charges of treason against CNRP opposition leader Kem Sokha without a warrant and in breach of parliamentary privilege, and the silencing of critics in the independent media and civil society; and calling on all 19 signatories of the 1991 Paris Peace Accords to suspend aid, loans and support for the Cambodia CPP government
- The World Today Resolution approved at the 62nd LI Congress in Dakar, Senegal on 29 November 2018, which regretted the transformation of Cambodia into a one party state, condemned the unwarranted ban on the main opposition CNRP Party preventing its participation in the July 2018 general election, and the arrest and detention of opposition leader Kem Sokha

Calls on the Cambodian government to:

- Release CNRP president Kem Sokha immediately and unconditionally
- Drop all charges and cease all intimidation and threats against CNRP officials and activists in Cambodia and abroad not least CNRP Acting President Sam Rainsy
- Restore the CNRP to a status of legitimate opposition party with the same status and privileges as all major political parties
- Return all confiscated elected local positions to the CNRP
- Hold new free and fair legislative elections
- Comply with international norms of Jus Cogens and customary international law in fulfilling its international human rights obligations as contained in the treaties and conventions it has ratified, and cease to use its domestic law as a means of avoidance, accepting the doctrine of *pacta sunt servanda* as codified in Article 26 of the Vienna Convention on the Law of Treaties.
- Sign and ratify further multilateral treaties which enshrine the rights of citizens, civil society, political parties, employees and the media
- More specifically, meet the obligations of treaties on human rights acceded to in the years after the 1991 Paris Peace Accords
- Repeal the amendments to the Law on Political Parties which provided for expansive grounds for the dissolution of political parties
- Take steps to ensure there is an independent judiciary and separation of powers, including impartial systems for appointing and removing judges, proper appellate paths, and clear reporting and precedent systems
- End the use of trumped-up judicial, administrative and fiscal misdemeanours and felonies as political tools against the opposition and the media
- End land grabs by establishing fair and transparent systems of land registrations, completing the many international programmes that have been initiated by UN system organisations and others, and implementing objective processes for restitution to previous owners where land grabs have occurred

- Restore freedom of the press and media, and desist from attempting to close down any press and media outlets which are not acting as public relations voices for Hun Sen and the CPP
- Outlaw large scale systematic illegal logging and implementing international commitments

Calls for UN system institutions to:

- To encourage the Cambodian CPP-led government to bring Cambodia back towards democracy, rule-of-law and human rights and restore hope that the aspirations of the 1991 Paris Peace Accords can be met
- To support an international enquiry into the nature and conditions of recent Chinese investment in Cambodia, including environmental and labour standards, lest the public disquiet over Chinese investment erupts into economically damaging violence

Calls on the European Union to:

- Accelerate the process of *Everything but Arms* Scheme trade privileges suspension given the rapid deterioration of human rights and stability over the last three years. We implore the EU to try again to impose tariffs on rice as a first step, following the attempt using QMV on 4th December 2018
- Support the application of global environmental and International Labour Organisation standards in the application of Chinese investment in Cambodia.

Calls on the Chinese leadership to:

- Understand the dangers, and to reign in Hun Sen, for example by withdrawing from the 1996 Economic and Technical Cooperation Treaty between Cambodia and the People's Republic of China, and regulating the investment flows and auditing the type or organisations involved

Calls on the USA leadership to:

- Withdraw from Investment Accords signed from 1997, including the 2006 Trade and Investment Framework Agreement (TIFA)

Calls on ASEAN to:

- Understand the dangers to its members' interests and apply pressure for reform in Cambodia as expressed above, before it is too late, beginning by suspending Cambodia from the 16-member Regional Comprehensive Economic Partnership negotiations
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