



Inter-Parliamentary Union

For democracy. For everyone.

Cambodia

Decision adopted by the Committee on the Human Rights of Parliamentarians at its 163rd session (virtual session, 1 to 13 February 2021)



Former Cambodia National Rescue Party (CNRP) leader Kem Sokha arrives at the Phnom Penh municipal court for his trial in Phnom Penh on 22 January 2020. TANG CHHIN Sothy / AFP

- | | |
|-----------------------------|--------------------------------|
| KHM27 - Chan Cheng | KHM76 - Ky Wandara |
| KHM48 - Mu Sochua (Ms.) | KHM77 - Lath Littay |
| KHM49 - Keo Phirum | KHM78 - Lim Bun Sidareth |
| KHM50 - Ho Van | KHM79 - Lim Kimya |
| KHM51 - Long Ry | KHM80 - Long Botta |
| KHM52 - Nut Romdoul | KHM81 - Ly Srey Vyna (Ms.) |
| KHM53 - Men Sothavarin | KHM82 - Mao Monyvann |
| KHM54 - Real Khemarin | KHM83 - Ngim Nheng |
| KHM55 - Sok Hour Hong | KHM84 - Ngor Kim Cheang |
| KHM56 - Kong Sophea | KHM85 - Ou Chanrath |
| KHM57 - Nhay Chamroeun | KHM86 - Ou Chanrith |
| KHM58 - Sam Rainsy | KHM87 - Pin Ratana |
| KHM59 - Um Sam Am | KHM88 - Pol Hom |
| KHM60 - Kem Sokha | KHM89 - Pot Poëu (Ms.) |
| KHM61 - Thak Lany (Ms.) | KHM90 - Sok Umsea |
| KHM62 - Chea Poch | KHM91 - Son Chhay |
| KHM63 - Cheam Channy | KHM92 - Suon Rida |
| KHM64 - Chiv Cata | KHM93 - Te Chanmony (Ms.) |
| KHM65 - Dam Sithik | KHM94 - Tioulong Saumura (Ms.) |
| KHM66 - Dang Chamreun | KHM95 - Tok Vanchan |
| KHM67 - Eng Chhai Eang | KHM96 - Tuon Yokda |
| KHM68 - Heng Danaro | KHM97 - Tuot Khoert |
| KHM69 - Ke Sovannroth (Ms.) | KHM98 - Uch Serey Yuth |
| KHM70 - Ken Sam Pumsen | KHM99 - Vann Narith |
| KHM71 - Keo Sambath | KHM100 - Yem Ponhearith |
| KHM72 - Khy Vanndeth | KHM101 - Yim Sovann |
| KHM73 - Kimsour Phirith | KHM102 - Yun Tharo |
| KHM74 - Kong Bora | KHM103 - Tep Sothy (Ms.) |
| KHM75 - Kong Kimhak | |

Alleged human rights violations

- ✓ Violation of freedom of opinion and expression
- ✓ Violation of freedom of assembly and association
- ✓ Abusive revocation of the parliamentary mandate
- ✓ Lack of due process at the investigation stage
- ✓ Lack of fair trial proceedings
- ✓ Excessive delays
- ✓ Failure to respect parliamentary immunity
- ✓ Violation of freedom of movement
- ✓ Threats, acts of intimidation
- ✓ Torture, ill-treatment and other acts of violence
- ✓ Impunity
- ✓ Arbitrary arrest and detention
- ✓ Inhumane conditions of detention

A. Summary of the case

On 16 November 2017, the Supreme Court dissolved the sole opposition party in Cambodia, the Cambodian National Rescue Party (CNRP). It also banned 118 CNRP members (including all 55 CNRP members of the National Assembly) from political life for five years with no possibility of appeal. Their parliamentary mandates were immediately revoked and their seats reallocated to non-elected political parties allegedly aligned to the ruling party. The Supreme Court decision was based on charges of conspiracy with a foreign country to overthrow the legitimate government brought against the President of the CNRP, Mr. Kem Sokha. Most former parliamentarians subsequently fled Cambodia and went into exile.

The dissolution of the CNRP left the ruling Cambodian People's Party (CPP) – and Prime Minister Hun Sen – with no viable challengers in the July 2018 elections to the National Assembly. The authorities stated that the National Assembly remained a multi-party parliament composed of four political parties, in line with the Constitution of Cambodia. The CPP gained all 125 seats in the National Assembly elections, after having already gained all seats in the Senate elections in February 2018.

The dissolution of the CNRP took place against the backdrop of long-standing and repeated threats and groundless criminal charges against its members of parliament. They had been repeatedly warned by the Prime Minister that their only choice was to join the ruling party or be prepared for the dissolution and ban of their party. Since 2013, some 13 CNRP members of parliament have faced criminal accusations in relation to protests or statements critical of the CPP and the Prime Minister. All proceedings raised serious issues of due process and lack of judicial independence. Two members of parliament were subjected to physical attacks outside the National Assembly in 2015.

Mr. Kem Sokha, who became CNRP Acting President after its President, Mr. Sam Rainsy, went into exile in 2015, is accused of attempting to topple the Government on the basis of a 2013 speech he made on television in which he called for peaceful political change in Cambodia, without at any point inciting violence or hatred or uttering defamatory words. It is in connection with this accusation that Mr. Kem Sokha was arrested in September 2017 and placed in solitary confinement for one year, which was considered as arbitrary and politically motivated by the United Nations Working Group on Arbitrary Detention in April 2018. Following a request from his family, Mr. Kem Sokha was placed under house arrest in September 2018 for medical reasons. He was not able to meet with several persons who had wanted to visit him, as the number of visitors was restricted and subject to strict vetting from the Cambodian authorities.

On 10 November 2019, the Phnom Penh Municipal Court eased the bail restrictions that had effectively placed Mr. Kem Sokha under house arrest. He is still facing a 30-year prison term on treason charges and is reportedly banned from taking part in political life, as well as from leaving Cambodia. Mr. Kem Sokha's trial began in January 2020, but was suspended in March 2020 until further notice due to the COVID-19 pandemic.

Case KHM-Coll-03

Cambodia: Parliament affiliated to the IPU

Victims: 57 former opposition parliamentarians (50 male and seven female, 55 from the National Assembly and two from the Senate)

Qualified complainant(s): Section I.(1)(c) of the [Committee Procedure](#) (Annex I)

Submission of complaint: November 2011

Recent IPU decision: October 2018

IPU mission: [February 2016](#)

Recent Committee hearing: Hearing with the Cambodia delegation to the 138th IPU Assembly (October 2018)

Recent follow-up:

- Communication from the authorities: Letter from the Secretary General of the National Assembly (January 2021);
- Communication from the complainant: January 2021
- Communication addressed to the authorities: Letter to the Secretary General of the National Assembly (December 2020)
- Communication addressed to the complainant: January 2021

A mass trial of CNRP supporters, including senior party leaders and at least 12 former parliamentarians belonging to this party, started in November 2020. Some 150 individuals linked to the CNRP reportedly stand accused before the Phnom Penh Municipal Court in six cases. The Court was scheduled to hold hearings in January and again on 4 March 2021. The charges vary in each case and are said to include “plotting”, “incitement to commit a felony”, “inciting military personnel to disobedience” and “criminal attempt” under Articles 453, 494, 495, 471 and 451, respectively, of the Criminal Code. Many of the charges appear to relate to expressions of support for the planned return, which the authorities prevented, of self-exiled CNRP leaders, Mr. Sam Rainsy and Ms. Mu Sochua, to Cambodia in November 2019 to celebrate the country’s Independence Day. Many of the former CNRP parliamentarians who stand accused in the mass trial are in exile. Ms. Mu Sochua, and possibly others, attempted to return again to Cambodia in January 2021 with a view to defending themselves in the mass trial, but were again not allowed to enter the country given that the Cambodian authorities had revoked their Cambodian passports and refused to provide any other entry documents.

In November 2020, the United Nations Special Rapporteur on the situation of human rights in Cambodia stated that “the mass trials of CNRP activists appear to be politically motivated, lacking clear legal grounds, and constitute a serious violation of the due process rights, firmly established by international human rights law,” adding that “such judicial proceedings appeared to be part of a strategy to intimidate and discredit opponents of the Government. This is not an isolated episode. Civic and democratic space in Cambodia has continued to shrink and there remains little evidence of political rapprochement and reconciliation”.

B. Decision

The Committee on the Human Rights of Parliamentarians

1. *Thanks* the parliamentary authorities for the most recent information provided;
2. *Is deeply concerned* that at least 12 former CNRP parliamentarians now stand accused, along with many other CNRP supporters, of new, serious charges, which could result in hefty prison sentences, in connection with what appears to be the legitimate exercise of their political work and in violation of their basic human rights; *is shocked* that suspects who are in exile are not allowed to return to Cambodia to defend themselves in court; *considers* that the refusal by the authorities to grant them entry can only give further weight to the allegation that this mass trial is politically motivated; and *recalls* that, under international human rights law, everyone is entitled to return to their own country.
3. *Calls on* the relevant authorities to provide a detailed explanation regarding the facts underpinning the charges brought against the former parliamentarians in the mass trial; *urges* the authorities to respect due process, including the defendants’ right to appear in person and to have access to all the evidence collected against them, and to ensure that the public can follow the court hearings physically and/or remotely online; *considers* that, in light of the important issues at stake in this trial, it is crucial to monitor the proceedings closely; *decides*, therefore, to appoint an observer to follow, remotely or in person if and when the situation permits, the proceedings and to report thereon;
4. *Is concerned* that Mr. Kem Sokha’s trial does not appear to be advancing since its suspension in March 2020; *points out* the apparent contradiction in that the Cambodian authorities see no impediment to moving ahead with a mass trial despite the COVID-19 pandemic; *considers* that the stalemate in Mr. Kem Sokha’s trial further underscores that the treason charge is baseless; *recalls* in this regard that the so-called evidence against Mr. Kem Sokha includes videos of a 2013 speech in which he at no point incited hatred or violence or uttered defamatory words, but rather emphasized that he was aiming to bring political change by winning the elections; and *once again urges* the relevant authorities, therefore, to drop the charges and allow him to fully resume his political work;
5. *Reaffirms its previous deep concerns* in this respect regarding the fact that the Supreme Court dissolved the CNRP opposition party on account of this treason charge against Mr. Kem Sokha, even though his trial had not even begun; *stresses* that he and all other opposition members of

parliament – who have not been prosecuted for these charges – should have been presumed innocent until proven guilty by a final court decision;

6. *Calls on* the Cambodian authorities, once more, to heed the Committee's long-standing recommendations aimed at helping ensure respect for the fundamental rights of the former opposition members of parliament to freedom of expression, association and peaceful assembly, to a fair trial and to take part in the conduct of public affairs; *also calls on* the authorities to resume political dialogue with the opposition in the belief that this is indispensable to help build trust and find solutions to the current political situation;
7. *Requests* the Secretary General to convey this decision to the relevant authorities, the complainant and any third party likely to be in a position to supply relevant information;
8. *Decides* to continue examining the case.