



Inter-Parliamentary Union
For democracy. For everyone.

Cambodia

*Decision adopted by consensus by the IPU Governing Council at its 211th session
(Manama, 15 March 2023) ¹*



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

KHM-48 - Mu Sochua (Ms.)

KHM-49 - Keo Phirum

KHM-50 - Ho Van

KHM-51 - Long Ry

KHM-52 - Nut Romdoul

KHM-53 - Men Sothavarin

KHM-56 - Kong Sophea

KHM-57 - Nhay Chamroeun

KHM-58 - Sam Rainsy

KHM-59 - Um Sam Am

KHM-60 - Kem Sokha

KHM-62 - Chea Poch

KHM-65 - Dam Sithik

KHM-66 - Dang Chamreun

KHM-67 - Eng Chhai Eang

KHM-68 - Heng Danaro

KHM-69 - Ke Sovannroth (Ms.)

KHM-72 - Khy Vanndech

KHM-73 - Kimsour Phirith

KHM-76 - Ky Wandara

KHM-78 - Lim Bun Sidareth

KHM-79 - Lim Kimya

KHM-80 - Long Botta

KHM-82 - Mao Monyvann

KHM-83 - Ngim Nheng

KHM-84 - Ngor Kim Cheang

KHM-86 - Ou Chanrith

KHM-87 - Pin Ratana

KHM-90 - Sok Umsea

KHM-91 - Son Chhay

KHM-92 - Suon Rida

KHM-93 - Te Chanmony (Ms.)

KHM-94 - Tioulong Saumura (Ms.)

KHM-95 - Tok Vanchan

KHM-96 - Tuon Yokda

KHM-99 - Vann Narith

KHM-101 - Yim Sovann

KHM-102 - Yun Tharo

¹ The delegation of Cambodia expressed its reservations regarding the decision.

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 and 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.

Seventeen 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 February and July 2018 elections to the Senate and National Assembly.

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.

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. Mr. Kem Sokha, who is currently on bail, faces 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 and resumed only in January 2022. On 3 March 2023, the Phnom Penh Municipal Court found him guilty of treason and sentenced him to a 27-year prison sentence to be served in the form of house arrest, and indefinitely suspended his political rights to vote and to stand for election.

Seventeen other parliamentarians, who have all been forced into exile abroad, had previously been sentenced in one or more of the following mass trials against CNRP members in the last two years:

Ruling of 14 June 2022 – plotting and incitement: This ruling concerns 60 CNRP politicians and supporters, including 12 former CNRP leaders who were convicted *in absentia* on charges of plotting and incitement and were handed prison sentences of eight years. This case relates to Mr. Rainsy's failed attempt to return to Cambodia in November 2019 and the alleged plan to gather supporters both in the country and overseas to accompany him, as well as the establishment of the Cambodia National Rescue Movement abroad. The evidence mostly comprised Facebook posts expressing support for the former opposition party or democratic principles. No clear links were apparently made between the admitted evidence, each individual defendant and each element of the charges, and the judge reportedly failed to provide any reasoning in the decision.

Case KHM-Coll-03

Cambodia: Parliament affiliated to the IPU

Victims: 38 former opposition parliamentarians (34 male and four female)

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

Submission of complaint: November 2011

Recent IPU decision: October 2022

IPU mission: February 2016

Recent Committee hearing: Hearings with the Cambodia delegation to the 146th IPU Assembly (March 2023)

Recent follow-up:

- Communication from the authorities: Letter from the Secretary General of the National Assembly (March 2023)
- Communication from the complainant: September 2022
- Communication to the authorities: Letter to the Secretary General of the National Assembly (March 2023)
- Communication to the complainant: March 2023

Ruling of 17 March 2022 on charges of plotting, incitement and inciting military personnel to disobedience: This ruling concerns 21 senior CNRP leaders, including seven CNRP parliamentarians, as well as their supporters. The trial covered multiple issues, including the formation of the overseas Cambodia National Rescue Movement in 2018 and critical comments made by former CNRP officials about the COVID-19 pandemic. In court, several accused recanted their prior testimonies, alleging they were given under duress. The seven parliamentarians were found guilty of the charges and sentenced *in absentia* to 10 years in prison.

Ruling of 1 March 2021 – plotting and incitement: The case concerns nine CNRP leaders, all CNRP parliamentarians, who were found guilty of carrying out an attack against Cambodian institutions or territorial integrity, with the Prosecution accusing the group of an attempted coup as it presented evidence of speeches about raising funds to support defecting soldiers. The members of parliament were sentenced *in absentia* to 20 to 25 years in prison and stripped of their right to vote, stand for election or be a public official, and were ordered to pay a sizeable fine.

With regard to these trials, the United Nations (UN) Special Rapporteur on the human rights situation in Cambodia, in his report of 18 August 2022 (A/HRC/51/66), stated that: “Mass trials, particularly of individuals from the main opposition party and those seen to be antithetical to the dominant power base, have caused great concern and stifled the possibility of political pluralism [...] Irregularities inherent in these trials include the lack of credible evidence, failings concerning respect for fair trial rights and due process guarantees, and the fact that several of the so-called accused are being tried *in absentia* in breach of human rights guarantees”.

With regard to the independence and transparency of the judiciary and prosecutors, the Special Rapporteur stated in the same report that, “This is a long-standing issue referred to decades ago in earlier United Nations resolutions on Cambodia. There is a more recent turn, however, in that some judicial and related personnel have close links with the political party in power; for instance, they might sit on various key committees of the party”.

Among a series of recommendations, the Special Rapporteur suggested that the Cambodian authorities “open up the political and civil space in preparation for the national elections in 2023, in particular to ensure a genuine multiparty system, free and fair elections, checks and balances against power abuse, and guarantees for people’s participation and shared power; [...] suspend and reform laws, policies and practices that are antithetical to human rights, including the State of Emergency Law, [...], various laws impeding freedom of expression, other freedoms and the work of NGOs, and laws on political parties and related elections; open up to political pluralism and ensure the separation of powers and functions, especially in order to safeguard the judiciary from executive seepage”.

Similarly, the UN Human Rights Committee, which supervises the implementation of the International Covenant on Civil and Political Rights to which Cambodia is a party, in its concluding observations adopted at its 134th session (28 February–25 March 2022), echoed these findings and recommendations in great detail.

On 7 October 2022, the Phnom Penh Court sentenced Mr. Son Chhay, a former member of the CNRP and now the Vice-President of the opposition Candlelight Party, in two cases to pay the CPP and the National Election Committee 3 billion riels and 17 million riels (US\$ 754,250) in damages, having found him guilty of defamation for saying that voting fraud had occurred during the June 2022 commune elections, allegations that were supported and substantiated by other entities at the national and international levels. On 16 January 2023, Mr. Thach Setha, Vice-President of the Candlelight Party, was arrested over complaints of having written bad cheques, an accusation he denied and considers to amount to intimidation.

On 19 October 2022, Mr. Rainsy was sentenced to life imprisonment, allegedly for trying to cede four Cambodian provinces to a foreign state. The conviction and sentence referred to Mr. Rainsy’s meeting in the United States in 2013 with the Montagnard Foundation, an organization that works to protect the rights of indigenous minorities in Viet Nam. Mr. Rainsy had promised to defend the rights of Cambodian indigenous people during the meeting. He has since dismissed the charges and sentence as bogus saying that he had not ceded territory to any country but only recognized the rights of the indigenous people called Khmer Leu in the north-east of Cambodia.

In a hearing with the CHRP, the leader of the Cambodian delegation to the 146th IPU Assembly (March 2023) renewed the invitation to the CHRP to send a delegation to Cambodia to discuss its concerns and questions with all relevant stakeholders. He stated that much progress had been made in Cambodia to uphold liberal democracy, pointing out, among other things, that 45 political parties

had registered with the Ministry of the Interior and most parties have shown their interest in participating in the elections for the National Assembly, scheduled for 23 July 2023, that 17 political parties had won seats in the June 2022 local elections, hence ensuring political pluralism, and that over a thousand media outlets were operating in Cambodia. Regarding the recent revocation of the licence of the Voice of Democracy, considered to be one of the few remaining independent media outlets in Cambodia that reports on sensitive issues, the leader of the Cambodian delegation said that, recently, the media outlet had reported erroneously on a matter whereby it had broken the law and, consequently, its licence was revoked.

B. Decision

The Governing Council of the Inter-Parliamentary Union

1. *Thanks* the leader of the Cambodian delegation for the information provided and his spirit of cooperation;
2. *Is pleased* to learn that the invitation extended by the leader of the Cambodian delegation for an IPU delegation to travel to Cambodia to discuss its long-standing concerns in this case is still in place; *regrets*, nevertheless, that since the invitation was first formulated in November 2021 no concrete progress has been made towards identifying dates that suit the Cambodian authorities; and *sincerely hopes* that they can swiftly provide the necessary clarity so that the mission can take place well before the forthcoming elections for the National Assembly;
3. *Is deeply concerned* about the sentencing of Mr. Sokha to a lengthy prison term to be served in the form of house arrest; and *recalls* in this regard that the main evidence provided against Mr. Kem Sokha are 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;
4. *Is also deeply concerned* that Mr. Rainsy was recently sentenced to life imprisonment allegedly in connection with work he did to promote the rights of indigenous groups in Cambodia; *questions* the factual and legal basis for his conviction and sentence; and *wishes to receive* all the necessary details from the Cambodian authorities in this regard;
5. *Considers* that these developments have to be seen in the context of other serious steps taken in recent years against the opposition, in particular the mass trial verdicts in 2021 and 2022 that are preventing the affected 17 senior CNRP parliamentarians from freely returning to Cambodia and taking part in the electoral process, and the actions taken against leaders of the Candlelight Party, most notably the defamation verdict against Mr. Chhay, with crippling effects on freedom of speech;
6. *Stresses* that the mission to Cambodia provides an excellent and timely opportunity to discuss these matters with the Cambodian authorities against the backdrop of the forthcoming elections for the National Assembly and the need for them to be truly free and fair, and inclusive of all voices in Cambodian society; *expresses the hope* that for this purpose the authorities will also resume political dialogue urgently with all opposition parties, both in and outside of Cambodia, and *urges* them to do so, 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 parliamentary authorities, the complainant and any third party likely to be in a position to help with the successful organization of the mission;
8. *Requests* the Committee to continue examining this case and to report back to it in due course.