

Joint Statement-Phnom Penh, 09-February-2016

Restoring Enabling Environment for Free and Fair Election in 2017 and 2018

Submit to US-ASEAN Summit

We, the undersigned civil society organizations (“CSOs”) would like to submit our joint statement to the US ASEAN Summit. We would like to express our deeply held concern about the Royal Government of Cambodia (“RGC”) abuse of power in cracking down on opposition party members and activists. Of equal concern, are excessive and arbitrary charges brought by the government without legitimate grounds, and enforced by a weak and partial judiciary, against political party members and activists.

In 2015 there was a disturbing increase in action taken by the Government against opposition party members and activists. In almost all of these cases, the security forces and the judiciary were used as instruments to suppress legitimate dissent and harass the Government’s political opponents. We believe that these actions are having a negative impact on the enabling environment for free and fair elections in 2017 and 2018.

The most recent unconstitutional action included the court’s decision of arrest and imprisonment without lifting the parliamentary immunity of CNRP President Sam Rainsy; and the removal of Mr. Kem Sokha as the parliament’s vice president. Prior to this, on 15 August 2015, opposition Senator Hong Sok Hour was arrested and detained – despite holding immunity from arrest – for posting what he believed to be a genuine border treaty on Facebook. Earlier in the year, 11 CNRP activists were arrested, charged and imprisoned in circumstances that call into serious question the impartiality and independence of the judiciary.

The most disturbing incident took place on 26 October 2015 when two Cambodian National Rescue Party (CNRP) members were severely beaten, in front of National Assembly during a demonstration demanding that CNRP Vice President Kem Sokha step down as the parliament’s vice president. Police standing on the spot did nothing to prevent or stop the attacks. The protesters involved included senior members of the armed forces in plain clothes and Cambodian People’s Party (CPP) members. The participation of members of the armed forces in protests is in direct violation of the legal framework ensuring police and army neutrality and independence. The individual responsible for organizing the demonstration was later promoted into a Government post. Furthermore, the perpetrators were only arrested after a public request from the Prime Minister, despite conclusive photographic and video evidence identifying them as the attackers. Photographs and videos of the incident went viral on social media, inside and outside Cambodia.

The Judicial branch has long been one of the tools, among others, utilized by the government to harass and suppress the voice and rights of victims, especially in politically related cases. In so many of these cases court proceedings suppress or disallow the presentation of credible evidence in support of a guilty verdict in favor of the complainant or the victim. In the majority of politically motivated cases, the courts rule in favor of complaints lodged by the government. This clearly demonstrates that respect for human rights is deteriorating yet further.

These incidents are taking place amidst repeated threats from the Prime Minister in public, of a return to Civil war in the event of an opposition victory in parliamentary elections in 2018.

This atmosphere of harassment and intimidation, including violence against elected members of the National Assembly involving members of the armed forces, is having a chilling effect on the enabling environment for free and fair elections due to be held in 2017 and 2018.

We, the undersigned CSOs, call upon the US and ASEAN summit, especially the US government and the democratic states of ASEAN, to address these problems directly with the Royal Government of Cambodia, in order to restore the enabling environment for free and fair election in 2017 and 2018. and allow democracy in Cambodia to flourish.

Free and fair elections are essential for sustaining democratic peace and stability in Cambodia and the region. The Royal Government of Cambodia must refrain from exercising political control over the judiciary, and depoliticize the courts system, law enforcement and the military. Finally, the RGC must resolve Sam Rainsy's case through peaceful negotiation, and bring an end to the long-standing practice of using the courts to clamp down on the political opposition.

This statement is endorsed by

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