



Inter-Parliamentary Union

For democracy. For everyone.

Cambodia

***Decision adopted unanimously by the IPU Governing Council at its 202nd session
(Geneva, 28 March 2018)***



Kem Sokha is escorted by police at his home in Phnom Penh on 3 September, 2017 © AFP

KHM27 - Chan Cheng
KHM48 - Mu Sochua (Ms.)
KHM49 - Keo Phirum
KHM50 - Ho Van
KHM51 - Long Ry
KHM52 - Nut Romdoul
KHM53 - Men Sothavarin
KHM54 - Real Khemarin
KHM55 - Sok Hour Hong
KHM56 - Kong Sophea
KHM57 - Nhay Chamroeun
KHM58 - Sam Rainsy
KHM59 - Um Sam Am
KHM60 - Kem Sokha
KHM61 - Thak Lany (Ms.)
KHM62 - Chea Poch
KHM63 - Cheam Channy
KHM64 - Chiv Cata
KHM65 - Dam Sithik
KHM66 - Dang Chamreun
KHM67 - Eng Chhai Eang
KHM68 - Heng Danaro
KHM69 - Ke Sovannroth (Ms.)
KHM70 - Ken Sam Pumsen
KHM71 - Keo Sambath
KHM72 - Khy Vanndeth
KHM73 - Kimsour Phirith
KHM74 - Kong Bora
KHM75 - Kong Kimhak

KHM76 - Ky Wandara
KHM77 - Lath Littay
KHM78 - Lim Bun Sidareth
KHM79 - Lim Kimya
KHM80 - Long Botta
KHM81 - Ly Srey Vyna (Ms.)
KHM82 - Mao Monyvann
KHM83 - Ngim Nheng
KHM84 - Ngor Kim Cheang
KHM85 - Ou Chanrath
KHM86 - Ou Chanrith
KHM87 - Pin Ratana
KHM88 - Pol Hom
KHM89 - Pot Poeu (Ms.)
KHM90 - Sok Umsea
KHM91 - Son Chhay
KHM92 - Suon Rida
KHM93 - Te Chanmony (Ms.)
KHM94 - Tioulong Saumura (Ms.)
KHM95 - Tok Vanchan
KHM96 - Tuon Yokda
KHM97 - Tuot Khoert
KHM98 - Uch Serey Yuth
KHM99 - Vann Narith
KHM100 - Yem Ponhearith
KHM101 - Yim Sovann
KHM102 - Yun Tharo
KHM103 - Tep Sothy (Ms.)

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 in proceedings
- ✓ Violation of freedom of movement
- ✓ Threats and acts of intimidation
- ✓ Failure to respect parliamentary immunity

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). The one page court decision is based on recent legislative amendments that are at odds with the Constitution and with the international human rights obligations of Cambodia. It also banned a total of 118 CNRP leaders (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 with the ruling party.

The dissolution of the CNRP has left the ruling Cambodian People's Party (CPP) - and Prime Minister Hun Sen - with no significant opponent in the run-up to the July 2018 elections. The UN and other international stakeholders have voiced grave concerns about the political environment and its consequences for the conduct of credible, free and fair elections in Cambodia.

The complainant has called for the immediate reinstatement of all parliamentarians and the unhindered participation of the opposition in the elections, claiming that the dissolution of the CNRP violated the fundamental rights of the parliamentarians targeted and was in breach of the Constitution and laws of Cambodia. The Cambodian authorities affirmed that the Supreme Court decision was based on charges of conspiracy with a foreign country to overthrow the legitimate Government. They pointed out that the National Assembly remained a multiparty parliament composed of four political parties.

Following the dissolution of the CNRP, elections for the Senate in February 2018 took place unopposed, with all seats going to the CPP.

The dissolution of the CNRP takes place against the backdrop of long-standing and repeated threats, intimidation or groundless criminal charges against its parliamentarians. They have been repeatedly warned by the Prime Minister that their only choice was to join the ruling party or to be prepared for the dissolution and ban of their party. All the parliamentarians are currently in exile.

Since 2013, some 15 of them have been facing criminal accusations and have been subjected to physical attacks that have gone unpunished. The few assailants who were briefly detained have been released, promoted and reintegrated into the Prime Minister's team of private security guards. The judicial proceedings against opposition parliamentarians have concluded with systematic convictions. Serious issues of due process and lack of judicial independence have been raised. The complainant alleges that the convictions violate the right to freedom of expression of the parliamentarians concerned, who were sentenced for using social media to issue statements criticizing the ruling party and the Prime Minister.

Two former parliamentarians remain in detention (Mr. Kem Sokha and Mr. Um Sam An). Judicial proceedings are still ongoing against Mr. Sam Rainsy and Mr. Kem Sokha. The latter incurs a 30 year prison term for planning to overthrow the Government. The charge is essentially substantiated by a 2013 TV speech in which Mr. Kem Sokha calls for peaceful political change in Cambodia without at any point inciting violence, hatred or uttering defamatory words.

Case CMBD-Coll.3

Cambodia: Parliament affiliated to the IPU

Victims: 57 former parliamentarians of the opposition (50 men and 7 women), 55 from the National Assembly and two from the Senate

Complainant(s): Section I.1 (a) and (c) of the [Committee Procedure](#) (Annex 1)

Submission of complaint: November 2011

Recent IPU decision: [February 2018](#)

IPU Mission: [February 2016](#)

Recent Committee hearing:

- Hearing with the delegation of Cambodia at the 137th IPU Assembly (October 2017)
- Complainant: January 2018

Recent follow-up:

- Communication from the authorities: Letters of the Secretary General of the National Assembly (March 2018)
- Communication from the complainant: January 2018
- Communication from the IPU to the Secretary General of the National Assembly (March 2018)
- Communication from the IPU to the complainant: March 2018 ■

Mr. Kem Sokha remains detained in solitary confinement and his health has allegedly deteriorated in recent months. The Cambodian authorities denied the IPU permission to visit Mr. Kem Sokha in detention.

B. Decision

The Governing Council of the Inter-Parliamentary Union

1. *Notes with consternation* that all 55 parliamentarians of the only opposition party elected to the National Assembly were stripped of their parliamentary mandates and were banned from political life as a result of a Supreme Court ruling and on the basis of legislation which ran completely counter to their individual and collective rights to take part in the conduct of public affairs and their right to a fair trial; *is deeply concerned* that all 55 opposition members of the National Assembly of Cambodia were promptly replaced by non-elected political parties allegedly aligned with the ruling party, which only reinforces the perceived political motivation for the Supreme Court decision;
2. *Concludes* that these latest repressive measures clearly constitute violations of the fundamental rights of the parliamentarians concerned; *observes with regret* that they are sadly reminiscent of a long-standing pattern of abuse against the opposition that has been documented by the IPU before every election in Cambodia in the past;
3. *Is deeply concerned* that these measures leave the ruling party with no significant challenger ahead of the upcoming general elections and therefore deprive a significant part of the Cambodian population from parliamentary representation and from the ability to freely exercise their right to vote for the political representatives of their choice; therefore *expresses serious concerns* about the conduct of credible, free, fair and transparent elections in July 2018;
4. *Urges* the Cambodian authorities to immediately reinstate all 55 members of the CNRP in the National Assembly, and to resume the political dialogue and allow the CNRP to field candidates for the upcoming elections; *reiterates its call* on the Cambodian authorities to take urgent measures to end the ongoing harassment of the CNRP and its members, as well as provide all appropriate guarantees to ensure that those who have gone into exile are able to return safely, without delay, to resume their political activities within the CNRP and to campaign freely in the run-up to the fast-approaching elections, without fear of reprisals;
5. *Seriously questions* the current integrity and legitimacy of the parliamentary institution as a whole in Cambodia in light of these recent developments and the lack of a level playing field in the lead-up to the general elections, which go directly against the core principles of parliamentary democracy, multi-party liberalism and of a governance system based on the rule of law; *recalls* that, pursuant to the principles and values defended by the IPU, as enshrined in the Universal Declaration on Democracy adopted by the IPU in September 1997, “a state of democracy ensures that the processes by which power is acceded to, wielded and alternated allow for free political competition and are the product of open, free and non-discriminatory participation by the people, exercised in accordance with the rule of law, in both letter and spirit”; *urges* for increased tolerance and acceptance of the role of the political opposition in Cambodia;
6. *Reiterates* the availability of the IPU to facilitate the resumption of a political dialogue and to mediate between the parties;
7. *Invites* the global parliamentary community, primarily through IPU member parliaments, as well as other relevant international, regional and domestic stakeholders, to engage in joint efforts to help resolve the current crisis in a manner consistent with democratic and human rights values, including by facilitating the resumption of a political dialogue, adopting public statements and making representations to the Cambodian authorities;
8. *Requests* the Secretary General to convey this decision to the competent authorities, the complainants and any third party likely to be in a position to supply relevant information;
9. *Requests* the Committee to continue examining this case and to report back to it in due course.