

Cambodia: Grave Concerns over Threats to Democracy in Cambodia

(Bangkok, 9 October 2017) - The Asian Forum for Human Rights and Development (FORUM-ASIA) strongly denounces the recent legal action taken by the Government of Cambodia against the Cambodia National Rescue Party (CNRP), the country's main opposition party. On 6 October 2017, a petition to dissolve the CNRP was filed with the Supreme Court on behalf of the Ministry of Interior. The petition was filed based on two complaints submitted by the Cambodian Youth Party and the royalist party, *Front uni national pour un Cambodge indépendant, neutre, pacifique et coopératif* (FUNCINPEC) to the Ministry of Interior, which claimed that the CNRP had sought to topple the Government through a United States-backed coup, thus in collusion with foreign powers.¹

The endeavour to dissolve the CNRP was preceded by the arrest of its leader, Kem Sokha on 2 September 2017. Kem Sokha was accused of 'treason' and 'colluding with a foreign power,' which could lead to up to 30 years in jail under the Cambodia Criminal Code.² Sam Rainsy, the former CNRP leader, meanwhile has been living in self-imposed exile since 2015, as he faces multiple politically-motivated charges in Cambodia. While a ban preventing him from re-entering the country was lifted, he was not only threatened to be detained upon return, but was forced to resign as leader of the CNRP based on two rounds of controversial and internationally condemned amendments to the Law on Political Parties.

Due to recent amendments to the Law on Political Parties in February and July 2017, the CNRP could be dissolved based on Articles 6 and 44 of the Law. The Supreme Court has discretion to dissolve the CNRP on the basis of vague and undefined concepts that violate principles of legality and other international standards; these include causing 'separation', sabotaging 'democracy', undermining 'state's security', inciting 'people to national disharmony' and promoting manipulation by 'foreign governments or political parties'.³

On the basis of the complaints received, if the Supreme Court rules to dissolve the CNRP, the decision will be final and binding without the right to appeal. The ultimate dissolution of the CNRP would mean that the 2018 election can only be regarded as a farce consolidating Hun Sen's rule of the country and moving Cambodia towards a regime of *de facto* authoritarianism. Hun Sen has been in power for 32 years.

The attack on the CNRP is closely linked to its significant electoral gains in past elections. In the commune elections last June, the CNRP won 5,007 local council seats, while Hun Sen's Cambodia People's Party (CPP) obtained 6,503 seats.⁴ The surge of CNRP's political influence ahead of next year's general elections has caused great concern among the ruling Government led by CPP, causing them to take measures to stifle political dissidents, civil society organisations, and media outlets.

¹<http://www.phnompenhpost.com/national/breaking-interior-ministry-files-complaint-dissolve-cnrp>

²<https://www.forum-asia.org/?p=24664>

³<https://www.forum-asia.org/?p=23145>

⁴<https://www.forum-asia.org/?p=24664>

A number of independent media outlets and civil society organisations were forcibly closed and heavily suppressed through legal, judicial and administrative harassment, among others by obliging them under the Law on Associations and Non-Government Organizations (LANGO) to comply with the mandatory registration, and the imposition of the Tax Law. The motion to dissolve CNRP adds another strain to the deteriorating human rights situation in Cambodia.

Cambodian civil society and the political opposition have lost their democratic space and voices within a matter of months – regaining the space will need years. It is however not too late to at least save the civic space that remains. The international community is called upon to hold the Cambodian Government accountable for its continued violations of its international obligations and to send a strong signal that this recent crackdown is a step too far.

FORUM-ASIA calls on the Government of Cambodia to withdraw the petition to dissolve the CNRP and for the Supreme Court to rule against the dissolution of the CNRP. In light of Article 15 of the Paris Peace Accords of 1991, the Government of Cambodia is obliged to promote and encourage the respect of man and fundamental freedoms in Cambodia as enshrined in the relevant international instruments and relevant resolutions of the General Assembly of the United Nations to, inter-alia, prevent the recurrence of human rights violations.

As the 26th anniversary of the said Accords approaches, FORUM-ASIA also reminds the international community, particularly the 18 Signatory States to the Accords, to live up to their commitments, particularly in the context of the upcoming elections in Cambodia.⁵ The international community must play its role to safeguard democratic space for public and political participation in Cambodia. The time to act is now in order to prevent further spiralling down of the human rights and political situation in the country.

About FORUM-ASIA:

FORUM-ASIA is a regional human rights group with 58 member organisations in 19 countries across Asia. FORUM-ASIA has offices in Bangkok, Jakarta, Geneva and Kathmandu. FORUM-ASIA addresses key areas of human rights violations in the region, including freedoms of expression, assembly and association, human rights defenders, and democratisation.

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⁵<https://www.forum-asia.org/?p=21666>