More Than 300 Targeted in Lawsuits to Stifle Civic Engagement: CCHR

- Khan Leakhena
- | Wed Sep 30, 2020 3:14 pm

Some 132 lawsuits against 379 people have been used to silence expression and stifle civic engagement in the year to March, with most of the actions brought by the government, the Cambodian Center for Human Rights said.

In a report on strategic lawsuits against public participation, based on the monitoring of legal actions between April 2019 and March, the NGO said such lawsuits “stifle citizen engagement through the fear of incarceration and pose large financial burdens because individuals are subjected to legal costs and large fines.”

They are “used as an intimidation tactic to scare individuals, civil society actors, community leaders, journalists, whistleblowers and human rights defenders into silence,” it said in the report, issued Monday.
Of the 379 people targeted by the legal actions, 172 were summoned by the courts, 137 were arrested, 168 charged and seven convicted, it said. Some 114 of the 132 lawsuits were brought by the government, government officials or the judiciary, it added.

Pa Chanroeun, president of think tank Cambodian Institute for Democracy, urged the government to take the report seriously rather than deny its claims. “Governments must also listen to the opinions, views and reports from citizens and civil society organizations, including the international community,” Chanroeun said. “In a democratic society, this is a fundamental principle: expressing opinions, understanding concerns, calling for solutions.”

Government spokesman Phay Siphan, however, rejected the findings, saying they were politically motivated. “The allegations are baseless,” Siphan said, arguing that all the lawsuits were based on facts and the law. “If it was not [according to] the law, there will be no court action. So this is just a political claim.”

Chin Malin, vice president of the Cambodian Human Rights Committee and spokesperson for the Justice Ministry, said court litigation was the correct action to take in a democratic country. “The government cannot use force to respond to violations of the law, but must use legal mechanisms, implementing judicial procedures to prevent and suppress any illegal activities,” he said. “So using the court is the only legitimate means in a democratic society.”

Malin said relying on the courts was also necessary in the case of former opposition leader Kem Sokha, who has undertaken charity trips to Pursat and Preah Sihanouk in the wake of flooding in those provinces. Sokha was arrested for alleged treason in 2017 and remains banned from political activities.
“No one can explain whether this humanitarian activity is a banned political activity or not. Only the court can interpret this. Even his lawyer cannot explain it instead of the court,” Malin said.

Sokha visited the two provinces on Sunday and Monday, posting photos of him meeting members of the public to his Facebook page.

“What can be done and does not harm the national interest, does not infringe on the rights of others, and is not prohibited by the law, even though [my] freedom is restricted, I still try to do,” Sokha wrote in his post.

His lawyer, Chan Chen, told VOD that everyone has the right to help people who are suffering. “Aside from the [political] ban, Kem Sokha has the right to do other work,” he added.

Phnom Penh Municipal Court spokesperson Kuch Kimlong could not be reached for comment on Tuesday.

Intimidation against civil society in Cambodia was also to be noted in the U.N. secretary-general’s report to the body’s Human Rights Council on Wednesday, according to a written version released on Tuesday.

The report cited two instances of U.N.-led meetings with civil society being disturbed by police, and said acts of intimidation were impeding the U.N.’s ability to monitor incidents in the country.

“[R]epresentatives of civil society have reportedly declined to be identified as working with the UN in its advocacy toward the Ministry of the Interior due to a fear of reprisals,” the report said.

“Some victims in detention have also declined assistance from OHCHR, including refusing to have their cases reported to UN human rights mechanisms,” it said, referring to the U.N.’s Office of the High Commission on Human Rights.

Details: https://vodenglish.news/more-than-300-targeted-in-lawsuits-to-stifle-civic-engagement-cchr/?fbclid=IwAR09211K7MEzNn-aXZm_jrZvF9jFl212dIztEbC_SL-M223aXkbXfp7sA