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THE CCHR LAMENTS THE RECENT UNAVOIDABLE ACTIONS OF KONG SAM ONN: FURTHER EVIDENCE OF CAMBODIA’S FRAGILE DEMOCRACY

The Cambodian Center for Human Rights (CCHR) was saddened by yesterday’s news of Mr. Kong Sam Onn’s 6 July 2009 letter of apology to Prime Minister Hun Sen and Mr. Kong’s concurrent request to join the ruling Cambodian People’s Party (CPP). His actions appear to be compelled by the government’s continuous intimidation due to his decision to provide legal defense to parliamentarian Mrs. Mu Sochua in her defamation suit against the Prime Minister. These recent events are further illustrations of national hostility towards democracy and Freedom of Expression as well as the lack of independence in the legal sector.

Mr. Kong has been facing increasing political pressure since 23 April 2009 when he began representing Mrs. Mu, a member of the Sam Rainsy Party (SRP) and a senior member of the National Assembly, in her defamation suit. This lawsuit was quickly thrown out by the Phnom Penh Court. Instead, Mr. Kong’s lawful professional conduct has led him to be found guilty of violating the Cambodian Bar Association’s code of ethics and charged with criminally defaming the Prime Minister. The allegations were initiated by the Prime Minister and his attorney as a direct retaliation against Mr. Kong’s inconvenience to government authorities. He would have likely faced fines and disbarment if he did not acquiesce to the government’s harassment. Mr. Kong’s actions on 6 July 2009 have lead to an immediate withdrawal of all criminal and other actions against him.

The pressure that has been applied to Mr. Kong is a continuation of the government’s recent increased use of legal actions against opposition parliamentarians and government critics in an effort to stifle debate of government policies. This year has seen charges being brought against individuals from a wide cross-section of society including journalists, students and members of NGOs. The government has gone so far as to lift the parliamentary immunity of Mrs. Mu and another SRP member so they could face defamation, disinformation, and incitement law suits filed by government and military authorities.

This chain of events show the control the government exerts over the country’s courts and the Bar, both of which should be able to act objectively and separate from the desires of governmental authorities. Independence of the judiciary, together with autonomy of the legal profession, is vital to ensure justice and accountability and to protect against abuse of power. These are crucial factors in a free and democratic society. The CCHR hopes that those in the legal profession can regain and maintain their freedom from political influence. The CCHR

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additionally implores the government to cease its practice of utilizing lawsuits in order to intimidate critics. The legal system should not be misused for suppressing meaningful political discourse, but should work towards the general benefit of society as a whole. Furthermore, respect for basic human rights and the ability to freely debate is the cornerstone of any productive democratic society. The CCHR trusts that all of Cambodia’s leaders can work towards supporting these goals.

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