Joint NGO Statement on the Lifting of Mu Sochua’s and Ho Vann’s Parliamentary Immunity: Cambodian Democracy in Freefall

We, the undersigned members of Cambodian civil society, condemn the lifting of parliamentary immunity from SRP members Ms. Mu Sochua and Mr. Ho Vann by the National Assembly today, Monday 22 June 2009. The National Assembly’s action is a significant blow to democracy and freedom of expression in Cambodia.

In addition to the decision to lift Ms. Mu Sochua’s parliamentary immunity, which was made to allow Prime Minister Hun Sen’s criminal defamation lawsuit against her to proceed, the National Assembly also made a surprise decision to lift Mr. Ho Vann’s immunity this morning. In his case, the decision clears the way for a lawsuit, filed by a group of military officers, for criminal defamation, disinformation and incitement to be made against him.

The manner in which the lifting of the two SRP MPs’ immunity was conducted this morning leaves no doubt that the government understands that this process was unfair. The decision to include Mr. Ho Vann’s immunity in the vote was made in secret and only known at the last minute. National and international observers – including foreign diplomats – were refused access to the National Assembly to observe the vote. One open handed vote, rather than separate ones, was used to lift the immunity of both MPs.

We condemn these actions, which show clearly that the government and ruling party had something to hide. We note that Cambodian television stations were prevented from reporting on today’s events, and that National Assembly staff members were told to leave the session hall. We commend the efforts of representatives of the international community – namely from the Embassies of the USA, Britain, Germany and France – who were present to monitor today’s events.

Today’s events are testament to the lack of true democracy in Cambodia and the willingness of the ruling party – with the support of their partner National United Front for an Independent, Neutral, Peaceful and Cooperative Cambodia (FUNCINPEC) and the Norodom Ranariddh Party, it seems – to violate freedom of expression in Cambodia. Cambodian democracy is in free-fall.

The removals of parliamentary immunity and the recent increase in defamation, disinformation and incitement charges against journalists, civil society members and opposition party leaders is reminiscent of the 2005 crack down on opposition and non-governmental voices. In that year, Mr. Sam Rainsy and two other SRP MPs Mr. Chea Poch and Mr. Cheam Channy also had their parliamentary immunity removed so they could face criminal charges filed by the government. Mr. Cheam Channy was subsequently imprisoned for a year after being unlawfully convicted by the military court on bogus criminal charges. Mr. Sam Rainsy was convicted in absentia of defaming Prime Minister Hun Sen and then FUNCINPEC leader Prince Norodom Ranariddh. These acts accompanied the arrests of eight civil society leaders on various charges of defamation, disinformation and incitement.

The recent acts of the government prove that it continues to use the criminal charges of defamation, disinformation and incitement to silence critics and attack democratically elected representatives of the people.
Freedom of expression is guaranteed for all Cambodian citizens in Article 41 of the Constitution of the Kingdom of Cambodia. By initiating counter proceedings against Ms. Sochua, as well as her lawyer Mr. Kong Sam Onn, Prime Minister Hun Sen has shown that this guarantee only exists in theory and can be removed whenever the government sees fit. Moreover, by facilitating these defamation suits and the action against Mr. Ho Vann, the National Assembly has sent a definitive message to the Cambodian people and the international community that Cambodia does not respect freedom of expression as guaranteed by the International Covenant on Civil and Political Rights and the Universal Declaration of Human Rights.

We implore Prime Minster Hun Sen to respect his previous promise to decriminalize defamation and to heed longstanding national and international calls for the decriminalization of defamation and disinformation. We further urge the government and the courts to bring a swift end to the legal action against Ms. Mu Sochua, Mr. Ho Vann, and Mr. Kong Sam Onn.

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