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CAMBODIAN CENTER FOR HUMAN RIGHTS

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PRESS STATEMENT

New law on suspending immunity of parliamentarians is unconstitutional and a serious setback for freedom of expression

Phnom Penh, September 1st, 2006

The Cambodian Center for Human Rights (CCHR) is shocked by the new "Statute on the Ethics of Members of Parliament" that allows to arrest and charge Members of the Parliament before their immunity is suspended. This law was adopted by the National Assembly on Wednesday, August 30. Its Article 5 says that lawmakers cannot use their immunity "to abuse an individual's dignity, social customs, public order and national security". The statute does not provide any further definition of these offences. Only after the arrest, the local authorities must request the National Assembly to lift the immunity of the lawmaker.

By this provision, the statute obviously violates Article 80 of the Cambodian Constitution that states: "(...) No assembly member shall be prosecuted, detained or arrested because of opinions expressed during the exercise of his (her) duties. The accusation, arrest, or detention of an assembly member shall be made only with the permission of the National Assembly or by the Standing Committee of the National Assembly between sessions, except in case of flagrante delicto. In that case, the competent authority shall immediately report to the National Assembly or to the Standing Committee for decision. (...) "

International human rights law, particularly Article 19 of the International Covenant for Civil and Political Rights (ICCPR), to which the Kingdom of Cambodia has acceded in 1992, protects the right to Freedom of Expression. That the representatives of the people deserve an even higher level of protection for this freedom is the very idea of their immunity. This practice is a well-established and successful in democratic countries.

"This statute seriously harms the mission of those elected by the people. It will encourage government officials to use the judiciary system for silencing Members of Parliament that criticized their policies or actions. This is a mayor setback for Freedom of Expression in Cambodia. Instead of creating laws that will promote civil liberties we are moving backwards. We call on the Senate, the Constitutional Council and the King to refuse this Statute", stated the President of CCHR, Kem Sokha.

For questions and interviews please call Ou Virak, CCHR Officer for Advocacy and Public Relations, phone no. 012- 404051