



Comment to Media – Phnom Penh, 16 March 2011

Blurred separation of powers serves the political objectives of the executive

It was reported today by [Free Press Magazine](#) that Heng Samrin, the President of the National Assembly decided to remove opposition leader Sam Rainsy's rights as a member of the National Assembly for Kampong Cham Province for the 4th legislative mandate, starting immediately.

On 22 February 2011, the Cambodian Center for Human Rights (CCHR) issued an analysis of the convictions of Sam Rainsy on charges of inciting discrimination and wrongful damage to property by the Svey Rieng Provincial Court and charges of forging public documents and disinformation by the Phnom Penh Capital Court of First Instance. The CCHR Analysis found that the respective courts failed to establish the elements of the four offences and questioned the basis for the convictions. The Analysis questioned the removal of Sam Rainsy's parliamentary immunity on the grounds that Article 80 of the Constitution provides that no assembly member shall be prosecuted, detained or arrested because of opinions expressed during the exercise of his/her duties. The Legal Analysis concluded by raising concerns as to the fairness of the legal proceedings against Sam Rainsy before the respective courts and potential violations of his fair trial rights in Cambodian and international law.

In response to the news that Sam Rainsy had been removed from the National Assembly, Ou Virak, President of CCHR, a non-political, independent, non-governmental organization that works to promote and protect democracy and respect for human rights throughout Cambodia, commented:

"The case of Sam Rainsy shows how the judiciary and legislature serve the political objectives of the executive. The National Assembly lifted Sam Rainsy's parliamentary immunity in apparent disregard for the constitutional guarantee that immunity will not be removed for opinions expressed in the exercise of one's duties as a parliamentarian. The judiciary showed an equal disregard for his fair trial rights and convicted him on highly politicized charges without sufficient evidence. The removal of his membership of the National Assembly comes as little surprise and the executive is one step closer to its stated goal of "mak[ing] the opposition die".

For more information please contact Ou Virak on +855 (0) 12 404 051 or via e-mail at ouvirak@cchrcambodia.org. The CCHR "Analysis of the Legal Grounds for Conviction and the Fairness of the Judicial Proceedings in the Criminal Cases Against Sam Rainsy" is available online at the CCHR hosted Cambodian Human Rights Portal www.sithi.org