CAMBODIA SILENCED: THE END DAYS OF DEMOCRACY?

1. Introduction

We, the above-mentioned non-governmental organisations (“NGOs”), are currently finalising a report on the state of freedom of expression in Cambodia, due to be published in the coming weeks. In view of the international donor conference scheduled to take place in the Kingdom of Cambodia this week, the purpose of this briefing note is to summarise the content of our report and bring to the attention of the international donor community the perilous state of freedom of expression in Cambodia and its implication for democracy in the Kingdom.

We urge the international donor community to take serious note of the deterioration of freedom of expression as highlighted herein. For over a decade the international community has provided aid to Cambodia but most have remained largely quiet as human rights have been violated and democratic space eroded. It is not enough to throw money at problems and hope the ruling party will act in the interest of the people. Those countries that value democracy and human rights and want to honour their commitment to Cambodia have the ability to make a real impact on the human rights situation in Cambodia by putting genuine conditions on their dealings with Cambodia, making it clear to the Royal Government of Cambodia (the “RGC”) that rights violations will cost them. A number of international donors signed the Agreement on a Comprehensive Political Settlement of the Cambodia Conflict and undertook to “promote and encourage respect for and observance of human rights and fundamental freedoms in Cambodia...in order, in particular, to prevent the recurrence of human rights abuses”. We call on the international donor community to take responsibility and speak out against the deterioration of rights and democracy in Cambodia. Doing nothing may be judged as tantamount to complicity.

The right to freedom of opinion and expression is the foundation of a democratic society, facilitating progress and development. Without the ability to express views freely, access information and assemble together to address issues of common concern, Cambodians are unable to participate in decision making or hold government to account - all vital tenets of democratic philosophy. Since 2009 freedom of expression has continued to be seriously undermined with the RGC crackdown targeting the pillars of democracy in Cambodia: parliamentarians; the media; lawyers; human rights activists; and ordinary citizens. Cambodia’s democracy is in free-fall.

2. Parliamentarians

Intimidation, harassment and legal sanction have been utilised to undermine legitimate political opposition and consequently democracy. The parliamentary immunity of three opposition parliamentarians – Sam Rainsy, Mu Sochua and Ho Vann – has been lifted to allow for politically motivated criminal charges against them. Opposition parliamentarians face threats of defamation and other charges for expressing opinions on matters of public interest. Anarchic debating rules further stymie their ability to express opinion in the chief debating chamber of the Kingdom, the National Assembly. The veil of democracy may remain in Cambodia, with elections taking place every five years; however, in a climate where the legitimate role of opposition is thwarted and opposition voices silenced, these trappings are rendered meaningless and we fear it evidences a movement towards a de facto one-party state.

3. The Media

Excessive use of repressive legislation and a climate of fear made real by the prosecution and imprisonment of journalists such as Hang Chakra, editor of the opposition-aligned newspaper Khmer Machas Srok and the intimidation and harassment of Dam Sith, editor of opposition-aligned newspaper Moneaksekar Khmer, have acted to prevent open-journalism, ensuring that many media professionals use self-censorship to avoid offending the State or other powerful actors. Democracy is not just about consent to be governed but about having a citizenry that is adequately informed in order to exercise that consent. Freedom of expression and the freedom of press are fundamentally important in ensuring that Cambodians are given a real opportunity to understand the nature of the RGC and make an informed choice in the next general election. The gag on journalists is stifling democracy and human rights in Cambodia.
4. Lawyers

Lawyers play a pivotal role in any democracy and have the potential of being great levellers between the powerful and the less powerful by providing access to justice through the courts. Charges of defamation have been used to intimidate and harass lawyers who represent those opposing the RGC, as was seen when defamation charges were brought against opposition member of parliament Mu Sochua’s attorney, Mr. Kong Sam Onn. Such action has the very real possibility of stripping lawyers of their role as levellers, affecting their willingness to represent opposition members or others who have filed complaints against the powerful, allowing for violations to go unchallenged and impunity to persist.

5. Human Rights Activists

The space within which human rights activists can express their concerns and voice their opinions is shrinking by the day, and is becoming even more precarious with the proposed enactment of an NGO law. Human rights activists have been intimidated, harassed and punished for simply fulfilling their mandate. Criminal charges of incitement have been used against those who speak out about injustices. Rights groups have been prevented from holding public forums to discuss issues of public concern. There is a danger that if the repressive action against human rights activists continues Cambodia could reach a point of no return where there is ultimately no room for activists to speak out on human rights abuses.

6. Ordinary Citizens

Ordinary citizens have also found the space within which they can voice their opinions and concerns diminishing. The ‘criminalisation’ of certain opinion, particularly that related to corruption and allegations of authoritarian rule, has denied Cambodians a voice. In the past year, a student was arrested and convicted for banners he had raised at his home saying “Absolutely fighting against community policy”. Early this year The Phnom Penh Post reported that distributors of leaflets that said that Cambodia was a puppet of communist Vietnam had been warned by the RGC to be careful or be arrested. Protesters from communities affected by land grabbing and illegal concessions have been brutally silenced by police. The exercise of freedom of expression acts as a safety valve for both stability and change, allowing people who may otherwise be inclined to use violence to let off steam. There is a real risk - in a nascent democracy such as Cambodia - that the continued suppression of the right of freedom of expression may remove this safety valve in a way that puts in jeopardy the peace and development towards which many have spent the last three decades working for.

3. Recommendations to the International Community

In light of the above therefore, we make the following recommendations:

- Demand that the RGC fulfill its obligations in protecting and promoting the human rights of Cambodians.
- Urge the RGC to take action to implement the 91 recommendations it accepted as part of the United Nations Human Rights Council’s Universal Periodic Review of Cambodia’s human rights record process.
- Speak out publicly when the RGC fails to respect freedom of expression. Where possible the international community should raise human rights issues at the diplomatic level and speak in a unified voice.
- Adopt a human rights-based approach to aid and take a tougher line on linking financial assistance to the RGC demonstrating real commitment to, and tangible improvements in, human rights.
- Maintain funding and technical support to local NGOs and others working towards the realisation of human rights in Cambodia.
- Speak out in support of parliamentarians, the media, lawyers, human rights activists and ordinary citizens who are being persecuted for exercising their fundamental right to freedom of expression. This support can be an invaluable source of strength and confidence for Cambodians who risk so much in their struggle for the fundamental right to freedom of expression and democracy.

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