CAMBODIA GAGGED: DEMOCRACY AT RISK?
Report on Freedom of Expression in Cambodia

1. Introduction

We, the above-mentioned non-governmental organisations, community organisations and unions today release a Report on the state of freedom of expression in Cambodia: Cambodians Gagged: Democracy at Risk? The Report finds that over the past year, freedom of expression has continued to be seriously undermined, with a Royal Government of Cambodia (the “RGC”) crackdown targeting the pillars of Cambodia's democracy: opposition parliamentarians’ parliamentary immunity has been lifted to allow for politically motivated criminal charges of defamation, disinformation and incitement; journalists have been imprisoned or threatened with imprisonment; lawyers have been threatened with disbarment; human rights activists have been intimidated, harassed and punished; and the ‘criminalisation’ of certain opinion has meant that the people have been denied their voice.

This Report shows that the judiciary has been used as an organ of repression, silencing dissent and opinion critical of the RGC. With the continued use of intimidation, harassment, threats and spurious legal charges to silence dissenting voices and criticism of government policies, we fear that the RGC is moving away from the democratic principles enshrined in the Constitution of the Kingdom of Cambodia to a de facto one-party state; a closed society in which laws, systems and actions of the ruling party prevent free opinion and criticism, ending democracy in the Kingdom and seriously eroding the rights and freedoms of all Cambodians.

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 to be made against them. The Supreme Court of Cambodia upheld Mu Sochua’s conviction for defamation, despite the fact that her trial had been marked by inequality before the law and political interference. Opposition parliamentarians face threats of defamation and other charges for expressing opinions on matters of public interest. Archaic 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.

3. The Media

Freedom of expression and the freedom of press are fundamentally important in ensuring that Cambodians are given a real opportunity to understand the nature and direction of the RGC and make an informed choice in the next general election. 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 RGC or other powerful actors. The existence of an environment that necessitates self-censorship is worrying, particularly with respect to issues of accountability, transparency and democratic development. In spite of the decision to allow Moneaksekar Khmer to print again and to pardon Hang Chakra, the reality is that freedom of the media is not true freedom when journalists are effectively forced to curb their views.

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 Mu Sochua’s attorney, Kong Sam Onn. Such action has the very real possibility of stripping lawyers of their role as levellers, affecting their willingness to represent those who have filed complaints against the powerful, or have had complaints filed against them, and 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. Representatives from international organisations to grassroots community representatives have been threatened and harassed by the RGC for speaking out on issues of public concern, demonstrating the contempt with which comments from human rights monitors working to improve human rights and promote democracy are met. Human rights activists have been intimidated, harassed and punished. Criminal charges of incitement have been used against those who speak out. Rights groups and unions have been prevented from holding public forums to discuss issues that affect their daily lives. 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 about human rights abuses.

6. The People

The Cambodian people 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, land grabbing and allegations of authoritarian rule, has denied Cambodians a voice. The RGC has threatened distributors of leaflets that claimed that Cambodia was a puppet of communist Vietnam to be careful or be arrested. Protestors from communities affected by land grabbing and illegal concessions have been brutally silenced by police or had their peaceful demonstrations stopped. Peaceful demonstrations by aggrieved workers demanding higher wages have been blocked with ‘public order’ being used as a blanket term to thwart legitimate, non-violent expression of opinion through peaceful assembly. The exercise of freedom of expression can act as a safety valve for both stability and change. There is a real risk in a nascent democracy such as Cambodia that the continued suppression of the right of freedom of expression may force this safety valve to burst in a way that puts in jeopardy the peace and development towards which many have spent the last three decade working for.

7. Conclusions

We hope the Report serves to remind the RGC of its constitutional obligations and to recognise the importance of protecting and promoting freedom of expression, not simply as a right in itself, but as a fundamental condition to the continued stability and development of Cambodia. We urge the RGC to take heed of the recommendations made in the Report and pursue the substantive changes required to protect and promote freedom of expression in the Kingdom.

The international community equally needs to take notice of the backward slide in Cambodia’s democratisation and the potential ramifications should freedom of expression continue to be eroded. It is important to recall that a number of countries undertook in the Paris Peace
Agreements to “promote and encourage respect for and observance of human rights and fundamental freedoms in Cambodia…to prevent the recurrence of human rights abuses.” Yet for over a decade the international community has provided aid to Cambodia but has remained largely silent as human rights have been violated and democratic space eroded. It is not enough to throw money at problems and hope the RGC 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 RGC that rights violations will cost them. We urge the international community to take responsibility and speak out against the deterioration of rights and democracy in Cambodia. Equally we urge the international community to speak out in support of parliamentarians, the media, lawyers, human rights activists and the Cambodian people 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 human rights.

As respect for civil and political rights in Cambodia deteriorates it is time for all to sit up, take notice and take action before authoritarian forms of control become normalised and Cambodia is pushed closer to the precipices of instability.

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