



**Kingdom of Cambodia
Nation Religion King**

Cambodian Human Rights Committee

**The Statement of the Spokesperson
on the Drafting of the Law on the Management of the Nation in State of Emergency**

The Spokesperson of the Cambodian Human Rights Committee would like to inform the general public that the Law on the Management of the Nation in State of Emergency is drafted in compliance with Article 22 new of the Constitution of the Kingdom of Cambodia, in which a decision to place the country in a state of emergency shall be made when the nation faces danger from a war-caused incident or an invasion by foreign forces, a serious emergency affecting public health that leads to disease outbreaks, utter chaos to national security and public order, as well as grave danger that threatens or may cause nationwide spread.

The drafting of the Law on the Management of the Nation in State of Emergency is neither, by nature, a human rights violation nor a power-gathering tool as alleged by a handful of opposition groups, but it is a valuable legal tool for the defence of the right to life, the right to peace, social stability and development, which is the people's aspiration throughout the country and in compliance with the principles of the rule of law in the democratic society. This Law also provides a legal basis for implementing Article 22 new of the Constitution and a legal basis for determining Government's authorities to introduce measures which are, by nature, prohibitions or restrictions on the rights of citizens. However, this measure is indispensable in response to the state of emergency for the purpose of protecting national security and public order, people's lives and health, as well as property and environment.

The drafting of the Law on the Management of the Nation in State of Emergency is not a particular case for Cambodia – i.e. many other democratic countries also have this law for governing their own nations in emergencies – and is permitted by national and international human rights standards including the Constitution of Cambodia (Article 22 new, 31, 86 and 102 new), the Universal Declaration of Human Rights (Article 29), International Covenant of Civil and Political Rights (Article 4), Interpretations of the United Nations Human Rights Council, including decisions of the International Court of Justice, etc.

Looking at international practice and a number of democratic countries in the region, Cambodia's draft laws adhere to a set of balanced and central norms and standards, which are neither too strict nor too loose as Cambodia has studied the patterns of practice taken by those democratic countries, including the Cambodian context. In international practice, certain countries adopt strict and rigorous standards, delegating all powers to the executive branch to take all necessary measures without control, while some others allow parliamentary or/and judicial control mechanisms; and in the event of a serious emergency affecting national security, the use of martial law is even permitted.

With regard to Cambodian draft laws, powers are not delegated to the executive branch to take measures without any limit, namely under the mechanism of parliamentary control up to two levels: the National Assembly and the Senate; in accordance with the parliamentary system of democratic regime, including legal responsibilities of competent authorities who arbitrarily abuse their powers, which violates and contradicts the purpose of this Law.

The Spokesperson of the Cambodian Human Rights Committee would also like to take this opportunity to appeal to the general public not to worry about the drafting and enforcement of this Law – i.e. be confident and trust the actions and measures taken by the Royal Government led by **Samdech Techo, Prime Minister of the Kingdom of Cambodia** who manages the situation wisely and responsibly for the national well-being and the Cambodians since the declaration of placing the country in a state of emergency and the enforcement of the provisions of this Law are to be considered when desperately needed for the purpose of safeguarding and maintaining security and public order, including lives, health, interests and property of citizens and society as a whole.

Phnom Penh, 13 April 2020

Spokesperson of CHRC

