



**Kingdom of Cambodia
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Cambodian Human Rights Committee

**Press Summary
Update of Human Rights Situation and Law Enforcement in Cambodia**

The Cambodian Human Rights Committee wishes to provide the following information and clarification to the general public on the update of the human rights situation and law enforcement in Cambodia, in response to criticism and biased and groundless allegations made by a number of groups, organisations and institutions:

Cooperation with International Human Rights Mechanisms

1. Cambodia has a strong will to promote and protect human rights, which has been clearly demonstrated through the ratification and accession of eight out of the nine international human rights treaties – i.e. making this country an outstanding one in the region in the name of a party to the international human rights treaties.
2. Cambodia has been actively involved in all United Nations (UN) human rights mechanisms, along with other treaty bodies. For example, since 1993, Cambodia has been the only country in ASEAN to welcome the presence of the Special Rapporteur and the Office of the High Commissioner for Human Rights in order to monitor the human rights situation in Cambodia; and the mandate of the Special Rapporteur and the Office of the High Commissioner for Human Rights in Cambodia has been extended until the present day. In addition, Cambodia has never turned down any request for a visit made by the Special Rapporteur.
3. In addition to this, Cambodia has also actively participated in the ASEAN regional mechanism of human rights, through which the Cambodian Human Rights Committee as a rotated chair, has been organising and charing the meetings of ASEAN Intergovernmental Commission on Human Rights (AICHR) successfully in 2022.

Human Rights Situation and Law Enforcement in Cambodia

4. **Kem Sokha Case:** In the morning of 3 March 2023, Phnom Penh Municipal Court pronounced its judgment of criminal case in which the accused named **Kem Sokha** was

charged with “*conspiracy with foreign power or collusion with foreign power*” committed in Cambodia and other places between 1993 and 3 September 2017 in accordance with the provision of Article 443 of the Criminal Code.

Having conducted 66 hearings from 15 January 2020 to 21 December 2022, panel of judges of Phnom Penh Municipal Court of First Instance pronounced the judgment as follows:

1. Sentenced the accused, **Kem Sokha** to 27 (twenty-seven) years imprisonment for “*conspiracy with foreign power or collusion with foreign power*” committed in Cambodia and other places between 2010 and 3 September 2017, a criminal offense punishable in accordance with the provisions of Article 439 and Article 443 of the Criminal Code.
2. Sentenced the accused with additional penalties by revoking the right to vote, the right to stand for the election and the right to engage in other political activities in accordance with the provision of Article 450 of the Criminal Code.
3. Placed the accused under the judicial supervision with the following obligations:
 - Prohibited from leaving the premises of house unless otherwise permitted by the prosecutor of the Prosecution Office attached to Phnom Penh Municipal Court of First Instance.
 - Prohibited from meeting any individual, Khmer or foreign nationals, in person or indirectly through technological means except for family members unless otherwise permitted, where necessary, by the prosecutor of the Prosecution Office attached to Phnom Penh Municipal Court of First Instance.

The obligations under the above judicial supervision takes immediate effect from the date of the pronouncement of this judgment until the judgment is final.

4. Order the forces of General Commissariat of National Police to exercise their power and roles as judicial police officers to ensure the enforcement of judicial supervision set out in point 3 of the above decision under the supervision and coordination of the prosecutor of the Prosecution Office attached to Phnom Penh Municipal Court of First Instance.
5. In case of any violation of the obligations under the judicial supervision, the Prosecution Office attached to Phnom Penh Municipal Court of First Instance shall immediately request to the competent court to issue provisional detention order on the accused.

Some highlights of the main points in the judgment as follows:

1. The promotion and enhancement of human rights and democracy are not illegal acts, and these acts are guaranteed under the Constitution of the Kingdom of Cambodia. However, the court found that the promotion and enhancement of human rights and democracy undertaken with the abet and collusion through secret plan with foreign state or foreign agent aiming at overthrowing the legitimate government by using public forces or color revolution to overthrow the government as having happened in state “B” or state “C” are illegal acts, which seriously affected peace, national security, social stability and well-being of the entire population. In this regard, the accused used the promotion and enhancement of human rights and democracy as an excuse or stepping stone to mobilize the mass population by all means, legally and illegally, aiming at carrying out color revolution to overthrow the legitimate government under the secret collusion with foreign state or foreign agent.
2. Upon the request of the Royal Government’s lawyers representing the civil party, the court did not mention the name of foreign state or foreign agent in its judgment. The court decided to use the alphabet to represent the foreign state or foreign agent at the request of the Royal Government’s lawyers representing the civil party to ensure good relations and national interests of the Kingdom of Cambodia with regard to international relations with foreign state. Likewise, in order to ensure good relations and national interests of the Kingdom of Cambodia within international relation sphere and to prevent the leakage of a table of alphabets representing foreign states, the court decided that this table is to be treated as confidential which shall not be disclosed to the public. Hence, on this basis, any individual or party who leaks this table to the public shall be punished in accordance with the Criminal Code of the Kingdom of Cambodia.
3. The court decided not to detain the accused pursuant to Article 353 of the Code of Criminal Procedures as per the prosecutor’s request, but to ensure the presence of the accused for further legal proceedings before the court, the court decided to take some necessary measures, in lieu of detention, such as (i)-prohibition from leaving the premises of house, unless otherwise permitted by the prosecutor of the Prosecution Office attached to Phnom Penh Municipal Court of First Instance, and (ii)-prohibition from meeting any individual, Khmer or foreign nationals, in person or indirectly through technological means except for family members unless otherwise permitted, where necessary, by the prosecutor of the Prosecution Office attached to Phnom Penh Municipal Court of First Instance.

- 5. Peace as foundation for human rights and development:** In 2022, Cambodia has just achieved new achievements in its development path, although the Covid-19 has not yet been completely eradicated and is affected by the complex evolution of the international situation. Peace, political stability and security, which are the foundations for the development, human rights and harmonious living of the people, have been vigorously defended by the entire national force united around the Royal Government. The slogan - "We thank peace," "We thank win-win politics" has resonated throughout the country and has become the spirit of a strong and vibrant society in the process of building and defending the motherland. If we do not keep the peace, we will not be able to achieve everything today.

Cambodia has been constantly moving in the right direction in response to the sacred aspirations of the people. Cambodia has turned from a killing field of genocidal regimes, from the battlefields of chronic warfare, from national disintegration and territorial division, and from a land where the national economy has been destroyed to a land of peace, unity, democracy, respect for human rights, rule of law and development in all areas.

- 6. Cambodia's multi-party liberal democratic process:** Cambodia adheres to and respects the principles of pluralist liberal democracy as stipulated in the Constitution of the Kingdom of Cambodia. Cambodia has held national and commune/Sangkat elections for several mandates on its own, with free, fair and non-violent participation. For example, the 29 July 2018 election was held normally, freely, correctly, fairly and regularly, and 20 political parties competed and the people had full freedom to vote as well.

Currently, 47 political parties have registered and the democratic process is moving forward along the path of the rule of law, especially the successful, free, fair and just 5th Mandate Commune/Sangkat Council elections. At the same time, all works and activities of political parties on the way to the 7th National Assembly election are going well.

Along with the above achievements, Cambodia's prestige has been raised on the international stage, especially through the glorious success of Cambodia's rotating chair hosting the ASEAN Summit and related summits in Phnom Penh.

- 7. Establishment of the National Human Rights Institution:** With the approval of Samdech Techo Prime Minister, this task has been assigned to the Cambodian Human Rights Committee to lead and prepare a Draft Law on the Establishment of the National Human Rights Institution. The working group of the Cambodian Human Rights Committee has already finalised its first draft, based on the Paris Principles and International Human Rights Standards. To ensure transparency in the drafting process, the Cambodian Human Rights Committee has issued an official invitation to the Office of the United Nations High Commissioner for Human Rights (OHCHR) in Cambodia to participate and co-chair a consultative meeting and invite civil society parties to participate. However, a small group of civil society rejected the invitation of the OHCHR and criticised the government, which clearly shows their political agenda and attitude and irresponsibility.

The Cambodian Human Rights Committee still continues to work with the OHCHR on this consultation process by holding a national, regional and international consultation workshop on this draft law virtually and physically, with the participation of national and international experts, international human rights institutions, including the ASEAN Intergovernmental Commission on Human Rights (AICHR), governmental ministries and institutions, national and international civil society organizations, professional and academic institutions, national and local administration and human rights committee of National Assembly and Senate, which is more than 40 times already. Furthermore, the Cambodian Human Rights Committee also allows the public to comment on the draft law through the establishment of the Channel Telegram. The consultation process on this draft law already completed and is now waiting for further proceeding at the Office of Council of Ministers.

8. Freedom of establishment of associations and non-governmental organisations:

Cambodia has over 6,000 non-governmental organisations, and the government remains committed to addressing their challenges through established regular partnership forums. The government is also reviewing and studying the legitimacy of the proposed amendments to 14 Articles of the Law on Associations and Non-Governmental Organisations.

All civil society organisations, both national and international, operating in Cambodia have to adhere to the sovereignty and provision of national laws of Cambodia in force, in particular the Law on Associations and Non-Governmental Organisations; and in the event that there is a clear basis for showing irregular activities that violate the law, the authorities have the right to monitor them at any time to ensure the effective law enforcement in democratic society and the rule of law.

9. The right of access to information: is guaranteed and protected in Cambodia through legal and institutional mechanisms, including the development of a number of important and necessary legal frameworks in relation to freedom of the press, in particular the draft law on the right of access to information that is to be finalised and the permission to establish and operate media organisations, both national and international, in Cambodia and to publish freely with no prior censorship. More than 2,000 media outlets, including those who criticise the government, have been operating freely, in traditional and digital ways, with no prior censorship.

The press is a free profession, yet it must also be governed by and within the legal framework, including the law on media regimes and other relevant laws, which means that should a journalist commit an act of professional misconduct, he or she shall be held responsible under the law on media regimes. However, should a journalist commit a criminal offence, he or she shall be held responsible in accordance with the provisions of the criminal law.

It is neither right nor reasonable for a group to call themselves independent media or independent analysts as they dare to criticise the government because professional journalists and analysts have to cover both positive and negative aspects of the government for the benefit of society and to provide true information as well as knowledge to the general public. [They] do not have to focus only on negative points filled with anger and resentment against the government and to serve political interests. Unprofessional dissemination of information or analysis on the basis of [un]clear research may lead to legal liability if the dissemination of information or analysis infringes upon and violates the rights, freedoms and dignity of others, and affects social security and public order; and law enforcement against these offences is not a threat to journalists or analysts; and the dissemination and analysis [of information] violating these laws are not the exercise of freedom of the press and the right to freedom of expression or legal opinion in democratic society.

For instance, the administrative measure to close VOD media outlet recently is due to the misconduct of their professionalism and dissemination of fake news, which violates the rights, freedoms and dignity of others with malicious intention to incite. This measure is not a threat to journalists and freedom of media, but in contrast it is a necessary measure to promote the law enforcement and freedom of professional medias in Cambodia.

- 10. Freedom of assembly and expression:** Peaceful assembly and protest, in cooperation with the authorities and in compliance with security, safety and public health measures are the exercise of the rights guaranteed by the Constitution and the law. On the contrary, assembly and protest without notifying and cooperating with the authorities violate security, safety and public health measures, causing violence and social unrest, affecting public order, national security and the rights and freedoms of others, as well as putting pressure on the judiciary, which is an independent body; [these actions] are a violation of the law, and the authorities must take all possible measures to prevent them. Exaggerated statements and misrepresentations with malicious intent, inciting unrest, affecting national security are not an exercise of rights, but a criminal offence for which perpetrators are held responsible before the applicable law.

For instance, the recent law enforcement measure against some Naga World Union Activists was held not because of exercising their rights of peaceful assembly and expression or union rights, but because of violating the security, safety and public health measures, causing violence and social unrest, affecting public order, national security and the rights and freedoms of others, which is a violation of law and the authorities must take all possible measures to prevent them. Their activities are not an exercise of rights, but a criminal offence for which perpetrators are held responsible before the applicable law.

- 11. The recent law enforcement against some activists** is neither because they are working to protect human rights, the environment and society nor because they are

activists, but because they have engaged in criminal activities, violating the law with regard to insulting, disseminating false information, inciting violence in order to cause social unrest, insulting the King and conspiracy, etc., of which the authorities have clear evidence and legal basis for prosecution and judicial proceedings. Civil society campaigns to protect these illegal activists will have no effect on the courts, which are independent bodies, because it is not a legal means for them to protect accused persons. Instead, [they] have to participate in the court proceedings and present strong legal evidence so as to exculpate and face the charges brought by the authorities, which is the only legal way to defend accused persons in a democratic, rule of law society.

The arrest, charges and conviction of the aforesaid persons are in accordance with the laws of the Kingdom of Cambodia. In a society governed by the rule of law, individual rights and freedoms shall be exercised within the framework of the law, and the exercise of rights beyond the limits of the law affects the rights of others, and [they] shall be responsible before the law. Cambodia is committed to promoting respect for human rights in accordance with its laws, and the democratic process takes place as usual. Besides, each country always has different priorities; for example, the United States of America is “American First”, as for Cambodia “Peace First”. Based on its bitter history, the phrase “**Thank you peace**” has become the slogan of the Cambodian people for expressing their desire to live happily under the shadow of peace. Therefore, *“any action taken for the purpose of undermining or attempting to undermine peace in Cambodia is not a matter of human rights or democracy, but it is illegal and against the Cambodian people’s common aspirations and against the Kingdom of Cambodia’s great interests.”*

12. **Overcrowding in prisons:** Appeals for the release of prisoners made by a handful of civil society organisations to address overcrowding in prisons, without basing on the applicable legal basis and procedures, are not an appropriate measure and in fact will have a negative impact on security and social order.

[Issues of] overcrowding in prisons shall be addressed in accordance with applicable laws and provisions. The only release, based on applicable legal procedures, which are also implemented now, such as measures of amnesty and commutation of sentence, resolving prison overcrowding through the implementation of campaigns to resolve the backlog of court cases in the trial chambers issued by the Ministry of Justice and conditional release, as well as other measures (dismissal, decisions to release on bail, acquittal, the complete execution of sentence, normal suspension of sentence, suspension with probation, pretrial release orders), can ensure social security and significantly reduce the number of inmates in prisons.

13. **The judiciary and law enforcement:** court is independent; no one or none of international organisations can order and put pressure on it. Issuing pressure statements and demanding that the court release the accused and drop the charges are not a

legitimate means of protecting the accused and will not have any effect on the decision made by the court, which is an independent body. Determining perpetrators' guilt, offences and punishment is the exclusive jurisdiction of the court on the basis of the facts and the applicable law, not based on the factions or allies and organisations that support and defend perpetrators' illegal activities; and the only legal way to protect the accused in democratic society and the rule of law is to participate in court proceedings in order to defend themselves legally.

In the past, law [enforcement] measures did not focus on any specific target group, that is, they generally enforced [the law] whether they were human rights, civil society, political or environmental activists. As long as they violated the law, they were equally held responsible before the law, with no exceptions or special privileges. Recent legal action taken against activists was not because they were acting to protect their rights, freedoms, the environment and the public interest, but because they were committing offences as provided for in Cambodian law, with clear organisation behind, and the authorities had a sound basis for taking legal action and court proceedings.

There are not any political prisoners in Cambodia; there are only politicians convicted of criminal offences. The application of law to politicians who have committed offences and the dissolution of political parties that acted against the law are not a restriction on political freedoms and the democratic space, but rather a legal measure to promote democracy and the rule of law in Cambodia.

14. Human rights after covid-19 recovery: The fight against the deadly Covid-19 epidemic in 2020 and 2021 has scored success through proper leadership, effective implementation of sharp strategies and measures, and active participation of the people, who have strengthened the people's health protection foundation to ensure the process of economic restoration and recovery after the Covid-19 crisis. The economic sector has recovered rapidly due to the proactive efforts and ownership of the Royal Government through the introduction of timely measures to maintain socio-economic stability. On this basis, the Cambodian economy grows at around 5.5% in 2022 and is projected to grow at 6.6% in 2023. At the same time, people's lives have been stable, especially the poor and vulnerable who have been severely affected by the Covid-19 crisis, as well as people who are vulnerable to the pressures of rising global commodity prices and those who are affected by flood through the implementation of social intervention programs and measures in a timely manner. In 2023, the salaries of civil servants and the armed forces will be raised to another level, as well as the pensions of former civil servants and veterans will be adjusted and increased, particularly the minimum wage for workers in textile, garment and footwear sectors has also been jacked up to US\$ 200, along with continuing reception of other benefits from the implementation of the Royal Government's social protection policy. These demonstrate the Royal Government's attention to guaranteeing and protecting the rights of citizens during the Covid situation and also after covid recovery, especially the right to life, the right to health care, the right to education and the economic, social and cultural rights.

Biased and Groundless Assessment of Human Rights Situation in Cambodia

15. The biased and groundless allegations made in the reports by certain anti-government political groups and organisations do not reflect the reality in Cambodia because these reports only summarise the events and draw inferences from the external image. They, that is to say, did not study the detailed causes that led to each incident, legal aspects and procedures, facts of offences and acts that are elements of offences, which leads to legal liability
16. When the authorities enforce the law on targeted groups, with a clear agenda for protection, such as former opposition party activists and opposition civil society organisation activists, it is customary for these organisations to always draw inferences and to make allegations of human rights violations, ignoring and without considering legal aspects and procedures, facts, acts that are elements leading to offences, legal liability and judicial proceedings
17. As the reports were quoted from a single point of view, interviews of a group of people, some organisations that are their own partisans and there is a tendency for them to fight against the government, without involvement with and input from government representatives and other stakeholders who are adversely affected by these reports, the research and conclusions in these reports are not scientifically proven, vague, and unusable.
18. The release of such incomplete, biased reports and with targeted attacks on the government may lead to social unrest and instability, as these reports appear to protect and motivate opposition groups who always act under various forms organised and supported by illegal movements and organisations outside, for the purpose of further acting without fear of law and authorities, causing social unrest in order to achieve their political ambitions; and, by law, this is not the exercise of rights. Instead, the reports of these organisations should have been made to educate and instruct those who violate the law, making them strictly abide by the law, exercising their rights properly in accordance with the law, not violating the rights and freedoms of others, and affecting social security and public order, which may cause them to face legal liability.
19. In democratic society and the rule of law, in principle, “human rights” shall be respected and protected, but if anyone commits offences “human wrong,” he or she shall be held responsible before the law.
20. Democracy has common principles, but there are no common standards that require all countries to adhere to, which means its implementation must be flexible and adaptable to the context and values of each country and region by upholding national

interest. Therefore, the assessment of the democratic and human rights situation in a country that is accurate, fair, just and comprehensive, impartial is to be made on the basis of common principles as well as the context and values of the country and the region and is not to be made by focusing on a right and forgetting the progress of exercising other rights.

21. It is clearly shown that recently the international order has lost and the international politics has become anarchic. The fact that a state is able to make law arbitrarily and unilaterally infiltrates the internal affairs of another states, under the pretext of applying democracy and human rights, and imposes sanctions on the state, leaders and private enterprises of another sovereign state, without going through the UN mechanisms, and such an act is committed under the guise of political interests rather than human rights reasons.
22. Although it is well known that the measures taken by a number of countries and international institutions against Cambodia are biased and unjust, with double standards that are laid down for political motives and making use of democracy and human rights as a pretext in order to interfere in Cambodia's internal affairs, Cambodia still continues to cooperate with all international mechanisms and all stakeholders involved by adhering to the foreign policy of peaceful co-existence, law based independence, non-interference in the internal affairs of other states, as well as protecting and maintaining peace, sovereignty, independence and upholding national interest through strict law enforcement mechanisms and without exception, in line with the principles and procedures of democracy and the rule of law.

For detailed information, please contact **H.E. Chin Malin**, Vice-President and Spokesperson of the Cambodian Human Rights Committee, at 061 666 778.

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The Cambodian Human Rights Committee

