

Statement submitted by Professor Rhona Smith, UN Special Rapporteur on the situation of human rights in Cambodia for the USA/EU organised meeting, New York, 19 December 2017

Thank you for the invitation to participate in this side event. I am not currently in New York, therefore I am submitting this statement on the current political situation in Cambodia.

2017 has brought many challenges for human rights defenders and politicians in Cambodia though also some successes. On the positive side, in October, Senator Hong Sok Hour received a royal pardon and was released from prison. I also note that Ny Chakrya, the Deputy Secretary General of the National Election Committee, was released from pre-trial detention in June after 427 days, but he remains under judicial supervision with the charges pending.

On 4 June, commune/sangkat elections were conducted in a relatively orderly and peaceful manner. There was a high turnout of electorate. Many commentators including some present today, expressed discontent over the general environment in the lead up to, and indeed after, the election. Such concern is well-founded, not least with the range of threats, offensive and intimidating comments from senior political actors.

I remain concerned about the dissolution of the Cambodia National Rescue Party (CNRP) on 16 November, the banning of 118 CNRP members from political activity for five years and the reallocation of all the party's local and national seats to unelected members of the ruling and other parties. Whilst I am aware of the fast-tracked laws on reallocation of seats, their invocation has denied a significant portion of the population their right to take part in public affairs through their freely chosen representatives. Those represented by CNRP in the National Assembly have had their votes, in effect, reallocated to another party. Those voting CNRP in the June 4 commune/sangkat elections in June, have also seen changes in their elected officials. That will also have an impact on the forthcoming decisions on appointment to the Senate.

International human rights treaties and the ASEAN Human Rights Declaration, which was adopted just over five years ago in Phnom Penh, guarantee the right to participate in government through free and fair genuine elections. So too does the Constitution of Cambodia. Restricting Cambodians' political voices could ultimately threaten the stability that the Government regularly highlights and that the Government, Cambodian people and many others have worked to protect.

Before the dissolution of the CNRP, its then leader, Kem Sokha, was detained in September (only days after my last mission to Cambodia) on a charge of conspiracy with a foreign power, an act implying "fomenting hostilities or acts of aggression against Cambodia". The Government has publicly explained that the conspiracy arose from a speech made in Australia in 2013 which is available online. Despite this, he was claimed to have been arrested *in flagrante delicto*, therefore obviating the normal processes for removing parliamentary immunity. He was also initially denied many of the legal rights in Cambodian law including confidential access to his lawyers and the presence of his lawyers during questioning by the investigating judge.

It is certainly important for the international community and civil society actors to continue monitoring the situation in Cambodia and to publicly and privately raise concerns with the Government. There are many different fora open for this. I continue to use the opportunities offered through my mandate to advocate, monitor and report in order to assist the Government to improve the human rights situation in the country.