

Cambodia: Long prison terms for former opposition leaders appalling, say UN experts

GENEVA (5 March 2021) – UN human rights experts today deplored the disproportionate prison terms handed to exiled senior leaders of the disbanded Cambodian National Rescue Party (CNRP) and called on the Government to protect freedoms of association and expression to ensure democratic processes and political activities.

The experts said the Phnom Penh Municipal Court’s verdict could potentially deprive their right to engage in public affairs. Since June 2019, more than 150 people associated with the CNRP have been arrested detained, and subjected to judicial proceedings.

On 1 March, the court convicted nine senior leaders of the former CNRP in absentia on charges related to “attempt to commit a felony” and “attack and endanger institutions of the Kingdom of Cambodia” under Articles 27 and 451 of the Cambodian Penal Code. This is related to their plan to return to the country to take part in Cambodia’s political life, which was publicised on social media in October 2019. The experts are gravely concerned that Sam Rainsy’s Facebook posts and video clips of the nine defendants were considered crimes.

The UN experts said the entire process of the trial has been tainted with irregularities and clear breaches of international law, including that the trials were not public. They called on the Government to reinstate their political rights and ensure all political parties should have equal opportunities to participate in political life.

“International human rights law guarantees freedoms of association and expression, as they are central pillar of democratic societies and guarantors of free and fair electoral processes. The conviction of the nine opposition leaders without clear legal grounds and without presence of the accused raises serious concern about the compatibility of the decision with international human rights law, including the right to be tried by a competent, independent and impartial tribunal,” said the experts.

Sam Rainsy, a former CNRP leader, was convicted to 25 years’ imprisonment and deprived of his rights to vote and stand in elections. Other senior leaders received prison terms of 22 years (Mu Sochua and Eng Chhay Enang) and 20 years (Tiolong Saumura, Men Sothavarin, Ou Chanrtih, Ho Vann, Long Ry, and Nuth Romduoul). They are also ordered to pay 1,800 million riels (about US\$42,500) compensation to the Government.

“We are appalled by the defendants’ lengthy and disproportionate prison terms which lack clear legal grounds,” said the experts, adding that no credible evidence was presented on how the defendants’ criticism of the Government amounted to “attack” under the Penal Code.

UN human rights experts have previously raised serious concerns on the deterioration of democratic space in Cambodia, as well as how mass trials targeting individuals associated with the CNRP appeared to be politically motivated.

ENDS

** **The UN experts: Ms Rhona Smith**, Special Rapporteur on the situation of human rights in Cambodia; **Mr David Kaye**, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and **Mr Diego García-Sayán**, Special Rapporteur on the independence of judges and lawyers; **Mr Clement Nyaletsossi Voule**, Special Rapporteur on the right to peaceful assembly and association. The Special Rapporteurs are part of what is known as the Special Procedures of the Human Rights Council. Comprising the largest body of independent experts in the UN Human Rights system, Special Procedures is the general name of the Council's independent fact-finding and monitoring mechanisms that address either specific country situations or thematic issues in all parts of the world. Special Procedures experts work on a voluntary basis; they are not UN staff and do not receive a salary for their work. They are independent from any government or organization and serve in their individual capacity.
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