

Civil society urges international effort to ensure Cambodia's fulfillment of the Paris Peace Accords, 25 years after their signature

PHNOM PENH, 20 October 2016 — We, the undersigned civil society organizations, are deeply concerned by the escalating political crisis in Cambodia. We call for a halt to all government repression of critical voices, and a concerted international effort to ensure the fulfillment of the commitments enshrined in the Paris Peace Accords on Cambodia, signed 25 years ago this week.

The four instruments that form the Framework for a Comprehensive Political Settlement of the Cambodia Conflict, commonly referred to as the Paris Peace Accords, were signed on 23 October 1991, marking the end of more than a decade of conflict and laying the groundwork for free elections, which took place in 1993. The accords were signed by 19 states, including nine of the ten current ASEAN member-states, and include guarantees of political pluralism and respect for human rights.

Political Crisis

The past year and a half has been marked by an increasing disregard for the democratic principles enshrined in the Paris Peace Accords. As Cambodia looks to elections in 2017 and 2018, there remains concerns that the situation, if neglected, will decline further, leading to a complete collapse of the settlement agreed in Paris a quarter of a century ago.

Since the ruling party controversially declared victory in the hotly contested elections of 2013, we have witnessed repeated attacks on dissenting voices: NGO workers, land rights activists, opposition party members, and even members of parliament have been arrested, charged, and imprisoned. The courts and other theoretically independent institutions have been effectively weaponized to target and silence government critics, abandoning any pretense of political independence and setting Cambodia on a dangerous path to conflict.

Leader of the opposition Cambodia National Rescue Party (CNRP), Sam Rainsy, was stripped of his seat in the National Assembly last November and forced into exile as a result of charges brought against him by a member of the ruling party. Deputy opposition leader Kem Sokha has been under effective house arrest at the CNRP headquarters in Phnom Penh since 26 May 2016. On 9 September 2016, he was sentenced in absentia to five months in prison for failing to appear in court. On 10 October opposition lawmaker Um Sam An was sentenced to two and half years' imprisonment on incitement charges following political Facebook posts. Opposition senator Hong Sok Hour remains imprisoned following the indefinite postponement of a trial resulting from similar online expression. Fourteen further CNRP officials, members and supporters are currently in jail for their participation in a 2014 protest. In October 2015, two CNRP MPs were beaten by a mob which included members of the Prime Minister's Bodyguard Unit. Three members of the Unit have since been convicted of the assaults.

Shrinking Civic Space

Judicial persecution has been extended to members of civil society deemed to be critical. Lim Mony, Ny Sokha, Yi Soksan and Nay Vanda, four staff from the Cambodian Association for Human Rights and Development (ADHOC), the country's oldest human rights organization, have been charged and remain imprisoned for their legitimate human rights work. A member of

the National Election Committee and former staff of ADHOC, Ny Chakrya, was also charged in the same case and has already been sentenced in a second case on charges of defamation. Land rights defenders and environmental activists have also faced prison sentences, including Tep Vanny, who was arrested on 17 August and remains in detention. Since then Tep Vanny has been convicted for her involvement in Black Monday protests to free detained ADHOC staffers and in a second resurrected case dating back to 2011. She faces separate charges in a further reactivated case relating to a Boeung Kak Lake community protest in 2013. In July, prominent political analyst and outspoken government critic Kem Ley was murdered in broad daylight in Phnom Penh. There is yet to be a credible and thorough investigation into his assassination.

Over the past eighteen months, the Government has passed a number of laws that further restrict freedom of expression, assembly and association in the country. Despite international and national outcry, the Law on Associations and NGOs (LANGO) was passed by the National Assembly in July 2015. The Law is considered an attempt by the Government to silence non-governmental organizations and community-based groups while creating an atmosphere of intimidation and self-censorship. In December 2015, the Law of Telecommunications, which provides sweeping powers to the Government for surveillance and criminalization of the use of telecommunication devices deemed to affect national security and public order, was passed despite the boycott of the opposition party in the National Assembly. Right to privacy and to freedom of expression as a whole are severely jeopardized under the Law.

Early this year, the Law on Trade Unions was adopted under heavy criticism from local and international labor movements and human rights groups. Certain provisions under the Law could be used to undermine the right to freedom of association which is a core idea of labor mobilization. The passing of these repressive legislations – none of which comply with international human rights law or Cambodia's own Constitution – was also strongly criticized for lack of transparency and broad consultation.

The worsening state of freedoms of association, assembly and expression was reflected at the UN Human Rights Council. During the June and September sessions many states raised these issues. The September session saw 39 states jointly raising concern over the disintegration of these freedoms in Cambodia. The UN Special Rapporteur on Cambodia noted the dire situation in her address to the Council and said that freedom of assembly and association will be a priority in her efforts.

We urge the Government of Cambodia to drop charges and release all human rights defenders who are being criminalized for their legitimate work, and ask the Government to conduct a thorough and independent investigation into the killing of Kem Ley. Repressive laws must be amended to be in compliance with international human rights standards and Cambodia's own Constitution. It is essential that these steps are taken if Cambodia is to fulfill its obligations set out in the Paris Peace Accords.

Urgent need for all parties to comply with commitments under the Paris Peace Accords

It is critical that elections take place in a context in which they are able to reflect the will of the Cambodian people. We are concerned that continued harassment of the opposition will undermine the prospect of a free and fair vote and that a further escalation of the crackdown may even see attempts to prevent elections taking place at all. The Paris Peace Accords laid the groundwork for democracy in Cambodia, and it is critical that the Cambodian people are

able to fully enjoy the fruits of that democracy, including the ability to determine their own political future.

Electoral reform is crucial to build the necessary foundations from which the upcoming elections could be considered free and fair, but such reform has been placed in serious jeopardy by attacks against the country's nominally independent National Election Committee (NEC). NEC member Ny Chakrya, who was appointed by the opposition party, is in pre-trial detention on spurious grounds, and the courts have begun proceedings against a second CNRP NEC appointee, Rong Choeun, after the revival of an old criminal case.

The Accords stipulated that "Cambodia will follow a system of liberal democracy, on the basis of pluralism" with "periodic and genuine elections" and "a requirement that electoral procedures provide a full and fair opportunity to organize and participate in the electoral process."

The Paris Peace Accords also stated that Cambodia undertakes to "ensure respect for and observance of human rights and fundamental freedoms in Cambodia" and "support the right of all Cambodian citizens to undertake activities that would promote and protect human rights and fundamental freedoms".

Moreover, as part of this historic agreement, the eighteen other signatories undertook "to promote and encourage respect for and observance of human rights and fundamental freedoms in Cambodia as embodied in the relevant international instruments in order, in particular, to prevent the recurrence of human rights abuses".

The anniversary of the Paris Peace Accords is an opportunity for all Cambodians, as well as the international community, to recall and renew their efforts to fulfill the commitments made to secure a peaceful and democratic future for Cambodia. We must work together to ensure that Cambodia moves forward along the path laid out in the Paris Peace Accords, and follows through on recent encouraging steps. That means ending attacks on critical voices, allowing free and fair elections, and working to secure a peaceful and prosperous future for all Cambodians.

Signatories:

ALTSEAN-Burma
ASEAN Parliamentarians for Human Rights (APHR)
Asia Democracy Network (ADN)
Asia Development Alliance (ADA)
Asia Democracy Research Network (ADRN)
Asian Forum for Human Rights and Development (FORUM-ASIA)
Asian Network for Free Elections (ANFREL)
Association of Human Rights Defenders and Promoters (HRDP), Myanmar
AWAZCDS, Pakistan
Banglar Manabadhikar Suraksha Mancha (MASUM), India
Byte4All, Pakistan
Centre for Human Rights and Development (CHRD), Mongolia
Commission for the Disappeared and Victims of Violence (KontraS), Indonesia
Dalit Foundation, India
Forum ONG Timor-Leste (FONGTIL), Timor-Leste
Global Partnership for the Prevention of Armed Conflict (GPPAC)

Globe International, Mongolia
HAK Association (Timor Leste)
Human Rights Working Group (HRWG)
Indonesia Legal Aid Foundation (YLBHI), Indonesia
Indonesian Legal Aid and Human Rights Association (PBHI), Indonesia
Informal Sector Service (INSEC), Nepal
INFORM Human Rights Documentation Centre, Sri Lanka
International Commission of Jurists, Australia
International NGO Forum on Indonesian Development (INFID)
Knights For Peace, International
Korean House for International Solidarity (KHIS), South Korea
Malaysians Against Death Penalty and Torture (MADPET), Malaysia
Maldivian Democracy Network (MDN), Maldives
Migrant Forum Asia
Mongolia Democracy Network, Mongolia
National Commission for Justice and Peace (NCJP), Pakistan
Odhikar, Bangladesh
Participatory Research in Asia (PRIA), India
People's Empowerment Foundation, Thailand
People's SAARC
People's Watch, India
People's Solidarity for Participatory Democracy (PSPD), South Korea
People's Vigilance Committee on Human Rights (PVCHR), India
Programme against Custodial Torture & Impunity (PACTI), India
Pusat Komnas (Malaysia)
SAPA Working Group on ASEAN
Sarawak Dayak Iban Association, Malaysia
South East Asian Committee for Advocacy (SEACA)
South India Cell for Human Rights Education and Monitoring (SICHREM), India
Southeast Asian Press Alliance (SEAPA)
SUARA Rakyat Malaysia (SUARAM), Malaysia
Think Centre, Singapore
Togetherness for Equality and Action- TEA
Vietnamese Women for Human Rights (VNWHR), Viet Nam
Yayasan Sekretariat Anak Merdeka Indonesia (SAMIN), Indonesia

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