



UNITED NATIONS HUMAN RIGHTS COUNCIL

SUBMISSION FOR THE 4TH CYCLE OF THE UNIVERSAL PERIODIC REVIEW OF CAMBODIA
55TH SESSION OF THE HUMAN RIGHTS COUNCIL

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Established in 2013, in consultative status with the Economic and Social Council since 2018, we play a significant role in assisting Cambodian democracy and human rights groups, nationally and internationally. Our mission involves empowering Cambodian advocates, enhancing their capacity to engage regularly and consistently with the international community, and to bring Cambodia back into compliance with international human rights and rule of law standards.

Submitting Organizations:

Commission of Inquiry for Cambodia

Established on October 23, 2021, this citizen-based independent fact-finding Commission of Inquiry for Cambodia provides space to mobilize voices to speak truth to power. The goals are to obtain justice and accountability from the Cambodian government and collect evidence of abuses. The evidence was presented to available international forums and enforcement bodies. The Commission identifies and lays the foundation for meaningful and systemic remedial action to be mandated by the international community to return Cambodia to the human rights and democracy standards the Paris Peace Accords set out and guaranteed ~30 years ago.

Website: www.CambodiaCommissionofInquiry.org

Contact: mshumanrights@verizon.net

Save Cambodia (aegis), PO Box 29177, Philadelphia, PA 19127

Tel: +1 301 946 4649

SIGNIFICANT SYSTEMIC REFORMS NEEDED TO ADDRESS THE GOVERNMENT OF CAMBODIA'S THOROUGHGOING HUMAN RIGHTS, RULE OF LAW, AND DEMOCRACY ABUSES

1. On 9 October, Professor Vitit Muntarbhorn, UN Special Rapporteur for Human Rights in Cambodia, in anticipation of the Cambodia UPR Review Process, delivered his report to the UN Human Rights Council on the status of human rights compliance by the government of Cambodia, and conducted an "Interactive Dialogue" on these issues. Echoing a long series of unusually forceful and forthright reports and statements issued this past year by officials and agencies of the United Nations, the Special Rapporteur unequivocally condemned the long-standing, systemic human rights and rule of law abuses of the Hun Sen/Hun Manet government, and made clear that these abuses made free, fair and legitimate elections impossible. He urged substantial and "comprehensive reforms" along the lines of the detailed "Action Plan of Reform Measures" that the United Nations had recommended in the lead-up to the July, 2023 national elections as prerequisites for free and fair elections.
2. Our groups, on behalf of the Khmer Community, would stress these two main points as the "hereditary appointment" of Hun Manet takes effect. The appointment of a new government is not sufficient to bring Cambodia into compliance with international human rights and rule of law standards without the type of comprehensive reform measures that the Special Rapporteur demanded, and that the United Nations through the course of the past year recommended in their "Action Plan of Reform Measures." Without these comprehensive and systemic reforms, it is impossible for the Hun Sen/Hun Manet government to claim that it is in compliance with international standards, and that the "hereditary" transfer of power to Hun Manet can in any way be considered legitimate, and consistent with the democratic will of the Cambodian people that the Paris Peace Accords mandated as a key element of that international agreement.
3. Moreover, the release of a small, token number of prisoners of conscience, as reports indicate that the Hun Sen/Hun Manet government is considering, while a small positive development, does nothing to deal with the underlying and long-standing systemic human rights and rule of law abuses that placed these prisoners under long-term sentences for treason in the first place.
4. For meaningful progress and improvements to be made, the Cambodian government must address, and remedy, the long line of substantial, systemic abuses that declared the main opposition political parties illegal; placed their leaders before politically motivated Mass Criminal Trials, and later in jail; closed down the independent media outlets or placed them under government control; and generally destroyed civil society's ability to operate effectively by eliminating free speech and free association rights on a wide-spread and comprehensive basis. As the United Nations mandated in its "Action Plan of Reform Measures," and as the Special Rapporteur emphasized in his report to the UN Human Rights Council on 9 October, these are the issues and abuses that must be addressed and remedied in a meaningful way if the Cambodian government wishes to claim legitimacy, and compliance with international standards,

including the assurances for a democratic political process for Cambodia that were among the core elements of the Paris Peace Accords.

5. With regard to the appointment of Hun Manet as Prime Minister by his father Hun Sen, this “hereditary appointment” (using the Special Rapporteur’s very apt terminology), is inexorably connected with, and symbolic of, Hun Sen’s long-standing campaign to eliminate and degrade the political opposition, not only by declaring the main political parties illegal, but by criminally prosecuting and imprisoning their leaders, and similarly persecuting their supporters. The shuttered political parties must be returned to legal status and allowed to function without interference on an effective basis. The “Mass Criminal Trials,” that were used to shackle and silence their leaders must be ended, and the 150 or so treason sentences they have imposed must be rescinded, with all the political prisoners released, and those forced into exile to avoid imprisonment allowed to return to Cambodia with all charges against them dropped and expunged from their records.
6. It is important to note that the Hun Sen government misused the judicial process, and violated rule of law standards, as a key element in its campaign to control the political process. This fundamental interference with judicial independence also must end, so that the courts, the judges, and the law enforcement process as a whole can operate to enforce the law on an independent and fair basis, not as a means to enforce the political will of the government’s leaders. Too often, the Hun Sen/Hun Manet government has improperly used to manufactured claim that critics and dissidents have “violated the law,” and have been subjected to criminal prosecution by the courts as a consequence, as a way of avoiding the criticism that the government is not responsible for these court action. The sad reality is that the government has misused the judicial and law enforcement process as a handmaiden for its political purposes, and cannot be allowed to hide behind the courts to excuse politically motivated prosecutions and acts of repression. The declaring of the main political parties as illegal is another example of how the judicial process has been misused, and the rule of law subverted.
7. With regard to the independence of the media, the ability of independent voices to report developments, and to criticize the government’s policies and practices, is essential to the exercise of free speech and free press rights. The same is true for those using social media to express their views. These free expression rights are among the basic international human rights standards that have been widely ignored and severely restricted by the Hun Sen/Hun Manet government. Independent media outlets that have been closed or restricted must be reopened, and returned to independent viability, without government controls and restrictions.
8. When the United Nations started to issue its series of highly critical reports and statements last year, the first point that these reports stressed was that Hun Sen had methodically destroyed the ability of civil society to operate as a basis for establishing and maintaining his autocratic control. People were not allowed to attend meetings, or join groups, or, ultimately, to express their views without the possibility of harsh reprisals being imposed. Unions were not permitted to carry out

their organizing and collective bargaining functions, protected by the labor rights treaties developed by the International Labour Organization, without government imposed restraints. Workers were not permitted to organize or join unions, as a means of dealing with their wages and working conditions. As the United Nations noted, without these basic civil society rights and protections the political process could not operate on a free, fair and legitimate basis. The ability of civil society to function effectively, and independent of government control, must be a starting point for meaningful reform in Cambodia.

9. The Khmer Community understands that these reform measures, and the other remedial actions included in the UN Action Plan, cannot be implemented instantaneously. But, by the same token, we have every right to expect and demand that meaningful and effective remedial actions of the type the UN has specified must be taken. A few token releases of detainees are not sufficient. The sad fact is that the Hun Sen/Hun Manet government, when confronted with the United Nations' Action Plan, not only did nothing to implement the recommended reforms, they doubled down on the repressive action that was being criticized. Additional politically motivated arrests took place. More Mass Criminal Trial hearings were scheduled. There were additional closures of independent media outlets. So, it would not be reasonable for the United Nations, at this point in the process, to simply accept verbal assurances from the newly instituted Hun Manet government that they are committed to complying with international human rights and rule of law standards, and that positive steps will be taken. Unless and until the United Nations' Action Plan of Reform Measures is implemented in a meaningful and effective way, then the United Nations' determination that the political process in Cambodia, including the "hereditary appointment" of Hun Manet, cannot be considered free, fair or legitimate, remains in effect.

10. Back on 11 March 2023, on the last day of the Human Rights Committee's review of the government of Cambodia's compliance status under the International Covenant on Civil and Political Rights, the Chair of the Cambodia's government delegation provided a preview of the position that the government is likely to take before the UN Human Rights Council in the upcoming Universal Periodic Review Process. The Chair of the Hun Sen delegation made two claims. First, that the Mass Criminal Trials and other criminal prosecutions were not imposed by the government but were independently carried out by the judges and the courts as a way of punishing violations of the law. Second, that Cambodia has been operating under a democratic system of government that represents the voters' free choice to operate under a one-party state. Several members of the UN Human Rights Committee forcefully rejected these patently untruthful claims in language that was unusually clear and direct for an international body. They pointed out that: 1) A true democratic process does not declare the main opposition political parties illegal, and throw their leaders and members in jail, charged for treason for expressing their views and criticizing the government; 2) Internationally recognized human rights standards do not permit the closure of the independent media outlets, and the jailing of independent journalists; and, 3) It is contrary to the factual history of past elections in Cambodia to claim that the voters chose a one-party state, given that the political opposition parties garnered a major segment of the vote in past elections, and that it would be totally inappropriate to take the vote in the July,

2023 national elections seriously when legitimate political opposition was precluded by declaring those parties illegal and jailing its leaders, making free choice impossible.

11. We urge the UN Human Rights Council to take a similarly forceful position in the upcoming UPR review process for Cambodia, by pointing out the Hun Sen/Hun Manet government's refusal to implement any of the UN recommended Action Plan Reform Measures, and, in fact, their decision to double down on harshly repressive actions so as to assure continuation in power by the present autocratic government. Consistent with the numerous reports and findings by the United Nations over the past year in the lead-up to the July national elections, including the most recent report of 9 October to the Human Rights Council by the Special Rapporteur, we ask the Council to demand from the Hun Sen/Hun Manet government meaningful implementation of the detailed Action Plan of Reform Measures that the UN adopted.
12. In the words of the Special Rapporteur, there is an "urgent need for comprehensive reforms," consistent with the United Nations' own "Action Plan." Nothing less should be accepted by the UN Human Rights Council as it undertakes the essential Universal Periodic Review Process for Cambodia.