

## **JOINT STATEMENT: Phnom Penh, 28 April 2016**

### **CSOs call upon authorities to immediately cease harassment of human rights defenders**

We, the undersigned civil society organisations, strongly condemn the summoning and interrogation of civil society members for conducting vital and legitimate activities to protect human rights. This amounts to an outrageous misuse of the Anti-Corruption Unit (ACU) as a political tool to attack and intimidate civil society.

Seven civil society members have been subjected to questioning by the ACU over the last two days in relation to a complaint filed by deputy opposition leader Kem Sokha's alleged mistress Khom Chandaraty, also known as Srey Mom. These include five staff members of ADHOC – Ny Sokha (head of human rights section), Nay Vanda (deputy head of human rights section), Yi Soksan (investigator and human rights monitor), Try Chhuon (lawyer), and Lim Mony (deputy head of the women's rights section) – as well as Thida Khus, director of SILAKA and Ny Chakrya, the deputy secretary general of the National Election Committee (and former head of ADHOC's human rights section). UNOHCHR official Sally Soen was also summonsed by the ACU in relation to the same case; however, due to his immunity as a UN staff member, he did not appear before the ACU.

The role of the ACU in summoning civil society members for performing legitimate activities in relation to a politically sensitive case is inappropriate and amounts to intimidation and harassment of human rights defenders. Further, the Law on Anti-Corruption requires the ACU to undertake its duties independently of political partisanship. However, earlier this week, a ruling party spokesman stated that it was natural for the government to appoint CPP-sympathetic staff to the ACU.

The aggressive pursuit of this investigation demonstrates that the ACU's priorities lie not in tackling endemic corruption, but in abusing its mandate to suppress civil society and target opposition figures. It is grossly inappropriate for this body to misuse criminal law to target civil society and critics of the government. Cambodia is perceived as the most corrupt country in Southeast Asia<sup>1</sup>; in this context, it is perverse but unfortunately unsurprising that the institution supposed to combat corruption is instead being used as a political tool to harass those working to promote human rights.

The ACU is the latest in a line of judicial forces investigating the case. The inappropriate role of the anti-terrorism police in questioning Khom Chandaraty has remained opaque. She was ostensibly questioned in the course of investigating a defamation complaint made by political activist Thy Sovantha in relation to the case, which is far outside the stated mandate of the anti-terrorism forces. The case falls within the context of an ongoing youth group campaign against Kem Sokha.

In response to the current concerning situation, ADHOC President Thun Saray stated that "ADHOC has done nothing to trigger the ACU's competence. This case is not a corruption case. ADHOC merely assisted a helpless and frightened human rights victim who came to its doorstep in a time in need and fear. This is what ADHOC does and this is what ADHOC did in this case. ADHOC did nothing wrong."

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<sup>1</sup> According to Transparency International's Corruption Perceptions Index 2015

“Hauling in civil society members who are only tangentially connected to the case is just another example of Cambodia’s flawed criminal justice system, in which the scales are weighted heavily against not only critics of the government, but also those who support them,” said Naly Pilorge, LICADHO director.

On 25 April, independent political analyst Mr. Ou Virak was also targeted for comments he made regarding Ms. Chandaraty’s case. In response to his comments, Cambodian People’s Party (CPP) spokesman Sok Eysan filed a criminal complaint of public defamation against Mr. Ou Virak. The complaint is accompanied by a claim for 400million riel (approximately USD \$100,000) in damages, which would incur a 2-year prison term in the event of non-payment. This move followed remarks by Prime Minister Hun Sen that the CPP would take legal action against any political analyst who damages the “honour and dignity” of the ruling party. Ou Virak’s comments fall well within the bounds of legitimate expression as guaranteed by the Cambodian constitution and Article 19 of the International Covenant on Civil and Political Rights.

“The targeting of Ou Virak at the same time as the interrogation of civil society members is no coincidence. Civil society in Cambodia is coming under sustained attack, and this situation is becoming more severe as we approach the election period. But these tactics of intimidation will not work. We stand united in the face of this intimidation”, said Chak Sopheap, Executive Director of CCHR.

The inappropriate activities of the ACU are the latest actions in a growing campaign to close civil society space ahead of the upcoming elections. Civil society organisations and their staff face increasing harassment and violations of their fundamental freedoms, while the recently passed Law on Associations and NGOs is a direct legislative attack on civil society.

We call on the Anti-Corruption Unit to drop its capricious investigation of civil society members who were simply upholding their mandate to protect victims of human rights abuses. We further call upon the Phnom Penh Municipal Court to dismiss the complaint against Ou Virak, in line with its obligations under the Cambodian constitution and international human rights law.

**This joint statement is endorsed by:**

- | <b>No</b> | <b>Name of CSOs</b>   |
|-----------|---|
| 1         | <i>Affiliated Network for Social Accountability Cambodia (ANSA Cambodia)</i>      |
| 2         | <i>Building Community Voice (BCV)</i>   |
| 3         | <i>Central Center for Alliance of Labor and Human Rights (CENTRAL)</i>            |
| 4         | <i>Cambodian Center for Human Rights (CCHR)</i>                                   |
| 5         | <i>Cambodian Human Rights Action Committee (CHRAC)</i>                            |
| 6         | <i>Cambodian Labour Confederation (CLC)</i>                                       |
| 7         | <i>Cambodian League for the Promotion &amp; Defense of Human Rights (LICADHO)</i> |
| 8         | <i>Community Legal Education Center (CLEC)</i>                                    |

- 9 *Coalition for Integrity & Social Accountability (CISA)*
- 10 *Coalition of Cambodian farmer Community (CCFC)*
- 11 *Committee for Free and Fair Election in Cambodia (COMFREL)*
- 12 *Diakonia*
- 13 *Cambodian Youth Network (CYN)*
- 14 *Equitable Cambodia (EC)*
- 15 *Gender and Development for Cambodia (GADC)*
- 16 *Housing Rights Task Force (HRTF)*
- 17 *Indradevi Association (IDA)*
- 18 *Independent Democratic Association of Informal Economic (IDEA)*
- 19 *Legal Aid of Cambodia (LAC)*
- 20 *LICADHO Canada*
- 21 *Mother Nature*
- 22 *People Center for Development and Peace (PDP-Center)*
- 23 *Samakum Teang Tnaut (STT)*
- 24 *Strey Khmer Organization (SKO)*
- 25 *The Building and Wood Workers Trade Union (BWTUC)*
- 26 *The Alliance for Conflict Transformation (ACT)*
- 27 *The Cambodian Tourism and Service Workers Federation (CTSWF)*
- 28 *Urban Poor Women Development (UPWD)*