

Cambodia: “Judicial harassment for political purposes must stop” – UN Special Rapporteur

GENEVA (18 November 2014) – The United Nations Special Rapporteur on the human rights situation in Cambodia, Surya P. Subedi, today urged the Cambodian Government to respect the law and the principle of judicial independence. At the same time, he called on the country’s judiciary to strictly exercise judicial authority independent of any external influence.

“It saddens me to see the courts being used again and again as a tool of the executive,” Mr. Subedi said in response to the recent series of arrests and immediate convictions of land activists and opposition party members.

In the past week, eleven activists have been arrested, swiftly charged and sentenced in mass trials for taking part in non-violent protests. “Since I took up this mandate as the Special Rapporteur, I have seen this happen in Cambodia countless times,” the rights expert stated.

“The lack of judicial independence is one of the central obstacles to achieving the just, inclusive society that Cambodians strive for. The recent conduct of the courts demonstrates once again the need for an independent judiciary in Cambodia,” he stressed.

Two members of the opposition party, including Meach Sovannara who heads the Information Department of the Cambodia National Rescue Party (CNRP) were also arrested for their part in the alleged ‘insurrection’ in the Freedom Park protests on 15 July. To date, 17 CNRP members and supporters have been charged since July in connection to the 15 July demonstration.

“Those who seek to exercise fundamental freedoms can be arrested, charged and convicted, on little or no material grounds. For such cases, justice in the heavily backlogged judicial system can be remarkably swift,” Mr. Subedi noted. “In fact, I regret to say that the timing in which these individuals were arrested, charged and convicted, seem to be all well calculated.”

The expert recalled that Cambodian law requires that court judgments may be based only on evidence. “When the evidence fails to prove guilt, it is the duty of the courts to set free defendants,” he stated.

“Any arrest or detention as punishment for the legitimate exercise of rights as guaranteed by international human rights law, including the freedom of assembly, of association and of expression, as well as the right to participate in political life, is arbitrary,” the Special Rapporteur underscored.

“Public confidence in the institutions created to maintain peace and order will not be restored by adding to the list of violations that were met with impunity, but will only emerge when impunity is squarely addressed, the UN expert added, recalling that none of the security forces that caused multiple deaths and injuries over the past year, including on 15 July, have yet been called to account.

Mr. Subedi emphasised the need to keep to the path toward reform. In his view, “distractions from the critical issues of judicial, electoral, parliamentary and public sector reform only prove their need, not the reverse. The authorities must not waiver from their commitments to pursue reform.”

The mandate of the Special Rapporteur was renewed for an additional two-year term in September 2013 by the UN Human Rights Council. Mr. Subedi will step down from the position when he reaches the full-term of six years in March 2015. His next and final mission to Cambodia is expected take place in January 2015, the results of which will be reported to the Council by his successor.

Professor Surya P. Subedi was appointed by the UN Human Rights Council as the UN Special Rapporteur for Human Rights in Cambodia in March 2009. As Special Rapporteur, he is independent from any government or organisation and serves in his individual capacity. He is currently Professor of International Law at the University of Leeds in the United Kingdom and a practising Barrister of the Middle Temple in London. He is the Vice President of the Asian Society of International Law and editor of its flagship publication – the Asian Journal of International Law published by Cambridge University Press. For more information, log on to:

<http://www.ohchr.org/EN/HRBodies/SP/CountriesMandates/KH/Pages/SRCambodia.aspx>

Check the Special Rapporteur's latest report to the Human Rights Council (A/HRC/27/70):

<http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session27/Pages/ListReports.aspx>

UN Human Rights, country page – Cambodia:

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