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COMMISSION ON HUMAN RIGHTS  
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**PROMOTION AND PROTECTION OF HUMAN RIGHTS, INCLUDING THE  
QUESTION OF HUMAN RIGHTS DEFENDERS**

**Written statement\* submitted by the Asian Legal Resource Centre (ALRC),  
a non-governmental organisation in general consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[13 February 2006]

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\* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

**FARCICAL AND ILLEGAL CRIMINAL CHARGES AND TRIALS OF HUMAN RIGHTS DEFENDERS IN CAMBODIA**

1. The Government of Cambodia, and in particular its prime minister, has created a intense fear in the Cambodian people by arbitrary and wanton misuse of the criminal law against government critics and human rights defenders: particularly through the use of farcical and illegal trial procedures. Although in January 2006 there were releases from detention and dropping of charges by way of granting of clemency, these only spoke to the extent to which the entire Cambodian legal and administrative system is under control of the prime minister. It is evident that the laws, judiciary and other institutions that Cambodia inherited from the communist era are as yet so defective that they can be used at any time and in any way by the seniormost authorities in the country.

2. Among those released from prison was Cheam Channy, who had served one year of a jail sentence, allegedly for defamation and organising an illegal army. The prime minister has promised to restore Channy's parliamentary immunity, and has also withdrawn a number of criminal defamation lawsuits against human rights activists that he has pursued over the last six months. They include Kem Sokha, President of the Cambodian Centre for Human Rights (CCHR); Pa Nguon Teang, CCHR Deputy Director and Radio Director; Mam Sonando, Beehive Radio Owner and Broadcaster; Rong Chhun, President of the Cambodian Independent Teachers' Association; and, Yeng Virak, Executive Director of the Community Legal Education Centre.

3. While these are welcome developments that come as a result of intense international pressure on the Government of Cambodia, they should not lead anyone to believe that democracy, human rights and the rule of law are thus restored and assured, or that the position of human rights defenders there is in any way secured. In fact, the effect has been to have persons who had claimed all along that they had not committed any offences to have now admitted guilt and undertake that no further criticism of the government would ensue. Meanwhile, human rights activists have been subjected to threats, assaulted and warned to give up their activities. Death threats via computers and telephones are common. Some of fled the country in fear.

4. The Asian Legal Resource Centre has in a separate statement to the Commission on the administration of justice in Cambodia made a detailed set of recommendations for reform in Cambodia. Above all else, it calls for a concerted international role in bringing about an end to the completely dissatisfactory situation there. If there is one country in the world in which the international community can have a decisive and important effect, it is Cambodia. Under United Nations sponsorship, the international community has invested enormously in Cambodia, with a view towards restoring stability and establishing responsible governance for a people who had under gone one of the worst catastrophes in modern human history. The introduction of liberal democracy through the 1993 Constitution was seen as an encouragement for the people to rebuild their lives and regain their dignity. However, the present attempts to silence critics and reintroduce a fear psychosis will severely undermine the few steps towards democracy and human rights taken by the country. The AHRC therefore requests the Commission to respond urgently to the deteriorating situation in Cambodia.

5. The ALRC also calls for the Commission to urge the Government of Cambodia to decriminalise defamation, so as to bring national law in conformity with international legal doctrines, under which criminal defamation is now obsolete. Such "laws" have no place in modern societies and should be relegated to the archives of past repression and bad governance. Decriminalisation of defamation would significantly enhance the confidence of the Cambodian people as well as the international community with regards to the implementation of the Cambodian constitution, which not only enshrines democracy and the rule of law, but also guarantees the protection of basic human rights including the freedom of expression. The removal of criminal defamation laws would go a long way to allay the fears that have gripped the Cambodian people over a long period of time. It would also give meaning to the many efforts made since 1992 to promote and protect human rights and fundamental freedoms in Cambodia.

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