

Mr. António Guterres,
Secretary General,
United Nations

Mr. Joko Widodo,
President,
Republic of Indonesia (Co-Chair of the 1991 Paris Conference on Cambodia)

Mr. Emmanuel Macron,
President,
The French Republic (Co-Chair of the 1991 Paris Conference on Cambodia)

23 October 2017

Re: Request to reconvene the Paris Conference on Cambodia, in light of the Cambodian government's dismantling of democracy

Dear Secretary General Guterres, President Widodo, and President Macron,

We, the undersigned international and regional organizations, write to you on the occasion of the 26th anniversary of the 1991 Paris Peace Conference on Cambodia, which was co-chaired by France and Indonesia. The Paris Conference led to the signing of the historic Paris Peace Agreements, and aimed at ending the “tragic conflict and continuing bloodshed in Cambodia”. Twenty-six years later, there is an urgent need for decisive action from the international community, to ensure that the democratic vision for Cambodia outlined in the Paris Peace Agreements is not completely foresaken.

The Paris Peace Agreements created clear legal obligations upon the signatories – including the obligation to immediately undertake appropriate consultations with the members of the Paris Conference – in the event of the agreements being violated.¹ These obligations exist to this day, despite Cambodian Prime Minister Hun Sen's recent claim that “*the Paris Peace agreement is like a ghost*”.²

We respectfully submit that your obligation to take concrete action under the Paris Peace Agreements has now been triggered as a result of the severe deterioration in the state of human rights and democracy in Cambodia in recent weeks and months, which has led to clear violations of the Paris Agreements. Specifically, Article 29 of the Agreement on a Comprehensive Political Settlement for Cambodia (the “ACPS”) provides:

¹ For an overview of the legal obligations upon the Royal Government of Cambodia, as well as obligations upon the other signatories and the United Nations, created by the Paris Peace Agreements, see: http://cchrcambodia.org/admin/media/factsheet/factsheet/english/2016_10_21_CCHR_fs_dhr_in_the_ppa_ENG.pdf

² Bok Sokhean and Erin Handley, ‘Peace accords a ‘ghost’, says Hun Sen, dismissing treaty that established democracy in Cambodia’ (*Phnom Penh Post*, 12 October 2017) <https://goo.gl/w9ekaT>

Without prejudice to the prerogatives of the Security Council of the United Nations, and upon the request of the Secretary-General, the two Co-chairmen of the Paris Conference on Cambodia [France and Indonesia], in the event of a violation or threat of violation of this Agreement, will immediately undertake appropriate consultations, including with members of the Paris Conference on Cambodia, with a view to taking appropriate steps to ensure respect for these commitments.

Since July 2017, the Royal Government of Cambodia (RGC) has embarked upon a severe crackdown against the political opposition, civil society organizations and independent and critical media, as well as individuals exercising their fundamental freedoms. The severity of this crackdown is unprecedented in the post-1991 era, and poses an existential threat to Cambodian democracy.

On September 3, Kem Sokha, the President of the Cambodia National Rescue Party (CNRP), was arrested in violation of his parliamentary immunity.³ He remains in pre-trial detention and has been charged with treason. This action was said to have been taken to counter a broader politically-motivated conspiracy theory, which alleges that the political opposition and civil society are acting in concert to foment a “color revolution” to overthrow the Cambodian government with the covert support of the United States. No credible evidence supporting the existence of such a plot has been produced, and this accusation has been further used to shut down and harass a number of other organizations and individuals.

Fewer than 40 percent of CNRP members of parliament remain in Cambodia after others were forced to flee the country, having been threatened with arrest as part of the same treason investigation. Now, the party itself faces imminent dissolution. In February and July, the Cambodian government introduced, and the National Assembly quickly passed, two sets of amendments to the Law on Political Parties, giving the Cambodian government sweeping powers to suspend and dissolve political parties.⁴ On October 6, the Ministry of Interior filed a complaint to the Supreme Court in order to initiate the dissolution of the CNRP.⁵

This move was followed on October 16 by the passage of further amendments to Cambodia’s election laws – comprising the Law on the Election of Members of the National Assembly, the Law on the Election of Senate Members, the Law on the Election of Commune Councils, and the Law on the Election of the Capital/Provincial

³ Richard C. Paddock and Julia Wallace, ‘Cambodia Arrests Opposition Leader, Accusing Him of Treason’ (*New York Times*, 2 September 2017) <https://goo.gl/CNm9Yd>

⁴ See: UN OHCHR in Cambodia, ‘A Human Rights Analysis of the Amended Law on Political Parties (2017)’ (28 March 2017) <https://goo.gl/JwWM51> and CCHR, ‘Legal Analysis of the July 2017 proposed amendment to the LLP’ (2017) <https://goo.gl/tXFuLR>

⁵ Mech Dara and Erin Handley, ‘Breaking: Interior Ministry files complaint to dissolve CNRP’ (*Phnom Penh Post*, 6 October 2017) <https://goo.gl/vDN5Gn>

and Municipality/District/Khan Councils - through Cambodia's National Assembly.⁶ If adopted, as expected, these amendments would enable (in the event the CNRP is dissolved) the redistribution of the CNRP's National Assembly seats to parties who received minimal support in the 2013 national election, and transfer all 489 of the CNRP's Commune Chief seats to the ruling Cambodian People's Party (CPP), constituting an outright subversion of the democratic will of the Cambodian people.

While the CNRP won more than 44 percent of the popular vote in the 2013 National Assembly election, compared to the ruling CPP's 48 percent, the draft amendments to the electoral laws would give the royalist Funcinpec party – which received only three percent of the popular vote – the majority of the CNRP's seats, with 41. Minor parties which each received one percent, or less, of the popular vote would be awarded the remainder of the seats.

These developments contravene the Paris Peace Agreements, which provide:

*Cambodia will follow a system of liberal democracy, on the basis of pluralism. It will provide for periodic and genuine elections. [...] It will provide for voting by secret ballot, with a requirement that electoral procedures provide a full and fair opportunity to organize and participate in the electoral process.*⁷

and,

(a) Cambodia undertakes:

- to ensure respect for and observance of human rights and fundamental freedoms in Cambodia;
- to support the right of all Cambodian citizens to undertake activities that would promote and protect human rights and fundamental freedoms ;
- to take effective measures to ensure that the policies and practices of the past shall never be allowed to return; - to adhere to relevant international human rights instruments.⁸

Alongside the assault on the right to political participation and the elimination of all genuine political opposition, the Cambodian authorities have undertaken a severe crackdown against independent and critical media outlets and civil society organizations. The renowned *Cambodia Daily* newspaper was forced to shut down on September 4 on the basis of a USD6.3 million tax bill, which was suddenly produced despite the absence of any formal audit or due process.⁹ A total of 31 independent radio broadcasts were also taken off the air in the space of two weeks, with the

⁶ Niem Chheng, Ananth Baliga and Erin Handley, 'CPP rewrites rules again, with amendments planned to political laws to redistribute CNRP seats' (*Phnom Penh Post*, 11 October 2017) <https://goo.gl/Mf56dy>

⁷ ACPS Annex 5, 'Principles for a New Constitution for Cambodia,' Articles 4 and 5

⁸ Agreement on Sovereignty, Independence, Territorial Integrity and Inviolability, Neutrality and National Unity of Cambodia (ASIT) Article 3(2)(a), and ACPS Article 15(2)(a)

⁹ The Cambodia Daily, 'Cambodia Daily Announces Immediate Closure Amid Threats' (*The Cambodia Daily*, 4 September 2017) <https://goo.gl/NQTaur>

government citing vague license infringements.¹⁰ *Radio Free Asia* has also been forced to shut its Phnom Penh office, and senior government officials threatened their reporters with arrest if they attempted to continue their work inside Cambodia.¹¹ These developments have had the combined effect of gutting access to independent information for rural Cambodians, who are now almost totally reliant on media sources that actively favour the CPP.

Civil society groups in Cambodia have also faced relentless pressure since the Commune Council elections in June 2017. On July 4, the Ministry of Interior declared that non-governmental organizations (NGOs) would not be allowed to reconvene the civil society election monitoring coalition known as the “Situation Room” for monitoring of the national election in 2018, following an investigation ordered by Prime Minister Hun Sen.¹² On August 23, the Ministry of Foreign Affairs and International Cooperation ordered the immediate closure of the US-funded NGO, the National Democratic Institute (NDI), and the expulsion of its international staff members from Cambodia within seven days. The order was based on NDI’s alleged failure to register with the ministry, in contravention of the repressive and heavily-criticized Law on Associations and NGOs (LANGO)¹³ – despite NDI having submitted all necessary registration documents and received assurances that it could proceed.¹⁴ On September 28, the Ministry of Interior ordered the temporary suspension of Equitable Cambodia, a prominent land rights organization, for 30 working days effective immediately, for alleged non-compliance with LANGO.¹⁵ On September 15, Mother Nature Cambodia, an environmental campaign group, was pressured into de-registering following harassment of its directors by the Cambodian authorities.¹⁶ A number of organizations critical of the government, including the Cambodian Human Rights and Development Association (ADHOC), the Cambodian League for the Promotion and Defense of Human Rights (LICADHO) and the Committee for Free and Fair Elections (COMFREL), have also been targeted by tax investigations.¹⁷ This misuse of the law has been accompanied by a major escalation in intimidation and surveillance of civil society workers and human rights defenders.¹⁸

¹⁰ Abby Seiff, ‘Cambodia: Switching off independent radio stations’ (*Al Jazeera*, 22 September 2017)

<https://goo.gl/Wo45gn>

¹¹ Kann Vicheika, ‘Cambodia Threatens Radio Free Asia Journalists With Arrest’ (*VOA*, 20 September 2017)

<https://goo.gl/bKVST9>

¹² Ben Sokhean and Ben Paviour, ‘Interior Ministry Issues Stop-Order to Situation Room NGOs’ (*The Cambodia Daily*, 5 July 2017) <https://goo.gl/TUywKr>

¹³ For a detailed analysis of the LANGO, see: UN Office Of the High Commission for Human Rights Cambodia, ‘A Human Rights Analysis Of The Law On Associations And Non-Governmental Organizations’ < <http://bit.ly/2xIh7A4> >

¹⁴ George Wright, ‘NDI Ordered to Halt Operations, Foreign Staff Face Expulsion’, *The Cambodia Daily*, 23 August 2017.

¹⁵ Ben Sokhean and Kong Meta, ‘Land rights NGO suspended’, *Phnom Penh Post*, 29 September 2017.

¹⁶ Mech Dara and Ananth Baliga, ‘Environmental NGO Mother Nature dissolved’ (*Phnom Penh Post*, 18 September 2017) <https://goo.gl/iVa6K7>

¹⁷ Phan Soumy, ‘Government Rebuts Political Motive for Tax Investigations’ (*The Cambodia Daily*, 16 August 2017) <https://goo.gl/XXLqEg>

¹⁸ Brendan O’Byrne, ‘Rights Groups Raise Alarm Over Threats, Surveillance’ (*The Cambodia Daily*, 16 August 2017) <https://goo.gl/UxsqEk>

The national election scheduled for July 2018 has no chance of legitimacy if present circumstances persist, and far-reaching remedial steps would be required for this election to be deemed genuine, participatory and inclusive. The rights to freedom of expression, freedom of association, freedom of assembly, and political participation, among others, are being systematically violated, in contravention of the Cambodian constitution and Cambodia's international human rights obligations, including under the International Covenant on Civil and Political Rights, and the Paris Agreements.

In light of the alarming and rapidly deteriorating situation for human rights, the rule of law and democracy in Cambodia, we urge you to fulfil your obligations as laid out in the Paris Peace Agreements. We respectfully submit that the most appropriate means of fulfilling these obligations would be to reconvene the members of the Paris Conference on Cambodia, along with other relevant stakeholders, for an emergency summit to discuss the state of Cambodian democracy, and to outline collective actions which could be taken to encourage the RGC to reverse course. Urgent action is required to ensure that the vision of a democratic Cambodia outlined in the Paris Agreements is not betrayed.

Yours sincerely,

1. AdilSoz - International Foundation for Protection of Freedom of Speech
2. Africa Freedom of Information Centre (AFIC)
3. Americans for Democracy & Human Rights in Bahrain (ADHRB)
4. ASEAN Parliamentarians for Human Rights (APHR)
5. Asia Democracy Network (ADN)
6. Asian Forum for Human Rights and Development (Forum-Asia)
7. Asian Network for Free Elections (ANFREL)
8. Boat People SOS
9. Bytes for All (B4A)
10. Canadian Journalists for Free Expression
11. Center for Human Rights and Development (CHRD) (Mongolia)
12. Center for Independent Journalist - Romania
13. Center for Media Freedom and Responsibility (CMFR)
14. Center for Media Studies & Peace Building (CEMESP)
15. Centro Prodh (Mexico)
16. Civil Rights Defenders
17. Commission for the Disappeared and Victims of Violence (KontraS) (Indonesia)
18. Committee Against Torture (CAT) (Russia)
19. Community Resource Centre Foundation (CRC) (Thailand)
20. Equality Myanmar (EQMM)
21. Fortify Rights
22. Freedom Forum
23. Global Witness
24. Globe International
25. Greek Helsinki Monitor (Greece)
26. Human Rights Watch

27. International Commission of Jurists (ICJ)
28. International Federation for Human Rights (FIDH)
29. International Federation of Journalists (IFJ)
30. International Press Centre (IPC)
31. Judicial System Monitoring Program (JSMP) (Timor-Leste)
32. Korean House for International Solidarity (KHIS)
33. Mahila Sarvangeen Utkarsh Mandal (MASUM) (India)
34. Media Institute of Southern Africa
35. Media Watch
36. Media, Entertainment and Arts Alliance
37. Mizzima News
38. National Union of Somali Journalists (NUSOJ)
39. Odhikar (Bangladesh)
40. P24 Platform for Independent Journalism
41. PEN American Center
42. PEN Canada
43. People's Empowerment Foundation (PEF) (Thailand)
44. Sohram-Casra (Turkey)
45. SOS-Torture/Burundi (Burundi)
46. South East Europe Media Organisation
47. Southeast Asian Press Alliance (SEAPA)
48. Synergie des Femmes pour les Victimes des Violences Sexuelles (SFVS) (DRC)
49. UDEFEGUA (Guatemala)
50. Vietnamese Women for Human Rights (VNWHR)
51. Vigilance for Democracy and the Civic State
52. World Association of Newspapers and News Publishers
53. World Organisation Against Torture (OMCT)
54. Yayasan Lembaga Bantuan Hukum Indonesia (YLBHI)
55. Yayasan Sekretariat Anak Merdeka Indonesia (SAMIN)

CC:

- His Majesty King Norodom Sihamoni, King of Cambodia
- Samdech Hun Sen, Prime Minister of the Kingdom of Cambodia
- Kem Sokha, President, Cambodia National Rescue Party
- Zeid Ra'ad Al Hussein, UN High Commissioner for Human Rights
- Retno Marsudi, Minister for Foreign Affairs, Indonesia
- Jean-Yves Le Drian, Minister of Foreign Affairs and International Development, France
- Julie Bishop, Minister for Foreign Affairs, Australia
- His Majesty Sultan Hassanah Bolkuiah Mu'izzaddin Waddaulah ibni Sultan Omar Ali Saifuddin Sa'adul Khairi Waddien, Sultan and Minister for Foreign Affairs and Trade, Brunei Darussalam
- Chrystia Freeland, Minister for Foreign Affairs, Canada
- Wang Yi, Foreign Minister, People's Republic of China
- Sushma Swaraj, Minister of External Affairs, India
- Fumio Kishida, Minister for Foreign Affairs, Japan

- Saleumxay Kommasith, Minister for Foreign Affairs, Laos
- Dato' Sri Anifah Aman, Minister for Foreign Affairs, Malaysia
- Alan Peter Cayetano, Secretary for Foreign Affairs, Philippines
- Vivian Balakrishnan, Minister for Foreign Affairs, Singapore
- Don Pramudwinai, Minister for Foreign Affairs, Thailand
- Sergey Lavrov, Minister for Foreign Affairs, Russia
- Boris Johnson, Secretary of State for Foreign and Commonwealth Affairs, United Kingdom
- Rex W. Tillerson, Secretary of State, United States of America
- Phạm Bình Minh, Minister for Foreign Affairs, Viet Nam