

# Lawyers' Rights Watch Canada



*NGOs in Special Consultative Status with the Economic and Social Council of the United Nations*

## *Check Against Delivery*

Organizations: Lawyers' Rights Watch Canada (LRWC), the International Commission of Jurists (ICJ), and International Service for Human Rights (ISHR)  
Item: Item 10 – Interactive dialogue on the Report of the Special Rapporteur on the situation of human rights in Cambodia  
Date: 25 September 2019  
Speaker: Catherine Morris

## **Oral Statement to the 42nd Session of the UN Human Rights Council from Lawyers' Rights Watch Canada (LRWC), the International Commission of Jurists (ICJ) and the International Service for Human Rights (ISHR), NGOs in special consultative status**

Thank you, Mr. President;

Lawyers' Rights Watch Canada (LRWC), the International Commission of Jurists (ICJ), and the International Service for Human Rights (ISHR) thank the Special Rapporteur for her reports.<sup>1</sup> Implementation of the Sustainable Development Goals, ensuring that no one is "left behind," necessitates equal access to remedies for rights violations within a trustworthy and independent legal system.

Cambodia has not fulfilled its treaty obligations to establish judicial independence and integrity. Civil society's rights advocacy is continually resisted.<sup>2</sup> Lawyers, defenders,<sup>3</sup> journalists,<sup>4</sup> politicians, or activists reporting on corruption,<sup>5</sup> election irregularities,<sup>6</sup> labour rights violations,<sup>7</sup> illegitimate land acquisition,<sup>8</sup> environmental degradation,<sup>9</sup> or other rights abuses, including by businesses, are routinely subjected to official vilification; intimidation; interference with rights to expression, association,<sup>10</sup> and assembly; criminalization; arbitrary detention;<sup>11</sup> and even unlawful killings with impunity.<sup>12</sup>

Since 2017, political opposition has been systematically suppressed, including through misuse of the judiciary. Despite the Special Rapporteur's repeated calls for release of opposition leader Kem Sokha, he remains under court-imposed restrictions tantamount to house arrest. The Special Rapporteur has been denied visits with him<sup>13</sup> contrary to Special Procedures terms of reference for country visits.<sup>14</sup> In May, 25 former opposition members were summoned to court for questioning over two weeks.<sup>15</sup> In September, the government threatened to arrest anyone supporting opposition politician Sam Rainsy's return to Cambodia.<sup>16</sup>

Cambodia's responses to Special Procedures' recommendations for the past twenty-five years have been characterized by disregard, delay, resistance, or hostility.<sup>17</sup> Continued support for the Special Rapporteur's mandate is critical to ensure that Cambodia fulfils its international human rights obligations. We request that the Council extend the mandate.

Thank you, Mr. President.

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## References

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<sup>6</sup> Report of the Special Rapporteur, A/HRC/39/73/Add.1, 7 September 2018, paras 17, 76-78, see note 26.

<sup>7</sup> UN Human Rights Committee, Concluding observations on the second periodic report of Cambodia, CCPR/C/KHM/CO/2, 27 April 2015, para 12,

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<sup>17</sup> See Michael Kirby, United Nations Special Procedures, *Australian Year Book of International Law* 2 (2010): 17-25, <http://www5.austlii.edu.au/au/journals/AUYrBkIntLaw/2010/2.pdf>; Kuch Naren and Simon Lewis, Subedi Protest Linked to CPP-Aligned Youth Group, *Cambodia Daily*, 23 May 2013, <https://www.cambodiadaily.com/news/subedi-protest-linked-to-cpp-aligned-youth-group-26156/>; Niem Chheng, Government hits back at Rhona Smith’s UN comments, 28 September 2018, <https://www.phnompenhpost.com/national/government-hits-back-rhona-smiths-un-comments>; Rhona Smith’s statement raises questions, *Khmer Times*, 24 July 2018, <https://www.khmertimeskh.com/514865/rhona-smiths-statement-raises-questions/>.