

Cambodia: Kem Sokha's conviction is another assault on human rights, the rule of law and democracy

3 March 2023

Today's conviction of Kem Sokha by the Phnom Penh Municipal Court on spurious charges of "conspiracy with a foreign power" under article 443 of the Criminal Code is a gross miscarriage of justice which should be overturned on appeal, said the International Commission of Jurists (ICJ).

Kem Sokha, the leader of the [arbitrarily dissolved](#) opposition Cambodia National Rescue Party (CNRP), was today sentenced to 27 years in detention under house arrest. The Court also stripped him of his right to vote and barred him from running for political office.

The ICJ is concerned at the numerous violations of the right to a fair trial in the proceedings, including the unsound evidentiary basis on which Kem Sokha was convicted. The prosecution reportedly relied on video evidence that had been seemingly tampered with. The ICJ considers that the charges against Kem Sokha are wholly [unsubstantiated and ill-founded](#).

"The criminal justice system has again been weaponized to launch politically motivated prosecutions to suppress freedom of expression and muzzle dissent," said Ian Seiderman, ICJ's Law and Policy Director. "Kem Sokha's conviction is yet another incident in a systematic disregard for Cambodia's international legal obligations to respect and ensure freedom of expression, the right to political participation, and freedom of association."

Pursuant to the Prosecution Office of Phnom Penh Municipal Court, Sokha was caught "red-handed" in [an "act of treason"](#) despite the fact that the alleged act was a speech he had made four years earlier in Australia in 2013. In the speech, Sokha had alluded to receiving foreign assistance in advocating for democratic change in Cambodia.

The conviction of Kem Sokha reflects how the judicial system in Cambodia remains politicized and non-independent. Judicial officials are largely deferent to the executive Government, with the *de facto* presumption of guilt applied in cases involving political opponents and human rights defenders, and a larger pattern of basic fair trial standards not being adhered to in the Cambodian courts.

"The conviction constitutes yet another attempt to crack down on the political opposition in order to fuel the climate of fear ahead of the 2023 general election," added Seiderman.

Background

The verdict was announced in the midst of an intense [crackdown on political opposition](#) in the lead-up to the 2023 general elections, scheduled to be held on 23 July 2023. Several senior leaders of the Candlelight Party, now Cambodia's second-largest party, have been hit by lawsuits from the ruling Cambodian People's Party (CPP) and the National Election Commission.

For example, on 16 January 2023, Thach Setha, the Party's vice president, was arrested and detained on charges of issuing bad checks. On 2 February 2023, Kong Korm, a senior adviser, stepped down from his activities with the opposition Candlelight Party after the ruling party filed a lawsuit against him for USD 500,000 over possession of land that allegedly belongs to the Ministry of Foreign Affairs. On 23 February 2023, Cambodia's Supreme Court upheld the conviction of Son Chhay, vice president of the Candlelight Party, in a defamation case brought by election officials and the CPP. The case stems from comments he made last year that there had been voting irregularities and electoral fraud in the 2022 Commune Elections. He was ordered to pay approx. USD 1 million in compensation to the CPP and the National Election Commission.

Media outlets critical of the Government have also been shuttered. For example, on 13 February 2023, the media license of the [Voice of Democracy \(VOD\)](#), one of the last independent local news organizations in the country, was arbitrarily revoked by Cambodia's Ministry of Information.

In September 2017, Kem Sokha was arrested, in violation of his parliamentary immunity and without a warrant, by more than 100 police officers in a midnight raid on his home.

Thereafter, he was detained in the remote Trapaing Thlong prison in Tboung Khmum Province near the Vietnamese border. His applications for bail were rejected multiple times. During this period, Sokha was also denied access to independent doctors and medical treatment, despite his suffering from serious medical conditions.

In 2017, the courts in Phnom Penh ruled that his pre-trial detention was legal under Cambodian law and refused him bail, even though Sokha had been barred from attending the proceedings, which his lawyers also boycotted in protest.

On 5 June 2018, The United Nations Working Group on Arbitrary Detention concluded that Sokha's pretrial detention was "arbitrary" and "politically motivated".

On 10 September 2018, a judge ordered him released under highly restrictive conditions of judicial supervision, amounting to house arrest, before such conditions were lifted on 10 November 2019.

Kem Sokha's arrest occurred against the backdrop of an intense crackdown on political opposition, human rights defenders, civil society and independent media in the lead-up to the 2018 general elections. Two months after his arrest, Cambodia's Supreme Court dissolved the CNRP and banned 118 CNRP officials from political activities for five years.

Further reading

[Cambodia: Mass convictions of opposition politicians and human rights defenders deepen rule of law crisis and must be reversed](#)

[Cambodia: New ICJ report highlights intensified human rights violations and abuses online](#)

[Cambodia: ICJ and 56 organizations call on authorities to release journalists and cease harassment of independent media](#)

[Cambodia: Spurious "treason" charges against opposition leader Kem Sokha must be dropped](#)

[Cambodia: Charges against Kem Sokha must be dropped and respect for fundamental freedoms restored](#)

[Cambodia: charges against journalists Yeang Sothearin and Uon Chhin must be dropped](#)

[Cambodia: the ICJ condemns dissolution of main opposition party](#)

[Cambodia: ongoing misuse of law to silence opponents further deepens impunity and undermines the rule of law](#)