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TECHNICAL ASSISTANCE AND CAPACITY-BUILDING

**Letter dated 12 October 2009 from the Permanent Mission of the Kingdom of
Cambodia addressed to the President of the Human Rights Council**

I have the honour to refer to the statement made by Professor Surya P. Subedi, Special Rapporteur on human rights in Cambodia, on 1 October 2009, during the interactive debate under item 10 on advisory services and technical assistance for Cambodia at the twelfth session of the Human Rights Council, and in this regard, in addition to my statement delivered at the interactive debate, I wish to make a few comments on the said statement (see annex)*.

I would be most grateful if you could circulate the present letter as a document to be placed in the official records of the Council.

(signed)
Sun Suon
Ambassador and Permanent Representative

* The present letter is circulated in all official languages. The annex to the letter is circulated as received, in the language of submission only.

Annex

1. Rule of Law:

The country has emerged from scratch over the past tragic period and its consequences were enormous for Cambodia to overcome, including addressing the areas of legal and judiciary system. The Royal Government has thus made its great strides on improvement of the legal and judiciary systems through its reform process over the past decade, mainly on the enactment of laws, establishment of strategies and institutional frameworks and taking the necessary steps to strengthen and improve the capacity, independence, and neutrality of the Court system.

As a matter of fact, Cambodia has thus made significant progress in adopting various legislations and enhancing its institutional capacities. For example, in the Third Legislature, a total number of 140 laws were promulgated to enhance the legal system in the country. The Court system has significantly been strengthened with the support from development partners. With regard to the Special Rapporteur's concern on the issue of impunity as mentioned in his statement, we would like to underline the policy of the government that there is no impunity in Cambodia. Any offence and infringement shall be punished without exception. The Royal Government of Cambodia has made significant and various efforts to conduct full investigations toward alleged culprits and bring them to the court in accordance with the Cambodian law. Some of those achievements have also been recognised in the draft resolution on human rights in Cambodia, as adopted by the Council at its twelfth Session. We acknowledged that there are more works that need to be done, but progress so far should be recognized as a positive step in its overall achievements of Cambodia.

2. Freedom of Expression:

We disagree to the view that “some of the core political rights such as freedom of expression and peaceful assembly have been undermined in Cambodia”. In reality, the Cambodian people have largely enjoyed the right of freedom of expression and other fundamental rights. However it should also be recognised that the exercise of the right to freedom of opinion and expression is an important indicator of the level of protection of other human rights and freedoms, bearing in mind that all human rights are universal, indivisible, interdependent and interrelated. In this context, the International Covenant of Civil and Political Rights provides for in its Article 19 (3) that the exercise of freedom of expression carries with its special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

- (a) For respect of the rights or reputations of others;
- (b) For the protection of national security or of public order, or of public health or morals.

These are the context that reflects the recent situation involving a few cases of the disinformation and defamation in Cambodia. Like any other democratic countries in the world, Cambodia can't allow the proliferation of voluntary public defamation and disinformation intended to create social disorder, which is detrimental to the well being of the entire society and the dignity of all citizens.

Finally, we wish to stress that Cambodia remains committed to guaranteeing this fundamental right which we have embraced as one of the essential foundations of building a democratic society. Cambodia has been actively promoting the exercise of the rights to freedom of expression by its citizens that can play a positive role (such as criticism) in the strengthening of democracy and human rights under its Constitution and in line with relevant international instruments.
