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TECHNICAL ASSISTANCE AND CAPACITY-BUILDING

**Written statement* submitted by International Federation for Human Rights (FIDH),
a non-governmental organization in special consultative status**

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

[25 August 2008]

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

Continuing poor human rights situation in Cambodia and the need for the ongoing UN engagement

The International Federation for Human Rights (FIDH) and its affiliated members¹ in Cambodia, the Cambodian League for the Promotion & Defense of Human Rights (LICADHO) and the Cambodian Human Rights & Development Association (ADHOC), fully support the renewal of the mandate of the Secretary General's Special Representative for Human Rights in Cambodia. We wish to draw the Council's attention to the compelling reasons why this mandate is not only justified but still crucial.

The human rights situation in Cambodia remains grave, characterized by systematic human rights violations, a pervasive climate of impunity and an absence of rule of law. A growing land crisis, in which tens of thousands of people have been evicted, jeopardizes social and economic stability. Human rights defenders are routinely harassed and imprisoned or worse. The judiciary is still not independent. There are no truly independent institutions to provide any meaningful checks and balances on the ruling party which means the Cambodian political system increasingly resembles to a one-party State.

In this context, there is a pressing need for continued engagement with Cambodia by UN human rights mechanisms, to the fullest extent possible. The position of the Secretary-General's Special Representative on human rights, in particular, is the most important as it offers an unique avenue for dialogue with the Royal Cambodian Government, ensuring that the international community is objectively informed of the human rights situation on the ground, and, most importantly, assisting the Government in enhancing the independence of the judiciary and establishing an independent Human Rights Commission, and conveying support and protection to local human rights groups and activists.

Now would be an especially unfortunate time for the Special Representative's mandate to be abolished or downgraded, as Cambodia is at a precarious crossroads. Recent developments, c, are increasingly raising fears of a return to a one-party state. In national elections held in July - elections which, as the European Union observation mission concluded, failed to meet "key international standards for democratic elections" - the ruling Cambodian People's Party (CPP) won an overwhelming majority. The CPP is now in its strongest-ever position in parliament, with enough seats to give it sweeping powers including to change the country's Constitution at will. The parliament has long been feeble and prone to bullying by the CPP but, as a forum for debate and scrutiny of government policy, it now seems destined to fall to new depths. Other institutions which should provide accountability, such as the Constitutional Council and the Supreme Council of Magistracy, have long been similarly tethered to the CPP.

The assassination of opposition newspaper journalist Khim Sambo two weeks before the elections demonstrates the stark limits to freedom of expression in Cambodia, and the risks faced by news media and other human rights defenders. Those responsible for this crime have not been arrested. A least nine other journalists have been murdered because of their work in the past 15 years, and none of the perpetrators have been brought to justice. Such impunity remains the most pervasive and destructive facet of the human rights problem in

¹ Cambodian League for the Promotion & Defense of Human Rights (LICADHO) and the Cambodian Human Rights & Development Association (ADHOC)

Cambodia, with numerous assassinations and other serious crimes going unpunished. They include the 2007 murder of trade unionist Hy Vuthy, who along with Ros Sovannareth and Chea Vichea was the third official from the same union to be shot in three years. The case of Chea Vichea, assassinated in 2004, remains the most blatant example of impunity, miscarriage of justice and executive interference in the judiciary. His killers walk free while two innocent, who were clumsily framed by the police and convicted by the judiciary in an unfair trial, remain in prison despite overwhelming evidence of their innocence.

The lack of rule of law, as well as corruption, is also at the center one of one of the most burning human rights issues in Cambodia - an epidemic of land-grabbing which continues to threaten to destabilize the country. Rich and powerful individuals routinely steal the land of the poor while politically well-connected companies obtain huge swathes of the countryside through economic land concessions from the government. Some 20% of rural Cambodians are landless, and many of their urban compatriots in the capital Phnom Penh are also being displaced by rapid commercial development. An estimated 30,000 Cambodians have been evicted in the past five years in Phnom Penh alone, and a further 150,000 nationwide are said to currently live under threat of eviction. The ramifications from this mounting landlessness for poverty reduction efforts in the country are obvious. So too is the potential - as many observers including the Special Representative have warned - for serious social and economic instability fueled by mounting numbers of dispossessed and disgruntled citizens.

Victims of land grabbing, and other rights violations, cannot rely on the courts to protect them. To the contrary, the judiciary is often part of the problem, not the solution. It routinely ignores or misinterprets the law in order to 'legalize' the stealing of land by the rich and powerful and to punish the poor who resist. A favored tactic of land-grabbers is to file unjustified criminal complaints against community leaders and land activists who oppose their attempts to take land, and prosecutors and judges have proven themselves willing accomplices to this. The courts have charged, detained and/or convicted dozens of community activists - often without a evidence and in blatant violation of the correct legal procedure - over recent years. The judiciary is similarly used to obstruct and silence other human rights defenders and government critics, particularly journalists and trade unionists, on a regular basis.

The lack of progress made in strengthening human rights in Cambodia remains a serious concern to our Organisations. The government fails to meet its human rights obligations on a daily basis, ignoring the provisions of international conventions and covenants it has signed as well as the country's own Constitution and domestic laws. While the government continues to promise judicial, legal and other reforms, its actions consistently speak otherwise.

Domestic protections for human rights remain fragile, and the democratic space for human rights defenders and civil society in general grows smaller and smaller. The current situation demands firmer action from the UN and Cambodia's biggest foreign donors. It demands more engagement, not disengagement.

Cambodian civil society continues to struggle for human rights, democracy and social justice. The people of Cambodia expect support in this endeavor from the UN and from this Council. By renewing the mandate of the Secretary General's Special Representative,

through the passing of a robustly-worded resolution, this Council can support and protect the work of Cambodian rights defenders as it is its role and responsibility

FIDH, LICADHO and ADHOC request the Council to renew the mandate in a resolution calling the authorities of Cambodia to :

- implement the previous recommendations of the UN Secretary-General's Special Representative for Human Rights in Cambodia and engage in a constructive dialogue with him, thereby respecting its international human rights commitments, regarding in particular its co-operation with the UN special procedures ;
- put an end to impunity for acts of repression against community leaders, journalists, human rights defenders and trade unionists ;
- engage necessary reforms in the justice sector as well as relevant anti-corruption policies ;
- establish a moratorium on all involuntary evictions until the adoption and the proper and vigorous implementation of a strict legislative framework.

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