

Lawyers' Rights Watch Canada

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



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Speaker: Vani Selvarajah

Oral Statement to the 21st Session of the UN Human Rights Council from Lawyers' Rights Watch Canada (LRWC), a non-governmental organization in special consultative status, and Asian Legal Resource Centre, (ALRC), a non-governmental organization in general consultative status

Report of the Special Rapporteur on the situation of human rights in Cambodia

Madame President:

Lawyers Rights Watch Canada and Asian Legal Resource Centre welcomes the report of the Special Rapporteur on the situation of human rights in Cambodia.¹ We share his view that freedom of expression is a principal concern. Cambodian human rights defenders and journalists regularly experience judicial harassment and violence for upholding human rights, particularly in land rights cases. The trend is alarming and escalating. After the incidents noted in reports of the Special Rapporteur and the Secretary General,² dubious charges were filed against three human rights defenders in August and September 2012.³

¹ *Report of the Special Rapporteur on the situation of human rights in Cambodia*, Surya P. Subedi, Human Rights Council, A/HRC/21/63, 16 July 2012, www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session21/A-HRC-21-63_en.pdf

² *The role and achievements of the Office of the United Nations High Commissioner for Human Rights in assisting the Government and people of Cambodia in the promotion and protection of human rights: Report of the Secretary-General* A/HRC/21/35, 20 August, 2012, www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session21/A.HRC.21.35_en.pdf

³ In August 2012, ADHOC human rights worker, Mr. Chan Soveth, was charged with "providing assistance to the perpetrator" of a "crime" under Article 544 of the Cambodian Penal Code. On 4 September 2012, land rights activist, Ms. Yorm Bopha, was arrested and charged with "intentional violence with aggravating circumstances" under Article 218 of the Cambodian Penal Code. Ms. Bopha states she was not present at the scene of the alleged violence. On 5 September, 2012, land rights activist, Ms. Tim Sakmony, was arrested and charged with making a "false declaration to a public body for the purpose of obtaining an allowance, a payment or any unlawful advantage" under Article 633 of the Cambodian

On 11 September 2012, a journalist covering environmental issues was murdered after exposing illegal logging.⁴ Cambodian authorities and judiciary cannot be counted on for impartial investigations or trials.

We applaud the Special Rapporteur's promotion of the *UN Guiding Principles on Business and Human Rights*,⁵ as business enterprises and authorities are frequently involved in human rights violations,⁶ This and other human rights education is crucial to ensure that public officials are aware of their obligation to encourage civil society human rights training efforts, rather than disrupting them as occurred on 26 July 2012, when armed officials interrupted land rights training of two human rights organizations.

The Special Rapporteur notes continued problems with independence of the judiciary and impunity. He is further concerned about the Government's lack of stated commitment to a time frame and action plan to implement his recommendations for the judiciary. Years of such foot-dragging has contributed to the lack of independence and corruption of judges, prosecutors, court officials and lawyers, whose integrity is crucial to ending the climate of impunity in Cambodia.

We note the OHCHR work with the Cambodian Bar to ensure international human rights perspectives in reviews of the Law on the Bar and Code of Professional Conduct. LRWC would be interested in learning more about future plans to encourage the independence and integrity of Cambodia's legal profession.

Thank you, Madame President

Penal Code after the owner of developer, Phanimex Company, complained she made a "false declaration" in a request that Phanimex compensate her disabled son after failing to provide him with an apartment after his January 2012 eviction from Borei Keila.

⁴ The body of Mr. Hang Serei Oudom, a reporter for the *Vorakchun Khmer Daily* was found on 11 September in his car at a cashew nut plantation in Ratanakiri province. The Director-General of UNESCO has called for an investigation. See http://www.unesco.org/new/en/media-services/single-view/news/director_general_condemns_killing_of_cambodian_journalist_hang_serei_oudom/back/18256/

⁵ Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework, http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf

⁶ Abuses in 2012 are outlined in a joint statement by LRWC and Asian Legal Resource Centre made at the 20th Session of the Human Rights Council, 21 June 2012, <http://www.lrwc.org/?p=3940>