



Tom Lantos Human Rights Commission

“Labor and Human Rights in Cambodia”

**Testimony of John Sifton, Asia Advocacy Director, Human Rights Watch
September 11, 2019**

Thank you for inviting me to testify today.

The Lantos Commission is right to focus on the human rights situation in Cambodia. For decades, Cambodia’s ruling Cambodian People’s Party (CPP) has attempted to present itself behind a thin veneer of democratic legitimacy – the product of several deeply flawed electoral processes that have taken place every five years since 1993, all of which have been marked by violence, corruption, vote fraud, and other abuses.

Now in power since 1985, Prime Minister Hun Sen and his CPP continue to maintain power using politically motivated prosecutions, repressive laws, and a pliant judiciary. While in previous years Hun Sen allowed a small measure of freedom to media outlets and opposition parties—almost certainly to convey an image of Cambodia as an open society – today he oversees a de facto one-party state, in which the CPP maintains complete control over all ministries, the security forces, the courts, and the National Assembly.

In recent years, the government has intensified its crackdown on independent media, local human rights defenders, and labor rights activists. Fundamental rights to free expression and peaceful assembly are sharply curtailed, and there is no accountability for serious abuses.

In 2018, the government-controlled Supreme Court dissolved the main opposition Cambodia National Rescue Party, detained opposition leader Kem Sokha, and banned more than 100 opposition members from politics in the lead-up to sham elections in July 2018. This allowed the ruling CPP to secure all 125 seats in the National Assembly and effectively enshrine one-party rule. Key opposition figures remain either in detention – including Kem Sokha, who remains under de facto house arrest – or in self-imposed exile out of fear of being arrested.

The CNRP is still considered illegal and 111 senior CNRP politicians remain banned from engaging in politics.

Government authorities have increasingly harassed former opposition party members still in the country, with more than 147 summoned to court or police stations. Local authorities have continued to arrest opposition members and activists on spurious charges. The number facing

politically motivated charges in the country has remained steady since the election. The government has shuttered almost all independent media outlets, and totally controls national TV and radio stations. Repressive laws – including the amendments to the Law on Political Parties, the Law on Non-Governmental Organizations, and the Law on Trade Unions – have resulted in severe restrictions on the rights to freedom of expression, peaceful assembly, and association.

This is especially so with respect to labor rights: the political crackdown has led to a worsening situation with respect to labor rights – both because the general atmosphere is intimidating to labor organizers, but also because the government has specifically targeted trade union leaders for prosecution. (See appendix in my written testimony for the record.)

The crackdown on civil and political rights is also connected to abuses of Cambodians' economic rights: the government continues to allow major land concessions and so-called development projects in which large numbers of people are displaced from their homes with inadequate compensation – while local residents who seek to challenge such projects face all of the intimidation, persecution, and violence directed at political dissidents and human rights advocates. As a result, few can stand up for their rights or obtain compensation for displacement or violations. Far from lifting up its citizens, many of Cambodia's abusive development or business projects leave formerly sufficient people poorer and more vulnerable.

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The United Nations has taken notice of all these human rights violations. It is expected that a resolution will be presented at the 42nd session of the Human Rights Council in September to renew the mandate of the UN Special Rapporteur on the situation of human rights in Cambodia for another two years. We strongly urge governments to ensure that the resolution reflects the gravity of the situation in the country and requests additional monitoring and reporting by the Office of the High Commissioner for Human Rights (OHCHR). Mandated OHCHR monitoring of the situation and reporting to the Council, in consultation with the Special Rapporteur, would enable a comprehensive assessment of the human rights situation in Cambodia and identification of concrete actions the government needs to take to comply with Cambodia's international human rights obligations.

But governments need to act on their own to increase pressure on the Cambodian government.

The US government needs to recognize the severity of the human rights situation and take steps to address the Cambodian government's abuses. The Cambodian government has been given countless opportunities to relax its grip on power in exchange for closer ties with the United States. The time for quieter diplomacy is over. To motivate behavioral change, the CPP needs to be shown that there is a price to their bad behavior.

It's time for the United States and other concerned governments to impose targeted sanctions on CPP leaders – in particular, leaders of security services – and targeted economic sanctions on companies or businesses that are linked to the CPP. Already, the US has imposed travel restrictions on several CPP leaders and listed one official on the US Treasury Department's Specially Designated Nationals (SDN) list, under the Global Magnitsky Act. But more will be

needed to have an impact on the actions of the Cambodian government: a comprehensive program of targeted sanctions on the CPP leadership, using the Global Magnitsky Act, that isolates them from the international banking regime and seizes their assets that are subject to US jurisdiction. The US also needs to encourage other governments with Global Magnitsky laws to act, including EU states, the UK, Canada, and others.

The Cambodian government, through its relentless assaults on democracy and dissidents, has made itself into a pariah state, and it's time to start treating it like one.

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Members of Congress should press the administration to impose the above sanctions.

Members of the House and Senate should urge congressional leaders to allow pending Cambodia legislation to be put to a vote – legislation that would strengthen the administration's capacity to sanction abusive Cambodian leaders. There aren't many things in Washington today that most everyone seems to agree on, but Cambodia's human rights crisis is a topic on which members on both sides of the aisle agree. There is strong bipartisan support for this legislation, and it will pass if it is put to a vote.

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Thank you again for allowing me to testify today.

I am offering more information about the human rights abuses I have described in an appendix to be submitted for the record.

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Appendix: Details on Political Crackdown and Attacks on Dissidents and Media

Crackdown on Political Opposition

On March 12, 2019, the Phnom Penh Municipal Court issued arrest warrants for eight leading members of the opposition Cambodia National Rescue Party who had left Cambodia ahead of the July 2018 election – Sam Rainsy, Mu Sochua, Ou Chanrith, Eng Chhai Eang, Men Sothavarin, Long Ry, Tob Van Chan, and Ho Vann.¹ The charges were based on baseless allegations of conspiring to commit treason and incitement to commit felony.

In September 2018, authorities transferred CNRP head Kem Sokha after more than a year of pre-trial detention in a remote prison to his Phnom Penh residence under highly restrictive “judicial supervision” that amounts to house arrest. Cambodian law has no provision for house arrest and there is no evidence that Sokha has committed any internationally recognizable offense.

During 2019, at least 147 arbitrary summonses were issued by the courts and police against CNRP members or supporters.² Summonses seen by human rights groups lack legal specifics, containing only vague references to allegations that the person summoned may have violated the Supreme Court ruling that dissolved the CNRP in November 2017.³

Human Rights Defenders and Peaceful Protesters

In November 2018, Prime Minister Hun Sen stated that criminal charges would be dropped against all trade union leaders related to the government’s January 2014 crackdown on trade unions and garment workers in which security forces killed five people.⁴ However, the following month, a court convicted six union leaders – Ath Thorn, Chea Mony, Yang Sophorn, Pav Sina, Rong Chhun, and Mam Nhim – on baseless charges and fined them.⁵ An appeals court overturned the convictions in May 2019, but in July 2019 the court announced its verdict *in absentia* convicting Kong Atith, newly elected president of the Coalition of Cambodian Apparel Workers Democratic Union (CCAWDU), of intentional acts of violence in relation to a 2016 protest between drivers and the Capitol Bus Company.⁶ The court imposed a three-year suspended sentence, which will create legal implications under Article 20 of the Law on Trade Unions, which sets out, among others, that a leader of a worker union cannot have a felony or misdemeanor conviction.

¹ Men, Kimseng. “Warrants Issued for 8 Former Cambodian Opposition Leaders Charged With Treason,” *Voice of America Cambodia*, March 21, 2019, <https://www.voacambodia.com/a/warrants-issued-for-8-former-cambodian-opposition-leader-charged-with-treason/4841276.html> (accessed September 10, 2019).

² “Cambodia: Over 145 Opposition Members Summoned,” Human Rights Watch news release, June 2, 2019, <https://www.hrw.org/news/2019/06/02/cambodia-over-145-opposition-members-summoned>.

³ “Cambodia top court dissolves main opposition CNRP party,” *BBC*, November 16, 2017, <https://www.bbc.com/news/world-asia-42006828> (accessed September 10, 2019).

⁴ Niem Chheng, “PM urges ministers to end all cases against union leaders,” *The Phnom Penh Post*, November 8, 2018, <https://www.phnompenhpost.com/national/pm-urges-ministers-end-all-cases-against-union-leaders> (accessed September 10, 2019).

⁵ “Cambodia: End Criminalization of Unionists,” Human Rights Watch news release, December 24, 2018, <https://www.hrw.org/news/2018/12/24/cambodia-end-criminalization-unionists>.

⁶ Mom Kunthear, “Appeal Court overturns convictions of six unionists,” *Khmer Times*, May 30, 2019, <https://www.khmertimeskh.com/50609128/appeal-court-overturns-convictions-of-six-unionists/> (accessed September 10, 2019).

In December 2018, Thai authorities forcibly returned Cambodian dissident Rath Rott Mony to Cambodia. Cambodian authorities then prosecuted him for his role in a *Russia Times* documentary “My Mother Sold Me,” which describes the failure of Cambodian police to protect girls sold into sex work. He was convicted of “incitement to discriminate,” and in July 2019 sentenced to two years in prison.

In March 2018, the government enacted a *lese majeste* (insulting the king) clause into the Penal Code, and within a year four people had been jailed under the law and three convicted. All the *lese majeste* cases involved people expressing critical opinions on Facebook or sharing other people’s Facebook posts. The government has used the new law, along with a judiciary that lacks independence, as a political tool to silence independent and critical voices in the country.

In July 2019, authorities detained two youth activists, Kong Raya and Soung Neakpoan, who participated in a commemoration ceremony on the third anniversary of the murder of prominent political commentator Kem Ley in Phnom Penh.⁷ The authorities charged both with incitement to commit a felony, a provision commonly used to silence activists and human rights defenders. Authorities arrested seven people in total for commemorating the anniversary, monitored, disrupted, or canceled commemorations around the country, and blocked approximately 20 members of the Grassroots Democracy Party on their way to Takeo province – Kem Ley’s home province.

Attacks on Journalists and Control of the Media

Prior to the July 2018 election, the Cambodian government significantly curtailed media freedom, online and offline. In 2017, authorities ordered the closure of 32 FM radio frequencies that aired independent news programs by Radio Free Asia (RFA) and Voice of America. RFA closed its offices in September 2017, citing government harassment as the reason for its closure. The local Voice of Democracy radio was also forced to go off the air.

Since 2017, two major independent newspapers, the *Phnom Penh Post* and *The Cambodia Daily*, were subjected to dubious multi-million-dollar tax bills, leading the *Phnom Penh Post* to be sold to a businessman with ties to Hun Sen and *The Cambodia Daily* to close.

Social media networks have come under attack from increased government surveillance and interventions. In May 2018, the government adopted a decree on Publication Controls of Website and Social Media Processing via Internet and the Law on Telecommunications, which allow for arbitrary interference and surveillance of online media and unfettered government censorship. Just two days before the July 2018 elections, authorities blocked the websites of independent media outlets – including RFA and VOA – which human rights groups considered an immediate enforcement of the new decree.⁸

⁷ “Cambodia: Activists Charged for Participating in Memorial,” Human Rights Watch news release, July 12, 2019, <https://www.hrw.org/news/2019/07/12/cambodia-activists-charged-participating-memorial>.

⁸ “Cambodia blocks some independent news media sites: rights group,” *Reuters*, July 27, 2018, <https://www.reuters.com/article/us-cambodia-election-censorship/cambodia-blocks-some-independent-news-media-sites-rights-group-idUSKBN1KH29Q> (accessed September 10, 2019).

Since then, Cambodian authorities have proceeded with the politically motivated prosecution of two RFA journalists, Yeang Sothearin and Uon Chhin. They were arrested in November 2017, on fabricated espionage charges connected to allegations that the two men continued to report for RFA after RFA's forced closure of its Cambodia office.⁹ They were held in pre-trial detention until August 2018. Their trial began in July 2019, and a verdict on the espionage charges is expected late August.¹⁰ They face up to 16 years in prison.

⁹ "Cambodia: Release Ex-Radio Free Asia Journalists," Human Rights Watch news release, May 12, 2018, <https://www.hrw.org/news/2018/05/12/cambodia-release-ex-radio-free-asia-journalists>.

¹⁰ "Cambodia: Drop Case Against Journalists," Human Rights Watch news release, July 24, 2019, <https://www.hrw.org/news/2019/07/24/cambodia-drop-case-against-journalists>.