Administrative and judicial harassment KHM 002 / 0609 / OBS 085

Date de mise en ligne : Tuesday 23 June 2009

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The Observatory has been informed by the Cambodian League for the Promotion & Defence of Human Rights (LICADHO) of the judicial harassment faced by Mr. Kong Sam Onn, a human rights lawyer.

According to the information received, since April 27, 2009, Mr. Kong Sam Onn has been the subject of a criminal defamation complaint filed against him and a client of his, Ms. Mu Sochua, an opposition Parliamentarian, by Prime Minister Hun Sen. On June 3, 2009, both he and Ms. Mu Sochua were questioned by a Phnom Penh Municipal Court Prosecutor about this complaint.

In addition, in relation to the same case, on April 30, 2009, a complaint with the Bar Association of the Kingdom of Cambodia (BAKC) was also lodged against Mr. Kong Sam Onn by the Prime Minister's lawyer for alleged violation of professional ethics. Possible punishments include suspension or disbarment.

The complaints against Mr. Kong Sam Onn followed a press conference held on April 23, 2009 by he and his client, Ms. Mu Sochua, to announce her intention to file a defamation complaint against Prime Minister Hun Sen after the latter had made insulting comments against Ms. Mu Sochua during a public speech in Kampot province. Ms. Mu Sochua, elected Member of Parliament from Kampot province, has criticised the executive on several occasions. Ms. Mu Sochua’s complaint against the Prime Minister was filed with the Municipal Court on April 27 by Mr. Kong Sam Onn.

On June 10, 2009, the defamation complaint against the Prime Minister was dismissed by the Prosecutor. However, the court continues to proceed in its investigation of the Prime Minister's defamation complaint against Mr. Kong Sam Onn and Ms. Mu Sochua. The court has requested the lifting of Ms. Mu Sochua's parliamentary immunity, which would clear the way for Mr. Kong Sam Onn and her to be charged and placed on trial. The issue is expected to be put to a vote of Cambodia's National Assembly on June 19 or 22.

Meanwhile, on June 16, the Bar Council of the Cambodian Bar Association decided to proceed with a disciplinary hearing of Mr. Kong Sam Onn for alleged violations of professional ethics. A date for the hearing has not yet been finalised. The accusations against him relate to his participation in the April 23 press conference with Ms. Mu Sochua in which he publicly defended her legal interests.

The Observatory believes that Mr. Kong Sam Onn is targeted because of his action for the defence of the rights of his client who has been in particular a vocal critic of land grabbing issues in the province. Moreover, since 2005, the Observatory notes with concern an increase in the harassment and threats faced by human rights defenders, including journalists and lawyers. The Observatory urges the Cambodian authorities to withdraw the complaints lodged against Mr. Kong Sam Onn.

**Action requested:**

Please write to the Cambodian authorities and the Bar Association of the Kingdom of Cambodia and specify that:

i. Guarantee in all circumstances the physical and psychological integrity of Mr. Kong Sam Onn.
ii. Put an end to all acts harassment, including disciplinary and judicial harassment, against Mr. Kong Sam Onn and human rights defenders in Cambodia;

iii. Conform with the provisions of the Declaration on Human Rights Defenders adopted by the UN General Assembly on December 9, 1998, in particular its article 1 which provides that "every person has the right, individually or collectively, to promote the protection and fulfilment of human rights and fundamental liberties at the national and international levels", as well as its article 12.2, which provides that "the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually or in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration";

iv. Guarantee the respect of human rights and fundamental freedoms in accordance with the Universal Declaration on Human Rights and other international human rights instruments ratified by Cambodia.

**Addresses:**

- Mr. Hun Sen, Prime Minister, Office of the Prime Minister, Phnom Penh, Kingdom of Cambodia, Fax: +855 23 36 06 66 / 855 23 88 06 24 (c/o Council of Ministers), Email: leewood_phu@nida.gov.kh

- Mr. Sok An, Deputy Prime Minister and Chirman of the Council for legal and judicial reform, council of Ministers, n°38, Confederation de la Russie, 12209 Phnom Penh, Cambodia, fax: +855 23 880 628, + 855 23 880 635, + 855 23 212 490; Email: info@pressocm.gov.kh, pressocm@gmail.com

- Mr. Ang Vong Vathna, Minister of Justice, Ministry of Justice, Fax: + 855 23 216 322, + 855 223 364 119, Email: moj@cambodia.gov.kh

- Mr. Sar Kheng, Deputy Prime Minister and Minister of Interior, Ministry of Interior, 275 Norodom Blvd, Phnom Penh, Kingdom of Cambodia, Fax: + 855 23 212708. Email: moi@interior.gov.kh

- Mr. Hor Nam Hong, Minister of Foreign Affairs, 161 Preah Sisowath Quay, Phnom Penh, Kingdom of Cambodia, Fax: + 855 23 21 61 44 / + 855 23 21 69 39. Email: mfaicasean@bigpond.com.kh

- Ambassador Mr. Sun Suon, Permanent Mission of Cambodia to the United Nations in Geneva, Chemin de Taverney 3, Case postale 213, 1218 Grand-Saconnex, Switzerland, Fax: + 41 22 788 77 74. Email: cambodge@bluewin.ch

- Mr. Chiv Song Hak, President of the Bar Council, Bar Association of the Kingdom of Cambodia, No. 1011Eo, Croix Rouge Khmere (St. 180), 12211 Phnom Penh, Cambodia, Fax: +855 23 213 658. Email: president@bakc.org.kh

- Mr. Suon Visal, Secretary General, Bar Association of the Kingdom of Cambodia, No. 1011Eo, Croix Rouge Khmere (St. 180), 12211 Phnom Penh, Cambodia, Fax: + 855 23 213 658. Email: secretary.general@bakc.org.kh

Please also write to the diplomatic representations of Cambodia in your respective countries.

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Paris-Geneva, June 18, 2009

Kindly inform the Observatory of any action undertaken quoting the code number of this appeal in your reply.

The Observatory, a FIDH and OMCT venture, is dedicated to the protection of Human Rights Defenders and aims to offer them concrete support in their time of need.

To contact the Observatory, call the emergency line:

Tel and fax FIDH: +33 (0) 1 43 55 20 11 / 33 1 43 55 18 80

Tel and fax OMCT: + 41 22 809 49 39 / 41 22 809 49 29

Email: Appeals@fidh-omct.org