



**CALD Statement on the Supreme Court ruling on the case of Mu Sochua
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The Council of Asian Liberals and Democrats (CALD) is appalled by the recent ruling of the Supreme Court upholding the conviction of Hon. Mu Sochua, Cambodian opposition lawmaker and former minister of Women's Affairs, in a defamation case filed against her by Cambodian Prime Minister Hun Sen.

Ms. Sochua, a staunch advocate of women's rights and chair of the CALD Women's Caucus, filed a defamation case against Cambodian Prime Minister Hun Sen in April 2009 for the latter's impertinent remarks towards her. The case was eventually dismissed.

In retaliation, the Prime Minister also filed a lawsuit against Ms. Sochua. In August 2009, the Phnom Penh Municipal Court found Ms. Mu Sochua guilty of defaming the Prime Minister despite her not being allowed to present her defence and hold a proper debate on the issue. Ms. Sochua then filed an appeal to the Supreme Court, which has upheld her conviction.

In the same vein, Hon. Sam Rainsy, leader of the Cambodian opposition and former CALD chair, was sentenced in absentia in January 2010 on charges of racial incitement and destroying demarcation posts on Cambodia's border with Vietnam. His parliamentary immunity was lifted in February 2009 when Prime Minister Hun Sen charged him with criminal defamation for accusing the Prime Minister of corruption. It was restored after paying a fine, but was lifted again in November 2009 for the border demarcation case. Mr. Rainsy and his party, the leading opposition party in Cambodia, have been repeatedly charged with political lawsuits, allegations of incitement, criminal defamation and disinformation, and civil court charges since 1995.

Various human and civil rights organizations, in their assessment of the present Cambodian situation, expressed alarm about the government's control over the judiciary as this undermines political stability and efforts towards fuller democratization.

Similarly, the IPU Governing Council, in a resolution it adopted unanimously at its 186th session in April 2009, noted that the United Nations Special Rapporteur on the situation of human rights in Cambodia (A/HRC/12/40/Corr.1), citing the series of defamation and disinformation charges filed by or on behalf of the Government against opposition members and other critics, mentioning particularly the case of Ms. Mu Sochua, raised concern that this trend, "if allowed to continue, could seriously undermine the exercise of the constitutional right to freedom of expression, which is essential to effective media freedom, pluralism, diversity and democratic debate."

CALD is alarmed that the court cases against the members of the opposition were made possible by the flurry of questionable actions done in 2009 by the cohorts of the Prime Minister in the Cambodian National Assembly, particularly the lifting the parliamentary immunities of opposition leaders Hon. Sam Rainsy, Hon. Mu Sochua, and Mr. Ho Vann, making them vulnerable to politically motivated charges.

CALD is also gravely troubled by the seeming pattern of convictions in the court cases filed by the ruling government against the opposition. This raises valid concerns regarding the independence of the judiciary in Cambodia and the use of position and power in silencing dissent through politically motivated cases in the guise of observing the rule of law.

The trend of discounting a parliamentarian's right to be protected from groundless proceedings or politically motivated accusations, and the series of dubious court decisions sheltered by those in power, mark lasting damages to the very foundations of the legislative body and the judiciary as autonomous institutions.

CALD joins its member party, the Sam Rainsy Party, in its call for the international community to continue their vigilance in monitoring the current surge of defamation cases against dissenting voices, and partisan political pressure on the judiciary.

CALD also appeals to the people of Cambodia to remain steadfast in their quest for true justice and their cry for real democracy, towards the realization of a society that safeguards and protects spaces for freedom of expression, human rights and the rule of law.

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