



# INTER-PARLIAMENTARY UNION

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## Case N° CMBD/01 - SAM RAINSY - CAMBODIA

*Resolution adopted without a vote by the Inter-Parliamentary Council at its 159th session  
(Beijing, 21 September 1996)*

The Inter-Parliamentary Council,

*Referring to the outline of the case, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/159/11(a)-R.1), and to the resolution adopted at its 158th session (April 1996), concerning the case of Mr. Sam Rainsy, of Cambodia,*

*Taking into consideration the communications from His Majesty the King of Cambodia dated 6 June and 14 August 1996 and from the First Prime Minister dated 16 May and 3 September 1996,*

*Also taking into consideration the information conveyed by the sources on 8 May, 6 July and 6 September 1996,*

*Recalling that Mr. Sam Rainsy was expelled from Parliament on account of his expulsion from the party to which he belonged; that he has so far been unable to exercise his right to be heard by an independent and impartial court, in particular since the Constitutional Council, to be competent in such matters, has not yet been set up,*

*Considering in this connection that, in his letter of 3 September 1996, the First Prime Minister stated that the legislation establishing the Supreme Council of the Magistrature and the Constitutional Council had already been adopted by the National Assembly; that the proposal he had made regarding the appointment of the members of these bodies had not secured the approval of the Second Prime Minister; that he himself had accepted the relevant proposals by the Second Prime Minister; that, however, the latter had failed to act upon his own proposals,*

*Considering also that the First Prime Minister had, however, grounds to hope that a satisfactory solution leading to the establishment of these bodies would be found soon and would facilitate settlement of the cases of Cambodian MPs before the Committee,*

*Recalling that the King of Cambodia - the constitutional guarantor of the rights and freedoms of all Cambodian citizens - has on numerous occasions expressed disagreement with Mr. Sam Rainsy's expulsion from the National Assembly and approved the IPU's views on this case as being in harmony with the spirit of the Constitution of the Second Kingdom of Cambodia; that, however, His Majesty has consistently stressed, most recently in his letter of 14 August 1996, that the two Presidents of the Royal Government and the majority of the members of the National Assembly of Cambodia have the final say,*

*Recalling further* that, on 9 November 1995, Mr. Sam Rainsy launched a new political party, the "Khmer Nation Party"; that, however, the authorities have so far refused to recognize it although all conditions set by them, in particular as regards the change of the party logo and founding date, have been met; *considering also* that three members of that party have been killed in recent months,

*Recalling also* that Mr. Sam Rainsy has been subjected to death threats said to have been proffered publicly at the highest Government level and reported in the Cambodian press ("Mr. Sam Rainsy's wife would soon be a widow. Mr. Rainsy's life would be shortened if concealed weapons were found in his possession"),

*Bearing in mind* that in his letters of 16 May and 4 September 1996, the First Prime Minister pointed out that the three matters before the Union had a common origin, namely that the loser of the 1993 elections was called upon to share power without taking into consideration the view of the winner; that "none of the 133 Member Parliaments of the Inter-Parliamentary Union, nor the Union itself, deemed it opportune to point out this incident where the canons of liberal democracy were bent. If the Inter-Parliamentary Union had drawn attention thereto at that moment, it could perhaps today claim to be in a position to judge, or reserve the right to make recommendations, concerning the political life of the Kingdom"; that notwithstanding, "I am always interested to receive the comments of the Inter-Parliamentary Union, which I thank for having recognized the sovereignty of the Cambodian National Assembly".

*Noting finally* that, in his letter of 3 September 1996, the First Prime Minister expressed his hope that "the IPU and in particular its Committee on the Human Rights of Parliamentarians will never find grounds for addressing reproaches to Cambodia,

1. *Thanks* H.M. the King for his continued willingness to co-operate with the Committee and the Inter-Parliamentary Union;
2. *Also thanks* the First Prime Minister, Prince Ranariddh, for the information and comments he provided, and *firmly hopes* that the spirit of co-operation he thus displays will lead to progress in this case;
3. *Deeply regrets* that neither the Second Prime Minister nor the President of the National Assembly has deemed it necessary to convey his observations or respond to the Committee's requests for information, and *considers* that this attitude reveals utter disregard for elementary principles of international co-operation;
4. *Recalls* that the Inter-Parliamentary Union, in its election observation report, gave a clear account of the result of the elections; *notes*, however, that it is not for the Organization as such to interfere in the establishment of governments of any country; *notes further* that, according to its terms of reference, the only concern of the Committee on the Human Rights of Parliamentarians is for the respect of human rights principles, as set out in international and national law, in individual cases of alleged human rights violations of parliamentarians which have been laid before it;
5. *Cannot but reaffirm* the concerns expressed in its previous resolutions on the matter;
6. *Notes with satisfaction* that the law establishing the Constitutional Council has meanwhile been adopted by Parliament, and *hopes* that it will soon be applied;

7. *Would appreciate* receiving a copy of the relevant legal instrument or any information on the functioning and procedure of the Constitutional Council;
8. *Remains deeply concerned* at the fact that the Khmer Nation Party which Mr. Sam Rainsy set up as is his right under the Cambodian Constitution and the International Covenant on Civil and Political Rights, to which Cambodia is a party, has still not obtained official recognition although all conditions set by the authorities have reportedly been met, and *expresses concern* at the assassination of three activists of that party;
9. *Would appreciate* detailed information on the legal reasons preventing the competent authorities from officially registering the Khmer Nation Party;
10. *Reaffirms* that the failure of the authorities to enact constitutional provisions, such as the law on political parties, cannot be advanced as precluding the exercise of constitutionally guaranteed rights, such as Mr. Sam Rainsy's right to exercise his right to freedom of association;
11. *Deeply regrets* that H.M. the King's clear position on the matters in question have to date not been heeded by the competent Cambodian authorities;
12. *Remains concerned* at threats to the personal safety of Mr. Sam Rainsy; *stresses once again* that it is the duty of every State to ensure the safety of its citizens, and yet again *strongly urges* the Government to protect Mr. Sam Rainsy's life in all circumstances;
13. *Requests* the Secretary General to convey these considerations and concerns to the President of the National Assembly and to the First and Second Prime Ministers of Cambodia, inviting them to take these matters into urgent account;
14. *Also requests* the Secretary General to bring the Committee's and Council's concern regarding this case to the notice of all individuals or organizations that may assist progress towards its satisfactory solution;
15. *Further requests* the Committee on the Human Rights of Parliamentarians to continue examining this case and report to it at its next session (April 1997).